


**LONDON BOROUGH OF BARKING & DAGENHAM**
**PLANNING COMMITTEE**
**24<sup>th</sup> July 2024**
**Application for Outline Planning Permission (All Matters Reserved)**

|                            |   |                     |                   |
|----------------------------|---|---------------------|-------------------|
| <b>Case Officer:</b>       | Kathryn McAllister                                | <b>Valid Date:</b>  | 09-January-24     |
| <b>Applicant:</b>          | SEGRO (East Plus) Ltd                             | <b>Expiry Date:</b> | 09-April-24       |
| <b>Application Number:</b> | 23/01947/OUTALL                                   | <b>Ward:</b>        | Barking Riverside |
| <b>Address:</b>            | Plot 3, Segro Park Choats Road, Dagenham, RM6 6LF |                     |                   |

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 Plot 3, SEGRO Park.

**Proposal:**

Outline planning application (all matters reserved), for the construction of an industrial building (Use Class B2, B8, E(g)(iii)), with ancillary offices; creation of new vehicular accesses from Choats Road and Halyard Street; cycle, motorcycle and car parking; pedestrian access; hardstanding and circulation areas; ancillary infrastructure and all other ancillary and enabling works including landscaping, drainage, engineering, substation, ground stability works and boundary treatment.

**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 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 of this report and the Conditions listed in Appendix 5 of this report; and
3. That, if by 24<sup>th</sup> January 2025 the legal agreement has not been completed, the London Borough of Barking & Dagenham's Director of Inclusive Growth is delegated authority to refuse planning permission or extend this timeframe to grant approval.

**Conditions Summary:**
General

1. Reserved Matters to be Submitted.
2. Timing of Reserved Matters Submission
3. Timing of Reserved Matters Commencement
4. Approved Parameter Plans and Documents

Information required within reserved matters

5. Fire Statement

6. Noise Impact Assessment
7. External Lighting assessment
8. Transport Assessment
9. In- Principal Highway works Plan
10. Delivery and Servicing Plan
11. Travel Plan
12. BREEAM Target- Excellent
13. Circular Economy Statement
14. Details of all boundary treatment and landscaping.
15. Waste and Recycling strategy
16. Energy statement
17. Ecological impact assessment
18. Foul sewage and utilities strategy
19. Urban Greening Factor and Biodiversity Enhancements

#### Prior to commencement of development

20. Landscape Management Plan
21. Sustainable Drainage System
22. Contamination
23. Construction Environmental Management Plan (CEMP) and Site Waste Management Plan (SWMP)
24. Construction Logistics Plan
25. Construction Noise

#### Information required prior to above ground floor works

26. Electric vehicle charging points and rapid electric vehicle charging points.
27. Cycle parking.
28. Emergency flood risk
29. Car park management plan

#### Compliance

30. Archaeology
31. BREEAM
32. Circular Economy Statement- post construction
33. Maximum quantum of floorspace
34. Site specific non-road mobile vehicles
35. Flood risk assessment.
36. Maximum car parking numbers
37. No open storage
38. Secure by design
39. Noise from non-residential uses and plan and structure borne noise emissions.
40. Industrial use of site
41. Site clearance

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

#### **Schedule 1- Administrative:**

- Payment of the Council's professional and legal costs, whether or not the deed completes;
- Payment of the Council's £ 20,000 reasonable fees in monitoring and implementing the Section 106 and payable on completion of the deed; and,
- Indexing – all payments are to be index linked from the date of the decision notice to grant planning permission to the date on which payment is made, using BCIS index.
- The agreement shall allow for the pro rata reduction of the sum of all contributions payable in the event that a reduced floorspace is approved at the Reserved Matters stage on the basis that the current contributions are calculated based on the maximum floorspace of the development of [10,128sqm GEA] and the contributions payable will be reduced at an equivalent reduction to the amount of approved floorspace.

#### **Schedule 2- Employment and Skills:**

- Local Employment and Skills Obligations

The Owner will use reasonable endeavours to ensure that jobs are provided to LBBB residents, during the construction of this proposed scheme.

The Owner will use reasonable endeavours to:

- ensure 25% of the total construction jobs (calculated on an FTE basis) created are new jobs filled by LBBB residents, either with the contractor or through the supply chain.
- Advertise 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.
- Provide a skill forecast for the development and highlight any shortages to the council's job brokerage service at least three months before commencement of the development.

➤ Training during Construction The Owner will use reasonable endeavours to ensure the following:

- Deliver one training opportunity for every 10 construction workers – at least half of which (or 5% of the FTE workforce) must be apprenticeships leading to a full recognised qualification.
- Provide 10 weeks of work experience for every 6 months of the construction phase – with each placement lasting a minimum of 2 weeks;
- Provide at least one educational workshop / visit per educational term for the duration of the construction phase to support local schools and careers services.

➤ Supply chain development during Construction

The Owner will use reasonable endeavours to:

- Submit a Tender Event Schedule 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;
- to ensure companies based in LBBB will be given a genuine opportunity to tender for all contracts and sub-contracts arising from the development;
- Provide 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);
- 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.

➤ Employment- End User Obligations

The Owner will use reasonable endeavours to ensure that the Owner/ Occupiers' employees and jobs (including employees and jobs with its contractors) are provided to LBBB residents, during the end user phase in accordance with the following:

- ensure 25% of the total end user jobs (calculated on an FTE basis) created are new jobs filled by LBBB residents within the first 5 years of operation.
- Work closely with the council's employment and skills brokerage to achieve a target of **25% of all jobs** within the tenants' workforce on site to be filled by local residents within 5 years of operation.
- Advertise 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.

For end-user jobs, encourage tenants to work closely with the applicant and LBBB to advertise all newly created vacancies through the council's Job Brokerage service including through introducing tenants to LBBB's Job Brokerage service to help provide a skills forecast for the development and highlight any shortages to the Council's job brokerage service, a minimum of six month before operational end use commences; and where feasible including relevant commitments within terms and conditions of tenancies.

A commitment to collaborative working through the employment of a designated Employment co-ordinator to liaise with and where feasible provide access on site for the Councils Job Brokerage service.

➤ Monitoring

- Once the development has commenced 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.
- This designated employment coordinator will attend with the Council regular site visits or meetings 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.
- Confirmation that all obligations have been met – or appropriate employment and training compensation agreed – must be provided before the Council will approve a developer's application for discharge of the obligations in this Agreement.
- 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.

➤ Training and Employment Contribution

Financial contribution of £132,579 (BCIS Index Linked) to go towards the cost of training and employment support for local residents in respect of the construction and end user phase of the Development.

Trigger: To be paid on commencement of the development.

### **Schedule 3: Energy and Sustainability**

➤ Carbon Reduction

On practical completion of the development, the Developer shall submit to the Council an assessment of the carbon reduction measures implemented within the Development demonstrating it achieves a minimum of 35% reduction over Part L of the Building Regulations 2021 through on-site provisions.

➤ Carbon Offset Contribution

No later than 3 months from the date of Practical Completion of the development, where it is clearly demonstrated that zero-carbon standards (based on net-zero regulated CO2 emissions) cannot be achieved on-site, any shortfall should be provided through a cash in lieu contribution (£95/per tonne over a 30 year period or at the rate in place at the time of the application's determination) paid to the council.

The site shall not be occupied until the carbon offset contribution has been paid.

➤ Future proof development in order to ensure it could connect to a District Heating Network

Prior to the commencement of Development, permitted under subsequent reserved matters, the Owner will submit a District Heating Network (DHN) Statement to the Council for approval to detail how the development could connect to the DHN or future DHN.

Trigger: statement to be submitted prior to commencement of development permitted under subsequent reserved matters.

➤ Dagenham Dock Decentralised Energy Network Potential Study Contribution

A financial contribution £8,254 (BCIS Index Linked) towards a wider study for Dagenham Dock decentralised energy network potential.

The Owner and Be First will agree the scope of the study through the steering group at the time of commission. The progress of the study will be reported to the Steering Group.

Trigger: payment to be made Prior to commencement of development permitted under subsequent reserved matters (excluding demolition/enabling and remediation works).

➤ Be Seen

- a) Prior to each Building being occupied, 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 (<https://www.london.gov.uk/what-wedo/planning/implementing-london-plan/london-plan-guidance-and-spgs/be-seen-energy-monitoring-guidance> ). 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).
- b) 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 (<https://www.london.gov.uk/what-wedo/planning/implementing-londonplan/london-plan-guidance-and-spgs/be-seen-energy-monitoring-guidance> ). 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.
- c) In the event that the 'In-use stage' evidence submitted under Clause b) shows that the 'As-built stage' performance estimates derived from Clause a) have 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 b) 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.

#### **Schedule 4- Air Quality:**

➤ Air Quality off-setting contribution.

A payment at the off-setting contribution rate of £29,000 per tonne of NOx over the benchmark applicable to B2/B8/E(g)(iii) uses (as set out in the Mayor of London's London Plan Air Quality Neutral Guidance applicable at the date of this Agreement (being London Plan Air Quality Neutral Guidance February 2023), will be applied if the approved air quality report concludes that the development is not air quality neutral.

Trigger: The assessment must be submitted to the Council prior to practical completion of the development and (if payable) to pay the contribution within 3 months of approval by the Council of the Air Quality Report.

## Schedule 5- Transport:

### ➤ Submission of a revised Car Parking Management Plan

To use reasonable endeavours to ensure that the End User submits by the 10th anniversary of occupation of the development, a revised Car Park Management Plan (CPMP) to the local planning authority for determination. The revised CPMP shall be accompanied with a report monitoring usage of the car park since first occupation. Subject to the CPMP demonstrating that the spaces are not essential for operation purposes, to use reasonable endeavour to ensure that the End Use removes up to 10% of approved parking spaces by the 10th anniversary of first occupation of the development.

Trigger: The Plan must be submitted to the Council before the tenth anniversary of occupation of the Development

### ➤ Site Wide Travel Plan

The Owner shall develop a Site Wide Travel Plan that accords with the approved Framework Travel Plan in consultation with TfL.

Trigger: submitted to the Council for their approval before practical completion

- On the 1<sup>st</sup>, 3<sup>rd</sup>, 5<sup>th</sup> anniversary of the commencement of the operation of the development, 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/tenants have aimed to engage and encourage active, inclusive, and carbon-free sustainable travel to and from the site with their associated users.

### ➤ Bus Service Contribution

A financial contribution of £257,936 (BCIS Index Linked) towards the enhancement of local bus services at the morning peak and night times to serve the development.

Trigger: Payable on commencement of the development

### ➤ Strategic Infrastructure Masterplan Study Contribution

A financial contribution of £8,254 (BCIS Index Linked) towards the development of a strategic infrastructure masterplan study focused on modal shift, including the river / rail freight proposition, innovation, promotion and support of low carbon and autonomous vehicles.

The scope of the masterplan study will be submitted to the Council for approval. The scope will be discussed with relevant members of the Steering Group.

Trigger: Payment to be made prior to commencement of development permitted under subsequent reserved matters (excluding demolition/enabling and remediation works).

### ➤ S.278 Agreement

The Owner will enter into a S278 Agreement for the creation of new access/egress arrangements to the site and adjustments to Choats Road to accommodate safe movements for all road users.

The S278 Agreement (and all related approvals and consents) shall not be unreasonably withheld or delayed by the highway authorities (the highway authority being LBBB and TfL). The highway authority shall use all reasonable endeavours to ensure congestion mitigation measures provided for in the S278 Agreement are in place prior to the intended date of first occupation. An agreed programme specifying all

necessary procedural and implementation stages and their anticipated dates shall be included in the S106/278 Agreement and the parties shall carry out such stages in accordance with the programme.

➤ Road Network Improvements

A financial contribution of £51,587 (BCIS Index Linked) towards road network improvements. The financial contribution will be towards localised highways improvements including any improvements along Choats Road.

Trigger: Payment to be made prior to commencement of development

**Schedule 6- Public Realm:**

➤ Public Realm Improvement Contribution

A financial contribution of £103,175 (BCIS Index Linked) towards Public Realm enhancements in and around Dagenham Dock C2C station and Chequers Lane.

Trigger: payment to be prior the commencement of development

**Schedule 7- Steering Group:**

➤ Steering Group Obligation.

A steering group set up by the Council on Commencement of Development which shall deal with the extent of the areas to be benefitted by the Dagenham Dock Decentralised Energy Network Potential Study, the Strategic Infrastructure Masterplan Study and the Public Realm Improvements.

➤ Application Implementation

The Owner agrees and covenants with the Council that:

1. There shall be no Commencement of Development of this planning permission [reference 23/01947/OUTALL] if planning permission reference 21/01355/FULL is Commenced and vice versa.

## OFFICER REPORT

### Planning Constraints:

- The site falls within the Joint Waste Development Plan Document
- Strategic Industrial Locations: Dagenham Dock
- Air Quality Management Area
- Existing Waste Site: Dagenham Dock
- Strategic Planning Sub Area Boundaries: Dagenham Dock and Deam Park
- SIL: Dagenham Dock
- Riverside Opportunity Area
- Archaeological Priority Areas: Tier II- Barking Level and Dagenham Marsh

### Site, Situation and relevant background information:

The application site is Plot 3, Segro Park.

The site was previously granted full planning consent for the *construction of an industrial building (Use Class B2, B8, E(g)(iii)), with ancillary offices; access ramp; creation of new vehicular accesses from Choats Road and Halyard Street; pedestrian and cycle access from Choats Road; cycle, motorcycle and car parking; roof mounted solar panels; hardstanding and circulation areas; roof terrace; sprinkler tanks; pump; and all other ancillary and enabling works including landscape, drainage, engineering, ground stability works and boundary treatment (21/01355/FULL). This was approved subject to legal agreement.*

It is understood that SEGRO will not be speculatively developing this plot in the short term. This application is for Outline Planning Permission (All Matters Reserved) which will offer flexibility to the site and enable the submission of a future reserved matters with an agreed occupier in place.

The outline planning permission and full planning permission will run in parallel providing occupiers with the flexibility to either build out the FULL permission or submit reserved matters.

### Key issues:

- Principle of the proposed development
- Design and quality of materials
- Impacts to neighbouring amenity
- Sustainable Transport
- Employment
- Waste management
- Delivering Sustainable Development (Energy / CO<sub>2</sub> reduction / Water efficiency)
- Biodiversity & Sustainable drainage

### Planning Assessment:

#### Principle of the development:

*Existing use(s) of the site*

Vacant Brownfield Site

*Proposed use(s) of the site*

Use Class B2, B8 and E(g)(iii)

- 1.1 The National Planning Policy Framework has regard to the need to build strong, competitive economy through creating conditions which allow businesses to invest, expand and adapt. Likewise, decisions should promote an effective use of land in meeting the needs of residents and local businesses whilst ensuring safe and healthy conditions.
- 1.2 Policy GG2 of the London Plan supports the best use of land and proprieties the development of Opportunity Areas and Brownfield Sites.



- 1.3 Policy E5 seeks to ensure Strategic Industrial Locations are managed proactively to sustain them as London's largest concentrations of industrial, logistics and related capacity for uses that support the functioning of London's economy. Policies in particular support opportunities to intensify and make more efficient use of land within SILs and therefore support proposals where the uses proposed fall within the industrial type activities. Details of the activities supported in these areas are outlined in policy E4 of the London Plan.
- 1.4 Policy E4 sets out the need for a sufficient supply of land within London to meet the current and future demand for industrial and related functions should be provided and maintained. In particular it sets out that flexible Class E(g)(iii), B2 and B8 uses would be supported within SILs.
- 1.5 Policy E7 'Industrial intensification, colocation and substitution' supports the intensification of land for industry, logistics and services. In relation to Opportunity Areas London Plan Policy SD1 seeks to promote ongoing growth. This policy supports and sustains the growth of SILs by considering opportunities to intensify and make more efficient use of SIL - in accordance with London Plan Policies E4, E5 and E7, as identified above.
- 1.6 Policy CM1 of the adopted Core Strategy seeks to ensure employment growth is focussed on the borough's industrial locations including Strategic Industrial Land with which the site is located.
- 1.7 Policy CE3 of the Core Strategy DPD outline that the Strategic Industrial Locations at River Road Employment Area, Rippleside and Dagenham Dock will be safeguarded, promoted, and managed. It is noted that the site is located within the Dagenham Dock SIL.
- 1.8 Draft Local Plan Policy SPDG1 'Delivering Growth' supports the delivery of distinct places and ensures that the Council will take a positive approach to development which reflects a presumption in favour of sustainable development. Draft Local Plan Policy DME1 'Utilising the borough's employment land more efficiently' sets out the LBB's support for proposals which will deliver new employment floorspace.
- 1.9 Policy SP5 of the Draft Local Plan (regulation 19) seeks to ensure land located within designated Strategic Industrial Locations (SIL) is protected, strengthened and intensified. Policy DME1 further sets out that the release of SIL land will only be considered in accordance with policy E7 of the London Plan. With regard to SIL sites policies priorities the intensification of these sites for warehousing and logistics uses.
- 1.10 Policy SPP3 of the Draft Local Plan regulation 19 designates the site for economic use and locates it within the Dagenham Dock Transformation Area.
- 1.11 As detailed above, policies support developments which contribute to protecting, strengthening and intensify strategic industrial locations through the retention of the industrial and related functions within these areas. As a result, developments within SIL locations which seek to deliver new employment floor spaces will be supported.
- 1.12 The application site to the south of Choats Road, adjacent to The Gores. Access to the site is off Choats Road and Halyard Street. The site is 1.88 hectares in size and comprises of most vacant, previously developed scrubland with some trees/hedges along the site boundaries. The site is located within the Dagenham Dock SIL. In line with the above, policies support the protection of this land for industrial and related functions.
- 1.13 Outline planning permission with all matters reserved for the construction of an industrial building (Use Class B2, B8 and E(g)(iii)) is sought to comprehensively redevelop this site which has been underutilised for a number of years. The site has existing consent for the construction of a multi-storey industrial building for use in Class B2, B8 and E(g)(iii). This permission was granted in February 2023. It is understood that should this application be approved the outline planning permission (all matters reserved) will run in tandem with the existing full planning consent. This will provide occupiers with the flexibility to either build out the existing consent or submit reserved matters.
- 1.14 Officers sought further clarity on this. The applicant confirmed "*Given the current economic climate, it has been agreed with the GLA that SEGRO will not be speculatively developing these plots in the short-term. The strategy is therefore pre-let dependant and to work in tandem with the City of London Corporation in particular over the short term to address a strategic need for expansion space for their supply chain, requiring SEGRO to be flexible in terms of what can be provided. The*

*outline applications will offer this flexibility and enable the submission of a future reserved matters with an agreed occupier in place. Linked to the flexibility point above, SEGRO has only submitted maximum parameters with the outline planning applications. The consented schemes define the maximum parameters of what could be delivered in terms of floorspace and building height on both plots. We are not intending to submit minimum parameters, however the structural landscaping/green infrastructure shown in green on the parameter plans is a minimum, depending on the proposed building design/footprint/configuration”.*

- 1.15 The proposed outline permission seeks permission for the construction of an industrial building to be used in Use Class B2, B8 and E(g)(iii). The proposed use of the site is considered to be an appropriate use in this location given it will contribute to enhancing the provision of industrial and employment floorspace on site. It is noted the maximum parameters of the outline will align with the existing consent. This aligns with policy aspirations.
- 1.16 Notwithstanding, officers note that the existing consent was for stacked industrial use. In granting outline planning permission (all matters reserved), occupiers will have the opportunity to submit reserved matters, hence, enabling the detailed design of the scheme to be either single or double storey. As detailed above only maximum parameters will be secured. Given the existing consent is for stacked industrial, should only single storey industrial be built on site, officers raise concerns that this would result in an overall reduction in industrial and employment floorspace when compared to the existing consent. This would not make the best use of the land.
- 1.17 The applicant states *“outline permission would provide maximum flexibility for the site to come forward and that the parameters sought comprise the same use class (Use Class B2, B8, E(g)(iii)) and the same maximum floorspace and building height as the extant full consent. This will offer flexible planning permissions that enable SEGRO to strategically adapt to the critical needs of businesses by allowing for a range of different building layouts and formats to be developed. SEGRO can then submit a reserved matters application with an agreed Occupier place. This will accord with the design limits set by the Parameters Plan.... Indeed, if this regeneration opportunity were not to come forward there is a danger that the Site would sit redundant, and this outline application seeks to maximise marketability of the site and therefore maximise the prospect of development delivery at this site”.*
- 1.18 Officers believe the applicant seeks to provide flexibility on site. Noting current market conditions, it is understood the extant permission is unlikely to come forward. The submission of the outline permission (all matters reserved) is proposed to maximise the marketability of the site and therefore the likelihood that development is delivered on site. Whilst officers acknowledge the need for flexibility, it would be regrettable should the maximum employment floorspace was not delivered on site.
- 1.19 Nevertheless, given the proposal will provide the site with flexibility and increase the likelihood of development delivery. As the proposed uses would enhance the quantum of industrial and employment floorspace on site when compared to the existing vacant on-site provision. Overall, on balance officers consider the principle of development to be supported and still represents an important opportunity to increase economic activity within this part of the designated SIL and the Borough.
- 1.20 Should this application be approved, an obligation will be attached restricting development to either the extant full planning permission or the proposed outline planning permission (all matters reserved). Additionally, conditions securing the use of the site to Class B2, B8 or E(g)(iii), maximum floor space and the submission of reserved matters, timing of reserved matters submission, timing of reserved matters commencement and parameter plans will be secured by condition. In addition a condition will be attached restricting the use of the site for open storage.
- 1.21 **Waste Allocation**
- 1.22 The application site also falls within the Joint Waste Development Plan Document (JWDPD) for the East London Waste Authorities of Barking and Dagenham, Havering, Redbridge and Newham. The purpose of the Joint Waste DPD which was adopted in 2012 is to set out a planning strategy to 2021 for sustainable waste management which enables the adequate provision of waste management facilities (including disposal) in appropriate locations for municipal and commercial and industrial waste. It is also noted, the emerging local plan includes a number of references to the JWDPD effectively safeguarding the policies regarding to waste sites.

- 1.23 Updated evidence base for the East London Joint Waste Plan was published in November 2022. This evidence base shows that London Borough of Barking and Dagenham has met its apportionment criteria and there is a capacity surplus on waste sites in the Borough. Therefore, it is clear from the evidence that there is no demand for any additional operational capacity is required.
- 1.24 The site is located within the JWDPD area. The proposal does not seek to bring forward a waste facility. Noting the current site is vacant and does not accommodate any existing waste facilities and given there is no demand for any additional operational waste capacity in the borough. On this basis officers consider the loss of a waste site/ waste capacity to be acceptable noting there is no requirement for this in the borough. This loss was accepted in application 21/01355/FULL, therefore, for consistency officers maintain that this position is acceptable.
- 1.25 **Summary**
- 1.26 Overall, subject to the imposition of an obligation securing implementation of either extant full permission or outline planning permission (all matters reserved) and several planning conditions, officers consider the principle of development to be supported. The proposal is acceptable and in keeping with the development policies, offering an important to increase economic activity within this part of the designated SIL.

## Employment:

- 2.1 Employment and Skills
- 2.2 Policy SD1 of the London Plan support development which create employment opportunities, support wider regeneration, and ensures that development proposal integrate into the surrounding areas. This is further supported by policy GG5 of the London Plan which seek to ensure development contribute to providing sufficient employment and industrial space in the right locations to support economic development and regeneration.
- 2.3 Policy E4 of the London Plan outlines that land for industrial and related functions should be provided and maintained, considering strategic and local employment land reviews.
- 2.4 Policy E8 of the London Plan sets out that employment opportunities across a number of sectors should be promoted and supported as such developments should contribute to ensuring the availability of suitable workspaces. This is further supported by policy E11 which states development proposals should support employment, skills development, apprenticeships, and other education and training opportunities in both the construction and end-use phases, including through Section 106 obligations where appropriate.
- 2.5 Policy CC3 of the Core Strategy further notes that in order to achieve sustainable growth and maximise the quality and contribution of new development. Developer contributions could be used to provide employment, skills and training initiatives and premises.
- 2.6 Policy SP5 of the Draft Local Plan (reg 19) seeks to ensure the Council delivers at least 20,000 new jobs and wider employment base.
- 2.7 This application is for outline planning permission (all matters reserved) for the construction of an industrial building for flexible use in class B2, B8 and E(g)(iii). Given the nature of the scheme officers acknowledge that employment opportunities will be provided on site. Whilst the exact numbers are unclear at present given the speculative nature of the proposal. It would be expected that the development contributes to providing local employment and skills opportunities. In order to secure the full employment generated on site, and to ensure it is of benefit to local residents a number of planning obligations are considered necessary. The LBBB Employment and Skills Team were consulted who recommended that an employment and skills obligation is secured by obligation. Details of the employment and skills plan should be provided 6 months prior to commencement of the development.
- 2.8 Officers note that policies and the draft obligations SPD (September 2022) requires all new major developments to ensure a minimum of 25% of the total workforce during the construction and occupation phase to be resident of LBBB.
- 2.9 The employment obligations to be secured are broken down further below into the following areas.
- 2.10 Construction related obligations.
- 2.11 Obligations securing reasonable endeavours to ensure jobs created construction phases are provided to LBBB residents are proposed to be secured within the s106 agreement. The reasonable endeavour requirements are detailed further within the s106 Heads of Terms.

- 2.12 In relation to the supply side during construction, officers have secured obligations requiring tender schedules to be submitted to the Council and aiming for at least 25% of the value of all goods and services to be sourced by the borough.
- 2.13 End User Obligations
- 2.14 Obligations securing reasonable endeavours to ensure that during the End User Phase a minimum of 25% of full-time jobs are provided to LBBB residents within the s106 agreement.
- 2.15 To meet the policy requirements listed above planning obligations are required to ensure the employment, skill and training benefits which are considered necessary are secured. The imposition of the above obligations is to ensure the employment benefits of the Proposed Development are realised and have wider regenerative benefits, resulting in the Proposed Development becoming a significant employment generator within Barking and Dagenham.
- 2.16 Further, noting the size of the scheme it is likely the proposal will generate significant employment opportunities. It is noted a training and employment contribution of £128,500.00 was previously secured under the extant permission 21/01355/FULL to go towards the cost of trainings and employment support for residents in respect of the construction and end user phase of the development.
- 2.17 In providing flexibility to the development of the site, officers would expect that the site contributes to provide contribution to training and employment opportunities in the same manner as the extant permission. Therefore, it is proposed to impose two s106 Heads of Terms to secure employment and skills throughout construction and operation; and a contribution to go towards the cost of training residents. It is noted that the contribution has been inflated to take account of indexation. The new contribution amount will be £132,579. Further, all employment and skills plan should be provided to the council 6 months prior to commencement of the development.
- 2.18 Summary
- 2.19 Subject to the imposition of employment and skills obligations and securing a financial contribution officers consider the proposal to be acceptable and in keeping with the development policies.

### **Affordable Workspace**

- 3.1 Policy E3 of the London Plan supports the provision of affordable works space and outlines that in defined circumstances planning obligations may be used to secure affordable workspace at rents maintained below the market rate for that space for a specific social, cultural or economic development purpose.
- 3.2 Policy DME2 of the Draft Local Plan further supports these stating developments of 1,000sqm employment space or greater will be required to incorporate and appropriate provision of affordable workspace on stie, offered at below market rate, for shared workspace or small business units through s106 agreements subject to viability. It is noted this policy applies specifically to planning use class E: Commercial, Business and Service. This is also reiterated in the Draft Obligations SPD.
- 3.3 It is noted this application seeks permission for the construction of an industrial building for use in Class B2, B8 and E(g)(iii). The proposed Class E would trigger the need to provide affordable workspace. Notwithstanding, it is noted that application 21/01355/FULL did not require provision to be made on site or a contribution to be made in lieu. On this basis in the interest of consistency affordable workspace will not be secured under this application.
- 3.4 On balance officer consider the proposal to be acceptable and in keeping with the development policies.

### **Design and quality of materials:**

- 4.1 The NPPF sets out the Government's requirement for good design in new developments. It states that good design creates better places in which to live and work and that design should ensure that development functions well and adds to the overall quality of the area and create spaces that are safe, inclusive and accessible.
- 4.2 The NPPF, Policies D1, D4 and D6 of the London Plan expect all development to be of high-quality design. This is echoed at local level through Policy BP11 of the Local Plan and Policy SP4 of the Draft Local Plan.

- 4.3 Policy D3 of the newly adopted London Plan requires all development to make the best use of land through a design led approach which responds to the site's context and capacity for growth.
- 4.4 Policy D9 of the newly adopted London Plan explains that boroughs should determine the locations where tall buildings may be an appropriate form of development.
- 4.5 London Plan Policy D4 sets out how good design can be delivered, including maintaining good design quality. Specifically, it states that the design quality of development should be retained through to completion by ensuring maximum detail appropriate for the design stage, providing clarity within conditions and obligations on design quality, avoiding deferring the assessment of design quality to a condition or reserved matter and retaining the involvement of the original design team.
- 4.6 Policy CP3 of the Core Strategy sets out that all development proposals will be expected to achieve high quality standards of design, including high standards of inclusivity, safety, and sustainability. Whilst Policy BP11 of the Development Policies sets out that the design and layout of new buildings should comply with a set of principles which include the following of relevance to this proposal: provide attractive, high quality architecture and landscaping, provide inclusive features, provide durable, flexible and adaptable buildings, encourage design that improves health, provide safe environments, incorporate sustainable design and construction features, provide suitable waste facilities and storage on site, configure site and building design and layout to minimise and mitigate any impact on flood risk and water quality, use of renewable energy features wherever possible. It also sets out that the design of the public realm should apply the following principles: provide public routes that are attractive and work for all, promote accessibility and local permeability and prioritise pedestrian-orientated modes integrating land use and transport. These principles are further supported by policies SP2 and DMD1 of the draft local plan reg 19 version.
- 4.7 The proposal seeks outline planning permission (all matters reserved). The matters reserved include appearance, means of access, landscaping, layout and scale. Parameter plans have been submitted to accompany this application. It is noted that the maximum parameter plans will align with the design of the scheme consented under application 21/01355/FULL.
- 4.8 Amount
- 4.9 The application site is located on a major strategic route which connects Central London with East London and South Essex. Located within an existing industrial area. The proposed construction of an industrial building for use in class B2, B8 and E(g)(iii) would be highly supported at this location. As detailed by the applicant "the maximum cumulative floorspace that could come forward as part of the proposed development is 10,128m<sup>2</sup> (GEA) (which would comprise B2/B8/ E(g)(iii), Ancillary Offices, Gatehouse/Entrance Buildings, Plant, Ramps, Servicing Areas, Parking/Cycle Storage, Industrial Landscaping, Ancillary Infrastructure and Substation), as annotated on the Proposed Parameters Plan (reference: 31603-PL-211B)".
- 4.10 Parameter plans have been submitted which details the maximum industrial floor space permitted on site. It is noted that details of height and scale have also been included. This will be assessed in further detail below. With regard to amount. It is noted application 21/01355/FULL sought permission for stacked industrial. As detailed by officers in the report which accompanies 21/01355/FULL "The layout has been proposed to respond to the site constraints and multi-storey type of development to accommodate an access ramp and maximising the height of the development by incorporating the ancillary office space to the upper floor with direct access to daylight, benefitting from a roof terrace and views across the Gores Brook to the west". It is noted that this application was for the delivery of approximately 10,128sqm of industrial and ancillary office floor space.
- 4.11 The maximum amount to be provided under this outline permission aligns with the previous consent which officers welcome.
- 4.12 As previously stated, officers have concerns that in granting outline permission the site could potentially under deliver of industrial and ancillary office floor space. The indicative plans provided show a single storey scheme and a multi storey scheme which could be built out. It is noted no minimum parameters have been submitted. The applicant states "*Linked to the flexibility point above, SEGRO has only submitted maximum parameters with the outline planning applications. The consented schemes define the maximum parameters of what could be delivered in terms of floorspace and building height on both plots. We are not intending to submit minimum parameters, however the structural landscaping/green infrastructure shown in green on the parameter plans is a minimum, depending on the proposed building design/footprint/configuration*".
- 4.13 Whilst the under delivery of the site would be regrettable. Officers note that this application will provide flexibility, which will improve the chances of development delivery on a site which would otherwise be left vacant. On this basis, whilst officers encourage the delivery of the maximum

provision, on balance, noting the need for flexibility. Officers consider the proposed maximum amount to be acceptable and in keeping with the development policies.

#### 4.14 Layout and Access

4.15 The layout of the scheme aligns with that previously consented under application 21/01355/FULL. Parameter plans have been submitted which show the indicative layout of the site. Access and egress remain off Choats Road and Halyard Street. This aligns with the access/egress points previously consented which officers welcome. The retention of access off these roads will contribute to activating these streets and creating legible access points. Further, the parameter plans show the sitting of the development plot and location of the industrial building. Similarly, the areas of structural landscaping and green infrastructure have been provided. As shown on the indicative plans the industrial building to come forward will have ancillary office space which is supported. Officers welcome the requirement to deliver landscaping on site and consider this to contribute to urban greening and biodiversity net gain. Whilst the detailed design has not yet come forward, given the proposed parameters align with the existing consent. Overall, the layout and access proposed for the site is acceptable.

#### 4.16 Scale and Design

4.17 Maximum parameters have been provided for the site. As shown on the parameter plans the maximum area proposed is 10,128 sqm GEA and the maximum building height is 28 metres AFL. It is noted that these parameters align with the design of the development which benefits from existing consent. The applicant states “the scale of development will be determined by the demands of floor space with the potential occupiers. This flexibility in building size that the site offers will address the potential demand from prospective operators who have requirements for strategically located accommodation in this area. The scale of the building coming forward within the site will be of a size which is appropriate for its function”. Whilst a maximum height and area has been proposed, officers believe that the final scale of the development will be subject to the likely occupier.

4.18 The application is accompanied by indicative drawings have been submitted showing the likely design and scale of 2 different development options. 1 shows a single storey building whilst the other shows a multi storey. The proposed access, scale and design parameters lends itself to the intended use of the site and will enable a well-proportioned and designed building on this site. Indicative elevation drawings show the building to be designed for its intended industrial use. It would be expected that any development coming forward on this plot is high quality, constructed of robust and long-lasting materials which enables it to serve its intended purpose. Details of this should be submitted with any future reserved matters application.

#### 4.19 Landscaping

4.20 The parameter plans show areas safeguarded for landscaping. This area is predominantly on the boundary with Choats Road, on the western boundary of the site and along Halyard Street. Officers welcome the introduction of landscaping on site and consider this to compliment the proposed use of the site and enhance its visual character and appearance. Should this application be approved it is recommended a condition is attached requiring details of boundary treatment and landscaping to be submitted at reserved matters.

#### 4.21 Archaeology

4.22 The NPPF and policy HC1 of the London Plan seeks to ensure developments which affect heritage settings have a clear understanding of the historic environment and heritage values of the site and their relationships with their surroundings and contribute to conserving their significance. This policy speaks to the need to protect significant archaeological assets and landscapes. Care should be taken to identify these assets to minimise harm. This is further supported by policy CP2 of the Core Strategy DPD, BP3 of the Borough Wide DPD and policy DMD4 of the Draft Local Plan reg 19 (December 2021).

4.23 The site is located within an archaeological priority area. An archaeological desk-based assessment has been submitted to accompany this application. Historic England were consulted who agreed that it is unlikely that the development will have an impact on the archaeological or geoarchaeological resource, additional to those assessed in relation to planning consent 21/01355/FULL

4.24 It is noted that a Written Scheme of Investigation was submitted with application 21/010355/FULL, and a further archaeological desk-based assessment submitted with this application. Owing to the fact it is unlikely that the development a greater impact additional to those previously assessed. Historic England GLAAS have recommended that a condition is secured to ensure that the archaeological commitments of the application are fully met. The condition will require a post-investigation assessment with an updated project design to be submitted in line with the previously approved WSI.

- 4.25 Subject to the inclusion of this condition, officers consider the proposal to have an acceptable impact on archaeological assets. The proposal is considered acceptable and in keeping with the development policies.
- 4.26 Design out Crime.
- 4.27 The design out crime officer (Met Police) was consulted who confirmed they raised no objections subject to the specific concerns raised in their response letter and a Secure by Design planning condition being attached. Noting the detailed design of the proposal is not yet available a condition will be attached requiring the scheme to be designed to the appropriate secure by design standards. Subject to the imposition of conditions officers consider the proposal to be acceptable and in keeping with the development policies.
- 4.28 Fire Safety
- 4.29 A fire strategy statement has been submitted to accompany this application. This provides the fire strategy for the development should the maximum quantum be built out. Noting the final design and layout of the scheme has not yet been confirmed, at present officers are unable to make an accurate assessment of measures proposed to ensure fire safety of the building. An up-to-date fire safety statement should be submitted with the reserved matters application providing details of the safety strategy proposed for the final design. Should this application be approved it is recommended that this is conditioned requiring a fire statement to be submitted at reserved matters. This should include details of building materials, means of access including for those less able, management and maintenance plan etc. Subject to the imposition of condition, officers consider the proposal to be acceptable and in keeping with the development policies. The London Fire Brigade was consulted who have no further observations to make on this.
- 4.30 Public Realm
- 4.31 Application 21/01355/FULL secured a contribution of £100,000 by s106 obligation to go towards public realm improvements around Dagenham Dock and Chequers Lane to deal with the increase footfall and to improve it to an acceptable level to encourage use of the C2C station. In granting outline planning permission officers consider it necessary to continue to encourage public realm improvements to encourage the use of more sustainable transport. Whilst it is accepted that the scheme to be brought forward could be smaller than the existing permission. To ensure the maximum impact of the development is mitigated the contribution will be secured again under this application. However, the figure will be increased to take account of BCIS indexation between the two applications. The contribution to be secured by S106 Obligation to go towards public realm improvements is £103,175.
- 4.32 Summary
- 4.33 It is noted the detailed design showing the scale, appearance, design, means of access and landscaping are secured by reserved matters. As such, the finalised details will be provided through reserved matters. Overall, subject to the implementation of S106 obligation securing public realm contributions and several planning conditions officers consider the proposed parameter plans to be acceptable and in keeping with the character and appearance of the area.

#### **Impacts to neighbouring amenity:**

- 5.1 The NPPF, The London Plan Policies GG1, GG3 and D14, all have relevance to the importance of quality development which addressing neighbouring amenity and avoiding unacceptable impacts.
- 5.2 Policy DMD1 of the Draft Local Plan Reg 19 seeks to ensure all development proposals consider the impact on neighbouring amenity with regard to significant overlooking (loss of privacy and immediate outlook) and overshadowing (unacceptable loss of daylight/sunlight). Policy DMSI3 further expands on this noting development proposals which generate an unacceptable level of nuisance including noise, waste, comings and goings and general disturbances will be resisted. This is supported by policy BP8 of the Borough Wide DPD.
- 5.3 Daylight and Sunlight
- 5.4 The detailed design application site is located within a SIL location. At present the impact of the proposal on daylight and sunlight cannot be fully assessed. Notwithstanding, the application site is located within a designated SIL site. Industrial site sits to the east. The maximum parameters will align with the development approved under application 21/01355/FULL. Noting the sites proximity to neighbouring residents' officers consider the proposal to have an acceptable impact on daylight and sunlight.

## 5.5 Noise

- 5.6 Policy D14 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 impacts on health and quality of life; reflect the Agent of Change principle set out in policy D13 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.
- 5.7 Policy D13 of the London Plan outlines the agent of change principles. These principles place the responsibility for mitigating impacts from existing noise and other nuisance- generating activities or uses on the proposed new noise-sensitive development. Development should be designed to ensure that established noise and other nuisance-generating uses remain Viable and can continue to grow without unreasonable restrictions being placed on them.
- 5.8 Policy BR13 of the Borough Wide 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 fully 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.
- 5.9 Policy DMS13 of the draft local plan states that all major development must submit a noise and vibration assessment to reduce any adverse impact to an acceptable level using the most appropriate layouts, orientation, design and use of the building.
- 5.10 A noise impact assessment has been submitted to accompany this application. This assessment concludes that the noise likely to be generated by the proposal including increase in traffic flow on local roads due to the proposed development is unlikely to be significant. The assessment advises that a condition is secured requiring a noise assessment to be submitted with the reserved matters application. Noting the final design, layout and use of the scheme is not yet confirmed.
- 5.11 The environmental protection officer was consulted who agreed with the points raised above. They note "This is a preliminary assessment, and the findings are based on one 24-hour unattended survey and without benefit of the design layout of the project. As the proposal involves nighttime operation it would be prudent to undertake a longer period of monitoring to establish "typical" background noise levels over a week. The following conditions are recommended: noise generating mechanical services plant and noise impact report". It is recommended that an updated noise impact assessment is secured by condition to take account of the additional details commented on above.
- 5.12 Officers note that a condition securing noise from non-residential uses and plan and structure borne noise emissions was previously secured on this application. The requirements of the conditions are similar. In the interest of consistency officers will secure the same condition as previously imposed. In addition, conditions securing construction noise will be attached. Subject to the imposition of these conditions' officers consider the noise impacts to be acceptable and note the position of the site within a designated SIL location.

## 5.13 Contaminated Land

- 5.14 The NPPF sets out at paragraph 174 that policies and decisions should contribute to and enhance the natural and local environment by remediation and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate. Policy SI10 of the London Plan seeks to ensure steps are taken to reduce the environmental impact of aggregate sites and facilities by ensuring that potential impacts, in particular to the natural and historic environment and to human health, are assessed and effectively controlled. Policy BR5 of the Borough Wide DPD further supports this 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 appropriate site investigation and risk assessment has been carried out and if contamination is found suitable remediation measures have been carried out. This is supported by policy DMS15 of the draft local plan reg 19.
- 5.15 A preliminary risk assessment and geo-environmental assessment has been submitted with this application. The environmental protection officer was consulted who stated "I have reviewed the Preliminary Risk Assessment & Geo- Environmental Assessment Plot 3, SEGRO Park, Dagenham Project No: 106530.603903 / 17-0084.38 and the Remediation and Verification Strategy by Delta Simons which provide an insight into the potential contamination of the site and possible remediation measures. As the risk assessment is preliminary and was undertaken without prior knowledge of the site layout it is recommended that a condition securing contaminated land is attached". Noting the detailed design is not yet available the recommended condition will be imposed. Subject to the imposition of this condition officers consider the land contamination impacts to be acceptable.



- 5.16 Further a condition securing construction environmental management plan (CEMP) and a Site Waste Management Plan (SWMP) will be secured. This will be imposed in order to reduce the environmental impact of the construction.
- 5.17 External Lighting.
- 5.18 An external lighting assessment has been submitted. This document sets out how external lighting should be designed to ensure no loss of amenity and to reduce possible light spill. Officers note that without full details of the layout and design of the scheme it is not possible to make an accurate assessment of the external lighting impacts of the scheme. It is recommended that with the submission of a reserved matters application this is accompanied by details of external lighting. Notwithstanding, regardless of detailed layout of the scheme it would be expected that the site achieved appropriate levels of illumination without having unacceptable impacts on the surrounding area. The environmental protection officer was consulted who agreed with officers' comments. Therefore, it is recommended that an external lighting condition is attached securing the maximum lux levels. Subject to the imposition of conditions officers consider the proposal to be acceptable and in keeping with the development policies.
- 5.19 Agent of Change
- 5.20 The NPPF seeks to ensure new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them because of development permitted after they were established.
- 5.21 This is carried through Policies E7 and D13 of the London Plan and Policy DMD 1 of the new Local Plan (reg 19 version). London Plan Policy D13 requires applicants to take account of the Agent of Change principles and consider and mitigate for existing noise and other nuisance generating uses in a sensitive manner in new development. London Plan Policy D14 provides further detail on managing noise, such as separating noise sensitive uses from major noise sources and incorporating good acoustic design principles.
- 5.22 Given the location of the site within a predominantly industrial area, designated as SIL and surrounded by major roads and railway lines, the noise and nuisance implications in the immediate vicinity of the site are not considered to raise any agent of change issues and several conditions are imposed to ensure this.
- 5.23 Overall, officers are therefore satisfied the Proposed Development at this location is an appropriate land use within the SIL and subject to conditions and details required at reserved matters will not have an unduly detrimental impact on surrounding uses.
- 5.24 Summary
- 5.25 Overall, subject to the imposition of conditions officers consider the proposal to have an acceptable impact on neighbouring amenity in keeping with the development policies.

### **Sustainable Transport:**

- 6.1 The NPPF recognises that sustainable transport has an important role to play in facilitating sustainable development but also contributing to wider health objectives. It offers encouragement to developments which support reductions in greenhouse gas emissions and those which reduce congestion. The NPPF also outlines that developments which generate significant vehicle movements should be located where the need to travel will be minimised and the use of sustainable transport options can be maximised. It is also expected that new development does not give rise to the creation of conflicts between vehicular traffic and pedestrians. However, it also stated that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.2 This is echoed by the London Plan (2021) through policies T6 and T6.2. It is noted that all car parking provision at use class B2 and B8 should have regard to office parking standards and take account of the significantly lower employment density in such development. Further policies require all operational parking to provide infrastructure for electrical charging points. Regarding cycle parking policy T5 sets out the requirements for cycle parking provision and design. This is further supported by policies DMT 2 and DMT3 of the Draft Local Plan Reg 19 and policies BR9, BR10 and BR11 of the Borough Wide DPD.
- 6.3 As detailed above policies support developments which facilitate the use of more sustainable modes of transport. The application site is located within PTAL 1b which represents poor access to public transport. The site is 9-minute bus journey/20-minute walk from Dagenham Dock Station. The site is

served by the EL2 bus which runs regularly between Becontree Heath Leisure Centre and Dagenham Dock via Choats Road.

#### 6.4 Car Parking

- 6.5 An outline transport assessment has been submitted. The submitted assessment is not sufficient to assess the transport impacts of the development. It is requested that a full transport assessment along with all supplementary analysis and management plans are submitted as part of a reserved matters application. This will be conditioned.
- 6.6 The maximum parameters to be secured by this application will align with full application 21/01355/FULL. The approved application provided a total of 63 off-street car parking spaces including 3 blue badge spaces. The proposed number of parking spaces for the outline permission will reflect the consented application. In line with policy developments for B2 and B8 uses in Outer London Opportunity Areas should provide up to 1 space per 600sqm. Noting the maximum parameters of the site, in line with policy only a maximum of 50 parking spaces should be provided on site. Officers note this quantum of car parking is significantly in excess of the London Plan standards. Notwithstanding, the London Plan states “ for industrial sites, the role of parking- both for workers and operational vehicles- varies considerably depending on location and the type of development proposed. Provision should therefore be determined on a case-by-case basis. In application 21/01355/FULL officers found the provision of 63 car parking spaces to be acceptable subject to a commitment to reduce on site car parking provision. A conditions and obligation was attached to this application to limit the number car parking spaces and requiring a car parking management plan to be submitted which seeks to reduce car parking on site within 10 years of operation. It is proposed to impose these again to ensure the proposed provision of car parking is maintains an acceptable impact on the highway.
- 6.7 The applicant has provided an illustrative scheme showing a single storey unit of 6,930sqm. It is understood that this seeks to deliver up to 63 car parking spaces as before. Justification of car parking provision has been submitted. It is understood these spaces will be used for operational purposes and potential commuter parking for staff where required. Details of comparative sites have been provided which the applicant considers demonstrates that the operational parking provision is appropriate for a development of this size and location. Notwithstanding, officers raise concerns with regard to the excess quantum of parking being proposed. Should the size of the scheme be reduced it would be expected that the provision of parking is also reduced proportionally. Notwithstanding, a condition will be imposed limiting the maximum number of car parking spaces.
- 6.8 Noting the final design and layout of the scheme is not yet available. It would be expected that the proposed parking space provision is proportional to the intended use and demand. The final number of car parking spaces should be justified in the transport assessment submitted as part of the reserved matters application. The submission of this assessment will be conditioned.
- 6.9 Noting the maximum quantum of car parking will not exceed what was previously approved under application 21/01355/FULL officers do not consider the maximum provision to have a greater impact on the highway than the existing permission. A condition will be attached limiting the number of car parking spaces to 63 in total. In addition, an obligation will be secured requiring the submission of a Car Park Management Plan which seeks to reduce the number of car parking spaces on site within 10 years of operation. Subject to the imposition of S106 obligation and conditions officers do not consider the impacts of this development to have a greater impact on the highway than previously proposed under application 21/01355/FULL. On this basis car parking provision is considered acceptable and in keeping with the development policies.
- 6.10 Furthermore, to support better air quality, a condition was attached to application 21/01355/FULL requiring 25% of the proposed parking spaces to be active for electric charging in accordance with the London Plan and a further 5% of the total provision to be Rapid Charging points. The remaining parking spaces will be future proofed to allow for additional electric charging points to be added as and when required through passive provision. It would be expected that this is replicated in the outline permission. As such, this matter will be conditioned.
- 6.11 The LBBD Parking Project Officer was consulted who raised no concerns with this arrangement.
- 6.12 Subject to the imposition of conditions and obligations officers consider the car parking provision to be acceptable.
- 6.13 Notwithstanding, a condition securing a construction logistics plan will also be imposed to ensure acceptable impact throughout the construction phase.

#### 6.14 Trips Generated

6.15 Trip generated analysis has been submitted with this application. It is noted that the maximum parameters of this outline will align with the development approved under application 21/01355/FULL. Last mile logistics were not previously tested. However, under this outline permission the impact of this has been. The submitted assessment takes the impact of last mile logistics into account. Officers accept the trips generated from a B2/B8 use would not have a greater impact on the highway than the previous permission. However, there are concerns over the impact the development would cause if it was used for last mile logistics. Section 6.6 of this report states "In the AM peak, a B8 Last Mile Distribution occupier may lead to a decrease of 24 total vehicles from the approved B2 trip demands but there would be a marginal increase HGVs (45 over the hour based on the TRICS assessment, this would introduce one additional vehicle every minute and 20 seconds). This is expected to have little impact on the local link and junction analysis prepared for the approved scheme. The B8 Last Mile Distribution analysis based on TRICS provides the worst-case scenario and the actual occupier of the unit may generate fewer Heavy Goods Vehicle trips due to an alternative land use/business type. In the PM peak, there will be an overall reduction in demand in two-way vehicle trips when compared with the consented B2 use". Reviewing table 6.4 which shows the change from approved trips it is evident that last mile logistics will result in an increase in HGV's during the morning peak. It is evident that should the maximum parameters of the proposal be built out and be used for last mile logistics this would generate a greater impact on the highway.

6.16 Notwithstanding, officer note this is a designated SIL site as such the proposed use would be appropriate in this industrial location. In addition, the scheme will contribute to the delivery of additional employment and industrial floor space. Whilst the development could result in greater impact on the highway. Given the local and economic benefits arising from the scheme. On balance officers consider the benefits arising from the proposal to outweigh any significant harm. The proposed impact is considered inconsequential. The proposal is acceptable and in keeping with the development policies. harm caused by the proposal impact of trips generated.

#### 6.17 Road Network Improvements

6.18 The consented application 21/01355/FULL secured £50,000 to go towards Road Network Improvements for localised highway improvements including any improvements agreed along Choats Road. In granting permission at this site, it would be expected that the development contributes to improving the road network in the immediate area. This application will provide flexibility on site which could result in a smaller scheme to being brought forward. Notwithstanding, noting the maximum parameters to be secured will align with the dimensions of application 21/01355/FULL. Officers consider it to be necessary for the package of mitigation measures secured by this application to mitigate the maximum potential impact the scheme could have. It is acknowledged that the scheme brought forward could be smaller in size as such a pro rata approach should be taken. TfL were consulted who agreed with this point. It is accepted that contributions should be applied proportionally, as such, a mechanism to enable this to be secured pro-rata will be secured by s106 obligation. Taking into account indexation officers consider it reasonable for a contribution of up to £51,587 being the contribution to be paid should the maximum parameters be built out. This will be secured by s106.

6.19 On this basis whilst the design and layout of the scheme is not yet available. Subject to the imposition of s106 obligation officers are satisfied that the trips generated by the scheme and the transport/highway impacts are acceptable and in keeping with the development policies.

#### 6.20 Cycle Parking

6.21 London Plan Policy T2 seeks to promote Healthy Streets and in particular within Opportunity Areas and other growth areas, new and improved walking, cycling and public transport networks should be planned at an early stage, with delivery phased appropriately to support mode shift towards active travel and public transport. Furthermore, Policy T3 of the London Plan seeks to ensure development proposals support capacity, connectivity and other improvements to the bus network and ensure it can operate efficiently to, from and within developments, giving priority to buses and supporting infrastructure as needed.

6.22 In relation to cycling Policy T5 seeks to ensure development proposals help remove barriers to cycling and create a healthy environment in which people choose to cycle. Policy BR11 of the local plan seeks to improve conditions for cyclists and for pedestrians. This is carried through within DMT3 of the Draft Local Plan (Regulation 19). Policy DMT1 requires cycle routes to be segregated from road transport.

- 6.23 Policy BR10 of the local plan seeks to ensure sustainable Transport. This is carried through within Strategic Policy SP8, and Policy DMT1 of the draft Local Plan seek the development of local public transport networks and sustainable modes of travel such as wider footpaths, good cycling infrastructure and well-designed public realm walking and cycling routes.
- 6.24 In line with London Plan policy T5 Use class E(g)(iii) should provide 1 long term space per 250sqm and 1 short term space per 1000sqm. For Use Class B2 and B8 provision should be made for 1 long term space per 500sqm and 1 short term space per 1000sqm. It would be expected that cycle parking is provided in line with policy requirements. Details of which will be conditioned.
- 6.25 S.278 Agreement
- 6.26 A s.278 agreement will be secured by legal agreement. The highway works to be completed by the application will be agreed in due course. In granting planning permission, it would be expected that the development contributes to improvements to the highway immediately around the site. Application for reserved matters should be accompanied by an 'in-principal' plan which set out the highways works proposed for the site. A condition will be attached requiring this to be submitted. Further, a s106 obligation will be attached requiring the owner to enter into a s.278 highways agreement. Overall, subject to the imposition of conditions and obligations officers consider the proposal to be acceptable and in keeping with the development policies.
- 6.27 Bus Contributions
- 6.28 The application site has a PTAL of 1b which represents very poor access to public transport. The site is in close proximity to the EL2 bus stop located on Choats Road between 180m and 290m from the application site. The EL2 runs from Becontree Heath Leisure Centre to Dagenham Dock Terminus between 5:10 am and 23:55pm. The site is also 16-minute walk/11-minute bus journey from Dagenham Dock Station or 36-minute walk/ 22-minute bus journey from Barking Riverside Overground Station. The site is accessible via public transport. The development is likely to be in operation 24 hours a day.
- 6.29 A package of s106 obligation were previously agreed under application 21/01355/FULL. This included a bus contribution of £250,000 to go towards the enhancement of local bus services. Officers in application 21/01355/FULL stated that "providing a good service frequency will support and encourage modal shift from private vehicles and support local employment. the contribution to be secured will assist in improving the local bus services in the area to serve the development. It is acknowledged that a contribution is also proposed at SEGRO 2, and this quantum is proportionate to the size of the development".
- 6.30 Noting the maximum quantum of development proposed under this development will reflect the existing permission. Officers consider it necessary to mitigate the maximum impacts of the development. It is recognised that a smaller scheme could be brought forward. However, as the final design is not yet available to ensure the full impact of any proposal is fully mitigated a contribution of £257,936 will be secured by s106 to go towards improvements to local bus services. This reflects the contribution secured previously and adjusts it in line with indexation. Officers acknowledge that the development delivered under this permission could be smaller than the consented scheme. However, in granting permission officers need to be sure that the maximum impacts of the scheme have been appropriately mitigated. Careful consideration needs to be given to ensure that the bus contributions can cover the full costs of additional services to improve the service in the local area to support the development. It would not be beneficial to the local bus services if a contribution proportional to the scale of the development only covered the cost of half a service as TfL would not be able to run this.
- 6.31 Notwithstanding, TfL were consulted who note that given the particular set of circumstances they are happy to accept pro-rata bus contributions for this plot. Additionally, TfL note that bus costs have increased disproportionately due to the move to a fully electric fleet- so cost will need to be recalculated to reflect this. Whilst officers acknowledge the additional costs attached to the now fully electric fleet. Noting the maximum size and scale of the development proposed will be in line with application 21/01355/FULL, in the interest of consistency officers consider the implementation of a contribution proportional to what was previously secured is reasonable. As noted above this has been inflated to account for indexation, the maximum total contribution to be secured is £257,936 to go towards bus contributions, however, this will be secured pro-rata.
- 6.32 Should this application be approved it is recommended that this is secured by s106 obligation. This will be payable on commencement of the development.
- 6.33 Cycle Route
- 6.34 Cycle contributions were not previously secured under this permission. Whilst it is understood that there are plans to upgrade the cycle route on Choats Road. In the interest of consistency and noting

the previous permission (21/01355/FULL) did not secure any contributions no further contributions will be secured under this application.

#### 6.35 Travel Plan

6.36 It would be expected that a framework travel plan is submitted with the reserved matters application. Notwithstanding, once completed it would be expected that details of a site wide travel plan are provided. A condition will be attached requiring a travel plan to be submitted with reserved matters. A travel plan will be secured by s106 obligation requiring a further travel plan to be submitted on the 1<sup>st</sup>, 3<sup>rd</sup> and 5<sup>th</sup> year of the occupation of the development. A monitoring fee of £5,000 will be attached to cover the cost of the reviews of this plan. Subject to the inclusion of conditions and s106 obligation officers consider the proposal to be acceptable and in keeping with the development policies.

#### 6.37 Delivery and Servicing

6.38 Details of delivery and servicing should be submitted as part of the reserved matters application. Full details of delivery and servicing should be submitted prior to first use of the site. It is recommended that a condition is attached to this application securing this.

#### 6.39 Strategic Infrastructure Masterplan Study Contribution

6.40 In application 21/01355/FULL officers stated "In relation to River and Rail, to ensure discussions continue on sustainable modes of transport which are yet to be developed. A financial contribution has been secured towards a strategic infrastructure masterplan study focused on modal shift, including the river / rail freight proposition, innovation, promotion and support of low carbon and autonomous vehicles. Should these measures be implemented in the future they could lead to a further reduction of trips within the vicinity". To continue supporting the delivery of more sustainable modes of transport, in providing flexibility to the site, it would be expected that a contribution to this study is retained. Consented application 21/01355/FULL secured £8,000 towards this study. The maximum impact will need to be mitigated. Notwithstanding, it is acknowledged that if a smaller scheme is brought forward then contributions in proportion should be secured. A mechanism for this to occur pro- rata has been included in the s106 agreement. Should this application be approved it is recommended that this contribution is secured again by s106 obligation. The proposed contribution will be up to a maximum of £8,254 to take account of indexation between the consented scheme and this application. The area to be benefitted by this decision should be decided by the Steering Group in consultation with TfL and other stakeholders. Requirement for a steering group to be set up. This will also be secured by S106 obligation.

#### 6.41 Summary

6.42 Overall, subject to the imposition of S106 obligation securing Strategic Infrastructure Masterplan Study Contribution, Travel Plan, LSIP Cycle Route Works, Bus Contribution, s.278, Car Park Management Plan and Road Network Improvement Contributions and conditions officers consider the proposed transport impact of the development to be acceptable and in keeping with the development policies.

### **Waste management:**

- 7.1 The NPPF and policy S17 of the London Plan outlines that waste planning authorities should encourage waste minimisation and waste prevention through the reuse of material and using fewer resources in the production and distribution of products. Likewise, developments should be designed with adequate, flexible, and easily accessible storage space and collection systems that support, as a minimum the separate collection of dry recyclables and food.
- 7.2 Policies CR3 and BR15 of the Core Strategy and Borough Wide policy document outline the need for development in the Borough to minimise waste and work towards a more sustainable approach for waste management. These objectives are further emphasised in the emerging Local plan (Regulation 19) through Strategic Policy SP7 and Policy DMSI8.
- 7.3 Details of a waste and recycling should be submitted with the reserved matters application. This will be conditioned.
- 7.4 Subject to the imposition of conditions, officers consider the proposal to be acceptable and in keeping with the development policies.

### **Delivering Sustainable Development (Energy / CO2 reduction / Water efficiency):**

- 8.1 The NPPF emphasises that the planning system should support the transition to a low carbon future in a changing climate and should help to shape places that contribute to radical reductions in greenhouse gas emissions, and encourage the reuse of existing resources, including the conversion of existing buildings.

- 8.2 The Mayor of London has set ambitious targets for London to be net zero-carbon. London Plan Policy SI2 'minimising greenhouse gas emissions' directs that major development should be net zero-carbon, through reducing greenhouse gas emissions in accordance with the Be Lean, Be Clean, Be Green, Be Seen hierarchy. The policy requires a minimum on-site reduction of at least 35% beyond Building Regulations for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough. Policy SI 3 states that major development proposals within Heat Network Priority Areas should have a low-temperature heating system. The heat source for the communal heating system should be selected in accordance with the following heating hierarchy: a) connect to local existing or planned heat networks b) use zero-emission or local secondary heat sources (in conjunction with heat pump, if required) c) use low-emission combined heat and power (CHP) (only where there is a case for CHP to enable the delivery of an area-wide heat network, meet the development's electricity demand and provide demand response to the local electricity network) d) use ultra-low NOx gas boilers. Policy SI4 sets policies to minimise adverse impacts on the urban heat island and requires major development proposals to demonstrate through an energy strategic how they will reduce potential for internal overheating, following a cooling hierarchy.
- 8.3 Policy CR1 of the Core Strategy sets out measures to address the causes and potential impacts of climate change, requiring all new development to meet high environmental buildings standards and encourage low and zero carbon developments. Policy BR2 'Energy and on-site renewable of the Borough Wide Development Policies DPD outlines the expectations for significant carbon reduction targets to be achieved. Draft Local Plan Policy DMSI2 'Energy, heat and carbon emissions' sets out the Council's expectations for major development to contribute and where possible exceed the borough's target of becoming carbon neutral by 2050 by maximising potential carbon reduction on-site and demonstrating the achievement of net zero carbon buildings. The policy also prioritises decentralised energy and sets an expectation for development proposals to connect to any existing or planned low carbon district energy networks.
- 8.4 The application is accompanied by an Energy and Sustainability Strategy prepared by MBA consulting engineers [Revision P1] dated 18.12.2023. This sets out how the development accords with the energy hierarchy set out in policy SI2 of the London Plan. In line with policy major developments should achieve a minimum 35% on site carbon reduction whereby 10% is achieved through energy efficiency measures (Be Lean). The assessment concludes that the proposal will comply with policy SI 2 of the London Plan and achieve 100% carbon reduction through the energy hierarchy and carbon offset. Noting the detailed design of the scheme has not yet been presented. Should this application be approved, a condition will be attached requiring the development to achieve a minimum of 35% on site carbon reduction with the remaining being offset through financial contribution. This contribution will be secured by S106 obligation at a rate of £95/tonne over the benchmark level. This is the minimum requirement set by policy and therefore it would be expected that the development is able to achieve this.
- 8.5 An energy assessment which sets out how the development meets the Be Lean, Be Clean and Be Green Stages of the energy hierarchy along with any financial contribution should be submitted with the reserved matters.
- 8.6 BREEAM
- 8.7 The NPPF emphasises that the planning system should support the transition to a low carbon future in a changing climate and should help to shape places that contribute to radical reductions in greenhouse gas emissions, and encourage the reuse of existing resources, including the conversion of existing buildings.
- 8.8 Policy SI2 of the London Plan seeks to ensure developments contribution to reducing operation carbon on site. This policy seeks to ensure that this is achieved from energy efficiency measures. Achieving energy credits as part of the BREEAM rating can demonstrate that energy efficiency targets have been met. As such, boroughs are encouraged to include BREEAM targets within their local policies. Policy CR1 of the Core Strategy sets out measures to address the causes and potential impacts of climate change, requiring all new development to meet high environmental buildings standards and encourage low and zero carbon developments. Policy BR1 of the Borough Wide DPD seeks to ensure all developments meet high standards of sustainable design and construction. As a result, all non-

residential major developments should achieve a minimum standard of BREEAM 'Very Good-Excellent' rating.

- 8.9 Policy SP7 of the Draft Local Plan seek to ensure major development are new zero carbon and employ low carbon technologies. This is further supported by policy DMSI 1 which outlines that all new non-residential developments over 500sqm floorspace must be designed and built to meet or exceed a BREEAM 'Excellent' rating.
- 8.10 A BREEAM Pre-Assessment has been submitted which concludes that the development is targeting an Excellent rating... this report provides a pre-assessment of the project in line with the BREEAM criteria and identified the key sustainability measures and strategies required to secure the required certification. A score of at least 5% over the 70% required for Excellent is recommended and potential credits have been highlighted to help increase this margin.... The projected BREEAM rating is considered suitable for the development based on the proposed design and information which is available at the time of the outline stage submission".
- 8.11 Officers believe that the development will be able to achieve a BREEAM 'Excellent' rating. It is acknowledged that the detailed design is yet to be provided as such, at present the final score cannot be confirmed. However, officers welcome the assurance that the development is targeting BREEAM 'Excellent' in line with policies. Should this application be approved, it is recommended that a condition is attached requiring the future development to achieve BREEAM 'Excellent'.
- 8.12 Overall, subject to the inclusion 2 conditions securing a minimum of 35% on site carbon reduction and BREEAM 'Excellent' and an obligation securing a financial contribution to achieve net zero carbon. Officers consider the proposed development to provide sustainable development in line with policy. The proposal is considered acceptable and in keeping with the development policies.

#### 8.13 Air Quality

- 8.14 An air quality assessment report has been submitted. This assessment states "Due to the proximity of nearby receptors the Site is considered to have a medium risk of impacts with regards to dust soiling and PM10 concentrations. However, following the implementation of appropriate mitigation measures impacts associated with the construction of the development are likely to be insignificant...An Air Quality Neutral assessment has been undertaken which has shown the development proposals will be air quality neutral in relation to both building and transport emissions. No mitigation of operational emissions is therefore considered necessary. The outline application, providing a maximum of 9,493 m3 GIA of employment use, would meet current national and local air quality planning policy and based on the above, air quality does not pose a constraint to development of the site for E(g)(iii)/B2/B8 purposes". The environmental protection officer was consulted who stated the submitted assessment is based on previous information and would therefore benefit from updating. Notwithstanding, the applicant noted the assessment has assessed the most intensive use of the site and concluded that this would be air quality neutral. They note that with an update it is unlikely that this would change. Officers have reviewed and accept this position. It is noted an obligation will be attached requiring an air quality assessment to be submitted to demonstrate air quality neutral development. In the event that the scheme is not air quality neutral a contribution will have to be paid.
- 8.15 The financial contribution will also be secured by s106 obligation. Where developments exceed the benchmark value a financial contribution at a rate of £29,000/tonne over the benchmark should be sought and secured by S106 legal agreement. It is recommended that this is secured by planning obligation. Subject to the imposition of a condition and obligation officers consider the proposal to be acceptable. Further a condition securing a construction environmental management plan and site waste management plan and site specific non-road mobile vehicles will be attached to this application.

#### 8.16 Dagenham Dock De-Centralised Energy Network

- 8.17 In order to meet the policy requirements of Policy SI 3 of the London Plan which seeks to establish the future energy and infrastructure requirements arising from large-scale development proposals such as Opportunity Areas, Town Centres, other growth areas or clusters of significant new development. A financial contribution towards a wider study for Dagenham Dock de-centralised energy network potential has been secured. It is noted that application reference 21/01355/FULL secured a contribution of £8,000 It is proposed to secure this again which officers consider to be

proportionate to the maximum possible scale of development. However, this can be adjusted to be proportional to the scale of development should a smaller scheme be brought forward. It is noted this will be adjusted to take account of indexation, as such, a contribution of £28,254 will be secured by s106 obligation.

#### 8.18 Whole Life Carbon

8.19 Policy SI2 of the London Plan requires development proposals referable to the Mayor to calculate whole life-cycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon Assessment. It is noted that this application is not referable. However, the applicant has submitted some information on this within the outline section of the GLA template. It is acknowledged that detailed design of the scheme is not available yet, as such, at present the final details are not available. Officers note this application is not GLA referable. Policy SI2 of the London Plan states that “development proposals referable to the Major should calculate whole-life carbon...”. Given this application is not referable there is no policy requirement for this to be calculated. Additionally, it is noted that no requirements for Whole Life Carbon were previously secured in application 21/01355/FULL. On this basis in the interest of consistency officers maintain the position that this will not be required under this application.

#### 8.20 Circular Economy

8.21 Policy SI7 of the London Plan seeks to promote the circular economy through improved resource efficiency and innovation to keep products and materials at their highest use for as long as possible. This policy seeks to minimise waste and encourage the reuse and recycling of materials. In particular it seeks to ensure development target 95% reuse/recycling/recovery during construction and demolition and ensure 95% beneficial use throughout excavation. This is supported by policy DMSI8 of the Draft Local Plan.

8.22 A circular economy statement has been submitted which demonstrates how the proposal has considered a range of circular economy principles. It is acknowledged that detailed design of the scheme is not available yet, as such, at present the final details are not available. A full circular economy assessment should be submitted at reserved matters. A condition will be attached requiring this to be submitted at reserved matters stage. In addition, should this application be approved it is advised that a whole life carbon post construction monitoring condition is attached to the proposal.

#### 8.23 Summary

8.24 Overall subject to the imposition of s106 obligation securing net zero carbon development and air quality neutral development as well as several planning conditions. Officers consider the proposed development to be acceptable and in keeping with the development policies.

### **Biodiversity & Sustainable drainage:**

#### 9.1 Urban Greening Factor

9.2 The NPPF states that planning systems should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Policy G6 of the London Plan requires new developments to make a positive contribution to the protection, enhancement, creation and management of biodiversity wherever possible. Policy G5 of the London Plan requires major developments to contribute to the greening of London by including urban greening as a fundamental element of site and building design. Boroughs should develop and Urban Greening Factor (UGF) to identify the appropriate amount or urban greening required. The Mayor recommends a UGF target of 0.4 for residential developments and 0.3 for commercial developments, however, this excludes use class B2 and B8. Policy D8 encourages the incorporation of green infrastructure to the public realm to support rainwater management. Policies CR2 and BR3 of the Core Strategy and Borough Wide policies echo the London Plan in its strategic approach to protect and enhance biodiversity and to provide a net gain in the quality and quantity of the Borough's natural environment. This approach is also set out in Policy SP6 of the emerging Local Plan (Regulation 19 stage). Emerging policy DMNE2 of the draft local plan supports developments that maximise opportunities for urban greening. This policies requires developments to calculate their UGF in line with policy G5 of the London Plan. Policy DMNE3 of the draft local plan seeks to enhance nature conservation and biodiversity within scheme,



as such, all development proposals are required to minimise the impact of development on biodiversity and nature in accordance with policy G6 of the London Plan.

- 9.3 As noted above policies support developments which maximise opportunities for urban greening, including landscaping, street trees, green and brown roofs, green walls, food growing, rain gardens and nature-based sustainable drainage. In line with policy G5 of the London Plan a target score of 0.3 should be achieved for commercial developments. It is noted that B2 and B8 are excluded from having to achieve the minimum UGF score. The proposal is for the construction of a building in use class B2, B8 and E(g)(iii). In line with policy should the detailed design bring forward an industrial building in use Class B2 or B8 they would be excluded from having to achieve UGF in line with policy G5. Notwithstanding, if the final scheme was to deliver a building in E(g)(iii). In line with policy, it is expected that this achieves a UGF of 0.3. Officers are unable to make an accurate assessment of this at this stage noting a detailed design of the scheme has not been submitted. It is noted the site is predominantly industrial as such there is no requirement to meet UGF score. However, the applicant should demonstrate how urban greening has been considered as a fundamental element of the site and provide a calculation. It is recommended that this is conditioned.

#### 9.4 Biodiversity

- 9.5 An ecological impact assessment was submitted with this application. Gores Brook and the Ship and Shovel Sewer DINC falls partly on-site in the north-west and runs adjacent to the Site along the rest of the western boundary. The assessment concludes that whilst the Brook will not be adversely affected by the proposals, depending on the landscaping scheme, there is potential for water voles to be adversely affected, if present, as such, further surveys and appropriate mitigation may be required. All suitable habitat for common lizards will be lost from the Site and, depending on timescales for the development further surveys may be required to determine suitable long-term measures required to support the population. It is recommended that an updated ecological appraisal is submitted with this application. This should be prepared in line with the ecological impact assessment dated December 2023 and submitted with the reserved matters. This will be conditioned. The development is expected to provide ecological enhancements. To ensure all enhancements are appropriately managed a Landscape Management Plan (LMP) will be secured by condition.

- 9.6 Since February 2024 it has been mandatory for all major development. Notwithstanding, this application was submitted prior to this requirement becoming mandatory. To this end, whilst officers can encourage the provision of 10% biodiversity net gain this cannot be enforced at this stage given the requirement came in throughout the determination of the application. The applicant has submitted an ecological impact assessment. In terms of biodiversity net gain this concludes "From the illustrative plans, it will not be possible to achieve a 10 % net gain in biodiversity on-Site. However, in line with the Environment Act 2021 and associated guidance, mandatory BNG will only apply to new applications for planning permission for major development made after January 2024 and reserved matters will not be required to fulfil mandatory BNG if the outline is submitted before BNG is mandated (from Jan 2024)". Officers believe that the applicant will not be meeting the 10% BNG requirement given it is not a compulsory requirement given the timing of the submission of the application. This is acknowledged and accepted. Notwithstanding, the applicant should demonstrate how biodiversity net gain principles have been implemented in the design and layout of the scheme. It is recommended that a condition securing details of urban greening factor and biodiversity enhancements is attached to the proposal.

- 9.7 Further, a site clearance condition will be attached to ensure that any vegetation removal works do not have an unacceptable impact on existing ecological assets.

#### 9.8 Sustainable Drainage

- 9.9 The NPPF states that new development should be planned for in ways that avoid increased vulnerability to the impacts arising from climate change. Policy highlights that inappropriate development in areas at risk of flooding should be avoided, and that where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

- 9.10 London Plan policy SI13 supports sustainable drainage. This policy states that development proposals should aim to achieve greenfield runoff rates and ensure that surface water run-off is managed as close to the source as possible. There should be a preference for green over grey features, in line with the drainage hierarchy. Drainage should be designed and implemented to promote benefits including urban greening, improved water quality and water efficiency. Policies CR4 and BR4 of the Core Strategy and Borough Wide Policies and Policy DMSI6 of the emerging Local plan (Regulation 19 stage), set out the local policy position.

- 9.11 The application site is located in flood zone 3, this presents 1% or greater probability of flooding from rivers or 0.5% or greater probability of flooding from the sea. Noting the nature of the development, officers are satisfied there will be no sleeping accommodation proposed at ground floor level or below the breach flood level. The submitted flood risk assessment confirmed that whilst the building finished floor levels have not been confirmed, once designed these will be set as close to the tidal breach level (or above) as possible which officers welcome. Additionally, the flood risk assessment concludes that the area is understood to benefit from a range of River Thames tidal flood defences which provide a level of protection up to 1 in 1000-year flood event a level of 7.1m AOD. The environmental protection was consulted who raised no objections on flood risk grounds. Notwithstanding, they have recommended conditions relating to previously unidentified contamination, SuDS infiltration of surface water into ground, piling and verification report. The EA consider the development to be unacceptable without the inclusion of these conditions. Officers have reviewed these conditions and recommend these are imposed should the application be approved. It is noted that the contamination and verification report conditions have been drafted as 1 condition, with SuDS infiltration of surface water and piling being separate conditions. In addition, as condition securing the submission of an emergency flooding plan shall be imposed on this application.
- 9.12 In terms of drainage and outline drainage system has been provided. It would be expected that during reserved matters stage a detailed drainage strategy in line with the drainage hierarchy is submitted. This should incorporate a sustainable drainage and be designed so that it does not increase the flow rates in the receiving watercourses including ensuring that the peak flow during heavy rainfall event can be accommodated within the site without increasing a flood risk to downstream catchments. This is recommended by the submitted flood risk assessment and drainage system report and aligns with the system consented under the full planning application. Details of a drainage system will be secured under planning conditions.
- 9.13 Thames Water were consulted as part of this application. They have no comments to make on the proposal.
- 9.14 Subject to the imposition of conditions officers consider the proposed drainage strategy to be acceptable and in keeping with the development policies.
- 9.15 Utilities Assessment
- 9.16 A utilities assessment report has been submitted with this application. This provides an overview of the utility's services in the area. It is recommended that applications for reserved matters are accompanied by a foul sewage and utilities strategy which sets out how the development will connect to existing utility services. This will be conditioned.
- 9.17 Summary
- 9.18 Subject to the impositions of conditions officers consider the proposed development to be acceptable and in keeping with the development policies.

### **Conclusions:**

This application seeks outline planning permission for a maximum of 10,128sqm of industrial floor space for use in B2/B8/E(g)(iii). The proposed use is considered appropriate in this location. The maximum parameters of the scheme align with the development previously approved under application 21/01355/FULL. It is proposed for this outline permission to run in parallel to the extant full planning permission to provide flexibility to the site. Future owners/occupiers will have the opportunity to either build out the full permission or submit reserved matters. It is acknowledged that in providing flexibility this could result in a smaller scheme being brought forward. Whilst this would be regrettable officers believe this will ultimately enable the delivery of a scheme to provide new employment and industrial floor space. The principle of development is acceptable in policy terms.

All matters are reserved, notwithstanding, the maximum parameters to be secured will align with the previously approved full application. In design terms the proposal is considered to have an acceptable impact on the character and appearance of the area. It is likely the development will be design for a practical use which is supported in this designated SIL location.

The proposal will present high quality sustainable development whilst also having an acceptable impact on neighbouring site. Conditions and S106 obligations have been attached to ensure this is brought forward.

It is noted the development may result in greater impacts on the highway than application 21/01355/FULL should the development be built out to its maximum capacity and used for last mile logistics. Nevertheless, officers consider the proposed use to be entirely appropriate in this location, likewise it would generate

new employment and industrial opportunities in the borough within an existing vacant brownfield site that is designated as SIL. The benefits arising from the scheme are considered to outweigh the harm caused and can be mitigated against with the proposed package of financial obligations. Therefore, on balance the highway impacts are acceptable in this instance.

The development will contribute to enhancing urban greening and biodiversity onsite and intends to deliver and sustainable drainage.

Overall, subject to the imposition of conditions and s106 obligations officers consider the proposal to be acceptable and in keeping with the development policies. It is recommended outline planning permission is granted.

**Appendix 1:**

| <p><b>Development Plan Context:</b><br/>                     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:</p> |  |
|--|--|
| <p><i>National Planning Policy Framework (NPPF) (December 2023)</i></p>  |  |
| <p><i>The London Plan (March 2021)</i></p>   | <p>Policy GG2 Making the best use of land<br/>                     Policy E5 Strategic Industrial Locations (SIL)<br/>                     Policy E4 Land for industry, logistics and services to support London’s economic function<br/>                     Policy E7 Industrial intensification, co-location and substitution<br/>                     Policy E3 Affordable Workspace<br/>                     Policy SD1 Opportunity Area<br/>                     Policy E8 Sector growth opportunities and clusters<br/>                     Policy D1 London’s form, character and capacity for growth<br/>                     Policy D4 Delivering good design<br/>                     Policy D6 Housing quality and standards<br/>                     Policy HC1 Heritage conservation and growth<br/>                     Policy GG1 Building Strong and Inclusive Communities<br/>                     Policy GG3 Creating a healthy city<br/>                     Policy D14 Noise<br/>                     Policy D13 Agent of Change<br/>                     Policy SI10 Aggregates<br/>                     Policy E7 Industrial intensification, co-location and substitution<br/>                     Policy T6 Car Parking<br/>                     Policy T6.2 Office Parking<br/>                     Policy T5 Cycling<br/>                     Policy T2 Healthy Streets<br/>                     Policy T3 Transport capacity, connectivity and safeguarding<br/>                     Policy SI7 Reducing waste and supporting the circular economy<br/>                     Policy SI2 Minimising Greenhouse Gas Emissions<br/>                     Policy SI3 Energy Infrastructure<br/>                     Policy SI4 Managing Heat Risk<br/>                     Policy G6 Biodiversity and access to nature<br/>                     Policy G5 Urban Greening<br/>                     Policy D8 Public Realm<br/>                     Policy SI13 Sustainable Drainage</p> |
| <p><i>Local Development Framework (LDF) Core Strategy (July 2010)</i></p>  | <p>Policy CM1 General Principles for Development<br/>                     Policy CE 3 Safeguarding and Release of Employment Land<br/>                     Policy CC3 Achieving Community Benefits through Developer Contributions<br/>                     Policy CP3 High Quality Built Environment<br/>                     Policy CP2 Protecting and Promoting our Historic Environment<br/>                     Policy CR3 Sustainable Waste Management<br/>                     Policy CR1 Climate Change and Environmental Management<br/>                     Policy CR2 Preserving and Enhancing the Natural Environment<br/>                     Policy CR4 Flood Management</p>   |

|   |  |
|---|--|
| <p><i>Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)</i></p>   | <p>Policy BP11 Urban Design<br/> Policy BP3 Archaeology<br/> Policy BP8 Protecting Residential Amenity<br/> Policy BR13 Noise Mitigation<br/> Policy BR5 Contaminated Land<br/> Policy BR9 Parking<br/> Policy BR10 Sustainable Transport<br/> Policy BR11 Walking and Cycling<br/> Policy BR15 Sustainable Waste Management<br/> Policy BR2 Energy and On-Site Renewables<br/> Policy BR1 Environmental Building Standards<br/> Policy BR3 Greening the Urban Environment<br/> Policy BR4 Water Resource Management</p>   |
| <p><i>The London Borough of Barking and Dagenham’s Draft Local Plan: (Regulation 19 Submission Version, December 2021) is now at an “advanced” stage of preparation, having gone through Local Plan Examination in Public in November 2023. Having regard to NPPF paragraph 48, the emerging document is now a material consideration and significant weight will be given to the emerging document in decision-making.</i></p> |  |
| <p><i>The London Borough of Barking and Dagenham’s Draft Local Plan: (Regulation 19 Consultation Version, December 2021)</i></p>  | <p>Policy SPDG1 Delivering growth in Barking and Dagenham<br/> Policy SP5 Promoting inclusive economic growth.<br/> Policy DME1 Utilising the borough’s employment land more efficiently.<br/> Policy SPP3 Dagenham Dock and Freeport<br/> Policy DME2 Providing flexible, affordable workspace.<br/> Policy SP2 Delivering a high quality and resilient built environment.<br/> Policy DMD1 Securing high-quality design.<br/> Policy DMD4 Heritage assets and archaeological remains.<br/> Policy DMSI3 Nuisance<br/> Policy DMSI5 Land Contamination<br/> Policy DMT2 Car Parking<br/> Policy DMT3 Cycle Parking<br/> Policy DMT1 Making better connected neighbourhoods.<br/> Policy SP7 Securing a clean, green, and sustainable borough.<br/> Policy DMSI8 Demolition, construction, and operational waste<br/> Policy DMSI2 Energy heat and carbon emissions<br/> Policy DMNE2 Urban Greening<br/> Policy DMNE3 Nature conservation and biodiversity<br/> Policy DMSI6 Flood risk and defences.</p> |

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| <p><b>Additional Reference:</b></p>   |
| <p><i>Human Rights Act</i></p> <p>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></p> <p>In determining this planning application, the BeFirst on behalf of the London Borough of Barking &amp; Dagenham has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010 (as amended).</p> <p>For the purposes of this application there are no adverse equalities issues.</p> |



**Appendix 2:**

| <b>Relevant Planning History:</b> |   |         |                                     |
|-----------------------------------|---|---------|-------------------------------------|
| <i>Application Number:</i>        | 23/01844/SCREEN   | Status: | Issued                              |
| <i>Description:</i>               | Request for an EIA Screening Opinion Under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended): Outline planning application (all matters reserved), for the construction of an industrial building (Use Class B2, B8, E(g)(iii)), with ancillary offices; creation of new vehicular accesses from Choats Road and Halyard Street; cycle, motorcycle and car parking; pedestrian access; hardstanding and circulation areas; ancillary infrastructure and all other ancillary and enabling works including landscaping, drainage, engineering, substation, ground stability works and boundary treatment. |         |                                     |
| <i>Application Number:</i>        | 21/01355/FULL   | Status: | Approved Subject to Legal Agreement |
| <i>Description:</i>               | Construction of an industrial building (Use Class B2, B8, E(g)(iii)), with ancillary offices; access ramp; creation of new vehicular accesses from Choats Road and Halyard Street; pedestrian and cycle access from Choats Road; cycle, motorcycle and car parking; roof mounted solar panels; hardstanding and circulation areas; roof terrace; sprinkler tanks; pump; and all other ancillary and enabling works including landscape, drainage, engineering, ground stability works and boundary treatment.   |         |                                     |

### Appendix 3:

The following consultations have been undertaken:

- Ward Councillors
- LBBB My Place
- LBBB Inclusive Growth
- LBBB Employment and Skills
- LBBB Leisure, Parks and Heritage
- LBBB Trees
- LBBB Commissioning Lead Sustainability
- LBBB District Heating/Energy
- LBBB Strategic Refuse and Recycling
- LBBB Refuse Services
- LBBB Specialist Services
- LBBB Access Officer
- LBBB Lead Local Flood Authority
- Essex and Suffolk Water Company
- London Fire Brigade
- Thames Water
- Historic England
- TfL Underground
- TfL Planning
- Environmental Agency
- Be First Transport
- Design out Crime.
- LBBB Highways
- Highways England
- LBBB Environmental Protection Officer.
- LBBB Employment and Skills
- TfL London Overground
- LBBB Parking Enforcement and CPZ

| <b>Summary of Consultation responses:</b>                                |  |  |
|--|--|--|
| <b>Consultee and date received</b>                                       | <b>Summary of Comments</b>   | <b>Officer Comments</b>  |
| Design out Crime<br>Dated 27.02.2024                                     | No objection subject to the specific concerns stated in Section 3 of the report being addressed and a Secure by Design condition being attached. | This has been assessed in section 4.26 of the report. The recommended condition has been attached. |
| LBBB Parking Project Officer<br>Dated 25.01.2024                         | No concerns with the proposed  | Comment has been noted.  |
| London Underground/<br>DLR Infrastructure Protection<br>Dated 12.01.2024 | No comments  | This is noted  |
| Highways England<br>Dated 01.02.2024                                     | No objections  | Comment noted  |
| London Fire Brigade  | No further observations to make.   | Comment noted. This is assessed in section 4.28 and 4.29.  |



|   |   |  |
|---|---|--|
| Dated 03.02.2024  |   |  |
| Historic England<br>Dated 29.01.2024                            | <p>A Written Scheme of Investigation prepared by MOLA dated 2021 has previously been submitted and approved.</p> <p>A post-investigation assessment and an updated project design needs to be submitted. It is recommended that this is condition.</p>  | <p>Comments noted and assessed in section 4.21.</p> <p>The recommended condition has been included.</p>  |
| LBBB<br>Environmental<br>Protection Officer<br>Dated 07.02.2024 | <p>The following conditions are recommended:</p> <ul style="list-style-type: none"> <li>• Contaminated Land</li> <li>• Noise Generating Mechanical Services Plant</li> <li>• Noise Impact Assessment Report</li> <li>• Air Quality and Air Quality Neutral Assessment</li> <li>• Floodlights, Security lights and Decorative External Lighting</li> <li>• Construction Environment Management and Site Waste Management</li> <li>•</li> </ul>   | <p>Comments noted and conditions recommended have been attached to this application.</p>   |
| LBBB<br>Employment and<br>Skills<br>Dated 29.01.2024            | <ul style="list-style-type: none"> <li>• Can an employment, skills and suppliers plan (ESSP) be submitted 6 months prior to work commencing with standard clauses attached.</li> <li>• Previous financial contributions should be secured again under this application</li> </ul>   | <p>Comments noted and assessed in section 2.1 to 2.13 of this report.</p> <p>An S106 obligation will be attached securing the submission of ESSP and financial contributions</p> |
| Thames Water<br>Dated 24.01.2024                                | <ul style="list-style-type: none"> <li>• Thames Water have no comments to make.</li> </ul>  | <p>This is noted.</p>  |
| Transport for<br>London<br>Dated 29.02.2024                     | <ul style="list-style-type: none"> <li>• The general principle should be that the same contributions and mitigations should be secured, applied proportionately to the quantum of development in the RMA. However, there are a few considerations which would alter that:</li> <li>• We would hope to seek a lower contribution to mitigate the road network impact as a result of a lower proportion of commuter car parking.</li> <li>• Bus contributions – we can't charge for half an additional peak hour journey because we can't provide half a service. Whole costs in this case will need to be asked for.</li> <li>• Contribution sums should be increased in line with BCIS to ensure the applicant is paying for</li> </ul> | <p>Comments are noted and have been assessed in section 6 of the report.</p>   |

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|--|---|--|
|  | <p>indexation between the two consents.</p> <ul style="list-style-type: none"><li>• Bus costs have increased disproportionately due to the move to a fully electric fleet, so the costs would need to be recalculated afresh.</li><li>• Some of the anticipated contributions for other matters were reduced because SEGRO were going to pay towards improvements at Goresbrook Interchange. There is now much more certainty over the implementation of the City of London's application which will result in improvement works at Goresbrook. This should allow diversion of funds to</li><li>• On examination of an RMA, other items may come to light.</li><li>• There is a particular issue, related to both sites for contributions and Plot 3 for layout. Many years ago a strip of land just south of the carriageway of Choats Road was safeguarded (I'm not sure whether there was any statutory safeguarding) for the Docklands Light Railway extension that was planned to support Barking Riverside before the rail intervention changed to Overground. There was talk about using this for sustainable travel (provision of high-quality cycle lanes) when considering the City Markets application, but I don't think anything specific was secured although there is funding and an obligation to spend it on cycling. This came up on Monday this week in a pre-app meeting for the Barking Riverside uplift (the NOPA). Some contributions towards this from both sites would appear to be reasonable. For Plot 3, the junction arrangements will affect the existing on-carriageway cycling provision and so contributions are further justified. However, much more importantly, while this strip of land is fenced by other landowners in the area, it's not built on, yet the Plot 3 indicative schemes show it built on for car parking. Loss of this single link in the chain would prevent</li></ul> |  |
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|  | provision of high-quality cycling infrastructure in the future. I would ask that the applicant amends their parameter plans to show that this strip will not be built on |  |
|--|--|--|

**Appendix 4:**

| <b>Neighbour Notification:</b>                      |            |
|---|------------|
| <b>Date Site Notice Erected:</b>                    | 25.01.2024 |
| <b>Date of Press Advertisement:</b>                 | 17.01.2024 |
| <b>Number of neighbouring properties consulted:</b> | 169        |
| <b>Number of responses:</b>                         | 0          |

## Appendix 5:

### Conditions & Informatives:

#### General

##### **1. Reserved Matters to be Submitted.**

Approval of the details of the access, appearance, landscaping, layout and scale of the proposed development (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development begins (excluding demolition, remediation and enabling works) and the development shall not be carried out except in accordance with the details so approved.

*Reason: The application is in outline only and these details remain to be submitted and approved.*

##### **2. Timing of Reserved Matters Submission**

The applications for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission.

*Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).*

##### **3. Timing of Reserved Matters Commencement**

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

*Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).*

##### **4. Approved Parameter Plans and Documents**

The development hereby permitted shall be completed in accordance with the following submitted Parameter Plans and documents, unless otherwise agreed in writing with the Local Planning Authority:

- 31603-PL-211B Plot 3 Proposed Parameters Plan [Revision B] dated 28.11.2023

*Reason: For the avoidance of doubt and in the interests of proper planning.*

#### Information required within reserved matters.

##### **5. Fire Statement**

At application for reserved matters a Fire Safety Statement, produced by a third party suitably qualified assessor shall be submitted to and approved in writing by the Local Planning Authority. The statement shall detail the building construction, methods products and materials uses; the means of escape for all buildings including those who are disabled or require level access together with the associated management plan; access for fire service personnel and equipment, ongoing maintenance and monitoring and how provision will be made within the site to enable fire appliances to gain access to the building.

The statement shall demonstrate how the development meets the requirements of London Plan Policies D12(B) and D5(B5). The development shall be implemented in accordance with the approved Fire Statement and retained as such for the lifetime of the development.

*Reason: In the interests of fire safety*

## **6. Noise Impact Assessment**

At application for reserved matters an updated Noise Impact Assessment Report to incorporate the reserved matters site layout and details of typical night time background noise levels over a week prepared by a competent Acoustic Consultant shall be submitted to and approved in writing by the Local Planning Authority. The report must identify the impact of the development on existing and proposed noise sensitive uses and where necessary detail the proposed mitigation measures to manage the impacts.

*Reason: To ensure that residential and other noise sensitive premises are adequately protected from noise.*

## **7. External Lighting Assessment**

Application for reserved matters consent must be accompanied by details of any external lighting associated with the development including levels of illumination, position, structure, direction of illumination, which shall be submitted to and approved in writing by the Local Planning Authority.

The External artificial lighting at the development shall not exceed lux levels of vertical illumination at neighbouring premises that are recommended by the CIE guidance 2003 & 2017 and the ILP Guidance Notes for the Reduction of Obtrusive Light (2021). Lighting should be minimised, and glare and sky glow should be prevented by correctly using, locating, aiming and shielding luminaries, in accordance with the Guidance Notes.

*Reason: To ensure that the amenity of occupiers of surrounding premises is not adversely affected by lightning*

## **8. Transport Assessment**

Application for reserved matters consent must be accompanied by a Transport Assessment prepared by a competent transport consultant which provides detailed layout of the vehicle parking spaces (including provision for HGV, LGV and Cars), delivery and servicing, trips generated and circulation within the site using junction model and VISSIM model submitted with the outline planning application. The assessment shall be submitted to and approved in writing by the Local Planning Authority.

The maximum number of vehicle parking spaces shall not exceed 63 parking spaces at any time.

The details should include the design of blue badge disabled parking spaces having regard to the adopted London Plan

*Reason: In order to ensure an acceptable level of parking and to ensure that vehicle movements associated with the use hereby permitted remains consistent and that the use shall not represent any unacceptable level of vehicle movements such that the safety of pedestrians shall be unduly prejudiced.*

## **9. In-Principal Highway works Plan**

Application for reserved matters consent must be accompanied by a scheme of highways works setting out the improvement works proposed to the access/egress of and adjustments to Choats Road to accommodate safe movements for all road users. The plan shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure the development provides a safe and acceptable impact on the highway.*

## **10. Delivery and Servicing Plan**

Application for reserved matters consent must be accompanied by details of a Delivery and Servicing Plan in line with TfL Guidelines shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully implemented before the first occupation of all industrial 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.*

### **11. Travel plan**

Application for reserved matters shall include a Travel Plan which shall be submitted to and approved in writing by the Local Planning Authority in consultation with TfL. That Travel Plan shall include measures for minimising car trips and promoting and encouraging travel to/from the site by sustainable modes such as walking, cycling and public transport. The approved Travel Plan shall provide a programme for monitoring, reviewing, maintaining and developing the Travel Plan in relation to the targets.

*Reason: To ensure that the proposal abides by the Council's sustainable transport objectives.*

### **12. BREEAM Target- Excellent**

The submission of reserved matters shall be accompanied with a statement demonstrating how the development is designed to achieve an 'Excellent' Building Research Establishment Environmental Assessment Methodology (BREEAM 2018) rating or equivalent.

*Reason: In the interest of energy efficiency and sustainability.*

### **13. Circular economy statement**

The submission of reserved matters shall be accompanied by an updated Circular Economy Statement, which shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include the principles set out in the Circular Economy Statement prepared by L.C.D Consulting dated 15.12.2023.

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

### **14. Details of all boundary treatment and landscaping**

The submission of reserved matters shall be accompanied by details of all boundary treatment and landscaping of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and permanently retained thereafter.

*Reason: To ensure that the finished appearance of the development will respect the character and visual amenities of the local area.*

### **15. Waste and Recycling Strategy**

Prior to occupation of the site, an Outline Operational Waste and Recycling Strategy providing details of how waste will be managed. The strategy shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure adequate levels of waste managed and recycling within the site.*

### **16. Energy Statement**

- a) The submission of reserved matters shall be accompanied by an energy statement which demonstrated that the development will achieve a minimum of 35% reduction over Part L of the Building Regulations 2021 through on-site provisions.
- b) A post completion report demonstrating compliance to the submitted Energy Statement, shall be provided and approved in writing by the Local Planning Authority within SIX (6) months of first occupation of any phase of the development. This report shall be submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure an energy efficient and sustainable development.*

## **17. Ecological Impact Assessment**

The submission of reserved matters shall be accompanied by an updated Ecological Impact Assessment, which shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include the principles set out in the Ecological Impact Assessment Plot 3, SEGRO Park [Issue 1] prepared by DeltaSimons dated December 2023.

*Reason: To ensure the development provides biodiversity enhancements on site.*

## **18. Foul Sewage and Utilities Strategy**

The submission of reserved matters shall be accompanied by a foul water and utilities strategy, which shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall demonstrate how the development connects to existing utility services in line with the principles set out in the Utility Assessment Report, Plot 3 [Revision 004] dated 13.12.2023.

*Reason: To ensure acceptable impact on existing drainage and utility provision.*

## **19. Urban Greening Factor and Biodiversity Enhancements**

The submission of reserved matters shall be accompanied by an urban greening factor scheme which demonstrates urban greening principles and the measures taken to achieve urban greening on-site in line with London Plan guidelines. The scheme shall be constructed in accordance with the proposals, principles and biodiversity enhancements set out in the Ecological Impact Assessment (December 2023) prepared by Delta Simons.

*Reason: To ensure that the development contributes to enhancing the quality and appearance of the urban environment.*

## **Prior to commencement of development**

### **20. Landscape Management Plan**

A Landscape Management Plan (LMP) shall be submitted to and be approved in writing by the local planning authority prior to the commencement of any subsequent reserved matters application. The approved plan will be implemented in accordance with the approved details. The content of the LMP shall include the following:

Standard LMP information, including:

Description and evaluation of features to be managed. Aims and objectives of management.

IV. Appropriate management options for achieving aims and objectives.

V. Prescriptions for management actions.

VI. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).

VII. Details of the body or organization responsible for implementation of the plan.

VIII. Ongoing monitoring and remedial measures.

IX. The funding mechanism by which the long-term implementation of the plan will be secured.

*Reason: To preserve and enhance the Borough's natural environment.*

### **21. Sustainable Drainage System.**

a) The development permitted under subsequent reserved matters shall not commence unless and until a surface water drainage scheme for the site (based on sustainable drainage principles SuDS) has been submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme shall include:

i) a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development.



- ii) a demonstration that the surface water run-off generated up to and including the 100 years plus Climate Change critical storm period will not exceed the run-off from the undeveloped site following the corresponding rainfall event.
- iii) completed Barking and Dagenham Surface Water Drainage Pro-forma for new developments form.
- iv) details of how the proposed surface water drainage scheme will be maintained; and
- v) a drainage scheme nominating the ownership, management and maintenance arrangements.

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

- b) The surface water drainage scheme shall be implemented prior to the first occupation and/or use of the development and be constructed in accordance with the approved details.

*Reason: To safeguard the public from surface water flood risk, protect the environment and respond to climate change. The imposition of this prior to commencement planning condition is considered necessary to prevent commencement of works until the requirements have been met because the timing of compliance is fundamental to the decision to grant planning permission.*

## 22. Contamination

The development permitted under subsequent reserved matters shall not commence 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, service lines and pipes, adjoining land, groundwaters and surface waters, ecological systems, archaeological sites, and ancient monuments; and
  - iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

- b) 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 in accordance with policy BR5 of the Borough Wide Development Policies.

### **23. Construction Environmental Management Plan (CEMP) and Site Waste Management Plan (SWMP)**

The development permitted under subsequent reserved matters shall not commence until a Construction Environmental Management Plan (CEMP) and a Site Waste Management Plan (SWMP) have been submitted to and approved in writing by the Local Planning Authority. These Plans shall incorporate details of:

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

Once approved the Plans shall be adhered to throughout the construction period for the 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 07:00 and 19:00 Monday to Friday and 07:00 and 18:00 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 07:00 and 19:00 Monday to Friday and between 08:0 and 13:00 on Saturdays.

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.

*Reason: In order to reduce the environmental impact of the construction and the impact on the amenities of neighbouring occupiers.*

## **24. Construction Logistics Plan**

The development permitted under subsequent reserved matters shall not commence until a Construction Logistics Plan (CLP) has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be designed to minimise deliveries of materials and export of any waste materials within the times of peak traffic congestion on the local road network. The Plan shall be implemented in accordance with the approved details and thereafter maintained until the development has been completed.

*Reason: The Construction Logistics Plan is required prior to commencement of development in order to minimise the impact of construction on the free flow of traffic on the local highway network and in the interests of highway safety.*

## **25. Construction Noise**

The development permitted under subsequent reserved matters shall not commence until an acoustic report has been submitted to and approved in writing by the Local Planning Authority. Such a report will demonstrate that construction noise levels at the nearest dwellings should not exceed 75 dB LAeq,10h during weekday daytime (07:00 –19:00) and 75 dB LAeq,5h during Saturday daytime (07:00 – 18:00). Where it is considered impractical to meet this noise limit the report should detail mitigation measures taken to reduce noise to a minimum. The approved measures for the mitigation of construction noise shall be implemented prior to the commencement of all works and be maintained until the development has been completed.

*Reason: To ensure that works do not prejudice the ability of neighbouring occupier's reasonable enjoyment of their properties and to ensure that works shall not represent any unacceptable level of noise. The imposition of this prior to commencement planning condition is considered necessary to prevent commencement of works until the requirements have been met because the timing of compliance is fundamental to the decision to grant planning permission.*

### **Information required prior to above ground floor works.**

## **26. Electric Vehicle Charging Points and Rapid Electric Vehicle Charging Points**

- a) Prior to above ground works of any development hereby permitted under subsequent reserved matters, details of vehicle parking spaces shall be accompanied by detailed plans showing the provision of Electric Vehicle and Rapid Electric Vehicle Charging Points to be submitted and approved in writing by the Local Planning Authority.
- i) A minimum of 5% of all car parking spaces should be provided as Rapid Charging Spaces
  - ii) A minimum of 25% of all spaces (not including those under part (i) shall be active spaces and
  - iii) The remainder 70% shall have passive provision.

The details shall be accompanied by a management and maintenance plan including details of key contacts.

b) Prior to first use of site the details approved under part (a) shall be implemented and thereafter retained for the lifetime of the development.

*Reason: To restrict car usage and encourage the use of electric vehicles in order to reduce carbon emissions*

## **27. Cycle Parking**

a) Prior to above ground works of any development hereby approved under subsequent reserved matters, a detailed layout of cycle parking including the location, design and number of short and long stay car parking spaces demonstrating compliance with the London Plan 2021 and the London Cycle Design Standards shall be submitted to and approved in writing by the local planning authority (in consultation with TfL).

b) Prior to first use of the site the details approved under part (a) shall be implemented and thereafter retained for the lifetime of the development.

*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.*

## **Prior to occupation**

### **28. Emergency Flood Risk**

Prior to first use of the site an emergency flooding plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall as a minimum include:

- a) Details of advanced flood warning measures;
- b) Advanced site preparation measures to be undertaken in the event of a flood warning;
- c) Site evacuation measures;
- d) Measures to monitor the surface water drainage system and drainage ditch system in the wider area;
- e) Dedicated named flood wardens who will be on site during all operational hours of the development, responsible for flood safety measures in accordance with emergency flood management plan.

The approved emergency flooding plan shall be relayed to all site workers and shall be implemented for the life of the development.

*Reason: to ensure future occupiers are not susceptible to unacceptable flood risk.*

### **29. Car Park Management Plan**

Prior to occupation of the site, a car parking management plan shall be submitted to and approved in writing by the local planning authority in consultation with TfL. The car parking management plan should detail how the car parking spaces are allocated, managed and monitored. The development shall be carried out in accordance with the details approved.

*Reason: To ensure that sufficient off-street parking areas are provided and not to prejudice the free flow of traffic or conditions of general safety along the adjoining highway, to ensure and promote easier access for disabled persons*

## **Compliance**

### **30. Archaeology**

The development must be carried out in accordance with the submitted Written Scheme of Investigation for a geoarchaeological evaluation (WSI) prepared by the Museum of London Archaeology (dated November 2021).

The development shall not be occupied until a post-investigation assessment (PXA), with an updated project design and subsequent analysis, publication & dissemination and deposition of resulting material has been submitted to and approved by the Local Planning Authority in writing.

*Reason: Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation followed by the subsequent recording of significant remains in accordance with recommendations given by the borough and in the NPPF.*

### **31. BREEAM**

The BREEAM 2018 post-construction assessment demonstrating how the development will achieve (BREEAM Excellent), shall be submitted to and approved in writing by the Local Planning Authority within SIX (6) MONTHS of occupation, to demonstrate that the development is in accordance with an agreed methodology to ensure that the required minimum rating has been achieved.

*Reason: In the interest of energy efficiency and sustainability.*

### **32. Circular Economy Statement- post-construction**

A post completion report demonstrating compliance with the Circular Economy Statement must be provided and approved in writing by the Local Planning Authority within 6 months of first occupation of any part of the development.

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

### **33. Maximum Quantum of Floorspace**

The development hereby approved shall be limited to a maximum of 10,128sqm and maintained thereafter.

*Reason: In order to ensure that the development causes no additional impact that has not been assessed as part of the planning application proposal.*

### **34. Site Specific Non-Road Mobile Vehicles**

During onsite construction works, all non-road transportable industrial equipment or vehicles which are fitted with an internal diesel-powered compression ignition engine between 37 and 560KW and not intended for transporting goods or passengers on roads are required to be NRMM registered and comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance 'Control of Dust and Emissions from Construction and Demolition SPG' July 2014. Such vehicles must be run on ultra-low sulphur diesel (also known as ULSD 'cleaner diesel' or 'green diesel'). "Ultra-low sulphur diesel" means fuel meeting the specification within BS EN 590. Where these standards are succeeded, they should be applied no later than 1 year after succession. Exemptions to these standards maybe granted for specialist equipment or for equipment with alternative emission reduction equipment or run-on alternative fuels. Such exemptions shall be applied for in writing to the LPA in advance of the use of such vehicles, detailing the reasons for the exemption being sought and clearly identifying the subject vehicles. Exemptions that are granted will be in writing and such vehicles must not be used until written exemption has been received by the applicant. No vehicles or plant to which the above emission standards apply shall be on site, at any time, whether in use or not, unless it complies with the above standards, without the prior written consent of the local planning authority.

*Reason: To ensure that air quality is not adversely affected by the development and to protect the amenity of future occupants and/or neighbours.*

### **35. Flood Risk Assessment**

The development permitted by this planning permission shall only be carried out in accordance with the principles set out in the Flood Risk Assessment and Drainage Strategy dated 15.12.2023. There shall be no raising of existing ground levels on the site to facilitate the free passage of flood water in times of flooding.'

*Reason: to minimise the risk of internal flooding and to ensure the safety of the occupants during a flood to ensure users of the site*

### **36. Maximum Car Parking Numbers**

The maximum number of vehicle parking spaces shall not exceed 63 parking spaces including blue badge disabled parking and thereafter maintained.

*Reason: In order to ensure an acceptable level of parking and to ensure that vehicle movements associated with the use hereby permitted remains consistent and that the use shall not represent any unacceptable level of vehicle movements such that the safety of pedestrians shall be unduly prejudiced.*

### **37. No Open Storage**

No open storage shall be permitted on site unless otherwise agreed in writing with the Local Planning Authority.

*Reason: To ensure a satisfactory standard of external appearance, in accordance with Policy CP3 of the Core Strategy and policy BP11 of the Borough Wide Development Policies Development Plan Document.*

*Reason: For clarity and in the interests of proper planning*

### **38. Secure by Design**

*The submission of reserved matters shall be accompanied by a report detailing how the scheme has taken into account the principles and practices of Secured by Design in order to assist in reducing the opportunity for crime, minimising fear of crime, and creating a safer and more secure environment. The scheme shall be constructed in accordance with the approved Report.*

*Reason: To ensure safe and secure development and reduce crime.*

### **39. Noise from Non-Residential Uses and Plant and Structure Borne Noise Emissions**

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 residential dwelling. Any assessment of compliance in this regard shall be made according to the methodology and procedures presented in BS4142:2014.

*Reason: To ensure that the proposed and surrounding residential properties and other noise sensitive premises in the vicinity of site are adequately protected from noise and in accordance with policy BR13 of the Borough Wide Development Policies Development Plan Document and the London Plan.*

### **40. Industrial use of site**

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), the development hereby approved is for Use Class B2, B8 and E(g)(iii) only and shall be used for no other purposes within Class E or any provision equivalent to these Class in any statutory instrument revoking and re-enacting that Order with or without modification.

*Reason: To safeguard the industrial use hereby permitted*

### **41. Site clearance**

Any vegetation removal works, including felling or pruning of the broadleaved and scrub clearance works shall be performed either before early March or after late August in order to avoid impacting any birds during the main period in which they are nesting. If, however, works are deemed necessary during the

nesting period an experienced ecologist will be required to check the Site habitats to confirm that no nesting birds will be affected by the proposed works.

*Reason: to protect potential on-site habitats.*

## Appendix 6:

### s.106 Proposed Heads of Terms:

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

#### **Administrative:**

1. Payment of the Council's professional and legal costs, whether or not the deed completes;
2. Payment of the Council's £ 20,000 reasonable fees in monitoring and implementing the Section 106 and payable on completion of the deed; and,
3. Indexing – all payments are to be index linked from the date of the decision notice to grant planning permission to the date on which payment is made, using BCIS index.
4. The agreement shall allow for the pro rata reduction of the sum of all contributions payable in the event that a reduced floorspace is approved at the Reserved Matters stage on the basis that the current contributions are calculated based on the maximum floorspace of the development of [10,128sqm GEA] and the contributions payable will be reduced at an equivalent reduction to the amount of approved floorspace.

## **Employment and Skills**

### 5. Local Employment and Skills Obligations

The Owner will use reasonable endeavours to ensure that jobs are provided to LBBB residents, during the construction of this proposed scheme.

The Owner will use reasonable endeavours to:

- ensure 25% of the total construction jobs (calculated on an FTE basis) created are new jobs filled by LBBB residents, either with the contractor or through the supply chain.
- Advertise 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.
- Provide a skill forecast for the development and highlight any shortages to the council's job brokerage service at least three months before commencement of the development.

### 4. Training during Construction The Owner will use reasonable endeavours to ensure the following:

- Deliver one training opportunity for every 10 construction workers – at least half of which (or 5% of the FTE workforce) must be apprenticeships leading to a full recognised qualification.
- Provide 10 weeks of work experience for every 6 months of the construction phase – with each placement lasting a minimum of 2 weeks;
- Provide at least one educational workshop / visit per educational term for the duration of the construction phase to support local schools and careers services.

### 5. Supply chain development during Construction

The Owner will use reasonable endeavours to:

- Submit a Tender Event Schedule 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;
- to ensure companies based in LBBB will be given a genuine opportunity to tender for all contracts and sub-contracts arising from the development;

- Provide 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);
- 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.

## 6. Employment- End User Obligations

The Owner will use reasonable endeavours to ensure that the Owner/ Occupiers' employees and jobs (including employees and jobs with its contractors) are provided to LBBB residents, during the end user phase in accordance with the following:

- ensure 25% of the total end user jobs (calculated on an FTE basis) created are new jobs filled by LBBB residents within the first 5 years of operation.
- Work closely with the council's employment and skills brokerage to achieve a target of **25% of all jobs** within the tenants' workforce on site to be filled by local residents within 5 years of operation.
- Advertise 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.

For end-user jobs, encourage tenants to work closely with the applicant and LBBB to advertise all newly created vacancies through the council's Job Brokerage service including through introducing tenants to LBBB's Job Brokerage service to help provide a skills forecast for the development and highlight any shortages to the Council's job brokerage service, a minimum of six months before operational end use commences; and where feasible including relevant commitments within terms and conditions of tenancies.

A commitment to collaborative working through the employment of a designated Employment co-ordinator to liaise with and where feasible provide access on site for the Council's Job Brokerage service.

## 7. Monitoring

- Once the development has commenced 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.
- This designated employment coordinator will attend with the Council regular site visits or meetings 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.
- Confirmation that all obligations have been met – or appropriate employment and training compensation agreed – must be provided before the Council will approve a developer's application for discharge of the obligations in this Agreement.
- 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.



8. Training and Employment Contribution

Financial contribution of £132,579 (BCIS Index Linked) to go towards the cost of training and employment support for local residents in respect of the construction and end user phase of the Development.

Trigger: To be paid on commencement of the development.

**Energy and Sustainability**

9. Carbon Reduction

On practical completion of the development, the Developer shall submit to the Council an assessment of the carbon reduction measures implemented within the Development demonstrating it achieves a minimum of 35% reduction over Part L of the Building Regulations 2021 through on-site provisions.

10. Carbon Offset Contribution

No later than 3 months from the date of Practical Completion of the development, where it is clearly demonstrated that zero-carbon standards (based on net-zero regulated CO2 emissions) cannot be achieved on-site, any shortfall should be provided through a cash in lieu contribution (£95/per tonne over a 30 year period or at the rate in place at the time of the application's determination) paid to the council.

The site shall not be occupied until the carbon offset contribution has been paid.

11. Future proof development in order to ensure it could connect to a District Heating Network

Prior to the commencement of Development, permitted under subsequent reserved matters, the Owner will submit a District Heating Network (DHN) Statement to the Council for approval to detail how the development could connect to the DHN or future DHN.

Trigger: statement to be submitted prior to commencement of development permitted under subsequent reserved matters.

12. Dagenham Dock Decentralised Energy Network Potential Study Contribution

A financial contribution £8,254 (BCIS Index Linked) towards a wider study for Dagenham Dock decentralised energy network potential.

The Owner and Be First will agree the scope of the study through the steering group at the time of commission. The progress of the study will be reported to the Steering Group.

Trigger: payment to be made Prior to commencement of development permitted under subsequent reserved matters (excluding demolition/enabling and remediation works).

13. Be Seen

- d) Prior to each Building being occupied, 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 (<https://www.london.gov.uk/what-wedo/planning/implementing-london-plan/london-plan-guidance-and-spgs/be-seen-energy-monitoring-guidance> ). 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).

- e) 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 (<https://www.london.gov.uk/what-we-do/planning/implementing-londonplan/london-plan-guidance-and-spgs/be-seen-energy-monitoring-guidance>). 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.
- f) In the event that the 'In-use stage' evidence submitted under Clause b) shows that the 'As-built stage' performance estimates derived from Clause a) have 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 b) 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.

## **Air Quality**

### **14. Air Quality off-setting contribution.**

A payment at the off-setting contribution rate of £29,000 per tonne of NOx over the benchmark applicable to B2/B8/E(g)(iii) uses (as set out in the Mayor of London's London Plan Air Quality Neutral Guidance applicable at the date of this Agreement (being London Plan Air Quality Neutral Guidance February 2023), will be applied if the approved air quality report concludes that the development is not air quality neutral.

Trigger: The assessment must be submitted to the Council prior to practical completion of the development and (if payable) to pay the contribution within 3 months of approval by the Council of the Air Quality Report.

## **Transport**

### **15. Submission of a revised Car Parking Management Plan**

To use reasonable endeavours to ensure that the End User submits by the 10th anniversary of occupation of the development, a revised Car Park Management Plan (CPMP) to the local planning authority for determination. The revised CPMP shall be accompanied with a report monitoring usage of the car park since first occupation. Subject to the CPMP demonstrating that the spaces are not essential for operation purposes, to use reasonable endeavour to ensure that the End User removes up to 10% of approved parking spaces by the 10th anniversary of first occupation of the development.

Trigger: The Plan must be submitted to the Council before the tenth anniversary of occupation of the Development

### **16. Site Wide Travel Plan**

The Owner shall develop a Site Wide Travel Plan that accords with the approved Framework Travel Plan in consultation with TfL.

Trigger: submitted to the Council for their approval before practical completion

- On the 1<sup>st</sup>, 3<sup>rd</sup>, 5<sup>th</sup> anniversary of the commencement of the operation of the development, 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/tenants have aimed to engage and encourage active, inclusive, and carbon-free sustainable travel to and from the site with their associated users.

#### 17. Bus Service Contribution

A financial contribution of £257,936 (BCIS Index Linked) towards the enhancement of local bus services at the morning peak and night times to serve the development.

Trigger: Payable on commencement of the development

#### 18. Strategic Infrastructure Masterplan Study Contribution

A financial contribution of £8,254 (BCIS Index Linked) towards the development of a strategic infrastructure masterplan study focused on modal shift, including the river / rail freight proposition, innovation, promotion and support of low carbon and autonomous vehicles.

The scope of the masterplan study will be submitted to the Council for approval. The scope will be discussed with relevant members of the Steering Group.

Trigger: Payment to be made prior to commencement of development permitted under subsequent reserved matters (excluding demolition/enabling and remediation works).

#### 19. S.278 Agreement

The Owner will enter into a S278 Agreement for the creation of new access/egress arrangements to the site and adjustments to Choats Road to accommodate safe movements for all road users.

The S278 Agreement (and all related approvals and consents) shall not be unreasonably withheld or delayed by the highway authorities (the highway authority being LBBDD and TfL). The highway authority shall use all reasonable endeavours to ensure congestion mitigation measures provided for in the S278 Agreement are in place prior to the intended date of first occupation. An agreed programme specifying all necessary procedural and implementation stages and their anticipated dates shall be included in the S106/278 Agreement and the parties shall carry out such stages in accordance with the programme.

#### 20. Road Network Improvements

A financial contribution of £51,587 (BCIS Index Linked) towards road network improvements. The financial contribution will be towards localised highways improvements including any improvements along Choats Road.

Trigger: Payment to be made prior to commencement of development

### **Public Realm**

#### 21. Public Realm Improvement Contribution

A financial contribution of £103,175 (BCIS Index Linked) towards Public Realm enhancements in and around Dagenham Dock C2C station and Chequers Lane.

Trigger: payment to be prior the commencement of development

## **Steering Group**

### 22. Steering Group Obligation.

A steering group set up by the Council on Commencement of Development which shall deal with the extent of the areas to be benefitted by the Dagenham Dock Decentralised Energy Network Potential Study, the Strategic Infrastructure Masterplan Study and the Public Realm Improvements.

### 23. Application Implementation

The Owner agrees and covenants with the Council that:

2. There shall be no Commencement of Development of this planning permission [reference 23/01947/OUTALL] if planning permission reference 21/01355/FULL is Commenced and vice versa.