


**LONDON BOROUGH OF BARKING & DAGENHAM**
**PLANNING COMMITTEE**
**14 February 2022**
**Application for Planning Permission**

<b>Case Officer:</b>	Olivia St-Amour	<b>Valid Date:</b>	15/10/2021
<b>Applicant:</b>	Mobin Properties Ltd	<b>Expiry Date:</b>	14/01/2022
<b>Application Number:</b>	<b>21/01908/FULL</b>	<b>Ward:</b>	Abbey
<b>Address:</b>	34-42 East Street, Barking, IG11 9EP		

The purpose of this report is to set out the Officer recommendations to Planning Committee regarding an application for planning permission relating to the proposal below at 34-42 East Street, Barking.

**Proposal:**

*Redevelopment of site to provide a 5-8 storey building comprising up to 59 residential units (Use Class C3) with retail units (Use Class E) at ground and part first floors, with associated landscaping and highway works.*

**Officer Recommendations:**

Planning Committee is asked to resolve to:

1. agree the reasons for approval as set out in this report; and
2. delegate authority to the London Borough of Barking & Dagenham's Director of Inclusive Growth in consultation with the Head of Legal Services to grant planning permission subject to the completion of a legal agreement under s106 of the Town and Country Planning Act 1990 (as amended) based on the Heads of Terms identified at Appendix 7 of this report and the Conditions listed in Appendix 6 of this report; and
3. that, if by 14<sup>th</sup> August 2022 the legal agreement has not been completed, the London Borough of Barking & Dagenham's Director of Inclusive Growth is delegated authority to refuse planning permission or extend this timeframe to grant approval.
- 4.

**Planning conditions summary:**

1. Statutory Time Limit - Planning Permission
2. Development in Accordance with Approved Plans

**Pre-commencement**

3. Contaminated Land
4. Archaeology – Written Scheme of Investigation
5. Archaeology – Foundation Design
6. Piling Method Statement
7. Construction Logistics Plan

**Prior to above ground works**

8. Scheme of Acoustic Protection
9. Refuse Strategy
10. Details of External Materials
11. Hard/Soft Landscaping Details
12. Accessible units

**Pre-occupation**

13. Secure by Design
14. Children's Playspace Implementation
15. Communal Television and Satellite System
16. Bat and bird boxes
17. Cycle Parking

**6 months after occupation**

18. Carbon Reduction
19. BREEAM
20. Air Quality

**Compliance conditions / Monitoring and Management Conditions**

21. Noise from Non-Residential Uses and Plant and Structure Borne Noise Emissions
22. Delivery times
23. Construction Management Plan

**Heads of Terms Summary****Administrative:**

1. Payment of the Council's professional and legal costs, whether or not the deed completes;
2. Payment of the Council's fees of £3000 for monitoring and implementing the Section 106 and payable on completion of the deed; and,
3. Indexing – all payments are to be index linked from the date of the decision to grant planning permission to the date on which payment is made, using CPI or RPI index.

**Build to Rent Provision:**

4. Residential Management Plan
5. 15 year Build to Rent covenant

**Affordable Housing (Section 106 wording to be drafted in accordance with GLA template wording):**

6. Affordable Housing quantum and mix

7. Viability Review

### **Transport and Highways**

8. Section 278

9. Commuted Sum for Disabled Person's Parking

10. Car Free Development

11. Car Club

12. Travel Plan and Travel Plan Monitoring Fee

13. Utilities

### **Employment Skills and Training**

14. Employment, Skills and Suppliers Plan

15. 25% jobs provided to LBBB residents during the end-user phase

### **Energy and Sustainability**

16. Carbon Reduction

17. Connection to District Heating Network (DHN)

### **Trees**

18. Tree contribution

Trigger: Tree Contribution to be paid prior to the commencement of development.

### **Air Quality**

19. Air Quality off-setting contribution.

## OFFICER REPORT

### Planning Constraints:

Adopted Proposals Map:  
Conservation Area  
Primary Shopping Area  
Barking Town Centre Boundary  
Barking Town Centre Area Action Plan Boundary  
Barking Town Centre Key Regeneration Area  
Priority Archaeological Area  
Epping Forest Special Area of Conservation (SAC) Zone of Influence

Emerging Local Plan (Regulation 19):  
Draft Allocation DJ – Clockhouse Avenue

### Site, Situation and relevant background information:

The application site measures approximately 0.16 hectares and is located on the south-eastern side of East Street, Barking. The site is broadly square-shaped and currently comprises a 3-storey building comprising two retail units (Iceland and a pound store) at ground floor with ancillary office accommodation above. The building is served by a service yard for Iceland which is accessed from Clockhouse Avenue and runs to the south of the building. There is also a 'folly' attached to the southern elevation of the building providing a semi-concealment to the service yard.

The application site is located within the Abbey and Barking Town Centre Conservation Area and is bound by the pedestrianised retail area of East Street to the north-west and the former Barking Magistrates Court building to the north-east. The former Barking Magistrates Court building including its railings, lampholders and lamps is a Grade II listed building. The building has been refurbished and extended in the form of a 6-storey linked building to provide residential accommodation. There are access roads linking Clockhouse Avenue and East Street on both sides of the site namely Grove Place to the west and Clockhouse Avenue to the east. Grove Place separates the application site from 32 East Street which is a 2.5-storey building occupied by the Natwest Bank with ancillary offices above.

Barking Town Hall is located a short distance to the south of the site. To the rear and east of the site is the Bath House building which forms part of the Barking Town Square development. The Bath House building (9-storeys) comprises ground floor commercial floorspace with residential units above.

The site is covered by the Barking Town Centre Area Action Plan designation.

#### *Background*

This application is a resubmission of two previously refused applications 19/00770/FUL and 21/00159/FULL, which each sought the residential-led redevelopment of the site, retaining retail on the ground floor. Application 21/00159/FULL sought the development of a 5-9 storey building comprising 65 residential units with ground floor retail units and application 19/00770/FUL sought a 6-9 storey building comprising 79 units and ground floor retail space. The first application was refused 19/02/2020 with 8 reasons for refusal. The second application was refused 28/04/2021 with 3 reasons for refusal, in summary:

1. Poor place-making, density and impact on the setting of the Grade II listed former Barking Magistrates Court
2. Loss of sunlight and daylight to neighbouring residential occupiers, in particular at flats within the former Barking Magistrates Court and the Bath House buildings.
3. Insufficient information submitted to demonstrate that there would not be an unacceptable impact on highway safety in respect of the location of the blue badge car parking spaces

The full reasons for refusal of the previous applications are contained at Appendix 2.

The changes between the previously refused scheme and the current application are assessed in the relevant sections below.

## Proposal

The application proposes a 5-8 storey building comprising 59 residential units (Use Class C3) with retail units (Use Class E) at ground and part first floors, with associated landscaping and highway works. The ground floor retail uses would comprise 6 separate units:

- Unit 1 - 339sqm, fronting onto East Street (north west elevation)
- Unit 2 - 51sqm, fronting onto East Street (north west elevation)
- Unit 3 - 118sqm, fronting onto East Street (north east elevation)
- Unit 4 - 123sqm fronting onto Clockhouse Avenue (north east elevation)
- Unit 5 – 103sqm, fronting onto Clockhouse Avenue (north east elevation)
- Unit 6 – 70sqm, fronting onto Clockhouse Avenue (south east elevation)

The proposed development has 3 separate residential entrance cores, 3 bin stores and 2 residential cycle stores. In terms of cycle parking provision, the development includes 119 cycle spaces for residents (long stay) and 5 secure spaces for retail staff, and 22 cycle spaces for retail visitors and residential visitors (short stay). The application is car free.

The proposed residential units are proposed as build-to-rent and a minimum provision of 38% affordable housing is proposed, by habitable room (35% by unit).

The northern corner of the proposed development is proposed to be red brick, with the retail element framed by a series of grey/white cast masonry arches, turning the corner from East Street onto Clockhouse Avenue. This element of the building is essentially surrounded by the grey brick part of the building which also fronts onto East Street and wraps around Grove Place and Clockhouse Avenue. The building steps up in height along the southern end of East Street and towards Clockhouse Avenue, where it reaches 8 storeys in height.

## Key issues:

- Principle of the proposed development
- Dwelling mix and Quality of accommodation
- Design and quality of materials
- Impacts to neighbouring amenity
- Sustainable Transport
- Meeting the needs of local residents
- Employment
- Impact to existing Education Provision
- Accessibility and Inclusion
- Waste management
- Delivering Sustainable Development (Energy / CO<sub>2</sub> reduction / Water efficiency)
- Biodiversity & Sustainable drainage
- Habitat Regulation Assessment: Epping Forest Special Area of Conservation (SAC)

## Planning Assessment:

Principle of the development:	
<i>Existing use(s) of the site</i>	Two retail units (GIA 1,336sqm)
<i>Proposed use(s) of the site</i>	59 residential units and 1,314sqm retail (Use Class E) floorspace (GIA)
<i>Net gain/loss in number of jobs</i>	The application form estimates that the existing site employs 70 FTE and the proposed site would employ 70 FTE.

- 1.1 National Planning Policy Framework (NPPF) (MHCLG, July 2021) seeks to promote delivery of a wide choice of high-quality homes which meet identified local needs (in accordance with the

evidence base) and widen opportunities for home ownership, and which create sustainable, inclusive and mixed communities.

- 1.2 The NPPF introduces a presumption in favour of sustainable development, which for decision-taking means approving development proposals that accord with an up-to-date development plan without delay, or where the development plan polities are out of date, granting permission unless the policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole (paragraph 11).
- 1.3 The NPPF introduces the Housing Delivery Test (HDT) as a measurement of housing delivery, engaging the presumption in favour of sustainable development where insufficient homes have been built over the previous three year period, irrespective of whether the LPA has a five year housing land supply. The HDT 2021 results published 14 January 2022 show that LBBB have reached 66% of the target, and thus the presumption in favour of sustainable development is enacted and the adopted housing policies ‘fall away’.
- 1.4 The London Plan policy GG2 encourages the best use of land to enable the development of brownfield land, particularly in Opportunity Areas and on surplus public sector land, and sites within and on the edge of town centres. Policy GG4 seeks to ensure that more homes are delivered. The policies outlined in Chapter 4 (Housing) further acknowledges the stress on housing demand and provides increased targets for Local Authorities and revised policies in respect of ensuring additional housing contribution according to local needs. The site is also within London Riverside Opportunity Area.
- 1.5 On a local level, Policy CM1 of the Core Strategy DPD that development should meet the needs of new and existing communities and deliver a sustainable balance between housing, jobs and social infrastructure, with Policy CM2 further emphasising the specific housing growth targets of the Borough. Policy BP10 of the Borough Wide DPD further supports this by emphasising the need to optimise suitable sites to help deliver suitable housing for the Borough’s high levels of identified housing need. Barking Town Centre Area Action Plan Policy BTC13 seeks to identify land to help meet the target of 6,000 homes in Policy CM2.
- 1.6 Strategic Policy SPP1 of the Draft Local Plan (Regulation 19, Autumn 2021) identifies an indicative capacity for 16,175 new homes to be delivered in Barking Town Centre and the River Roding area across the plan period, stating that the Council will support development that contributes to the delivery of varied retail, cultural and community offer alongside office and residential development, and continued improvements to public realm between key buildings.
- 1.7 In respect of the ground floor uses the NPPF supports the role that town centres play, encouraging policies and decisions to take a positive approach to their growth management and adaptation, and sets out a sequential test for town centre uses. London Plan Policy SD6 promotes the vitality and viability of London’s town centres. Core Strategy policies CM1 and CM5 focus retail development to town centres and identify Barking as a major town centre. Policy CE1 seeks to promote, strengthen and enhance the status of Barking Town Centre. Barking Town Centre Area Action Plan policy BTC2 identifies primary and secondary shopping frontages, including primary shopping frontages at 1-35, 41-67, 2a-42, 54-68 East Street.
- 1.8 The application proposes a residential led mixed-use development with commercial retail (use Class E) within Barking Town Centre, the principle of the development accords with the development plan and is supported.

<b>Dwelling mix and Quality of accommodation:</b>			
<i>Proposed Density u/ph:</i>	n/a	<i>Overall % of Affordable Housing:</i>	38% by habitable room, 35% by unit
<i>LP Density Range:</i>	n/a	<i>Comply with London Housing SPG?</i>	Yes
<i>Acceptable Density?</i>	Yes	<i>Appropriate Dwelling Mix?</i>	Yes

### *Density*

- 1.9 London Plan policy GG2 promotes higher density development, particularly in locations that are well-connected to jobs, services, infrastructure and amenities. Policy D2 directs that the density of proposals should consider planned levels of infrastructure and be proportionate to the site's connectivity and accessibility. Policy D3 requires development to make the best use of land by following a design-led approach that optimises the capacity of the site, which means that the development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth.
- 1.10 Locally, Core Strategy Policy CM1 states that residential development (particularly higher density development) will be focussed in the Key Regeneration Areas, including Barking Town Centre, and on previously developed land in other areas with high PTAL levels. Strategic Policy SP2 of the emerging Local Plan (Regulation 19) promotes high-quality design, optimising a design-led approach to optimising density and site potential by responding positively to local distinctiveness and site context.
- 1.11 The site is not allocated in the adopted Proposals Map but is proposed to be allocated in the Regulation 19 Draft Local Plan as part of allocation DJ 'Clockhouse Avenue', which identifies a potential delivery of a residential-led mixed use development involving flexible commercial/community floorspace alongside approximately 250 (net) homes over an area of 0.74ha, of which this site is 0.16ha.
- 1.12 In reducing the number of residential units from 65 to 59 and reducing part of the height of the proposal from 9 storeys to 8 storeys and from 6 to 5 storeys along East Street, the density of the proposed development has reduced when compared to the refused scheme(s) (overall this has reduced from 79 units from the first refusal 19/00770/FUL).
- 1.13 The Planning Statement assesses the density of the site in terms of the draft site allocation, noting that the site comprises 21.5% of the site allocation area, and represents 24% of the proposed number of residential units and as the site allocation is an approximate target, the density of the proposal is in line with the draft allocation. The Statement further notes that this part of the site would be best suited for any higher proportion of massing in townscape and heritage terms in order not to concentrate massing too near to the Barking Abbey grounds.
- 1.14 Furthermore the Design and Access Statement contains a massing strategy to seek to demonstrate how the proposed development may sit alongside the wider site allocation. From reviewing the massing strategy, officers consider that it is unlikely that the proposed density of this site would compromise development coming forward for the remaining section of the allocation, and that a sensitive level massing can be achieved. In this respect officers consider the design-led approach of London Plan policy D3 is adopted.
- 1.15 Furthermore, in terms of density it should be acknowledged that this site is immediately adjacent to a Grade II listed building (former Magistrates Court). The effects of the proposed density on this listed building are assessed below.
- 1.16 The application represents a high-density development in a key town centre site. Policy encourages high-density development to be focussed on key regeneration areas and accessible and sustainable town centre locations. Whilst the site is located in a sensitive location along East Street within the Conservation Area, it is also noted that the site is a sustainable town centre location which lends itself to a high-density development in many respects. Overall and in the context of the housing need, officers consider the proposed density is acceptable in this instance.

### *Dwelling mix and Tenure*

- 1.17 The NPPF seeks "to deliver a wide choice of high-quality homes". It recognises "Government attaches great importance to the design of the built environment" and that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people".
- 1.18 London Plan Policy H10 sets out schemes should generally consist of a range of unit sizes, and that to determine the appropriate mix of unit sizes, regard should be had to inter alia, local evidence of need, requirement to deliver mixed and inclusive neighbourhoods, the range of

tenures in the scheme, the aim to optimise housing potential on sites, and the nature and location of the site, with a higher proportion of one and two bed units generally closer to town centre.

- 1.19 London Plan Policy H11 'Build to Rent' sets out that developments meeting the Build to Rent scheme criteria can provide affordable housing to be solely Discount Market Rent at a genuinely affordable rent, preferably London Living Rent. To qualify as a Build to Rent scheme, the policy criteria listed below must be met:
- 1) the development, or block or phase within the development, has at least 50 units
  - 2) the homes are held as Build to Rent under a covenant for at least 15 years
  - 3) a clawback mechanism is in place that ensures there is no financial incentive to break the covenant
  - 4) all the units are self-contained and let separately
  - 5) there is unified ownership and unified management of the private and Discount Market Rent elements of the scheme
  - 6) longer tenancies (three years or more) are available to all tenants. These should have break clauses for renters, which allow the tenant to end the tenancy with a month's notice any time after the first six months
  - 7) the scheme offers rent and service charge certainty for the period of the tenancy, the basis of which should be made clear to the tenant before a tenancy agreement is signed, including any annual increases which should always be formula-linked
  - 8) there is on-site management. This does not necessarily mean full-time dedicated on-site staff, but that all schemes need to have systems for prompt resolution of issues and some daily on-site presence
  - 9) providers have a complaints procedure in place and are a member of a recognised ombudsman scheme.
- 1.20 Policy CC1 of the Core Strategy seeks to secure the delivery of a mix and balance of housing types, including a significant increase in family housing. The policy requires major housing developments (10 units or more) to provide a minimum of 40% family accommodation (3-bedroom units or larger). Nevertheless, it should be acknowledged that not all sites are suitable for family sized accommodation. Barking Town Centre Policy Emerging Local Plan (at Regulation 19 stage) SP4 also supports the delivery of family accommodation, Policy DMH2 requires development proposals to provide a range of units in accordance with the Council's preferred dwelling size mix, which seeks family housing at 35% for private, 38% intermediate and 50% social housing.
- 1.21 The development is proposed to be a Build to Rent scheme, offering rented units managed and maintained by a management company. The management company is not confirmed in the submission material. It is recommended that a Section 10 is secured to ensure that the requirements of London Plan Policy H11 are met, and the proposed development is appropriately managed as a BtR model for the minimum 15 year period.
- 1.22 The application proposes the following unit mix:

<b>Unit size</b>	<b>Number of units</b>	<b>Percentage</b>
1 bed 2 person	27	45.8%
2 bed 3 person	19	32.2%
3 bed 4 person	12	20.3%
3 bed 5 person	1	1.7%
<b>Total</b>	<b>59</b>	<b>100%</b>

1.23 Whilst the percentage of family units is below the Council's preferred dwelling size mix, given context of the site being centrally located within Barking Town Centre, officers consider the proposal would deliver a good proportion of family units, appropriate of the site and in line with London Plan policies H10 which specifically acknowledges that town centre developments are likely to have a higher proportion of one and two bed units and in line with the aims of the local emerging policies. Officers therefore consider the dwelling mix to be acceptable and in accordance with policy aims.

#### *Affordable Housing*

1.24 Chapter 5 of the NPPF requires local authorities to identify affordable housing need and set policies for meeting this need. Paragraph 57 states: "Where up to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available."

1.25 London Plan Policy H4 sets a strategic target for 50% of all new homes to be delivered as genuinely affordable. Specific measures to achieve this aim include:

- Requiring major developments that trigger affordable housing requirements to provide affordable housing through the threshold approach
- Public sector land delivering at least 50% affordable housing on each site.

1.26 The threshold approach, in policy H5 sets out a Fast Track Route, whereby applications do not need to be viability tested, where they:

- Meet or exceed the relevant threshold level of affordable housing on site without public subsidy
- Are consistent with the relevant tenure split in Policy H6
- Meet other relevant policy requirements and obligations to the satisfaction of the borough and Mayor, where relevant.
- Demonstrate that they have taken account of the strategic 50% target in policy H4.

1.27 Policy H6 sets out the tenure split required to meet the Fast Track Route, which requires a minimum of 30% low cost rented homes, as either London Affordable Rent or Social Rent, a minimum 30% intermediate products which meet the definition of genuinely affordable housing, including London Shared Ownership, and the remaining 40% to be determined by the borough as low cost rented homes or intermediate products.

1.28 London Plan Policy H11 (Build to Rent) sets out criteria for a scheme to qualify as a Build to Rent scheme, including that the scheme must be over 50 units and has a unified ownership and unified management of the private and affordable housing elements of the scheme. Where the criteria are met, the policy states that the affordable housing offer can be solely Discounted Market Rent (DMR), preferably London Living Rents (LLR). To meet the Fast Track Route the proposal must deliver at least 35% affordable, with at least 30% of the DMR to be provided at an equivalent rent to LLR with the remaining 70% at genuinely affordable rents.

1.29 The Draft Local Plan (regulation 19 version) policy DMH1 seeks to meet an overarching 50% on-site affordable housing provision, by applying the London Plan threshold approach. The policy seeks to ensure that new developments contribute to the delivery of a range of housing tenures in accordance with the following tenure split:

- 50% mix of social housing including London Affordable Rent,
- 50% mix of intermediate housing including London Shared Ownership

- 1.30 The current application provides a breakdown of the units in the form of a schedule of accommodation appended to the Affordable Housing Statement, proposing a tenure split of 32.8% London Living Rent (LLR) and 67.2% discount market rent (DMR).
- 1.31 The affordable housing provision comprises 21 units which is 35% affordable on a unit basis. The breakdown by unit is as follows:

Size	London Living Rent	Discount Market Rent	Total
1 bed	2	4	6
2 bed	3	5	8
3 bed	2	5	7
<b>Total</b>	<b>7</b>	<b>14</b>	<b>21</b>

- 1.32 The quantum of affordable housing and the tenure split accords with the threshold approach to meet the Fast Track route within the London Plan and is therefore considered appropriate. This should be secured through a Section 106 obligation, in line with the recommended Heads of Terms.

*Quality of Accommodation*

- 1.33 The MHCLG Technical Housing Standards – nationally described space standard specifies the space standards required for new dwellings. The London Plan, Policy H6 and Housing SPG require new housing development to meet these standards as a minimum and provides further criteria to ensure an acceptable quality of accommodation is provided for users. The Council’s Local Plan reiterates the need for housing development to conform to these requirements. The Technical Housing Standards stipulate minimum gross internal floor areas (GIAs) for dwellings/units based on the number of bedrooms, intended occupants and storeys, minimum bedroom sizes of 7.5m<sup>2</sup> for single occupancy and 11.5m<sup>2</sup> for double/twin occupancy, plus further dimension criteria for such spaces. Built in storage is required for all units with minimum sizes depending on the number of bedrooms and occupants, and minimum floor to ceiling heights are stipulated as at least 2.3m for at least 75% of the GIA.
- 1.34 Policy D6 of the London Plan seeks minimum standards in relation to private internal space and private outdoor space. London Plan Policy D5 seeks to ensure that at least 10 per cent of new build dwellings meet Building Regulation requirement M4(3) ‘wheelchair user dwellings’ and that all other new build dwellings meet Building Regulation requirement M4(2) ‘accessible and adaptable dwellings’.
- 1.35 The London Housing SPG requires all dwellings to be accompanied by adequate private open space (i.e. outdoor amenity area). Standard 26 of the Housing SPG sets a minimum space requirement of 5 sq. m per 1-2 person dwelling with an extra 1 sq. m for each additional occupant.
- 1.36 The London Plan specifically through Policies GG4, D1, D2, D4 and D6 all emphasise the importance of high-quality design in development. Policy D4 reiterates and includes further requirements of the Technical Housing Standards within the policy itself and the minimum 2.5m floor to ceiling height is stipulated as a requirement rather than merely strongly encouraged.
- 1.37 The space standards outlined in the London Plan are expressed as minimums and should be exceeded where possible. They should be a basis to promote innovative thinking about designing space and how it is to be used within the home. Additionally, the Mayor’s Housing SPG stipulates developments should avoid single aspect dwellings that are north facing.
- 1.38 In terms of minimum space standards, these are met, the size of the units are summarised in the table below:

Type and bed spaces	GIA (m <sup>2</sup> )	Minimum space standards / Nationally Described Space

		Standards (m2)
1B2P Apartments	50-58	50
2B3P Apartments	61-76	61
3B4P Apartments	74-101	74

- 1.39 The proposal would provide 42 dual aspect units (71%), of which 21 will receive their secondary aspect via an inset balcony. 14 units (24%) will be single aspect and 3 units (5%) will be triple aspect. Officers consider that the number of single aspect units have been appropriately minimised on a site of this constrained nature.
- 1.40 The first floor of the development incorporates only 4 residential units served by 3 independent stair/lift cores, the remainder of this floor is largely taken up by plant, back-of-house areas and retail floorspace. The design of this floor does not create a wholly inclusive environment given the isolated nature of these flats in comparison to all other floors on this development and was previously included as a reason for refusal (19/00770/FUL).
- 1.41 The Mayor's Housing SPG Standard 12 advises that 'each core should be accessible to generally no more than eight units on each floor'. The Good Quality Housing For All Londoners London Plan Guidance, Draft for Consultation October 2020 advises that development proposals accessed from a single core does not exceed eight per floor (C3.1.2). The updated guidance advises that the threshold between public realm of the street and the private realm of the home affects people's sense of security and ownership and that entrances should feel welcoming. The guidance further notes "within residential blocks, the number of dwellings served by a single core needs careful consideration as it affects both security and people's sense of community and ownership" and advises "in terms of the number of homes per floor, groups of two to eight dwellings are usually desirable. In these smaller groups, residents tend to enjoy a greater sense of privacy, security and ownership, and may be more likely to take an active interest in the upkeep of shared spaces."
- 1.42 Officers still hold concerns with regards to the desirability and residential feel of the first-floor apartments, which have cores shared with commercial plant rooms and back of house retail areas rather than other residential units. In this respect, the development would not achieve an inclusive environment, or indoor and outdoor environments that are comfortable and inviting for people to use, as required by London Plan Policy D3. However, in light of the updated London Plan housing guidance which to some extent encourages smaller groups, it is not considered that this reason for refusal would still hold, particularly when considered against the borough's Housing Delivery Test position. Officers therefore do not recommend that the application is refused on this basis, as per our assessment under application 21/00159/FULL.

#### *Crime and Safety*

- 1.43 The Designing Out Crime Office has reviewed the application and noted that changes to the scheme recommended through previous consultation/dialogue appear to have been adopted into the current design. The consultation response highlights areas requiring special attention to ensure the safer delivery of policies CP3 and BC7 of the local development plan that can be secured by way of a suitably worded condition.
- 1.44 Officers consider a Secure by Design Condition to be necessary to ensure the development meets the aims for a safe and secure development, as recommended. Subject to the imposition of this condition, it is considered the development is acceptable in terms of crime and safety.

#### *Amenity Space*

- 1.45 All residential units have private amenity space comprising of a balcony in accordance with the Mayor's Housing SPG.
- 1.46 The proposal incorporates a communal courtyard area at second floor level which has the potential to provide attractive and useable outdoor space for the new residents to enjoy. The area

would be accessed via each of the residential cores, and as above, a Secure by Design condition would be required to ensure that there would be no safety issues resulting from the communal use of the terrace. The communal courtyard would be separate from the playspace area, which is located on the fifth floor. As a Build to Rent scheme, this facility will be managed by the on site management company, in accordance with policy H11.

*Child Play Space*

- 1.47 London Plan policy S4 requires developments for schemes that are likely to be used by children and young people should increase opportunities for play and informal recreation, and incorporate good-quality accessible play provision for all ages for residential development, providing at least 10sqm of playspace per child. The GLA Playspace Calculator generates a population yield of 11 children on the basis that the development comprises private and intermediate products and a requirements of 112sqm child playspace. The application proposes 312sqm of child playspace to be provided on site, on the fifth floor communal terrace. – It is noted that whilst the child yield has reduced in comparison to the previously refused scheme 21/00259/FULL, the amount of playspace has remained the same.
- 1.48 Officers consider the development accords with the development plan in respect of child playspace, to deliver more than the minimum expected amount specified by the London Plan. The delivery of high-quality playspace should be secured by condition.

*Accessible Units*

- 1.49 The application proposes 10% of the units to be wheelchair user dwellings (M4(3)), with the remaining units to be accessible and adaptable (M4(2)), in accordance with London Plan Policy D7. The current application includes wheelchair user dwellings across 1, 2 and 3 bed units.
- 1.50 LBBD’s Access Officer has reviewed the application and has noted that previous concerns raised with regards to tenure of the wheelchair units are addressed, following further discussions an additional door on the ground floor has been removed to improve accessibility, however fire doors are required to remain for fire safety reasons; the Access Officer is happy with the ground floor access. In terms of the layout of the units, the Access Officer has described the wheelchair units as efficient for their design but “awkward” for disabled people, for example with doorways opening onto a wall. It therefore considered that a condition be attached requiring the submission of detailed layout plans for the wheelchair accessible units to enable further amendments to improve the quality of circulation for wheelchair users within the space.
- 1.51 The proposal meets the policy requirements for accessible and adaptable dwellings and subject to the condition suggested above, it is considered that the development is acceptable in terms of accessibility.

<b>Design and quality of materials:</b>	
<i>Does the proposed development respect and accord to the established local character?</i>	Yes
<i>Is the proposed development acceptable within the street scene or when viewed from public vantage points?</i>	Yes
<i>Is the proposed development acceptable and policy compliant?</i>	Yes

- 1.52 Paragraph 126 of the NPPF states that “good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.
- 1.53 Paragraph 130 details that planning policies and decisions should aim to ensure that developments:
  - will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- create places that are safe, inclusive and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 1.54 Paragraph 134 states: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, weight should be given to development which reflects local design policies and government guidance and/or outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area.
- 1.55 Policy D1 of the London Plan states that development design should respond to local context by delivering buildings and spaces that are positioned and of a scale, appearance and be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan, through appropriate construction methods and the use of attractive, robust materials which weather and mature well. This is also reiterated in Policy D2 of the London Plan which seeks good design.
- 1.56 Policy D3 outlines the need for development to take a design led approach that optimises the capacity of sites. This accordingly requires consideration of design options to determine the most appropriate forms of development that responds to the site's context and capacity for growth. Proposals should enhance the local context delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape with due regard to existing and emerging street hierarchy, building types, forms and proportions.
- 1.57 Policy D4 has regard to securing sufficient level of detail at application stage to ensure clarity over what design has been approved and to avoid future amendments and value engineering resulting in changes that would be detrimental to the design quality.
- 1.58 Policy D5 of the London Plan seeks to deliver an inclusive environment and meet the needs of all Londoners. Development proposals are required to achieve the highest standards of accessible and inclusive design. Policy D6 considers the importance of achieving and maintaining a high quality of design through the planning process and into delivery stage.
- 1.59 Tall and large buildings should always be of the highest architectural quality, (especially prominent features such as roof tops for tall buildings) and should not have a negative impact on the amenity of surrounding uses. Additionally the London Plan policy D9 and states that tall buildings should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey.
- 1.60 Policy D8 of the London Plan states that development proposals should ensure the public realm is safe, accessible inclusive, attractive, well connected, easy to understand and maintain, and that it relates to the local and historic context. Public realm should be engaging for people of all ages, with opportunities for play and social activities during the daytime, evening and at night as well as maximising the contribution that the public realm makes to encourage active travel. This should include identifying opportunities for the meanwhile use of sites in early phases of development to create temporary public realm.
- 1.61 London Plan Policy D9 seeks to ensure tall buildings are sustainably developed in appropriate locations and are of the required design quality having regard to local context as specified in Development Plans. Policy D12 of the London Plan states to development proposals must achieve the highest standards of fire safety. Policy D14 of the London Plan seeks to reduce, manage and mitigate noise to improve health and quality of life.

- 1.62 This is further supported by policy BP11 of the Borough Wide DPD, policy CP3 of the Core Strategy DPD and policy SP2 of the Draft Local Plan Regulation 19 which ensures that development is designed in a sensitive and appropriate manner which minimises impact on surrounding neighbours and respects the character of the area. Barking Area Action Plan policy BTC18 states that public realm improvements undertaken by the Council and developers as part of their schemes, should use the materials and methods in the Barking Code, including artists within design teams, to seek to raise the profile of historic street and spaces. Policy BTC16 highlights that the Council will expect all new developments in the AAP to be of a high standard that reflect the principles of good architecture and urban design, thereby contributing towards a dramatic improvement in the physical environment.
- 1.63 Draft Local Plan (Regulation 19) Strategic Policy SPP1 identifies the development potential in Barking Town Centre and the River Roding, stating that development in Barking Town Centre should contribute to creating a thriving 21<sup>st</sup> century town centre with an intensified range of activities and uses to support existing and new communities. Development should be informed by its rich history and heritage; revealing, restoring and telling Barking's story. Part E of the policy supports the delivery of continued improvements to public realm between key buildings, and introduction of urban greening and the creation of lively street culture and safe environment in East Street – reinforcing the role of this area as an important social asset for the borough. Chapter 4 of the Draft Local Plan (regulation 19) sets out the borough's design policies. Strategic Policy SP2 promotes high quality design that recognises and celebrates local character and heritage, adopting a design-led approach to optimising density and site potential by responding positively to local distinctiveness and site context. The policy encourages the use of local context to inform detail and seeks to protect identified views and vistas. Policy DMD1 encourages early engagement with planners and the Barking and Dagenham Quality Review Panel. Policy DMD3 specifically addresses development in town centres, stating that developments should co-ordinate and consolidate elements of street furniture to streamline the public realm where relevant and appropriate. DMD4 addresses heritage and archaeology and Policy DMD5 requires development to seek to positively contribute to the characteristics and composition of identified local views
- 1.64 The site is located between two distinct areas of the town centre, each with its own character. To the north-west the site fronts East Street which has a 'market town' character and to the south-east the site faces the Town Hall and the Town Square where there is a much more 'civic' presence which is emphasised by the cluster of nearby tall buildings which stand proud around the immediate vicinity of the square. These include the Barking Learning Centre, the Ropeworks and the Lemonade and the Arboretum buildings.
- 1.65 As identified in the Council's Barking Town Centre Strategy, East Street is a commercial, pedestrianised street in the town centre which, as well as being Barking's main high street, is the home to Barking Market, a vibrant street market. It is also a key east-west connection linking Barking Station to the historic Abbey Green and onwards to the River Roding. East Street lies in the Abbey and Barking Town Centre Conservation Area which includes many architectural buildings of some art-nouveau style dating back from the early 20th Century which gives the street a distinct character above the parade of retail shops.
- 1.66 In recent years, East Street has undergone some upgrade to improve the quality and appearance of East Street including the removal of street clutter and the introduction of a catenary lighting scheme across the length of East Street further reinforcing its importance at the heart of the Borough and this Opportunity Area.
- 1.67 Given the importance of East Street at the heart of this Opportunity Area and the Housing Zone, Officers consider that where development proposals come forward of a significant nature such as this scheme, proposals need to adopt an overarching holistic approach in order to establish greater connectivity and legibility between key sites and provide a cohesive identity to Barking Town Centre. The joint opportunities and shared constraints mean that individual sites and adjacent plots should not be treated in isolation, resulting in poor place-making which does not contribute to establishing a cohesive, interlinked and coordinated approach to the creation of buildings and spaces within the town centre.
- 1.68 The site forms part of a wider town centre place-making strategy with Supplementary Planning Document 'Barking Station Masterplan' established in 2012. Subsequent to this, the wider vision

for the town centre has been updated by both the designation of the town centre forming part of the London Riverside Opportunity Area, the Barking Town Centre Housing Zone status.

### *Height Scale and Massing*

- 1.69 East Street, which is located in the Conservation Area comprises buildings that are generally two to three storey terraces with some larger footprint and taller buildings on the south side of East Street. Outside the Conservation Area and away from East Street, a number of buildings have an increased height and massing, including Bath House (9 storeys), Ropeworks Arboretum (8 storeys) and the Lemonade building on Ripple Road which rises to 19 storeys.
- 1.70 Through each of the successive planning applications the proposed development has been reduced in height along the East Street frontage – where the refused scheme was previously 7 storeys alongside the Former Magistrates building, the current application maintains a height of 5 storeys along East Street and stepping up to 8 storeys along Clockhouse Avenue.
- 1.71 The reduction in height from 9 to 8 storeys is welcomed, as this assists in reducing the impact of the development from a number of views, and the reduction from part of the East Street frontage from 6 storeys to 5 storeys also ensures the development would not appear too dominant along East Street, especially when viewed from the western site of East Street. Whilst the proposed development would be a departure from the current datum of East Street, it is acknowledged that the wider site is subject to an emerging allocation in the Draft Local Plan (Regulation 19), which would change the context of the street over time. The proposed development is not so great in height, scale and massing that it would adversely affect the character of the area, and it is also acknowledged that the building to the other side of the former Magistrates Court is also 5 storeys in height. Furthermore, the rear context of the site along Clockhouse Avenue has a number of existing high density development - Bath House, Ropeworks Arboretum and the Lemonade building – and as such the 8 storey element of the development is considered appropriate in this context.
- 1.72 At 8 storeys, the proposed building is considered a tall building (London Policy D9 and emerging Local Plan Policy DMD2). Policy DMD2 directs tall buildings to certain locations in the borough, including the broad location of Barking Town Centre. Policy requires tall buildings to respond appropriately to sensitive locations, which in this case is most notably the heritage assets, which are assessed below. Officers have reviewed the policy requirements of policy DMD2 and D9 and consider that the development would accord with policy, as it would introduce a high quality development that seeks to open up the public realm on all areas, and has been designed sensitively with the adjacent listed building in mind; furthermore and as assessed in the density section above, it is not considered that the development would constrain future development of the wider emerging site allocation. To ensure that the development would be high quality, a materiality condition is recommended for both the external materials of the building, and the hard surfacing.

### *Layout*

- 1.73 The site is of significant importance and is located adjacent to an urban block (2-32 East street), marked for redevelopment as part of emerging allocation DJ which combines the two sites.
- 1.74 The ground floor layout of the current application is broadly similar to the previously refused scheme, interspersing 6 retail units of varying size amongst the 3 residential cores and associated cycle and bin stores, with access to the building from all sides.
- 1.75 The opportunity to activate/replace the existing dead frontage and service yard to the rear of the site is welcomed which shows some consideration on how to respond to the constraints of the site, with the proposed refuse strategy helping to reduce the need for the 'back of house/ service yard that currently exists.
- 1.76 Whilst officers maintain some reservations with regards to the relationship between the ground floor layout and the existing folly wall, officers understand the design rationale to create a context/backdrop to the folly without interfering with the structure itself. The folly wall is a valued artistic reference to Barking's historic fabric. Its status as a key public art installation dictates that careful consideration should be given to its integration/relocation as part of future development proposals. The retention of the folly is welcomed, and it is not considered that the lack of direct interaction with the folly in isolation would constitute a reason for refusal of the development.

### *Architecture*

- 1.77 The architecture of the proposal has advanced from the previously refused scheme in respect of the architectural strategy, particularly in relation to the northern corner adjacent to the former Magistrates Court.
- 1.78 Officers welcome the attention to detail that has been paid to introduce architectural interest through the proposed window arches as well as the window reveals that would contribute to somewhat enlivening an otherwise dead portion of frontage along East Street.
- 1.79 The change in materiality from the previous scheme (21/00159/FULL) is also considered to be a welcome improvement which is more in keeping with the surrounding area and reduces the dominance of the building.

### *Landscape and Public Realm*

- 1.80 The communal roof terraces within the scheme as welcomed, and the quality of the landscaping provided could be conditioned to ensure it offers high quality landscaping to create welcome communal spaces.
- 1.81 In terms of the ground floor landscaping, the proposal would see the loss of four lime trees by the folly. The trees are old town centre trees that go back many decades. LBBB's Arboricultural Officer has accepted the loss of the trees on the basis that there is a good landscaping package in place as a replacement. This would include six new semi-mature trees and an additional contribution of £7,785 as a tree contribution to ensure the replacement valuation is akin to the trees lost; the money should be made available to LBBB Parks and Environment. Officers welcome the additional trees to soften the landscape in this central town centre location.
- 1.82 To ensure that the development appropriately addresses and improves the surrounding public realm, it is recommended that a s278 Agreement is secured by way of S106 agreement to ensure the development does not sit isolated from the surrounding streetscene. Existing utilities infrastructure will also need to be moved as required at the expense of the developer.

### *Heritage*

- 1.83 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a general duty on the Council in respect of listed buildings in exercising its planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 1.84 In accordance with Section 72 Planning (Listed Buildings and Conservation Areas) Act 1990, in the assessment of the proposal the Council has paid special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 1.85 Chapter 16 of the NPPF (Conserving and enhancing the historic environment) advises Local Planning Authorities to recognise heritage assets as an "irreplaceable resource" and to "conserve them in a manner appropriate to their significance" (para.189). Paragraphs 194-196 require the significance of any affected heritage assets to be described, identified and assessed. Paragraph 199 of the National Planning Policy Framework (NPPF) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 requires any harm to a designated heritage asset to be clearly and convincingly justified. Paragraph 202 states that 'less than substantial harm' to designated heritage assets should be weighed against the public benefits of the proposal.
- 1.86 Paragraph 207 of the NPPF states that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building which makes a positive contribution to the significance of the Conservation Area should be treated as substantial or less than substantial harm as appropriate, taking into account the relative significance of the element affected and its contribution of the Conservation Area.

- 1.87 London Plan Policy HC1 states that “development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets’ significance and appreciation within their surroundings.”
- 1.88 The above policies are reiterated at a local scale within, Policies BP2 and CP2 of the Local Plan, policy DM14 of the Draft Local Plan which seek to conserve heritage assets and avoid harm.
- 1.89 The Former Magistrates Court (Grade II listed) is identified as a landmark building in the Abbey and Barking Town Centre Conservation Area Appraisal (ABTCCAA), due to its detached nature and position. The building is a large building of grand Flemish Renaissance style which presides over East Street featuring in views all along the street and from the open public space in front of the building. The Town Hall (locally listed) is also located in the Conservation Area, to the south of the site is identified as a landmark building due to its grand scale, austere architecture and prominent clocktower which appears in views across the Conservation Area and beyond. Part of the site itself is identified as a positive contributor to the Conservation Area.
- 1.90 In terms of new development the (ABTCCAA) advises that new and replacement development needs to take account of and be sensitive to, the significance of any building proposed to be removed, the significance of any relationship between any building to be removed and adjacent structures and spaces, potential impact of the new design on known or potential archaeological remains, the potential impact of the new design on the setting of any neighbouring listed or locally listed buildings, the potential impact on important views and in relation to landmark buildings, the materiality and architectural detailing characteristics of the area and the scale and grain of the surrounding area.
- 1.91 The application is supported by a Heritage, Townscape and Visual Assessment which assesses the significance of heritage assets and the likely effects of the proposed development. The report assesses the effects on heritage assets, including the conservation area Grade II Listed Barking Magistrates Court, and non-heritage assets including Barking Town Hall.
- 1.92 With regards to the impact on the Conservation Area, the report highlights that the Iceland building at no.34 East Street is identified as being a ‘positive to neutral’ contributor to the consideration area but is not included in LBBB’s list of locally listed buildings. Nos. 36-2 East Street (Poundland) is identified as a neutral contributor and the applicant’s assessment considers the building to have poor quality of architecture that does not contribute to the conservation area’s significance. With regards to no.34, the report highlights that whilst the building is identified as a ‘positive to neutral’ contributor, the original fabric of the building has been heavily altered, including painting over original tiles and amendments to shopfronts. In terms of the effects the proposal would have on these elements of the Conservation Area, the report concludes that the demolition and replacement of the buildings will affect the fabric of the conservation area, but that the high-quality design of the scheme overall would not harm the significance of the conservation area, and that the positive attribute of no.34 which frames the Town Hall clock tower will remain through the new design.
- 1.93 With regards to the effect of the development on the significance of the former Magistrates Court, the report considers the significance of the building emanates principally from the architectural interest in its fabric as well as its historic connections to important people and the community of Barking. The report follows that the setting of the listed building is compromised by the poor design of the Poundland store at the site and in short that the changes to the setting of the listed building resulting from the proposed development would constitute an enhancement and better reveal the listed building’s significance.
- 1.94 Historic England have been consulted on the current application. Historic England previously supported investment along the historic high street in principle and recognised the opportunities to improve the poor townscape quality of the building at the site, however concerns were raised about the overall scale, massing and design of the proposed development, which would fail to preserve or enhance the character and appearance of the Conservation Area or preserve the setting of the Grade II listed Magistrates Court. Whilst the second application (21/00159/FULL) was an improvement in terms of design, scale and massing, the development would be a very large scale for a high street plot and a somewhat stark contrast in scale would remain.
- 1.95 In response to the current scheme, Historic England consider that the proposal would appear less visually dominant in views along East Street due to the overall reduction in height and changes in

materiality. The introduction of blind windows provides only a very modest improvement to the presentation of Block D along East Street, as it would still remain an inactive part of the building frontage. Historic England consider the level of harm to the conservation area to be slightly lower than previously identified but there would still be some harm resulting from the demolition of no.34 East Street, and the stark contrast in scale between the proposed development and the more modest market town grain.

- 1.96 Officers welcome the changes introduced since the previously refused scheme, namely the reduction in height, introduction of blind windows to East Street and the change in materiality from the black brick to a lighter grey brick.
- 1.97 Officers previously raised concerns in relation to the effect of the development on the setting of the former Magistrates Court resulting from the massing and stark appearance, which would create a dominating presence adjacent to the listed building. Officers consider the development as currently proposed sits more comfortably next to the listed building; particularly owing to the reduction in height of the “Town Square building” to 8 storeys, which when coupled with the set back from East Street and the more muted materiality, no longer appears to over-dominate the former Magistrates Court.
- 1.98 In terms of the effect on the Conservation Area, as per Historic England’s response, particular regard must be had to the loss of the building identified as a ‘Positive to Neutral Contributor’ to the Conservation Area in the Conservation Area Appraisal and the “less than substantial harm” as assessed by Historic England. In this regard officers note that the Appraisal also identifies the site as a potential development site, and the site is part of a wider allocation in the emerging Local Plan, which seeks to introduce regenerative benefits to the area. Officers have previously resisted development proposals at the site in order ensure that proposed development at this site is of sufficient quality so as to ensure the redevelopment would preserve and enhance the Conservation Area.
- 1.99 Whilst the proposed development would result in the demolition of no.34, however, the proposal would introduce a high quality design which has sensitive design features, to seek to enhance the quality of the Conservation Area. The replacement of the existing Poundland building is also encouraged and considered to be a positive replacement.
- 1.100 Any harm to or loss of a heritage asset requires justification (para 202 NPPF). In this instance, officers consider the proposed development would lead to ‘less than substantial harm’ to the Conservation Area’. As such, this harm must be balanced against the ‘public benefits’ derived from the scheme, which in this case are notably the delivery of 59 new homes including family housing and affordable housing to assist in the borough meeting its targets for much needed housing. There would also be short-term benefits associated with the creation of construction jobs. Further benefits would be the regeneration investment to this key town centre site. Officers consider that the development proposals have progressed from previous iterations and now consider the public benefits of the proposed development would outweigh the less than substantial harm.

#### *Summary*

- 1.101 In summary, officers consider that the progression from the previously refused schemes to the current proposal are such that the proposed development would accord with the aforementioned design policies.
- 1.102 Whilst at 5-8 storeys high, the development is tall for a town centre/high street location, the site does sit in an area as being identified in the emerging Local Plan as suitable for tall buildings. The regeneration benefits that would be achieved through the proposed development, and introduction of residential dwellings to the site is also welcomed.

#### **Impacts to neighbouring amenity:**

- 1.103 NPPF paragraph 174 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of pollution, including noise, water and air.

- 1.104 London Plan Policy D3 sets out that developments should deliver appropriate outlook, privacy and amenity and help prevent or mitigate the impacts of noise and poor air quality. Policy D6 part D states “the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.”
- 1.105 Adopted Policy BP8 of the Borough Wide Development Management Policies DPD seeks to protect residential amenity, and Draft Local Plan Policy DMD1 ‘Securing high quality design’ (Regulation 19 version) sets out that among other things, all development proposals should consider the impact on the amenity of neighbouring properties with regard to significant overlooking, privacy and immediate outlook, and should mitigate the impact of air, noise and environmental pollution.
- 1.106 In respect of daylight and sunlight, the NPPF states that authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards) (Paragraph 125c). London Plan Housing SPG states that “An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time. The degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced, but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.”

#### *Daylight and Sunlight*

- 1.107 One of the reasons for refusal of applications 19/00770/FUL and 21/00259/FULL was in relation to the loss of sunlight and daylight to neighbouring residential occupiers, in particular flats contained within the former Barking magistrates Court and the Bath House buildings. The reason for refusal also pertained to the failure to demonstrate the proposed flats with the development and the courtyard area would receive adequate sunlight levels.
- 1.108 A Daylight and Sunlight Assessment prepared by CPMC Chartered Surveying, which highlights that the BRE Guidelines should be applied flexibly and in the context of a major centre and London Riverside Opportunity Area, it is reasonable to assume that the density in the area is likely to increase and the BRE targets are unlikely to be met in all instances. The report highlights the importance of context when assessing daylight/sunlight factors and have reviewed daylighting levels enjoyed by nearby properties in order to provide a more in depth understanding of the context. The buildings reviewed are:
- The east elevation of the Magistrates Court. The first floor has an average VSC 11.21 and the second floor has an average VSC 13.08.
  - The east elevation of The Bath House. The first floor has an average VSC 11.71 and the second floor has an average VSC 13.92.
  - The western elevation of Arboretum Place. The second floor has an average VSC 10.23 and the third floor has an average VSC 13.74.

#### Daylight and sunlight assessment on surroundings

- 1.109 The Assessment submitted summarises that the majority of neighbouring windows, rooms and amenity spaces comfortably fulfil all of the planning guidance. However the assessment acknowledges that the most significant impact is caused to the Barking Magistrates Court building, which contains a residential element, noting that whilst the impact is relatively significant, the design of the building makes some windows and rooms more sensitive than we would ordinarily expect and that the residual light levels are in keeping with other nearby facades, including the eastern façade of the same building.

- 1.110 The submitted assessment seeks to contextualise the scheme to justify the numerous 'transgressions' to the neighbouring buildings. In addition to the contextual analysis of sunlight received to neighbouring properties (above), the report highlights the impact of balconies in exacerbating loss of light. Officers accept that the context of the development is an important factor to consider and the close-knit nature of the immediately surrounding buildings are a material consideration. However it is worth noting that in the examples provided the windows assessed at Arboretum Place are inward looking towards the same building, and as such these windows were never afforded greater levels of sunlight. Similarly the Bath House development was approved within 2 years of Arboretum Place and both schemes were approved under planning policy that pre-dates the current national, regional and local policy framework.
- 1.111 It is acknowledged that in historic city centre environments may not be possible to achieve the 27% VSC target and that some level of change is likely to be necessary if the proposed levels of housing area to be accommodated on this site, and within the town centre more generally. However daylight/sunlight impacts must be scrutinised, particularly if VSC value is below 27%, and if the reduction is greater than 20% (or 1/5<sup>th</sup> its former value), when the duction is likely to be noticeable, as the BRE guidance advises.
- Arboretum Place – The previously refused scheme 21/00159/FULL had 3 VSC window transgressions (where BRE targets are not passed). The document submitted under the revised scheme confirms that there would be no window transgressions to this property.
  - Bath House – 26 VSC window transgressions were caused to this property as a result of the previous scheme 21/00159/FULL. The current application sets out that there would be 22 window transgressions caused to this property with the revised proposals in place. The report sets out that the windows that undergo the most significant VSC losses are found on the wall looking down Clockhouse Avenue towards Broadway, which are found under balconies which significantly restrict the sky-view above such windows. When applying an assessed without taking the balconies into consideration, the number of window transgressions is reduced to 11, with no more than 0.72 of its former value. The report therefore considers the impact to be 'minor adverse.'
  - Former Magistrates Court – 40 VSC window transgressions occur to this property, which is the same amount of transgressions as application 21/00159/FULL, however the Daylight Sunlight Report states that due to the revised mass the results show improvements in all cases when compared against the former proposals. The applicant seeks to justify the transgressions through contextualising a number of the windows, for example presence of basement windows or recessed mezzanine floors. Officers acknowledge the design of basement development and recessed mezzanine floor rooms are difficult to achieve high VSC ratings, there are a number of other transgressions occurring on all floors, including the fourth floor that would have a noticeable and significant impact to the occupiers of the development. The report contextualises the development and emphasises that the development is in a central town centre Opportunity Area where achieving full compliance with BRE guidelines is unlikely. Given the location of the site, localised design features and considered in context the applicant considers that the results are acceptable in this case. The report contains a table to compare the mean results of the mass associated with application 21/00159/FULL which shows the following improvements on each level of the Magistrates Court (not all windows are included in the calculations).

Former Magistrates Court elevation facing application site	Refused scheme VSC mean	Revised proposals VSC mean
First Floor (west)	12.4	12.9
First Floor (west and east)	14	14.5
Second W2-W4	23.5	24.4

Second W11-W16	17.3	18.1
Third W3-W8	19.6	20.8
Fourth W3-W8	22.3	23.9

- 1.112 With regards to Daylight Distribution Results, the report states that there are no transgressions with the current scheme (there was one transgressions previously under 21/00159/FULL). Bath House experiences two transgressions to two rooms that are reported as “relatively marginal”, this is the same as under 21/00159/FULL. The transgressions to the former Magistrates Court are the same in number as before (eleven).
- 1.113 When assessing available sunlight hours results, all tested windows within Arboretum Place and the Bath House are either orientated north or pass. However as the assessed part of the former Magistrates Court is directly north of the application site, there are some transgressions experienced as a result of the current application (9 annual and 9 winter transgressions).
- 1.114 In terms of sun on the ground to neighbouring amenity space, the current application assesses amenity space at The Bath House and Barking Magistrates Court. The assessment concludes that there would be no change to The Bath House amenity space but that there would be a transgression to the amenity space at the Former Magistrate Court, reducing from 5% to 0%.
- 1.115 It is highlighted that the previous reason for refusal pertaining to daylight/sunlight referred to impacts to the Bath House and the former Magistrates Court. It is considered that the daylight sunlight impacts are improved overall as a result of the reduction in height of the development, however some impact evidently is retained (and largely limited to) the former Magistrates Court, given the direction of the proposed site from the application site, the internal arrangements of the neighbouring properties and the proximity it is likely that any scale of development at the application site is likely to impact the daylight/sunlight to this neighbouring site.
- 1.116 When assessing the proposed development in the context of the town centre location, and the emerging allocation for the development officers consider that the progression that has been made in respect of the height scale and massing compared to the two previously refused schemes has improved the impacts on daylight and sunlight to neighbouring properties. It is also acknowledged that the BRE guidance is intended to be used as a guide and that it is unlikely that all targets will be achieved in all instances, particularly given the site context.
- 1.117 It is noted that an objection has been received in relation to daylight and sunlight impacts. As above, officers acknowledge that there is still some degree of impact in terms of daylight sunlight to neighbouring properties, however the impact has improved in comparison to the previous schemes. The site’s allocation must also be taken into consideration, as well as the context of the site, and officers consider the benefits in bringing 59 new homes, including family housing and affordable housing to this site would outweigh the concerns with regards to daylight and sunlight impacts.
- 1.118 Therefore, on balance, while there remains a degree of impact in terms of daylight and sunlight, officers do not consider the impacts to be so severe so as to constitute a reason for refusal of the scheme.

#### Daylight and sunlight assessment for the development proposal

- 1.119 In relation to internal daylight levels within the proposed development, all the flats will have a combined living room/kitchen area whereby the BRE guidelines advise a target average daylight factor (ADF) level of 2% however, in practice, the principal use of rooms designed as a ‘living room/kitchen/dining room’ is as a living room and accordingly it would be reasonable to apply a target of 1.5% to such rooms.
- 1.120 The current application contains an assessment of the proposed accommodation, which summarises that of the 185 habitable rooms proposes, 179 pass the ADF test (97%) and 170 habitable rooms (92%) pass the daylight distribution test. An assessment of the sunlight received to the living/kitchen/dining space found that 80% of the rooms tested meet the annual probably

sunlight guidance and 82% meet the winter hour guidance, with 79% of rooms passing both tests. The previous application considered the internal daylight/sunlight levels achieved within the proposed building, and in assessing the application, officers considered the internal daylight and sunlight to be acceptable. Officers consider the current application receive an acceptable level of daylight/sunlight to the rooms within the proposed development.

- 1.121 BRE guidelines commend that at least half of a garden or amenity space should receive at least two hours of sunlight on 21 March. The two communal terraces proposed (on the second and fifth floors) have been assessed and the submitted report concludes that the BRE criteria is met.
- 1.122 In terms of the proposed development and associated amenity space, it is therefore considered acceptable in terms of daylight and sunlight. Officers would however note that the proposed development contains a large number of windows on the south west elevation facing the other part of the emerging site allocation, a number of these windows are dual aspect, but may be subject to reduced daylight/sunlight for future development coming forward at the remaining section of the emerging allocation.
- 1.123 Overall there is no material difference between the previously refused scheme and the current scheme in terms of the daylight/sunlight levels achieved for the proposed development. This was not a reason for refusal of the previous application 21/00159/FULL.

#### *Outlook/Privacy*

- 1.124 The siting of the current application is located on broadly the same footprint as the previously refused schemes and as such the impacts in relation to privacy are akin to the previous scheme. There will be a separation distance of approximately 12 metres between the north-eastern elevation of the proposed development and the former Barking Magistrates Court building. It is therefore not considered that the development will have any material impact on the outlook and privacy of existing residential occupiers, particularly given the central town centre location which has a tight-knit grain. Whilst the Bath House is located directly to the south-east and within close proximity of the proposed development, it is not considered that there would be any direct overlooking or detrimental loss of privacy to the residents of this building.
- 1.125 In terms of outlook onto Grove Place, the first floor flats of the application are all dual aspect with outlook also onto the town square or onto East Street. There is also a camber to the East Street side, which angles away from Grove Place. In the context of a town centre development with an tight urban grain, officers consider that the applicant has sought to maximise dual-aspect units and do not consider the outlook onto Grove Place to constitute a reason for refusal.
- 1.126 It is acknowledged that an objection has been received in relation to the impact on privacy. Officers assessment with regards to privacy is as per the previous applications, where it is noted that the previous applications were not refused on the grounds of privacy. In the context of the town centre site, the impacts relating to privacy are considered acceptable.

#### *Noise*

- 1.127 The NPPF outlines that planning policies and decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health and living conditions, and should mitigate and reduce to a minimum potential adverse impacts resulting from noise, and avoid giving rise to significant adverse impacts on health and quality of life (paragraph 185). The NPPG (Paragraph: 005 Reference ID: 30-005-20190722) clarifies that adverse noise impacts are considered to occur when noise levels result in a change in behaviour, for example turning up the volume to hear the television.
- 1.128 London Plan policy D13 (noise) sets out ways to manage noise within new developments. The policy ties into policy D12 (agent of change) which places responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development.
- 1.129 Draft Local Plan Policy DMSI 3 'Nuisance' (Regulation 19 version), requires development proposals to have regard to the Agent of Change principle, and requires development proposals to submit a noise assessment. The policy states that development proposals which generate an unacceptable level of nuisance will generally be resisted.

1.130 The Environmental Health Officer (EHO) has reviewed the submitted documentation and notes that additional information has been submitted from the previously refused scheme. However early morning noise from the market has not been surveyed and the precise details of mechanical services plant and refrigeration equipment are not yet know. As such conditions are recommended for a scheme of acoustic protection, noise limits for the non-residential uses and for a delivery hour restriction. Subject to these conditions it is considered that the development would be acceptable in terms of noise impact, in accordance with London Plan policies D12 and D13 as well as the relevant sections of the NPPF and local policies BP8 and BR13.

*Lighting*

1.131 No details of external lighting have been submitted. To enable the development to be safe, secure and inviting, whilst ensuring external lighting does not give rise to neighbouring amenity impacts, a condition requiring the submission of lighting details would be imposed if planning permission were granted.

*Air Quality*

1.132 The NPPF sets out at paragraph 186 that decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants taking into account the presence of AQMAs and the cumulative impacts from individual sites in local areas.

1.133 Good Growth Objective 3 of the London Plan seeks to *inter alia* improve London’s air quality, reduce public exposure to poor air quality and minimise inequalities in levels of exposure to air pollution. Policy D3(9) seeks to ensure design helps prevent or mitigate the impacts of noise and poor air quality.

1.134 Policy SI1 of the London Plan also states that all development should be air quality neutral as a minimum. This is supported by Policy DMS14 of the draft Local Plan (Regulation 19 version) which confirms that the whole borough is designate as an Air Quality Management Area, and Barking town centre is an Air Quality Focus Area, requiring development to be air quality neutral stating where proposals do not achieve the air quality neutral benchmark, a financial contribution will be required. Core Strategy CR1 also sets a policy requirement to protect air quality.

1.135 The application is supported by an Air Quality Assessment which models the potential impacts of the proposed development, and confirms that the development is predicted to comply with guidelines in that it would be air quality neutral and enhance air quality through the planting of additional trees. To ensure that the development does comply with the development, it is recommended that a condition is attached as well as a s106 obligation requiring a monetary contribution in the event the development is not air quality neutral.

*Contaminated Land*

1.136 A planning condition is recommended by the Council’s Environmental Protection Officer ensure there would be no adverse impacts in terms of land contamination, involving the submission of an investigation and risk assessment, detailed remediation scheme as necessary and a verification report.

<b>Sustainable Transport:</b>			
<i>Net gain/loss in car parking spaces:</i>	0	<i>PTAL Rating</i>	6a
<i>Proposed number of cycle parking spaces:</i>	119 long-stay cycle parking spaces for residents and 5 long stay cycle spaces for commercial units. 22 short stay cycle spaces	<i>Closest Rail Station / Distance</i>	Barking Station / 0.2 miles
<i>Restricted Parking Zone:</i>	Yes	<i>Parking stress survey submitted?</i>	No

1.137 The NPPF recognises that sustainable transport has an important role to play in facilitating sustainable development but also contributing to wider health objectives. In particular it offers

encouragement to developments which support reductions in greenhouse gas emissions and those which reduce congestion. The NPPF also outlines that developments which generate significant vehicle movements should be located where the need to travel will be minimised and the use of sustainable transport options can be maximised. It is also expected that new development will not give rise to the creation conflicts between vehicular traffic and pedestrians.

- 1.138 London Plan Policies T1- T6, seek to promote sustainable modes of transport, encourage the effective use of land, reduce car dominance and be integrated with current and planned transport access, capacity and connectivity.
- 1.139 Core Strategy policy CR1 promotes the use of sustainable transport to assist in addressing the causes and potential impacts of climate change. Policies BR9, BR10 and BR11 of the Borough Wide Policies DPD set out the Council's approach to parking, sustainable transport and walking and cycling. Emerging Policy DMT1 'Making better connected neighbourhoods' of the Draft Local Plan (Regulation 19) sets out that development proposals should reduce the dominance of vehicles on London's streets. Emerging policy DMT2 'Car parking' states that development will be resisted where anticipated car parking and vehicle use will increase congestion and parking stress. Emerging policy DMM1 confirms that the Council may use planning obligations to address a development's impacts and to ensure it aligns with the development plan for the borough, including highways works or payments towards addressing any impacts as a result of the development and other transport requirements arising from transport assessments and travel plans.
- 1.140 Barking Area Action Plan Policy BTC8 states that the Council wish to encourage through traffic to remain on the primary road network and thereby reduce the levels of traffic using the roads in the Plan area as a short cut.
- 1.141 Strategic Policy SPP1 (Regulation 19 Draft Local Plan) promotes measures to improve access across the town centre, which includes prioritising pedestrian and cycle movement and safety around Town Quay, including restricting Highbridge Road to a minimum of one-way vehicular traffic.
- 1.142 The site has a PTAL rating 6a, which represents an excellent level of public transport accessibility.
- 1.143 The previously refused applications at the site sought to provide two no. on street car parking spaces for disabled parking bays, and for both locations the proposed locations were not considered to be acceptable, and as such each application contained a reason for refusal on the basis of the proposed disabled parking bays.

#### *Site Access*

- 1.144 The building is proposed to be accessed from all elevations – East Street to the west, Grove Place to the south and Clockhouse Avenue to the north and east. The access strategy proposed includes 3 access points on Grove Place (back of house to retail unit 1, bin store and separate cycle store to the residential units). Officers previously raised concerns with regards to the potential conflict with the approved application for the closure of Grove Place (16/00204/REG3) was given planning permission on 25/10/2018. It is understood that the development has been part implemented although there have been delays to the closure of the road due to works for the installation of the District Heat Network.
- 1.145 The applicant has liaised with the applicants for the Grove Place proposals to ensure that both developments can operate without conflict, and no objections are raised by the applicants at Grove Place. It is also understood that the waste compactor element of the Grove Place application is no longer planned to be implemented. From the discussions to date and the submission of the planning application materials, officers are satisfied that the approval of the current application can operate without hindrance to the Grove Place application.
- 1.146 Officers note that two green electricity boxes on the east of the site should be relocated to the back of the footway to not cause a hindrance to pedestrians. It is recommended that a planning obligation is attached requiring these electricity boxes and all other utilities infrastructure affected as a result of the current applications to be shifted where necessary and otherwise suitably addressed at the expense of the applicant prior to the occupation of the development.

### *Car Parking*

- 1.147 The proposal originally included the provision of two no. on street disabled parking bays in a similar location as the disabled bays proposed under application 21/00259/FULL. Be First Transport Officers raised concerns with the location of the bays, which were considered to cause obstruction and hindrance to street market entrance/emergency vehicles as well as conflicts with on street traffic calming measures. The dimensions of the bays also did not meet minimum criteria suggested in Disabled Persons Transport Advisory Committee.
- 1.148 After considering the above situation and the context of the application site, Be First Transport Officers recommended that the proposed bays be removed as there are currently several disabled parking bays in the vicinity. With regard to disabled parking, TfL have confirmed that they would be content should the development come forward with no disabled parking bays due to the town centre location and that bus and rail services in the town centre are wheel-chair accessible.
- 1.149 A commuted sum is requested for the conversion of on street parking bays to disabled bays and/or add up to two new on street disabled bays in the vicinity should the need arise from the proposed development over the lifetime of the development. This will ensure that there is provision for disabled on street car parking near to the site for future occupiers of the scheme. The commuted sum is calculated on the basis of the current fees and charges agreed by Cabinet, which amounts to a total of £13,700. It is recommended that this is secured by way of Section 106 agreement.
- 1.150 The remainder of the development will be car-free. To ensure this is achieved, a car free obligation in the S106 should be secured to any permission granted that states that with every type of tenure and tenancy agreement, future occupiers will not be granted a permit for residents parking bays or contracts to park in the Council's car parks, unless they qualify for disabled parking.
- 1.151 Officers consider the revised approach to disabled parking bays overcomes the previous concerns and reasons for refusal, and subject to securing the commuted sum, the application is considered acceptable.

### *Cycle Parking*

- 1.152 In terms of residential cycle parking, 119 long-stay cycle parking spaces, which is in line with quantum set out in the Intend to Publish London Plan. Further long stay and short stay cycle parking spaces are provided for the commercial units. TfL officers have raised concerns with regards to the location of the short stay cycle parking as per the proposed layout, as well as the overall long stay provision. Officers consider that such detail can be appropriately considered as part of a detailed condition submission. It is therefore recommended that a condition is imposed requiring cycle parking spaces to be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards, and for the details to be submitted and assessed by officers.

### *Other transport matters*

- 1.153 Given the quantum of commercial floorspace in addition to residential units, TfL officers have requested a full Healthy Streets Transport Assessment including an Active Travel Zone assessment providing an audit of key pedestrian and cyclist routes against the Healthy Streets indicators. Officers acknowledge that no such assessment was submitted with either of the previous applications, and that this application has a reduced impact in terms of residential units, as well as the commercial floorspace being largely replacement floorspace, officers do not wish to delay the determination of the development on the basis of this information being absent. Furthermore it is noted that the information was not requested by Be First Officers.
- 1.154 A full Delivery and Servicing Management Plan, full Construction Logistics Plan and full Framework Travel Plan should be secured by condition and a full Travel Plan secured by Section 106 agreement along with a monitoring fee to ensure that the outline/framework principles set out in the submitted documentation can be implemented and additional details reviewed by officers to ensure there would be no adverse impacts as a result of construction or servicing, and to ensure sustainable transport is promoted in accordance with policy requirements.

## Summary

- 1.155 The proposed development is a highly sustainable, well connected site, and the proposals seek to promote active travel. The previous reason for refusal pertaining to the location of the disabled parking bays has been suitably resolved through securing a financial contribution. Subject to the necessary conditions and obligations, it is considered that the development is acceptable in terms of transport and highways, in accordance with the provisions of the NPPF, the London Plan and the adopted development plan and emerging Local Plan.

## Archaeology:

- 1.156 NPPF Section 16 recognise the positive contribution of heritage assets of all kinds and make the conservation of archaeological interest a material planning consideration. NPPF paragraph 194 says applicants should provide an appropriate desk-based assessment and where necessary, a field evaluation if their development could affect a heritage asset of archaeological interest. Paragraph 205 of the NPPF says that applicants should record the significance of any heritage assets that the development harms. Applicants should also improve knowledge of assets and make this public. Policy HC1 of the London Plan echo the importance of archaeological contributions, as set out in the NPPF. NPPF paragraphs 190 and 197 and London Plan Policy HC1 emphasise the positive contributions heritage assets can make to sustainable communities and places. Where appropriate, applicants should therefore also expect to identify enhancement opportunities.
- 1.157 Borough Wide Development Policies DPD Policy BP3 looks to secure the conservation or enhancement of archaeological remains and their settings.
- 1.158 The proposed development has been assessed by Historic England's Greater London Archaeological Advisory Service (GLAAS). It is noted that the site lies in the historic core of Saxon and mediaeval Barking where recent excavations in difficult conditions immediately to the north at the rear of the former Magistrates Court found early and middle Saxon activity and medieval remains. Analysis of the findings have revealed valuable information on Barking's secular history.
- 1.159 GLAAS note that the size of the application site and the lack of an existing basement likely mean that further remains survive and would be harmed by the proposed scheme. Well preserved archaeology of the Saxon town would be remains of national importance and would merit preservation and interpretation under any approved scheme. In the context of the existing building, while a limited field evaluation may be possible, it is unlikely to provide a reliable picture of archaeological potential and therefore given the constraints it is advised that an archaeological investigation by condition with a second condition regarding the foundation design.
- 1.160 In accordance with the advice of GLAAS, officers consider it necessary to impose two conditions, as recommended to safeguard the archaeological interest on the site and ensure that the development accords with the aforementioned policies.

## Employment:

- 1.161 London Plan Policy E11 promotes inclusive access to training, skills and employment opportunities for all Londoners. Policy SD1 Opportunity Areas of the London Plan states boroughs should support development which inter alia creates employment opportunities, support wider regeneration and ensure that development proposals integrate into the surrounding areas.
- 1.162 Policy CC3 of the adopted Core Strategy, seeks to ensure community benefits through developer contributions. Core Strategy Policy CM1 states that development should meet the needs of new and existing communities and that a sustainable balance should be sought between housing, jobs and social infrastructure. Strategic Policy SP5 of the Draft Local Plan (Regulation 19) sets out that the Council will support businesses who seek to evolve, diversify and contribute to a more thriving and more inclusive local economy, including through the provision of employment and training opportunities for local people. Emerging policy DMM1 notes that the Council may request planning obligations to achieve construction-phase and occupation-stage employment and procurement targets.
- 1.163 It is recommended that a Section 106 obligation be sought to secure an Employments, Skills and Suppliers Plan ensuring that a minimum of 25% of labour and suppliers required for the

construction of the development would be drawn from within the Borough, to maximise opportunities for local residents and businesses and to secure end-use jobs. Subject to the S106, it is considered that the development would comply with the aforementioned policies and Council objectives.

**Impact to existing Education Provision:**

- 1.164 The application proposes the delivery of 59 new homes, including 13 family units with a child yield of around 11.
- 1.165 The Council's CIL infrastructure list confirms that CIL may be spent on *inter alia* education facilities. Given the relative scale of the development and limited child yield, it is considered that the education impacts can suitably be addressed through the provision of CIL in this instance and as such, for this application, a separate Section 106 contribution is not sought for education contributions.

**Waste management:**

- 1.166 London Plan Policies D6 and S18 seek to ensure high standards of construction and design are achieved and seeks to ensure minimisation of generation of waste and maximisation of reuse and recycling. Policies CR3 and BR15 of the Core Strategy and Borough Wide policy document outline the need for development in the Borough to minimise waste and work towards a more sustainable approach for waste management. These objectives are further emphasised in the emerging Local plan (Regulation 19) through Strategic Policy SP7 and Policy DMSI9.
- 1.167 No objections were raised to waste management in the previous application and it is considered that a detailed waste plan is required to ensure that any waste collected in association with the proposed use would be managed and segregated in line with requirements. It is therefore recommended that a Refuse Strategy is secured by planning condition, to ensure that the development complies with the aforementioned policies and the development can suitably operate without adverse impacts in terms of waste.

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

<i>Proposed CO<sub>2</sub> Reduction</i>	<b>35%</b>
--	------------

- 1.168 The NPPF emphasises at paragraph 152 that the planning system should support the transition to a low carbon future in a changing climate and should help to shape places that contribute to radical reductions in greenhouse gas emissions, and encourage the reuse of existing resources, including the conversion of existing buildings.
- 1.169 The Mayor of London has set ambitious targets for London to be net zero-carbon. London Plan Policy SI2 'minimising greenhouse gas emissions' directs that major development should be net zero-carbon, through reducing greenhouse gas emissions in accordance with the be lean, be clean, be green, be seen hierarchy. The policy requires a minimum on-site reduction of at least 35% beyond Building Regulations for major development. Policy SI states that major development proposals within Heat Network Priority Areas should have a low-temperature heating system. Policy SI4 sets policies to minimise adverse impacts on the urban heat island and requires major development proposals to demonstrate through an energy strategic how they will reduce potential for internal overheating, following a cooling hierarchy.
- 1.170 Policy CR1 of the Core Strategy sets out measures to address the causes and potential impacts of climate change, requiring all new development to meet high environmental buildings standards and encourage low and zero carbon developments. Policy BR2 'Energy and on-site renewables' of the Borough Wide Development Policies DPD outlines the expectations for significant carbon reduction targets to be achieved. Draft Local Plan Policy DMS2 'Energy, heat and carbon emissions' sets out the Council's expectations for major development to contribute and where possible exceed the borough's target of becoming carbon neutral by 2050 by maximising potential carbon reduction on-site and demonstrating the achievement of net zero carbon buildings. The policy also prioritises decentralised energy and sets an expectation for development proposals to connect to any existing or planned low carbon district energy networks.
- 1.171 Borough Wide Development Policies DPD policy BR1 sets a requirement for non-residential major developments to achieve BREEAM Very Good-Excellent. The Draft Local Plan (Regulation

19) seeks to go further, requiring all new non-residential development over 500sqm floorspace to be designed and built to meet or exceed a BREEAM Excellent rating.

- 1.172 An Energy and Sustainability Statement has been submitted as part of the planning application. The Statement sets out energy and sustainability measures to be incorporated into the development proposal. The Statement confirms that the development would achieve a 39% onsite carbon saving based on SAP 10 factors and become zero carbon through offset payment. Energy savings would be achieved through efficiency measures and rooftop solar PVs. Officers recommend that this should be secured by way of planning condition and planning obligation to ensure the development meets the policy targets to become carbon neutral.
- 1.173 The statement indicates that a connection to the Barking District Heat Network (DHN) “may be possible in the future” but proposes to incorporate a site-wide low NOx centralised gas boilers for the residential units and heat pumps for the non-residential units. Officers have raised concerns with this approach as there are pipes ready for connection to the heat network immediately adjacent to the development, and in accordance with the London Plan hierarchy the development is expected to connect to this rather than on site low energy boilers (policy SI3). Through discussions with the applicant, the initial hesitation at a DHN connection was to protect compliance with Part L of the building regulations, however officers understand that the building regulations are due to be updated to recognise gas fired heat networks. The applicants have therefore agreed to connect to the DHN subject to the heat network being operational and have capacity to connect to the site. Officers will seek to secure this by way of Section 106 agreement.
- 1.174 In terms of BREAAAM the Energy and Sustainability Statement acknowledges the policy requirements but states that as the retail units are all smaller than 1,000sqm and considers that exceptional cases where floor area is less than 1,000 that BREEAM Excellent should not be sought, based on the LBBB Sustainable Design and Construction Planning Advice Note 5 (2007). However the reference in the advice note is in reference to the trigger for ‘major developments’ which this application meets, and the overall amount of commercial floorspace proposed is 1,314sqm. Furthermore the more recently published Regulation 19 Draft Local Plan requires all new non-residential development over 500sqm to meet or exceed BREEAM Excellent rating. Officers therefore consider it appropriate to impose a condition requiring the non-residential floorspace to meet or exceed BREEAM rating Excellent to ensure that the development adheres to policy aims regarding BREEAM and further improve the sustainability credentials of the proposed development for this key town centre site.

#### **Biodiversity & Sustainable drainage:**

- 1.175 The NPPF states that planning systems should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 1.176 Policy G6 of the London Plan requires new developments to make a positive contribution to the protection, enhancement, creation and management of biodiversity wherever possible. Policy D8 encourages the incorporation of green infrastructure to the public realm to support rainwater management. Policies CR2 and BR3 of the Core Strategy and Borough Wide policies echo the London Plan in its strategic approach to protect and enhance biodiversity and to provide a net gain in the quality and quantity of the Borough’s natural environment. This approach is also set out in Policy SP6 of the emerging Local Plan (Regulation 19 stage). Emerging policy DMNE2 supports developments that maximise opportunities for urban greening; DMNE3.

#### *Biodiversity and ecology*

- 1.177 The brownfield site is currently of low ecological value with on street planting limited to the existing lime trees on site. A bat roost survey has been submitted with the application, which concludes that the site is not considered to have suitability to support bat roosts. To increase future opportunities for bat roosting and bird nesting, it is recommended that a planning condition is attached to incorporate bat boxes and bird nests into the development.
- 1.178 It is noted that no urban greening factor calculation has been submitted with the proposed development or any information regarding biodiversity net gain. The site is a brownfield site within Barking Town Centre and is not considered to have high ecological value on the site. The existing lime trees are the only green elements of the site. The trees will be removed, which whilst

regrettable would facilitate wider regeneration of the site. Moreover the Council's Arboricultural Officer has confirmed that he is happy with the proposed approach to the tree replacement. Overall it is considered that the additional trees and landscaping on the roof tops will contribute towards greening the site and on balance the approach to biodiversity is considered acceptable in this instance, particularly as the previous reasons for refusal did not contain reference to biodiversity impacts or urban greening.

#### *Sustainable drainage*

- 1.179 The NPPF states that new development should be planned for in ways that avoid increased vulnerability to the impacts arising from climate change, and highlights at paragraph 159 that inappropriate development in areas at risk of flooding should be avoided, and that where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 1.180 London Plan policy SI13 states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to the source as possible. Drainage should be designed and implemented to promote benefits including urban greening, improved water quality and water efficiency. Policies CR4 and BR4 of the Core Strategy and Borough Wide Policies and Policy DMSI6 of the emerging Local plan (Regulation 19 stage), set out the local policy position.
- 1.181 The proposed development has been reviewed the LLFA who has confirmed that satisfactory Sustainable Urban Drainage solutions (SUDS) are incorporated. As such it is considered that the development accords with the aforementioned policies.

#### **Planning Balance:**

- 1.182 As assessed above, officers consider there is a less than substantial harm to heritage assets as a result of the proposed development, however officers do consider that the replacement of the Poundland store would be a visual improvement in the context of the Conservation Area. Furthermore, whilst the development is of a fairly substantial massing in the context of the Conservation Area, the reduction in scale and massing when compared to the previous scheme is welcomed, and officers now consider the effects on the Grade II listed building to be improved. On balance the scheme would deliver a number of public benefits including the delivery of much needed housing, including affordable housing and family housing, as well as short term jobs and town centre investment that would outweigh the "less than substantial harm" identified.
- 1.183 Given the position in respect of the Housing Delivery Test, the Council have published a Housing Delivery Test Action Plan which sets out how LBBD will increase housing delivery going forward. The Action Plan identifies barriers to housing delivery over the last 2 years and lists actions that the local authority has been and will continue to take to improve housing delivery in the borough. The Action Plan demonstrates that the Council is making significant progress to improving the delivery of homes through the increase in planning permissions, having granted permission for new homes over and above the London Plan target for the past 3 years.
- 1.184 As a result of the Council's housing position, paragraph 11a of the NPPF is engaged and the policies most important for determining the application are to be considered out of date, unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 1.185 Officers consider that any potential adverse impacts of the development would not significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole, and as such it is recommended that planning permission is granted.

#### **Habitat Regulation Assessment: Epping Forest Special Area of Conservation (SAC)**

- 1.186 Officers have considered the development type and proximity to Epping Forest Special Area of Conservation (SAC) and noting that the application is for new residential development within the 6.2KM Zone of Influence (Zoi) for the Epping Forest Special Area of Conservation have undertaken a Habitat Regulation Assessment. This assessment is detailed at **Appendix 5** and

has been undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the emerging strategic approach relating to the Epping Forest Special Area of Conservation (SAC) Interim Mitigation Strategy Dated 06 March 2019.

- 1.187 The Habitat Regulation Assessment recognises that the proposed development either when considered alone, or in combination with other residential developments is likely to have a significant effect on the sensitive interest features of Epping Forest Special Area of Conservation (SAC) through increased recreational pressure.

#### **Conclusions:**

The current application is a resubmission of planning application reference 21/00159/FULL which was refused on 3 grounds and was a resubmission of application 19/00770/FUL which was refused on 8 grounds. The application relates to a residential-led redevelopment of a key town centre site that is part of an emerging allocation in the Draft Local Plan (Regulation 19).

The principle of redeveloping this key town centre site is considered acceptable, in accordance with planning policy.

Officers welcome the amendments that have been made to the application following the refusal of application 21/00159/FULL and consider that the changes to the buildings design, principally the reduction in height, change in materiality and façade developments overcome the previous reason for refusal pertaining to design. The public benefits of the scheme are considered to outweigh the less than substantial harm to heritage assets.

The previous reason for refusal pertaining to the location of the disabled bays has been addressed through securing a section 106 contribution towards on street parking bay amendments, and as such the proposed development is now considered to have an acceptable impact in terms of transport and highway safety.

The proposed development still has an impact on daylight sunlight to neighbouring properties, however this has been reduced through the various amendments to building heights, when compared to the previously refused schemes. In the context of the density of town centre redevelopment, emerging site allocation and particularly given the tilted balance of the presumption in favour of sustainable development enacted as a result of the Housing Delivery Test, it is therefore considered that the planning balance is weighted in favour of approving the development and officers do not consider that a reason for refusal on the basis of daylight sunlight alone is justified in this instance.

In assessing the application, officers find the proposed development to be acceptable following careful consideration of the relevant provisions of the National Planning Policy Framework, the Development Plan and all other relevant material considerations. Officers are satisfied that any potential material harm in terms of the impact of the proposal on the surrounding area would reasonably be mitigated through compliance with the listed conditions and associated legal agreement.

## Appendix 1:

### Development Plan Context:

The Council has carefully considered the relevant provisions of the Council's adopted development plan and of all other relevant policies and guidance. Of particular relevance to this decision were the following Framework and Development Plan policies and guidance:

#### *National Planning Policy Framework (NPPF) (MHCLG, Feb 2019)*

#### *The London Plan (GLA, March 2021)*

GG1 Building strong and inclusive communities  
 GG2 Making the best use of land  
 GG3 Creating a healthy city  
 GG4 Delivering the homes Londoners need  
 GG5 Growing a good economy  
 GG6 Increasing efficiency and resilience  
 Policy SD1 Opportunity Areas  
 Policy SD6 Town centres and high streets  
 Policy SD7 Town centres: development principles and Development Plan Documents  
 Policy SD10 Strategic and local regeneration  
 Policy D1 London's form, character and capacity for growth  
 Policy D2 Infrastructure requirements for sustainable densities  
 Policy D3 Optimising site capacity through the designed approach  
 Policy D4 Delivering good design  
 Policy D5 Inclusive design  
 Policy D6 Housing quality and standards  
 Policy D7 Accessible housing  
 Policy D8 Public realm  
 Policy D9 Tall buildings  
 Policy D11 Safety, security and resilience to emergency  
 Policy D12 Fire safety  
 Policy D13 Agent of Change  
 Policy D14 Noise  
 Policy H1 Increasing housing supply  
 Policy H4 Delivering affordable housing  
 Policy H5 Threshold approach to applications  
 Policy H6 Affordable housing tenure  
 Policy H7 Monitoring of affordable housing  
 Policy H9 Ensuring the best use of stock  
 Policy H10 Housing size mix  
 Policy S1 Developing London's social infrastructure  
 Policy S2 Health and social care facilities  
 Policy S3 Education and childcare facilities  
 Policy S4 Play and informal recreation  
 Policy E1 Offices  
 Policy E2 Providing suitable business space  
 Policy E11 Skills and opportunities for all  
 Policy HC1 Heritage conservation and growth  
 Policy HC3 Strategic and Local Views  
 Policy HC4 London View Management Framework  
 Policy HC6 Supporting the night-time economy  
 Policy E9 Retail, markets and hot food takeaways  
 Policy G1 Green infrastructure  
 Policy G4 Open space  
 Policy G5 Urban greening  
 Policy G6 Biodiversity and access to nature  
 Policy G7 Trees and woodlands

	<p>Policy SI 1 Improving air quality  Policy SI 2 Minimising greenhouse gas emissions  Policy SI 3 Energy infrastructure  Policy SI 4 Managing heat risk  Policy SI 6 Digital connectivity infrastructure  Policy SI 7 Reducing waste and supporting the circular economy  Policy SI 8 Waste capacity and net waste self-sufficiency  Policy SI 12 Flood risk management  Policy SI 13 Sustainable drainage  Policy SI 14 Waterways – strategic role  Policy SI 15 Water transport  Policy SI 16 Waterways – use and enjoyment  Policy SI 17 Protecting and enhancing London’s waterways  Policy T1 Strategic approach to transport  Policy T2 Healthy Streets  Policy T3 Transport capacity, connectivity and safeguarding  Policy T4 Assessing and mitigating transport impacts  Policy T5 Cycling  Policy T6 Car parking  Policy T6.1 Residential parking  Policy T6.5 Non-residential disabled persons parking  Policy T7 Deliveries, servicing and construction  Policy T9 Funding transport infrastructure through planning  Policy DF1 Delivery of the Plan and Planning Obligations</p>
<p><i>Local Development Framework (LDF) Core Strategy (July 2010)</i></p>	<p>Policy CM1: General Principles for Development  Policy CM2: Managing Housing Growth  Policy CM4: Transport Links  Policy CM5: Town Centre Hierarchy  Policy CR1: Climate Change and Environmental Management  Policy CR2: Preserving and Enhancing the Natural Environment.  Policy CR3: Sustainable Waste Management  Policy CR4: Flood Management  Policy CC1: Family Housing  Policy CC2: Social Infrastructure to Meet Community Needs  Policy CC3: Achieving Community Benefits through Developer Contributions  Policy CE1: Vibrant and Prosperous Town Centres  Policy CP2: Protecting and Promoting our Historic Environment  Policy CP3: High Quality Built Environment</p>
<p><i>Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)</i></p>	<p>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 BR7: Open Space (Quality and Quantity)  Policy BR9: Parking  Policy BR10: Sustainable Transport  Policy BR11: Walking and Cycling  Policy BR13: Noise Mitigation</p>

	<p>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 BC10: The Health Impacts of Development  Policy BC11: Utilities  Policy BE1: Protection of Retail Uses  Policy BE3: Retail Outside or on the Edge of Town Centres  Policy BE4: Managing the Evening Economy  Policy BP2: Conservation Areas and Listed Buildings  Policy BP3: Archaeology  Policy BP4: Tall Buildings  Policy BP5: External Amenity Space  Policy BP6: Internal Space Standards  Policy BP8: Protecting Residential Amenity  Policy BP10: Housing Density  Policy BP11: Urban Design</p>
<p><i>The London Borough of Barking and Dagenham’s Draft Local Plan: (Regulation 19 Consultation Version, Autumn 2021) is at an “early” stage of preparation. Having regard to NPPF paragraph 216 the emerging document is now a material consideration and limited weight will be given to the emerging document in decision-making, unless other material considerations indicate that it would not be reasonable to do so.</i></p>	
<p><i>The London Borough of Barking and Dagenham’s Draft Local Plan: (Regulation 19 Submission Version, Autumn 2021)</i></p>	<p>STRATEGIC POLICY SPDG 1: Delivering growth in Barking and Dagenham  STRATEGIC POLICY SPP1: Barking and the River Roding Area  STRATEGIC POLICY SP 2: Delivering a well-designed, high-quality and resilient built environment  POLICY DMD 1: Securing high-quality design  POLICY DMD 2: Tall buildings  POLICY DMD 3: Development in town centres  POLICY DMD 4: Heritage assets and archaeological remains  POLICY DMD 5: Local views  STRATEGIC POLICY SP 3: Delivering homes that meet peoples’ needs  POLICY DMH 1: Affordable housing  POLICY DMH 2: Housing mix  STRATEGIC POLICY SP 4: Delivering social and cultural infrastructure facilities in the right locations  POLICY DME 5: Evening Economy  POLICY DME 3: Encouraging vibrant, resilient, and characterful town centres  POLICY SP6: Green and blue infrastructure  POLICY DMNE 1: Parks, open spaces and play space  POLICY DMNE 2: Urban greening  POLICY DMNE 3: Nature conservation and biodiversity  POLICY DMNE 4: Water Environment  POLICY DMNE 5: Trees  STRATEGIC POLICY SP7: Securing a clean, green and sustainable borough  POLICY DMSI 1: Sustainable design and construction  POLICY DMSI 2: Energy, heat and carbon emissions  POLICY DMSI 3: Nuisance  POLICY DMSI 4: Air quality  POLICY DMSI 5: Land contamination  POLICY DMSI 6: Flood risk and defences</p>

	<p>POLICY DMSI 7: Water management</p> <p>POLICY DMSI 9: Demolition, construction and operational waste</p> <p>POLICY DMSI 10: Smart Utilities</p> <p>STRATEGIC POLICY SP8: Planning for integrated and sustainable transport</p> <p>POLICY DMT 1: Making better connected neighbourhoods</p> <p>POLICY DMT 2: Car parking</p> <p>POLICY DMT 3: Cycle parking</p> <p>POLICY DMT 4: Deliveries, servicing and construction</p> <p>STRATEGIC POLICY SP 9: Managing development</p> <p>POLICY DMM 1: Planning obligations (Section 106)</p>
<p><i>Supplementary Planning Documents</i></p>	<p>DCLG Technical Housing Standards (nationally described space standard) (DCLG, March 2015) (as amended)</p> <p>Housing Supplementary Planning Guidance (GLA, March 2016, Updated August 2017)</p> <p>Housing (2016)</p> <p>Play and Informal Recreation (2012)</p> <p>Energy Assessment Guidance (GLA, October 2018)</p> <p>Sustainable Design and Construction SPG (GLA, April 2014)</p> <p>Abbey and Barking Town Centre Conservation Area Appraisal</p>

**Additional Reference:**

*Human Rights Act*

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

*Equalities*

In determining this planning application, the BeFirst on behalf of the London Borough of Barking & Dagenham has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010 (as amended).

For the purposes of this application there are no adverse equalities issues.

## Appendix 2:

Relevant Planning History:			
<i>Application Number:</i>	21/00159/FULL	<i>Status:</i>	Refused
<i>Description:</i>	<i>Redevelopment of site to provide a 5-9 storey building comprising up to 65 residential units (Use Class C3) with retail units (Use Class E) at ground and part first floors, with associated landscaping and highway works.</i>		
<i>Reasons for refusal</i>	<ol style="list-style-type: none"> <li>1. The proposed development by virtue of its siting, location, and high density will be a stark, crude and isolated development that is piecemeal in nature and represents poor place-making which will unduly impact on the setting of the Grade II listed former Barking Magistrates Court, does not seek to preserve or enhance the character of the Abbey and Barking Town Centre Conservation Area and does not maximise opportunities within the key regeneration area of Barking Town Centre and as such would be contrary to policies CM1, CM2 and CP3 of the Core Strategy, policies BTC16 and BTC19 of the Barking Town Centre Area Action Plan, policy BP11 of the Borough Wide Development Policies Development Plan Document, draft policies SPP1, SP2, DMD1, DMD2, DMD3, DMD4, DMD5 of the Regulation 19 Draft Local Plan, London Plan policies D1, D3, D4, D8, D9, HC1, SD1 and the London Riverside Opportunity Area Planning Framework and the NPPF.</li> <li>2. The proposed development will result in the loss of sunlight and daylight to neighbouring residential occupiers and in particular flats contained within the former Barking Magistrates Court and the Bath House buildings. The proposal is considered to impact on the living standards of the neighbouring residential occupiers, contrary to policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document and the NPPF.</li> <li>3. Insufficient information has been submitted and the application has failed to demonstrate that there would not be an unacceptable impact on highway safety particularly in respect of the location of the blue badge car parking spaces conflicting with access to the market, contrary to the NPPF.</li> </ol>		
<i>Application Number:</i>	19/00770/FUL	<i>Status:</i>	Refused
<i>Description:</i>	<i>Redevelopment of site to provide a 6-9 storey building comprising 79 residential units (35 x 1-bed, 15 x 2-bed and 29 x 3-bed flats) with 1,210m2 of retail space (Use Class A1) at ground and part first floors</i>		
<i>Reasons for refusal</i>	<ol style="list-style-type: none"> <li>1. The proposed development by virtue of its siting, location, unexemplary design and high density will be a stark, crude and isolated development in the town centre that is piecemeal in nature and represents poor place-making which will unduly impact on the setting of the Grade II listed former Barking Magistrates Court, does not seek to preserve or enhance the character of the Abbey and Barking Town Centre Conservation Area and does not maximise opportunities within the key regeneration area of Barking Town Centre and as such would be contrary to policies CM1, CM2 and CP3 of the Core Strategy, policies BTC16 and BTC19 of the Barking Town Centre Area Action Plan, policy BP11 of the Borough Wide Development Policies Development Plan Document, London Plan policies 3.4, 7.4, 7.6 and 7.7, draft London Plan policies D1, D4, D3, D9, HC1, SD1 and the London Riverside Opportunity Area Planning Framework.</li> <li>2. The proposed first floor flats on the south-western elevation facing Grove Place will be separated from the flank wall of 32 East Street by a distance of only 6 metres resulting in poor outlook from the</li> </ol>		

proposed flats, detrimental to the amenities enjoyed and living standards of future occupiers of the development, contrary to policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

3. The proposed development will result in the loss of sunlight and daylight to neighbouring residential occupiers and in particular flats contained within the former Barking Magistrates Court and the Bath House buildings. The application has also failed to demonstrate that flats within the development and the courtyard area will receive adequate sunlight levels. The proposal is considered to impact on the living standards of the neighbouring residential occupiers and potential occupiers of the proposed development, contrary to policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.
4. The proposed development by virtue of the first floor internal layout will result in four isolated residential units which provides an uninviting and poor quality environment and represents poor design for potential residents contrary to policy BTC16 of the Barking Town Centre Area Action Plan, policy BP11 of the Borough Wide Development Policies Development Plan Document, London Plan policy 3.5 and draft London Plan policies D1 and D6.
5. The application has failed to demonstrate that sufficient children's playspace provision will be provided for the development and as such will be detrimental to the living standards and amenities enjoyed by future occupants of the development, contrary to London Plan policy 3.6, draft London Plan policy S4 and the Mayor's Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance.
6. The location of the proposed blue badge spaces is considered unsatisfactory, posing a potentially hazardous conflict with the existing turning head area on Clockhouse Avenue and the plant and refuse access to the former Barking Magistrates Court building, and as such is contrary to policies BR9 and BR10 of the Borough Wide Development Policies Development Plan Document and draft London Plan policies T6 and T6.1.
7. The proposed application has not been accompanied by an adequate Archaeological Written Scheme of Investigation to inform Historic England of the impact of the design proposals on this Archaeological Priority Area, contrary to policy BP3 of the Borough Wide Development Policies Development Plan Document.
8. The application has failed to provide details of the breakdown of the proposed affordable housing tenure and as such has not satisfactorily demonstrated that the proposal will accord with the Mayor's fast-track viability route, contrary to London Plan policies 3.10-3.13 and draft London Plan policies H4-H6.

### Appendix 3:

The following consultations have been undertaken:

- TfL
- LBBD Energy
- Designing Out Crime Officer, Metropolitan Police
- Historic England (Buildings)
- Historic England (Archaeology) (GLAAS)
- LBBD Access Officer
- Be First Transport Officers
- LBBD Flood Risk Manager (LLFA)
- LBBD Arboricultural Officer
- LBBD Environmental Health Officer
- Thames Water
- London City Airport
- HSE
- London Fire Brigade

Summary of Consultation responses:		
Consultee and date received	Summary of Comments	Officer Comments
LBBD Energy 22/10/2021	Concerns raised regarding the Energy Strategy as the heating network exists and is not just proposed therefore according to the Mayor's hierarchy the development should connect to it, not make provision to connect in the future. The Government are in the process of amending Part L/SAP so that gas fired CHP is recognised as a carbon reduction technology which is expected to be published shortly. Proposing low Nox boilers when there is a DH main adjacent to the site is not acceptable under GLA planning policy.	This is addressed by officers above.
Designing Out Crime Officer Letter, 22/10/2021	<p>Areas requiring mitigation:</p> <ol style="list-style-type: none"> <li>1. Active street scenes – where possible there should be as much activity at ground level as possible to increase natural surveillance. Ground floors that only contain bike storeys, bin stores and entrance lobbies are best avoided.</li> <li>2. Public realm – clear legible signage for vehicles and avoidance of open paved areas open to poor an inconsiderate parking. Any street furniture should be robust and vandal resistant.</li> <li>3. External lighting and CCTV should cover the entire scheme including play space.</li> <li>4. Ground floor commercial units should be adequately protected</li> <li>5. Residential entrances to have secure post lobby at ground floor and residential cores to require compartmentation to reduce movement through the block.</li> <li>6. Access controlled (fob) access to all bin rooms and cycle stores, supported with self-closing and self locking single leaf doorsets.</li> </ol>	Officers consider adequate safety and security measures can be addressed through the imposition of the planning condition as recommended.

	<p>7. Roof terraces and podiums should only be available to the intended user and require secure access</p> <p><u>Security condition:-</u></p> <p>The proposed development shall achieve a Certificate of Compliance in respect of the Secured by Design scheme, or alternatively achieve security standards (based on Secured by Design principles) to the satisfaction of the local authority &amp; Metropolitan Police, details of which shall be provided to the Local Planning Authority for its written approval prior to the first occupation of the approved development. All security measures applied to the approved development shall be permanently retained thereafter.</p> <p>REASON: To provide a safer environment for future residents and visitors to the site and reduce the fear of crime.</p>	
<p>Historic England (buildings) 09/11/2021</p>	<p>Previously expressed in-principle support for the investment along the historic high street, and recognised the opportunities to improve upon poor townscape quality of the existing building at 36-42 East Street.</p> <p>However, previously maintained that the redevelopment would be of a very large scale for a high street plot. Whilst HE acknowledged that building height and density is increasing around Barking Town Centre, the development site is particularly sensitive to us due to its positioning along the historic high street. HE previously felt that there remained a somewhat stark contrast in scale between the proposed development the surrounding historic buildings that would likely result in some harm to the appreciation of Barking's historic market town grain, scale and character. Harm would also result from the loss of the existing building at 34 East Street due to its identification as a Positive Contributor in your Council's recently updated Conservation Appraisal and Management Plan (Purcell, October 2020, p48).</p> <p><u>Historic England's position on the current proposals</u></p> <p>The revised scheme includes the reduction in height of Block B, Block C and Block D by one storey, the creation of blind windows to Block D facing East Street and the introduction of lighter brick tones.</p> <p>The submitted visualisations suggest the revised proposals would appear less visually dominant in views along East Street than the previous iteration due to the overall reduction in height and changes in materiality. However, the introduction of blind windows provides only a very modest improvement to the presentation of Block D along East Street, as it still remains an inactive part of the building frontage. This could be resolved by relocating the stair core away from the front of the building. Further improvements to Block D and its relationship with the conservation area could include a different architectural treatment to the top storey of the building so it reads as a</p>	<p>Heritage issues are assessed in the report above and the harm is assessed in line with paragraphs 200 and 202 of the NPPF.</p>

	<p>roof element, reducing the overall bulk and massing in views along East Street.</p> <p>On the basis of the scheme as currently submitted, HE consider the level of harm to the conservation area to be slightly lower than previously identified. However, we maintain that some harm would result from these proposals due to the demolition of 34 East Street (in accordance with the revised NPPF, Paragraph 207), and the stark contrast between the scale of the proposed development and the more modest market town grain, scale and character of the conservation area.</p> <p>It will be for your Authority to consider whether this harm has been clearly and convincingly justified and outweighed by the public benefits of the proposals in accordance with Paragraphs 200 and 202 of the NPPF respectively.</p> <p><b>Recommendation</b>  Historic England is encouraged by the further positive changes to the scheme since our last consultation, but remains of the view that some harm would result from these proposals which could be further mitigated by addressing the comments set out above. Should your Authority wish to determine the application as currently submitted, we would urge you to take account of the harm we have identified in coming to a decision.</p>	
<p>Historic England  (Archaeology)  (GLAAS)  05/11/2021</p>	<p>The planning application lies in an area of archaeological interest, in the historic core of Saxon and mediaeval Barking. Paragraph 205 of the NPPF says that applicants should record the significance of any heritage assets that the development harms.</p> <p>Recent excavations in difficult conditions immediately to the north at the rear of the former Barking Magistrates Court found early and middle Saxon activity and medieval remains. These included high status eighth century Ipswich Ware pottery, quern fragments and grain and a ninth century loom weight. Analyses of these finds have provided valuable information on Barking's secular history, alongside the development of the Abbey to the south west.</p> <p>The size of the application site and the lack of an existing basement likely mean that further remains survive and would be harmed by the proposed scheme. Well preserved archaeology of the Saxon town would be remains of national importance and would merit preservation and interpretation under any approved scheme.</p> <p>Although some form of limited field evaluation, likely test pits in the standing building, would be feasible inform a decision, it is the case that such work would not provide a reliable picture of archaeological potential given the different land uses, both historical and current at the site and their impacts on an archaeological programme. Given the constraints, it is advised that archaeological</p>	<p>Archaeological matters are discussed above and officers consider the conditions necessary.</p>

	<p>investigation by condition, with a second condition allowing scope to amend the foundation scheme if needed, would be acceptable to GLAAS.</p> <p>The development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such a two stage archaeological condition could provide an acceptable safeguard.</p> <p>A pre-commencement condition for a Written Scheme of Investigation is recommended to safeguard the archaeological interest of the site. A second condition is also recommended requiring the submission of foundation design and construction method to protect archaeological remains</p>	
<p>LBBB Access Officer 09/11/2021 18/01/2022</p>	<p>Initial comments:</p> <ul style="list-style-type: none"> <li>• Good to see they have addressed concerns about wheelchair units in the affordable tenure. However, the wheelchair units on 4th 5th 6th floors have a clumsy layout which will be difficult for a wheelchair user.</li> <li>• Developer has failed to address concerns regarding the ground floor southern residential entrance, (adjacent to retail unit 6) there's a cluster of doors at bottom of stairs into lift area.</li> <li>• Good to see sliding doors within the units</li> </ul> <p>Further comments:</p> <ul style="list-style-type: none"> <li>• Happy the extra door has been removed.</li> <li>• Whilst the wheelchair units are as efficient as they can be for their design, the units provide the most awkward layout for disabled people. The standard units have square rooms with doorways opening to clear spaces, the doorway to the living space of the wheelchair units open onto a wall, which would make it awkward for a wheelchair user.</li> </ul>	<p>Accessibility issues are considered above.</p>
<p>Be First Transport Officers</p>	<p><i>Site Access</i> Pedestrian access to the site will be taken from two points on Clockhouse Avenue on the east and south frontages of the building. Both access point will include lift cores for easy access to the upper floors. Two separate cycle stores will be located at ground floor for the residents. The cycle store accesses will be located on the south and west sides of the building.</p> <p><i>Vehicular Parking</i> The development is situated in PTAL location 6b meaning it has excellent access to public transport and to be in line with our local plan policies and The New London Plan, this development should be car free and car permit free. Future occupants of the residential units must be</p>	<p>The matters are assessed in the report above.</p>

restrained from obtaining a parking permit and this must be secured via legal agreement.

Applicant has proposed to provide 2 on street disabled parking bays. According to The New London Plan 2021 – “Where there is no general parking provision in the development, disabled persons car parking should still be provided (as stated in Policy T6 B). Guidance will set out how disabled persons parking within car free development should be approached, including how on-site and off-site provision should be approached in line with inclusive design principles.

In these car-free developments, the ability to provide nearby on-street spaces should be assessed, and these spaces should then be requested and converted to disabled persons parking bays when they are required. This follows the process used when Blue Badge holders move into homes in much of the existing housing stock and that which is also already used for new development in a number of inner London boroughs. In these instances, a Controlled Parking Zone (CPZ) should be in place to limit the use of the spaces to residents (CPZs are already in place in the majority of areas proposed to have car-free standards).”

From my assessment, the location of both newly proposed disabled on street bays are not appropriate as one will cause obstruction and hindrance to street market entrance/emergency vehicles and the second one will require removal of on street traffic calming measure in place which will require further consultation and TMO amendments.

As suggested in Disabled Persons Transport Advisory Committee, minimum dimensions are still prescribed for bays reserved for disabled badge holders. These must be a minimum of 6.6 m long, 2.7 m wide, or 3 m wide where placed in the centre of the carriageway. The proposed bays does not meet this criteria either.

After considering the current situation and the fact that there are several disabled on-street bays in the vicinity of the site, my recommendation is that if a situation arise where the occupant requires additional disabled parking bay , then we can consider Policy T6.1 H3 of The New London Plan which requires applicants to pay a commuted sum to fund future provision of disabled persons parking if it will be provided on-street. This is required to provide boroughs with the funding needed to convert on-street spaces to disabled persons parking bays if later required.

*Cycle Parking:*

Based on the minimum cycle parking standards set out in the London Plan (refer to Chapter 4), the proposed 1,314 m<sup>2</sup> of retail floor area would require 5 short stay and 18 long stay spaces, while the proposed flats would require a

minimum of 105 long stay and 3 short stay spaces.

Two separate cycle stores will be located at ground floor for the residents. The cycle store accesses will be located on the south and west sides of the building. A total of 119 cycle parking spaces will be provided for the residents and 5 spaces will be provided for staff working in the retail units. In addition, 22 short term cycle parking spaces, using Sheffield stands will be provided in the vicinity of the site for visitors.

Prior to the occupation of the units, applicant must implement the cycle parking spaces and submit details of the installed products in line with the Local and London Plan policies.

In order to promote alternative, sustainable forms of transport, in accordance with The Local Plan POLICY DMT 3 and The London Plan 2021 policy T5.

#### *Highways Works*

Applicant is expected to enter into a section 278 agreement with the council to do necessary highways works around the development at the applicants cost, this includes installation of on street cycle parking spaces and any improvement/alterations to the public highway.

#### *Travel Plan*

A Residential Travel Plan should be secured by way of s106 and a contribution should be secured by s106 for monitoring the Travel Plan.

#### *Construction Logistics Plan*

Applicant has submitted an outline CMP with the application.

We would require the applicant to submit a Construction Logistics Plan document in line with the TfL guidance. Prior to the commencement of any construction activities, a CLP in line with the TfL guidelines shall be submitted to and approved in writing by the Council. The details shall include the numbers, size and routes of construction vehicles, provisions within/around the site to ensure that all vehicles associated with the construction works are properly managed to prevent any unwanted disruption to other highway users, and other matters relating to traffic management to be agreed with the licencing officers of the council. Approved details shall be implemented throughout the project period and any changes to the document must be reported back to the council's planning and highways department.

Reason: To ensure that appropriate steps are taken to limit the impact of the proposed demolition and construction works on the operation of the public highway,

	<p>the amenities of local residents and the area generally in accordance with Policy DMT 4 of The Local Plan. If required, we should provide the applicant with a CLP Proforma.</p> <p><i>Informative</i> Applicant must obtain all the relevant licences prior to the commencement of any construction activities. This includes skip permits, material licences, scaffolding and hoarding licences etc.</p> <p>There may need to be an agreement between the Council and developer to cover any incidental damages to the highway, as a result of the passage of demolition and construction lorries and plant along these public roads. Applicant should apply for relevant licences through the councils website.</p>	
<p>LBBB Flood Risk Manager (LLFA) 08/04/2021</p>	<p>Following the submission of the SuDs proforma and confirmation on the information in Appended to the FRA, the Flood Risk Manager has reviewed the submitted information and confirmed acceptance of the proposals.</p>	<p>Noted.</p>
<p>LBBB Arboricultural Officer</p>	<p>No response has been received to the current application, however the previous response to application 21/00259/FULL is below:</p> <p><i>The Arboricultural officer commented with a number of questions in respect to the loss of 4no. lime trees near the folly. These are old town centre trees that go back many decades. It is not practical to keep them if this proposal is accepted, but they are not significant enough to object to the proposal for arboricultural reasons alone. They can be replaced with a good enough landscape package. This should involve five new semi-mature trees as described in the attached communications, and shown in the proposed site plan.</i></p> <p><i>The applicant responded to questions raised by the Arboricultural officers, confirming the CAVAT valuation for the four mature lime trees, and the value for new tree planning for six trees. As the value of the replacement trees would be less than the trees lost, the applicant has confirmed agreement to an additional sum of £7,784 to be made available to LBBB Parks and Environment.</i></p> <p><i>The Arboricultural Officer responded on 02/03/2021 to confirm acceptance of the proposals, arboricultural report and CAVAT valuation and recommends that confirmation of the planting and follow up 3 year maintenance plan carried out by independent contractors appointed by the development team should be secured if planning permission is granted.</i></p>	<p>Officers acknowledge the arboricultural officer's position and agree that an appropriately worded condition should be added if planning permission is granted to secure the maintenance of the trees, and a planning obligation for the sum of £7,784 to be made available to LBBB Parks and Environment.</p> <p>The circumstances in respect of trees have not changed since the previous application and as such this information is considered relevant and appropriate.</p>
<p>LBBB Environmental Health Officer 01/03/2021</p>	<p>It is noted that additional information has been submitted since the consultation response was issued for the previous application 21/00159/FULL.</p>	<p>Noted and discussed in the report above. Conditions are imposed as recommended, where</p>

	<p>Contaminated land – intrusive investigation is required and a condition is recommended. Notes that the submissions fulfil some aspects of the recommended condition.</p> <p>Noise – whilst an additional survey has been completed, concerns regarding early morning noise from the market remain, as this has not been surveyed. The precise details of the mechanical services plant and refrigeration equipment are not known at this stage. The new report proposes that plant noise criteria should be secured by condition. The report also states <i>For the new residential apartments acoustic windows will be installed to all rooms and alternative means of ventilation will be provided to enable windows to be closed to control noise. The exact details of the window system will depend on the final design of the development and can be controlled through planning condition.</i>”</p> <p>Therefore the following conditions are recommended:</p> <ul style="list-style-type: none"> <li>- Scheme of acoustic protection</li> <li>- Noise from non-residential uses and plant and structure borne noise emissions</li> </ul> <p>With regards to deliveries the report states “It is not anticipated that unloading will take place during noise sensitive periods”, therefore it is recommended that a condition is imposed restricting the hours of deliveries.</p> <p>Air quality – as a major development a s106 should contribute to the implementation of the Air Quality Action Plan. The SPD is currently in development.</p> <p>Construction Phase – the construction phase report is broadly accepted providing a line is added stating that the applicant will inform residents and environmental health the name and contact number for complaints when the site is operating.</p>	<p>necessary.</p>
<p>Thames Water 21/10/2021</p>	<p>The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the imposition of a pre-commencement condition for the submission of a piling method statement.</p> <p>Would expect the developer to demonstrate measures to minimise groundwater discharges into the public sewer. Thames water recommend an informative.</p> <p>With regard to surface water drainage, if the developer follows the sequential approach, Thames Water have no objection. Management of surface water from new developments should follow Policy SI 13 Sustainable drainage of the London Plan 2021. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.</p> <p>No objections with regard to waste water network and sewage treatment works infrastructure capacity.</p>	<p>The recommended condition and informative should be imposed.</p>
<p>TfL Spatial Planning</p>	<p>The closest part of the Transport for London Road Network (TLRN) is along North Circular Road 600m west</p>	<p>Transport matters are assessed within the main</p>

of the Site.

Given the quantum of commercial floor space proposed, in addition to residential units, the Application should have been accompanied by a full Healthy Streets Transport Assessment (TA), including an Active Travel Zone (ATZ) assessment providing an audit of key pedestrian and cyclist routes against the Healthy Streets indicators. We would expect the Council to secure funding, commensurate with the nature and scale of the development, toward rectifying any deficiencies identified in the ATZ assessment, in line with Policy T2(D).

This TA should also include a multi-mode trip generation exercise assessing the expected additional trips generated by the scheme and their impact upon the strategic highway and public transport network. If the TA identifies impacts, in particular on Barking Station which we know is already congested, then we would expect the Council to secure a contribution toward any scheme(s) intended to address that congestion.

TfL note and welcome changes proposed to the public realm to accommodate short-stay cycle parking. However, the stands are not mounted appropriately (one wheel of each cycle is likely to overhang the kerb). Further, if mounted correctly and assuming a cycle could take up to 2.0m length (as in the London Cycle Design Standards, LCDS, chapter 8), the cycle parking will create a pedestrian pinch-point at the corner of about 1.6m at the corner of the building. We advise that further design work is undertaken to resolve these issues.

The applicant should confirm that Grove Place will be reopened following the expiry of permission 16/00204/REG3 in order to maximise permeability for pedestrians and cyclists.

The quantum of long and short-stay cycle parking exceeds the minimum requirements of London Plan policy T5 which is welcomed. Two residential cycle stores have been labelled on plans however it is not clear from the plans provided where long-stay cycle parking for the commercial units will be located. It would be acceptable for commercial cycle parking (i.e. for workers) to be co-located with that for residents.

The plans appear to comprise all two-tier racks aside from one Sheffield stand and two wall-mounted locking points. This does not appear to meet the requirement at 5% of stands should be suitable for wider cycles. The two-tier racks are shown with less than 2.5m aisle width. This will make them even more difficult to use.

We are concerned that cycle stores open out onto public areas. This raises issues of personal security contrary to TfL's and the Council's duties under Section 17 of the

body of the report, with suitable planning conditions and heads of terms recommended where officers consider necessary.

	<p>Crime and Disorder Act 1998. Access should be via the residential lobby, affording cyclists the same level of security as other residents.</p> <p>The provision of two disabled persons' parking spaces does not meet the London Plan minimum requirement of 3% (of total residential units) initially with proof that it could be increased to 10% if needed. However, given the town centre location and the fact that bus and rail services in the town centre are all wheelchair-accessible, we would be content should the development come forward with no disabled persons' parking.</p> <p>A permit-free agreement should be secured with any permission so that residents are unable to obtain residents' parking permits or contracts to park in the Council's car parks.</p> <p>The application should follow latest Construction and Delivery and Servicing standards in line with London Plan policy T7.</p> <p>The outline Construction Management Plan currently lacks detail on the expected construction programme with dates and durations, daily construction delivery numbers for each phase of the construction works, or a commitment to using only FORS silver or above accredited contractors, which given the Site's sensitive town centre location is considered vital. This information should be provided prior to determination to ensure impact upon vulnerable road users is minimised in line with the Mayor's Vision Zero objective.</p> <p>Whilst it is noted and welcomed that construction-related deliveries will be accommodated on site, the CMP at present lacks details through provision of a plan of the Site set-up during construction.</p>	
HSE	<p>The location of the dry riser is not consistent with the fire service site plan.</p> <p>The proposed solution for the dry riser in block B will result in the run of a long horizontal connecting pipe which may affect performance of the fire main.</p> <p>Distance on the ground floor and first floor drawings noted with regards to potential restrictions in terms of maximum length of firefighter hoses.</p> <p>Section 13 of the submitted report does not confirm reliance on the use of existing hydrants. Further information requested.</p> <p>Elements of the submitted fire statement do not appear to be provided in-line with government guidance on completing fire statements published on 22 July 2021 (e.g., siting of appliances for firefighting purposes, firefighters access points to the building, location of inlet dry risers, location of water hydrants the proposals rely on and associated distances are not shown on the fire service site plan).</p>	<p>The applicant has sought to address the comments raised and has made the following amendments:</p> <ul style="list-style-type: none"> <li>- Dry risers now shown to be in stairwells</li> <li>- Dry riser added to the rear of retail unit 1</li> <li>- Hydrants added to fire plan and connection distances are confirmed acceptable</li> <li>- Horizontal runs for dry risers all under 18m as per guidance</li> </ul> <p>Further consultation has been sought with HSE to confirm they are happy with the amendments but no response has been</p>

		received to date.
London Fire Brigade 01/12/2021	No observations to make.	Noted.

#### Appendix 4:

<b>Neighbour Notification:</b>	
<b>Number of neighbouring properties consulted:</b>	1,260
<b>Number of responses:</b>	2
<b>Address:</b>	<b>Summary of response:</b>
<i>Barking and Dagenham Heritage Conservation Group</i>	<i>Object to the development on various social and environmental grounds as well as the threat to local heritage within a conservation area. The 59 flats will add to general congestion in Barking which is already overcrowded. The properties will not address the demand for affordable housing. The application should be refused as it does not benefit Barking.</i>
	<i>Object to the development because it will drastically and negatively affect quality of life due to impact on both light and privacy. The level of natural light to property almost all comes from the direction of the proposed development and will be reduced significantly, with virtually no natural light during at least half of the period of day which it is currently available. Severe impact on living space directly overlooked by the new development Will reduce the amount of light available in the spaces outside the building which are frequently used by families Despite the one store reduction in height, it will make virtually no difference to the above impacts.</i>

#### **Officer Summary:**

Officers note receipt of the objections listed above. The material planning considerations are addressed within the planning assessment.

## Appendix 5:

### Habitat Regulation Assessment: Epping Forest Special Area of Conservation (SAC) Screening Matrix and Appropriate Assessment (AA) Statement

#### Stage 1: Screening Assessment

(Screening under Regulation 63(1)(a) of the Habitats Regulations)

Officers have considered the development type and proximity to Epping Forest Special Area of Conservation (SAC) and confirm that the application is for new residential development within the 6.2KM Zone of Influence (Zol) for the Epping Forest Special Area of Conservation.

It is considered that, without mitigation, all new residential development within regular walking/driving distance of Epping Forest Special Area of Conservation would constitute a likely significant effect through increased recreational pressure, when considered either 'alone' or 'in combination' with other such development. The unique attraction of the Forest presents a strong draw as a place to undertake recreational activities on a regular basis; such activities (e.g. walking, dog walking, etc.) can lead to negative impacts on the sensitive interest features of the SAC (both habitats and species) through, for example, trampling of vegetation, compaction of soil, damage to tree roots and eutrophication of soil etc.

Visitor surveys have been undertaken to understand the distances within which residents from such development will travel to visit the SAC; this distance is referred to as a Zone of Influence (Zol). Following the recent CJEU 'People Over Wind' (or Sweetman II) ruling, avoidance and mitigation measures can no longer be taken into account as part of a planning application at this stage of the Habitat Regulation Assessment process. Therefore, all relevant development within scope of the Epping Forest Mitigation Strategy must progress to Habitat Regulation Assessment Stage 2: Appropriate Assessment, even where mitigation is proposed.

## Stage 2: Appropriate Assessment

(Screening under Regulation 63(1)(a) of the Habitats Regulations)

Epping Forest (the Forest) was a former royal forest and whilst it is London's largest open space, it also provides significant open space opportunities for residents from within and beyond Epping Forest District. It covers some 2400 hectares framed by Walthamstow to the south, the Lee Valley to the west, the M11 to the east and the M25 to the north. The Forest comprises wood-pasture with habitats of high nature conservation value including ancient semi-natural woodland, old grassland plains, wet and dry heathland and scattered wetland.

It is considered that, any additional homes built within the ZoI, when taken in combination with other plans and projects, have the potential to increase pressure on the Epping Forest Special Area of Conservation, and have a Likely Significant Effect on its health as a Special Area of Conservation. It is acknowledged by Natural England that there is no way of preventing more people who come to live in the ZoI as a result of new residential development from visiting the Forest in order to avoid placing further pressures on it and as such there is a need to undertake measures to mitigate these Likely Significant Effects and for new developments to make a contribution towards their implementation.

The Interim Approach to Managing Recreational Pressures on the Epping Forest Special Area of Conservation (SAMMS) produced by Natural England, (dated 5<sup>th</sup> October 2018) sets out a number of costed schemes and people resources needed to mitigate the harm of increased recreational pressure on Epping Forest Special Area of Conservation as a result of new residential development. These schemes include:

- Traffic control and car impact reduction measures
- Physical management of paths and tracks
- New, extended & re-aligned paths & circular walks
- New signage at transport nodes
- Visitor engagement campaigns, Bicycle hire scheme and Cycle Maps

Natural England agree that the above strategic mitigation measures (to be delivered by the City of London Conservators) are ecologically sound and will ensure that development, considered in-combination, does not have an adverse effect on the integrity of the Epping Forest Special Area of Conservation.

## Stage 3: Summary of Appropriate Assessment

(Screening under Regulation 63(1)(a) of the Habitats Regulations)

Having considered the proposed avoidance and mitigation measures above, the London Borough of Barking & Dagenham conclude that with mitigation the project will not have an adverse effect on the integrity of the Epping Forest Special Area of Conservation included within the Epping Forest Mitigation Strategy.

Further, having regard to the results of the 2019/20 Epping Forest Visitor Survey, it is confirmed that '*very few people from Barking and Dagenham visited the SAC*' and as such Natural England have confirmed in writing (17<sup>th</sup> September 2020) that no mitigation is required.

Having made this appropriate assessment of the implications of the plan or project for the site in view of that site's conservation objectives, the authority may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017.

In addition this appropriate assessment has taken into account the Epping Forest Special Area of Conservation (SAC) Interim Mitigation Strategy Dated 06 March 2019 prepared by Natural England.

## Appendix 6:

### Planning conditions

#### 1. Statutory Time Limit - Planning Permission

The development hereby permitted shall be commenced before the expiration of THREE YEARS from the date of this permission.

*Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).*

#### 2. Development in Accordance with Approved Plans

The development hereby approved shall only be carried out in accordance with the approved plans listed below:

- Site and Location Plan Drawing No. RA\_15026\_A\_00\_001 Rev. PL03, dated 19.01.2021
- Proposed Site Plan Drawing No. 15026-RA-XX-00-DR-A\_050 Rev. P04, dated 7.10.2021
- Proposed Ground Floor Plan Drawing No. 15026-RA-XX-00-DR-A\_150 Rev. P08, dated 30.09.2021
- Proposed 1st Floor Plan Drawing No. 15026-RA-XX-01-DR-A\_151 Rev. P06, dated 30.09.2021
- Proposed 2nd Floor Plan Drawing No. 15026-RA-XX-02-DR-A\_152 Rev. P06, dated 30.09.2021
- Proposed 3rd Floor Plan Drawing No. 15026-RA-XX-03-DR-A\_153 Rev. P06, dated 30.09.2021
- Proposed 4th Floor Plan Drawing No. 15026-RA-XX-04-DR-A\_154 Rev. P06, dated 30.09.2021
- Proposed 5th Floor Plan Drawing No. 15026-RA-XX-05-DR-A\_155 Rev. P08, dated 30.09.2021
- Proposed 6th Floor Plan Drawing No. 15026-RA-XX-06-DR-A\_156 Rev. P06, dated 30.09.2021
- Proposed 7th Floor Plan Drawing No. 15026-RA-XX-07-DR-A\_157 Rev. P07, dated 30.09.2021
- Proposed Roof Plan Drawing No. 15026-RA-XX-RF-DR-A\_159 Rev. P07, dated 30.09.2021
- Proposed North West Elevation Drawing No. 15026-RA-XX-XX-DR-A\_201 Rev. P07, dated 30.09.2021
- Proposed North East Elevation Drawing No. 15026-RA-XX-XX-DR-A\_202 Rev. P07, dated 30.09.2021
- Proposed South East Elevation Drawing No. 15026-RA-XX-XX-DR-A\_203 Rev. P07, dated 30.09.2021
- Proposed South West Elevation Drawing No. 15026-RA-XX-XX-DR-A\_204 Rev. P07, dated 30.09.2021
- Proposed Section A-A Drawing No. 15026-RA-XX-XX-DR-A\_301 Rev. P05, dated 30.09.2021
- Proposed Section B-B Drawing No. 15026-RA-XX-XX-DR-A\_302 Rev. P05, dated 30.09.2021
- GL Landscape Plan Drawing No. 511.01 Rev B prepared by Philip Cave Associates, dated 18.01.2022
- Fire Drawing 15026-RA-XX-XX-DRA-A SK023 P05, dated 03.12.2021
- Proposed First Floor Plan Affordable Housing 15026-RA-XX-01-DR-A-19 P01, dated 21.01.2022
- Proposed 2nd Floor Plan Affordable Housing Plan 15026-RA-XX-02-DR-A\_192 P01, dated 21.01.2022
- Proposed 3rd floor - Affordable Housing Plan 15026-RA-XX-03-DR-A\_193 P01, dated 21.01.2022

- Proposed 4th Floor - Affordable Housing Plan 15026-RA-XX-04-DR-A\_194 P01, dated 21.01.2022
- Proposed 5th floor - Affordable Housing Plan 15026-RA-XX-05-DR-A\_195 P01, dated 21.01.2022
- Proposed 6th Floor - Affordable Housing Plan 15026-RA-XX-06-DR-A\_196 P01, dated 21.01.2022
- Proposed 7th Floor - Affordable Housing Plan 15026-RA-XX-07-DR-A\_197 P01, dated 21.01.2022
- Planning Statement (with Appendices), prepared by Centro Planning Consultancy, dated 10.2021
- Design and Access Statement Rev 6, prepared by Ruff Architects, dated 10.2021
- Heritage, Townscape and Visual Assessment, prepared by CityDesigner, dated 10.2021
- Accommodation Schedule Rev 06, prepared by Ruff Architects
- Areas Schedule Rev 04, prepared by Ruff Architects
- GLA Population Yield Calculator, prepared by Centro Planning Consultancy
- Affordable Housing Statement, prepared by Housing People Partnerships, dated 08.09.2021
- Bat Roost Potential Survey Issue 03, prepared by Delta Simons, dated 01.2021
- Archaeology Desk-based Assessment, Rev 02, prepared by Pre-construct Archaeology, dated 09.09.2021
- Archaeology Geoarchaeological Deposit Model Report V.1, prepared by Quest, dated 30.05.2020
- Geo-Environmental Report Issue 4, prepared by Delta-Simons, dated 09.2021
- Noise Impact AssessmentR.3, prepared by Sharps-Redmore, dated 27.09.2021
- Statement of Community Involvement, prepared by ECF dated 09.2021
- Sustainable Drainage Strategy, Rev B, prepared by MAB, dated 08.2021
- Daylight and Sunlight Report, prepared by CPMC, dated 09.2021
- Proposed Accommodation Light Assessment, prepared by CPMC, dated 30.09.2021
- Air Quality Assessment V4, prepared by Aether, 08.09.2021
- Arboricultural Impact Assessment, prepared by Marcus Foster, dated 09.2021
- Arboriculture CAVAT Valuation, prepared by Marcus Foster, dated 01.2021
- Energy and Sustainability Statement, prepared by JS Lewis, dated 09.2021
- Transport Statement Rev B, prepared by Transport Planning Associates, dated 10.2021
- Construction Management Plan and Methodology Statement 003, prepared by Academy Consulting, dated 07.09.2021
- Fire Statement Form, prepared by Jensen Hughes, dated 15.09.2021
- Outline Fire Strategy, prepared by Jensen Hughes, dated 28.09.2021
- SUDS Proforma, prepared by MAB Consulting

No other drawings or documents apply.

*Reason: To ensure that the development is undertaken in accordance with the approved drawing(s) and document(s) to ensure that the finished appearance of the development will enhance the character and visual amenities of the area and to satisfactorily protect the residential amenities of nearby occupiers.*

### **Pre-commencement**

3. Contaminated Land

No development (other than other than that required to carry out the assessment) shall commence until:

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

Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

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

(iii) an appraisal of options for remediation if necessary, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'; and, if found to be necessary in the investigation and risk assessment,

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

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

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met.

(d) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

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

#### 4. Archaeology – Written Scheme of Investigation

No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning

authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. Where appropriate, details of a programme for delivering related positive public benefits. Written schemes of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

*Reason: To safeguard the archaeological interest on this site.*

#### 5. Archaeology – Foundation Design

No development shall take place until details of the foundation design and construction method to protect archaeological remains have been submitted and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details

*Reason: To safeguard the archaeological interest on this site.*

#### 6. Piling Method Statement

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 underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.*

#### 7. Construction Logistics Plan

Prior to demolition, a CLP in line with the TfL guidelines shall be submitted to and approved in writing by the Council. The details shall include the numbers, size and routes of construction vehicles, provisions within/around the site to ensure that all vehicles associated with the construction works are properly managed to prevent any unwanted disruption to other highway users, and other matters relating to traffic management to be agreed with the licencing officers of the council. Approved details shall be implemented throughout the project period and any changes to the document must be reported back to the council's planning and highways department.

*Reason: To ensure that appropriate steps are taken to limit the impact of the proposed demolition and construction works on the operation of the public highway, the amenities of local residents and the area*

### **Prior to above ground works**

#### 8. Scheme of Acoustic Protection

Prior to above ground works full details of a scheme of acoustic protection of habitable rooms against noise shall be 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:

- a. 35 dB LAeq in living rooms and bedrooms (07:00 hours to 23:00 hours) with windows closed; and
- b. 30 dB LAeq in bedrooms (23:00 hours to 07:00 hours) with windows closed.

Additionally, where the internal noise levels will exceed 40 dB LAeq in living rooms and bedrooms (07:00 hours to 23:00 hours) or 35dB LAeq in bedrooms (23:00 hours to 07:00 hours) with windows open the scheme of acoustic protection shall incorporate a ventilation system which is commensurate with the performance specification set out in the Acoustic Ventilation and Overheating Residential Design Guide January 2020. 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 and policy 7.15 of the London Plan.*

#### 9. Refuse Strategy

No above ground development shall commence until a detailed residential and commercial refuse strategy, including 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*

#### 10. Details of External Materials

Prior to above ground works full details and samples of materials to be used in the construction of the external surfaces (including balcony details), their finish and any resulting treatment of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.

*Reason: In order to protect or enhance the character and amenity of the area*

#### 11. Hard/Soft Landscaping Details

No above ground new development shall commence until detailed soft and hard landscaping strategies are submitted and approved in writing by the Local Planning Authority.

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 and retention of landscaping in the interests of the visual amenity of the area, to preserve and enhance the Borough's natural environment and to ensure a high-quality built environment.*

#### 12. Accessible Units

No above ground new development shall commence until a plan showing the detailed floor layouts of the 'wheelchair accessible units' has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details.

*Reason: To ensure that sufficient and efficient accessible housing is provided.*

### **Pre-occupation**

### 13. Secure by Design

The proposed development shall achieve a Certificate of Compliance in respect of the Secured by Design scheme, or alternatively achieve security standards (based on Secured by Design principles) to the satisfaction of the local authority & Metropolitan Police, details of which shall be provided to the Local Planning Authority for its written approval prior to the first occupation of the approved development. All security measures applied to the approved development shall be permanently retained thereafter.

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

### 14. Children's Playspace Implementation

Prior to the first occupation of the development, details of child play associated equipment shall be submitted to and approved in writing by the Local Planning Authority. The children's play space and approved associated equipment shall be permanently retained thereafter.

*Reason: To ensure suitable provision for children's play.*

### 15. Communal Television and Satellite System

No antennae or satellite dishes may be installed on the exterior of the building, with the exception of a single central antennae or satellite dish per block to support the communal television and satellite system. Any 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 building.*

### 16. Bat and bird boxes

The development hereby permitted shall not be occupied until bird nesting and bat roosting bricks/boxes have been installed in accordance with details which first be submitted to and approved in writing by the Local Planning Authority.

*Reason: In order to preserve and enhance the Borough's natural environment*

### 17. Cycle Parking

Prior to the first use/occupation of the development hereby approved, details of the cycle parking facilities for the 124 long stay and 22 short stay cycle spaces shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards. 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.*

## **6 months after occupation**

### 18. Carbon Reduction

The development hereby permitted shall be carried out in accordance with the submitted Energy and Sustainability Statement prepared by JS Lewis Ltd dated 09.2021 to achieve a minimum 39% reduction in carbon dioxide emissions over Part L of the Building Regulations (2013) (when applying updated SAP 10 emission factors).

*Reason: To ensure measures are implemented to reduce carbon emissions.*

### 19. BREEAM

The BREEAM 2018 post-construction assessment demonstrating how the development will achieve (BREEAM Excellent), shall be submitted to and approved in writing by the Local Planning Authority within SIX (6) MONTHS of occupation, to demonstrate that the development is in accordance with an agreed methodology to ensure that the required minimum rating has been achieved.

*Reason: To ensure an energy efficient and sustainable development*

#### 20. Air Quality

Certification confirming compliance with the approved Air Quality Assessment prepared by prepared by Aether, 08.09.2021 shall be submitted and approved by the Council within 6 months post completion of the development. Should the completed development result in being air quality neutral or exceeds the offsetting contribution payment as noted in the approved document a revised contribution will be required and where appropriate shall be subject to the off-setting contribution payment at the rate of £29k per tonne of NOx (or the equivalent figure at the time of reassessment) over the benchmark (or the equivalent figure at the time of reassessment).

*Reason: to ensure the development is air quality neutral*

### **Compliance conditions / Monitoring and Management Conditions**

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

Noise from the non-residential uses hereby permitted, including, but not limited to, live and amplified music shall be controlled so as to be inaudible inside adjoining and other noise-sensitive premises in the vicinity of those uses. 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 such noise is or is not audible the following numerical limits shall be used to determine compliance with this condition:

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

CUAN = Commercial/Community Use Activity Noise Level, WCUAN = representative background noise level without commercial/community use activity noise, both measured 1 meter from the façade of the noise-sensitive premises.

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 in this regard shall be made according to the methodology and procedures presented in BS4142:2014.

Any machinery and equipment installed pursuant to this permission shall be designed and installed to ensure that structure borne (re-radiated) noise emissions shall not exceed 35 LAeq dB (5 min) when measured in any habitable room in adjoining residential premises.

*Reason: To ensure that the proposed and surrounding residential properties and other noise-sensitive premises in the vicinity of site are adequately protected from noise and in accordance with policy BR13 of the Borough Wide Development Policies Development Plan Document and policy 7.15 of the London Plan.*

#### 22. Delivery times

No vehicles making deliveries to or from the site shall enter or leave the site, except between the hours of 07:00 and 21:00 hours Mondays to Fridays and between 08:00 and 19:00 hours on Saturdays. There shall be no deliveries, on Sundays or recognised public holidays.

*Reason: To protect the amenity of neighbouring occupiers.*

#### 23. Construction Management Plan

The development shall be carried out in accordance with the Construction Management Plan and Methodology Statement Rev 003 prepared by Academy Consulting, dated 07.09.2021. The applicant must inform residents and LBBD's Environmental Health Team of the name and contact number 2 weeks prior to the commencement of the development.

*Reason: To protect the amenity of neighbouring occupiers.*

## Appendix 7:

### Section 106 Heads of Terms

#### Administrative:

1. Payment of the Council's professional and legal costs, whether or not the deed completes;
2. Payment of the Council's fees of £3000 for monitoring and implementing the Section 106 and payable on completion of the deed; and,
3. Indexing – all payments are to be index linked from the date of the decision to grant planning permission to the date on which payment is made, using CPI or RPI index.

#### Build to Rent Provision:

4. Residential Management Plan

Submission of a Residential Management Plan for approval by LBBB, residential units to be approved in line with the approved Plan.

Trigger: To be submitted 6 months prior to first occupation.

5. 15 year Build to Rent covenant

Build to Rent covenant to ensure a PPG-compliant clawback payment where individual units are sold out of the BTR covenant within 15 years from first occupation, in accordance with London Plan Policy H11.

#### Affordable Housing (Section 106 wording to be drafted in accordance with GLA template wording):

6. Affordable Housing quantum and mix

Provision of on-site affordable housing offer at 39% on a habitable room basis comprising 7x London Living Rent units and 14x Discount Market Rent Units at 80% of market value, as shown on drawing references:

- Proposed First Floor Plan Affordable Housing 15026-RA-XX-01-DR-A-19 P01, dated 21.01.2022
- Proposed 2nd Floor Plan Affordable Housing Plan 15026-RA-XX-02-DR-A\_192 P01, dated 21.01.2022
- Proposed 3rd floor - Affordable Housing Plan 15026-RA-XX-03-DR-A\_193 P01, dated 21.01.2022
- Proposed 4th Floor - Affordable Housing Plan 15026-RA-XX-04-DR-A\_194 P01, dated 21.01.2022
- Proposed 5th floor - Affordable Housing Plan 15026-RA-XX-05-DR-A\_195 P01, dated 21.01.2022
- Proposed 6th Floor - Affordable Housing Plan 15026-RA-XX-06-DR-A\_196 P01, dated 21.01.2022
- Proposed 7th Floor - Affordable Housing Plan 15026-RA-XX-07-DR-A\_197 P01, dated 21.01.2022

7. Viability Review

An early-stage affordable housing viability review is to occur in the event that the development is not implemented within two years of approval Payment of the Council's reasonable costs associated with scrutiny of the viability submissions.

#### Transport and Highways

## 8. Section 278

The Owner will enter into a Section 278 Agreement for carrying out highways works associated with the development at the applicant's cost; works to include installation of on street cycle parking spaces and improvement/alterations to the public highway around the site.

The S278 Agreement (and all related approvals and consents) shall not be unreasonably withheld or delayed by the highway authority

Trigger: All off-site highways works shall be implemented prior to the first use/occupation of the development.

## 9. Commuted Sum for Disabled Person's Parking

Payment of £13,700 for the provision of and/or amendment to 2 Disabled Person's Parking Contribution prior to Occupation. The payment will be applied by the Council towards the provision of up to two Disabled Parking Bays.

Trigger: The payment shall be made to the Council prior to first use/occupation of the development.

## 10. Car Free Development

With the exception of occupiers who qualify for blue badge/disabled parking, the developer will ensure the development is a car parking permit free development and future residents of the development will be restricted from obtaining parking permits for any Controlled Parking Zone (CPZ).

## 11. Car Club

Provision of a two-year free car club membership to all residents, made available from first occupation of each residential unit.

## 12. Travel Plan and Travel Plan Monitoring Fee

The Owner/developer shall develop a Travel Plan to include measures to promote and encourage travel to/from the site by sustainable modes of transport such as walking, cycling and public transport.

Travel Plan Monitoring Fee of £3,500 shall be secured for the monitoring for years 1, 3 and 5.

Trigger: submitted to the Council for their approval before practical completion. Travel Plan Monitoring Fee to be paid prior to practical completion.

## 13. Utilities

All necessary utilities infrastructure affected by the proposed development will be moved at the applicant's expense.

## **Employment Skills and Training**

### 14. Employment, Skills and Suppliers Plan

Secure an Employment, Skills and Suppliers Plan 6 months prior to commencement of development, ensuring that a minimum of 25% of labour and suppliers required for the construction of the development are drawn from within the Borough, to maximise opportunities for local residents and businesses.

### 15. 25% jobs provided to LBBB residents during the end-user phase

The Owner will use best reasonable endeavours to ensure that 25% of the Owner's employees and jobs with its contractors are provided to LBBB residents during the end-user phase.

## **Energy and Sustainability**

### **16. Carbon Reduction**

The development shall achieve a minimum 35% reduction in carbon dioxide emissions over Part L of the Building Regulations 2013 through on-site provisions for the development. Any residual 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 £95 per tonne, payable for 30 years (not subject to indexation).

### **17. Connection to District Heating Network (DHN)**

Prior to commencement of development the Owner will submit a District Heating Network (DHN) Statement to the Council for approval to detail how the development will connect to the DHN. The requirement to connect to the DHN will be subject to the heat network being delivered and operational to supply the development, and the DHN having capacity to serve the development.

## **Trees**

### **18. Tree contribution**

A tree contribution of £7,785 to the Head of Service at LBBB Parks and Environment to offset the removal of the lime trees. The owner will confirm in writing to the Head of Service at LBBB Parks and Environment within 6 weeks of the six new trees being planted in accordance with the CAVAT valuation.

Trigger: Tree Contribution to be paid prior to the commencement of development.

## **Air Quality**

### **19. Air Quality off-setting contribution.**

A payment at the off-setting contribution rate of £29k per tonne of NOx over the benchmark (or the equivalent rate at the time of reassessment) will be applied if the scheme does not meet air quality neutral standards.

Trigger: The assessment must be submitted to the Council before the first anniversary of occupation of the Development, and payment made based on this assessment