



## LONDON BOROUGH OF BARKING & DAGENHAM PLANNING COMMITTEE

**12 September 2022**

Application for **Planning Permission**

<b>Case Officer:</b>	Patricia Ploch	<b>Valid date:</b>	23/06/2021
<b>Applicant:</b>	Inland Limited	<b>Expiry date:</b>	22/09/2021
<b>Application number:</b>	21/01180/FULL	<b>Ward:</b>	Thames View
<b>Address:</b>	3 Gallions Close, Barking, IG11 0JD		

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 3 Gallions Close, Barking, IG11 0JD.

### Proposal:

Planning application for the demolition of existing buildings and structures and the erection of buildings ranging from part 7 storeys to part 15 storeys to accommodate 233 residential units and 275 sqm non-residential floorspace (Use Class E). The proposals include the delivery of landscaping and public realm, play space, access, car parking and other associated and ancillary works.

### Officer recommendation:

1. Agree the reasons for approval as set out in this report; and
2. Delegate authority to the London Borough of Barking & Dagenham's Director of Inclusive Growth (or authorised Officer) to grant planning permission subject to any direction from the Mayor of London, and the completion of a S106 of the Town and Country Planning Act 1990 (as amended) based on the Heads of Terms identified at Appendix 5 of this report and the Conditions listed at Appendix 4 of this report; and
3. That, if by 13 March 2023 the legal agreement has not been completed, the London Borough of Barking and Dagenham's Director of Inclusive Growth (or other authorised Officer), be delegated authority to refuse planning permission, or extend this timeframe to grant approval, or refer the application back to the Planning Committee for determination.

### Summary of conditions and informative:

#### Compliance

1. Statutory time limit (Planning Permission)
2. Develop in accordance with the approved plans
3. Accessible housing

4. Installation of blinds to prevent overheating
5. Fire statement
6. Energy statement
7. Flood risk assessment
8. Blue badge car parking spaces
9. Site Waste Management Plan
10. Communal television and satellite system
11. Hours of use of non-residential uses and delivery/collection hours

**Prior to any works starting on site**

12. Archaeology (Written Scheme of Investigation in consultation with GLAAS)
13. Piling method statement (in consultation with Thames Water)
14. Land Contamination Remediation
15. Construction Environmental Management Plan including Site Waste Management Plan
16. Construction logistic plan (in consultation with TfL)
17. Air Quality and Dust Management Plan (AQDMP)
18. Non-Road Mobile Machinery (NRMM)

**Prior to any development above ground**

19. External materials
20. External lighting
21. Public realm plans, soft and hard landscaping (including play space)
22. Bird and bat boxes and swift bricks
23. Noise Assessment
24. Scheme of noise insulation of party construction
25. Digital connectivity

**Prior to occupation (of relevant use)**

26. Odour
27. Use of roof space for recreation
28. Green roof system
29. Secure by design (in consultation with Metropolitan Police)
30. Sustainable Drainage
31. Delivery and servicing plan
32. Cycle parking
33. Flood warning and evacuation plan
34. Non-residential unit with a commercial kitchen
35. Whole life carbon (post-construction assessment in consultation with GLA)
36. Circular economy (post-construction monitoring report in consultation with GLA)

**Informative**

1. Permission subject to Section 106 Legal Agreement
2. Evidence of compliance with Section 106 Legal Agreement Obligations
3. Development is Liable for Community Infrastructure Levy
4. Street Naming and Numbering
5. London City Airport - Crane Methodology
6. Archaeology
7. Thames Water - Piling Method
8. Thames Water – Public sewers
9. Flood risk– changes to existing ground levels
10. Design out crime

## **Summary of S106 Heads of Terms:**

### **Administrative and monitoring**

1. Agreement to pay the Council's professional and legal costs, whether or not the deed completes.
2. Agreement to pay the Council's reasonable fees of £19,580 for monitoring and implementing the Section 106.
3. Indexing – all payments are to be index linked the date of the decision to grant planning permission to the date on which payment is made, using BCIS index.

### **Affordable housing**

4. Provision of at least 38 London Affordable Rent units.
5. Submission of an early-stage review of the affordable housing to re-assess viability should the scheme not be substantially implemented within two calendar years from the date of permission being issued. The Owner will be expected to pay the Council's reasonable costs associated with independent scrutiny of the viability submissions.
6. Submission of a late-stage affordable housing viability review which will be triggered when 75% of the units in a scheme are sold or let. The Owner will be expected to pay the Council's reasonable costs associated with independent scrutiny of the viability submissions.

### **Employment and skills**

7. Six months prior to work starting on site an Employment, Skills, and Supplies Plan shall be submitted to and approved in writing by the LBBD Employment and Skills team.
8. The owner shall appointment of the designated coordinator to ensure compliance with the approved Employment, Skills, and Supplies Plan.
9. The approved Employment, Skills and Supplies Plan shall be monitored and if the objectives and targets agreed to in the plan are not met the applicant shall provide a compensation package as agreed.

### **Commercial unit**

10. Agreement to deliver the commercial unit (GIA) facing Thames Road to shell and core fit-out, prior to the first occupation of the residential units.

### **Car free development**

11. Residential dwellinghouses and the commercial unit forming part of the development are not entitled (unless they are the holder of a disabled person badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970) to a parking permit to park a vehicle in the car park or on-street car parking bays controlled or licensed by the Council.
12. Prior to the first occupation of each residential unit, the future tenants shall be notified of the restrictions preventing from applying for a parking permit (unless they are the holder of a disabled person badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970)
13. The blue badge car parking spaces shall not be sold to anyone separately from the freehold or long leasehold of the reminder of the title within which it is located.

### **Car club membership**

14. Prior to the first occupation of each residential unit, the future tenants shall be informed that they are entitled to apply for a free two-year membership (on application) to the nearest car club operation in the Borough. The membership is to

be provided to all residential units. All residents shall be informed on this when they first move in.

#### **Travel Plan**

15. Prior to the occupation of any residential units Travel Plan for the residential use shall be submitted to and approved in writing by the Council.
16. Travel Plan monitoring report on the 1st, 3rd and 5th anniversary of the first occupation of the residential unit in accordance with TfL guidance. The developer on commencement shall pay appropriate developer financial contribution for monitoring of £5000.

#### **TfL public transport contribution**

17. A financial contribution of £106,800 towards improvement and provision of public transport along Thames Road.

#### **Education and open space**

18. A financial contribution of £710,000 towards the land need for the provision of: a secondary school, and two new primary schools; and open space.

#### **Play space**

19. A financial contribution of £35,600 towards off-site play space.

#### **Ripple way improvements**

20. A financial contribution of £99,247 towards the improvement of the Ripple Greenway.

#### **Air quality**

21. In the event that air quality neutral is not achieved. The applicant shall make a payment towards air quality off-setting contribution payable on practical completion. A payment at the off-setting contribution rate of £29,000.00 per tonne of NOx over the benchmark (or the equivalent rate at the time of reassessment) will be applied if the scheme does not meet air quality neutral standards.

#### **Energy and Sustainability**

22. The Owner shall ensure that the Development shall achieve a minimum of 35% reduction in carbon dioxide emissions over Part L of the Building Regulations 2021 in line with the latest GLA Energy Assessment Guidance (as at the date of this agreement). If the 35% reduction is not achieved the applicant will be liable to pay monetary contribution (at £95 per tonne in accordance with The GLA's Carbon Offset Fund Guidance) over the agreed carbon off-set contribution, shall be made to the Local Authority's carbon offset fund to offset the remaining carbon emissions to net zero-carbon prior to occupation.
23. The financial contribution towards carbon off-set to achieve zero carbon is estimated to be £223,155, however the actual contribution amount will be calculated based on the amount of carbon emissions.
24. Provisions allowing the development to connect to the future decentralised energy network.
25. 'Be Seen' energy monitoring.

## **OFFICER REPORT**

### **Planning designations:**

The application site has a few planning constraints as outlined below:

- London Riverside Opportunity Area
- Strategic Industrial Locations: River Road Employment Area
- Archaeological Priority Area
- Flood Zone 3a
- Public Transport Accessibility Level (PTAL) score 1b (low)

### **Site, Situation, and relevant background information:**

#### *Site location and use*

The application site covers 0.7ha of brownfield land and it sits on a corner junction between Thames Road and Gallions Close. The site is currently used as a dairy distribution centre (Use Class B8) with ancillary offices. The site comprises of areas of hard standing, a range of structures, and a brick-built building. The structures and building range between 1 to 1.5 storeys in height.

#### *Surrounding land uses*

The surrounding land to the application site is predominantly in the industrial use:

- to the north there is Thames Road, beyond which is Riverside Industrial Estate and AM Forktrucks;
- to the east there is Edwards Wastepaper Recycling site;
- to the south-east there is Marwood Group;
- to the south there is Lituanica Wholesale Cash and Carry;
- to the west there is Cromewell Centre.

#### *Relevant information*

The scheme has been submitted in July 2021. Officers had concerns with the massing and design of the submitted scheme and it was negotiated that changes are made. In April 2022, the applicant submitted a new set plans and documents to support the application. The old documents were superseded and taken of the public register. Everyone who was consulted on the scheme submitted in July 2022 was send new letters notifying them of the amended application. The main changes to the scheme included:

- Increase the set back of the building fronting Thames Road to 5-6m. This was done to allow delivery of planned enhancements and improvements on Thames Road.
- Restructure if the massing in particularly the location of the tall building from north-west corner to north-west corner of the site
- Improvements to the design and character of the tall building
- Simplification of the material palette for the whole scheme
- Reduction in the number of blue badge car parking spaces

### **Key issues to assess:**

1. Principle of the development
2. Housing
3. Housing standards
4. Design
5. Public realm, landscape, and biodiversity
6. Archaeology
7. Impact to amenity of adjoining occupiers
8. Transport

- 9. Delivering Sustainable Development (Energy / CO2 reduction)
- 10. Air Quality
- 11. Contamination
- 12. Flood risk and sustainable drainage
- 13. Community engagement
- 14. Community Infrastructure Levy and s106 Planning Obligations

**Planning assessment:**

<b>1. Principle of the development</b>	
<i>Existing use(s) of the site:</i>	Dairy distribution centre (Use Class B8) with ancillary offices
<i>Proposed use(s) of the site:</i>	Residential use (Use Class C3) with residential ancillary uses

- 1.1 The application site sits within River Road Employment Area, which is designated as a Strategic Industrial Location (SIL). The industrial sites are protected through site designation to ensure that their integrity or effectiveness to accommodate industrial type activities that support the economy is not compromised.
- 1.2 The site is also designed as an Opportunity Area through London Plan Policy SD 1 (Opportunity Areas) which means that it was been identified at a strategic level that there is opportunity to accommodate new housing, commercial development, and infrastructure. Housing is one of the main priorities in the designated Opportunity Areas.

London Plan context

- 1.3 Policies E4-E7 of the London Plan set out a framework to manage the protection, release and conversion of designated land and thus make best use of existing industrial land. This includes intensifying and co-locating industrial activities. Only in very special circumstance the loss of designated industrial can be accepted.
- 1.4 Policy E4 (Land of industry, logistics and services to support London’s economic function), Part A seeks to secure sufficient supply of land and premises to meet current and future demands for industrial and related functions in London, taking into account strategic and local employment land reviews, industrial land audits and the potential for intensification, co-location and substitution. Part B identifies three categories for industrial land: Strategic Industrial Locations (SIL); Locally significant Industrial Sites (LSIS); and non-designated sites; which are outlined in Policies E5-E7. Part C requires all three categories to be planned, monitored, and managed. Any release of industrial land to manage issues of long-term vacancy and to achieve wider planning objective, including delivery of strategic infrastructure, should be facilitated through the process of industrial intensification, co-location and substitution set by Policies E5 and E7 (only). The supporting text to Policy E4 (see paragraph 6.4.8) states “where industrial land vacancy rates are current above the London average borough are encouraged to assess whether the release of industrial land for alternative uses is more appropriate if demand cannot support industrial uses in these locations”.

- 1.5 Policy E5 (Strategic Industrial Locations (SIL)) Part A and Table 6.2 identifies SIL in London. Part B seeks that borough defined boundary of SILs in policies map, develop policies to protect and intensify the duction of SIL, explore opportunities to intensify and make more efficient use of land, and identify opportunities to substitute industrial capacity and function where evidence that alternative, more suitable, locations exist. The release must be carried out through a planning framework or Development Plan Document review process and adopted as policy in Development Plan.
- 1.6 Policy E7 (Industrial Intensification, co- Location, and substitution) Part A requires development proposal to encourage the intensification of business uses in Use Classes B1c, B2 and B8 occupying all categories of industrial land. Part B acknowledged that intensification can be used to facilitate the consolidation of an identified SIL to support the delivery of residential and other uses. This procedure must meet the criteria set out in Part D. The process in Part D stated that release must not affect the retained SIL, ensure that any intensification are completed in advance of any residential component being occupied.

#### Local Development Plan context

##### *Adopted Local Plan*

- 1.7 Policy CE3 (Safeguarding and release of employment land) of the Core Strategy states that the Council will safeguard, promote, and manage the SIL at River Road Employment Area, Rippleside, and Dagenham Dock. The policy further states that land within these locations will not be released for other purposed.

##### *Draft Local Plan 2037*

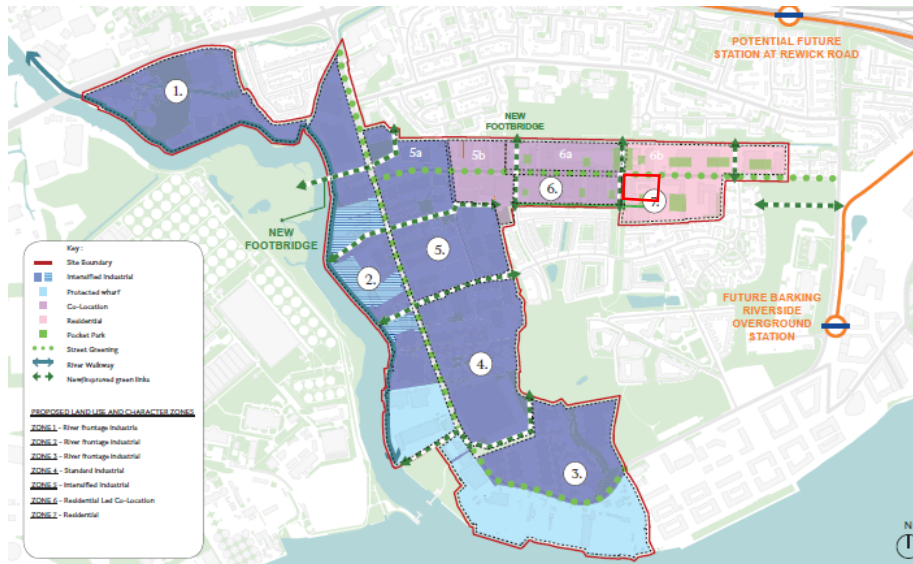
- 1.8 The LBBDD prepared draft Local Plan 2037, which has been submitted for examination in public by planning inspectorate. This sets the spatial strategy for the borough and provides area specific guidance for how growth will be accommodated over the plan period to 2037.
- 1.9 The evidence based for the draft Local Plan 2037 includes the Industrial Land Strategy prepared by Avison Young. The Strategy identified that a number of existing SIL designated sites across the borough offered conditions that could, over the plan period, support some release of industrial land thought intensification of industrial uses through comprehensive or infill development elsewhere in the designated SIL.
- 1.10 The River Road Employment Area SIL has been identified as key location for change known as Thames Road Transformation Area in the site allocation document under reference CI (Thames Road). The vision is to create a cohesive and sustainable mix-use neighbourhood that allows the industrial working area to flourish and grow as well as deliver new homes and better stitch the area into surrounding neighbourhoods. Area Policy SPP2 (Thames Riverside) of the draft Local Plan 2037 provides a strategy for change here and it sets out that any release of SIL in the area would need to conform with the draft Masterplan SPD for the area, and other relevant policies such as Policy DME1 of the draft Local Plan 2037 and Policy E7 of the London Plan.

##### *Thames Road Masterplan*

- 1.11 In line with the policy SSP2, the Council prepared a draft masterplan for Thames Road known as Thames Road Masterplan SPD (also known as River Road Employment Area (including Kingsway Industrial Estate) SPD). The purpose of the document is to guide the transformation of this industrial area into modern mix-use neighbourhood.

1.12 The draft masterplan follows a land-use zoning approach. There are three zone within the masterplan area and they are: intensified industrial zone to the west (blue); co-location zone in the middle (purple); and residential zone in the east (pink). The application site falls in the residential zone (the application site is marked red on the map above) where residential use is expected to be combined with ancillary residential uses such as supermarket, nursery, GP surgery, dentist surgery to name the few examples.

**Figure 1: Extract taken from draft Thames Road Masterplan Area SPD**



*Weight that can be attached to the draft Local Plan*

1.13 Paragraph 48 of the National Planning Policy Framework (NPPF) is clear that local planning authorities may give weight to relevant policies in new/emerging plans according to the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given). In this instance, the plan is at examination in public and there is conformity to the London Plan. Officers therefore consider that appropriate weight is given to the emerging documents.

1.14 Officers are also satisfied that the policies in the draft Local Plan and the general approach that the Council has taken to release the SIL followed the due process and procedures required by Policy E7 of the London Plan.

#### Proposed development

1.15 The proposed development seeks to provide mixed-use residential-led development providing 233 residential dwellinghouses and 275 sqm non-residential floorspace (Use Class E).

#### *Provision of housing*

1.16 All levels of the planning framework support and promote the delivery of new homes. Paragraph 60 of the NPPF seeks to significantly boost the supply of housing and seek to deliver a wider range of high-quality homes that respond to local need and create sustainable, inclusive, and mixed communities.

1.17 London Plan places a strong emphasis on accelerated housing growth. Policy GG4 (Delivering the homes Londoners need) seeks to ensure that more homes including affordable housing are delivered. The new housing should create mixed and inclusive



communities, with good quality homes that meet high standards of design and provided for identified needs.

- 1.18 Policy H1 (Increasing housing supply) and Table 4.1 of the London Plan places a strategic expectation that the borough will need to deliver 19,440 as a 10-year housing target (annualised to 1,944 per year) between 2019 and 2029. The emerging policy in the draft Local Plan reflect this target.
- 1.19 The application site falls within Mayor's Riverside Opportunity Area whereby growth is expected to be accelerated and has a site allocation designation whereby residential use has been deemed an appropriate land use. The site as it was explained at paragraphs 1.10 and 1.11 sits within the draft masterplan area where comprehensive re-development and creation of a new neighbourhood is planned. The provision of 233 new dwellings of which 38 would be London Social Rent (LAR) would positively contribute to the achieving borough housing stock and creating the planned mixed and including community on Thames Road. The principle for introducing housing on this site is therefore supporting and considered acceptable.

#### *Provision of non-residential floorspace*

- 1.20 The proposal includes 275 sqm non-residential floorspace (Use Class E). The unit will be provided on the south elevation of the building, facing Thames Road. The unit is intended to provide uses that would support the residential use such as a supermarket, retail, GP surgery, café shop, and many more. These uses are welcomed, the proving of this space and its retention would be secured with a s106 legal agreement if application were to be granted.

#### Conclusion of principle of the development

- 1.21 The proposed development for mixed-use residential-led development is contrary to Policy CE3 (Safeguarding and release of employment land) of the Core Strategy and Policies E4 (Land for industry, logistics and services to support London's economic function) and E5 (Strategic Industrial Locations (SIL)) of the London Plan owing to the introduction of residential use the designed SIL. As it stands the development represents a departure from the adopted development plan.
- 1.22 Whilst this is the case, the Council is in the process of preparing draft Local Plan 2037 which is an ambitious and forward-looking vision for the borough which sets out how the housing, economic and social targets will be met. The Thames Road Masterplan (albeit unadopted) guides the transformation of the strategic industrial land into a new community offering high quality housing addressing the local need and annual housing target. The proposal includes de-designation of parts of River Road Employment Area SIL through release of industrial land and intensification the lost employment capacity elsewhere within the designated area. The proposed development is in line within the emerging development plan (this includes the adopted London Plan) and the proposed transformation would be plan led.
- 1.23 The loss of industrial floorspace therefore needs to be weighed against the benefits of the mixed-use development. The benefits of the scheme include the provision of new housing that would include affordable housing, public realm improvements, active frontages and improved pedestrian access, provision of open space, and optimised use of the site. For these reasons, officers consider that the principle of the proposed development in land use terms should be supported in this instance.

<b>2. Housing</b>			
<i>Proposed density v Local Plan density u/ph:</i>	333u/ha v 35-160u/ha	<i>Overall % of Affordable housing per habitable room:</i>	23.3%
<i>Acceptable density:</i>	Yes* as discussed further below	<i>Appropriate number of accessible units:</i>	Yes* as discussed further below
<i>Appropriate dwelling mix:</i>	Yes* as discussed further below	<i>Appropriate provision of play space:</i>	Yes* subject to contributions

### Density

- 2.1 Paragraph 122 of the NPPF encourages the efficient use of land and it sets out the need to deliver a wide choice of high-quality homes, widen opportunities for home ownership and create sustainable, inclusive, and mixed communities.
- 2.2 Policies GG2 (Making the best use of land), D1 (London's form, character, and capacity for growth), Policy D3 (Optimising site capacity through the design-led approach), and D4 (Delivering good design) of the London Plan state that planning and development must apply a design-led approach to determine the optimum development capacity of sites.
- 2.3 Policy CM1 (General Principle for development) of the Core Strategy states that higher density development will be focused in the key regeneration areas, on previously developed land in other areas which have high Public Transport Accessibility Levels (i.e. PTAL levels 4-6).
- 2.4 The draft Local Plan together with draft Thames Road Masterplan Area SPD (paragraph 3.8) states that higher density is desirable. The SPD predicts that the density for the co-location and residential zones would be approximately 160 units/ha.
- 2.5 The application site measures 0.7ha and the proposed development is for 233 dwellings. Therefore, the residential density of the proposed scheme is at 333 units per hectare ( $233/0.7=332.85$ ). The proposed density would be higher than that set within the SPD. However, the SPD allows for higher density and the London Plan states that density should be measured based on the site-specifics. Given the thrust of policy and the optimisation of the site demonstrated by the proposed development, officers have no objection in-principle to the proposed density. The site's context, connectivity, capacity of existing infrastructure, overall design of the proposals is considered in the Urban Design and Transport Impact sections of this report.

### Housing mix and tenure

- 2.6 Paragraph 62 of the NPPF expects planning policies to reflect the need for housing size, type, and tenure (including affordable housing) for different groups in the community.
- 2.7 Policy H10 (Housing size mix) of the London Plan states that the scheme should generally consist of a range of unit sizes. To determine the appropriate mix of unit sized in relation to the number of bedrooms for a scheme, applicants and decision makers should have regard to a range of matters including the housing need and demand, the mix of uses in the scheme, the nature and location of the site, the range of tenures in the scheme, to name the few.

- 2.8 Policy CC1 (Family Housing) of the Core Strategy states that the Council expects a minimum of 40% family accommodation, (i.e., three bedroom, four bedroom or larger units). This will apply to both affordable and market housing. However, it is recognised that not all sites will be suitable for family sized accommodation. In cases where it is not possible to meet the policy requirement for family housing, the applicant is expected to demonstrate why this cannot be achieved.
- 2.9 Policy DMH 2 (Housing Mix) of the draft Local Plan states that development proposal will be required to provide a range of unit sizes (including family homes) in accordance with the Council's preferred housing size mix table below, or in any future subsequent affordable housing needs evidence:

Dwelling type	Private	Intermediate	Social
1 bed	39%	17%	10%
2 bed	26%	44%	40%
3 bed	25%	19%	40%
4+ bed	10%	19%	10%

- 2.10 The proposal would provide 233 self-contained dwellings. The table below provides the agreed breakdown of the proposed housing mix:

Unit type	Private Housing	Affordable Housing		Total
		London Affordable Rent	Intermediate – Shared Ownership	
Studio	15 (6.5%)	-	-	<b>15 (6.5%)</b>
1B/2P	70 (30%)	-	-	<b>70 (30%)</b>
2B/3P	42 (18%)	11 (4.6%)	-	<b>53 (22.6%)</b>
2B/4P	46 (20%)	1 (0.4%)	-	<b>47 (20.4%)</b>
3B/4P	-	7 (3%)	-	<b>7 (3%)</b>
3B/5P	22 (9.5%)	12 (5%)	-	<b>34 (14.5%)</b>
4B/6P	-	7 (3%)	-	<b>7 (3%)</b>
<b>TOTAL UNITS</b>	<b>195 (84%)</b>	<b>38 (16%)</b>	-	<b>233 (100%)</b>

- 2.11 With regards to private market housing mix, the scheme will provide 195 dwellings (that is 100% for this tenure). 70 dwellings would be 1-bed (36%), which means that the scheme would be marginally below the policy target of 39%. However, when 15 of the proposed studios, for which there is no policy requirement, are considered the scheme would reach 43.5% (+4.6%). 88 dwellings would be 2-bed (45.1%), representing substantial over provision (+19.1%) against policy target of 26%. 22 dwellings would be 3-bed dwellings (11.3%), which represents under provision of this type of units (-13.7%). It is noted that there will be no 4-bed dwellings.
- 2.12 With regards to the London Affordable Rent, the scheme will provide 38 dwellings (that is 100% for this tenure). 12 dwellings would be 2-bed (31.6%), which is below the policy target of 40% (-8.4%). 19 dwellings would be 3-bed (50%), substantially over the policy target of 40% (+10%). 7 dwellings would be 4-bed (18.4%), also over the policy target of 10% (+8.4%). The over provision of the family housing against the lack of compliance with 1-bed and 2-bed dwellings is considered acceptable in this instance given the needs for this type of housing in the borough.

- 2.13 The proposed development would not offer any intermediate or shared ownership units. The lack of provision of this type of housing is due to the viability of the scheme and the need to provide substantial financial contribution that would help create the planned mixed neighbourhood. In this instance, the lack of provision of this affordable product is acceptable.
- 2.14 The overall housing and tenure mix does not provide a policy compliant mix as required by draft Local Plan Policy DMH 2 (Housing mix). Officers consider that the proposed mix provided a range of dwelling types and it would provide a good proportion of dwellings in London Affordable Rent tenure that offers a large number of family sized dwellings.

### Affordable housing

#### *Affordable housing provision*

- 2.15 Policy H4 (Delivering affordable housing) of the London Plan and the Mayor's Affordable Housing and Viability Supplementary Planning Guidance (SPG) set a strategic target of 50% of all new homes delivered across London to be genuinely affordable. All major development which triggers affordable housing requirements should provide affordable housing through the threshold approach set out in Policy H5 (Threshold approach to applications).
- 2.16 Policy H5 (Threshold approach to applications) states that affordable housing is set to 50% for Strategic Industrial Locations, Locally Significant Industrial Site and Non-Designated Industrial Sites appropriate for residential use in accordance with LP Policy E7 (Industrial intensification, co-location, and substitution) where the scheme would result in a net loss of industrial capacity.
- 2.17 Policy H6 (Affordable housing tenure) of the London Plan details the Mayor's preferred affordable tenure split, which consists of a minimum of 30% low-cost rented homes (including Social Rent and London Affordable Rent), a minimum of 30% intermediate products (including London Living Rent and London Shared Ownership) and the remaining 40% to be determined by the Local Authority based on identified need, provided they are consistent with the definition of affordable housing.
- 2.18 Policy BC1 (Delivering affordable housing) of the Borough Wide Development Management Policies DPD and Policy DMH1 (Affordable Housing) of the draft London Plan echoes the approach outlined in LP.
- 2.19 The application site is located within SIL and therefore 50% of affordable housing is expected to be delivered from the scheme. The scheme provides 661 habitable rooms in total (233 dwellings) of which 154 habitable rooms (38 dwellings) would be London Affordable Rent (LAR) representing 23.3% (16.3% based on number of dwellings) with the remaining 507 habitable rooms (195 dwellings) in the private tenure. The table below provides a breakdown of the proposed affordable housing:

Unit type	London Affordable Rent	
	Dwelling count	Number of habitable rooms
2B/3P	11 (4.7%)	33 (5%)
2B/4P	1 (0.4%)	3 (0.5%)
3B/4P	7 (3%)	28 (4.2%)
3B/5P	12 (5.2%)	48 (7.3%)
4B/6P	7 (3%)	42 (6.4%)

<b>TOTAL UNITS</b>	<b>38 (100%)</b>	<b>154 (100%)</b>
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### *Viability*

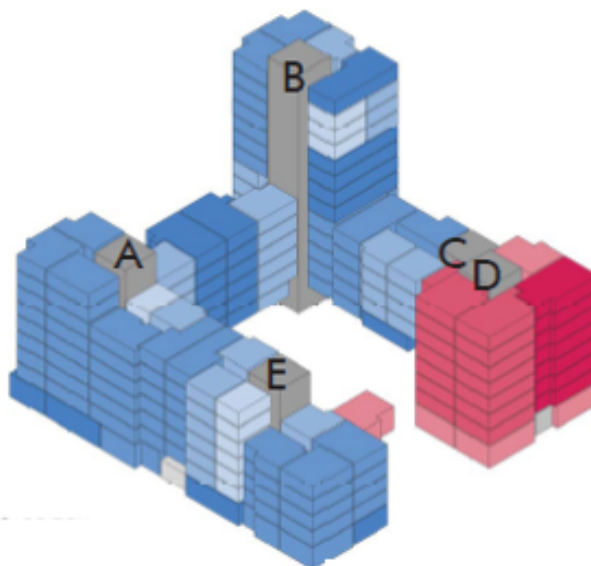
- 2.20 The proposal is below the 50% affordable housing threshold for schemes that are on previous industrial land. As such, the applicant submitted Financial Viability Assessment (FVA) prepared by Montagu Evans. The submitted FVA was appraised for Be First by the independent financial consultant, BNP Paribas Real Estate (from now on referred to as BNP).
- 2.21 Montagu Evans concludes that the development with 23% affordable housing (by habitable room) and 16.3% affordable housing (by dwellings) generates a deficit of - £17,489,097 against viability benchmark. BNP concluded that a lower deficit of - £14,914,920 would be created against the viability benchmark.
- 2.22 The applicant agreed schemes viability with BNP. The review agrees that the scheme can offer three options of affordable housing and s106 contributions, with reduced profit accepted by the applicant. The three options that were prepared are:
- **Option 1:** 23% (by habitable room) London Affordable Rent + £973,227 s106 contributions
  - **Option 2:** 23% (by habitable room) Shared-Ownership +5,800,000 s106 contributions
  - **Option 3:** 100% private housing +9,700,000 s106 contributions
- 2.23 It is considered that the proposed development has been robustly assessed and that the affordable housing provision set out in Option 1 together with s106 contribution is the maximum viable. Furthermore, review mechanisms are to be secured within the S106 legal agreement, subject to approval, in order to ensure that any improvement to viability is captured for the benefit of the Borough.

### *Affordable housing location*

- 2.24 The MHCLG National Design Guide (October 2019) places an emphasis on social inclusivity in reference to the delivery of a mix of housing tenures. The guidance states that where different tenures are provided, that these should be well-integrated and designed to the same high quality to create tenure neutral homes and spaces, where no tenure is disadvantaged. The guidance goes on to define "Tenure Neutral" as *"Housing where no group of residents is disadvantaged because of the tenure of their homes. There is no segregation or difference in quality between tenures by siting, accessibility, environmental conditions, external facade, or materials. Homes of all tenures are represented in equally attractive and beneficial locations, and there is no differentiation in the positions of entrances. Shared open or play spaces are accessible to all residents around them, regardless of tenure."*
- 2.25 Policy BC1 (Delivering Affordable Housing) of the Borough Wide Development Plan DPD focuses on the delivery of affordable housing. The policy states that the developer is expected to provide their affordable housing on site and that it should be "pepper potted" within the scheme and not concentrated in one part of the development. Unless it can be demonstrated that this cannot be achieved to the satisfaction of the Council.

2.26 Blocks A, B, C, and E will be in private tenure and Block D will be wholly affordable block. The entrance to both blocks would be indistinguishable from the entrance to the private core. The affordable cores would have access to all rooftop gardens (see the public realm and landscaping section for further assessment).

**Figure 2: Location of private (blue) and London Affordable Rent (red) dwellings**



2.27 With regards to the pepper-potting, the applicant has approached Rosewood Housing, a Registered Housing Provider operating across the South-East, about pepper potting. The advice given states that mixing rented and other tenures is not supported by a Registered Housing Provider. Non-pepper potted tenure blind development offers better ability to implement appropriate maintenance and management strategies and provide greater control relating to both the service charging and the upkeep. It was also noted that the scheme was designed to be tenure blind and undistinguishable from the private core. Having received this evidence from satisfied the requirements of the policy and provides justification for not pepper potting the scheme.

#### Wheelchair Accessible Housing

2.28 Policy D7 (Accessible housing) of the London Plan requires residential developments to provide at least 10% of dwellings that would meet the Building Regulation Part M4(3) "Wheelchair user dwellings requirements", and all other dwellings (90%) to meet Building Regulation M4(2) "Accessible and adaptable dwellings".

2.29 The scheme provides 27 dwellings designed to Part M4(3), equating to 11.6%. All the remaining units are designed to Part M4(2) of all units proposed. The table below provides a breakdown of the proposed accessible mix:

Unit size	Private	Affordable rent
<b>Block A</b>		
1B2P	5	-
<b>Block B</b>		
1B2P	5	-

2B4P	5	-
<b>Block C</b>		
2B4P	5	-
<b>Block D</b>		
3B4P	-	7
<b>Block E</b>		
N/A	-	0
<b>TOTAL</b>	<b>20</b>	<b>7</b>

2.30 The scheme will provide 7 dwellings in Block D which is the designated affordable housing block, and 20 dwellings across the private tenure. LBBB Access Officer also note that the door entry system should be colour contracted with video capability and that there should be mixture of baths and wetrooms in the provided dwellings. Provision of those items is part of the building regulation.

2.31 The GLA in their Stage 1 report raised concerns with entrance strategy in the design and access statement does not appear to clarify how the wider site would achieve the highest standards of accessible design. Officers and applicant team have re-read the comments and it is considered that the requested information is including in Design and Access Statement (DAS) at section 7.7 For clarity, all of the M4(3) dwellings are distributed across the first eight floors of the development, which is generally seen as good practice because it allows residents' choice in location within the development. The route that M4(3) unit residents would take to access the cores can be seen on page 89 of the DAS. The entrances to each core are marked on the GA Plan for the Ground Floor, and access to the shared podium deck show on the First Floor GA Plan. The submitted drawings and information in the DAS is consider acceptable and it demonstrates that each M4(3) will be easily accessible.

#### Children's play space

2.32 Policy S4 (Play and informal recreation) of the London Plan seeks to ensure that development proposals that include housing make provisions for good quality accessible play provision for all ages. The Mayor's Supplementary Planning Guidance Providing for Children and Young People's Play and Recreation sets out guidance to assist in this process. In summary it is recommended that 10sqm of play space is provided per child.

2.33 Policy DMNE 1 (Parks, open spaces and play space) of the draft Local Plan 2037 requires major development to increase opportunities for play and informal recreation in line with Policy S4 (Play and informal recreation) of the London Plan.

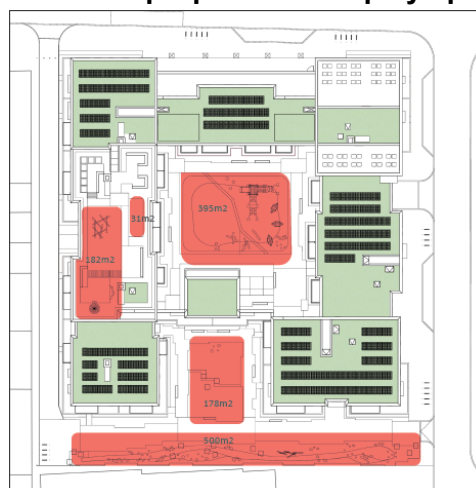
2.34 The level of play space that is required by the GLA child yield calculator was used. The breakdown for required and proposed play space for various age groups is shown on the table below:

Age group	Child Yield (market + social)	Area required (sqm)	Areas proposed (sqm)	Difference +/- (sqm)
0-4	44.3	443	528	+85
5-11	35.6	356	398	+42
12-15	18.5	185	172	-13

16-17	9.8	98	91	-7
<b>Total</b>	<b>108.2</b>	<b>1,082</b>	<b>1,189</b>	<b>+107</b>

- 2.35 The development is required to provide 1,082sqm of children’s play space. The scheme provides 1,189sqm thus resulting in an overall surplus of 107sqm. Whilst this is the case, it is noted that the play space for the older children aged between 12 to 17 would be underprovided. The applicant proposed to mitigate this through a financial contribution towards off-site play space provision. A planning obligation is therefore recommended for £35,600 towards this.
- 2.36 The scheme has been designed with intention of mixing play within the spaces rather than have one area solely focussed on a specific age range. The play space will be provided within the square, alongside the pedestrian walkway to the south of the site, podium, and residential gardens. The scheme aims to allow for flexibility and diversity to encourage children to explore different types of play according to their individual wishes. The map in figure 2 below show the location of the child play space in red.

**Figure 3: Location of the proposed child play space (shown in red)**



### Conclusion

- 2.37 The proposed development would positively contribute towards housing numbers and it would provide an appropriate dwelling mix and tenure split. Whilst the level of the affordable housing is below the expected 50%, the applicant has submitted viability assessment which was reviewed by the GLA and Be First appointed independent reviewer. It was agreed to the level of the affordable housing is acceptable in this instance given that the Council is seeking to deliver a brand-new neighbourhood in previously industrial area. To achieve the vision that is set out in Area Policy SSP2 of the Draft Local Plan for the area is necessary to secure other financial obligation that will help to deliver the infrastructure needed along Thames Road. The proposed affordable housing will be secured by a s106 legal agreement with early and late-stage reviews to ensure that any uplift is captured.

## **3. Housing standards**

- 3.1 Sub-paragraph (f) in paragraph 129 of the NPPF sets an expectation that developments create places that are safe, inclusive and accessible and which



promote health and well-being, with a high standard of amenity for existing and future users.

#### Internal and external space requirements

- 3.2 Parts A and F in Policy D6 (Housing quality and standards) and Table 3.1 of the London Plan sets the expected minimum internal and external space requirements for new dwellings. The minimum requirements are in line with national standards. The policy sets out requirements for the Gross Internal Area (GIA) of all new dwellings at a defined level of occupancy, as well as floor area and dimensions for key parts of the home, notably bedrooms, storage, floor to ceiling height, and outdoor private amenity space. The standards seek to ensure that amongst other things new homes have adequately sized rooms and convenient and efficient room layouts which are functional, fit for purpose and meet the changing needs of Londoners.
- 3.3 Policy BP5 (External amenity space) states that planning permission for new dwelling will only be granted where they provide appropriate external private and/or communal amenity space to meet the needs generated by the development.
- 3.4 As it can be seen from the submitted accommodation schedule, all the proposed dwellings would meet or exceed standards in terms of overall unit sizes, bedroom size and built-in storage. Floor to ceiling heights will range between 2.5m and 2.6m in all habitable rooms.

#### Aspect and overheating

- 3.5 Part C in Policy D6 (Housing quality and standards) of the London Plan requires maximisation of dual aspect dwellings. A single aspect dwelling should only be provided where it is considered a more appropriate design solution to meet the requirements of Part B in Policy D3 (Optimising site capacity through the design-led approach) than a dual aspect dwelling, and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating.

#### *Aspect*

- 3.6 The scheme will provide 100 (43%) of single aspect dwellings and 133 (57%) of dual aspect dwellings. The breakdown of the units in each type is provided in the table below:

	<b>Single aspect (Number / %)</b>	<b>Dual aspect (Number / %)</b>	<b>Total</b>
Studio	10 / 10%	5 / 4%	<b>15</b>
1-bed	55 / 55%	15 / 11%	<b>70</b>
2-bed	32 / 32%	68 / 51%	<b>100</b>
3-bed	3 / 3%	38 / 29%	<b>41</b>
4-bed	0 / 0%	7 / 5%	<b>7</b>
<b>Total</b>	<b>100 / 100%</b>	<b>133 / 100%</b>	<b>233</b>

- 3.7 There will be no single aspect units that are north facing. All single aspect would face either west, east, or south. The majority of the single aspect units are smaller dwellings, studios and 1-bedroom dwelling (65 dwellings of 100 single aspect dwelling/ 65% out of 100%). The living spaces in those units is located towards the external wall and the service spaces such as bathroom/storage/kitchen are located towards the internal part of the dwellings. As a high-density scheme, the development is expected to provide some units with a single aspect. On balance, those units are

considered to be acceptable, and they would not warrant a reason for refusal of this planning application.

#### *Overheating*

- 3.8 The scheme is supported by an Overheating Assessment prepared by Create Consulting Engineers Ltd (Revision A). The assessment was based on a sample of 19 (8%) dwellings and the 2<sup>nd</sup> floor communal corridor have been selected for the study. The sample represented those units that are most at risk of overheating. It is also noted that the overheating assessment considered the recommendation of the noise and air quality assessment carried out for the scheme.
- 3.9 Overheating assessment has been based on Technical Memorandum (TM) prepared by the Chartered Institution of Building Services Engineers (CIBSE):
- 49 (Design Summer Years for London 2014 as stipulate by the GLA). This TM capture future projections of changes in climate, when assessing overheating risk and mitigation options.
  - 52 (The limits of thermal comfort: Avoiding overheating in European buildings). This TM provided an adaptive thermal comfort model that is based on the principle that an individual's thermal expectations and preferences are determined by their experience of recent (outdoor) temperatures and a range of contextual factors, such as their access to environmental controls. The adaptive thermal comfort model allows for the natural adaptation of human physiology to extended periods of hot events.
  - 59 (Design methodology for the assessment of overheating risk in homes). This TM provides assessment for overheating risk in homes. Among other features it provides design comfort criteria based on the adaptive comfort model, standardised heat gains and occupancy profiles.
- 3.10 The assessment concluded that the scheme with feasible passive solar shading features such as external balconies, inclusion of blinds in all the windows in the base build (to be secured by a planning condition) and Mechanical Ventilation with Heat Recovery (MVHR) will pass the relevant criteria for overheating described in TM52 and TM59.

#### Daylight and sunlight

- 3.11 Paragraph 125(c) of the NPPF states local planning authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards). London Plan Housing SPG states that "An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties."
- 3.12 Part D in Policy D6 (Housing quality and standards) of the London Plan requires development to provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing, and maximising usability of outside amenity space.
- 3.13 Policy BP8 (Protecting residential amenity) of the Borough Wide DPD requires all development to not lead to significant overlooking (loss of privacy and immediate outlook) or overshadowing (loss of daylight and sunlight).

- 3.14 Policy DMD1 (Securing high-quality design) 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.
- 3.15 The BRE Report (Site Layout Planning for Daylight and Sunlight: a guide to good practice (2022) gives advice on site layout planning to achieve good sunlight and daylight, both within buildings and in the open spaces between them. It is intended to be used in conjunction with the interior daylight recommendations for new buildings in the British Standard *Daylight in buildings*, BS EN 17037. This is an authoritative advisory document that is widely used across the country.
- 3.16 The Mayor Housing SPG calls for guidelines in the BRE to be applied sensitively to higher density developments, especially in (among others) opportunity areas and accessible locations, considering local circumstances, the need to optimise housing capacity, and the scope for the character and form of an area to change over time. Officers note that BRE guidance is not a planning policy.

#### *Daylight*

- 3.17 There are two ways of measuring daylight in the new dwellings. They are Vertical Sky Component (VSC) test and Average Daylight Factor (ADF).
- 3.18 With regards to VSC, 461 windows qualified for testing. Out of that number, 86 failed (18.65%) and 375 passed (81.35%) the VSC test. The windows failing are located close to internal corridors or facing the courtyard. Most of the failing windows are located close to internal corners of the building and facing the courtyard. This is caused by the U-shape of the proposed block with east and west wings casting shade on the opposite façade in the morning and afternoon hours. Some loss of sunlight is also expected due to the external shading in form of balconies. Additional modelling has been carried out for the development without the balconies, which proves that in most instances the loss of sunlight is caused by the overhangs.
- 3.19 With regards to ADF, 60% (52 windows) of the rooms that initially failed the VSC check pass the daylight criteria when the alternative ADF assessment method is used. This results in an overall percentage of windows passing the daylight checks increasing to over 88%. The failing rooms are located close to internal corners of the building and facing the courtyard, on 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> floors. This is caused by the U-shape of the proposed block casting shade on the opposite façade. Some rooms fail due to the depth of the space, with windows located on the shorter end of the room. As the percentage of failing rooms is very low, it is concluded that the proposed development will achieve an adequate level of daylight in the majority of private occupied spaces.

#### *Sunlight*

- 3.20 Sunlight is heavily influenced by orientation. In England sunlight is received from the south and the sun rises in the east and sets in the west. Therefore, any north facing windows may receive sunlight on only a handful of occasions in a year, and windows facing eastwards or westwards will only receive sunlight for some parts of the day. Therefore, BRE guidance states that only windows with an orientation within 90 degrees of south need be assessed.
- 3.21 235 windows qualified for testing. Out of that number, 59 failed (25.11%) and 176 passed or are acceptable (74.89%). Most of the failing windows are located close to

internal corners of the building and facing the courtyard. This is caused by the U-shape of the proposed block with east and west wings casting shade on the opposite façade in the morning and afternoon hours. Some loss of sunlight is also expected due to the external shading in form of balconies. Additional modelling has been carried out for the development without the balconies, which proves that in most instances the loss of sunlight is caused by the overhangs.

#### *Update BRE guidance 2022*

- 3.22 The scheme was tested at the time of the validity of the old guide and it was the correct approach to assess the development against the standard relevant at the time. The applicant's consultant advising on this matter noted that it will be inappropriate to test old schemes to the recently released guidance requirements (where old testing has been conducted and was relevant at the time of submission) as this will lead to comparisons being drawn between the two and it is not simple or even correct to draw comparisons between the scheme's performance under the old and new testing as they are just simply completely different methodologies. It was also noted that there is nothing in the new guide stating that it is intended to be applied retrospectively, so it is logical that you only test the schemes according to the guidance that is valid at the time of submission. The release of the guide was not accompanied with advice on how this should be implemented and did not define a transition period.
- 3.23 Following the review of the received advise it was agreed that it would be inappropriate to request update version of daylight and sunlight assessment given that the scheme was submitted and design when the old guidance was in place.

#### Noise and Agent of Change

##### *Noise*

- 3.24 Policy D14 (Noise) of the London Plan requires developments to reduce, manage and mitigate noise to improve health and quality of life, residential and other non-aviation development proposal by avoiding significant adverse noise impact on health and quality of life; reflect the Agent of Change principles set in the Policy D13 (Agent of change) of the London Plan; mitigate and minimise the existing and potential noise on, from, within the site; and improving and enhancing the acoustic environments and promoting appropriate soundscapes.
- 3.25 Policy BR13 (Noise mitigation) of the Borough Wide Development Policy DPD requires any new development likely to generate harmful levels of noise to be directed away from existing noise sensitive locations, or areas allocated for noise sensitive developments. Where it is not possible to full separate noise sensitive and noise generating land uses, planning permission will only be granted if there will be no exposure to noise above an acceptable level.
- 3.26 Policy DMSI 3 (Nuisance) of the draft Local Plan states that all major development must submit a noise and vibration assessment to reduce any adverse impacts to an acceptable level using most appropriate layouts, orientation, design and use of the building.
- 3.27 The scheme is supported by a Noise Assessment prepared by Create Consulting Engineers Ltd. The assessment concluded that the site is suitable for residential development subject to extensive acoustic design.

3.28 The LBBD Environment Protection Officers have reviewed the proposal advising that proposal submitted noise report details a preliminary assessment to demonstrate that, with appropriate mitigation measures the site will be suitable for residential development. It is acknowledged that the assessment has been undertaken prior to the final design stage and therefore a planning condition requesting a further noise assessment to be undertaken by a suitably qualified person once the final design scheme has been established. It was also recommended that a detail of any kitchen vent is submitted (if applicable at any point) as well as a scheme of noise insulation of party construction between the residential units and the non-residential uses is submitted for approval before above ground works. The recommended condition is considered necessary to ensure that the scheme provided the best quality of residential development.

#### *Agent of change*

3.29 The proposal will be subject to the Agent of Change principle, particularly with regard to the surrounding industrial uses. To future proof the development and to ensure that suitable noise levels could continue to be achieved internally mechanical ventilation will be incorporated within the building.

3.30 In terms of noise, as set out in paragraph 3.27 suitable internal noise levels can be achieved for the residential units through a combination of design and additional survey being submitted.

#### Privacy

3.31 Standard 28 of the Mayor's Housing SPG requires that design proposal demonstrated how habitable rooms within each dwelling are provided with an adequate level of privacy in relation to neighbouring property, street, and other public spaces.

3.32 The application site is surrounded by single or two storey industrial buildings. Therefore, there are no concerns with loss of privacy or overlooking. The proposed building has been in a way that would prevent any future overlooking when the adjoined sites are developed.

#### Odour

3.33 The scheme is supported by an Odour Constraints Assessment prepared by Isopleth, dated April 2022, reference 01.0246.001/OCA v2. The report was peer reviewed by Redmore Environmental who has been chosen as an independent reviewer.

3.34 LBBD Environment Protection also reviewed the report and they advised that Mitigation Option 2 which included a purpose-built system that will be installed on the eastern façades of the building to neutralise the odours produced from activities at the recycling facility, when the wind blows from the east would be the reliable option for protecting the amenity of future residents from odour. The officer note that the effectiveness of the system will depend upon a monthly maintenance package which will need to continue for as long as odours affect the future residents. This will be secured by a planning condition.

#### Housing standards conclusion

3.35 The residential quality of the proposed dwellinghouses will meet or exceed the relevant standards both internal and externally. Some of the proposed dwellinghouse

would be single aspect, in accordance with planning policy the applicant has demonstrated that they have been suitably designed and that they would not suffer from overheating. The scheme is also considered to achieve acceptable noise and odour levels subject to proposed conditions being added and implemented.

## 4. Design

- 4.1 Paragraph 124 of the NPPF stresses the importance of good design and states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 4.2 Chapter 3 (Design) of the London Plan sets out key urban design principles to guide development in London. Design policies in this chapter seek to ensure that development optimises site capacity; is of an appropriate form and scale; responds to local character; achieves the highest standards of architecture, sustainability, and inclusive design; enhances the public realm; provides for green infrastructure; and respects the historic environment.
- 4.3 Policy CP3 (High quality-built environment) of the Core Strategy states that all development proposal will be expected to achieve high quality standards in relation to the design and layout of new buildings and spaces. Policy BP11 (Urban design) sets design principles that new development should follow.
- 4.4 The detailed design of the scheme has progressed through the pre-application process. This has included additional scrutiny from the Quality Review Panel (QRP) to ensure that the proposed development is of exemplary standard given the quantum of development and prominent location.

### Site layout

- 4.5 The proposed layout of the site includes a single building organised around a U-shape footprint. The building would be situated closer to the northern boundary (towards Thames Road) to ensure that the southern section can be turned to a publicly accessible landscape area which includes child play space. Please see figure 4 below that illustrates the building layout, footprint, and position within the site.
- 4.6 The proposed site layout would create maximum active frontage. This design will ensure that activity is spread along the full length of the elevation, minimising the length of blank elevations.



**Figure 5: Proposed building height**



- 4.11 The buildings in the surrounding area are predominantly single storey industrial buildings. It is acknowledged that the proposed development would introduce a building form that is substantially taller than all the immediate buildings within the vicinity.
- 4.12 The site marks the corner between Thames Road and Gallions Road. The tallest building would mark the corner and therefore it is considered to achieve a key marker function. The proposed height and massing are reflective of the Masterplan and would consist of a balance of medium rise building with taller tower.
- 4.13 The objection from the GLA towards the proposed building height is noted. However, it should be pointed out the Council has recently approved planning application at the not far from the application site at No 12 Thames Road. It is further noted that the masterplan for the area allows for some taller buildings to be accommodated within the area. Taking all these points into consideration it is considered that the proposed heights are justified in townscape terms.

#### Wind assessment

- 4.14 Part 3(a) in Policy D9 (Tall buildings) of the London Plan states that wind, daylight, sunlight penetration and temperature conditions around the building and neighbourhood must be carefully considered and not compromise comfort and the enjoyment of open space, including water spaces, around the building
- 4.15 The scheme is supported by a by Wind Assessment prepared by Create Consulting Engineers Ltd. The report confirms that no likely significant wind effects have been identified because of the proposed development. No specific mitigation measures are suggested as conditions on the proposed development site are expected to be suitable for pedestrians walking and business walking for most of the year and other internal areas for the intended activity.



## Appearance

- 4.16 The detailed design of the scheme has progressed through the pre-application process. This has included additional scrutiny from the Quality Review Panel to ensure that the proposed development is of exemplary standard given the quantum of development.
- 4.17 The architectural expression and elevation treatment of the scheme is based around 3 key elements, the marker building, secondary corners, and linking elements. The marker building would be design through a series of four module widths to create symmetrical divisions in each façade. The secondary corners will provide bookends to the scheme elevations, signifying secondary access points and routes around the development. The linking elements span between the corner of the development. The proposed strategy can be seen in figure 5 above.
- 4.18 The indicative materiality will be a blend of red, buff, and grey brick. The contrast between the light and darker bricks provides visual interest and assist in accentuating the marker building. The proposed appearance and materials are considered to be of a high quality.

## Crime and safety

- 4.19 Policy D11 (Safety, security, and resilience to emergency) of the London Plan states that development proposals should maximise building resilience and minimise potential physical risks, including measures to design out crime. This approach is supported by Policy CP3 (High quality-built environment) of the Core Strategy and Policy BC7 (Crime prevention) of Borough Wide Development Policies DPD.
- 4.20 The proposed development would have a clear and legible access to all building cores with no obvious public areas which are obstructed from public vantage points. The activation of the building on all elevations will ensure the natural surveillance of the public realm and building surrounds.
- 4.21 The Metropolitan Police Design Out Crime Officer has been consulted on the application. It was recommended that a planning condition is added requiring each part of the building to achieve the secure by design accreditation prior to first occupation of the development. The recommended condition will be added to the list of conditions.

## Fire safety

- 4.22 Policy D12 (Fire Safety) of the London Plan requires all development proposals to achieve the highest standards of fire safety and to requires all major proposals to be supported by a Fire Statement. The Mayor of London has also published pre-consultation draft London Plan Guidance on Fire Safety Policy D12 (A).
- 4.23 Part B (5) in Policy D5 (Inclusive design) of the London Plan states that new development should be designed to incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessment) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.
- 4.24 The scheme is supported by a Fire Strategy prepared by MLM Group Part of Sweco. The strategy details how the development would achieve the highest standards of fire

safety including details of fire safety systems, means of escape, internal fire spread, external fire spread, access (including those with reduced mobility) and facilities for firefighting and fire safety management. The report was revised during the determination of the planning application and it is considered to address the comments made by the GLA at Stage 1.

#### Digital connectivity

- 4.25 Policy SI 6 (Digital connectivity infrastructure) of the London Plan states that the provision of digital infrastructure is as important for the proper functioning of development as energy, water and waste management services. The development must ensure that sufficient ducting space for full fibre connectivity infrastructure is provided to all end users unless an affordable alternative 1GB/s-capable connections is made available to all end users. A condition is added requiring that the building will have sufficient provision of ducting space for full fibre connectivity infrastructure

#### Design conclusion

- 4.26 The layout, scale, height, and massing of the proposed building would comply with the aspirations of the emerging masterplan plan. The architectural form for the building will be of high quality and it will positively contribute to the emerging townscape on Thames Road.

### **5. Public realm, landscape, and biodiversity**

- 5.1 Policy D8 (Public realm) of the London Plan requires development proposal to amongst other things, ensure the public realm is well-designed, safe, accessible, inclusive, attractive, well-connected, related to the local and historic context, and easy to understand, service and maintain. Policy G1 (Green infrastructure) expects development proposals to incorporate appropriate elements of green infrastructure that are integrated into London's wider green infrastructure network. Policy G5 (Urban greening) states that major development proposals should contribute to the greening of London by including urban greening as a fundamental element of site and building design, and by incorporating measures such as high-quality landscaping (including trees), green roofs, green walls, and nature based sustainable drainage. The policy encourage borough to develop an Urban Greening Factor (UGF) to identify appropriate amount of urban greening required in new developments. Policy G6 (Biodiversity and access to nature) states that development proposal should manage impact on biodiversity.
- 5.2 At local level, Policy CR2 (Preserving and enhancing the natural environment) of the Core Strategy stated that the Council will seek to preserve and enhance the boroughs natural environment. Policy BR3 (Greening the Urban Environment) of the Borough Wide Development Policies DPD states that all development proposal needs to demonstrate that the sequential approach set out below to preserving and enhancing the natural environment.
- 5.3 Emerging draft Local Plan Point 10 in Area Policy SSP2 (Thames Riverside), Thames Road Transformation Area states that development should create improved streetscape and active frontages to industrial and commercial plots. Part 3 (b) in Policy DMD 1 (Securing high-quality design) specifically states that major and strategic planning proposals should "clearly demonstrate consideration of the individual and cumulative impact on amenity, neighbouring buildings, skyline, infrastructure and the natural and historic environments, provision of public realm, amenity space (private, communal and child play space)".

5.4 The scheme is supported by Public Realm & Landscape report prepared by BDP and Phase 1 habitat survey Ecological Appraisal prepared by Aspect Ecology. It is noted that the application site is used as a dairy distribution depot. The surrounding sites are low rise warehouse units with a variety of industrial uses. The local environment at present can be described as utilitarian, with a materiality of tough, functional surfaces, some of which are worn and damaged as a by-product of years of industrial use. There is no greenery in the surrounding area.

5.5 The proposed landscape strategy seeks to create a high-quality public realm and residential private and communal spaces by creating seven distinct areas which are:

No	Area	Comments
1	Thames Road	This area would be largely made out of hard landscaping to provide appropriate residential environment with wide pavement with some street trees, cycle parking and consistent surfacing along this key movement corridor.
2	Gallions Close	This area will be restored as a residential street with new footway, loading and drop off area and cycle parking. There will be a few residential terraces providing street animation and softening the appearance of the building.
3	Gallions Square	This space will be composed of two spaces, a central garden and a linear garden running along the southern boundary of the application site. The central garden will be large grass informal area for relaxation and amenity. It will include play space, trees, and ornamental borders. The linear garden will include grass swale with wildflowers, child play space, and trees.
4	Gallions Walk	This area is located to the western boundary and it would be a shared pedestrian and cycling lane leading to the new amenity at Gallions Square to the south. There will be private terrace space and front doors to some dwellings to help active the space which will be softened by planting to the terraces and climbers along the boundary fence.
5	Level 1 residential garden	Would be largest communal space which would host a variety of activity, ranging from child play space, community gardening, quiet areas with seating and more passive recreation and open grass lawn with canopies and tree planting for shade.
6	Level 7 residential garden	Is located on the western block would provide further amenity space for residents. The roof garden will be enclosed with planted edges and it has lawn with child play space and sitting area. This garden also includes raised growing beds for community gardening and composting plus a flexible area that can be used for small scale games, yoga and fitness.
7	Green roofs	The remaining roof would be biodiverse roofs.

5.6 The public realm across the application site is considered to be of a high quality and would make an important contribution towards establishing a strong sense of place

for the development. Policy G5 (Urban greening) recommends that score of 0.4 is achieved for development that are predominately residential. The scheme achieves UGF score of 0.44.

**Figure6: Proposed landscape masterplan**



- 5.7 The proposed soft landscaping strategy for the scheme promotes a variety of open spaces which are clearly defined and highly accessible. The strategy key objectives are to enhance natural habitat with native species that support foraging for birds, attract pollinators and wildlife and contribute to an overall enhancement of biodiversity in local and wider area. The species will be picked to suit various landscape habitats such as private terrace buffer planting, southern swale, ornamental beds and other soft spaces.
- 5.8 The proposed hard landscaping is to provide quality environment that is durable, reduces maintenance operations and provides visually interesting and stimulating setting for the development. A range of hard landscaping materials and proposed across the site that will complement the architectural material of the building.
- 5.9 In addition to the public realm improvements on the site, the applicant was agreed to help fund improvements to the Ripple Greenway watercourse located north of the application site. The watercourse will be enhanced as part of this application and other developments along the Thames Road, which will notably enhance this feature and provide biodiversity gains for the local area. A financial obligation in the s106 legal agreement will be secured from the development towards the clearance of the watercourse and its improvements.
- 5.10 The submitted ecology assessment recommends that planting including roofs are designed to provide high quality of biodiverse habitats. The assessment also recommended that bird and bat boxes are included as well as swift bricks. It is considered that bat and bird bricks would be more appropriate. It is also considered that the applicant should be providing bee brick. The boxes and recommendation of the report will be secured by a planning condition.

## 6. Archaeology

- 6.1 Paragraph 194 of the NPPF states in determining application, the Local Planning Authorities (LPAs) should require an applicant to describe the significance of any heritage asset affected, including any contribution made by their setting. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 6.2 Policy HC1 (Heritage and Conservation Growth) of the London Plan; Policy CP2 (Protecting and Promoting our Historic Environment) of the Core Strategy; Policy BP3 (Archaeology) of the Borough Wide Development Policies DPD; and Policy DMD 4 (Heritage Assets and Archaeological remains) of the LBBD the Draft Local Plan support the NPPF and seek to protect all heritage assets in a suitable way.
- 6.3 The application site lies in an area of archaeological interest where there is a promising buried gravel prominence. The scheme is supported by Archaeological Desk Based Assessment prepared by RPS.
- 6.4 The Greater London Archaeological Advisory Service (GLAAS) was consulted, and they reviewed the application and advised that the development could cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. The officers at GLASS recommended that a two-stage archaeological condition is added to provide an acceptable safeguard. The proposed condition will be added.

## 7. Impact on amenity of adjoining occupiers

- 7.1 Paragraph 125(c) of the NPPF states local planning authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards). London Plan Housing SPG states that “An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties.” Paragraph 130 (f) stated that development should “*create places that are safe, inclusive, and accessible and which promote health and well-being, with a high standard of amenity for existing and future users...*”
- 7.2 Policy D1 (London’s form, character and capacity for growth) of the London Plan states that development design should deliver appropriate outlook, privacy, and amenity. Policy D14 (Noise) of the London Plan seeks to reduce, manage, and mitigate noise to improve health and quality of life. The London Plan is at an early stage of public consultation and whilst material and relevant, Officers apportion lesser weight to these requirements than those within adopted policies outlined above which are accorded full weight.
- 7.3 Policy BP8 (Protecting Residential Amenity) of the Borough Wide DPD seeks to protect residential amenity, by ensuring new developments including conversions, do not expose existing and proposed occupiers to unacceptable levels of pollution that

may arise. This includes noise, smoke, fumes, refuse, comings, and goings and/ or lighting during construction and occupation.

- 7.4 Strategic Policy SP7 (Securing a clean, green and sustainable borough) of the draft Local Plan seeks to ensure that all development manage nuisance (such as noise, vibration, artificial light, odour, fumes and dust pollution) during construction and operation are acceptable or mitigated. Policy DMD1 (Securing high-quality design) 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. Policy DMSI 3 (Nuisance) deals with noise states that all major development must submit a noise and vibration assessment to reduce any adverse impacts to an acceptable level using most appropriate layouts, orientation, design, and use of the building.
- 7.5 A development of the size and scale proposed will clearly have potential significant impacts on the amenities and quality of life of occupiers of properties both adjoining and in the vicinity of the site.

#### Daylight and sunlight

- 7.6 The application site is surrounded by industrial building and uses. It has been established that there are no specific criteria for industrial building, therefore the proposed and neighbouring non-residential buildings have been excluded from this assessment.
- 7.7 The submitted Daylight & Sunlight Assessment, prepared by Create Consulting Engineers Ltd, dated May 2021, assessed the impact of the proposal on the residential building closest to the site located to the north of Seagull Close and along the western part of Lawes Way. The assessment confirms that none of the neighbouring buildings included in the study will be negatively affected by the proposed development.

#### Outlook and privacy

- 7.8 The proposed development would provide views of the adjacent sites in all directions. However, as the only closest residential flats are over 60m away, officers are satisfied that the proposed development will not give rise to any unduly unacceptable privacy issues or provide restricted outlook.

#### Noise and disturbance

- 7.9 The site is an industrial site and located within an established industrial area where noise and vibration are not alien factors. The proposed development would intensify the use of the site by introducing the residential use at the site.
- 7.10 To mitigate the impact of the development the LBBD Environment Protection team suggested a number of conditions such as scheme of acoustic protection that would protect the existing business and put the burden of designing the building to avoid any noise complaints from the activities on the adjoining site on the application and/or owner of the site. The proposal is considered not to have a negative impact on the adjacent users.
- 7.11 With regards to construction impact, subject to Construction Management Plan (CMP) being submitted and approved before any works start on site, the impact on the

neighbouring site can be mitigated appropriately. It is also noted that the construction noise and disturbance would be temporary.

### External lighting

7.12 Plans have been submitted showing the location of external lighting. The drawings do not identify the levels of output from the lighting, and as such it is recommended that a condition is attached requiring the submission of a full lighting scheme to be submitted to ensure that there would be no detrimental impact to safeguard neighbouring amenity and to avoid light pollution, in line with policy BP11.

### Conclusion on impact on residential amenity

7.13 The proposed development has been carefully assessed in relation to the residential amenity. Officers are satisfied that subject to the recommended conditions identified above the proposed development would give rise to significant concerns with respect to neighbouring amenity that would justify a reason for refusal of the scheme.

<b>8. Transport</b>			
<i>PTAL rating:</i>	Score of 1b	<i>Net gain/loss in car parking spaces:</i>	None
<i>Closes underground or overground station and distance (miles):</i>	Barking riverside overground station 1.1miles away	<i>Proposed number of cycle parking spaces for residential use:</i>	<ul style="list-style-type: none"> <li>• 182 long stay spaces</li> <li>• 3 short stay spaces.</li> </ul>
<i>Restricted parking zone:</i>	No	<i>Proposed number of cycle parking spaces for industrial use:</i>	<ul style="list-style-type: none"> <li>• 8 long stay spaces</li> <li>• 6 short stay spaces.</li> </ul>

### Access to the site

8.1 Policy BR11 (Walking and cycling) of the Borough Wide Policies DPD seeks to ensure that conditions for cyclists and pedestrians are protected and where appropriate improved.

8.2 The proposed development will be accessible to pedestrians and cyclists off Thames Road, Gallions Close and Gallions Walk. The walkways around the site would be wide enough to accommodate people passing each other. The width would also be acceptable to ensure that those that have visual and mobile impairments are accommodated. Vehicular access into the site and the podium car park is proposed off Gallions Close. The car park will be gated and secure for residents allocated with blue badge parking only. The gate is located within the proposed building some 16m from the edge of Gallions Close ensuring that there is sufficient space for a vehicle to wait, clear of the highway, for the gate to open.

### Car parking

8.3 Policy BR9 (Parking) of the Borough Wide Policies DPD states that car parking standards set out in the London Plan will be used as a maximum parking standard for new development. Policy DMT 2 (Car parking) also adopts the maximum London Plan car parking standards and other aspirations.

- 8.4 Policies T6 (Car parking) together with Table.10.3 of the London Plan provide maximum parking standards for new residential developments. The policy aims to restrict car parking in line with levels of existing and future public transport accessibility and connectivity. Car-free development should be the starting point for all development proposals, if this cannot be achieved a car lite approach should be taken. Car-free development has no general parking but should still provide disabled persons parking in line with Part E in Policy T6.
- 8.5 Part C in Policy T6.1 (Residential parking) states that where parking is proposed the spaces have the infrastructure for electric or Ultra-Low Emission vehicles. At least 20 per cent of spaces should have active charging facilities, with passive provision for all remaining spaces. Part G of this policy states that for 3% of dwellings, at least one designated disabled persons parking bay per dwelling is available from the outset. In addition, the applicant is asked to demonstrate as part of the Parking Design and Management Plan, how an additional seven per cent of dwellings could be provided with one designated disabled persons parking space per dwelling in the future upon request when and if the existing provision is insufficient. This should be secured at the planning stage.
- 8.6 The proposed scheme will be car free except for seven 'blue badge' car parking spaces. All spaces will be equipped with active electric vehicle charging provision from the outset. The proposed car parking arrangements are considered to be acceptable. Given the car-free nature of the proposed scheme, it is recommended that planning obligations remove the right of future residents to obtain a permit to park in any future CPZ ('Blue Badge' holders excluded) and to prevent the blue badge car parking space to be sold and lost.

### Cycling

- 8.7 Policy BR9 (Parking) of the Borough Wide Policies DPD states that in relation to cycle parking TfL cycle parking standards, will be used as a minimum parking standard of new development.
- 8.8 Policy DMT 3 (Cycle parking) of the draft Local Plan states that all development must adopt the maximum London Plan cycle parking standards with the design and layout of cycle parking being in accordance with the London Cycling Design Standards.
- 8.9 Policy T5 (Cycling) and Table 10.2 of the London Plan states that Development Plans and development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle. This will be achieved through securing the provision of appropriate levels of cycle parking which should be fit for purpose, secure and well-located. The minimum cycle parking standards are provided in Table 10.2 of the LP and it have been replicated below.

**Extract from London Plan Table 10.2**

Land use	Long-stay	Short-stay
C3 (all dwellings)	<ul style="list-style-type: none"> <li>• 1 space per studio or 1 person 1 bedroom dwelling</li> <li>• 1.5 spaces per 2 person 1 bedroom dwelling</li> <li>• 2 spaces per all other dwellings</li> </ul>	<ul style="list-style-type: none"> <li>• 5 to 40 dwellings: 2 spaces</li> <li>• Thereafter: 1 space per 40 dwellings</li> </ul>



D1 (primary school)	1 space per 8FTE staff + 1 space per 20 FTE students	1 space per 1000 students
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- 8.10 Based on the requirements of London Plan, the proposed scheme is required to provide a minimum of 416 long-stay and 20 short-stay cycle parking spaces.
- 8.11 The proposal will provide 416 long stay and 46 short stay cycle parking spaces. The long stay parking will be in located in the cycle storage close to the entrance to each block. The exact design of the cycle store for each core is shown on drawing Cycle Store Layouts (20010-KSS-ZZ-00-DR-A-0802 Rev P3). The stores in each block will provide a mix of stand types to ensure that households with mixed requirements can park their bikes together. The short-term parking will be located across the site and be convenient for both the residential and commercial uses. The provision of the long-stay and short-stay cycle parking will be conditioned and the applicant will be asked to make those spaces available before development occupied.

### Sustainable transport

- 8.12 Policy BR10 (Sustainable Transport) of the Borough Wide Policies DPD seeks to encourage sustainable transport

#### *Public transport*

- 8.13 The site is in an area with the Public Transport Accessibility Level (PTAL) rating 1, which indicates poor level of access to public transport services. The transport links available from the site include:
- one bus running between Barking and Barking Riverside
  - Barking Riverside overground being 1.1miles away (22 minutes' walk or 12 minutes bus ride)
  - Barking underground/overground/rail station being 1.9miles away (40 minutes' walk or 17-minute bus ride)

- 8.14 The proposed development is anticipated to generate up to 80 two-way additional parson trips by public transport in the peak hour. Officers negotiated financial contributions towards improvement for sustainable travel of £106,800,00.

#### *Travel Plan*

- 8.15 The scheme is supported by Travel Plan prepared by i-Transport. The plan identifies that all residents of the development will be provided with a Travel Plan upon occupation which will contain details of the cycling, walking, and public transport routes to key local facilities. A key role of the Travel Plan will also be to raised awareness of the sustainable travel initiatives being implemented through the Travel Plan including the promotion of key services and facilities, promotion of car share clubs and car clubs. Community notice boards located in the lobby will provide travel and community information to residential will also be places in prominent location and will include maps of the immediate local area identifying locations of cycle parking, car club bays and public transport services. The Travel Plan is considered acceptable in principle, and officers would be seeking planning obligation to secure the monitoring of the plan.

#### *Car club*

- 8.16 To support a low car environment, it is recommended that planning obligation requiring the applicant to fund Car Club membership for two calendar years on application to all residents to the nearest car club operating in the Borough. This will be secured in the s106 legal agreement. The obligation will take account of the precise details of the free car club use for two years depending on the car club provider. Details shall be submitted and agreed with officers to the level of provision as different car club providers have different mechanisms in how they operate the use of the hire cars. However, could comprise either two years of subscription or free driving credit.

#### Servicing and Delivery

- 8.17 Policy T7 (Deliveries, servicing, and construction) of the London Plan states that development proposal should facilitated safe, clean, and efficient deliveries and servicing.
- 8.18 The proposal includes four loading provision across the site, one loading bay on Thames Road, two loading bay of Gallions Close, one loading bay within the podium car park. The deliveries are proposed to take place on-site or via the on-street loading bay provided. Full Delivery and Servicing Plan will be requested via a planning condition.

#### Waste management

- 8.19 Policy CR3 (Sustainable Waste Management) of the Core Strategy and Policy BR15 (Sustainable Waste Management) Borough Wide Development Plan DPD outline the need for development in the borough to minimise and work towards a more sustainable approach for waste management. These objectives are further emphasised in Policy DMSI 9 (Smart Utilities) of the draft Local Plan.
- 8.20 Residential bin stores will be located within close proximity to the lobbies. The bin stores have been designed in line with LBBB requirements for storage space. The waste calculation and internal design for each of the refuse store is shown on Refuse Store Layout (20010-KSS-ZZ-00-DR-A-0802 Rev P2). Section 5 of the addendum Transport Statement states that on the day of refuse collection, the site management company will transfer the filled bins to the refuse holding area, located along the eastern frontage on Gallions Close, closer to the refuse vehicle collection point. These collection points are all located within private land with no bins located on the public highway. The refuse vehicles will be able to collect refuse from close proximity to the collection points. The bin stores and the waste collection strategy will be conditioned.
- 8.21 The commercial units will include a bin store within the unit. It will be the responsibility of the future occupier to arrange refuse collection of their bins.

#### Demolition and Construction Traffic

- 8.22 The Construction Environment Management Plan and Site Waste Management Plan will be secured via a planning condition. The document will consider the impact on pedestrians, cyclists, and vehicles as well as full consider the impact on other development in close proximity.

#### Transport Conclusion

- 8.23 In summary, subject to securing relevant condition and legal agreement clauses, the proposal is supported in terms of transport matters and it promotes sustainable

modes of transport. The proposal is not considered to have material impact on pedestrian or vehicular safety or result in due pressure on the local highway network.

<b>9. Delivering Sustainable Development (Energy / CO2 reduction)</b>	
<i>Renewable energy source</i>	Air Source Heat Pump (ASHP)
<i>Proposed CO2 reduction</i>	59% overall

## Energy

- 9.1 Paragraph 152 of the NPPF states 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.
- 9.2 Policy GG5 (Growing a good economy) of the London Plan recognises and promotes the benefits of a transition to a low carbon circular economy to strengthen London's economic success. Policy SI2 (Minimising greenhouse gas emissions) directs that major development should be net zero-carbon, through reducing greenhouse gas emissions in accordance with the following hierarchy:
- Be lean: Use Less Energy
  - Be clean: Supply Energy Efficiently
  - Be green: Use Renewable Energy
  - Be seen: Monitor and Report
- 9.3 The policy requires a minimum on-site reduction of at least 35% beyond Part L Building Regulations for major development, of which 15% should be achieved through energy efficiency measures for non-residential development.
- 9.4 Policy BR1 (Environmental Building Standards) of the Borough Wide Development Policies DPD states that all developments are expected to meet high standards of sustainable design and construction. The policy also expects non-residential major developments to achieve BREEAM Very Good-Excellent. Policy BR2 (Energy and on-site renewables) outlines the expectations for significant carbon reduction targets to be achieved.
- 9.5 Policy DMSI 2 (Energy, heat, and carbon emissions) of the draft Local Plan 2037 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.
- 9.6 The scheme is supported by Energy Statement prepared by Create Consulting Engineers Ltd, Revision B, dated March 2022. The statement has been prepared in accordance with the London Plan energy hierarchy:

Be Lean	use of highly efficient building fabric and efficient heating and ventilation system.
Be Clean	the opportunity to link to site to existing or planning decentralised energy network has been considered but the site is not located within the immediate proximity of a proposed district heat network.

	To ensure future connectivity a provision of design feature enabling the development to connect to future networks is proposed.
Be Green	provision of communal Air Source Heat Pumps (ASHP) and Photovoltaic Panels (PV)
Be Seen	confirmation that applicant will commit to carrying out energy monitoring and reporting at each stage of planning, construction and in-use process

- 9.7 Collectively, these measures achieve a total 60% reduction in carbon emission site-wide which significantly exceeds the 35% on-site requirement set out in London Plan policy. To achieve zero-carbon on the residential element, 70.3 tonnes per annum of regulated CO<sub>2</sub> must be offset through a cash in-lieu contribution, which is used to secure CO<sub>2</sub> savings elsewhere. The carbon offset fund payment for the development of £223,155.00 will be secured as part of the S106 Agreement.
- 9.8 In addition, it is noted that the comments made by the GLA at Stage 1 have been addressed by the application during resubmission. All the changes are included in Revision B of the Energy Assessment.

#### Whole Life Carbon

- 9.9 Part F in Policy SI 2 (Minimising greenhouse gas emissions) of the London Plan requires developments to be supported by Whole Life Cycle Carbon Assessment (WLCCA) and demonstrate that actions were taken to reduce life-cycle carbon emissions.
- 9.10 The scheme is supported by Whole Life Carbon Assessment prepared by Create, dated March 2022, and all information within the project details section of the template under the detailed planning stage tab, in line with the GLA Whole Life-Cycle Carbon Assessment guidance document. The submitted information was reviewed by the GLA at Stage 1 and it recommended that submission of a post-construction assessment on the development actual WCL emissions by planning condition. The recommended condition will be added.

#### Circular Economy

- 9.11 Policy SI 7 (Reducing waste and supporting the circular economy) of the London Plan requires development application to submit Circular Economy Statements. Policy D3 (Optimising site capacity through the design-led approach) require development proposals to integrate circular economy principles as part of the design process.
- 9.12 The scheme is supported by Circular Economy Statements prepared by Create, dated March 2022 as well as detailed technical comment. The submitted information was reviewed by the GLA at Stage 1 and it was recommended that post-completion report setting out the predicted and actual performance against all numerical targets in the relevant part of the Circular Economy Statements are submitted. The recommended condition will be added.

#### Conclusion

- 9.13 It is considered that the proposal is in accordance with the adopted policies for sustainability and CO<sub>2</sub> emissions reductions and it is recommended they are secured

through appropriate conditions as well as carbon off-setting contribution that would be secured via the s106 legal agreement.

## 10. Air quality

- 10.1 Policy SI 1 (Improving air quality) of the London Plan requires amongst other things that development proposals must be at least Air Quality Neutral. The policy is supported by supplementary London Plan Guidance (LPG) documents. The Greater London Authority (GLA) carried out three months consultation of the Draft Air Quality Positive LPG. The consultation ended on 27th February 2022.
- 10.2 Policy CR1 (Climate change and environmental management) of the Core Strategy and Policy BR14 (Air quality) of the Borough Wide Development Policies DPD states that to contribute towards global, national, regional, and local sustainability the Council will protect water and air quality.
- 10.3 Policies SP7 (Securing a clean, green and sustainable borough) and DMSI 4 (Air quality) of the draft Local Plan support the aims of the London Plan and require proposals to be air quality neutral.
- 10.4 The scheme is supported by an Air Quality Assessment (AQA) Revision A prepared by Create Consulting Engineers Ltd.

Construction phase	<p>The potential effects during the demolition and construction phases include fugitive dust emissions from site activities, such as demolition, earthworks, construction and trackout.</p> <p>The Environment Protection recommended that planning condition is added requesting submission of mitigation measured for impact on air quality and dust emission.</p>
Operational phase	<p>The site is located within identified AQMA and the proposal includes residential use. As such, there is potential to introduce the poor quality of air into the area and worsen the current local air quality.</p> <p>The proposed development will be wholly based on ASHP. There is no gas system, or system with combustion being proposed. The scheme will be car free with the exception of seven blue badge car parking spaces. All car parking spaces will be equipment equipped with electrical charging points. To avoid the use of cars the applicant also signed up to provide car club membership to all residents and travel plan and its monitoring will be secured via a s106 legal agreement. The Environment Protection confirmed that those are acceptable measures.</p>

- 10.5 In addition, to the above a condition will be required to ensure that if the proposed development is not expected to meet the Air Quality Neutral Standards as noted in the submitted air quality report, a marginal abatement cost of £29,000 per tonne of NOx over the established benchmark figure shall be paid to the Local Planning Authority. This payment shall be used for air quality improvement projects in the area and will be secured by the legal agreement.

## **11. Contamination**

- 11.1 Policy CR1 (Climate change and environmental management) of the Core Strategy promotes the remediation of contaminated land. Policy BR5 (Contaminated land) of the Borough Wide Development Policies DPD states that development on or near land that is known to be contaminated or which may be affected by contamination will only be permitted where an appropriate site investigation and risk assessment has been carried out as part of the application to identify any risk to human health. This is supported by Policy DMSI 5 (Land contamination) of the draft Local Plan.
- 11.2 The scheme is supported by Phase 1 Desktop Study and Due Diligence Site Investigation report prepared by Patrick Parsons. The report was reviewed by the Environment Protection team who advised that the report confirms that the full contaminated land condition would be necessary. The officer provided a wording for the planning condition that will be added as recommended.

## **12. Flood risk and Sustainable drainage**

### Flood risk

- 12.1 Policy SI 12 (Flood risk management) of the London Plan required development to minimise and mitigate the risk of flooding. Policies CR1 (Climate change and environmental management) and CR4 (Flood management) of the Core Strategy and Policy BR4 (Water Resource Management) of the Borough Wide Development Policies DPD (March 2011) echo the requirements above.
- 12.2 The site is located within Flood Zone 3a (High Probability), and it is protected by the River Thames Tidal Flood defences. The scheme is supported by Flood Risk Assessment and Drainage Strategy Volume 1 and 2.
- 12.3 The submission was reviewed by the Environment Agency (EA), and it was confirmed that they are satisfied that the development has assessed the risk from a breach in the Thames tidal flood defences using the latest modelled tidal breach data. It is also noted that there will be no sleeping accommodation below the modelled tidal breach flood level. The EA noted that the proposal does not have a safe means of access and/or egress in the event of flooding from all new buildings to an area wholly outside the floodplain however, safe refuge within the higher floors of the development has been suggested.

### Sustainable drainage

- 12.4 Policy SI 13 (Sustainable drainage) states that Lead Local Flood Authority (LLFA) should manage area affected by surface water flooding. The policy also states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.
- 12.5 Policy BR4 (Water resource management) of the Borough Wide Development Policies DPD states that development must ensure that greenfield surface water run-off rates are achieved where possible through the use of Sustainable Urban Drainage System (SUDS).

- 12.6 Policy DMSI 7 (Water management) of the draft Local Plan states that development should be managed in line with Policy SI 13 (Sustainable drainage) of the London Plan and the drainage hierarchy.
- 12.7 The proposal will increase permeability of the site through enhancements identified in the landscaping and biodiversity sections of this report thus complying with Local Plan policy requirements for incorporating principles of sustainable urban drainage. In addition, the scheme would have attenuation tanks which will allow flows from the site are restricted to greenfield rates with an allowance for an increase in rainfall intensity of 40% due to climate change prior to discharge into Thames Water surface water sewer.
- 12.8 The submission was reviewed by the LBBB LLFA and it was confirmed that they have no objection to the proposal subject to inclusion of a planning condition requesting that the surface water drainage is implemented and that there is no raising of existing ground level on the site to facilitate the free passage of flood water in times of flooding.

#### Conclusion on flood risk and Sustainable drainage

- 12.9 It is considered that the submitted FRA including surface water drainage demonstrated that the proposed development would be compliant with the relevant planning policies and guidance and it will not increase the risk of flooding to others subject to including the above-mentioned conditions.

### **13. Community engagement**

- 13.1 Despite the challenges presented by the Covid-19 Pandemic and associated restrictions on public meetings, the applicant has conducted a community engagement exercise before planning application was submitted. The scheme is supported by a Statement of Community Involvement (SCI) prepared by Lexington, dated June 2021. The SCI summarises how the applicant engaged with the local community to gain the views of the proposed development.
- 13.2 The virtual public exhibition went 'live' on 11th December 2020, with residents being alerted to this via a hand delivered letters sent to 2,015 local homes and businesses in the area. The website was viewed 494 times and generated 11 feedback responses (equating to 2%). Issues raised with the development included parking, social infrastructure and green space.
- 13.3 Officers support the robust and thorough public consultation that the applicant has taken and are satisfied that they have reached out to many the local community in the process before the planning application was submitted. The issues that were raised through the comment have been address in the sections above of this report.

### **14. Community Infrastructure Levy and S106 Planning Obligations**

- 14.1 It is estimated that the proposed development would be liable for LBBB Community Infrastructure Levy (CIL) and Mayoral CIL (this is inclusive of social relief). The total estimated CIL liability in this case, would be £409,411.28. This is comprised of:

Description	Rate including indexation 2020 (£ per sq.m.)	Chargeable Area (sqm)	Liabe Amount	Relief (Social Housing/ Charitable/ Self Build)	Total
MCIL 2 (2019)	£25	15,558.01	£388,950.25	-£120,025.25	£268,925.00
<b>CIL liability for Mayor of London</b>					<b>£268,925.00</b>
LBBB Residential 3	£13.06	15,558.01	£203,187.48	-£62,701.20	£140,486.28
LBBB Business (B1b, B1c B2, B8)	£6.53	218.07	£1,424	-£1,424	£0
<b>CIL liability for London Borough of Barking and Dagenham</b>					<b>£140,486.28</b>
<b>Total CIL liability</b>					<b>£409,411.28</b>

14.2 Alongside CIL, development plan policies seek financial contributions to be secured by way of planning obligations to offset the likely impacts of the proposed development on local services and infrastructure.

14.3 The applicant has agreed to meet the following financial contributions that are sought by the Council's Planning Obligations SPD as follow:

- £712,000 towards land purchase for education and open space/public realm
- £223,155 towards carbon offset
- £106,800 towards improvement to public transport
- £99,247 towards Ripple Greenway clearance and improvements
- £35,600 towards off-site play space enhancements
- £19,580 towards monitoring of s106 legal agreement clauses

14.4 The total for the financial contributions is £1,196,382.00 and the total CIL payments is £409,411.28. This brings the total payment required by the development to £1,605,793.28.

### Conclusion

The proposed development is for a change of use from industrial use to mixed-use residential led development comprising of 233 new dwellings including 38 London Affordable Rent (23.3% by habitable room), and 275 sqm non-residential floorspace (Use Class E).

The proposed change of use would be contrary to Policy CE3 (Safeguarding and release of employment land) of the Core Strategy and Policies E4 (Land for industry, logistics and services to support London's economic function) and E5 (Strategic Industrial Locations (SIL)) of the London Plan owing to the introduction of residential use the designed SIL. As it stands the development represents a departure from the adopted development plan. As it was noted in the report the Council is in the process of preparing draft Local Plan 2037 which is an ambitious and forward-looking vision for the borough which sets out how the housing, economic and social targets will be met. The Thames



Road Masterplan (albeit unadopted) will guide the transformation of the strategic industrial land into a new community offering high quality housing addressing the local need and annual housing target. The proposal include de-designation of parts of River Road Employment Area SIL through release of industrial land and intensification the lost employment capacity elsewhere within the designated area. The proposed development is line within the emerging development plan (this includes the adopted London Plan) and the proposed transformation would be plan led. In light of this, the principle of development is supported.

The proposed development would positively contribute towards housing numbers and it would, on balance, provide an appropriate dwelling mix, tenure split, accessible housing, and play space. Whilst the level of the affordable housing is below the policy level, the under delivery is acceptable, in this instance, given that the scheme will contribute to provision of needed social infrastructure. The contributions will be secured by a s106 legal agreement.

The siting, scale, massing, and height of the development is considered appropriate to the site's context and will result in a high-quality finish. The proposed building will respect the amenity of the existing and future neighbouring occupiers. The proposed landscaping strategy will positively contribute to the appearance and public realm in the area and enhance the arboricultural, biodiversity and environmental value of the site and the surrounding area.

The residential quality of the proposed dwellinghouses will meet or exceed the relevant standards both internal and externally. Some of the proposed dwellinghouse would be single aspect, in accordance with planning policy the applicant has demonstrated that they have been suitably designed and that they would not suffer from overheating. Officers are also satisfied that subject to the recommended planning condition the development can achieve suitable internal and external noise level for future residents.

The development adopts sustainable approach to transport whilst ensuring an acceptable impact on local highway and infrastructure. The Energy Strategy submitted as part of the proposed development demonstrates that the proposals would sufficiently reduce carbon dioxide emissions, with any off set to be secured through the s106 agreement. It is also noted that it as demonstrated that the development would be acceptable in terms of sustainable and impact on air quality

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

## Appendix 1:

### **Development Plan Context**

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

*National Planning Policy Framework (NPPF) (MHCLG, July 2021)*

Chapter 1 Planning London's Future – Good Growth:

- Policy GG2 (Making the best use of land)
- Policy GG4 (Delivering the homes Londoners need)

Chapter 2 Spatial development policies:

- Policy SD1 (Opportunity Areas)

Chapter 3 Design:

- Policy D1 (London's form, character and capacity for growth)
- Policy D3 (Optimising site capacity through the design-led approach)
- Policy D4 (Delivering good design)
- Policy D5 (Inclusive design)
- Policy D6 (Housing quality 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)

Chapter 4 Housing:

- 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 H10 (Housing size mix)

Chapter 5 Social infrastructure:

- Policy S4 (Play and informal recreation)

Chapter 6 Economy:

- Policy E4 (Land of industry, logistics and services to support London's economic function)
- Policy E5 (Strategic Industrial Locations (SIL))
- Policy E7 (Industrial intensification, co-location and substitution)

Chapter 7 Heritage and culture:

- Policy HC1 (Heritage conservation and growth)

Chapter 8 Green infrastructure and natural environment:

- Policy G1 (Green infrastructure)
- Policy G5 (Urban greening)
- Policy G6 (Biodiversity and access to nature)

Chapter 9 Sustainable infrastructure:

- Policy SI 1 (Improving air quality)
- Policy SI 2 (Minimising greenhouse gas emissions)
- Policy SI 6 (Digital connectivity infrastructure)
- Policy SI 7 (Reducing waste and supporting the circular economy)

	<ul style="list-style-type: none"> <li>• Policy SI 12 (Flood risk management)</li> <li>• Policy SI 13 (Sustainable drainage)</li> </ul> <p>Chapter 10 Transport:</p> <ul style="list-style-type: none"> <li>• Policy T1 (Strategic approach to transport)</li> <li>• Policy T3 (Transport capacity, connectivity and safeguarding)</li> <li>• Policy T5 (Cycling)</li> <li>• Policy T6 (Car parking)</li> <li>• Policy T6.1 (Residential parking)</li> <li>• Policy T7 (Deliveries, servicing and construction)</li> </ul>
<p><i>Local Development Framework (LDF) Core Strategy - July 2010</i></p>	<p>Chapter 4 Managing growth:</p> <ul style="list-style-type: none"> <li>• Policy CM1 (General principles for development)</li> </ul> <p>Chapter 5 Sustainable resource and the environment:</p> <ul style="list-style-type: none"> <li>• Policy CR1 (Climate change and environment management)</li> <li>• Policy CR2 (Preserving and enhancing the natural environment)</li> <li>• Policy CR3 (Sustainable Waste Management)</li> <li>• Policy CR4 (Flood management)</li> </ul> <p>Chapter 6 Creating a sense of community:</p> <ul style="list-style-type: none"> <li>• Policy CC1 (Family Housing)</li> </ul> <p>Chapter 7 Ensuring a vibrant economy and attractive town centres:</p> <ul style="list-style-type: none"> <li>• Policy CE3 (Safeguarding and release of employment land)</li> </ul> <p>Chapter 8 Creating a sense of place:</p> <ul style="list-style-type: none"> <li>• Policy CP2 (Protecting and Promoting our Historic Environment)</li> <li>• Policy CP3 (High quality-built environment)</li> </ul>
<p><i>Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) – March 2011</i></p>	<p>Chapter 2 Sustainable resource and the environment:</p> <ul style="list-style-type: none"> <li>• Policy BR2 (Energy and on-site renewables)</li> <li>• Policy BR3 (Greening the Urban Environment)</li> <li>• Policy BR4 (Water Resource Management)</li> <li>• Policy BR5 (Contaminated land)</li> <li>• Policy BR9 (Parking)</li> <li>• Policy BR10 (Sustainable Transport)</li> <li>• Policy BR11 (Walking and cycling)</li> <li>• Policy BR13 (Noise mitigation)</li> <li>• Policy BR14 (Air quality)</li> <li>• Policy BR15 (Sustainable Waste Management)</li> </ul> <p>Chapter 3 Creating a sense of community:</p> <ul style="list-style-type: none"> <li>• Policy BC1 (Delivering affordable housing)</li> <li>• Policy BC2 (Accessible and Adaptable housing)</li> <li>• Policy BC7 (Crime prevention)</li> </ul> <p>Chapter 5 Creating a sense of place:</p> <ul style="list-style-type: none"> <li>• Policy BP3 (Archaeology)</li> <li>• Policy BP4 (Tall buildings)</li> <li>• Policy BP5 (External amenity space)</li> </ul>

	<ul style="list-style-type: none"> <li>• Policy BP6 (Internal space standards)</li> <li>• Policy BP8 (Protecting Residential Amenity)</li> <li>• Policy BP10 (Housing density)</li> <li>• Policy BP11 (Urban design)</li> </ul>
<p><i>The London Borough of Barking and Dagenham’s Draft Local Plan (Regulation 19 Consultation Version, Autumn 2021) was submitted for examination in public to the Planning Inspectorate in December 2021. Having regard to NPPF paragraph 216 the emerging document is now a material consideration and considerable weight will be given to the emerging document in decision-making, unless other material consideration indicate that it would not be reasonable to do so.</i></p>	
<p><i>The London Borough of Barking and Dagenham’s Draft Local Plan (Regulation 19) – Submission version December 2021</i></p>	<p>Chapter 3 Transforming LBBD:</p> <ul style="list-style-type: none"> <li>• Strategic Policy SPDG 1 (Delivering growth in Barking and Dagenham)</li> <li>• Area Policy SPP2 (Thames and the Riverside)</li> </ul> <p>Chapter 4 Design:</p> <ul style="list-style-type: none"> <li>• Strategic Policy SP 2 (Delivering a high-quality and resilient built environment)</li> <li>• Policy DMD 1 (Securing high-quality design)</li> <li>• Policy DMD 2 (Tall buildings)</li> <li>• Policy DMD 4 (Heritage Assets and Archaeological remains)</li> </ul> <p>Chapter 5 Housing:</p> <ul style="list-style-type: none"> <li>• Strategic Policy SP 3 (Delivering homes that meet people’s needs)</li> <li>• Policy DMH 1 (Affordable housing)</li> <li>• Policy DMH 2 (Housing Mix)</li> </ul> <p>Chapter 7 Economy:</p> <ul style="list-style-type: none"> <li>• Policy DME 1 (Utilising the borough’s employment land more efficiently)</li> </ul> <p>Chapter 8 Natural environment:</p> <ul style="list-style-type: none"> <li>• Policy DMNE 1 (Parks, open spaces and play space)</li> <li>• Policy DMNE 2 (Urban greening)</li> <li>• Policy DMNE 3 (Nature conservation and biodiversity)</li> </ul> <p>Chapter 9 Sustainable infrastructure:</p> <ul style="list-style-type: none"> <li>• Strategic Policy SP7 (Securing a clean, green, and sustainable borough)</li> <li>• Policy DMSI 2 (Energy, heat, and carbon emissions)</li> <li>• Policy DMSI 3 (Nuisance)</li> <li>• Policy DMSI 4 (Air quality)</li> <li>• Policy DMSI 5 (Land contamination)</li> <li>• Policy DMSI 6 (Flood risk and defences)</li> <li>• Policy DMSI 7 (Water management)</li> </ul> <p>Chapter 10 Transport:</p> <ul style="list-style-type: none"> <li>• Policy DMT 1 (Making better connected neighbourhoods)</li> <li>• Policy DMT 2 (Car parking)</li> <li>• Policy DMT 3 (Cycle parking)</li> <li>• Policy DMT 4 (Deliveries, servicing, and construction)</li> </ul>

<p><i>Supplementary Planning Document</i></p>	<ul style="list-style-type: none"> <li>• London Riverside Opportunity Area Planning Framework</li> <li>• River Road Employment Area (including Kingsway Industrial Estate) SPD</li> <li>• DCLG Technical Housing Standards (Nationally described space standards) (DCLG, March 2015) (as amended)</li> <li>• London Borough of Barking and Dagenham, Archaeological Priority Area Appraisal dated July 2016 by Historic England</li> <li>• Adopted Site Allocations Document 2010</li> <li>• Mayor of London Housing Supplementary Planning Guidance (March 2016)</li> <li>• Mayor’s Affordable Housing and Viability SPG</li> <li>• The Mayor’s Shaping Neighbourhoods: Children and Young People’s Play and Informal Recreation SPG</li> <li>• The BRE Report, Site layout planning for daylight and sunlight: a guide to good practice (2nd Edition 2011)</li> </ul>
<p><i>Human Rights Act</i> 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.</p> <p><i>Equalities</i> In determining this planning application, the Be First on behalf of the London Borough of Barking and Dagenham has had 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.</p>	

**Appendix 2:**

<b>Consultee:</b>	<b>Summary of comment:</b>
<p>Greater London Authority (GLA)</p>	<p>London Plan industrial land policies are relevant to this application. In the absence of further progress on the masterplan SPD with the GLA, the proposed introduction of residential use into a Strategic Industrial Location raised a strategic objection in principle. The application does not currently comply with the London plan as summarised below:</p> <ul style="list-style-type: none"> <li>• <b>Land Use:</b> the plan-led and masterplan approach to facilitate a residential-led scheme within SIL could be acceptable, subject to the borough engaging further with the GLA on the industrial land strategy underpinning the draft Local Plan and the River Road Employment Area SPD to demonstrate compliance with the London Plan industrial policies.</li> <li>• <b>Housing:</b> maximum amount of genuinely affordable housing needs to be secured.</li> <li>• <b>Urban design:</b> the site is not identified as suitable for tall buildings and as such the proposal does not comply with the London Plan Policy D9 (B3).</li> <li>• <b>Transport:</b> strategic public transport and road traffic issues must be address in order for the principle of this residential-led development in an existing vehicles-dominated industrial area to be accepted.</li> <li>• <b>Sustainable development and environment:</b> further information and mitigation are needed on energy, whole life-cycle carbon assessment, circular economy, and water.</li> </ul>

<p>Greater London Archaeological Advisory Service (GLAAS)</p>	<p>No objection subject to addition of the following condition:</p> <ul style="list-style-type: none"> <li>No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works B. The programme for post-investigation assessment and subsequent analysis, publication &amp; dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI</li> </ul> <p>And informative:</p> <ul style="list-style-type: none"> <li>The written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.</li> </ul>
<p>NHS North-East London</p>	<p>The site sits between the existing Thames View Health centre and a new health centre in Barking Riverside which is planned to provide the capacity for the projected population growth in the wider Barking Riverside area. The Barking Riverside health facility is not currently fully funded through existing planning obligations so a contribution of £372,875 is sought to mitigate the impact on health care facilities by the new population resulting from the proposed development. This will go toward the fit out to the facility at the Barking Riverside site. The contribution has been calculated using the HUDU model.</p>
<p>Environment Agency (EA)</p>	<p>The site is located within Flood Zone 3 and is protected to a very high standard by the Thames tidal flood defences up to a 1 in 1000 (0.1%) chance in any year flood event. Our latest flood modelling shows the site would be at risk if there was to be a breach in the defences or they were to be overtopped. We are satisfied that:</p> <ul style="list-style-type: none"> <li>The developer has assessed the risk from a breach in the Thames tidal flood defences using the latest modelled tidal breach data.</li> <li>The developer has not proposed any sleeping accommodation below the modelled tidal breach flood level.</li> </ul> <p>The proposal does not have a safe means of access and/or egress in the event of flooding from all new buildings to an area wholly outside the floodplain however, safe refuge within the higher floors of the development has been suggested.</p>
<p>Metropolitan Police – Design Out Crime</p>	<p>No objection subject to addition of the following condition:</p> <ul style="list-style-type: none"> <li>The proposed development shall achieve a Certificate of Compliance in respect of the Secured by Design scheme, or</li> </ul>

	<p>alternatively achieve security standards (based on Secured by Design principles) to the satisfaction of the local authority &amp; Metropolitan Police, details of which shall be provided to the Local Planning Authority for its written approval prior to the first occupation of the approved development. All security measures applied to the approved development shall be permanently retained thereafter.</p> <p>REASON: To ensure safe and secure development and reduce crime.</p>
Natural England	No objection to proposed development.
London Fire Brigade	The London Fire Brigade (LFB) has been consulted with regard to the above-mentioned premises and have no further observations to make. It should be ensured that if any material amendments to this consultation is proposed, a further consultation may be required.
London Fire Brigade (Hydrants)	Regarding fire hydrant requirements for the development at the above address. I can confirm no additional hydrants are required and no further action is required by our office.
TfL (Underground)	London Underground/DLR Infrastructure Protection has no comment to make on this planning application as submitted.
Thames Water	<p><u>Waste Comments</u> Thames Water would advise that with regard to FOUL WATER sewerage network infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p><u>Surface Water</u> Thames Water would advise that there is no objection to the above planning application, based on the information provided.</p> <p>The proposed development is located within 15 metres of a strategic sewer. Thames Water requests the following condition to be added to any planning permission:</p> <ul style="list-style-type: none"> <li>• Piling method</li> </ul> <p>And informative:</p> <ul style="list-style-type: none"> <li>• Guidance on how to write piling methodology statement</li> <li>• Development and public sewers</li> </ul> <p><u>Water Comments</u> Regarding water supply, this comes within the area supplied by the Essex and Suffolk Water Company.</p>
London City Airport	This proposal has been assessed from an aerodrome safeguarding perspective. Accordingly, it was found not to conflict with London City Airport's current safeguarding criteria. It is advised that in the future - once crane methodology is chosen- the crane operator informs the CAA as per CAP1096, who will then notify the affected aerodromes of the proposed temporary obstacles.

	Moreover, all landscaping plans and all planting should make such planting 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.
LBBB Environment Enforcement	No objection subject to addition of the following condition: <ul style="list-style-type: none"> <li>• Scheme of Acoustic Protection</li> <li>• Noise Insulation of Party Construction</li> <li>• Use of roof space for recreation</li> <li>• Noise from Non-Residential Uses and Plant and Structure Borne Noise Emissions</li> <li>• Details of Any Commercial Kitchen Extract Ventilation System</li> </ul>
LBBB Environment Protection	No objection subject to addition of the following condition: <ul style="list-style-type: none"> <li>• Contaminated land</li> <li>• Air Quality and Dust Management Plan (AQDMP)</li> <li>• The Non-Road Mobile Machinery (NRMM)</li> <li>• Securing of odour mitigations</li> <li>• Details of Any Commercial Kitchen Extract Ventilation System</li> <li>• Scheme of Acoustic Protection</li> <li>• Noise Insulation of Party Construction</li> </ul>
LBBB Lead Local Flood Authority	No objection subjected to addition of two conditions: <ul style="list-style-type: none"> <li>• Prior to the occupation of the buildings hereby approved the surface water drainage works shall be carried out and the sustainable urban drainage system shall thereafter be managed and maintained in accordance with the agreed management and maintenance plan.'</li> <li>• 'There shall be no raising of existing ground levels on the site to facilitate the free passage of flood water in times of flooding.'</li> </ul>
LBBB Access	<ul style="list-style-type: none"> <li>• Most M4(3) units are market sale, I would have thought that the need would be within LAR</li> <li>• Door entry systems should be colour contrasted with video capability</li> <li>• Mixture of baths and wetrooms should be provided</li> </ul>
LBBB Employment and Skills	Having reviewed the letter and attached plans through the portal, we would request that an employment and skills supplier plan (ESSP) would be relevant to both the construction and as part of the end user agreement. We would request that there is a minimum 6-months lead in time for these, please. We will endeavour to contact the developer to begin the informal discussions around these plans in preparation for formal sign off.

### Appendix 3:

#### Neighbour Notification:



Number of neighbouring properties consulted:	837
Number of responses:	3
Address	Summary of responses
Anonymous	The area needs regeneration asap
Seagull Close	<p>I live on Seagull Close and the proposals to change the use of existing warehouses on Gallions Close to residential units lie directly behind my terrace. I am very concerned about the proposals as follows:</p> <ul style="list-style-type: none"> <li>• The proposed 15 storeys high buildings will overlook our property and allow occupants to be able to look directly into our rooms and living areas. This is currently not the case and was the main reason why I bought a property at this location nearly 20 years ago.</li> <li>• I am concerned that the high-rise blocks will cast shadows from the sun into our gardens and properties. This will obstruct our access to light.</li> </ul>
35 Seagull Close	<p>Why are you building housing in the middle of an industrial site? Where large vehicles constantly access/exit this road. In my opinion this is not a suitable site to put residential buildings unless the rest of the buildings in Gallions Close are demolished.</p> <p>With 233 residential units there could be another 233 vehicles accessing this road. Another concern is road parking etc., the safety of children.</p> <p>There is further concern about these seven and fifteen storey blocks and their placement on this plot of land in relation to my property. How will this impinge of my privacy? Will they be overlooking my garden.</p> <p>I have lived here for twenty years. It has tranquil and private. I have been happy here but since receiving your letters it made me think, should I sell and move.</p>

#### Officer Summary:

Officers note receipt of the objection listed above. The material planning consideration and issues raised are addresses within the planning assessment.

#### Appendix 4:

#### Planning conditions:

##### Compliance

#### 1. Statutory time limit (Planning Permission)

The development hereby permitted shall commenced before the expiration of three years from the date of this permission.

*Reason: To comply with the requirements of Section 91 of the Town and Country Planning*

Act 1990 (as amended).

## 2. Develop in accordance with the approved plans

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

Drawing Title	Drawing Number	Drawing Revision
Site plan - proposed	20010-KSS-ZZ-ZZ-DR-A-9003	P4
Ground floor GA plan	20010-KSS-ZZ-00-DR-A-9101	P6
First floor GA plan	20010-KSS-ZZ-01-DR-A-9101	P6
Second floor GA plan	20010-KSS-ZZ-02-DR-A-9101	P6
Third floor GA plan	20010-KSS-ZZ-03-DR-A-9101	P6
Fourth floor GA plan	20010-KSS-ZZ-04-DR-A-9101	P6
Fifth floor GA plan	20010-KSS-ZZ-05-DR-A-9101	P6
Sixth floor GA plan	20010-KSS-ZZ-06-DR-A-9101	P6
Seventh floor GA plan	20010-KSS-ZZ-07-DR-A-9101	P6
Eighth floor GA plan	20010-KSS-ZZ-08-DR-A-9101	P6
Ninth floor GA plan	20010-KSS-ZZ-09-DR-A-9101	P6
Tenth floor GA plan	20010-KSS-ZZ-10-DR-A-9101	P6
Eleventh floor GA plan	20010-KSS-ZZ-11-DR-A-9101	P6
Twelfth floor GA plan	20010-KSS-ZZ-12-DR-A-9101	P6
Thirteen floor GA plan	20010-KSS-ZZ-13-DR-A-9101	P5
Plant roof floor GA plan	20010-KSS-ZZ-14-DR-A-9101	P5
Roof GA plan	20010-KSS-ZZ-RF-DR-A-9101	P5
Section A – Blocks A, B & North Link	20010-KSS-ZZ-ZZ-DR-A-9201	P5
Section B – Blocks C & E & Courtyard	20010-KSS-ZZ-ZZ-DR-A-9202	P4
Section C – Blocks D & E	20010-KSS-ZZ-ZZ-DR-A-9203	P4
Section D – Blocks A & E	20010-KSS-ZZ-ZZ-DR-A-9204	P4
Section E – North link Block & Courtyard	20010-KSS-ZZ-ZZ-DR-A-9205	P4
Section F – Blocks B, C & D	20010-KSS-ZZ-ZZ-DR-A-9206	P4
Bay study 1	20010-KSS-ZZ-ZZ-DR-A-9311	P4
Bay study 2	20010-KSS-ZZ-ZZ-DR-A-9312	P4
Bay study 3	20010-KSS-ZZ-ZZ-DR-A-9313	P4
Bay study 4	20010-KSS-ZZ-ZZ-DR-A-9314	P4
Bay study 5	20010-KSS-ZZ-ZZ-DR-A-9315	P4
North elevation	20010-KSS-ZZ-ZZ-DR-A-9301	P4
East elevation	20010-KSS-ZZ-ZZ-DR-A-9302	P4
South elevation	20010-KSS-ZZ-ZZ-DR-A-9303	P4
West elevation	20010-KSS-ZZ-ZZ-DR-A-9304	P4
South elevation with north link block	20010-KSS-ZZ-ZZ-DR-A-9305	P4
West elevation Blocks C and D	20010-KSS-ZZ-ZZ-DR-A-9306	P4
North elevation Block D	20010-KSS-ZZ-ZZ-DR-A-9307	P4
East elevation Blocks A and E	20010-KSS-ZZ-ZZ-DR-A-9308	P4
Unit Plan – Studio Type 1 and 2	20010-KSS-ZZ-ZZ-DR-A-9600	P5
Unit Plan – 1B/2P Type 1 and 2	20010-KSS-ZZ-ZZ-DR-A-9610	P5
Unit Plan – 1B/2P Type 3 (Wheelchair) and Type 4	20010-KSS-ZZ-ZZ-DR-A-9611	P5
Unit Plan – 1B/2P Type 5 and 6	20010-KSS-ZZ-ZZ-DR-A-9612	P5
Unit Plan – 1B/2P Type 7 and 8	20010-KSS-ZZ-ZZ-DR-A-9613	P5

Unit Plan – 2B3P Type 1	20010-KSS-ZZ-ZZ-DR-A-9620	P6
Unit Plan – 2B3P Type 2 and 3	20010-KSS-ZZ-ZZ-DR-A-9621	P5
Unit Plan – 2B3P Type 4	20010-KSS-ZZ-ZZ-DR-A-9622	P5
Unit Plan – 2B3P Type 5	20010-KSS-ZZ-ZZ-DR-A-9623	P6
Unit Plan – 2B3P Type 6	20010-KSS-ZZ-ZZ-DR-A-9624	P6
Unit Plan – 2B3P Type 7	20010-KSS-ZZ-ZZ-DR-A-9625	P6
Unit Plan – 2B3P Type 8 and 9	20010-KSS-ZZ-ZZ-DR-A-9626	P5
Unit Plan – 2B4P Type 1	20010-KSS-ZZ-ZZ-DR-A-9628	P5
Unit Plan – 2B4P Type 2	20010-KSS-ZZ-ZZ-DR-A-9629	P6
Unit Plan – 2B4P Type 3	20010-KSS-ZZ-ZZ-DR-A-9630	P6
Unit Plan – 2B4P Type 4 and 5 (Wheelchair)	20010-KSS-ZZ-ZZ-DR-A-9631	P6
Unit Plan – 2B4P Type 6	20010-KSS-ZZ-ZZ-DR-A-9632	P5
Unit Plan – 2B4P Type 7	20010-KSS-ZZ-ZZ-DR-A-9633	P5
Unit Plan – 2B4P Type 8	20010-KSS-ZZ-ZZ-DR-A-9634	P5
Unit Plan – 2B4P Type 9 (Wheelchair)	20010-KSS-ZZ-ZZ-DR-A-9635	P2
Unit Plan – 2B4P Type 10	20010-KSS-ZZ-ZZ-DR-A-9636	P2
Unit Plan – 3B/4P Type 1	20010-KSS-ZZ-ZZ-DR-A-9640	P5
Unit Plan – 3B/5P Type 1	20010-KSS-ZZ-ZZ-DR-A-9641	P6
Unit Plan – 3B/5P Type 2	20010-KSS-ZZ-ZZ-DR-A-9642	P5
Unit Plan – 3B/5P Type 3	20010-KSS-ZZ-ZZ-DR-A-9643	P6
Unit Plan – 3B/5P Type 4	20010-KSS-ZZ-ZZ-DR-A-9644	P5
Unit Plan – 3B/5P Type 5	20010-KSS-ZZ-ZZ-DR-A-9645	P5
Unit Plan – 3B/5P Type 6	20010-KSS-ZZ-ZZ-DR-A-9646	P5
Unit Plan – 3B/5P Type 7	20010-KSS-ZZ-ZZ-DR-A-9647	P5
Unit Plan – 3B/5P Type 8	20010-KSS-ZZ-ZZ-DR-A-9648	P6
Unit Plan – 4B/6P Type 1	20010-KSS-ZZ-ZZ-DR-A-9650	P2
Gross External Area 1	20010-KSS-ZZ-ZZ-DR-A-SK10	P6
Gross External Area 2	20010-KSS-ZZ-ZZ-DR-A-SK11	P6
Gross Internal Area 1	20010-KSS-ZZ-ZZ-DR-A-SK12	P6
Gross Internal Area 2	20010-KSS-ZZ-ZZ-DR-A-SK13	P6
Saleable Areas 1	20010-KSS-ZZ-ZZ-DR-A-SK14	P6
Saleable Areas 2	20010-KSS-ZZ-ZZ-DR-A-SK15	P6
Cycle store layouts	20010-KSS-ZZ-00-DR-A-0802	P3
Refuse store layouts	20010-KSS-ZZ-00-DR-A-0803	P2
Landscape masterplan Ground Floor General Arrangement	(90)P002	A
Landscape masterplan First Floor General Arrangement	(90)P003	A
Landscape masterplan Seventh Floor & Roof General Arrangement	(90)P004	A

No other plans apply.

*Reason: To ensure that the development is undertaken in accordance with the approved plans and documents.*

### 3. Accessible housing

- A) All new build dwellings shall be constructed to comply with Building Regulations Optional Requirement Approved Document M4(2) Category 2: Accessible and adaptable dwellings (2015 edition) as a minimum.

- B) 27 dwellings shall be constructed to, or be capable of easy adaptation to, Building Regulations Optional Requirement Approved Document M4(3) Category 3: Wheelchair user dwellings (2015 edition) as identified on:

Block/Core	Flat type	Flat number	Level	Tenure
A	1B/2P	A02.03	GC-02	Market
A	1B/2P	A03.03	GC-03	Market
A	1B/2P	A04.03	GC-04	Market
A	1B/2P	A05.03	GC-05	Market
A	1B/2P	A06.03	GC-06	Market
B	1B/2P	B02.02	GC-02	Market
B	1B/2P	B03.02	GC-03	Market
B	1B/2P	B04.02	GC-04	Market
B	1B/2P	B05.02	GC-05	Market
B	1B/2P	B06.02	GC-06	Market
B	2B/4P	B01.06	GC-01	Market
B	2B/4P	B02.06	GC-02	Market
B	2B/4P	B03.06	GC-03	Market
B	2B/4P	B04.06	GC-04	Market
B	2B/4P	B05.06	GC-05	Market
C	2B/4P	C01.02	GC-01	Market
C	2B/4P	C02.03	GC-02	Market
C	2B/4P	C03.03	GC-03	Market
C	2B/4P	C04.03	GC-04	Market
C	2B/4P	C05.03	GC-05	Market
D	3B/4P	D01.03	GC-01	Affordable
D	3B/4P	D02.03	GC-02	Affordable
D	3B/4P	D03.03	GC-03	Affordable
D	3B/4P	D04.03	GC-04	Affordable
D	3B/4P	D05.03	GC-05	Affordable
D	3B/4P	D05.03	GC-06	Affordable
D	3B/4P	D07.03	GC-07	Affordable

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

#### 4. Installation of blinds to prevent overheating

All dwelling with the development shall have blinds provided as base build and not interfere with window opening. The blinds shall have high solar shading properties and they shall be designed to help minimise solar thermal gains during the day. Unless additional overheating assessment has been submitted to and approved in writing by the Local Planning Authority, demonstrating they are not required.

*Reason: To ensure that the future occupiers will be able to cool their properties without reliance on the mechanical ventilation.*

#### 5. Fire statement

The development shall be carried out in accordance with the approved Fire Strategy Technical Note prepared by MLM Group that is part of Sweco (reference 66202796-SWE-ZZ-XX-RP-YF-0001-REV5, dated 1<sup>st</sup> April 2022), unless otherwise approved in writing by the Local Authority.

*Reason: To achieve the highest standards of fire safety and ensure the safety of all building users.*

## **6. Energy statement**

- A) The development shall be carried out in accordance with the approved Energy Statement prepared by Create Consulting Engineers Ltd (Revision B, dated March 2022), unless otherwise approved in writing by the Local Authority. The energy efficiency and sustainability measures set out there in shall be completed prior to the first occupation of the development and retained for its lifetime.
- B) The relevant unit or block shall not be occupied until a post completion verification report has first been submitted to and approved in writing by the Local Planning Authority to confirm that the above minimum standards have been achieved and that all the approved energy efficiency and sustainability measures have been implemented.

*Reason: To ensure a reduction of carbon dioxide emissions and the highest levels of sustainable design and construction.*

## **7. Flood risk assessment**

The development shall be carried out in accordance with the approved Flood Risk Assessment and Drainage Strategy Volume 1 and 2 prepared by Create Consulting Engineers Ltd (reference JJ/CS/P20/2055/24, dated, March 2022), unless otherwise approved in writing by the Local Authority.

*Reason: To ensure that the development provides adequate management of residual flood risk.*

## **8. Blue badge car parking spaces**

All blue badge car parking spaces shown on the approved drawings shall be equipped with active electric vehicle charging provision prior to the first occupation as detailed in paragraph 3.5.3 of the approved Transport Assessment Addendum prepared by i-Transport (reference JCB/VP/MD/ITL16037-009A, dated March 2022). The blue badge car parking and electric charging points shall be permanently retained thereafter.

*Reason: To promote sustainable transport by reducing the need for car travel and to ensure the provision of adequate inclusive parking facilities.*

## **9. Site Waste Management Plan**

The development shall be carried out in accordance with waste collection strategy mentioned in Section 5 of the approved Transport Assessment Addendum prepared by i-Transport (reference JCB/VP/MD/ITL16037-009A, dated March 2022) and Refuse Store Layouts (drawing number 20010-KSS-ZZ-00-DR-A-0803 Rev P2), unless otherwise approved in writing by the Local Authority.

*Reason: To ensure that development provides adequate storage of refuse in accordance with LBBB Planning Advice Note on Waste and Recycling (May 2021); and to ensure adequate delivery and servicing arrangements and to minimise the development's impacts on the safety and capacity of the road network.*

## **10. Communal Television and Satellite System**

No antennae or satellite dishes may be installed on the exterior of the building, except for 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 building.*

#### **11. 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 use/s hereby permitted are to be permitted to trade between the hours of 06:00 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 protect the amenity of the surrounding residential building.*

#### **Prior to any works starting on site**

#### **12. Archaeology (Written Scheme of Investigation in consultation with GLAAS)**

- A) No development shall take place, including any works of demolition, until a Stage 1 - Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority in consultation with Greater London Archaeology Advisory Service (GLAAS).
- B) The development shall only take place in accordance with a Stage 1 - Written Scheme of Investigation approved under Part (a), the programme and methodology of site evaluation, and the nomination of a competent person(s) or organisation to undertake the agreed works.
- C) If heritage assets of archaeological interest are identified by Stage 1 - Written Scheme of Investigation, then for those parts of the site which have archaeological interest a Stage 2 - Written Scheme of Investigation shall be submitted to in writing and approved by the Local Planning Authority in consultation with Greater London Archaeology Advisory Service (GLAAS). For land that is included within the Stage 2 - Written Scheme of Investigation, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:
  - i. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
  - ii. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

*Reason: To ensure that archaeological remains are properly investigated and recorded.*

#### **13. Piling method statement (in consultation with Thames Water)**

- A) No development shall take place, including any works of demolition, until a piling method statement detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water.
- B) Any piling must be undertaken in accordance with the terms of the approved piling method statement.

*Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure.*

#### **14. Land Contamination Remediation**

No development shall take place, including any works of demolition, until:

- A) an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
  - (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments; and
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)'; and

- B) a detailed remediation scheme, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared and submitted to the Local Planning Authority for approval in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- C) The approved remediation scheme must be carried out in accordance with its terms prior to commencement of the development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning

Authority. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met.

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

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

## **15. Construction Environmental Management Plan including Site Waste Management Plan**

No development shall take place, including any works of demolition, until a Construction Environmental Management Plan (CEMP) and a Site Waste Management Plan (SWMP) are submitted to and approved in writing by the Local Planning Authority. These Plans shall incorporate details of:

- i. construction traffic management;
- ii. the parking of vehicles of site operatives and visitors;
- iii. loading and unloading of plant and materials;
- iv. storage of plant and materials used in constructing the development;
- v. the erection and maintenance of security hoarding(s) including decorative displays and facilities for public viewing, where appropriate;
- vi. wheel washing facilities;
- vii. 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;
- viii. noise and vibration control;
- ix. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- x. the use of efficient construction materials;
- xi. methods to minimise waste, to encourage re-use, recovery and recycling, and sourcing of materials; and
- xii. 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 development.

*Reason: The CEMP and SWMP are required prior to commencement of development in order to reduce the environmental impact of the construction and the impact on the amenities of neighbouring residents.*

#### **16. Construction logistic plan (in consultation with TfL)**

No development shall take place, including any works of demolition, until a Construction Logistic plan that is in line with the TfL guidelines, is submitted to and approved in writing by the Local Planning Authority in consultation with TfL. The details shall include the numbers, size, and routes of construction vehicles, provisions within/around the site to ensure that all vehicles associated with the construction works are properly managed to prevent any unwanted disruption to other highway users, and other matters relating to traffic management to be agreed with the licencing officers of the council. Approved details shall be implemented throughout the project period and any changes to the document must be reported back to the council's planning and highways department.

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

#### **17. Air Quality and Dust Management Plan (AQDMP)**

No development shall commence on site, including any works of demolition, until full details of the proposed mitigation measures for impact on air quality and dust emissions, in the form of an Air Quality and Dust Management Plan (AQDMP), have been submitted to and approved in writing by the Local Planning Authority. In preparing the AQMDP the applicant should follow the guidance on mitigation measures for sites set out in Appendix 7 of the Control of Dust and Emissions during Construction and Demolition SPG 2014. Both 'highly recommended' and 'desirable' measures should be included.

*Reason: To mitigate the impact of the development on the air quality and dust emissions in the area and London as a whole.*

#### **18. Non-Road Mobile Machinery (NRMM)**

- A) No development shall commence on site, including any works of demolition, until all plant and machinery to be used at the demolition and construction phases have been submitted to and approved in writing by the Local Planning Authority. The submission documents are required to meet Stage IIIB of EU Directive 97/68/ EC for both NOx and PM.
- B) No works shall be carried out on site until all Non-Road Mobile Machinery (NRMM) and plant to be used on the site of net power between 37kW and 560 kW has been

registered at <http://nrmm.london/>. Proof of registration must be submitted to the Local Planning Authority prior to the commencement of any works on site.

- C) An inventory of all NRMM must be kept on site during the course of the demolitions, site preparation and construction phases. All machinery should be regularly serviced, and service logs kept on site for inspection. Records should be kept on site which detail proof of emission limits for all equipment. This documentation should be made available to local authority officers as required until development completion.

*Reason: To mitigate the impact of the development on the air quality and dust emissions in the area and London as a whole.*

### **Prior to any development above ground**

## **19. External materials**

- A) Notwithstanding the submitted drawings, no above ground works shall commence until detail of all materials to be used in the construction of the external surfaces of the building (including hard landscaping) are submitted to and approved in writing by the Local Planning Authority. Details submitted pursuant to this condition shall include but are not restricted to:
- i. Samples and drawings of fenestration. Details of fenestration, where relevant, shall include reveals, sills and lintels. Drawings shall be at a scale of no less than 1:20.
  - ii. Drawings and details of entrances. Details of entrances, where relevant, shall include doors, reveals, canopies, signage, entry control, post boxes, CCTV, lighting and soffit finishes. Drawings shall be at a scale of no less than 1:20.
  - iii. Details of roofing.
  - iv. Details of any balconies, terraces or wintergardens and associated balustrades, soffits and drainage.
  - v. Details of any external rainwater goods, flues, grilles, louvres and vents.
  - vi. Details of any external plant, plant enclosures and safety balustrades.
  - vii. A Green Procurement Plan for sourcing the proposed materials. The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste.
- B) The development shall not be carried out other than in accordance with the approved details.

*Reason: To ensure a satisfactory external appearance of the development and that high-quality materials and finishes are used.*

## **20. External lighting**

No above ground works shall commence until a full Lighting Strategy is submitted to and approved in writing by the Local Authority. The Lighting Strategy should include details of lighting within the scheme to illuminate the road and public realm to create a safe and welcoming environment.

*Reason: In the interest of the character, permeability, usability, appearance, and quality of the public realm and to safeguard the high-quality appearance of the development.*

## **21. Public realm plans, soft and hard landscaping (including play space)**

- A) No above ground works shall commence until detailed landscaping scheme based on the submitted Public Realm & Landscape Report prepared by BDP (reference BDP(90)RP001, Revision R04, dated March 2022) is submitted to and approved in writing by the Local Planning Authority. The information that needs to be submitted shall include:
- i. planting and maintenance specifications for all plants and trees (cross-section drawings, use of guards or other protective measures and confirmation of location, species and sizes and nursery stock type;
  - ii. street furniture;
  - iii. details of play space equipment;
  - iv. detail demonstrating that public realm will be accessible to all;
  - v. location and detail for the short stay cycle parking spaces; and
  - vi. landscape Management and Maintenance Plan.

The landscaping scheme shall be completed in accordance with the approved details no later than during the first planting season following practical completion of the development and retained for the lifetime of the development.

- B) All plants and trees which are found to be dead, dying, severely damaged or diseased within five years of the completion of the building works or five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season.

*Reason: To ensure a high quality of the public realm, including through providing appropriate permeability, legibility, microclimate and street furniture; to ensure residential amenity; to ensure that the development creates a safe and secure environment; ensure provision of biodiversity improvements; ensure that the development provides inclusive access; ensure adequate provision, location and design of visitor cycle parking spaces.*

## **22. Bird and bat boxes and swift bricks**

No above ground works shall commence until details (size, type, and number) and location of the bat and bird boxes and swift bricks that are incorporated into building fabric must be submitted to and approved in writing by the Local Planning Authority. The approved bird and bat boxes shall be installed on the building and permanently retained thereafter.

*Reason: In the interest of promoting and enhancing biodiversity on the site.*

## **23. Noise Assessment**

Notwithstanding the submitted noise assessment, no above ground works shall commence until a further noise assessment that is prepared once the final design scheme has been established by a suitably qualified person shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall include the

following aspects that were highlighted by the preliminary assessment in addition to any other relevant matters:

- i) A reassessment of the baseline sound level measurements once the current occupiers have vacated the site to establish that the anomalies discovered in the preliminary assessment were due to activity at the dairy premises and not from other commercial sources that may be present after they have vacated.
- ii) A full assessment of the cumulative impact of commercial and domestic external plant noise on future residents once the plant schedule has been finalised. This assessment should include all mitigation measures necessary to achieve the 39dB<sub>LA90</sub> lowest background level detailed in section 10 of the preliminary assessment and should be in accordance with the guidance and methodology set out in BS4142: 2014.
- iii) A more in-depth construction noise and vibration assessment should be undertaken once the work operations, processes, plant and phases involved in the site have been established. The assessment should be in accordance with BS 5228-1 and BS 5228-2
- iv) Full details of a scheme of acoustic protection of habitable rooms against external noise. The scheme of acoustic protection shall be sufficient to secure internal noise levels no greater than:
  - 35 dB LAeq in living rooms and bedrooms (07:00 hours to 23:00 hours) with windows closed; and
  - 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), and the Acoustic Ventilation and Overheating Residential Design Guide January 2020.

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

#### **24. Scheme of noise insulation of party construction**

No above ground new development shall commence until a scheme of noise insulation of party construction between the residential units and the non-residential uses 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.

Noise from the non-residential uses including, but not limited to, live and amplified music shall be controlled so as to be inaudible inside adjoining and other noise-sensitive premises in the vicinity of those uses. The initial test for compliance with the 'inaudibility' criterion will be that noise should be no more than barely audible outside those noise-sensitive premises. In the event there is disagreement as to whether such noise is or is not audible the following numerical limits shall be used to determine compliance with this condition:

- the LAeq (CUAN) shall not exceed LA90 (WCUAN); and

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

CUAN = Commercial/Community Use Activity Noise Level,  
WCUAN = representative background noise level without commercial/community use activity noise,

both measured 1 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.

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 residential units are adequately protected from noise*

## **25. Digital connectivity**

No above ground works shall commence until detailed plans showing that sufficient ducting space for full fibre connectivity infrastructure is provided to all end users within the development are submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these plans and maintained as such in perpetuity.

*Reason: To provide high quality digital connectivity infrastructure to contribute to London's global competitiveness.*

### **Prior to occupation (of relevant use)**

## **26. Odour**

- A) Prior to first occupation of the development hereby permitted, the Odour Constraints Assessment ('OCA') prepared by Isopleth (reference 01.0246.001/OCA v2, dated April 2022) and the requirement for two further odour audits ('sniff tests') shall be reviewed.
- B) If the results of the OCA and further odour audits under (A) establish the presence of significant adverse odour conditions, then residential units facing Edwards Recycling Plant at Gallions Close, IG11 0JD which are at risk are required to be fitted with mechanical ventilation with carbon filtration (or other mitigation method with equivalent performance), to be agreed with the Local Planning Authority.
- C) Prior to occupation of the units identified in (B) these units will be provided with mechanical ventilation with carbon filtration (or other mitigation method with equivalent performance) until such a time as it is demonstrated that adverse odour conditions are no longer prevalent.

*Reason: To achieve the highest standards of residential standards and to protect future occupiers from bad odour.*

## **27. Use of roof space for recreation**

The development shall not be occupied until a scheme for protecting the proposed upper floor residential units from structure borne noise through the roof(s) used for recreation shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of any of the applicable top floor residential units in the building to which the scheme relates and shall be maintained at all times thereafter.”

## **28. Green roof system**

No above ground works shall commence until details and a maintenance plan of the green roof systems is submitted and approved by the Local Planning Authority. The approved maintenance plan shall be implemented and retained thereafter unless otherwise agreed in writing with the Local Planning Authority.

*Reason: To promote biodiversity on the site and to prevent an increased risk of flooding.*

## **29. Secure by design (in consultation with Metropolitan Police)**

The development shall not be occupied until a Certificate of Compliance in respect of the Secured by Design scheme or alternatively achieve security standards (based on Secured by Design principles) is submitted to and approved in writing Local Planning Authority in consultation with Metropolitan Police, Design Our Crime team. All security measures applied to the approved development shall be permanently retained thereafter.

*Reason: In the interest of creating safer, sustainable communities.*

## **30. Sustainable Drainage**

The development shall not be occupied until the surface water drainage scheme is installed in full. The sustainable urban drainage system shall thereafter be managed and maintained in accordance with the agreed management and maintenance plan.

*Reason: To safeguard the public from surface water flood risk, protect the environment and respond to climate change.*

## **31. Delivery and servicing plan**

The development shall not be occupied until a Delivery and Servicing Plan for all the proposed uses shall be submitted to an approved in writing by the local planning authority. The approved details shall be fully implemented before the first use of the relevant residential and non-residential units and shall thereafter be permanently retained in an efficient manner.

*Reason: In order to ensure the design has suitably considered the transport needs of the development in the interests of highway safety.*

## **32. Cycle parking**

The development shall not be occupied until the residential cycle parking for 416 long stay residential spaces and 46 short stay spaces for both the residential and commercial use. The installed cycle parking shall be permanently retained thereafter.

*Reason: To ensure reasonable provision of cycle spaces is made within the site for the parking of bicycles and to encourage sustainable modes of transport.*

### **33. Flood warning and evacuation plan**

The development shall not be occupied until a Flood Warning and Evacuation Plan (FWEP) is submitted to and approved in writing by the Local Authority Plan. The Flood Warning and Evacuation Plan must detail how residual flood risk will be managed in the event of flood or breach to the defences. The approved plan should be included in the information pack when the residents move into the building.

*Reason: To ensure that the development provides adequate management of residual flood risk.*

### **34. Non-residential unit with a commercial kitchen**

A) The commercial unit at the ground floor shall not be occupied by a commercial kitchen until the 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, should be submitted to and approved in writing by the Local Planning Authority. The system and mitigation measures shall have regard to and be commensurate with guidance and recommendations in:

- The current edition of publication "Specification for Kitchen Ventilation Systems", DW/172, Heating and Ventilating Contractors Association, or other relevant and authoritative guidance; and
- 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.

B) 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 odours and noise.*

### **35. Whole life carbon (post-construction assessment in consultation with GLA)**

The development shall not be occupied until confirmation of submission of the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance is submitted to and approved in writing by the Local Planning Authority.

The post-construction assessment should be submitted to the GLA at: [ZeroCarbonPlanning@london.gov.uk](mailto:ZeroCarbonPlanning@london.gov.uk), along with any supporting evidence as per the guidance.

*Reason: In the interests of sustainable development and to maximise on-site carbon dioxide savings.*

### **36. Circular economy (post-construction monitoring report in consultation with GLA)**

The development shall not be occupied until confirmation of submission of the post-construction monitoring report in line with the GLA's Circular Economy Statement Guidance is submitted to and approved in writing by the Local Planning Authority.

The post-construction monitoring report shall be submitted to the GLA, currently via email at: [circulareconomystatements@london.gov.uk](mailto:circulareconomystatements@london.gov.uk), along with any supporting evidence as per the guidance.

*Reason: In the interests of sustainable waste management and in order to maximise the re-use of materials.*

## **Informative**

### **11. Permission subject to Section 106 Legal Agreement**

This permission is subject to a Section 106 of the Town and Country Planning Act 1990 legal agreement. The legal agreement shall be read in conjunction with the associated officer report and decision notice.

### **12. Evidence of compliance with Section 106 Legal Agreement Obligations**

Section 106A of the Town and Country Planning Act 1990 makes provisions for a person bound by a Section 106 legal agreement to apply to the Local Planning Authority to have the obligation discharged. The obligation will only be discharged if the Local Planning Authority is satisfied that it has been complied with or when it no longer serves a useful purpose.

To discharge obligation/s from the Section 106 Legal Agreement you must submit an application to the Local Planning Authority in accordance with the Town and Country Planning (Modification and Discharge of Planning Obligations) Regulations 1992.

### **13. Development is Liable for Community Infrastructure Levy**

This application is liable for the Community Infrastructure Levy (CIL) raised by the Mayor of London and London Borough of Barking and Dagenham Council.

You have completed and submitted Form 1: CIL Additional Information. We now require Form 2: Assumption of Liability to be submitted within the next two weeks after the decision notice being issued. This must be completed in order to produce a Liability Notice. This form tells us who is responsible for paying the CIL charge. If this form is not completed within two weeks of the issue of the planning decision notice we will make a Land Registry search and send the CIL Liability Notice to the landowner and any other interested parties noted on the register.

If you wish to apply for an exemption from the levy, for example, for charitable or social housing relief, then please complete one of the forms below:

- Form 7: Self Build Exemption Claim – Part 1 & Part 2
- Form 8: Residential Annex Exemption Claim
- Form 9: Residential Extension Exemption Claim
- Form 10: Charitable and/or Social Housing Relief Claim

Exemption forms must be submitted before commencement of the development. Please provide these forms in good time as commencement should not start before the council has issued a Relief Decision Notice.

### **14. Street Naming and Numbering**



As you are creating new dwellings and streets, it is important that you contact Be First Street Naming and Numbering team at: [StreetNamingAndNumbering@befirst.london](mailto:StreetNamingAndNumbering@befirst.london) to assign new addresses to the dwelling within the proposed development. This will benefit the public, delivery businesses and the emergency services.

#### **15. London City Airport - Crane Methodology**

You are advised that once crane methodology is chosen, the crane operator must inform the CAA as per CAP1096. The CAA would then notify the affected aerodromes of the proposed temporary obstacles.

#### **16. Archaeology**

You are reminded that the written scheme of investigation needs to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

#### **17. Thames Water - Piling Method**

You are reminded that they should read Thames Water guide 'working near our assets' to ensure your workings will be in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. The guide can be found on: <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB

#### **18. Thames Water – Public sewers**

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. Thames Water will need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. The guide can be found on: <https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-near-our-pipes>

#### **19. Flood risk – changes to existing ground levels**

You are reminded that there shall be no raising of existing ground levels on the site to facilitate the free passage of flood water in times of flooding.

#### **20. Design out crime**

In aiming to satisfy this condition the applicant should seek the advice of the Police Designing out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via [docomailbox.ne@met.police.uk](mailto:docomailbox.ne@met.police.uk) or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).

## Appendix 5:

### Section 106 Heads of Terms:

#### **Administrative and monitoring**

1. Agreement to pay the Council's professional and legal costs, whether or not the deed completes.
2. Agreement to pay the Council's reasonable fees of £19,580 for monitoring and implementing the Section 106.
3. Indexing – all payments are to be index linked the date of the decision to grant planning permission to the date on which payment is made, using BCIS index.

#### **Affordable housing**

4. Provision of at least 38 London Affordable Rent units as detailed in the table below:

<b>Block /Core</b>	<b>Flat tenure</b>	<b>Flat type</b>	<b>Level</b>	<b>Flat number</b>
D	2B/3P	Type 6	Ground floor	D00.01
D	2B/4P	Type 3	Ground floor	D00.02
D	2B/3P	Type 5	Ground floor	D00.03
D	2B/3P	Type 2	Ground floor	D00.04
D	2B/3P	Type 2	Ground floor	D00.05
D	2B/3P	Type 2	First floor	D01.01
D	4B6P	Type 1	First floor	D01.02
D	3B4P	Type 1 (WCH)	First floor	D01.03
D	3B5P	Type 7	First floor	D01.04
D	3B5P	Type 4	First floor	D01.05
D	2B3P	Type 2	Second floor	D02.01
D	4B6P	Type 1	Second floor	D02.02
D	3B4P	Type 1 (WCH)	Second floor	D02.03
D	3B5P	Type 7	Second floor	D02.04
D	3B5P	Type 4	Second floor	D02.05
D	2B3P	Type 2	Third floor	D03.01
D	4B6P	Type 1	Third floor	D03.02
D	3B4P	Type 1 (WCH)	Third floor	D03.03
D	3B5P	Type 7	Third floor	D03.04
D	3B5P	Type 4	Third floor	D03.05
D	2B3P	Type 2	Fourth floor	D04.01
D	4B6P	Type 1	Fourth floor	D04.02

D	3B4P	Type 1 (WCH)	Fourth floor	D04.03
D	3B5P	Type 7	Fourth floor	D04.04
D	3B5P	Type 4	Fourth floor	D04.05
D	2B3P	Type 2	Fifth floor	D05.01
D	4B6P	Type 1	Fifth floor	D05.02
D	3B4P	Type 1 (WCH)	Fifth floor	D05.03
D	3B5P	Type 7	Fifth floor	D05.04
D	3B5P	Type 4	Fifth floor	D05.05
D	2B3P	Type 2	Sixth floor	D06.01
D	4B6P	Type 1	Sixth floor	D06.02
D	3B4P	Type 1 (WCH)	Sixth floor	D06.03
D	3B5P	Type 7	Sixth floor	D06.04
D	2B3P	Type 2	Seventh floor	D07.01
D	4B6P	Type 1	Seventh floor	D07.02
D	3B4P	Type 1 (WCH)	Seventh floor	D07.03
D	3B5P	Type 7	Seventh floor	D07.04

5. Submission of an early-stage review of the affordable housing to re-assess viability should the scheme not be substantially implemented within two calendar years from the date of permission being issued. The Owner will be expected to pay the Council's reasonable costs associated with independent scrutiny of the viability submissions.
6. Submission of a late-stage affordable housing viability review which will be triggered when 75% of the units in a scheme are sold or let. The Owner will be expected to pay the Council's reasonable costs associated with independent scrutiny of the viability submissions.

### **Employment and skills**

7. At least six months prior to implementation of the development on site, the developer shall prepare and submit an Employment, Skills and Supplies Plan to be agreed with the London Borough of Barking and Dagenham, Enterprise and Employment team. The plan shall set out reasonable endeavours to maximise opportunities for local businesses to gain contracts at the site and for local residents to gain employment at the site. The sections that need to be covered by the plan include: a forecast of the estimated full-time employment workforce; the number of vacancies; paid work placements and short courses that will be created over the lifetime of the development. This must be accompanied by a method statement setting out how this will be delivered, including who in the organisation will be responsible for managing recruitment and training, how they will ensure compliance by trade contractors and how this will be managed, how health and safety issues will be managed, and how they will engage with the local community and contribute to educational engagement with local schools. The Construction Team in the council's job brokerage service offers support for developers to understand their commitments and build an effective plan where desired.

Information that needs to be included within the plan:

- a) Employment during construction phase. The developer shall use reasonable endeavours to ensure that:
  - provide a minimum 25% of the total jobs (calculated on an FTE basis) created by the construction phase are filled by residents of the Council's Area;

- all vacancies through the council's job brokerage services, with notification of job vacancies exclusively available to residents for a minimum of 10 days before being advertised more widely;
  - a skills forecast for the development and highlight any shortages to the council's job brokerage service;
  - expectation that developers and their sub-contractors commit to adhere to the Unite Construction Charter, of which the council and Be First are signatories. This includes ensuring that all operatives on site are directly employed on a PAYE basis under a contract of employment and paid no less than the London Living Wage.
- b) Training and work experience during construction. The developer shall use reasonable endeavours to ensure that
- at least one training opportunity for every 10 construction workers is delivered, and at least half of which (or 5% of the FTE workforce, whichever is the greater) must be provided for apprenticeships leading to a full recognised qualification.
  - at least 10 weeks of work experience for every 6 months of the construction phase, with each placement lasting a minimum of 2 weeks
  - at least one educational workshop / visit per educational term for the duration of the construction phase to support local schools and careers services.
- c) Supply chain during the construction phase. The developer shall use reasonable endeavours to ensure that:
- Tender Event Schedule is submitted detailing the list of work packages being offered to competitive tender for the developer and all sub-contractors, including timeframes, values of packages and framework agreements;
  - Source good and services from the borough wherever possible, with an aim that this will represent at least 25% of the value of all goods and services required for the development;
  - companies based in Council Area are given a genuine opportunity to tender for all contracts and sub-contracts arising from the development;
  - details each time a package is awarded including information about any local contractors that have tendered for work (both successful and unsuccessful, with the reasons why) are provided;
  - they participate in at least two events in each year of the development to promote opportunities to local suppliers and build their capacity and/or contribute financially to the delivery of such activity to ensure local suppliers are able to access opportunities arising from the development.
- d) End-user phase. The owner shall use reasonable endeavours to ensure that:
- at least 10% of the estimated total jobs (calculated on an FTE basis) created by the development are filled by residents of the Council's Area
  - all vacancies are advertised through the council's job brokerage service, with notification of job vacancies exclusively available to residents for a minimum of 10 days before being advertised more widely;
  - provide a skills forecast for the development and highlight any shortages to the council's job brokerage service;
  - expectation that end-users commit to best-in-class employment standards including payment of the London Living Wage.

8. Once the Employment, Skills and Supplies Plan has been approved and development has commenced on site, monitoring forms must be submitted to the Council by the designated coordinator responsible for managing recruitment and training monthly for the first three months and quarterly thereafter. The designated employment coordinator will be responsible for:
  - Attend regular site visits or meetings with the Council to ensure compliance with this schedule and discuss how the obligations contained in this schedule are progressing. These site visits and meetings will take place quarterly in cases where the Council has concerns that the Owner or its contractors/sub-contractors have not been adequately complying with their obligations contained in this schedule.  
Where the Owner can demonstrate to the Council that they are complying with their obligations in this schedule, such site visits and meetings will be held on a less regular basis at the Council's discretion.
9. Before the Council will approve a developer's application for discharge of the obligations in this Agreement. Confirmation that all obligations mentioned under point 7 have been met – or appropriate employment and training compensation agreed – must be provided. Employment and training compensation will be calculated based on: the shortfall against the target number of jobs for LBBB residents X £5,000 (average cost of supporting an unemployed borough resident into work) and the shortfall against the target number of apprenticeship starts X £8,000 (approximate wage costs of a one-year apprenticeship at the minimum apprenticeship rate). Subject to the findings of evidence collected through the agreed employment and training processes, the Owner will pay employment and training compensation to the Council within 30 days of the Council's written request if it is found that the shortfall in the delivery of any employment or training specified in this schedule can be attributed to the Owner having not used all reasonable endeavours to follow the agreed processes. The Owner shall be responsible for all legal costs incurred by the Council in enforcing or ensuring compliance with this schedule.
10. Prior to first occupation of the residential units all of the commercial floorspace (GIA) must be delivered to shell and core fit-out.

#### **Car free development**

11. Residential dwellinghouses and the commercial unit forming part of the development are not entitled (unless they are the holder of a disabled person badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970) to a parking permit to park a vehicle in the car park or on-street car parking bays controlled or licensed by the Council.
12. Prior to the first occupation of each residential unit, the future tenants shall be notified of the restrictions preventing from applying for a parking permit (unless they are the holder of a disabled person badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970).
13. The blue badge car parking spaces shall not be sold to anyone separately from the freehold or long leasehold of the remainder of the title within which it is located. All disabled car parking spaces shall be leased to the eligible occupiers and tenants only.

#### **Car club membership**

14. Prior to first occupation of the residential part of the development, the developer must commit to provide free membership for a minimum of two calendar years on application to the nearest car club operating in the borough. All residents shall receive information on how they can sign up to the scheme when they first move in.

#### **Travel plan**

15. Prior to the first occupation of the residential use in the development, the developer shall prepare and submit a Travel Plan for the dwellinghouses that would show how it is proposed to encourage a more efficient and more sustainable transport, for both people and goods. Once approved the Travel Plan must be implemented on the first occupation and maintained thereafter. The developer to make a financial contribution of £5000 on commencement for monitoring of the travel plan.
16. On the 1<sup>st</sup>, 2<sup>nd</sup> and 5<sup>th</sup> of the first occupation of the residential use of the building, the applicant or successive owner in title shall submit a Travel Plan monitoring report to demonstrate that best and reasonable endeavours have been undertaken to ensure that the occupiers and/or tenants have aimed to engage and encourage active, inclusive, and carbon-free sustainable travel to and from the site. The Travel Plan monitoring report shall:
  - a. provide a breakdown of all occupiers and/or tenants and how they have aimed to mitigate and reduce impact from the proposed development on the transport network through their travel plans
  - b. provide recommendation on how the applicant or successive owner in title could help tenants and occupiers to continue and improve the engagement and encouragement of active, inclusive, and carbon-free sustainable travel to and from the site.

#### **TfL public transport contribution**

17. A financial contribution of £106,800 towards improvement and provision of public transport along Thames Road.

#### **Education and open space**

18. A financial contribution of £710,000 towards the land need for the provision of: a secondary school, and two new primary schools; and open space. Payment to be made prior to first occupation of development (excluding demolition and remediation works).

#### **Play space**

19. A financial contribution of £35,600 towards off-site play space. Payment to be made prior to commencement of development (excluding demolition and remediation works)

#### **Ripple way improvements**

20. A financial contribution of £99,247 towards the improvement of the Ripple Greenway and wider greening and tree planting in and around Thames Road residential zone.

#### **Air quality**

21. The developer shall undertake an assessment at practical completion. In the event that air quality neutral is not achieved, the applicant shall make a payment towards air quality off-setting contribution payable on practical completion. A payment at the off-setting contribution rate of £29,000.00 per tonne of NO<sub>x</sub> over the benchmark (or the

equivalent rate at the time of reassessment) will be applied if the scheme does not meet air quality neutral standards.

### **Energy and Sustainability**

22. The owner shall ensure that the development shall achieve a minimum of 35% reduction in carbon dioxide emissions over Part L of the Building Regulations 2021 in line with the latest GLA Energy Assessment Guidance (as at the date of this agreement). An assessment shall be made at practical completion. If the 35% reduction is not achieved the applicant will be liable to pay monetary contribution (at £95 per tonne in accordance with The GLA's Carbon Offset Fund Guidance) over the agreed carbon off-set contribution. The payment shall be made to the Local Authority's carbon offset fund to offset the remaining carbon emissions to net zero-carbon prior to first occupation.
23. The financial contribution towards carbon off-set to achieve zero carbon is estimated to be £223,155, however the actual contribution amount will be calculated based on the amount of carbon emissions.
24. Provisions allowing the development to connect to the future decentralised energy network.
25. 'Be Seen' energy monitoring.

Clauses:

- a) Within eight (8) weeks of the grant of planning permission, the Owner shall submit to the GLA accurate and verified estimates of the 'Be Seen' energy performance indicators, as outlined in the 'Planning stage' section / chapter of the GLA 'Be Seen' energy monitoring guidance document (or any document that may replace it), for the consented development. This should be submitted to the GLA in accordance with the 'Be Seen' energy monitoring guidance using the 'Be Seen' planning stage reporting webform
- b) Prior to first occupation of the building, the Owner shall provide updated accurate and verified 'as-built' design estimates of the 'Be Seen' energy performance indicators for each Reportable Unit of the development, as per the methodology outlined in the 'As-built stage' chapter / section of the GLA 'Be Seen' energy monitoring guidance (or any document that may replace it). All data and supporting evidence should be submitted to the GLA using the 'Be Seen' as-built stage reporting webform
- c) The owner should also confirm that suitable monitoring devices have been installed and maintained for the monitoring of the in-use energy performance indicators, as outlined in the 'In-use stage' of the GLA 'Be Seen' energy monitoring guidance document (or any document that may replace it). c) Upon completion of the first year of Occupation or following the end of the Defects Liability Period (whichever is the later) and at least for the following four years after that date, the Owner is required to provide accurate and verified annual in-use energy performance data for all relevant indicators under each Reportable Unit of the development as per the methodology outlined in the 'In-use stage' chapter / section of the GLA 'Be Seen' energy monitoring guidance document (or any document that may replace it). All data and supporting evidence should be submitted to the GLA using the 'Be Seen' in-use stage reporting webform. This obligation will be satisfied after the Owner has reported on all relevant indicators included in the 'In-use stage' chapter of the GLA 'Be Seen' energy monitoring guidance document (or any document that may replace it) for at least five years.

- d) In the event that the 'In-use stage' evidence submitted under Clause c) shows that the 'As-built stage' performance estimates derived from Clause b) have 'Be Seen' energy monitoring – draft wording for legal agreements 2 not been or are not being met, the Owner should investigate and identify the causes of underperformance and the potential mitigation measures and set these out in the relevant comment box of the 'Be Seen' in-use stage reporting webform. An action plan comprising measures identified in Clause c) shall be submitted to and approved in writing by the GLA, identifying measures which would be reasonably practicable to implement and a proposed timescale for implementation. The action plan and measures approved by the GLA should be implemented by the Owner as soon as reasonably practicable.