

<b>London Borough of Barking and Dagenham Planning Committee</b>		<b>Date: 19 December 2022</b>
<b>Application No:</b>	22/01048/OUTSRM	<b>Ward:</b> Beam
<b>Reason for Referral to Planning Committee as set out in Part 2, Chapter 9 of the Council Constitution</b>	The application is a strategic development which is of a scale and importance that should be determined at Planning Committee.	
<b>Address:</b>	Former Site of Assembly Plant, Beam Park Development Site Thames Avenue, Dagenham, Barking and Dagenham	
<b>Development:</b>	Stand-alone hybrid planning application facilitating remasterplanning of that part of the previously consented Beam Park development falling within LBBD (previous scheme phases 2B to 8, LBBD reference 19/01241/OUT as amended), to include residential development; a primary school and commercial uses; energy network infrastructure; open space; public realm with hard and soft landscaping; children's play space; flood compensation areas; car and cycle parking; highway works and associated engineering operations. This application is an EIA development and is accompanied by an Environmental Statement.	
<b>Applicant:</b>	Countryside Partnerships Plc and L&Q	
<p><b>Officer Recommendation</b></p> <p>Following confirmation from Temple that the additional information relating to wind and microclimate is satisfactory, Recommendation 2 should be amended to read the following:</p> <p>2. Delegate authority to the London Borough of Barking &amp; Dagenham's Director of Inclusive Growth in consultation with the Head of Legal Services to consider any representations from the Health and Safety Executive relating to fire safety and subject to there being no substantive objections, to approve the application (22/01048/OUTSRM) subject to the completion of a legal agreement based on the conditions listed in Appendix 5 of this report and the heads of terms listed in Appendix 6;</p> <p><b>Legal Agreement s106 – Summary of Heads of Terms:</b></p> <p>The following Heads of Terms should be amended (amendments in italics):</p> <p>5(g) Contributions in the event of failure to <i>use reasonable endeavours</i> to comply with targets:</p>		

8(g) Monitoring of Junction on Kent Avenue on an annual basis, the cost of which to be borne by the developer. In the event that the cumulative impact of the development upon the junction is found to require intervention, a contribution shall be paid by the developer to undertake works necessary to mitigate the impact *to an agreed capped amount*.

The following Head of Terms should be added, which was omitted from this section in error:

#### Sports Contribution

16. Sports Contribution of £400,000 payable prior to 75% occupation of Phase A'

#### **Planning History**

The decision notice for the Planning Permission 22/01572/FULL (On site ground works including provision of continuous flight auger piles and pile capping) was issued on 15/12/2022.

#### **Planning Assessment**

##### Non-residential uses

The following bullet point should be added to Paragraph 1.16:

- 142.65sqm of Community Space (Use Class F2[b]) in Phase F

Paragraph 1.20 should be amended to read as follows (amendments in italics):

1.20 A total of *447.14sqm* community space (Use Class F1) is proposed across the development including 143sqm indicatively located at the base of plot Q3 (Phase F) and a further 152sqm within phases C and D *respectively*.

##### Section 106/Deed of Variation

Paragraph 2.16 is to be replaced with the following paragraph:

2.16 A draft form of the necessary Deed of Variation is in the process of being prepared. Given that LBH were party to the s106 attached to the cross-boundary consent, it will be necessary for both boroughs to be a signatory to the proposed deed of variation. Engagement with LBH in relation to this matter has taken place and it is acknowledged that the deed will require substantial redrafting of clauses which relate to land in both boroughs. An approach is proposed which would ensure that any contributions/obligations relating to land in LBH would continue to be secured

and would not be prejudiced by the proposed development, including those clauses relating to Beam Park Station. A recommendation is proposed which would delegate authority to the London Borough of Barking & Dagenham's Director of Inclusive Growth in consultation with the Head of Legal Services to determine the associated Deed of Variation application 22/02077/S106.

#### Environmental Impact Assessment

Additional information has been provided in relation to wind and microclimate in order to address the issue discussed at para 4.8 of the report. Temple have confirmed that the information submitted is satisfactory, subject to a minor amendment to the conditions listed in the report which would ensure that testing for reserved matters is undertaken from at least 16 wind angles.

#### Landscaping and Playspace

The second sentence in paragraph 6.52 should be amended to read (amends in italics):

6.52 The figure for Biodiversity Net Gain stands at *457%*, which is far in excess of the policy target of 10%.

#### Transport

Paragraph 8.5 states that a 'no-station' scenario is 'no longer modelled' and this is referred to again in the cover pages under Amendments since first submission. For clarity, the modelling in relation to the no station scenario was not provided in the initial submission although the supporting documentation, including the Transport Assessment, did take into consideration a development scenario where Beam Park Station is not delivered. The updated Transport Assessment provides an assessment on the basis that Beam Park Station is delivered only.

#### Biodiversity

The first sentence in paragraph 11.3 should be amended to read (amends in italics):

11.3 The development would provide an overall Biodiversity Net Gain of *457%*, which is far in excess of the policy target of 10%.

#### Healthcare Facilities

Paragraph 12.4 is to be replaced with the following paragraphs:

12.4.1 London Plan Policy S.2 states that development proposals that support the provision of high-quality new and enhanced health and social care facilities to meet identified need and new models of care should be supported. LBBB's Development Plan Document Policy BC10 states that the health impacts of major

developments should be taken into consideration when assessing planning applications and emerging Local Plan policy SP4 supports proposals which would improve healthcare access and support people's overall health and well-being.

12.4.2 The cross-boundary consent included the provision of a 1,500sqm Primary Healthcare Centre within Phase 1 of that development, which is located within the London Borough of Havering. Based on a calculation of 1,750 patients per 120 sqm of gross internal area, that facility would be able to support in excess of 20,000 patients. Given that the expected population yield for the cross-boundary consent was 7,282, this represented a significant overprovision in relation to the need generated by the development.

12.4.3 The subject application would have a population yield of 7,244 which, when considered alongside the development in LBH allowed under phases 1 and 2a of the cross-boundary consent, would equate to a total population yield across the wider Beam Park development site of 9,197. This means that the primary care facility within Phase 1 would continue to have sufficient capacity to accommodate the subject proposal, including the uplift in units, with a considerable surplus in capacity left remaining. It is understood that an agreement to lease the space to the NHS has been reached by the developer and that the fit-out of the space is due to commence in January 2023.

12.4.4 It is noted that the NHS have requested a contribution of £1,727,522 which is intended to mitigate the impact of the uplift in units that would be generated by the development. The consultation response received states that the contribution could be put towards supporting the delivery of the new Beam Park health centre, or providing additional capacity at nearby premises or sites in Barking and Dagenham / Havering or across the local primary care network.

12.4.5 In determining whether to seek contributions, officers must consider whether said contribution would meet the relevant tests set out in the NPPF (paragraph 55). In this case, it is considered that seeking £1,727,522 in order to mitigate the impact of the currently proposed uplift in units, when the applicant has already delivered a facility within the wider development site which would have sufficient capacity to accommodate that uplift, would not meet the NPPF test of reasonableness. In considering this matter, regard has been had for the wider package of benefits that the proposal would deliver, including 50% of residential units as affordable housing and substantial contributions towards transport and education, as part of the overall planning balance.

12.4.6 It is noted that the proposed development would make a sizeable contribution towards CIL which could be put towards the provision of healthcare facilities in the vicinity of the site such as secondary care. It is also noted that the NHS advised that no on-site facility was to be sought at the adjacent Dagenham Green site on the basis the strategy to provide extra healthcare capacity in the area is from the

Barking Riverside development and the facility planned on the Beam Park development.

12.4.7 Overall, given that the health centre provided by the developer in Phase 1 of the wider Beam Park development would have sufficient capacity to accommodate the uplift in units at this site, a further contribution towards healthcare provision is not considered appropriate in this case. Whilst it is noted that the provision in Phase 1 would be outside the redline boundary of the subject proposal, it would be within the wider Beam Park development site and located in close proximity to the proposed development. As discussed elsewhere in this report, a deed of variation is proposed which would ensure that the health centre continues to be provided as part of the cross-boundary consent thereby securing the facility for the subject proposal.

## **Appendix 1**

The following additional London Plan policies should be added:

SD1 (Opportunity Areas); SD10 (Strategic and Local Regeneration); D9 (Tall Buildings); S1 (Developing London's Social Infrastructure); S2 (Health and Social Care Facilities); S3 (Education and Childcare Facilities); S4 (Play and Informal Recreation); S5 (Sports and Recreation Facilities); E2 (Providing Suitable Business Space); E9 (Retail, Markets and Hot Food Takeaway); E11 (Skills and Opportunities for All); HC1 (Heritage Conservation and Growth); HC3 (Strategic and Local Views); G4 (Open Space); SI1 (Improving air quality); SI 2 Minimising greenhouse gas emissions; SI 3 Energy infrastructure; SI 4 Managing heat risk; SI 5 Water infrastructure; SI 6 Digital connectivity infrastructure; SI 7 Reducing waste and supporting the circular economy; SI 12 Flood risk management; SI 13 Sustainable drainage; SI 14 Waterways – strategic role; SI 16 Waterways – use and enjoyment; Policy SI 17 Protecting and enhancing London's waterways

The following additional Development Plan Document policies should be added:

BR5 (Contaminated Land); BR7 (Open Space (Quality and Quantity)); BR13 (Noise Mitigation), BR14 (Air Quality), BC1 (Delivering Affordable Housing), BC2 (Accessible and Adaptable Housing), BC5 (Sports Standards), BC8 (Mixed Use Development), BC10 (The Health Impacts of Development), BE3 (Retail Outside or on the Edge of Town Centres), BP3 (Archaeology), BP4 (Tall Buildings), BP5 (External Amenity Space), BP6 (Internal Space Standards), BP10 (Housing Density)

The following additional Draft Local Plan policies should be added:

POLICY DMS 2: Planning for new facilities

### Appendix 3

The following Consultation Responses should be added:

Natural England	No objection	Noted.
NHS	The NHS has reviewed the planning documentation submitted on the Barking & Dagenham portal. In line with the recommendations set out in the Health Impact Assessment of the development the NEL NHS would be seeking a s106 capital contribution of £1,727,522 is needed to mitigate the impact of the development and to contribute towards the provision of health infrastructure within the vicinity of the development in Barking and Dagenham and Havering. This could include supporting the delivery of the new Beam Park health centre, or providing additional capacity at nearby premises or sites in Barking and Dagenham / Havering or across the local primary care network.	Discussed above.
National Highways	We are content that the proposals would not materially affect the safety, reliability and/or operation of the strategic road network (SRN) (the tests set out in DfT C2/13 para 10 and MHCLG NPPF para 111) and we raise no objection.	Noted.
Network Rail	No objection. Informatives suggested.	Noted
LBBB Parking	Further detail sought in relation to parking enforcement.	Amendments made to draft Car Parking Management Plan to address this.

### Appendix 5: Conditions

4. The sentence 'Approved Details for Phase B (formerly Phase 2b)' in the table at condition 4 should be amended to read 'Approved Details for Phase A (formerly Phase 2b)'

4. The following documents should be added to the table at condition 4:

20/00430/CDN (Condition 57)

Beam Park, Dagenham – Phase 6 – Environmental Site Assessment Report (RSK Project no. 1921041 R01 (00)) dated March 2020)

20/00453/CDN (Condition 58)

Remediation Strategy (RSK Project no. 1921041 R03 (00) dated March 2020)

The following conditions should be amended (amendments in italics):

#### **7 Flexible Non-residential Uses**

The development hereby approved shall comprise no more than 3,198.95sqm (GIA) of non-residential uses, consisting of:

- 810.37sqm of Community Space (Use Class F1[f]) within Phase A
- 627.10sqm of Leisure Space (Use Class E[d]) within Phase A
- 783.25sqm of Flexible Commercial Space (Use Class E/F) in Phase C
- 152.25sqm of Community Space (Use Class F2[b]) in Phase C
- 531.09sqm of Flexible Commercial Space (Use Class E/F) In Phase D
- 152.24sqm of Community Space (Use Class F2[b]) in Phase D
- *142.65sqm of Community Space (Use Class F2[b]) in Phase F*

Reason: To define the planning permission, protect the amenity of residents and promote local services, amenities and community uses where appropriate.

#### **35. Wind Microclimate Analysis**

Prior to above ground works (other than Enabling Works) within each Phase (excluding Phases A and C) a wind assessment shall be submitted and approved in writing by the Local Planning Authority. The assessment shall demonstrate that safe and amenable wind conditions can be secured *and shall be based on an assessment of at least 16 wind angles*. The development shall only be constructed in accordance with the approved details. Any mitigation measures will be implemented through the construction phase and permanently retained thereafter.

*Reason: In the interests of the health and safety of future occupiers and users of the development.*

### **Appendix 6: Heads of Terms**

To be amended as per the *Summary Heads of Terms* section above.

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