

## **MINUTES OF PLANNING COMMITTEE**

Monday, 14 March 2022  
(7:00 - 8:33 pm)

**Present:** Cllr John Dulwich (Deputy Chair in the Chair), Cllr Cameron Geddes, Cllr Kashif Haroon and Cllr Olawale Martins

**Apologies:** Cllr Muhammad Saleem, Cllr Faruk Choudhury, Cllr Foyzur Rahman and Cllr Dominic Twomey and Cllr Muhammad Saleem

### **31. Declaration of Members' Interests**

There were no declarations of interest.

### **32. Minutes (14 February 2022)**

The minutes of the meeting held on 14 February 2022 were confirmed as correct.

### **33. Dagenham Green, Former Ford Stamping and Tooling Operations Site, Chequers Lane, Dagenham - 21/01808/OUTALL**

The Principal Development Management Officer (PDMO), Be First Development Management Team, introduced a report on an application from the Peabody Trust & Dagenham Dock Ltd seeking an outline permission with all matters reserved on the site of the former Ford Stamping Plant and Tooling Operations Site at Chequers Lane, Dagenham RM9 6SA. The application sought the demolition of existing buildings and structures, the erection of buildings comprising residential homes and non-residential floorspace including flexible industrial workspace; flexible employment, retail, community and leisure uses; a school, and associated infrastructure; new streets, open spaces, landscaping and public realm; car, motorcycle and bicycle parking spaces and servicing, utilities and other works incidental to the proposed development.

The application being an EIA development was accompanied by an Environmental Statement. The formal description of the development as set out above omitted the unit numbers and heights, which on the basis of an approval, would allow for changes to occur in the future, if required by the applicant, in a streamlined and flexible manner.

Following the publication of the agenda a supplementary report was circulated as referred to by the PDMO in their presentation clarifying/changing a number of procedural aspects, none of which had any material bearing on the assessment of the application or the recommendations set out in the published report.

In addition to internal and external consultations, a total of 1102 notification letters were sent to neighbouring properties together with the requisite statutory press and site notices. Two responses were received, the full material planning considerations relating to which were addressed in the planning assessment set out in the report.

The Committee then received a brief overview of the outline application from the applicant who were represented by James McMylor, Peter Cross & Andrew Mott, who set out the key benefits of the residential led mixed use redevelopment of the site.

In response to the presentation the Deputy Chair sought and received clarification as to how the 47% affordable housing figure was reached and was given assurances that any additional profit derived from the scheme at the mid stage review would be split significantly in favour of the local authority in order to reach the 50% target set for affordable housing across the development.

Officers concluded that the outline application before Members had sought the redevelopment of a key, underutilised and allocated brownfield site in an area of the borough undergoing significant regeneration, which had, for over 15 years, been identified as an Opportunity Area for growth and regeneration.

The redevelopment of the site to provide a residential led development would contribute to the Borough's housing stock through the provision of up to 3502 high quality units compliant with relevant standards. The delivery of a minimum of 47% affordable provision on a habitable room basis (1550 affordable homes) across the site would meet an identified need in the Borough. Other benefits and uses as detailed in the application description included the delivery of a new 10FE secondary school to be facilitated through a land transfer to the Council to provide much needed identified school places for the local community. The provision of employment opportunities and flexible floorspace to incorporate social infrastructure such as health and community uses were also proposed.

The application would also delivery at least 10 acres of open space, including a 5-acre Urban Park, a Linear Park, a Central Green, public squares, urban greening and landscaped public realm, all of which had been highly supported by officers. Significant employment opportunities through the provision of industrial, commercial and office floorspace would also be secured as would the establishment of new sustainable transport measures, including the provision of a bus route and new bus stops and electrical vehicle charging points as detailed on the accompanying masterplan. The proposal would also deliver wider connectivity to surrounding sites and to and from the key transport hub of Dagenham Dock Railway Station.

Whilst it was acknowledged by Members that the scheme would deliver a wealth of benefits to the local community and the borough as a whole, officers also recognised that there were some aspects of the scheme that fell short in

meeting planning policy. These had been acknowledged in the report with appropriate mitigation measures put in place where possible.

In that respect it was noted however that the NPPF had recognised that the presumption in favour of sustainable development should apply in as much that proposed developments should be granted planning permission unless their adverse impacts "significantly and demonstrably" outweigh their benefits.

Officers confirmed that there were no such adverse impacts and that on balance the application would deliver substantial public benefits. The outline proposals had been developed taking into account the site's existing and emerging context, pre-application consultation and the requirements of national, regional and local planning policies and guidance.

Accordingly, the Committee **RESOLVED** to:

1. Agree the reasons for approval as set out in both the report and supplementary report,
2. Delegate authority to the Director of Inclusive Growth (or authorised Officer) to grant planning permission subject to any direction from the Mayor of London, and the completion of a S106 of the Town and Country Planning Act 1990 (as amended) based on the Heads of Terms identified at Appendix 6 and the Conditions listed in Appendix 5 of the report, and
3. That, if by 14 September 2022 the legal agreement has not been completed, the Director of Inclusive Growth (or other authorised Officer), in consultation with the Head of Legal Services, be delegated authority to refuse planning permission, extend this timeframe to grant approval or refer the application back to the Planning Committee for determination.

**34. Transport House, 50-52 New Road and part of Premier Inn Car Park, 2 New Road, Dagenham - 21/02200/FUL**

The Principal Development Management Officer (PDMO), Be First Development Management Team, introduced a report on an application from Dagenham New Home Ltd seeking a planning permission at 50-52 New Road and part of the Premier Inn Car Park at 2 New Road, Dagenham for the erection of part 9 storey and 5 storey building to comprise 149 residential units, pedestrian walkway, undercroft car park (replacement for the hotel), cycle parking, amenity space and ancillary works.

Following the publication of the agenda a supplementary report was circulated as referred to by the PDMO in their presentation clarifying one of the proposed conditions in the interests of visual amenity. It was noted that this had no material bearing on the assessment of the application or the recommendations set out in the published report.

In addition to internal and external consultations, a total of 1322 notification letters were sent to neighbouring properties together with the requisite statutory press notice. One response was received.

The officer assessment of the application was that the redevelopment of the site to provide a residential led development was acceptable in principle and would contribute to the Borough's housing stock through the provision of 149 high quality units compliant with relevant standards. The proposal would comprise 53% affordable units on a habitable room basis which was considered to meet an identified need in the Borough.

The scale, siting and design of the development was considered appropriate to the site's context and would result in a high-quality finish, whilst respecting the amenity of existing and future neighbouring occupiers. The proposed landscaping strategy would positively contribute to the appearance and public realm in the area and enhance the biodiversity and environmental value of the site.

In welcoming the level of affordable housing secured on the site, the Committee **RESOLVED** to:

1. Agree the reasons for approval as set out in both the report and supplementary report,
2. Delegate authority to the Director of Inclusive Growth (or authorised Officer), in consultation with the Head of Legal Services, to grant planning permission subject to the completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) based on the Heads of Terms identified at Appendix 6 and the Conditions listed in Appendix 5 of the report, and
3. That, if by 14 August 2022 the legal agreement has not been completed, the Director of Inclusive Growth (or other authorised Officer), in consultation with the Head of Legal Services, be delegated authority to refuse planning permission, extend this timeframe to grant approval or refer the application back to the Planning Committee for determination.

### **35. 7 Thames Road, Barking - 21/01232/FULL**

The Principal Development Management Officer (PDMO), Be First Development Management Team, introduced a report on an application from Inland Homes for a planning permission at 7 Thames Road, Barking, for the demolition of existing buildings and structures and the construction of a building ranging from part 6 storeys to part 14 storeys to provide 131 residential units and industrial space (Use classes E(g), B2 and B8 at ground and first floor. The proposals included the delivery of landscaping and public realm, play space, access, car parking and other associated and ancillary works.

In addition to internal and external consultations, a total of 176 notification letters were sent to neighbouring properties together with the requisite statutory site and press notices. One response was received from FedEx Express UK Transportation Ltd based at 2 Thames Road objecting to the application, the material planning considerations and issues of which were addressed within the planning assessment.

Following the publication of the agenda a supplementary report was circulated as referred to by the PDMO in their presentation stating that FedEx had presented further representations. Whilst this did not raise any new material planning issues officers had sought to address noise concerns by amending Condition 20 to ensure that the design of the residential units took account of noise mitigation early in the construction phase with appropriate safeguards put in place to ensure above ground works did not commence until full details of a scheme of acoustic protection had been submitted to and approved by the Local Planning Authority.

The Committee then received a written representation from agents acting for FedEx which was read out at the meeting by the Governance Officer, which in summary stated:

Concern had been expressed about the impact the residential development would have on FedEx current operations. It was felt that this was not an appropriate location for residential development. The principle of residential uses within strategic industrial land and its co-location with industrial uses was not supported by the London Plan and the adopted Core Strategy, and consequently given the policies of the emerging Local Plan and the draft River Road Employment Area SPD had still to be adopted, it was not appropriate for the local planning authority to attribute significant weight in this respect.

Furthermore, the current market indicated that the principle of co-locating industrial intensification with residential uses did not work in practice, putting businesses like FedEx at risk of displacement.

The Council's Environmental Protection Team had identified that there were significant deficiencies in the applicant's noise report which were confirmed in a separate assessment commissioned by FedEx. It was felt that the revised condition wording set out in the supplementary report would not provide any certainty that an 'acoustic solution' could be found or that suitable external noise levels for the residential elements of the proposed development would be achieved. Consequently, FedEx would still be at risk of future complaints under either planning or statutory nuisance. Other concerns about air quality, health and safety and the scale and massing of the development were also highlighted.

In conclusion FedEx would welcome further discussions as to whether an appropriate clause could be proposed in the s106 agreement which would prevent future occupiers of the development from submitting noise

complaints, but that until such time these conflicts were satisfactory resolved the application should be refused.

Responding to the objection Patrick Thomas acting for the applicant provided an overview of the application highlighting the positive benefits the development would bring to the area. Having regard to the additional measures proposed by officers as set out in the supplementary report he was confident the development would not compromise the existing activities of FedEx or that of neighbouring business activities in the area.

The officer assessment of the application was that it sat within designated Strategic Industrial Land (SIL) and the proposal was for a mix-use development. Whilst the development would be a departure from the adopted Core Strategy (June 2010), the draft Local Plan (Regulation 19(2)) being at an advanced stage, namely submitted for examination by the Planning Inspectorate, proposed to re-designate the site from SIL use and create a cohesive and sustainable mix-use neighbourhood along Thames Road.

The vision for the area would allow the industrial working area to flourish and grow as well as deliver new homes and better link the area into surrounding neighbourhoods. The development as proposed complied with the land use terms of the draft Local Plan, and therefore it was the officer's view that significant weight should be attached to those documents, and that on balance, it was considered that the principle of development was acceptable.

The development would increase the net number of jobs on site and would optimise opportunities for local employment, skills and training through the construction and end use phases. It would also contribute to the borough's housing stock through the provision of 131 high quality residential units in compliance with relevant residential standards.

The scheme initially proposed 35% affordable housing; however, officers had worked with the applicant to offer an additional package of contributions towards school provision and open space. In doing so the affordable housing offer has been reduced to 21%, resulting in a loss of shared ownership units. That said officers considered that the amended proposal was acceptable and offered more benefit to the objectives of the draft Local Plan and draft Thames Road Masterplan Area

The siting, scale, massing, and height of the development was considered appropriate and in line with the parameters set in the emerging Thames Road Masterplan Area SPD. The development would be of a high-quality finish and would positively contribute towards the emerging townscape. The proposed landscaping strategy would also positively contribute to the appearance and the public realm in the area and enhance the arboricultural, biodiversity and environmental value of the site and the surrounding area.

The development would see a number of commitments to improve the accessibility of the site, including improving cycle routes, a contribution

towards improving bus services and a financial contribution towards highway improvements.

The Energy Strategy submitted as part of the application had demonstrated that the proposals would sufficiently reduce carbon dioxide emissions, with any off set to be secured through the s106 agreement. In assessing the application, officers had found the proposed development to be acceptable following careful consideration of the relevant provisions of the NPPF, the Development Plan and all other relevant material considerations. Officers were also 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.

In response to the application a number of points were raised including ensuring that local ward councillors would be consulted regarding the allocation of monies on to be spent on green schemes, a point that was acknowledged by officers. As an observation Members felt it was right for officers to give substantial weight to the emerging Local Plan and draft River Road Employment Area SPD and felt that the additional safeguards set out in the supplementary report addressed the points raised by the objector.

Therefore, the Committee **RESOLVED** to:

1. Agree the reasons for approval as set out in the report,
2. Delegate authority to the Director of Inclusive Growth (or authorised Officer) to grant planning permission subject to any direction from the Mayor of London, and the completion of a S106 of the Town and Country Planning Act 1990 (as amended) based on the Heads of Terms identified at Appendix 5 and the Conditions listed at Appendix 4 of the report including a revised Condition 20 as set out in the supplementary report, and
3. That, if by 14 August 2022 the legal agreement has not been completed, the Director of Inclusive Growth (or other authorised Officer), be delegated authority to refuse planning permission, or extend this timeframe to grant approval, or refer the application back to the Planning Committee for determination.

**36. Former Muller Factory Site, Selinas Lane, Chadwell Heath - Temporary Use (Retrospective) -21/02059/FULL**

The Principal Development Management Officer (PDMO), Be First Development Management Team, introduced a report on an application from Be First Regeneration Ltd for a planning permission seeking a retrospective temporary change of use to B8 (open space) and Sui Generis (Car Dealership) at the former Muller Factory Site, Selinas Lane, Chadwell Heath.

In addition to internal and external consultations, a total of 228 notification letters were sent to neighbouring properties together with the requisite statutory site and press notices. No responses were received.

The officer assessment of the application was that it was acceptable within the Chadwell Heath Locally Significant Industrial Location by virtue of its temporary nature, and that subject to the imposition of a number of conditions, would accord with the Development Plan. The proposals would see the utilisation of a vacant site, offering visual improvements and economic benefits. It had been successfully demonstrated that the proposals would have no adverse impacts on the amenity of nearby users and residents. Transport, access and servicing arrangements would be satisfactory.

Accordingly, the Committee **RESOLVED** to:

1. Agree the reasons for approval as set out in the report, and
2. Delegate authority to the Head of Planning and Assurance to grant planning permission based on the Conditions and Informatives listed in Appendix 5 of the report.