


LONDON BOROUGH OF BARKING & DAGENHAM
PLANNING COMMITTEE
11th September 2023
Application for 'Variation to S106'

Case Officer:	Kathryn McAllister	Valid Date:	20.07.2023
Applicant:	London Borough of Barking and Dagenham	Expiry Date:	14.09.2023
Application Number:	23/01146/S106	Ward:	Gascoigne
Address:	Gascoigne Estate East Phase 3A King Edwards Road, Barking.		

The purpose of this report is to set out the Officer recommendations to Planning Committee regarding an application for planning permission relating to the proposal below at Gascoigne Estate East Phase 3A.

Proposal:

'Amendment to Schedule 4 (phase 3 affordable housing schedule) of the approved S106 Agreement as varied by 20/01251/VAR to remove the reference to private units and replace with Discount Market Rent units'

Officer Recommendations:

Planning Committee is asked to resolve to:

1. agree the reasons for approval as set out in this report; and
2. delegate authority to the London Borough of Barking & Dagenham's Director of Inclusive Growth in consultation with the Head of Legal Services to approve the proposed changes subject to the completion of a Deed of Variation to the existing Deed of Variation attached to application 20/1251/VAR dated 26.01.2021 based on the changes summarised in Appendix 4.

S106 – Summary of Heads of Terms:

Amend the table found in Schedule 4 of the Phase 3 Deed of Variation attached to application 20/01251/VAR dated 26.01.2021 from

Phase 3 Affordable Housing Units Schedule

Phase 3A

	London Affordable Rent	Affordable Rent	Private
1- Bedroom	6	26	44

2- Bedroom	30	20	58
3- Bedroom	30	12	0
Total	66	58	102

To

Phase 3 Affordable Housing Units Schedule

Phase 3A

	London Rent	Affordable	Discount Market Rent	Private
1- Bedroom	6		70	0
2- Bedroom	30		78	0
3- Bedroom	30		12	0
Total	66		160	0

OFFICER REPORT

Planning Constraints:

Air Quality Focus Area
Air Quality Management Area
Housing Trajectory Sites- Gascoigne Ward
Barking Town Centre Area Action Plan

Site, Situation and relevant background information:

This application site is Gascoigne East Phase 3A. The site forms part of the wider Gascoigne Estate East redevelopment. The planning history for the site is as follows:

Relevant Planning Background

1. Original Planning Permission – 14/00703/OUT

Planning permission was granted on 27th March 2015 for a Hybrid ((part full/part outline) application for the: Phased comprehensive redevelopment of the site for a maximum of 1,575 residential dwellings (Use Class C3);

- 21,550 sq. m of Education (Use Class D1);
- 1,355 sq. m Medical facility (Use Class D1);
- 1,200 sq. m of Employment (Use Class B1);
- 1,400 sq. m of Community facilities (Use Class D1/D2);
- 1,850 sq. m of flexible commercial floor space (within Use Classes A1, A2, A3, and B1);
- 1,000 sq. m to be used as a place of worship (Use Class D1) or employment (Use Class B1); and Energy Centre (all figures given as maximum gross external area); with associated means of access, car parking, landscaping, service infrastructure and other associated works and improvements.

Full planning permission was granted as part of the hybrid application on Phase 1A comprising 2.39 Ha. of the site for:

- 348 residential dwellings;
- 1,355 sq. m floor space to be used as a medical centre (Use Class D1) or Residential (Use Class C3);
- 300 sq. m of flexible commercial floor space (within Use Classes A1, A2, A3, B1);
- Energy Centre; internal road layout and associated means of access, car parking, landscaping and other works and improvements; and Phase 1B comprising 0.38 ha of the site for
- 73 residential dwellings with associated means of access, car parking, landscaping and other works and improvements. Outline planning permission was granted on 13.59 Ha. of the site, with all matters reserved, for
- a maximum of 1,154 residential dwellings (Use Class C3);
- 21,550 sq. m of Education (Use Class D1); 1,200 sq. m of Employment (Use Class B1);
- 1,400 sq. m of Community facilities (Use Class D1/D2);
- 1,550 sq. m of flexible commercial floor space (within Use Classes A1, A2, A3, and B1);
- 1,000 sq. m to be used as a place of worship (Use Class D1) or employment (Use Class B1) (all figures given as maximum gross external area); with associated means of access, car parking, landscaping, service infrastructure and other associated works and improvements.

2. Section 73 Variation to Original Planning Permission – 15/01084/FUL

On 11th January 2016 planning permission was granted for the for variation of condition 2 (drawing numbers) and associated compliance conditions listing drawing numbers and deletion of conditions 15 and 17 in respect of planning permission 14/00703/OUT in order to allow for the retention of the existing medical centre within Phase 1B of the Gascoigne Estate east redevelopment and associated alterations to Block A2.

3. Section 73 Variation to Original Planning Permission – 19/00310/FUL

On 3rd February 2020 planning permission was granted for the variation of condition 49 (approved parameter plans) in respect of planning permission 15/01084/FUL (Gascoigne Estate East redevelopment) to provide for alterations to Phase 2 including adjustments to site layout, and increase in maximum approved building height from 12-storeys to 14-storeys.

4. Section 73 variation to 19/00310/FUL – 20/01251/VAR

On 26th January 2021 planning permission was granted for the variation of condition 2 (approved parameter plans) in respect of planning permission 19/00310/FUL (Gascoigne Estate East redevelopment).

Relevant planning history relating to Phase 3A Gascoigne East Estate:

5. Reserved matters application- 20/01250/REM

On 26th January 2021 planning permission was granted for the approval of reserved matters following outline approval for Phase 3A of application 20/01251/VAR- Development parcels I and J. This application seeks permission for the variation of condition 1 (approved drawings) attached to application 20/01250/REM.

6. Section 73 variation to 20/01250/REM- 22/00496/VAR

On 30th June 2022 planning permission was granted for the variation of Condition 1 (Approved Drawings) attached to planning consent 20/01250/REM dated 26.01.2021 to allow minor material amendments to the facades and landscaping of Building I in order to improve construction efficiency, the quality of the design and landscaping and the building's overall sustainability credentials. The application is linked to approved outline permission 20/01251/VAR.

This application seeks permission to vary Schedule 4 (Affordable Housing Mix) of the Phase 3 s106 Legal Agreement attached to application 20/01251/VAR.

Key issues:

- Whether the removal of the obligation falls within the provisions of the legislation (S106A).

Planning Assessment:

- 1.1 The National Planning Policy Guidance (NPPG) states at paragraph 23b-020 that "planning obligations can be renegotiated at any point, where the local planning authority and developer wish to do so". Planning legislation (S106A) specifies that when modification is sought for an obligation less than 5 years after the date of the S106, agreement must be sought, and that this must be executed as a deed.
- 1.2 The applicant seeks to modify Schedule 4 (Phase 3 Affordable Rent Housing Units) and the definitions set out in the 2021 Deed of Variation. It is proposed to change the 102 Private units to Discount Market Rent.
- 1.3 The applicant has indicated that "the proposed changes are sought following a review of LBBB's development portfolio which identified that additional affordable housing could be provided at Gascoigne East Phase 3A. This is unlocked by change of tenure mix which is being secured via a S73 application at the same time as this application for the scheme known as the 'Development Site, Junction Of Stamford Road And Woodward Road, Dagenham' (Ref. 20/00097/FUL). An increase in affordable housing provision is in accordance with LBBB's aims and objectives".
- 1.4 Chapter 5 of the NPPF requires local authorities to identify affordable housing need and set policies for meeting this need. Paragraph 65 states "Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups". Notwithstanding paragraph 63 states "Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities".
- 1.5 Policy H4 of the London Plan sets a strategic target for 50% of all new homes delivered across London to be genuinely affordable. In particular this policy ensures that all major developments which trigger affordable housing requirements provide affordable housing through the threshold approach. Policy H5 outlines the threshold approach which applies to all major development proposals which trigger affordable housing requirements. Policy H5B sets threshold level of affordable housing on gross residential development at a minimum of 35%; or 50 per cent for public sector land where there is no portfolio agreement with the Mayor; or 50 per cent for Strategic

Industrial Locations, Locally Significant Industrial Sites and Non-Designated Industrial Sites appropriate for residential uses.

- 1.6 To follow the fast track route developments must meet or exceed the relevant threshold level of affordable housing on site without public subsidy; be consistent with the relevant tenure split (policy H6); meet other relevant policy requirements and obligations to the satisfaction of the borough and the Mayor where relevant and demonstrate that they have taken account of the strategic 50 per cent target in Policy H4 Delivering affordable housing and have sought grant to increase the level of affordable housing. Should the development not meet the requirements of the Fast-Track Route it must follow the Viability Tested Route. This requires detailed supporting viability evidence to be submitted with the application undertaken in line with the Mayor's Affordable Housing and Viability SPG. Policy H6 sets out the tenure split required to meet the Fast-Track Route, which requires a minimum of 30% low cost rented homes, as either London Affordable Rent or Social Rent, a minimum 30% intermediate products which meet the definition of genuinely affordable housing, including London Shared Ownership, and the remaining 40% to be determined by the borough as low cost rented homes or intermediate products.
- 1.7 The Draft Local Plan (regulation 19 version) policy DMH1 seeks to meet an overarching 50% onsite affordable housing provision, by applying the London Plan threshold approach. The policy seeks to ensure that new developments contribute to the delivery of a range of housing tenures in accordance with the following tenure split: 50% mix of social housing including London Affordable Rent, 50% mix of intermediate housing including London Shared Ownership. Notwithstanding, this policy noted that if developments are not able to deliver on site affordable housing and if a suitable site for off-site provision cannot be found a financial contribution towards the off-site provision of affordable housing may be accepted.
- 1.8 The proposal seeks to increase the provision of affordable housing on site. There will be no changes to the amount of London Affordable Housing units, however, amendments will be made to the provision of Discount Market Rent. Policy H5 part K states 'The Mayor should be consulted on any proposed amendments on referable scheme that change the level of affordable housing from that which was secured through the original planning'. The outline planning permission which this s106 is attached to is a referable application. Notwithstanding, noting the proposed changes will increase the provision of affordable housing, officers do not consider this amendment to be referable given the changes are an improvement to the overall provision. Officers have consulted the GLA who agree that this amendment does not need to be referred.
- 1.9 The applicant states "it is proposed to change 102 Private Rent units to Discount Market Rent, an intermediate product of affordable housing set at rent levels 20% below market level. The proposed development will go from providing 59% affordable housing (measured on a habitable room basis), to providing 100% affordable housing. Policy DMH1 of the Draft LBBB Local Plan recognises that DMR is an affordable product for Barking and Dagenham. A 100% affordable scheme is supported by planning policy".
- 1.10 As detailed above policies support development which seek to provide a range of housing tenures with a focus on the need to deliver of social housing including London affordable rent and intermediate housing including London shared ownership. As consented Plot J comprises of a mix of London Affordable Rent and Discount Market Rent units, Plot I will be private. It is proposed to amend the tenure of plot 1 only which will include changing all 102 private rent units to discount market rent units.
- 1.11 Officers note Discount Market Rent is an intermediate affordable product with rent prices being 80% of the market rent prices. As detailed in policy H7 of the London Plan affordable housing must be monitored with Borough publishing monitoring information annually to ensure transparency. Rent prices within the Borough are monitored annually through the GLA London Plan Annual Monitoring Report (AMR) which borough's feed into through the preparation of a local AMR. It is noted that guidance on DMR units sets out that the London Rent Map or an open market rent valuation could be used to fix the open market rent before the 20% discount is applied. Noting the GLA London Plan Annual Review has a lag time, officers consider the use of an annual open market rent valuation to be better placed to determine the value of these units as it will be the best reflection of the open market.
- 1.12 Further, policy H6 of the London Plan has regard to affordable housing tenure. Regarding discount market rent this policy states that this product is acceptable if it is meet the broad definition of affordable housing, the London Housing Strategy definition of genuinely affordable housing and is considered by the borough to be genuinely affordable. The rent prices of DMR units will be prices at 80% of the market value providing residents with access to below market rent allowing them to

save up for a deposit. Likewise, this product does not require a large up-front deposit, hence, officers consider this product to be more affordable than other intermediate products. In addition, policy H6 states that DMR units should be made affordable to household on incomes of up to £60,000. This income cap is monitored annually via the GLA AMR to ensure access to this product remains affordable to households on lower incomes.

- 1.13 Finally, policy H11 of the London Plan seeks to ensure that where DMR units are provided these are secured in perpetuity. DMR units should be made available to tenants on longer tenancies (three years or more) with a break clause allowing tenants to end the tenancy with a month's notice any time after the first 6 months; rent and service charges should be made clear to tenants before a tenancy agreement is signed. Any annual increases should be formula linked; provision of on-site management to enable prompt resolution to issues and should include some daily on-site presence; the provider of Discount Market Rent Housing units should have a complaints procedure in place and a member of a recognised ombudsmen; and providers should not charge tenant or any perspective tenants upfront fees other than deposits and rent up front. It is noted that a deed of variation is required to insert a definition for Discount Market Rent into the Legal Agreement to ensure this product is secured in perpetuity.
- 1.14 Overall, the development's affordable housing provision will increase from 59% to 100%. It is noted the delivery of 100% affordable units will far exceed London Plan targets. Further, across Phase 3A there will be a mix of low cost and intermediate rent units and in the wider context of the Gascoigne Estate there will be a mix of low cost, intermediate and private units. Officers are confident that the proposed changes will not result in the overconcentration of a single tenure. The proposed tenure mix is considered acceptable and consistent with the requirements of London Plan policy and the Affordable Housing Supplementary Planning Guidance.
- 1.15 In order to ensure the proposed variation is not in breach of the S106 attached to the planning permission, a Deed of Variation must also be sought to capture the change, and this must be agreed and signed by the LPA and the applicant.

The assessment in planning terms should be considered against S106A(6), in summary:

- ❖ Does the obligation continue to serve a useful purpose?
 - ❖ If so, would that purpose be served equally well if it had effect subject to the modifications specified in the application.
- 1.16 The original obligation was imposed to secure the housing and tenure mix for phase 3A, to ensure the development provides a variety of housing products in a range of sizes to meet local need. Officers believe this obligation will continue to serve a useful purpose as it will ensure that a variety of housing sizes are delivered as London Affordable Rent and a variety as Discount Market Rent to address a local need.
- 1.17 Overall, officers consider the proposed tenure change to be acceptable subject to the completion of a deed of variation to Schedule 4 of the deed of variation secured 26.01.2021. This includes the following changes:
- ❖ Definition for 'Discount Market Rent' to be added in line with London Plan definition. This definition should secure the following:
 - Rent prices for Discount Market Rent Housing Units will have a 20% discount of the full market rents as linked to an open market valuation appraisal undertaken yearly.
 - Longer tenancies (three years or more) for all tenants of Discount Market Rent Housing Units with a break clause allowing tenant to end the tenancy with a month's notice any time after the first six (6) months.
 - Rent and service charges should be made clear to tenants before a tenancy agreement is signed. Any annual increases should be formula linked.
 - Provision of on-site management to enable prompt resolution to issues and should include some daily on-site presence.
 - The provider of Discount Market Rent Housing units should have a complaints procedure in place and a member of a recognised ombudsmen.
 - Providers should not charge tenant or any perspective tenants upfront fees other than deposits and rent up front.
 - ❖ Update to the 'Phase 3 Affordable Housing Units Schedule' table

Schedule 4 of the deed of variation approved by application 20/01251/VAR reads as follows:

Phase 3 Affordable Housing Units Schedule

Phase 3A

	London Rent	Affordable	Affordable Rent	Private
1- Bedroom	6		26	44
2- Bedroom	30		20	58
3- Bedroom	30		12	0
Total	66		58	102

Schedule 4 will be amended by deed of variation to read as follows:

Phase 3 Affordable Housing Units Schedule

Phase 3A

	London Rent	Affordable	Discount Market Rent	Private
1- Bedroom	6		70	0
2- Bedroom	30		78	0
3- Bedroom	30		12	0
Total	66		160	0

Conclusions:

The application is made under s106a Modification and discharge of planning obligations. The legislation states at S106A(6):

6) Where an application has been made the authority may determine—

(a) that the planning obligation shall continue to have effect without modification;

(b) if the obligation no longer serves a useful purpose, that it shall be discharged; or

(c) if the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the modifications specified in the application, that it shall have effect subject to those modifications.

In considering the above changes, officers consider the obligation continues to serve a useful purpose, but would serve that purpose equally well if it had effect subject to the proposed modification. It is considered the proposal falls within the legislative provisions as set out above and therefore recommend the deed of variation proceeds. Officers also recognise the benefits of increasing the number of affordable homes, acknowledging the role Discount Market Rental homes have in meeting local demand.

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:	
<i>National Planning Policy Framework (NPPF) (DLUHC, July 2021)</i>	
<i>The London Plan: Spatial Development Strategy for London (March 2021)</i>	Policy GG1 - Building Strong and Inclusive Communities Policy GG2 - Making the Best Use of Land Policy GG3 - Creating a Healthy City Policy GG4 - Delivering the Homes Londoners Need Policy D1 - London's Form, Character and Capacity for Growth Policy D2 - Infrastructure Requirements for Sustainable Densities 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 D14 - Noise Policy E1 - Offices 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 Policy H11 – Build to Rent Policy HC1- Heritage and Conservation Policy G1 - Green Infrastructure Policy G5 - Urban Greening Policy G6 - Biodiversity and Access to Nature Policy SI1 - Improving Air Quality Policy SI2 - Minimising Greenhouse Gas Emissions Policy SI3 - Energy Infrastructure Policy SI7 - Reducing Waste and Supporting the Circular Economy Policy SI8 - Waste Capacity and Net Waste Self-Sufficiency Policy SI12 - Flood Risk Management Policy SI13 - Sustainable Drainage Policy T1 - Strategic Approach to Transport Policy T2 - Healthy Streets Policy T3 - Transport Capacity, Connectivity and Safeguarding Policy T4 - Assessing and Mitigating Transport Impacts Policy T5 - Cycling Policy T6 - Car Parking
	<i>Local Development Framework (LDF) Core Strategy (July 2010)</i>

	<p>Policy CM5 – Town Centre Hierarchy</p> <p>Policy CR1 – Climate Change and Environmental Management</p> <p>Policy CC1 – Family Housing</p> <p>Policy CC3 – Achieving Community Benefits Through Developer Contributions</p> <p>Policy CE1 – Vibrant and Prosperous Town Centres</p> <p>Policy CP1 – Vibrant Culture and Tourism</p> <p>Policy CP2 – Protecting and Promoting Our Historic Environment</p> <p>Policy CP3 – High Quality Built Environment</p>
<p><i>Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)</i></p>	<p>Policy BR1 – Environmental Building Standards</p> <p>Policy BR2 – Energy and On-Site Renewables</p> <p>Policy BR3 – Greening the Urban Environment</p> <p>Policy BR4 – Water Resource Management</p> <p>Policy BR5 – Contaminated Land</p> <p>Policy BR9 – Parking</p> <p>Policy BR10 – Sustainable Transport</p> <p>Policy BR11 – Walking and Cycling</p> <p>Policy BR13 – Noise Mitigation</p> <p>Policy BR14 – Air Quality</p> <p>Policy BR15 – Sustainable Waste Management</p> <p>Policy BC1 – Delivering Affordable Housing</p> <p>Policy BC2 – Accessible and Adaptable Housing</p> <p>Policy BC7 – Crime Prevention</p> <p>Policy BC8 – Mixed Use Development</p> <p>Policy BE2 – Development in Town Centres</p> <p>Policy BE4 – Managing the Evening Economy</p> <p>Policy BE5 – Offices – Design and Change of Use</p> <p>Policy BP2 – Conservation Areas and Listed Buildings</p> <p>Policy BP3 – Archaeology</p> <p>Policy BP4 – Tall Buildings</p> <p>Policy BP5 – External Amenity Space</p> <p>Policy BP6 – Internal Space Standards</p> <p>Policy BP8 – Protecting Residential Amenity</p> <p>Policy BP10 – Housing Density</p> <p>Policy BP11 – Urban Design</p>
<p><i>Barking Town Centre Area Action Plan (BTCAAP)(February 2011)</i></p>	<p>Policy BTC5 – Leisure Uses and the Evening Economy</p> <p>Policy BTC13 – Housing Supply</p> <p>Policy BTC16 – Urban Design</p> <p>Policy BTC17 – Tall Buildings</p> <p>Policy BTC19 – Heritage and the Historic Environment</p> <p>Policy BTC22 – Sustainable Energy</p> <p>Policy BTC23 – Developer Contributions</p>
<p><i>The London Borough of Barking and Dagenham’s Draft Local Plan: (Regulation 19 Consultation Version, Autumn 2021) is at an “advanced” stage of preparation. Having regard to NPPF the emerging document is now a material consideration and substantial weight will be given to the emerging document in decision-making, unless other material considerations indicate that it would not be reasonable to do so.</i></p>	
<p><i>The London Borough of Barking and Dagenham’s Draft Local Plan: (Regulation 19 Consultation Version, Autumn 2021)</i></p>	<p>Policy SPDG1 - Delivering Growth</p> <p>Policy SP3 - Delivering Homes that Meet People’s Needs</p> <p>Policy SP2 - Delivering a high-quality and resilient built environment.</p> <p>Policy SP6 – Green and blue infrastructure</p> <p>Policy SP7 - Securing a clean, green and sustainable borough.</p> <p>Policy DMH1 - Affordable Housing</p> <p>Policy DMH2 - Housing Mix</p>

	<p>Policy DMD1 – Securing high-quality design</p> <p>Policy DMD4 – Heritage assets and archaeological remains</p> <p>Policy DMNE2 - Urban Greening</p> <p>Policy DMNE3 - Nature Conservation and Biodiversity</p> <p>Policy DMSI2 - Energy, Heat and Carbon Emissions</p> <p>Policy DMSI4- Air Quality</p> <p>Policy DMSI5 – Land Contamination</p> <p>Policy DMSI6 – Flood risk and defences</p> <p>Policy DMSI8- Demolition, construction and operational waste.</p> <p>Policy DMT1 - Making Better Connected Neighbourhoods</p> <p>Policy DMT2- Car parking</p> <p>Policy DMT3- Cycle Parking</p> <p>Policy DMT4 - Deliveries, Servicing and Construction</p> <p>Policy DMM1 - Development Contributions</p>
<p><i>Supplementary Planning Documents</i></p>	<p>DCLG Technical Housing Standards (nationally described space standard) (DCLG, March 2015) (as amended)</p> <p>Affordable Housing and Viability Supplementary Planning Guidance (GLA, August 2017)</p> <p>Housing Supplementary Planning Guidance (GLA, March 2016, Updated August 2017)</p> <p>Shaping Neighbourhoods: Character and Context Supplementary Planning Guidance (GLA, June 2014)</p> <p>Accessible London – Achieving an Inclusive Environment Supplementary Planning Guidance (GLA, October 2014)</p> <p>Sustainable Design and Construction Supplementary Planning Guidance (GLA, April 2014)</p> <p>Town Centres Supplementary Planning Guidance (GLA, July 2014)</p> <p>Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance (GLA, September 2012)</p> <p>Planning Advice Note - Waste and Recycling Provisions in New and Refurbished Residential Developments (10 February 2013)</p> <p>London Riverside Opportunity Area Planning Framework (OAPF) (2015)</p>

Additional Reference:

Human Rights Act

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equalities

In determining this planning application, the BeFirst on behalf of the London Borough of Barking & Dagenham has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010 (as amended).

For the purposes of this application there are no adverse equalities issues.

Appendix 2:

Relevant Planning History:			
<i>Application Number:</i>	20/01251/VAR	<i>Status:</i>	Approved Subject to Legal Agreement
<i>Description:</i>	<p>Application for variation of condition 2 (approved parameter plans) in respect of permission 19/00310/FUL. To amend approved parameter plans in relation to Development Parcels I and J. Consented development Hybrid (part full/part outline) application for the phased comprehensive redevelopment of the site for a maximum of 1,575 residential dwellings (Use Class C3); 21,550 sq. m of Education (Use Class D1); 1,355 sq. m Medical facility (Use Class D1); 1,200 sq. m of Employment (Use Class B1); 1,400 sq. m of Community facilities (Use Class D1/D2); 1,850 sq. m of flexible commercial floor space (within Use Classes A1, A2, A3, and B1); 1,000 sq. m to be used as a place of worship (Use Class D1) or employment (Use Class B1); and Energy Centre (all figures given as maximum gross external area); with associated means of access, car parking, landscaping, service infrastructure and other associated works and improvements. „Full planning permission sought on Phase 1A comprising 2.39 Ha. of the site for 348 residential dwellings; 1,355 sq. m floor space to be used as a medical centre (Use Class D1) or Residential (Use Class C3); 300 sq. m of flexible commercial floor space (within Use Classes A1, A2, A3, B1); Energy Centre; internal road layout and associated means of access, car parking, landscaping and other works and improvements; and Phase 1B comprising 0.38 ha of the site for 73 residential dwellings with associated means of access, car parking, landscaping and other works and improvements. „Outline planning permission sought on 13.59 Ha. of the site, with all matters reserved, for a maximum of 1,154 residential dwellings (Use Class C3); 21,550 sq. m of Education (Use Class D1); 1,200 sq. m of Employment (Use Class B1); 1,400 sq. m of Community facilities (Use Class D1/D2); 1,550 sq. m of flexible commercial floor space (within Use Classes A1, A2, A3, and B1); 1,000 sq. m to be used as a place of worship (Use Class D1) or employment (Use Class B1) (all figures given as maximum gross external area); with associated means of access</p>		
<i>Application Number:</i>	20/01250/REM	<i>Status:</i>	Approved
<i>Description:</i>	<p>Application for the approval of reserved matters following outline approval for Phase 3a of 20/01251/VAR - Development parcels I and J. Outline application was not an EIA application.</p>		

Appendix 3:

Neighbour Notification:	
Date Site Notice Erected:	4 th August 2023
Date of Press Advertisement:	31.07.2023
Number of neighbouring properties consulted:	158
Number of responses:	N/A

Appendix 4:

s.106 Proposed Deed of Variation:

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

- ❖ Inclusion of a definition for 'Discount Market Rent' to be added in line with London Plan definition. This definition should secure the following:
 - Rent prices for Discount Market Rent Housing Units will have a 20% discount of the full market rents as linked to an open market valuation appraisal undertaken yearly.
 - Longer tenancies (three years or more) for all tenants of Discount Market Rent Housing Units with a break clause allowing tenant to end the tenancy with a month's notice any time after the first six (6) months.
 - Rent and service charges should be made clear to tenants before a tenancy agreement is signed. Any annual increases should be formula linked.
 - Provision of on-site management to enable prompt resolution to issues and should include some daily on-site presence.
 - The provider of Discount Market Rent Housing units should have a complaints procedure in place and a member of a recognised ombudsmen.
 - Providers should not charge tenant or any prospective tenants upfront fees other than deposits and rent up front.
- ❖ Amend the table found in Schedule 4 of the Phase 3 Deed of Variation attached to application 20/01251/VAR dated 26.01.2021 from

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