



LONDON BOROUGH OF BARKING & DAGENHAM PLANNING COMMITTEE

Monday 25th April 2022

Application for **Planning Permission**

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| Case Officer: | Bethany Robins | Valid Date: | 09-03-2022 |
| Applicant: | Chris Sharp (CS2 Limited) | Expiry Date: | 04/05/2022 |
| Application Number: | 22/00160/FULL | Ward: | Thames |
| Address: | Unit 0, Lyon Business Park River Road, Barking, IG11 0JS | | |

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 Unit 0, Lyon Business Park River Road, Barking, Barking And Dagenham, IG11 0JS.

Proposal:

Relocating the existing vehicular site access by creating a new vehicular site access/crossover on the western boundary of the parking area and removing the existing access along northern boundary of parking area, including amending perimeter walling and fencing to both locations.

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 Head of Planning and Assurance to grant planning permission based on the Conditions & Informatives listed in Appendix 4 and summarised below.

Conditions Summary:

Mandatory conditions

1. Time
2. Approved Drawings & Documents

Prior to all works/commencement Conditions

3. Details of the trellis

Prior to above ground works Conditions

4. Installation of the Trellis

OFFICER REPORT

Planning Constraints:

The application site is located within Lyon Business Park, an Intelligent Locally Significant Industrial Sites. The site also falls to an allocated site XK 'Barking Riverside Gateway Zone' within the London Borough of Barking and Dagenham, Draft Local Plan 2037, Appendix Two: Proposed Site Allocations

Site, Situation and relevant background information:

The proposed application is for the construction of a new vehicular access off the adjacent mini roundabout on the estate access road to the north-western boundary, the installation of new gates and revisions to the boundary wall and fence and the removal of the existing access on the northernmost boundary, and the closing of the boundary with wall and fence to match the existing materials and configuration. The application site is within Lyon Business Park which is an Intelligent Locally Significant Industrial Sites situated adjacent to River Road and south of Alfreds Way (A13) in Barking.

Key issues:

- Principle of the proposed development
- Impacts to neighbouring amenity
- Urban design
- Sustainable Transport

Planning Assessment:

1. Principle of the development:

- 1.1 The NPPF (July 2021) at paragraph 81 states that planning policies and decisions should help create the conditions in which businesses can invest, expand, and adapt, and places significant weight on the need to support economic growth and productivity.
- 1.2 The application site is designated as a Locally Significant Industrial Land (LSIS) through Policy E6 (Locally Significant Industrial Sites) of the London Plan and Policy CE 3 (Safeguarding and release of employment land) of the Core Strategy. These policies seek to protect the designated land from change of use and support the established industrial use.
- 1.3 The application site is currently used as staff car parking and delivery vehicle logistics at Unit 0, Lyon Business Park which comprises approximately 1660m² of warehouse and ancillary accommodation, and 660m² of office accommodation over 2 floors along the North elevation.
- 1.4 The proposed development would not change the use of the site or prejudice any long term change of use of the site as proposed within the London Borough of Barking and Dagenham, Draft Local Plan 2037, Appendix Two: Proposed Site Allocations . The proposal is for the relocation of the existing vehicular site access by creating a new vehicular site access/crossover on the western boundary. The principle of the development is therefore acceptable.

2. Impacts to neighbouring amenity:

- 2.1 The NPPF at paragraph 170 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 noise pollution.
- 2.2 Policy D1 of the London Plan states that development design should deliver appropriate outlook, privacy, and amenity. Policy D14 of the London Plan seeks to reduce, manage, and mitigate noise to improve health and quality of life

- 2.3 Policy BP8 of the Borough Wide DPD seeks to protect residential amenity, by ensuring new developments including conversions, do not expose existing and proposed occupiers to unacceptable levels of pollution that may arise. This includes noise, smoke, fumes, refuse, comings and goings and/ or lighting during construction and occupation. This is supported by policies DM11 and DM25 of the Draft Local Plan.
- 2.4 The proposal is to relocate the site access from the north boundary to eastern boundary adjacent to the existing mini roundabout. The new site access/crossover would be positioned only a few yards away from where it is currently located, with direct access only onto Lyon Business Park's private road leading onto River Road, which will remain fenced off from those neighbouring properties. There will be no new proposed access from William Hope Close and Charlton Crescent. It is also noted that the application is unlikely to lead to direct increase in vehicular trips to and from the site that would affect the neighbours. Given the nature of the development, officers are satisfied that the new crossover would not have greater impact on the adjacent residential properties than the existing crossover.
- 2.5 Officers do, however, acknowledge that the application received comments and objections from 5 neighbours regarding the impacts the proposal would have on their amenity, as displayed in Appendix 4. The key issues that were brought forward are as follows:

1. Traffic
2. Noise pollution
3. Health impacts e.g hazardous materials and ground contamination

The 5 neighbour objections (attached as Appendix 3) are the reason why this planning application is at committee and not delegated. Whilst Officers did carefully consider each of the neighbour notifications at the assessment stage of the application, the following comments have been made regarding the main objections:

1. The revised position of the vehicular access will make getting on to and off site much easier due to being more direct and with less chance of the requirement for negotiating parked vehicles. This does not involve any increased traffic flowing through the site, only easier and more efficient use of the site
 2. Aforementioned, there will not be any increase in traffic or activity on the site; it is wholly for the purpose of enabling getting on to and off site much easier due to the proposal providing more direct access for trucks. Therefore, there will be no additional noise generated than there is currently, indeed, the movement of the entrance further away from the residential dwellings would present a betterment in noise from vehicle manoeuvring into/from the site.
 3. The proposal is for construction of a new vehicular access off the adjacent mini roundabout on the estate access road to the north-western boundary, the installation of new gates and revisions to the boundary wall and fence and the removal of the existing access on the northernmost boundary. No element of these proposals will involve use of hazardous materials or ground contamination, or the recovery of asbestos from building rubble and contaminated soil. Therefore, the health of residents will not be compromised by way of hazardous materials and ground contamination.
- 2.6 Notwithstanding, as there have been multiple concerns raised by neighbours, Officers negotiated with the applicant to improve the conditions. As such, a condition will be added for the installation of a semi-perforated trellis above the existing boundary of the car park to act as a buffer and visual screening between the application site and surrounding residential areas, in the interests of protecting and enhancing residential amenity. A condition will also be added for the details of the proposed semi-perforated trellis to be submitted to and approved in writing by the Local Planning Authority, in the interests of protecting the visual amenities of the area.

3. Design and Quality of Materials

- 3.1 The NPPF details at chapter 12 that good design is a key aspect of sustainable development, and the creation of quality buildings and places is fundamental to what the planning and development process should achieve. It reiterates that design quality should be considered throughout the evolution and assessment of individual proposals and that planning permission should be refused for development of poor design.
- 3.2 Core Strategy Policy CP3 and Borough Wide Policy BP11 both echo the same principles in requiring a high quality of design and a development which responds well to local character and the established pattern of development yet does not detrimentally affect neighbouring amenity. This is further supported by policy DMD1 which seek to ensure developments contribute to providing a high-quality built environment which contributes positively to the character of the surrounding area.
- 3.3 As part of the application, there will be slight changes to the site layout by means of relocating the existing vehicular site access, and the associated reconstruction of the wall and fence and installation of high vehicular access gates, and the removal of the mud and scrub to accommodate new pre-cast kerbs. However, officers acknowledge that the new wall and fencing will be constructed to match the existing in style, material, design, and colour, as specified in the design and access statement submitted with this application. Furthermore, the mud and scrub that will be removed does not currently provide any substantial benefits and is not of particularly good quality. As such, officers consider the alterations in terms of design and quality of materials to be acceptable and policy compliant.
- 3.4 Furthermore, to ensure the proposed semi-perforated trellis is in-keeping with the design of the current boundary fence above which it will be installed, a condition will be added for the details of the proposed semi-perforated trellis to be submitted to and approved in writing by the Local Planning Authority. This is in the interests of protecting the visual amenities of the area.

4. Sustainable Transport:

- 4.1 Chapter 9 of 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 development 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.
- 4.2 The Transport Planning Officer was consulted regarding this application and made the following comments: *"Looks like all the proposed works to be conducted are within private land and no works is proposed on or from the public highway. Therefore, I don't think they will require any additional licences."*
- 4.3 The proposal has been designed to make getting on to and off site much easier due to being more direct and with less chance of the requirement for negotiating parked vehicles, specifically for large rigid trucks and articulated trucks to FTA standards, even though the tenant does not use articulated truck, undertaking a view to making the building more useable for future tenants. Therefore, the proposed relocation of the vehicular access to the site will enable easier and more efficient use of the site and will significantly enhance the ease of use without a detriment to the surrounding businesses. Furthermore, the crossover has been designed in outline not to promote surface water runoff onto the highway, and the neutral increase in hard standing does not make the surface water loading any different from existing. As such, officers consider the proposed relocation of the existing vehicular site access to be acceptable in terms of Highway Assessment.

Conclusion:

In conclusion, the principle of the development for the relocation of the existing vehicular site access by creating a new vehicular site access/crossover on the western boundary of the parking area and removing the existing access along northern boundary of parking area, including amending perimeter walling and fencing to both locations is wholly compliant to relevant planning policy, by reason of the minimal changes in impacts it will impose on neighbouring properties as the proposal is situated within the boundaries of a private Business Park with no through access to neighbouring residential areas. Furthermore, the condition requiring the installation of the trellis above the existing boundary wall and fence to enhance residential amenity means that the proposed development is therefore not considered to have any detrimental impacts on neighbouring amenity. In recommending granting planning permission, Officers have found the proposal 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 harm in terms of the impact of the proposal on the surrounding area would reasonably be mitigated through compliance with the listed conditions. Therefore, it is for the reasons outlined above that overall, the proposed development is supported in principle and is policy compliant.

Appendix 1:

| Development Plan Context: | |
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| 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: | |
| <i>National Planning Policy Framework (NPPF) (MHCLG, July 2021)</i> | |
| <i>The London Plan (March 2021)</i> | Policy D1: London's form, character and capacity for growth Policy D14: Noise Policy E6: Locally Significant Industrial Sites Policy T1: Strategic approach to transport Policy T4: Assessing and mitigating transport impacts Policy T7: Deliveries, servicing and construction |
| <i>Local Development Framework (LDF) Core Strategy (July 2010)</i> | Policy CE3: Safeguarding and release of employment land Policy CM1: General Principles for Development Policy CP3: High Quality Built Environment |
| <i>Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)</i> | Policy DM11: Responding to Place Policy DM25: Managing Nuisance Policy BR13: Noise Mitigation Policy BP8: Protecting Residential Amenity Policy BP11: Urban Design |
| <i>The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Consultation Version, Autumn 2021) is at examination in public. Having regard to NPPF paragraph 48 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> | |
| <i>The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 18 Consultation Version, November 2019)</i> | Strategic Policy SP 2: Delivering a well-designed, high-quality and resilient built environment Policy DMD 1: Securing high-quality design Policy DMS 1: Protecting and enhancing existing facilities Policy DMSI 3: Nuisance Policy DMT 2: Car parking Policy DMT 4: Deliveries, servicing and construction |
| <i>Supplementary Planning Documents</i> | N/A |

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.

Be First is the Council's urban regeneration vehicle and undertakes planning statutory services on its behalf, including development management. LBBBD remains the decision-maker. For major schemes Members determine planning applications at Planning Committee, and for smaller schemes, typically householder, decision-making powers are delegated to LBBBD's Head of Planning Assurance.

Appropriate governance procedures are followed to ensure there are no conflicts of interest.

Appendix 2:

The following consultations have been undertaken:

| Summary of Consultation responses: | | |
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| Consultee and date received | Summary of Comments | Officer Comments |
| Transport Planning Officer | All the proposed works to be conducted are within private land and no works is proposed on or from the public highway. Therefore, there will not be a requirement for additional licences. | - |

Appendix 3:

| Neighbour Notification: | |
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| Date of Press Advertisement: | 29/07/2021 |
| Number of neighbouring properties consulted: | 15 |
| Number of responses: | 5 |
| Address: | Summary of response: |
| 19 Charlton Crescent, Barking, IG11 ONW | <p>"My objections to the relocation of the site access are as follows:</p> <ol style="list-style-type: none"> 1. More vehicle traffic 2. More pollution 3. More noise 4. More sleep deprivation 5. Health risk to me and my community <p>The landlords of this site have scant regards for the neighbours of Charlton Crescent. They received all that they asked for in the town and country act amendment and now they want more to add to the misery and detriment of the good people of Charlton Crescent.</p> |
| 23 Charlton Crescent, Barking, IG11 ONW | <p>I wish to make you aware of a number of strong objections I have with regard to the proposed redevelopment of the site at Unit 0, Lyon Business Park, River Road, Barking, Essex. IG11 0JS. Application number 22/00160/FULL. As an immediate neighbour to this proposed redevelopment I feel it will have a serious impact on the standard of living of the residents of Charlton Crescent.</p> <ol style="list-style-type: none"> 1. Detrimental impact upon residential amenities. The proposed development will have a negative impact on the amenity of the properties of the residents backing onto and near the warehouse through noise, overlooking, smells, loss of privacy, dust and vibration. Large rigid trucks/ articulated trucks would be seen above the above the current boundary fence overlooking the residents gardens, therefore infringing on their privacy. These trucks, presumably not being electric, will give out toxic fumes and being of the large variety would no doubt cause noise, (which is amplified by the sound bouncing back off the warehouse wall), dust and vibration. No indication is given in the application as to the size or weight of these " Large Rigid Trucks and Articulated Trucks or there frequency of use." 2. Environmental health impacts. The proposal may lead to the environmental health impacts such as the use of hazardous materials or ground contamination. An example being the recovery of asbestos from building rubble and contaminated soil that a previous proposed tenant wished to carry out on this site. This would have been detrimental |

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| | <p>to the health of the residents of Charlton Crescent. Barking council had to intervene and given the extra burden of finding alternate premises elsewhere in the borough for this company.</p> <p>3. Insufficient landscaping. The proposed development includes insufficient landscaping. No thought has been given to the resident side of the warehouse as regards to shielding from the noise, smells and dust mentioned earlier. This landscaping was part of the original planning permissions but over the years has been either neglected or concreted over.</p> <p>4. Addendum. The residents have been given sight of an email sent by a Thames View Estate Councillor on the 17/3/22 at 13:20 to the Head of Planning at Barking and Dagenham Council regarding the activities around this warehouse and the concern about past and "future tenants." Quote - "I would like to place on record by anxieties that the as yet unknown "future tenants" might create noise and possibly other nuisances to nearby residents in much the same way a nearby operation has done in recent years. I hope officers will take all steps to ensure that if the application is to be granted, it is only after there is confidence that such potential nuisances will not occur." I wholeheartedly agree with this statement so could it be taken into account when making the adjudication.</p> |
| 29 Charlton Crescent, Barking, IG11 ONW | The new vehicular site access will be too close to residential dwellings and will cause problems such as increased traffic, noise, pollution. |
| 37 Charlton Crescent, Barking, IG11 ONW | Hello we have had a gentleman knock and say that he's received a letter (letter attached) indicating that you are removing boundary fences and making a through road car park access and so far only two people have objected well this us probably because we haven't been notified that you are even considering this. And if this the case and you are going to put an entrance/through William Hope Close onto Charlton crescent this isn't excepable and no notification has been provided to us we live in William Hope Close barking IG11 0FE and we Do not agree to this we have minimal parking at it is this isn't fair to us 6 residents that already have problems with lighting and parking and NOT BEING NOTIFIED IF TRUE IS ILLEGAL. I look forward to your response but I promise if this is something you think is going to happen then when we are notified properly we will OBJECT to this going ahead. |
| 1 William Hope Close barking IG11 0FE | Hello we have had a gentleman knock and say that he's received a letter (letter attached) indicating that you are removing boundary fences and making a through road car park access and so far only two people have objected well this us probably because we haven't Bern notified that you are even |

considering this.

And if this the case and you are going to put an entrance/through William Hope Close onto Charlton crescent this isn't acceptable and no notification has been provided to us we live in William Hope Close barking IG11 0FE and we Do not agree to this we have minimal parking at it is this isn't fair to us 6 residents that already have problems with lighting and parking and NOT BEING NOTIFIED IF TRUE IS ILLEGAL.

Officer Summary:

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

Appendix 4:

Conditions & Informatives:

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 and documents listed below:

- 1099921/DW/E01 - Location Plan - 10/01/2022
- 1099921/DW/E02 - Block Plan - 10/01/2022
- 1099921/DW/P01 - Proposed Site Plan - 10/01/2022

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.

Prior to all works/commencement Conditions

3. Details of the Trellis

No development shall commence until the details of the semi-perforated trellis (at a minimum height of 600mm above existing fence) have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of enhancing neighbouring amenity and protecting the visual amenities of the area.

Prior to above ground works Conditions

4. Installation of the Trellis

Prior to the relocation of the existing vehicular site access by creating a new vehicular site access/crossover, the semi-perforated trellis must be installed on top of the existing boundary of the parking area.

Reason: In the interests of neighbouring amenity.