


LONDON BOROUGH OF BARKING & DAGENHAM
PLANNING COMMITTEE
25 April 2022
Application for Planning Permission

Case Officer:	Olivia St-Amour	Valid Date:	07/01/2022
Applicant:	Weston Homes	Expiry Date:	08/04/2022
Application Number:	21/02087/VAR	Ward:	Gascoigne
Address:	Abbey Retail Park, Abbey Road, Barking		

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 Abbey Retail Park, Abbey Road, Barking.

Proposal:
Proposal Description:

Application to Vary the approved drawings listed under Condition 2 and amends the wording of Conditions 22 (Air Quality), 24 (Car Parking), 25 (Cycle Parking), 26 (Energy & Sustainability) and 39. Attached to planning consent 18/02013/FUL dated 7th January 2020. The Amendments to the proposed ground floor arrangement of all blocks and the change of use to a number of non-residential units (currently approved as Use Classes A1/ A2/ A3/A4/ D1) to Residential Units (Use Class C3) Changes relate to planning permission 18/02013/FUL to The Former Abbey Retail Park for Phased comprehensive redevelopment of the site via clearance of the remaining structures and the erection of new buildings ranging from 2 to 29-storeys in height to provide 1,089 residential dwellings comprising a mix of 1, 2 and 3 bedroom flats and associated private amenity space, 2,070 sqm flexible commercial floorspace (Use Classes A1/A2/A3/A4/D1), 1,071 sqm employment floorspace (Use Class B1(a), (c)), 637 sqm gymnasium (Use Class D2) and 470 sqm community facility (Use Class D1); together with ancillary management and residents facilities, plant rooms and refuse storage areas. Provision of new vehicular access points, car and cycle parking, a public realm with hard and soft landscaping including riverside walk, and other associated works. (Application accompanied by an Environmental Impact Assessment).

Planning permission 18/02013/FUL was granted 7 January 2020 for the:

Phased comprehensive redevelopment of the site via clearance of the remaining structures and the erection of new buildings ranging from 2 to 29-storeys in height to provide 1,089 residential dwellings comprising a mix of 1, 2 and 3 bedroom flats and associated private amenity space, 2,070 sqm flexible commercial floorspace (Use Classes A1/A2/A3/A4/D1), 1,071 sqm employment floorspace (Use Class B1(a), (c)), 637 sqm gymnasium (Use Class D2) and 470 sqm community facility (Use Class D1); together with ancillary management and residents facilities, plant rooms and refuse storage areas. Provision of new vehicular access points, car and cycle parking, public realm with hard and soft landscaping including riverside walk, and other associated works. (Application accompanied by an Environmental Impact Assessment).

Since the planning permission was granted, there have been various non-material planning applications submitted, detailed in the Planning History section at Appendix 2.

The application proposes a number of amendments including a reduction of 626sqm of non-residential

floorspace and an increase in 29 residential units, alongside changes to the approved gym, external alterations to accommodate the internal changes and landscaping changes including the relocation of bays/car club location and the re-adjustment of the stepped waterfront plaza to be replaced with a level open space.

Proposed Amendment:	Applicant Reasoning:
<p>Relocation of Community Hub from the ground level of Block B1 South to B3 South, and insertion of 2no. additional residential units to the ground level of Block B1 south in lieu</p>	<p><i>The proposals will relocate the Community Hub to Block B3 South, which is located on Abbey Road, which will be a more prominent and visible location and more accessible to the wider community, replacing the commercial unit currently approved in this location. The community hub will now be delivered in Phase 1 rather than Phase 2, delivering this public benefit to the community at an earlier stage.</i></p> <p><i>2no. residential units will then be inserted in lieu of the existing community hub location.</i></p> <p><i>1 commercial unit will be lost in this area, but there are a large number of commercial units as part of the development, which are contended to be surplus to the requirements of the area. The Town Quay scheme will also offer commercial units, and the proposed reduction at this site will ensure there is not a surplus and will retain the commercial draw within the Town Centre and at Town Quay.</i></p>
<p>Amendments to ground level internal layout of the residential Hub (Block C2) to increase delivery storage and create staff facilities for the development management team</p>	<p><i>The amendments will reduce the publicly accessible element of floorspace to this area but will still function well in its intended use, more space will be provided for the storage of deliveries which is proposed to cater for the increase in online shopping. The publicly accessible area will still provide generous space capable of accommodating informal meetings and opportunities for co-working for those residents who will be increasingly reliant on home working.</i></p>
<p>Revision to the Gym design including enlargement to meet the requirements of future occupant. The proposed amendments will also result in external design changes to provide a more prominent appearance.</p>	<p><i>The gym was originally designed with no agreement with any particular gym operating partner and was based on the generic needs of a typical operator.</i></p> <p><i>Since obtaining planning permission, Weston Homes have held ongoing discussions with multiple Gymnastics Olympic Gold Medallist, Max Whitlock, regarding his brand of gymnastic centres being the occupier of this unit within the Site. The proposed changes are to accommodate the specific criteria required for gymnastic activities.</i></p> <p><i>The amended design will increase public presence with visitors and have a greater visibility and connectivity to the public plaza and riverside walk.</i></p>
<p>Revisions to Block A1 to insert an additional level of accommodation containing 5no. residential units, and amendments to the commercial unit layout at Levels 0 & 1.</p>	<p><i>The amendments to the heights of the gym, when combined with an adjustment to the level 2 floor slab location for Block A1, has enabled the amended proposals to incorporate an additional</i></p>

	<p><i>level of residential accommodation, comprising 5no. units.</i></p> <p><i>Through efficient structural design, this application proposes to reduce the floor-to-floor height of each floor level between level 2 and 29 by 75mm to offset the raising of the level 2 floor slab to align with the gym roof. As a result, the proposed new level of residential accommodation (5no. units) incorporated into Block A1 will not result in an increase in the overall height of the Block, although it will increase the number of levels in Block A1 from 29 (as approved) to 30 (as proposed).</i></p> <p><i>Although the amendments have a slight impact on the elevations of Block A1, not only will the height of the building not increase, but it is also contended that the elevational treatment will remain the same with de minimis changes being proposed.</i></p>
<p>Revisions to the ground floor of Block A2, A3, C1 North and C1 South, to reduce the provision of non-residential floorspace and the addition of 16 No. duplex units, an enlarged commercial unit in Block A2 and an enlarged car park including 3 additional parking spaces (28 from previous 25)</p>	<p><i>The proposed residential units will be 2 storeys in height with a combined Kitchen/Dining/Living space alongside WC, storage and utility space at ground floor level and bedroom(s) with bathrooms/En suites at first floor level. This will meet the recommendations of not having any sleeping accommodation on the ground floor as set out in the Flood Risk Assessment prepared by EAS in support of the Original Planning Application (Ref. No. 18/02013/FUL).</i></p> <p><i>As a result of this proposed change to insert the duplex units, the podium landscape garden level which links Blocks A2, A3, C1 North and C1 South will be raised by 1.8m to create sufficient height below for the 2 storeys of accommodation.</i></p> <p><i>The ground level layout of ancillary accommodation will also be amended to provide a small increase in the number of parking space from 25 to 28. Additional space will also be included to meet the need of the increase in cycle and refuse space requirements.</i></p>
<p>Addition of a new first floor level below the podium garden serving Blocks A2, A3, C1 North & C1 South to accommodate the upper floors of the 16 No. Duplex units, 5 No. Apartments, upper-level commercial space to the retained unit in Block A2, and enlarged mezzanine cycle store and ancillary plant rooms.</p>	<p><i>The approved first floor level of Phase 3 contains residential units along with the communal podium garden.</i></p> <p><i>The proposed amended layout of the first floor level of Phase 3 will incorporate the addition of a new first floor to accommodate 16no. duplexes accessed from the ground floor, with bedrooms at first floor level as per the recommendations of the approved Flood Risk Assessment.</i></p> <p><i>The insertion of a new first floor will also allow for</i></p>

	<p><i>the addition of 5no. apartments on the first floor (4x 1 Beds and 1 x 2 Bed) as well as an increase in the size of the Mezzanine Cycle Store which will include cycle parking provision for 778no. storage spaces.</i></p> <p><i>The internal podium garden will be raised by 1.8m but the overall height of blocks A2 and A3 will be decreased by utilising efficient structural design approach, with each floor-to-floor height above level 2 being reduced by 75mm.</i></p>
Amendments to internal block layout and elevations of Block A3 at levels 15 and 16, leading to addition of 1 No. unit	<i>The distribution of the affordable housing has been developed to enable the affordable housing registered providers to more easily manage and maintain the blocks containing their units.</i>
Removal of the Layby adjacent to Abbey Road and re-landscaping of this area in lieu. Relocation of the proposed Car Club bay and servicing layby to Southern access road.	<p><i>By locating the service bay away from Abbey Road, this reduces the likelihood of potential traffic issues caused by servicing and delivery vehicles. The relocation also brings the servicing bay off the main highway within the boundary of the development site, making it less prone to parking misuse by passing drivers on Abbey Road.</i></p> <p><i>The relocation will also enable the proposed line of new streetscape trees and soft landscaping which fronts the majority of the proposed development along Abbey Road to be continuous, rather than interrupted as it was previously to the front of Block C1 South.</i></p> <p><i>This additional planting will increase the number of new trees to be planted by the development. The increased number and continuity of streetscape trees will create an improved setting, over the previously proposed vehicle dominant layout, for the Schedule Ancient Monument site (Barking Abbey Ruins) located opposite the site on the East of Abbey Road.</i></p> <p><i>The proposed Car Club location is also more overlooked, with natural surveillance from surrounding units ensuring the spaces are in a safe location which means the Car provided is less likely to be vandalised.</i></p>
Amendments to the landscaping including redesign of riverfront plaza space to remove the Waterfront steps, to be replaced with a level surface with more greening.	<i>The proposed public green is intended to provide an open multifunctional lawn space that the occupants of the development can utilise for a variety of activities</i>

To accommodate the changes, the application proposes amendments to the following conditions:

- Condition 2 (Approved drawings) – plans amended to introduce design changes
- Condition 24 (Car parking) - car parking figures and active EV charging increased to 100%
- Condition 25 (Cycle parking) – updated plans
- Condition 26 (Energy and Sustainability) – to make reference to updated document
- Condition 39 (approved floorspace) – updated floorspace figures

A number of planning conditions for 18/02013/FUL have been discharged or partially discharged and as such these conditions have been amended to make reference to the Approval of Details applications.

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 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 25th October 2022 the legal agreement has not been completed, the London Borough of Barking & Dagenham's Head of Planning and Assurance is delegated authority to refuse planning permission or extend this timeframe to grant approval.

Conditions Summary:

1. Commencement of development within 3 years of original consent (18/02012/FUL)
2. In accordance with approved plans
3. Phasing plan
4. Submission of contamination risk assessment and remediation scheme
5. Submission of Construction Environmental Management and Site Waste Management Plans
6. Submission of Construction Logistics Plan
7. Submission of scheme of archaeological works
8. Submission of programme of public archaeological interpretation and outreach
9. Submission of surface water drainage scheme
10. Submission of strategy for maintaining and improving flood defences
11. Submission of scheme for the provision and management of habitat creation
12. Submission of external materials
13. Submission of fire statement
14. Submission of scheme of wind mitigation measures
15. Submission of hard landscaping details
16. Submission of soft landscaping details
17. Submission of security management scheme and external lighting details
18. Submission of refuse strategy
19. Submission of scheme of acoustic protection
20. Submission of scheme of noise insulation of party construction
21. Control of noise from non-residential uses and plant and structure borne noise emissions
22. Submission of ventilation scheme for residential units affected by poor air quality
23. Submission of any commercial kitchen extract ventilation system
24. Submission of Car Parking Design and Management Plan, including securing blue badge car parking and electric vehicle charging points
25. Submission of cycle parking details
26. In accordance with submitted energy strategy, submission of details of photovoltaics and secure BREEAM rating
27. Submission of bird nesting and bat roosting bricks/boxes
28. London City Airport Safeguarding – submission of details of cranes and scaffolding
29. Submission of plan showing location of wheelchair adaptable dwellings and secure compliance with Building Regulations M4 (3) and M4 (2) – wheelchair adaptable dwellings and accessible and adaptable dwellings
30. Submission of details of communal television and satellite system
31. Submission of Delivery and Servicing Plan
32. Submission of scheme for managing any boreholes installed for the investigation of soils,

groundwater or geotechnical purposes

33. No piling, deep foundations and other intrusive groundworks using penetrative methods without consent
34. Secure compliance with Building Regulations water efficiency optional requirement
35. Submission of details of inclusive and unhindered access across the development
36. Flexible uses – changes between uses allowed for a period of 10 years
37. Hours of use of non-residential uses and delivery/collection hours
38. No vegetation clearance and tree work during bird breeding season
39. Approved floorspace

S106 – Summary of Heads of Terms:

The current application represents changes to an existing planning permission, and is not considered to generate need for additional Heads of Terms over and above what was secured for planning application 18/02013/FUL, with the exception of changes to facilitate:

- Payment of the Council's reasonable fees of £5,000 in monitoring and implementing the Section 106 and payable on completion of the deed;
- Amendments to secure the updated Affordable Housing schedule and to inset the "Affordable Housing Plan Overview Plan (Roof Level)" reference WH190/21/P/10.300 Rev B dated 07/04/2022;
- Relocation of the Car Club spaces;
- Uplift in any additional Carbon Offset beyond the 18/02012/FUL consent to be subject to the London Plan 2021 cost of £95 per tonne for a period of 30 years.

As such a Deed of Variation will be secured to ensure the original obligations will be secured through this application to vary the original permission, subject to these minor amendments.

OFFICER REPORT

Planning Constraints:

Barking Town Centre Area Action Plan boundary area
Abbey Retail Park residential allocation (BTCSSA7)
London Riverside Opportunity Area
Air Quality Management Area and Air Quality Focus Area
Tier 1 – Barking Abbey Archaeological Priority Area
Epping Forest Special Area of Conservation (SAC) Zone of Influence (3-6.2km Zone)
Adjacent to River Roding SINC
Adjacent to Abbey and Barking Town Centre Conservation Area

Site, Situation and relevant background information:

The application site (2.1 hectares) forms part of the former Abbey Retail Park. Planning permission 18/02013/FUL (to which the current Section 73 application relates) was approved 7th January 2020 and is currently under construction. The site is located immediately to the south of the A123/A124 roundabout and is bounded by the River Roding to the west, London Road to the north and Abbey Road to the east. A development by EcoWorld for circa 597 residential units has recently been completed directly to the south of the site.

The application site itself is not subject to any heritage designations. However, Abbey Green and its associated heritage assets are located to the east of the site across Abbey Road and comprise the Barking Abbey Scheduled Ancient Monument, the Grade I listed Parish Church of St Margaret, the Grade II listed Tomb of Captain John Bennett at St Margaret's Church, the Grade II listed remains of Barking Abbey and the old churchyard walls and the Grade II* listed Fire Bell Gate (Curfew Tower). To the north of the site on London Road, the bridge over the River Roding is Grade II listed and to the south of the site on Highbridge Road overlooking the River Roding is the Grade II listed Old Granary. The Abbey and Barking Town Centre Conservation Area is located immediately to the east of the site and the Abbey Road Riverside Conservation Area is located some distance to the south, on the eastern side of the River Roding.

The site falls within Flood Zone 1 (low risk of flooding). This zone has less than a 1 in 1000-year annual probability of flooding.

Key issues:

- Environmental (EIA)
- Principle of the proposed development
- Dwelling Mix and Quality of accommodation
- Design and quality of materials
- Impacts to neighbouring amenity
- Sustainable Transport
- Employment
- Impact to existing Education Provision
- Accessibility and Inclusion
- Waste management
- Delivering Sustainable Development (Energy / CO₂ reduction / Water efficiency)
- Biodiversity & Sustainable drainage
- Habitat Regulation Assessment: Epping Forest Special Area of Conservation (SAC)

Planning Assessment:

- 1.1 In response to the provisions of Section 73 Town and Country Planning Act 1990, the application is to be assessed to consider the question of the conditions subject to which planning permission should be granted. S.73 States:

(1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

(2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—

(a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and

(b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

- 1.2 Specifically, s.73 does not apply if the previous planning permission was granted subject to a condition as to the time within which the development to which it related was to be begun and that time has expired without the development having been begun. Further to this, s.73 does not permit a change to a condition subject to which a previous planning permission was granted by extending the time within which the development must be started or an application of reserved matters to be received.
- 1.3 The National Planning Practice Guidance directs the Local Planning Authority to consider the application against the development plan and material considerations, under section 38(6) of the Planning and Compulsory Purchase Act 2004 (*determination shall be made in accordance with the plan unless material consideration indicates otherwise*), and conditions attached to the existing permission. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

EIA:

- 2.1 The original application 18/02013/FUL was accompanied by an Environmental Impact Assessment (EIA) given the size of the proposed development. The Environmental Statement for the original application concluded that the proposed development would have an overriding beneficial effect and make a positive contribution to the wider area through comprehensive redevelopment.
- 2.2 The current application has an Environmental Statement section within the Planning Statement that makes reference to the topics from the original Environmental Statement and highlighting technical documents which take account of any key changes, namely pertaining to flood risk, noise, energy, transport and air quality.
- 2.3 Officers consider the documents adequately address the changing conditions in terms of policy, regulations, and surrounding context, and the changes sought to the application would not result in any changes to the scale or positioning of the built environment. Officers do not consider there would be any significant changes that would result in a different EIA conclusions, and as such the application is considered acceptable in this respect.

Principle of the development:	
<i>Approved use(s) of the site</i>	Residential, commercial, leisure, gym, community, workshop and business.
<i>Proposed use(s) of the site</i>	Residential, commercial, leisure, gym, community, workshop and business.

- 3.1 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.
- 3.2 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 policies 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).

- 3.3 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 LBBD have reached 66% of the target, and thus the presumption in favour of sustainable development is enacted and the adopted housing policies ‘fall away’.
- 3.4 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.
- 3.5 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.
- 3.6 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.
- 3.7 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.
- 3.8 The planning permission 18/02013/FUL as approved, is for a residential led mixed-use development with commercial ground floor elements, including a community use. The planning permission has been implemented and as such this establishes the land use for the site. The current application does not seek to change the land uses, but seeks to amend the quantum, as set out in the table below:

	Approved under 18/02018/FUL	Proposed
Residential (C3) (unit number)	1089	1118
Leisure/commercial (GIA)	A1-A4, D1 1,864sqm	Use Class E, and Sui Generis (drinking establishments) 1,353sqm
Workshops/business (GIA)	B1(a), B1(c) 936sqm	Use Class E 684sqm
Community (GIA)	D1 427sqm	594sqm F1 and E(e), E(f)

Gym (GIA)	D2 585sqm	Use Class E(d) 799sqm
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Loss of non-residential floorspace

- 3.9 The proposed development involves the loss of 5 non-residential units, equating to 382sqm GIA. The application is accompanied by a Main Town Centre Uses Assessment Report prepared by CPW Planning, which sets out how the revised proposals satisfy the sequential tests.
- 3.10 The reduction in non-residential uses at the site would result in ground floor adjustments which seek to concentrate the retained commercial/non-residential ground floor uses at prominent locations such as along London Road, Abbey Road and at key openings along the river walk. This would ensure that the main benefits of a mixed use scheme are retained and the vitality of non-residential uses is more focussed, with active frontage maintained at key areas.
- 3.11 Officers also note that since the approval of planning application 18/02013/FUL, the Weston Homes planning application at Town Quay (20/02089/FULL) has been approved, which seeks to focus commercial uses at this site, as a continuation / main connection point to the Town Centre.
- 3.12 Officers therefore consider that the reduction in non-residential floorspace will continue to accord with the local, regional and national policies, and would not impinge the success of the scheme, rather it would connect well with other recently approved developments in this area.

Increase in residential provision

- 3.13 With regards to the increase of 29 residential units at the site, in the context of a 1,089 unit scheme as approved, officers consider an increase to 1,118 units is broadly inline with the scope of the original planning permission. Additionally, the proposal would further contribute towards the Council's housing targets, meeting an identified need, in accordance with the Council's housing policies highlighted above, and would accord with the principles for sustainable development.

Principle of Section 73 application

- 3.14 Planning Policy Guidance acknowledges that new issues may arise after planning permission has been granted, which require modification of the approved proposals, one route to modify this is for an application to vary or remove conditions associated with a planning permission, under Section 73 of TCPA. PPG advises that planning permission cannot be granted under section 73 to extend the time limit or to change the description of the development. There is no statutory definition for what may be considered under a Section 73 application, but PPG states "it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved." (paragraph 017 Reference ID: 17a-017-20140306).
- 3.15 The principle of amending the scheme under a Section 73 application, as submitted is therefore accepted, provided that the proposed changes do not result in a substantially different development. In assessing the current application below, regard will be had to whether the proposed amendments are appropriate under the mechanism of a Section 73 application.

Dwelling Mix and Quality of accommodation:	
<i>Overall % of Affordable Housing:</i>	35% by habitable room
<i>Comply with London Housing SPG?</i>	Yes
<i>Appropriate Dwelling Mix?</i>	Yes

Dwelling mix and tenure

- 4.1 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".
- 4.2 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.

4.3 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.

4.4 The comparison between the approved and proposed housing mix is shown in the table below

	Approved under 18/02013/FUL	Proposed	Difference
1 bed	267 (24.5%)	290 (26%)	+23
2 bed	706 (64.8%)	712 (63.7%)	+6
3 bed	116 (10.7%)	116 (10.4%)	0
Total	1,089	1,118	+29

4.5 The primary increase to the housing is within the 1 bed units, however the overall mix is broadly similar to the approved scheme. Whilst the number of 3 bed units has remained the same, this still equates to over 10% of the provision, as approved; it is also worth noting that the distribution between 3b4p and 3b5p has changed so that there is an increase in 3b5p, from 50 as approved to 72 proposed. All 1 bed units are 1b2p, and as such there are no 1b1p units across the development which is supported. Officers therefore consider the dwelling mix to be acceptable and in accordance with the policy aims.

Affordable Housing

4.6 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."

4.7 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.

4.8 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.

4.9 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.

4.10 The proposed affordable housing provision is as per the below table:

	London Affordable Rent	Shared Ownership	Discount Market Sale
1 bed	23	41	26
2 bed	14	90	88
3 bed	60	5	21
Total	97	136	15

4.11 The proposed development would continue to deliver 35% affordable housing provision (on a habitable room basis) as approved, which would equate to 368 units, with a proposed tenure mix of 36% discount market sale, 34% shared ownership and 30% London affordable rent, in accordance with the threshold fast track approach set out in the London Plan and akin to the approved development. It is therefore considered this Section 73 application is acceptable in terms of affordable housing, in line with London Plan policies H4, H5 and H6. The proposed changes to affordable housing provision should be captured through the deed of variation, in line with the recommended Heads of Terms.

Quality of Accommodation

4.12 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 7.5m² for single occupancy and 11.5m² 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.

4.13 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’.

4.14 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.

4.15 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.

- 4.16 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.
- 4.17 As per the approved developments, the current Section 73 application would continue to meet minimum space standards.
- 4.18 The applicant has given consideration to maximising the provision of dual aspect units in the scheme, to ensure that most of the proposed north facing duplex units are dual aspect with a southwest facing window.
- 4.19 An internal Daylight Sunlight report has been undertaken by Point2, and submitted with the application, which concludes that 73% of the proposed habitable rooms assessed would meet or exceed ADF target values.
- 4.20 The proposed development would maintain the same overall proportion of dual aspect units as per the original consent, which would be 62%.
- 4.21 In terms of private amenity space, each proposed unit has private amenity space. This would consist of ground floor terraces which can be used for amenity space and defensible space, and/or balconies. In addition to the ground floor space, some duplex units benefit from a separate balcony.
- 4.22 The amount of communal amenity space would be as approved, delivered through Abbey Green Walk, Loxford Plaza and the Makers Yard, as well as delivering two landscaped private communal gardens at podium level. The approved development exceeded child playspace requirements, and there will be no change to either the approved development or the number of 3 bed units as a current scheme, and therefore this continues to be considered acceptable in light of the wider changes to the scheme.
- 4.23 Overall officers consider the scheme would continue to deliver a good quality of accommodation to the proposed residential units, in accordance with the policies and standards identified above.

Design and quality of materials:

<i>Does the proposed development respect the character and appearance of the existing dwelling?</i>	Yes
<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

- 5.1 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”.
- 5.2 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.
- 5.3 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 general in an area.
- 5.4 The NPPF states at paragraph 135 that “local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme”.
- 5.5 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.
- 5.6 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.
- 5.7 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.
- 5.8 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.
- 5.9 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.
- 5.10 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.
- 5.11 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.

- 5.12 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.

Height Scale and Massing

- 5.13 The height scale and massing of the proposed s73 application is materially in line with the approved development, with only slight minor changes to the height, with no material changes to the overall scale or massing of the proposal. Whilst some blocks would incorporate an additional storey, this would be accommodated within the existing height of the buildings, so there is no increase in the maximum height of the proposed development.
- 5.14 The proposed development is therefore acceptable in terms of height, scale and massing, in accordance with the design policies highlighted above.

Appearance and Architecture

- 5.15 The design of the scheme is largely as approved, although minor changes to the elevations are proposed to accommodate the proposed internal amendments.
- 5.16 The main material change in terms of design is the proposed redesign of the gym unit, which, as well as changing internally will become a more prominent feature in the streetscene, particularly from London Road. The proposed gym would feature a large glass façade onto London Road framed by red cladding. The red cladding would protrude from the main façade, and be highly visible along this main route into Barking town centre. The materials condition (12) would ensure that the proposed cladding materiality would be appropriate in the setting, and subject to this, officers do not object to this change. In the context of the wider development, this is considered to be a minor material amendment, and is therefore suitable for the current Section 73 application.

Layout and Landscaping

- 5.17 The proposed layout is broadly as approved, although ground floor residential units have been introduced in lieu of the reduced non-residential floorspace. Where non-residential floorspace has been retained, this would be along key “corners” and more accessible/visible areas of the proposed development, including the relocation of the community facility from within the development to a more prominent location along Abbey Road. The community space would be in a slightly smaller unit than currently approved; however on balance and with the more prominent location open to the wider community officers consider this to be acceptable. Furthermore, whilst this unit has reduced in size the “residential hub” community space has increased in floorspace. It is also important to note that the other “commercial” uses retain a flexible use which could include the operation of community spaces.
- 5.18 Landscaping would be broadly similar to that approved, with the principal difference being to the “public plaza” which as approved benefited from steps down to the river to provide seating and playspace and create a visual connection to the river edge, level with the river. The benefits of the approved scheme are improving visibility to the river, improving visibility and enabling visitors to get closer to the waters edge. However, the applicant notes that this would create a public realm dominated by engineering in the form of hard surfacing, ramps, steps, handrails and other requirements to enable safe and inclusive access across the space, which would limit the extent of soft landscaping.
- 5.19 The revised proposal creates a level public realm with an increased area given over to amenity landscaping resulting from the reduction in “engineered” space.
- 5.20 Whilst officers consider the removal of this stepped access and river connection to be a loss to the scheme and variety of open space overall, officers welcome the increase in greening.

- 5.21 The development would retain the provision of a naturalised riverbank and new habitat, as approved.
- 5.22 Overall, and on balance, officers consider the amendments to the layout to be acceptable, in accordance with the above design policies.

Impacts to neighbouring amenity:

- 6.1 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.
- 6.2 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.
- 6.3 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.”
- 6.4 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.
- 6.5 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.
- 6.6 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.
- 6.7 There would be no changes in terms of daylight/sunlight, outlook, or privacy as a result of the current application, and as per the approved planning permission, this is considered to be in keeping with the relevant policies in this respect. Similarly, there would be no changes in respect of lighting, air quality or contaminated land.
- 6.8 In terms of noise, the introduction of additional residential units at ground floor level in close proximity to proposed commercial units, which may become noise generating (e.g. restaurants or bars). Consideration must therefore be given to ensuring the proposed uses are compatible and designed to appropriately consider noise.
- 6.9 The approved application has three conditions relating to noise (19, 20 and 22). It is recommended that these conditions are reattached should the section 73 application be approved, to ensure that the proposed units are suitably protected from noise. Officers therefore consider that this can be dealt sufficiently through the discharge of conditions 19, 20 and 22 to ensure that there would be no undue impact in terms of noise.
- 6.10 Overall, officers consider that the proposed development has an acceptable impact in terms of residential amenity, in accordance with London Plan policies D3, D6, D12 and D13, adopted local policy BP8 and the Draft Local Plan policies DMD1 and DMSI3, as well as the aforementioned sections of the NPPF.

Sustainable Transport:			
<i>Approved car parking spaces:</i>	248 (including 33 disabled bays)	<i>Proposed car parking spaces:</i>	254
<i>Approved number of cycle parking spaces:</i>	2,072 Of which: 2,045 long-stay 27 short-stay	<i>Proposed number of cycle parking spaces:</i>	2,129 Of which: 2,100 long-stay 29 short-stay

- 7.1 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 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.
- 7.2 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.
- 7.3 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.
- 7.4 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.
- 7.5 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.
- 7.6 As the application is a Section 73 application, only the proposed changes in respect of the current application may be considered, in respect of transport and highways, this would be:
- Increase in 6no. car parking spaces
 - Increase in 55 long-stay and 2 short-stay cycle parking spaces
 - An increase to 100% active electric charging points, from 20% active provision as approved (remainder approved as passive)
 - Relocation of the proposed car club space from Abbey Road frontage to within the site along the southern access road
 - Relocation of approved loading bay from Abbey Road to centrally within the site along the southern access road
- 7.7 The proposed changes have been assessed by Be First Transport Officers. Concerns are raised in relation to the increase of 6 car parking spaces, which is not justified in the application submission, and does not meet the aims of reducing car dependency and encouraging alternative transport uses, as adopted in the London Plan and reiterated in the Draft Local Plan. However, in the context of the wider development, in which there are 248 car parking spaces approved for

1,089 residential units and commercial space, planning officers do not consider that the impact of an additional 6 car parking spaces would result in a severe impact on the highway to justify a reason for refusal of the Section 73 application. Furthermore, when balanced against the improvements in terms of EV charging provision, officers consider the amendments to car parking would have a neutral impact on the approved development.

- 7.8 With regards to the relocation of the car club space, from a visible location along Abbey Road, to a private road within the site, the Technical Note indicates this is proposed due to engineering challenges rather than as a planning matter. Without a robust management and enforcement system being deployed on a private road there will be an increased risk with inconsiderate parking by others. In such matters where it is proposed to use a private road for a public facility its success is dependent on estate management companies, landlords or tenants. The responsibility of maintaining this space is therefore questioned. The Transport Officer concerns have been raised with the applicant, but no changes to the relocated car club bay have been proposed to address these concerns.
- 7.9 Whilst planning officers understand the concerns raised, within the wider scheme and benefits of the proposed development, it is not considered that the relocated car club bay should result in a reason for refusal of the scheme. Users of the car club will operate the facility through mobile apps, which will show the location of the vehicles, therefore reducing the importance of “visibility” from a user perspective. Officers consider that the car parking management scheme required under condition 24 would be a reasonable mechanism in which to ensure that the area is suitably managed in perpetuity; to address the highways officers concerns it is therefore recommended that the car parking condition is reworded to include reference to the management of the car club bays. The S106 will need to be varied to include reference to the new location.
- 7.10 It is noted that in technical note the proposed change to the servicing strategy and new layout to relocate the loading bay currently shown on Abbey Road. The removal of this bay from Abbey Road will increase soft landscaping to this frontage, however, locating the loading bay located internally within the site boundary, along the southern access means there could be potential conflicts with pedestrians and cyclists. Officers consider that with a robust design in terms of a defined layout, materials, construction specification, lighting and CCTV were installed and constructed in this area it could be managed to avoid these types of conflict. To ensure this space offers adequate provision and to optimise the delivery and servicing safely and efficiently the operational hours should be controlled and recorded in the Delivery Servicing Plan to prevent it from becoming a 24-hour service yard. It is therefore recommended that these details are secured by way of planning condition.
- 7.11 Subject to the above conditions, and when balancing the amendments against the wider application as a whole, officers consider the transport impacts to be acceptable, in line with the NPPF, and the relevant local and regional policies above.

Delivering Sustainable Development (Energy / CO2 reduction / Water efficiency):	
<i>BREEAM Rating</i>	Very Good - Excellent
<i>Proposed CO₂ Reduction</i>	39%

- 8.1 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.
- 8.2 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.

- 8.3 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.
- 8.4 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.
- 8.5 The planning application is supported by an Energy Statement Addendum which provides an updated assessment of how the proposed development would contribute to achieving CO2 emission reductions and sets out how the proposal will ensure the development operates in an energy efficient manner, in light of the changes made as part of the Section 73 application.
- 8.6 The approach will continue to maintain the general approach as per the original application, and the Energy and Sustainability condition attached to 18/02013/FUL will be brought forward, amended to include reference to the updated Energy Addendum.
- 8.7 Since the approval of 18/02013/FUL in January 2020, the London Plan has been adopted, which increases the carbon off-setting amount from £60 per tonne, to £95 per tonne. It is therefore recommended that any increased off-setting requirements beyond that which were expected from the original consent, resulting from the proposed changes would be subject to the updated amount. The Deed of Variation would secure this amendment.
- 8.8 Overall the application is considered to accord with the requirements of the NPPF, and local and regional policies regarding energy and sustainability, and as such this is considered acceptable.

Biodiversity & Sustainable drainage:

- 9.1 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.
- 9.2 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

- 9.3 There are no changes in respect of biodiversity or ecology proposed as part of the Section 73 application.

Sustainable drainage

- 9.4 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.
- 9.5 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 DMS16 of the emerging Local plan (Regulation 19 stage), set out the local policy position.

- 9.6 An updated FRA and Drainage Strategy has been submitted, largely to consider the impacts of the introduction of ground floor residential units within the scheme. There are only two additional units located on the ground floor where sleeping accommodation is located on the ground floor level, other ground floor units proposed are duplex, with sleeping accommodation on the first floor level. The two units with ground floor sleeping accommodation have an increased floor to ceiling height of 4-4.5m, which would incorporate split level bedrooms that would be 1m above ground level. The proposed units therefore meet the requirements of the Flood Risk Assessment, which also concludes that flood risk to the development and the local area would not increase as a result of the proposed amendments.
- 9.7 There are no changes proposed to the drainage strategy, and no objections are therefore raised from the LLFA.
- 9.8 Officers consider the proposed changes to be acceptable, in accordance with the local, regional and national policies summarised above.

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

- 10.1 The application introduces 29 new residential units additional to those already approved, and therefore in accordance with the Epping Forest Special Area of Conservation (SAC) Interim Mitigation Strategy Dated 06 March 2019 prepared by Natural England and the advice provided and summarised in Appendix 5 below no mitigation is required.

Conclusions:

The proposed development would result in changes to the extant consent 18/02013/FUL approved 7th January 2020 to include the reduction in non-residential floorspace, and the increase of 29 residential units. The percentage of 3 bed units would continue to be over 10%, in accordance with the original consent. The proposed development would therefore continue to contribute towards local housing need, delivering sustainable development in this

The proposed development would continue to achieve 35% affordable housing provision on a habitable room basis with a tenure mix split in accordance with London Plan fast track route.

All conditions and obligations imposed on planning permission 18/02013/FUL will be brought forwards, with amendments as necessary. The scope of the current application is not considered to generate a requirement for any new obligations or conditions.

The proposed amendments have been assessed thoroughly by officers and are considered to be within the scope of the proposed Section 73 application, and would comply with the NPPF, London Plan, adopted development plan documents and Draft Local Plan (Regulation 19 submission version 2021).

It is therefore recommended that the planning permission be granted subject to the conditions and Deed of Variation, as listed at Appendix 6 and Appendix 7 of this report.

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) (July 2021)

London Plan (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>Local Development Framework (LDF) Barking Town Centre Area Action Plan (2011)</i></p>	<p>BTC1 Additional Shopping Floorspace BTC5 Leisure Uses and the Evening Economy BTC6 Barking as a Visitor Destination BTC7 Improving Public Transport BTC8 Traffic Management/Abbey Road Home Zone BTC9 Town Centre Car Club BTC10 Pedestrian Movement BTC11 Cycling Facilities BTC12 Off-Street Public Car Parking BTC13 Housing Supply BTC15 Social Infrastructure/Community Facilities BTC16 Urban Design BTC17 Tall Buildings BTC18 Public Realm BTC19 Heritage and the Historic Environment BTC20 Parks, Open Spaces, Play Areas and Tree Planting BTC21 Riverside Development and Informal Leisure BTC22 Sustainable Energy BTCSSA7 Abbey Retail Park BTC23 Developer Contributions</p>
<p><i>The London Borough of Barking and Dagenham’s Draft Local Plan: (Regulation 19 Submission Version, December 2021) is at an “advanced” stage of preparation. Having regard to NPPF paragraph 216 the emerging document is now a material consideration and substantial weight will be given to the emerging document in decision-making.</i></p>	
<p><i>The London Borough of Barking and Dagenham’s Draft Local Plan: (Regulation 19 Submission Version, December 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</p>

	<p>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 POLICY DMSI 7: Water management POLICY DMSI 9: Demolition, construction and operational waste POLICY DMSI 10: Smart Utilities STRATEGIC POLICY SP8: Planning for integrated and sustainable transport POLICY DMT 1: Making better connected neighbourhoods POLICY DMT 2: Car parking POLICY DMT 3: Cycle parking POLICY DMT 4: Deliveries, servicing and construction STRATEGIC POLICY SP 9: Managing development 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) Housing Supplementary Planning Guidance (GLA, March 2016, Updated August 2017) Play and Informal Recreation (2012) Energy Assessment Guidance (GLA, October 2018) Sustainable Design and Construction SPG (GLA, April 2014) 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.

Be First is the Council's urban regeneration vehicle and undertakes planning statutory services on its behalf, including development management. LBBB 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 LBBB's Head of Planning Assurance. Appropriate governance procedures are followed to ensure there are no conflicts of interest.

Appendix 2:

Relevant Planning History:			
<i>Application Number:</i>	21/01860/NONMAT	<i>Status:</i>	Approved
<i>Description:</i>	Non material amendment to planning permission 18/02013/FULL dated 07/01/2020 to amend the inset upper floor elevations of blocks B3 and C3.		
<i>Application Number:</i>	21/01813/NONMAT	<i>Status:</i>	Approved
<i>Description:</i>	Non material amendment to planning permission 18/02013/FULL dated 07/01/2020 The wording of the development description requires amending to remove reference to the number of residential units, the number of storeys and the total non-residential floor space provided. Proposed description: "Phased comprehensive redevelopment of the site via clearance of the remaining structures and the erection of new buildings to provide residential dwellings comprising a mix of 1, 2 and 3 bedroom flats and associated private amenity space, flexible commercial floorspace, employment floorspace, gymnasium and community facility; together with ancillary management and residents facilities, plant rooms and refuse storage areas. Provision of new vehicular access points, car and cycle parking, public realm with hard and soft landscaping including riverside walk, and other associated works. (Application accompanied by an Environmental Impact Assessment)."		
<i>Application Number:</i>	21/01442/NONMAT	<i>Status:</i>	Approved
<i>Description:</i>	Non material amendment to planning permission 18/02013/FUL dated 7th January 2020 comprising the amendment of to the approved plans under condition 2 to amend the internal layouts of, balconies and podium facing elevations of blocks B2 & B1 North.		
<i>Application Number:</i>	21/01442/NONMAT	<i>Status:</i>	Approved
<i>Description:</i>	Application for non-material amendment following grant of planning permission 18/02013/FUL: Amendment to wording of Condition 10 (flood defences).		
<i>Application Number:</i>	18/02013/FUL	<i>Status:</i>	Approved
<i>Description:</i>	Phased comprehensive redevelopment of the site via clearance of the remaining structures and the erection of new buildings ranging from 2 to 29-storeys in height to provide 1,089 residential dwellings comprising a mix of 1, 2 and 3 bedroom flats and associated private amenity space, 2,070 sqm flexible commercial floorspace (Use Classes A1 / A2 / A3 / A4 / D1), 1,071 sqm employment floorspace (Use Class B1(a), (c)), 637 sqm gymnasium (Use Class D2) and 470 sqm community facility (Use Class D1); together with ancillary management and residents' facilities, plant rooms and refuse storage areas. Provision of new vehicular access points, car and cycle parking, public realm with hard and soft landscaping including riverside walk, and other associated works.		

Appendix 3:

The following consultations have been undertaken:

- GLA
- LBBB Flood Risk Manager / LLFA
- London Fire Brigade (LFEPA Fire Strategy)
- London Fire Brigade (Water Team)
- HSE
- LBBB Environmental Protection Officer
- Be First Transport
- LBBB Employment and Skills
- LBBB District Heating / Energy
- LBBB CCTV, Community Safety and Public Protection
- LBBB Access Officer
- National Grid
- Environment Agency
- Thames Water
- Network Rail
- UK Power Networks
- LBBB Refuse Team
- LBBB Education and Social Care
- LBBB Streetlighting

Summary of Consultation responses:		
Consultee and date received	Summary of Comments	Officer Comments
GLA Stage 1 Referral 09/02/2022	<p>No Strategic Issues letter:</p> <p>GLA have assessed the details of the application and, given the scale and nature of the proposals, conclude that the amendments do not give rise to any new strategic planning issues. Therefore, under article 5(2) of the Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008 the Mayor of London does not need to be consulted further on this application.</p> <p>The Council may, therefore, proceed to determine the application without further reference to the GLA.</p>	Noted.
LBBB Flood Risk Manager /LLFA 03/03/2022	Provided there are no proposed amendments to the area of impermeable surface for the proposed development or any proposed reduction in previously	No changes are made in respect of the surface water attenuation or impermeable surface.

	agreed surface water attenuation measures, do not believe we have any comments to make regarding these requested changes.	
London Fire Brigade (fire safety regulation) 03/02/2022	The London Fire Brigade (LFB) has been consulted with regard to the above-mentioned premises and have no further observations to make.	Noted
Health and Safety Executive (HSE) 31/01/2022	<p>HSE was not consulted about the original application as it predated the establishment of HSE as a statutory consultee for high risk buildings. The comments below are, restricted to the proposed variations of conditions detailed in the document titled 'Planning Statement Rev B'</p> <p>The fire escape route travel distances from the most remote points of the gym (including upper storeys), to a place of safety appear excessive.</p> <p>The first floor plan drawings shows corridors serving the flats in blocks A1, A3, C1 and C2 also serve ancillary accommodation such as plant rooms. Ancillary accommodation should not connect with any part of the only escape route from a dwelling on the same storey. This is necessary to prevent a fire in the ancillary accommodation compromising the means of escape from the flats.</p> <p>Plan drawings show the single staircases serving flats, also serve the covered carparks, by way of lobbies</p> <p>Similarly, it is unclear how firefighters would fight a fire in the covered car parks</p> <p>There is no indication of how smoke from a car park fire will be vented to outside. Smoke generated by a car park fire will be hot, toxic, may contain combustible gases, and will require venting to fresh air via open vents or mechanical extraction fans</p> <p>It is unclear from the plan drawing how fire service vehicle access will be provided to the firefighting shafts in blocks A2 and A3, as there does not appear to be a suitable access road leading to the entrance to these shafts.</p> <p>The escape route travel distances from the most remote points of the enlarged mezzanine, to a place of safety appear</p>	<p>The applicant has responded to the comments raised by HSE (additional submission dated 10.03.2022), which provides detailed comments on the issues raised, including plant rooms, stair/lift cores, fire fighting to car parks, car park ventilation, fire access vehicles, cycle store escape, duplex units/car park access, and appends the applicant's Fire Strategy Report.</p> <p>The HSE have been re-consulted further to the above response, but no further comments have been received.</p> <p>The application is subject to a condition requiring the submission of a Fire Statement (condition 13), this will be reattached to ensure that all fire relating matters can be appropriately addressed at the detailed design stage.</p>

	excessive.	
<p>London Fire Brigade (Hydrant officer - Water Team)</p>	<p>Consideration has been given to the provision of fire hydrants and it will be necessary to install two new fire hydrants in the positions as indicated in red on the attached plan. The hydrants should be numbered 127560 and 127561. If these are to be private hydrants, the installation cost for the hydrants will be the responsibility of the developer and the ongoing future maintenance and repairs will be the responsibility of the site owner or management company. Each private hydrant should be tested and maintained annually.</p> <p>The hydrant should be installed within the footpath – not in the carriage way, grass verge, flower bed or parking bay, the hydrants should be one metre clear of all obstructions, with the outlet no more than 300mm below the finished ground level. The hydrant should conform to BS:750 , have a BS standard FH cover and be indicated with a hydrant indicator plate conforming to BS:3251.</p> <p>As a rule, a Fire Appliance needs to have access within 18 metres of a Dry Riser. Building Regulations states that There should be a fire hydrant located no further than 90 metres from a building and no closer than 6 metres.</p> <p>If this development is to be gated the gates must be fitted with a LFB lock so our fire crew can gain 24 hour access.</p>	<p>The application is subject to a condition requiring the submission of a Fire Statement (condition 13), this will be reattached to ensure that all fire relating matters can be appropriately addressed at the detailed design stage.</p> <p>The original consent also has an informative setting out that two private fire hydrants shall be installed as part of the development – this will be carried forward.</p>
<p>LBBB Environmental Protection Officer 18/02/2022</p>	<p>With regard to the change of previously approved commercial units being altered to become residential, the applicant will need to revisit, and resubmit any approved contaminated land and noise reports to reflect the increased risk. I note that part a & b of the contaminated land condition have already been discharged so this will need to be addressed. Part c & d are pending so again these will need to be addressed. The applicant should prepare clear reports identifying the changes and evidence that the level of risk has been adequately addressed. This will not be accepted retrospectively.</p> <p>Conditions 19, 20 and 22 relating to noise are also stated as “pending”.</p>	<p>With regards to contaminated land, there would be no changes as the proposed land uses are the same and the footprints/locations of the proposed buildings have not changed.</p> <p>The noise and air quality conditions (19, 20, 21 and 22) will be reattached to ensure the details submitted relate to and take account of the newly proposed residential units, in particular the ground floor units adjacent to non-residential uses.</p>

	<p>Again, very clear reports should specifically identify how these relate to the new plots and how the noise survey is representative. These matters should be dealt with separately as it is not reasonable to assess these amendments with the volume of documentation submitted under this variation application.</p> <p>With regard to the application to amend the wording of Conditions 22 (Air Quality), I can find no new submission which states what the proposed amendment is.</p> <p>Please could the proposed new wording be clarified. If the applicant is merely stating that the position has now changed, (although the whole of LBBD is an Air Quality Management Area so I do not see how that would be the case), and that the situation should be re-assessed in terms of information available today, then I would suggest that in line with the new Planning Obligations SPD (2nd draft) , a Section 106 Agreement is considered to be the most suitable mechanism for securing financial contributions towards air quality.</p>	
<p>Be Transport 05/04/2022</p> <p>First</p>	<p>The proposed variation to the approved drawings regarding transport condition 24 (Car Parking) for the parking provision uplift even thou slight with an additional 6 parking spaces proposed is not justified or in the spirit of the London Plan (2021) and local plan policies and shouldn't be permitted.</p> <p>Based on the information provided in the Technical Note and our own site investigation regarding the removal and relocation of the car club layby it would appear the primary reason is not a planning matter but instead an engineering challenge. It should be noted in the TN that the Car Club operator stated without a robust management and enforcement system being deployed on a private road there will be an increased risk with inconsiderate parking by others. In such matters where it is proposed to use a private road for a public facility its success is dependent on estate management companies and our</p>	<p>Transport matters are assessed in the main body of the report above.</p>

	<p>experience suggests that, in practice, this is difficult to achieve and potentially becomes legally challenging when there is a change of landlord, management company or tenants or owner. There is a risk the Council will be called upon to manage the expectations of new residents, local Councillors, and the public particularly in matters of access to car clubs and as a private road the assistance of the Council would be limited and could prove costly. An engineering solution should be sought to keep the car club bay as originally designed and for it to be located on the public highway. This will ensure the bay can be used and managed as intended and is compliant with TSRGD and therefore, this change shouldn't be permitted.</p> <p>It's noted that in technical note the proposed change to the servicing strategy and new layout to relocate the loading bay currently shown on Abbey Road, has greater benefits and will also allow for ad hoc vehicles which accidentally turn into the road. This was raised at the initial planning stage and was not perceived as an issue when these types of vehicle movements were discussed because of the infrequent nature and site signage and therefore, is not a significant justification to warrant the change. Having the loading bay located internally within the site boundary, along the southern access means there could be potential conflicts with pedestrians and cyclists.</p> <p>However, with a robust design in terms of a defined layout, materials, construction specification, lighting and CCTV were installed and constructed in this area it could be managed to avoid these types of conflict. To ensure this space offers adequate provision and to optimise the delivery and servicing safely and efficiently the operational hours should be controlled and recorded in the DSP to prevent it from becoming a 24-hour service yard.</p>	
<p>Environment Agency 12/04/2022</p>	<p>No objections.</p>	<p>Noted.</p>

Appendix 4:

Neighbour Notification:	
Number of neighbouring properties consulted:	835
Number of responses:	0

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 5th 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.

Having made this appropriate assessment of the implications of the plan or project for the site in view of that site's conservation objectives, and having consulted Natural England and fully considered any representation received (see below), 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.

Natural England Officer: Milena Petrovic

Date Consulted: 18 December 2020

Summary of Natural England's Borough Wide comments:

Have reviewed the HRA and am satisfied with the HRA's analysis. Natural England are happy with the conclusions reached that the development alone and in combination would not contribute to adverse impacts on the integrity of Epping Forest SAC or the underlying SSSI.

Appendix 6:

Conditions & Informatives:

Conditions:

1) Time Limit

The development permitted shall be begun before the expiration of three years from 07 January 2020.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

2) Plan Numbers

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

Drawing Ref. Date

32847-A-02-100 23.11.18

32847-A-02-200 23.11.18

32847-A-02-300 23.11.18

WH190/21/P/25.00 17.11.21

WH190/21/P/25.100 17.11.21

WH190/21/P/25.01 17.11.21

WH190/21/P/25.02 Rev A 26.01.22

WH190/21/P/25.03 Rev B 08.03.22

WH190/21/P/25.04 Rev B 08.03.22

WH190/21/P/25.05 Rev B 08.03.22

WH190/21/P/25.06 Rev B 08.03.22

WH190/21/P/25.07 Rev B 08.03.22

WH190/21/P/25.08 Rev C 08.03.22

WH190/21/P/25.09 Rev C 08.03.22

WH190/21/P/25.10 Rev C 08.03.22

WH190/21/P/25.11 Rev C 08.03.22

WH190/21/P/25.12 Rev B 08.03.22

WH190/21/P/25.13 Rev B 08.03.22

WH190/21/P/25.14 Rev B 08.03.22

WH190/21/P/25.15 Rev B 08.03.22

WH190/21/P/25.16 Rev B 08.03.22

WH190/21/P/25.17 Rev B 08.03.22

WH190/21/P/25.18 Rev B 08.03.22

WH190/21/P/25.19 Rev B 08.03.22

WH190/21/P/25.20 Rev B 08.03.22

WH190/21/P/25.21 Rev A 17.11.21

WH190/21/P/25.22 Rev A 17.11.21

WH190/21/P/25.23 Rev A 17.11.21

WH190/21/P/25.24 17.11.21

WH190/21/P/25.25 17.11.21

WH190/21/P/25.26 17.11.21

WH190/21/P/25.27 17.11.21

WH190/21/P/25.28 17.11.21

WH190/21/P/25.29 17.11.21

WH190/21/P/25.50 17.11.21

WH190/21/P/25.51 17.11.21

WH190/21/P/35.01 Rev A 17.11.21

WH190/21/P/35.02 Rev A 17.11.21

WH190/21/P/30.01 Rev A 17.11.21

WH190/21/P/30.02 Rev A 17.11.21

WH190/21/P/30.03 Rev A 17.11.21

WH190/21/P/30.04 Rev A 17.11.21
WH190/21/P/30.05 Rev A 17.11.21
WH190/21/P/30.06 Rev A 17.11.21
WH190/21/P/30.07 Rev A 17.11.21
WH190/21/P/30.08 Rev A 17.11.21
WH190/21/P/30.09 17.11.21
WH190/21/P/30.10 Rev A 17.11.21
WH190/21/P/30.11 Rev A 17.11.21
WH190/21/P/30.12 Rev A 17.11.21
WH190/21/P/30.13 Rev B 17.11.21
WH190/21/P/30.14 Rev A 17.11.21
WH190/21/P/30.15 Rev A 17.11.21
WH190/21/P/30.16 Rev A 17.11.21
32847-A-NS-A2-70-04 4.4.19
32847-A-NS-A2-70-20 4.4.19
32847-A-NS-A3-70-04 4.4.19
32847-A-NS-A3-70-14 4.4.19
32847-A-NS-B1N-70-04 4.4.19
32847-A-NS-B1S-70-04 23.11.18
32847-A-NS-B2-70-03 4.4.19
32847-A-NS-B2-70-04 4.4.19
32847-A-NS-B2-70-05 4.4.19
32847-A-NS-B3N-70-04 23.11.18
32847-A-NS-B3N-70-10 4.4.19
32847-A-NS-B3S_C3NS-70-10 4.4.19
32847-A-NS-C1N-70-04 4.4.19
32847-A-NS-C1S-70-04 4.4.19
32847-A-NS-C2-70-04 Rev A 4.4.19
32847-A-NS-C3-70-04 23.11.18
L-90-100 Rev 06 17.11.21

Reason: Reason:

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

3) Phasing Plan

No development shall take unless in accordance with the Phasing Plan(s) showing how the development will be implemented in a comprehensive manner which has been approved under Application Ref. No. 20/00251/CDN or any other plans which may be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented only in accordance with the approved Phasing Plan(s).

Reason:

The Phasing Plan is required prior to commencement of development to allow the community infrastructure levy (CIL) liability to be calculated for each Phase and for any relief to be determined.

4) Groundwater and Contaminated Land

No development shall commence in a Phase unless in accordance with:

(a) The investigation and risk assessment for the relevant Phase approved under Application Ref. No. 20/00020/CDN, in addition to any assessment provided with the planning application, or any further investigation and risk assessment which has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to human health; property (existing or

proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments; and

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

(b) The detailed remediation scheme for the relevant Phase, approved under Application Ref. No. 20/00020/CDN, 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, or any further remediation scheme which 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 sitemanagement 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 for the portion of the site due to be commenced, prior to commencement of the relevant Phase, 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 for the relevant Phase, 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) No development shall commence in a Phase unless in accordance with the monitoring and maintenance plan approved under Application Ref. No. 20/00477/CND or 21/01502/AOD in respect of contamination for the relevant Phase, including a timetable of monitoring and submission of reports to the Local Planning Authority, or any further monitoring and maintenance plan which has been submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority.

(e) 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 in each Phase 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

5) Construction Environmental Management and Site Waste Management

No development shall commence in a Phase, including any works of demolition, unless in accordance with the Construction Environmental Management Plan (CEMP) and a Site Waste Management Plan (SWMP) approved under Application Ref. No. 20/00199/CDN, or any further CEMP and SWMP for the relevant Phase which would have been submitted to and approved in writing by the Local Planning Authority.

These Plans shall incorporate details of:

- a) construction traffic management;
- b) the parking of vehicles of site operatives and visitors;

- c) loading and unloading of plant and materials;
- d) storage of plant and materials used in constructing the development;
- e) the erection and maintenance of security hoarding(s) including decorative displays and facilities for public viewing, where appropriate;
- f) wheel washing facilities;
- g) measures to control the emission of dust, dirt and emissions to air during construction; such measures to accord with the guidance provided in the document "The Control of Dust and Emissions during Construction and Demolition", Mayor of London, July 2014; including but not confined to, non road mobile machinery (NRMM) requirements;
- h) noise and vibration control;
- i) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- j) the use of efficient construction materials;
- k) methods to minimise waste, to encourage re-use, recovery and recycling, and sourcing of materials; and
- l) a nominated Developer/Resident Liaison Representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer's representatives. This person will act as first point of contact for residents who have any problems or questions related to the ongoing development.

Demolition and construction work and associated activities, other than internal works not audible outside the site boundary, are only to be carried out between the hours of 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 Saturday, with no work on Sundays or public holidays without the prior written permission of the Local Planning Authority. Any works which are associated with the generation of ground borne vibration are only to be carried out between the hours of 08:00 and 18:00 Monday to Friday.

Demolition and construction work and associated activities are to be carried out in accordance with the recommendations contained within British Standard 5228:2009, "Code of practice for noise and vibration control on construction and open sites". Parts 1 and 2.

Once approved the Plans shall be adhered to throughout the construction period for the relevant Phase.

Reason:

The CEMP and SWMP are required prior to commencement of development in each Phase in order to reduce the environmental impact of the construction and the impact on the amenities of neighbouring residents

6) Construction Logistics Plan

No development shall commence in a Phase, including any works of demolition, unless in accordance with the Construction Logistics Plan approved under Application Ref. No. 20/00198/CDN or an alternative Construction Logistics Plan for the relevant Phase has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be designed to minimise deliveries of materials and export of any waste materials within the times of peak traffic congestion on the local road network. The Plan shall be implemented in accordance with the approved details and thereafter maintained.

Reason:

The Construction Logistics Plan is required prior to commencement of development in each Phase in order to minimise the impact of construction on the free flow of traffic on the local highway network and in the interests of highway safety, and in accordance with policy BR10 of the Borough Wide Development Policies Development Plan Document and policy 6.3 of the London Plan.

7) Archaeological Works

A) No development shall take place in a Phase unless in accordance with the details approved under Applications Ref. No. 20/00021/CDN and 20/01301/AOD or until the developer has secured any such alternative programme of implementation of the archaeological works for the relevant Phase in

accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority in conjunction with Historic England.

B) No development or demolition shall take place in a Phase other than in accordance with the Written Scheme of Investigation approved under Part A).

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

Reason:

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

Document.

8) Programme of Public Archaeological Interpretation and Outreach

No Phase of the development hereby permitted shall be occupied until a programme of public archaeological interpretation and outreach for the relevant Phase has been submitted to and approved in writing by the Local Planning Authority in conjunction with Historic England. The programme shall be implemented in accordance with the approved details.

Reason:

Important archaeological remains will be affected by the scheme and the Local Planning Authority requires that public benefit may be demonstrated from the scheme

9) Surface Water Drainage

a) No development shall commence in a Phase, except any works of site clearance and demolition, unless in accordance with the details approved under Application Ref. No. 20/00022/CDN or until an alternative Surface Water Drainage Scheme for the relevant Phase, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall subsequently be implemented in accordance with the approved details before the relevant Phase of the development is completed.

b) No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the Local Planning Authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason:

Surface Water Drainage details are required prior to commencement of development in each Phase in order to reduce the risk of flooding and to protect controlled waters

10) Flood Defences

No development shall commence until a strategy for maintaining and improving the flood defences has been submitted to and approved in writing by the Local Planning Authority. This strategy will include the following components:

(1) Intrusive ground investigations and a determination of the residual life of the flood defences.

(2) A scheme, based on the results of (1), to undertake any required improvements, repairs or replacement of the flood defences. The submitted scheme shall demonstrate how the flood defences will be raised to 5.7m AOD by 2065 and 6.2m AOD by 2100 in line with the requirements of the Thames Estuary (TE2100) Plan and in accordance with the submitted document 'Design Note 001' (titled River Wall EA Response, dated 29 March 2019, prepared by Meinhardt). The scheme shall also include a plan for any required long-term monitoring and maintenance.

The scheme shall be fully implemented and subsequently maintained in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

Reason:

The strategy is required prior to commencement of development in order to prevent flooding on site and elsewhere by ensuring that the tidal flood defences are in satisfactory condition which is commensurate with the lifetime of the development; to ensure the statutory defence level will be maintained and the TE2100 defence levels will not be precluded by the development

11) Habitat Creation

No above ground new development shall commence in a Phase unless, in accordance with the details approved under Application Ref. No. 21/00919/AOD in relation to Phase 1 only, or until a detailed scheme for the provision and management of habitat creation, such as a Landscape and Ecological Management Plan (LEMP) or similar, for the relevant Phase has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the relevant Phase shall be implemented in accordance with the approved scheme.

Reason:

In order to ensure biodiversity net gain and in accordance with paragraph 175 of the National Planning Policy Framework, policy CR2 of the Core Strategy and policy BR3 of the Borough Wide Development Policies Development Plan Document.

12) External Materials

No above ground new development shall commence in a Phase until the developer enters into detailed discussions with the Local Planning Authority around the external facing materials for the relevant Phase, including, but not limited to, providing on-site sample boards and strategies for balcony designs, shopfronts, window reveals and rooflines. Full details, including samples, specifications, annotated plans and fire safety ratings, of all external facing materials for the relevant Phase shall then be submitted to the Local Planning Authority for approval in writing. The relevant Phase shall only be implemented in accordance with the approved details and in Phase 1 implemented in accordance with the details approved under Application Ref. No. 21/02293/AOD.

Reason:

To protect or enhance the character and amenity of the area and to ensure an exemplar finish to the building

13) Fire Statement

No above ground new development shall commence in a Phase unless in accordance with the details approved under Application Ref. no. 21/00801/AOD in relation to Phase 1 only, or until a Fire Statement for the relevant Phase has been submitted to and approved in writing by the Local Planning Authority. The Fire Statement shall be produced by an independent third party suitably qualified assessor which shall detail the building's construction, methods, products and materials used; the means of escape for all building users including those who are disabled or require level access together with the associated management plan; access for fire service personnel and equipment; ongoing maintenance and monitoring and how provision will be made within the site to enable fire appliances to gain access to the building. The relevant Phase of the development shall be carried out in accordance with the approved details.

Reason:

In order to provide a safe and secure development in accordance with policy CP3 of the Core Strategy and policy D12 of the London Plan.

14) Wind Mitigation Measures

No above ground new development shall commence in a Phase, unless in accordance with the details approved under Application Ref. No. 21/00585/AOD or until an alternative detailed scheme of wind mitigation measures for the relevant Phase have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the relevant Phase.

Reason:

To ensure a safe pedestrian environment and to protect or enhance the character and amenity of the area.

15) Hard Landscaping

No Phase of the development hereby permitted shall be occupied until full details of the hard landscaping for the relevant Phase have been submitted to and approved in writing by the Local Planning Authority. The hard landscaping scheme shall include, but not be limited to, details of the following:

- a) surface materials;
- b) play spaces and any related play equipment;
- c) street furniture, including on-street cycle stands;
- d) boundary treatment, including to the riverside and roof terraces; and
- e) management and maintenance.

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

Reason:

In the interests of design quality, residential amenity, walking, accessibility and public safety

16) Soft Landscaping

No Phase of the development hereby permitted shall be occupied until a detailed scheme of soft landscaping for the relevant Phase has been submitted to and approved in writing by the Local Planning Authority. All trees, shrubs, plants and seeds introduced to the site should generally be native (except for fruit trees) and of local provenance, unless otherwise agreed. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation or completion of the relevant Phase, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the relevant Phase 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.

All landscaping and planting should be of a nature which is unattractive to birds so as not to have an adverse effect on the safety of operations at London City Airport by encouraging bird roosting and creating sources of food for birds and thereby presenting a bird strike threat to aircraft operating at the Airport.

Reason:

To secure the provision of the landscaping in the interests of the visual amenity of the area, to ensure that the landscaping will not adversely affect the operation of London City Airport and in accordance with policy CP3 of the Core Strategy and policies BR3 and BP11 of the Borough Wide Development Policies Development Plan Document.

17) Measures to Reduce the Risk of Crime and External Lighting

No Phase of the development hereby permitted shall be occupied until a security management scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the development adopts the principles of "Secured by Design" and shall provide details of security management measures including external lighting, location of CCTV and concierge services, door entry systems and car park security. The external lighting of the development is to be designed,

installed and maintained so as to fully comply with The Association of Chief Police Officers Secured by Design publication "Lighting Against Crime - A Guide for Crime Reduction Professionals", ACPO SPD, January 2011. The design shall satisfy criteria to limit obtrusive light presented in Table 1, p25 of the guide, relating to Environmental Zone E3 - medium district brightness areas. The relevant Phase shall not be occupied until the approved scheme has been installed. Thereafter the approved measures shall be permanently retained.

Reason:

In the interests of security and safety, to avoid light pollution and safeguard neighbouring amenity and in accordance with policy CP3 of the Core Strategy and policies BC7 and BP11 of the Borough Wide Development Policies Development Plan Document.

18) Refuse Strategy

No Phase of the development hereby permitted shall be occupied until a detailed

residential and commercial refuse strategy for the relevant Phase, including the design and location of the refuse stores, has been submitted to and approved in writing by the Local Planning Authority. The approved refuse stores shall be provided before the occupation of the relevant Phase and thereafter permanently retained.

Reason:

To provide satisfactory refuse storage provision in the interests of the appearance of the site and locality in accordance with policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

19) Scheme of Acoustic Protection

Prior to commencement of façade construction of residential units in a Phase full details of a scheme of acoustic protection of habitable rooms in the relevant Phase against transport 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 ventilator system which is commensurate with the performance specification set out in Schedule 1 (paragraphs 6 and 7) of The Noise Insulation Regulations 1975 (as amended). The approved scheme shall be fully implemented before the first occupation of the residential unit to which it relates and shall be maintained at all times thereafter.

Reason:

To ensure that the proposed residential units are adequately protected from noise

20) Noise Insulation of Party Construction

No above ground new development shall commence in a Phase until a scheme of noise insulation of party construction between the residential units and the non-residential uses in the relevant Phase has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of the non-residential / residential unit(s) to which it relates.

Reason:

To ensure that the proposed residential units are adequately protected from noise

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:

- a. the LAeq (CUAN) shall not exceed LA90 (WCUAN); and
- b. 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 metre 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) Ventilation Scheme for Residential Units Affected by Poor Air Quality

No above ground new development shall commence in a Phase until a ventilation scheme for the mitigation of air quality in affected residential units predicted to be exposed to Nitrogen Dioxide (NO₂) in excess of the annual mean standard for NO₂ (as prescribed in the Quality Standards Regulations 2010) as identified in report "Abbey Retail Park, Barking, Air Quality Assessment" (reference AQ_assessment/2018/Abbey_Road_Barking, dated 14th November 2018) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of the residential unit(s) to which it relates and retained permanently thereafter. It is expected that the design of the scheme will include, but not be limited to, the positioning of air intakes for buildings as high as possible and away from the direct influence of air pollution from the A123, Abbey Road junction.

Reason:

To mitigate against air pollution

23) Details of Any Commercial Kitchen Extract Ventilation System

Prior to occupation of any non-residential unit hereby permitted with a commercial kitchen, details of any ventilation system for the removal and treatment of cooking odours from any commercial catering, including its appearance and measures to mitigate system noise, are to be submitted to and approved in writing by the Local Planning Authority. The measures shall have regard to and be commensurate with guidance and recommendations in:

- a. The current edition of publication "Specification for Kitchen Ventilation Systems", DW/172, Heating and Ventilating Contractors Association, or other relevant and authoritative guidance; and
- b. Publication, "Control of Odour and Noise from Commercial Kitchen Exhaust Systems - Update to the 2004 report prepared by NETCEN for the Department for Environment, Food and Rural Affairs", Ricardo.com, 2018.

The approved details shall be fully implemented before the first use of the relevant non-residential unit and shall thereafter be permanently retained in an efficient manner.

Reason:

To safeguard the appearance of the premises and minimise the impact of cooking smells, odours and noise in accordance with policies BR13, BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

24) Car Parking, Blue Badge Car Parking and Electric Vehicle Charging Points

No Phase of the development hereby permitted shall be occupied until a Car Parking Design and Management Plan for the relevant Phase has been submitted to and approved in writing by the Local Planning Authority. The Plan must include details of how car parking will be allocated, including blue badge car parking spaces, and details of how the car club spaces will be managed. The proposed development shall not exceed a total of 254 car parking spaces, including blue badge parking provision.

100% of all car parking spaces shall be installed with active electric vehicle charging points (EVCPs).

Residential blue badge car parking spaces (3% provision) shall be constructed and marked out prior to the occupation of the relevant Phase as accessible parking bays (to be clearly marked with a British Standard disabled symbol). Further details should be submitted showing how further residential blue badge car parking spaces (7% provision) could be provided on site should future demand arise.

Reason:

To ensure sufficient off-street parking, to encourage the use of electric cars in order to reduce carbon emissions and to promote easier access for disabled persons.

25) Cycle Parking

No Phase of the development hereby permitted shall be occupied until details of the cycle parking facilities for the relevant Phase, as shown on drawing WH190/21/P/25.00 & WH190/21/P/25.01 submitted to and approved in writing by the Local Planning Authority. The submission should include details of the security, monitoring and access arrangements for the cycle parking facilities. The relevant Phase of 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

26) Energy and Sustainability

The development hereby permitted shall be carried out in accordance with the submitted Energy Strategy dated November 2018, the Energy & Sustainability Strategy - Addendum dated April 2019, and Energy Strategy – Addendum dated October 2021 prepared by Icen Projects Ltd. Minor amendments to the submitted Energy Strategy may be agreed in writing from time to time by the Local Planning Authority. No Phase of the development shall be occupied until details of the location and quantum of any photovoltaic panels for the relevant Phase have been submitted to and approved in writing by the Local Planning Authority. The relevant Phase of the development shall not be occupied until the approved details have been implemented.

The relevant non-residential units with a floor area greater than 500 square metres shall achieve a Building Research Establishment Environmental Assessment Method (BREEAM) rating of 'Very Good' to 'Excellent', unless otherwise agreed in writing with the Local Planning Authority.

Reason:

In the interests of safeguarding the environment and providing sustainable development

27) Bird Nesting and Bat Roosting Bricks/Boxes

No Phase of the development hereby permitted shall be occupied unless it has been built out in accordance with the details approved under Application Ref. No. 21/02331/AOD or until bird nesting and bat roosting bricks/boxes for the relevant Phase have been installed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The details shall accord with the advice set out in 'Biodiversity for Low and Zero Carbon Buildings: A Technical Guide for New Build' (Published by RIBA, March 2010) or similar advice from the RSPB and the Bat Conservation Trust.

Reason:

In order to preserve and enhance the Borough's natural environment.

28) London City Airport Safeguarding - Details of Cranes and Scaffolding

No cranes or scaffolding shall be erected on the site unless in accordance with the details approved under Application Ref. No. 21/01132/AOD in relation to Phase 1 and Application Ref. No. 21/02294/AOD in relation to Phase 2 only, or until, construction methodology and diagrams clearly presenting the location, maximum operating height, radius and start/finish dates for the use of cranes during the development have been submitted to and approved in writing by the Local Planning Authority in conjunction with London City Airport for the phase to which they relate.

Reason:

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

29) Building Regulations M4 (2) and M4 (3)

No above ground new development shall commence unless in accordance with the details approved under Application Ref. No. 21/01565/AOD in relation to Phase 1 or until a further a plan showing the location of the M4 (3) 'wheelchair adaptable dwellings' in Phase 1 has been submitted to and approved in writing by the Local Planning Authority. No above ground development shall take place in any remaining Phase until a plan showing the location of the M4 (3) 'wheelchair adaptable dwellings' in the relevant Phase has been submitted to and approved in writing by the Local Planning Authority. The relevant Phase shall only be implemented in accordance with the approved details.

10% of the residential units hereby permitted shall meet Building Regulations Approved Document M Volume 1 (2015 Edition) M4 (3) 'wheelchair adaptable dwellings' and 90% of the residential units hereby permitted shall meet Building Regulations Approved Document M Volume 1 (2015 Edition) M4 (2) 'accessible and adaptable dwellings'. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason:

To ensure that sufficient accessible housing is provided

30) Communal Television and Satellite System

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

Reason:

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

31) Delivery and Servicing Plan

No Phase of the development hereby permitted shall be occupied until a Delivery and Servicing Plan for the relevant Phase has been submitted to and approved in writing by the Local Planning Authority in conjunction with Transport for London. The Plan shall identify efficiencies and sustainability measures to be undertaken once the development is operational and should incorporate details of deliveries to the site and servicing arrangements, including the size of vehicles, routing and tracking of vehicles and times of deliveries and servicing. The approved Plan shall be implemented for the relevant Phase and adhered to thereafter.

Reason:

In order to minimise the impact of the development on the local highway network and traffic congestion.

32) Boreholes

No above ground new development shall commence in a Phase unless in accordance with the details approved under Application Ref. No. 20/02230/AOD or until an alternative scheme for managing any borehole installed in the relevant Phase for the investigation of soils, groundwater or geotechnical purposes has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained post-development for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of the relevant Phase of the development.

Reason:

To ensure that redundant boreholes are safe and secure and do not cause groundwater pollution or loss of water supplies in line with paragraph 170 of the National Planning Policy Framework and Position Statement N Groundwater resources of 'The Environment Agency's approach to groundwater protection'.

33) Piling

Piling, deep foundations and other intrusive groundworks using penetrative methods shall not be carried out unless in accordance with the details approved under Application Ref. No. 20/00033/CDN or any other details that have the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason:

In order to reduce the impact of construction on controlled waters and on the amenities of neighbouring residents, and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

34) Water Efficiency

The development hereby permitted shall comply with the water efficiency optional requirement in paragraphs 2.8 to 2.12 of the Building Regulations Approved Document G. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason:

To minimise the use of mains water

35) Inclusive and Unhindered Access

No Phase of the development shall be occupied until details have been submitted to the Local Planning Authority for approval in writing demonstrating that inclusive and unhindered access for the relevant Phase will be provided to all entrances safely, including details of levels, gradients, provision of accessible seating and widths of the paths.

Reason:

To ensure inclusive and unhindered access for all within the development.

36) Flexible Uses

Following the first occupation of the flexible use non-residential units hereby permitted, any further change of use to another use specifically permitted by this permission must be carried out within a period of 10 years from the date of this permission.

Reason:

To provide flexibility of use between the approved uses in accordance with Class V, Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015).

37) Hours of Use of Non-Residential Uses and Delivery/Collection Hours

Other than with the prior written approval of the Local Planning Authority, the proposed non-residential uses hereby permitted are to be permitted to trade between the hours of 07:00 and 23:00 on any day and at no other time.

The delivery/collection of goods associated with the non-residential uses hereby permitted shall only be permitted to take place between the hours of 07:00 hrs and 21:00 hrs on any day.

Reason:

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

38) Vegetation Clearance and Tree Works

There shall be no vegetation clearance or tree works during the bird breeding season (February to September). If this is not possible the vegetation should be surveyed immediately prior to removal by a suitably qualified ecologist. If nests/nesting birds are present, the relevant works must be delayed until the nesting season is over and the fledglings have left the surrounding area.

Reason:

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

39) No building on any part of the development hereby permitted shall exceed 30 storeys in height. The development subject of this planning permission shall include a maximum of 1,118 dwellings. The development the subject of this planning permission shall include a maximum of 3,430sqm of non-residential floorspace comprising 1,353sqm flexible leisure/commercial floorspace, 684 workshop/business floorspace, 799sqm gymnasium and 594sqm community floorspace.

Reason:

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

Informatives:

You are advised that this permission has been granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990.

You are advised to contact the Official Street Naming and Numbering body for the area prior to either the sale or occupation of the new building(s).

This will assist you and subsequent interests in the property in properly identifying it in legal documents and in the case of emergencies, the emergency services should already know the whereabouts of the property.

Failure to secure an approved street name or number may effect your ability to purchase services such as gas, water or electricity for the property and may prevent the issue of a postcode for the address.

The official Street Naming and Numbering service may be contacted through StreetNamingAndNumbering@lbbd.gov.uk or by phone on 0208 227 5305/3954.

Two private fire hydrants shall be installed as part of the development. The hydrants should be numbered 127560 and 127561. The requirements are that each newly installed hydrant should be installed within the footpath - not in the carriage way, grass verge, flower bed or parking bay, the hydrants should be one metre clear of all

obstructions, with the outlet no more than 300mm below the finished ground level. The hydrant should conform to BS:750, have a BS standard fire hydrant cover and be indicated with a hydrant indicator plate conforming to BS:3251.

Appendix 7:

s.106 Proposed Heads of Terms:

The proposed heads of terms to be secured through a Deed of Variation to the Section 106 Legal Agreement (agreed between the Council and the Applicant) are set out below:

Administrative:

1. Payment of the Council's professional and legal costs, whether or not the deed completes;
2. Payment of the Council's reasonable fees of £5,000 in monitoring and implementing the Section 106 and payable on completion of the deed

Amendments to Affordable Housing Provision:

3. Provision of on-site affordable housing offer at 35% on a habitable room basis, (368 units) comprising:
 - a. 97 London Affordable Rent units
 - b. 136 Shared Ownership units
 - c. 135 Discount Market Sale units

And as set out in the Affordable Housing Plan Overview Plan (Roof Level) drawing reference WH190/21/P/10.300 Rev B, dated February 2021.

Car Club Membership obligation:

4. Schedule 5, paragraph 3 to be amended to:
"Prior to Occupation to provide two new Car Club spaces within the proposed southern access road fitted with active electric vehicle charging points."

Sustainability:

5. Schedule 10, paragraph 3 to be amended to include "any residual carbon dioxide emissions over 756 tonnes shall be subject to the sum of £95 per tonne over a period of 30 years from Commencement of Development."

All other provisions secured under the Section 106 signed 7 January 2020 will be carried forwards.