

MINUTES OF PLANNING COMMITTEE

Monday, 20 May 2024
(7:00 - 9:50 pm)

Present: Cllr Muhammad Saleem (Chair), Cllr Jack Shaw (Deputy Chair), Cllr Alison Cormack, Cllr Edna Fergus, Cllr Cameron Geddes, Cllr Giasuddin Miah, Cllr Summya Sohaib, Cllr Dominic Twomey and Cllr Sabbir Zamee

Apologies: Cllr Faruk Choudhury

26. Declaration of Members' Interests

There were no declarations of interest.

27. Minutes (22 April 2024)

The minutes of the meeting held on 22 April 2024 were confirmed as correct.

28. Plot 3 Segro Park, Choats Road, Dagenham RM6 6LF - 23/01947/OUTALL

The application was withdrawn.

29. 33 Beccles Drive, Barking IG11 9HX - Change of Use - 23/01824/FULL

The Development Management Officer (DMO), Be First, introduced a report on an application from Invision Care seeking a planning permission for a change of use of an existing property at 33 Beccles Drive, Barking IG11 9HX for use as a children's care facility (Use Class C2) to house up to six children, aged between 11 and 17 of mixed gender who required urgent placement. The report summarised the extent of support which would be required. It was emphasised that the children would all be of low to moderate risk in terms of needs and support.

A total of five notification letters were sent to neighbouring properties from which ten representations of objection were received, the material planning considerations of which were addressed in the report and referred to by the DMO in their presentation to the Committee.

The presentation focussed on the key issues seen as the principle of development, including the loss of a family sized dwelling, quality of accommodation, the design and quality of materials, the impact on neighbouring amenity including daylight and sunlight and noise and disturbance, and sustainable transport. The DMO stated that in response to the consultation with internal and external bodies, specifically the Council's Childcare Commissioning Team and Transport, amendments had been made to the application to address concerns, namely refining the proposed support that would be provided to the children, reducing the number of off-street

parking spaces and amending the location of long-term cycle parking to the rear of the property.

In terms of staffing this had been set at 12 members of staff, working on a shift rotation with two providing care at any one time.

With the permission of the Chair, and in accordance with the provisions of the Constitution, a verbal representation was made at the meeting by Councillor Rocky Gill in his capacity as a Longridge Ward Councillor, in addition to which four residents from Beccles Drive, all of whom objected to the application at the consultation stage, made representations. In summary their objections to the proposed development were for the following reasons:

- Loss of family sized large dwelling, despite their being a significant need for such dwellings in the Borough
- The location was not suitable for a care home, being in a quiet residential setting and was deemed to be contrary to policy (BC4)
- Conflict of views from the LBBDC Childcare Commissioning Team as to the suitability of the property for placing vulnerable children in need, and the potential for out of borough children to be placed in the home
- Potential for anti-social behaviour
- Local shopping parades not conducive to young people with a variety of fast-food outlets and off license sales
- Parking and access concerns both at the property, the Road and wider Lefley Estate, which has a CPZ in place
- The property being located on a bend had associated road safety concerns
- Poor bus connections
- The immediate neighbours shared party walls and garden fences and the report had no regard to the potential problems this would generate including noise and disturbance and issues of access
- One of the adjoining neighbours had an elderly relative whose bedroom backed onto the property, and who would suffer from a lack of privacy and would not be able to enjoy their rear garden space
- The management of the children's complex emotional, behavioural and other needs and the professional competency of the staff to deal with them and to ensure that the quality of life for local residents was maintained
- Car parking on site/access would be compromised
- Ongoing sewage problems in the area would be compounded by the significant usage of the property
- The road already contained an old persons care home opposite the site with a children nursery in a surrounding street, which collectively were eroding the residential nature of the location. Whilst recognising the need for this type of facility, surely it would be best to be purpose built in a more appropriate location.
- Would the property be licensed, and would its use be subject to regular review?

The DMO explained that should the application be approved, the permission will be in perpetuity. As for licencing this would be provided and managed through OFSTED. Adding to this any matters relating to general disturbance, including noise, anti-social behaviour etc would be addressed/enforced by the Council's Environmental Protection Team.

In response to the points made by the ward councillor the Committee sought clarification regarding the loss of a family sized dwelling. In that respect it was noted in the officer report that in January 2020 an appeal was made in the Borough against the refusal of planning permission for another care home, whereupon the Planning Inspector at that time in upholding the appeal recognised that although converting a family dwelling (under C3 use) to a care home conflicted with policy BC4, the change would still provide suitable living accommodation. Additionally, there was no stipulation that the dwelling needed to be occupied by a family specifically, suggesting that the care home would still retain the characteristics of a 'family-sized' property. The care home's intended use would maintain essential residential functions such as shared meals, a structured routine, and involvement in household tasks, thus it was not considered that the proposal would adversely affect the availability of family-sized homes in the area.

Another reason given by the ward councillor for opposing the application centred on a conflicting views expressed during the consultation by the LBBB Childcare Commissioning Team, whereupon the Disability Team did not believe the site would be suitable for children with moderate to high learning difficulties, as opposed to the General Social Care Team who felt that the site would be suitable for accommodating children with no specific care needs but who required support. Consequently, Members were satisfied that there was no conflict, seeing the proposal was to provide placements to the latter group

As for the suggestion that some out of borough children could be placed in this setting, the point was made that the need for this type of facility to help support local children was significant and consequently Members would be looking for assurances from the applicant/care provider that the Borough's children would be prioritised. As it was, many of the objectors had recognised the need for such care facilities, albeit not at this specific location.

In response to the points made about noise and disturbance it was highlighted in the report that as a large family house if it functioned as a residential dwelling it could house up to 12/13 persons, and therefore with a maximum of 12 persons on site for short periods and with the majority of time only eight being on site, it was not envisaged there would be any more noise than that of a large family.

The applicant (Invision) represented by Adam Gostling, planning agent introduced Mark Clement, Chair of Invision who outlined the behavioural characteristics of the children they would look to place in the care home which as stated would have low to moderate profiles. He assured Members that all the children would come from within the Borough. He was extremely sensitive to the concerns of local residents, and similarly assured them that would not

seek to place disruptive children. The applicant would work closely with the LBBD Social Services to ensure the children operated in a family setting and to that end he would expect the individual children to agree to and sign up to a code of conduct setting strict ground rules governing behaviour. Any individuals found to breach those rules in any significant way would be removed. As for the impacts on noise there would also be rules set although he recognised that children by their nature were noisy, but it was all about how it would be managed.

In relation to the regulation of the care home he referenced the role of OFSTED who were duty bound to carry out yearly inspections/audits as well as unplanned ones without warning.

Given the objections outlined at the meeting the Chair asked the applicant what steps they would take to reassure residents regarding their understandable concerns about the application. Mr Clement repeated his undertaking to ensure the appropriate profile of the children placed in the care home and to implement strict codes of conduct, rules etc, and that ultimately in the event of persistent non-compliance, to remove the offending children. He regarded good community relations as vital and would encourage dialogue with residents to ensure their privacy and enjoyment of neighbourhood amenity was maintained. A Care Management Plan will form one of the conditions on the planning consent and this would include setting up formal channels of dialogue with residents, addressing issues that may arise from time to time, and setting up a formal complaints' procedure etc.

In relation to the parking etc the applicant had engaged a traffic consultant to advise as part of the application process. In recognising that the area was subject to a CPZ, and that parking was limited, the staff would be encouraged to use public transport and/or cycles which would be made available and stored on site. Mr Gostling assured the Committee that the amount of car movements generated by the care home would not exceed that typically associated with a large 6-bedroom family sized dwelling.

A number of further questions were asked and responded to by the applicant. These concerned what steps would be taken to encourage staff to use public transport and how the allocated parking (two spaces) would be regulated and managed. The applicant stated that staff would be made aware of the limited off-street parking provision and that the area was subject to a CPZ, and consequently they would be encouraged to use public transport or cycle. Additionally, all visits to the property would be subject to prior arrangement/approval.

Recognising that a noise management plan would be put in place, where would the boundaries of such a plan extend to outside of the property?

The applicant would not encourage/tolerate gatherings at the front of the property which would form part of the social contract that all the placed children would be expected to sign up to.

The officer summed up that the proposal aimed to convert a three-story, six-bedroom residential house into a care home. Despite the loss of a family-sized dwelling, which were in high demand, the plan aligned with the need for more children's care homes as highlighted by recent policies and a Ministerial Statement. The Childcare Commissioning Team's feedback was supportive, subject to a condition which would address the concerns of the Disabilities Team regarding suitability for children with moderate to high learning difficulties.

The proposal would therefore provide an acceptable quality of accommodation and adequate transport arrangements to facilitate a residential care home which is in high need within the borough. As such, the proposal was considered to accord with the relevant Development Plan Policies, and was supported, subject to the proposed measures being implemented with conditions.

In conclusion the Deputy Leader made a statement that everybody deserved a safe space in which to lead their lives. These young people being residents of the Borough were entitled to a place to live. Consequently, it came down to where that should be. The Committee received assurances from the applicant that the children who would be placed in this setting would be of a low to moderate profile and that was seen as key, bearing in mind the genuine and understandable concerns that had been expressed by objectors. As ever in such situations it came down to a balancing act, and in those circumstances,

The Committee **RESOLVED** to:

Agree the reasons for approval as set out in the report, and delegate authority to the Strategic Director of Inclusive Growth (or authorised Officer) to grant planning permission subject to the Conditions listed at Appendix 4 of the report.

30. Eastbrook Hotel, Dagenham Road, Dagenham RM10 7UP - 23/01878/FULL & 23/01937/LBC

The Senior Development Management Officer (SDMO), Be First, introduced a report on an application from Scientific Designs seeking a planning permission (23/01878/FULL) and listed building consent (23/01937/LBC) at the Eastbrook Public House, Dagenham Road, Dagenham for a change of use to a hotel (Use Class C1) with retention of the public house (sui generis) at ground floor, partial demolition to internal areas and to the rear elevation, and the construction of a part one storey, part two storey and part three storey extension, and loft conversion including front and rear dormers.

A total of 85 notification letters were sent to neighbouring and nearby properties together with appropriate site and press notices. A total of nine objections were received including a petition from residents in Felhurst Crescent, the material planning considerations of which were addressed in the Planning Officer's assessment set out in the report and highlighted in a

presentation to the Committee. There were no representations of objection presented at the meeting. Mr Avinash Tiwari, representing the applicant (Scientific Designs) was available at the meeting to respond to any questions.

The SDMO in their presentation referenced the planning history of the site, as well as a detailed planning and heritage assessment of the application including design, landscaping, car parking and impacts on neighbouring amenity, particularly in relation to privacy and overlooking.

The SDMO concluded that the proposed development sought the retention of the public house at ground floor, with the conversion of the upper floors to provide 18 hotel rooms. This would help to secure the optimal viable use of a Grade II heritage asset and preserve an important public house of heritage, community and cultural value. Whilst some 'less than substantial' harm would result from the proposals; the scheme was considered to be generally well considered and designed. Restoration and refurbishment of the full building would also be secured as part of any consent. It would not result in harmful neighbouring amenity or transport impacts. The application was supported by the relevant consultees, most notably Historic England and Be First's Heritage Officer.

It was acknowledged that the applicant had engaged in a robust pre-application and presented a scheme which was considered would help secure the long-term viable future of the building and that of the public house, for future residents and visitors of LBBD to enjoy. It had therefore been recommended for approval.

In response to the presentation assurances were sought and confirmed by the applicant that as part of the remedial works, those fixtures and fittings with limited heritage value would not be disposed of, but that the Council would be consulted on the basis of retaining some of the more valuable pieces in heritage terms at Valence House Museum.

The SDMO confirmed that specific conditions which formed part of the listed building consent would ensure that the remedial works were carried out in the correct manner, a point echoed by the applicant.

Accordingly, the Committee **resolved to:**

1. Agree the reasons for approval as set out in the report; and
2. Delegate authority to the Strategic Director of Inclusive Growth (or authorised Officer) to grant planning permission subject to the conditions listed in Appendix 5 of the report, and to grant listed building consent subject to the conditions listed in Appendix 6 of the report.

31. The Bull Inn, Rainham Road South, Dagenham RM10 8AQ - 23/01494/FULL

The Senior Development Management Officer (SDMO), Be First, introduced a report on an application from Rainham Road South Ltd seeking a planning permission (23/01494/FULL) for the demolition of all existing buildings and structures in connection with the construction of 72 residential units (Class C3), provision of car parking, landscaping, and other ancillary works on the site of the Bull Inn, Rainham Road South, Dagenham.

A total of 529 notification letters were sent to neighbouring and nearby properties together with appropriate site and press notices. A total of eleven objections were received, of which nine were from local residents, one from the Barking and Dagenham Heritage Conservation Group and one collectively from the three Village ward councillors; the material planning considerations of which were addressed in the Planning Officer's assessment set out in the report and highlighted in a presentation to the Committee.

In addition to the published papers, a supplementary report was presented which contained a number of amendments/replaced sections of the published report together with details of a further representation of objection submitted by Jon Cruddas, the Dagenham and Rainham Constituency MP, the Planning Officer's response to which was also included and referenced in their presentation to the Committee. In addition, further late representations were noted from the prospective Conservative candidate for the Dagenham and Rainham Constituency as well as residents from Shafter Road and Rainham Road South, Dagenham.

The officer presentation referenced the planning history of the site and focussed on the key issues seen as the principle of development including the loss of a non-designated heritage asset, the dwelling mix and tenure and quality of accommodation, matters of design, construction and materials, the impacts on neighbouring amenity including daylight and sunlight, existing education provision, external amenity, play space, health and safety, accessible units as well as noise and disturbance, sustainable transport, meeting the needs of local residents, employment, impacts to existing provision, car parking, accessibility and inclusion, waste management, delivering sustainable development, heritage, biodiversity and sustainable drainage together with habitat regulation and assessment.

In response to the officer presentation a point of clarification was sought by Members as to why in planning terms good design balanced out concerns expressed as to the height of buildings, and which was particular pertinent to the application? The SDMO stated that the policy stated that buildings of at least 6 storeys were regarded as 'tall buildings', and as such that 'tall buildings' (in this case nine storeys) were assessed on their individual merits, ensuring that they were appropriate in the townscape and that the visual impact was regarded as acceptable. Having reviewed the views of this proposal and the design qualities, officers considered this to be acceptable as it would contribute to the emerging townscape and character of the area.

A question arose as to the fact that this would be a car free development and how would that play out for onward sales and/or where individual circumstances changed requiring residents to purchase a car. Also, a total restriction on parking provision would preclude say essential workers who required a car for work such as a district nurse. The SDMO replied that car free developments were supported both in the local and London Plan as a move towards mitigating transport impacts in locations with good public transport provision. The mitigation measures of removing CPZ rights to incoming residents would apply for the life of the development including onward sales. Also, the package of measures included financial contributions for the expansion of CPZ's and the development of car clubs.

In terms of monitoring the issue of the permits, the Council's Parking team would be provided with the list of properties, and consequently any applications from those properties for parking permits would be rejected.

Turning to the employment during the construction stage. How would officers propose to enforce the provision to ensure that up to 25% new jobs would be filled by LBBB residents? The SDMO confirmed that the obligation to secure local employment would be monitored by the Council's S106 team who would also monitor an obligation secured through condition that the applicant would be required to submit an Employment and Skills Plan six months before construction commenced.

In accordance with the provisions of the Constitution, verbal representations of objection were presented at the meeting by Councillors Lee and Phil Waker, Village ward councillors together with a local resident, who objected to the application at the consultation stage. In summary the objections to the proposed development were for the following reasons:

- Protection of a non-designated heritage asset including loss of the historic former public house
- Officers wrongly using the draft local plan to justify the principle of development
- The height, design and architecture of the proposed residential development was out of character with the location and surrounding area, which consisted of predominately low-rise development
- The site and residents would benefit from high quality community facilities, missing from the development as proposed
- Detrimental effect of daylight and sunlight on surrounding development especially in Ibscott Close
- Insufficient play facilities
- Flooding of the surrounding areas which would be compounded by the proposed development along with inadequate drainage provision
- Experience demonstrated a lack of commitment and support from applicants once developments such as being proposed were built out, leaving longer term broken promises with properties in private ownership becoming a series of HMO's.
- These sites invariably become run down with accumulating rubbish attracting anti-social behaviour, none of which benefits local people.

- Properties were not affordable for local people, despite claims to the contrary
- Lack of parking
- Dagenham East underground station was not accessible despite the claims to the contrary as described in the submitted transport assessment

Recognising the genuine concerns expressed by ward councillors and objectors Members of the Committee were reminded that as a quasi-judicial meeting they could only consider material planning matters when deciding on the application.

Responding to a point about the relevance in planning terms of the former Bull Inn and the site as a non-designated heritage asset when compared to the previous application on the agenda (redevelopment of the Grade II listed Eastbrook Public House), the SDMO stated officers had considered that the adjacent Dagenham Conservation area and the listed buildings contained therein to be sufficiently distanced from the application site to mitigate the impact of the development.

As for remarks about car free developments, it was recognised that whilst some residents may want to own a car it would be for the Council to use its non-planning enforcement powers to manage the situation.

Members sought and received clarification from the officers regarding the difference between habitable v non-habitable rooms in the context of the acceptable loss of daylight/sunlight re policy terms, how concerns expressed by the Metropolitan Police had been addressed through a secure by design condition and comments expressed by the Be First Heritage officer as regards the treescape provision within the development.

Anna Sinnott, Be First Consultancy team, and Kevin Parsons representing Hollybrook (the applicant) and Marco Tomasi, Formation, Architects responded to the issues highlighted by Members and objectors. In the context of density, it was reaffirmed in policy terms that the site had been earmarked for housing for a significant amount of housing provision. Also, it was emphasised that the 35% affordable housing offer on the site made up of discount market rent and social rent was considered as genuinely affordable for local residents.

Whilst recognising that the existing former public house had been a feature since the 1920's, however a balance had to be struck in terms of its heritage value and the harm caused by the development, given it was neither a designated site nor locally listed.

It was recognised that the height of the buildings had been a key concern, however a range of factors had been taken into consideration during the pre-application process stage including the site location, the housing density and its distance from other heritage assets in the locality. The car parking issues were also addressed as was the impact of sunlight/daylight on Ibescott Close.

With regards to the impacts of the planned development on drainage and flooding, the view was that the technical work and relevant studies conducted would address the concerns expressed by the objectors.

A number of additional matters were raised by the Committee and responded to by the applicant concerning the viability of constructing a new public house on the ground floor of the development, reference to the minimum provision for blue badge holders, details of the site viability assessment, the fire escape arrangements for the six and nine storey blocks as well as further references to matters of heritage, to be secured by additional condition(s).

In conclusion the SDMO acknowledged that the site was a non-designated heritage asset and would result in the loss of retail units. Notwithstanding this it was noted that the site was in an out-of-town centre location and that there was ample retail provision in the local area. With regard to the site's non-designation, it was accepted that the historical and architectural significance of the building was limited, and this was supported by the fact that the building had never been listed nationally or locally. On that basis it was considered that the benefits of the introduction of seventy-two good quality homes, all with acceptable internal space standards and access to balconies, would outweigh any harm arising from the loss of retail units or a non-designated heritage asset. On balance therefore the principle of development was supported.

The scheme also met the GLA requirements for 'Fast Track' and would provide 35% affordable homes at a tenure split of 50% discounted market rent and 50% Social Rent. At ground level the scheme would deliver safe, accessible and useable amenity space with adequate provision for 0–11-year-old play on site. A contribution had been secured to go towards upgrades for 11–18-year-old play off site.

The design of the scheme was viewed as acceptable on the basis it had been planned to reflect and respect the character of the area whilst having an acceptable impact on the nearby Grade listed heritage assets and conservation area. The set back of the development from these assets and the existing screening in place would further reduce the impact on the area.

Whilst the scheme would result in some loss of daylight and sunlight to neighbouring sites, principally around Ibscott Close, on balance it was considered that the benefits of the scheme would outweigh any harm caused to neighbouring residents. It was also noted that additional conditions relating to noise and external lighting had been secured.

The scheme being car free provided for three blue badge spaces on site, thus meeting the 3% of dwellings to have access to blue badge space from onset. Whilst not making any further provision in this respect, given the site's proximity to public transport, the introduction of a car free development in this location was supported. It was noted that S106 obligations securing removal of CPZ, Car Club Contributions and CPZ Contributions had been secured to mitigate any transport impacts of the development. Ample cycle parking

provision would be provided on site to encourage the use of more sustainable modes of transport.

Whilst the site was reliant on an existing prescriptive right of way across a strip of unregistered land, necessary works to the access point had been agreed and secured by a s106 obligation.

Officers were also satisfied that the development would deliver safe access and egress for all pedestrians, cyclists, and vehicles. In addition, the Developer/Owner had agreed to a scheme of improvement works across the strip of unregistered land to improve the overall visual appearance of the site and visibility at access and egress. They would be responsible for the maintenance of these works for the lifetime of the development, similarly, secured by way of a s106 obligation. Noting the proposed works, officers were satisfied that the scheme would have an acceptable impact on transport and enable safe access and egress onto the highway for all modes of transport.

The scheme would deliver a sustainable development which would also contribute to enhancing urban greening, ecology as well as diversity in the area.

Overall, officers had considered the benefits arising from the scheme to outweigh any harms caused by the development and that on balance the proposal was considered acceptable and in keeping with development policies.

Accordingly, the Committee **RESOLVED** to:

1. Agree the reasons for approval as set out in the report;
2. Delegate authority to the Strategic Director of Inclusive Growth in consultation with the Head of Legal Services to grant planning permission subject to the completion of a legal agreement under s106 of the Town and Country Planning Act 1990 (as amended) based on the Heads of Terms identified at Appendix 6 and the Conditions listed in Appendix 5 of the report together with an additional condition setting out a Heritage Interpretation Strategy as follows:

Heritage Interpretation Strategy

- a) Prior to above ground works, a detailed heritage interpretation strategy shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details as to how the historical significance of the site has informed the detailed design of the development, landscaping, signage and naming of the development and where appropriate the re-use of any historic fabric, and
- b) The development shall be implemented in accordance with the approved strategy and thereafter be retained for the lifetime of the development.

Reason: To safeguard the historic significance of the site.

3. That, if by 22 November 2024 the legal agreement has not been completed, the Strategic Director of Inclusive Growth be delegated authority to refuse planning permission or extend this timeframe to grant approval.