

## **MINUTES OF PLANNING COMMITTEE**

Monday, 19 October 2020  
(6:00 - 7:54 pm)

**Present:** Cllr Muhammad Saleem (Chair), Cllr John Dulwich (Deputy Chair), Cllr Sanchia Alasia, Cllr Faruk Choudhury, Cllr Irma Freeborn, Cllr Cameron Geddes, Cllr Mohammed Khan, Cllr Olawale Martins, Cllr Foyzur Rahman and Cllr Dominic Twomey

### **16. Declaration of Members' Interests**

There were no declarations of interest.

### **17. Minutes (14 September 2020)**

The minutes of the meeting held on 14 September 2020 were confirmed as correct.

### **18. 1-18 Jervis Court, Church Elm Lane and 1-4 Rectory Road - 20/01352/FUL**

The Development Management Officer (DMO) introduced a report on an application from Be First for the demolition of existing buildings and structures ranging from 3 to 8 storeys, to provide 64 residential units (Use Class C3), flexible non-residential floorspace (Use Class F1) (644sqm), associated means of access, ancillary plant, servicing, car parking, landscape and associated works at 1-18 Jervis Court, Church Elm Lane and 1-4 Rectory Road, Dagenham. Following the publication of the agenda an addendum report was presented providing further clarification on a number of points in the proposed Heads of Terms and a revision to Condition 21 – Cycle parking implementation.

In addition to internal and internal consultations, a total of 737 letters were sent to neighbouring properties together with the requisite site and press notices. In total 25 letters of objection were received along with representations from the three Village ward councillors. The officer comments on the responses to the consultation were contained in the planning assessment detailed in the report.

All three Village ward councillors were present at the meeting, two of whom made representations, echoing the general views of those residents opposed to the development which included:

- Scale and massing
- Overdevelopment,
- Affordability of the units
- Crime and anti-social behaviour in the area,
- Loss of sunlight and daylight to adjacent properties in Church Elm Lane,

- Loss of ecology
- Lack of parking and cumulative impacts,
- Lack and quality of surrounding play area, and
- Issues around decanting existing residents

Members challenged some of the assumptions made by ward councillors in relation to this development, specifically concerning the issue of affordability.

Responding to the objections, officers addressed each of the principle points raised providing a summary of evidence and supportive documentation including various assessments and surveys that had been undertaken to address issues of daylight and sunlight, ecology, flooding and affordability. In relation to transport the proposed reconfiguration of parking detailed in the report including securing restrictions preventing future residents from obtaining parking permits for any controlled parking zones would mitigate for any loss of on street parking within the area. The 11 on-site parking bays included 2 blue badge holder bays and 9 residents bays, the latter of which would be prioritised for family size homes. Finally, in relation to crime and anti-social behaviour it was noted that whilst the Metropolitan Police had raised no objections a condition had been proposed to achieve a Secure by Design Silver rating.

Officers had concluded that the redevelopment of the site for new and improved community space within Class F1 and residential use was acceptable in principle and would contribute to the Borough's housing stock through the provision of 64 good quality units compliant with relevant standards. The proposal would comprise 100% affordable units which was considered to meet an identified need in the Borough.

The scale, siting and design of the development was considered appropriate to the site's context and would result in a high-quality finish, whilst respecting the amenity of neighbouring occupiers. The proposed landscaping strategy would positively contribute to the appearance and public realm of the area and enhance the arboricultural, biodiversity and environmental value of the site.

The development had a sustainable approach to transport whilst ensuring an acceptable impact on local highways and infrastructure. The proposal was also considered acceptable in terms of sustainability and air quality, with a financial contribution secured to mitigate any shortfall in carbon reduction.

The Committee **resolved** to:

- (i) Agree the reasons for approval as set out in the report and the addendum;
- (ii) Delegate authority to the Director of Inclusive Growth(or other authorised Officer), in consultation with the Director of Law and Governance, to grant planning permission subject to the completion of a Unilateral Undertaking under S106 of the Town and Country Planning

Act 1990 (as amended) based on the Heads of Terms identified at Appendix 7 of the report and the conditions listed at Appendix 6; and

- (iii) That, if by 19 April 2021 the Unilateral Undertaking had not been completed, the Director of Inclusive Growth (or other authorised Officer), in consultation with the Director of Law and Governance, be granted delegated authority to refuse planning permission or extend this timeframe, or refer this application back to the Planning Committee for determination.

**19. BRL-S96 Deed of Variation - Barking Riverside Area, Renwick Road - 19/01780/DOV**

The Principal Development Management Officer (PDMO), Be First, introduced a report on an application for a Deed of Variation to the S106 Agreement dated 8 March 2019 to make various changes to the legal agreement relating to the Barking Riverside Development, and which had been brought forward to this Committee due to the significance of a number of the proposed changes.

The PDMO outlined the background to the development and summarised the material planning issues including the relevant policy changes that have occurred since the granting of an earlier variation in 2017. The report set out details and responses to the consultations that have taken place.

Following due consideration of the proposed changes the view of officers was that they met the test under the relevant clause of the S106 Agreement.

The Committee **resolved** to:

- (i) Agree the amended obligations as outlined in the report; and
- (ii) Delegate authority to the Director of Inclusive Growth (or other authorised Officer) in consultation with the Director of Law and Governance to authorise the Deed of Variation to the Section 106 agreement dated 8 March 2019.

**20. 200 Becontree - S73 Deed of Variation - 200 Becontree Avenue, Dagenham - 20/01612/VAR**

The Development Management Officer (DMO), Be First presented a report detailing an application for a Section 73 Variation to a number of conditions and the proposed Heads of Terms contained in a Section 106 Agreement relating to the planning permission granted in July 2019 for a residential development at 200 Becontree, Dagenham.

In addition to internal and external consultations, a total of 104 neighbouring properties were consulted. At the time of the publication of the report no objections had been received, however a supplementary report was presented outlining one late neighbour objection on the grounds of a change

tenure from shared ownership to affordable rental. The officer response was contained in the planning assessment set out in both the published and supplementary reports, the latter of which also included a series of minor amendments to conditions put forward by the applicant.

The objector who was present at the meeting outlined their concern as to the change of tenure suggesting it would result in a lack of people wishing to build a long-term stake in the community. They claimed that properties for rent would lead to short term lets placing more strain on local public services. The site having previously been a synagogue had always been a community resource and converting it to short term rented accommodation was in their view a backward step.

It was suggested that the reasons for the change in tenure put forward by the applicant that affordable rent was considered more value to meet the local community needs was weak and without justification, and that rather it was more to do with the financial gain to the applicant.

In response the applicant explained that the Council had over the past year been developing its Local Plan and that forming part of this the latest housing needs assessment from February 2020 has shown that 1500 affordable units were needed to be constructed every year in the Borough to meet local requirements. A further assessment showed that only 20% of households could afford to purchase a London shared ownership property as opposed to 60% affording rental prices. This clearly demonstrated a need to make available a higher proportion of affordable rental properties.

The applicant pointed out although the monthly costs of both tenures were similar, the key difference was the deposit required for a shared ownership property meaning affordable rented properties were more accessible to a larger number of local households. In respect to the proposed variation, the evidence as to local housing need and this site in particular, did form a material planning consideration. Furthermore, it was the stated view of B&D Reside who would manage these properties, that the planned tenure and mix on this site would meet the needs of those on their waiting lists, another material planning consideration.

The objector stated that the officer response was not a new analysis of the housing need with the same argument about affordability put forward when the application was first approved. It therefore did not explain or provide justification for the applicant requesting the change in tenure now.

Members, whilst supportive of the planning merits of the application, did express concerns about aspects of Be First's communications with local residents concerning their proposed amendments with this scheme. The applicant explained that although the housing need assessment was published in February 2020, they took time to review its implications as to what changes in tenure mix might be applied to their wider portfolio of housing sites in the Borough. Therefore, given the advanced stage of development on

this site it was decided to seek the variation to 100% affordable rent. This view was communicated to local residents in a newsletter in August 2020.

Having regard to the changes as proposed and additional details submitted for consideration set out in the supplementary report, the officers considered that the proposal was generally in accordance with relevant planning policy.

The Committee **resolved** to:

- (i) Agree the reasons for approval as set out in the report;
- (ii) Delegate authority to the Director of Inclusive Growth (or other authorised Officer) in consultation with the Director of Law and Governance to grant planning permission subject to any direction from the Mayor of London, the completion of a Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 (as amended), based on the Heads of Terms identified at Appendix 7 of the report and the Conditions listed at Appendix 6 of the report; and
- (iii) That, if by 19 April 2021 the legal agreement has not been completed, the Director of Inclusive Growth (or other authorised officer) has delegated authority to refuse planning permission or extend this timeframe to grant approval.

**21. Deed of Variation - Land Between Whiting Avenue and Gurdwara Way, Barking - 20/01873/Sec106**

The Principal Development Management Officer (PDMO), Be First, introduced a report on an application from Pocket Living LLP for a Deed of Variation to the S106 Agreement approved under 17/01790/FUL at land between Whiting Avenue and Gurdwara Way, Barking. The applicant had sought the variation so as to remove the obligation for eligible purchasers of units on the proposed development to be under 40 years of age.

The PDMO outlined the background to the development and the planning assessment of the proposal to remove the above planning obligation, which in their opinion had met the test under the relevant clause of the S106 Agreement.

The Committee **resolved** to:

- (i) Agree to vary the obligation as set out in the report, and
- (ii) Delegate authority to the Director of Inclusive Growth (or other authorised Officer) in consultation with the Director of Law and Governance to agree to a Deed of Variation to amend the Section 106 Agreement.