

**Notice of Meeting**

**PLANNING COMMITTEE**

**Monday, 11 September 2023 - 7:00 pm  
Council Chamber, Town Hall, Barking**

**Members:** Cllr Muhammad Saleem (Chair), Cllr Jack Shaw (Deputy Chair), Cllr Faruk Choudhury, Cllr Muhib Chowdhury, Cllr Alison Cormack, Cllr Edna Fergus, Cllr Cameron Geddes, Cllr Harriet Spoor, Cllr Dominic Twomey and Cllr Sabbir Zamee

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Please note that this meeting will be webcast via the Council's website. Members of the public wishing to attend the meeting in person can sit in the public gallery on the second floor of the Town Hall, which is not covered by the webcast cameras. To view the webcast online, click [here](#) and select the relevant meeting (the weblink will be available at least 24-hours before the meeting).

**Councillors who are not members of the Planning Committee may speak at a meeting with the agreement of the Chair but must sit separately from the Committee Members and must declare whether they have had any contact with the applicant / objector / property owner or their agents, and whether they are speaking on behalf of a third party and, if so, who (Councillors' Code of Conduct for Planning Matters)**

**AGENDA**

**1. Apologies for Absence**

**2. Declaration of Members' Interests**

In accordance with the Council's Constitution, Members are asked to declare any interest they may have in any matter which is to be considered at this meeting.

**3. Minutes - To confirm as correct the minutes of the meeting held on 17 July 2023 (Pages 7 - 11)**

**New Planning Applications**

**Ward**

**4. David James Motor Co., 154 High Road, Chadwell Heath, Romford - 22/01950/FULL (Pages 13 - 37)**

Whalebone

5. **Gascoigne East Phase 3A - 23/01146/S106 (Pages 39 - 52)** Gascoigne
6. **Woodward Road - 23/01143/VAR (Pages 53 - 81)** Goresbrook,  
Eastbury &  
Mayesbrook
7. **Any other public items which the Chair decides are urgent**
8. **To consider whether it would be appropriate to pass a resolution to exclude the public and press from the remainder of the meeting due to the nature of the business to be transacted.**

### **Private Business**

The public and press have a legal right to attend Council meetings such as the Planning Committee, except where business is confidential or certain other sensitive information is to be discussed. The list below shows why items are in the private part of the agenda, with reference to the relevant legislation (the relevant paragraph of Part 1 of Schedule 12A of the Local Government Act 1972 as amended). ***There are no such items at the time of preparing this agenda.***

9. **Any confidential or exempt items which the Chair decides are urgent**

Our Vision for Barking and Dagenham

**ONE BOROUGH; ONE COMMUNITY;  
NO-ONE LEFT BEHIND**

Our Priorities

- Residents are supported during the current Cost-of-Living Crisis;
- Residents are safe, protected, and supported at their most vulnerable;
- Residents live healthier, happier, independent lives for longer;
- Residents prosper from good education, skills development, and secure employment;
- Residents benefit from inclusive growth and regeneration;
- Residents live in, and play their part in creating, safer, cleaner, and greener neighbourhoods;
- Residents live in good housing and avoid becoming homeless.

To support the delivery of these priorities, the Council will:

- Work in partnership;
- Engage and facilitate co-production;
- Be evidence-led and data driven;
- Focus on prevention and early intervention;
- Provide value for money;
- Be strengths-based;
- Strengthen risk management and compliance;
- Adopt a “Health in all policies” approach.

The Council has also established the following three objectives that will underpin its approach to equality, diversity, equity and inclusion:

- Addressing structural inequality: activity aimed at addressing inequalities related to the wider determinants of health and wellbeing, including unemployment, debt, and safety;
- Providing leadership in the community: activity related to community leadership, including faith, cohesion and integration; building awareness within the community throughout programme of equalities events;
- Fair and transparent services: activity aimed at addressing workforce issues related to leadership, recruitment, retention, and staff experience; organisational policies and processes including use of Equality Impact Assessments, commissioning practices and approach to social value.

<b>Use Classes Order 1987 (as amended)</b>		
<b>Use Class</b>	<b>Use/Description of Development</b>	<b>Permitted Change</b>
<b>A1 Shops</b>	Shops, retail warehouses, hairdressers, undertakers, travel and ticket agencies, post offices (but not sorting offices), pet shops, sandwich bars, showrooms, domestic hire shops, dry cleaners, funeral directors and internet cafes.	State funded school for single academic year – <a href="#">see footnote 2</a> . Some temporary uses – <a href="#">see footnote 4</a> . A1 plus two flats above C3 residential use - <a href="#">see footnote 5</a> Bank, building society, credit union or friendly society (A2) but not for other purposes falling within A2 – <a href="#">see footnote 6</a> A2 A3 (up to 150 m2) <a href="#">see footnote 9</a> D2 (up to 200 m2) <a href="#">see footnote 10</a>
<b>A2 Financial and professional services</b>	Financial services such as banks and building societies, professional services (other than health and medical services) including estate and employment agencies.	A1 (where this is a ground floor display window) plus two flats above A2 plus two flats above State funded school for single academic year – <a href="#">see footnote 2</a> . Some temporary uses – <a href="#">see footnote 4</a> . C3 residential use - <a href="#">see footnote 5</a> A3 (up to 150 m2) – <a href="#">see footnote 9</a> . D2 (up to 200 m2) <a href="#">see footnote 10</a>
<b>A3 Restaurants and cafés</b>	For the sale of food and drink for consumption on the premises - restaurants, snack bars and cafes.	A1 or A2 State funded school for single academic year – <a href="#">see footnote 2</a> . Some temporary uses – <a href="#">see footnote 4</a> .
<b>A4 Drinking establishments</b>	Public houses, wine bars or other drinking establishments (but not night clubs).	A1, A2 or A3 unless listed as an Asset of Community Value State funded school for single academic year – <a href="#">see footnote 2</a> . Some temporary uses – <a href="#">see footnote 4</a> .
<b>A5 Hot food takeaways</b>	For the sale of hot food for consumption off the premises.	A1, A2 or A3 State funded school for single academic year – <a href="#">see footnote 2</a> . Some temporary uses – <a href="#">see footnote 4</a> .
<b>B1 Business</b>	a) Offices, other than a use within Class A2 (Financial Services) b) Research and development of products or processes c) Light industry appropriate in a residential area	B8 (where no more than 500 sqm) B1a - C3 subject to prior approval - <a href="#">see footnote 1</a> . State funded school for single academic year – <a href="#">see footnote 2</a> . State funded school or registered nursery subject to prior approval - <a href="#">see footnote 3</a> Some temporary uses – <a href="#">see footnote 4</a> .
<b>B2 General industrial</b>	General industry: use for the carrying out of an industrial process other than one falling in class B1. (excluding incineration purposes, chemical treatment or landfill or hazardous waste).	B1 or B8 (B8 limited to 500 sqm) State funded school for single academic year – <a href="#">see footnote 2</a> .
<b>B8 Storage and distribution</b>	Storage or distribution centre. This class includes open air storage.	B1 (where no more than 500 sqm) State funded school for single academic year – <a href="#">see footnote 2</a> . C3 (where no more than 500 sqm) <a href="#">see footnote 7</a> .
<b>C1 Hotels</b>	Hotel, boarding house or guesthouse, where no significant element of care is provided. (Excludes hostels).	State funded school for single academic year – <a href="#">see footnote 2</a> . State funded school or registered nursery subject to prior approval - <a href="#">see footnote 3</a>
<b>C2 Residential institutions</b>	Hospital, nursing home or residential school, college or training centre where they provide residential accommodation or care to people in need of care (other than those within C3 dwelling houses).	State funded school for single academic year – <a href="#">see footnote 2</a> . State funded school or registered nursery subject to prior approval - <a href="#">see footnote 3</a>
<b>C2A Secure residential institution</b>	Secure residential accommodation, including use as a prison, young offenders institution, detention centre, secure training centre, custody centre, short term holding centre, secure hospital, secure local authority accommodation or use as a military barracks.	State funded school for single academic year – <a href="#">see footnote 2</a> . State funded school or registered nursery subject to prior approval - <a href="#">see footnote 3</a>
<b>C3 Dwelling houses</b>	Use as a dwelling house by a single person or by people living together as a family or by not more than 6 residents living together as a single household	Article 4 direction removes permitted development right to convert to C4 House in Multiple Occupation. State funded school for single academic year – <a href="#">see footnote 2</a>

<b>C4 Houses in multiple occupation</b>	Small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.	C3 (dwelling houses) State funded school for single academic year – <u>see footnote 2</u>
<b>D1 Non-Residential Institutions</b>	Clinics & health centres, crèches, day nurseries & day centres, museums, public libraries, art galleries & exhibition halls, law court, non-residential education & training centres. Places of worship, religious instruction & church halls.	Some temporary uses – <u>see footnote 4</u> . State funded school for single academic year – <u>see footnote 2</u> .
<b>D2 Assembly &amp; Leisure</b>	Cinema, concert hall, bingo hall, dance hall, swimming bath, skating rink, gymnasium, or area for indoor or outdoor sports or recreations, not involving motor vehicles or firearms.	State funded school for single academic year – <u>see footnote 2</u> . State funded school or registered nursery subject to prior approval - <u>see footnote 3</u> Some temporary uses – <u>see footnote 4</u> .
<b>Sui – Generis</b>	A use on its own, for which any change of use will require planning permission. Includes, theatres, nightclubs, retail warehouse clubs, amusement arcades, launderettes, petrol filling stations, casinos, taxi businesses, waste management facilities, motor car showrooms, betting offices and pay day loan.	Casino to Class D2 Amusement arcades/centres and casinos to C3 (up to 150 m2) <u>See footnote 8</u> Betting offices and pay day loan to A1 and A2 plus two flats above Betting offices and pay day loan plus two flats above Betting offices, pay day loan and casinos to A3 (up to 150 m2) <u>See footnote 9</u> . Betting offices and pay day loan to D2 (up to 200m2) – <u>see footnote 10</u> . Betting offices and payday loan to C3 residential use - <u>see footnote 5</u>

<b>Footnotes</b>	
<b>1</b>	B1a (Offices) can change use to C3 (Dwelling houses) provided development commenced before 30/06/16. Need to apply to Council for prior approval to confirm no significant transport and highway impacts, contamination risks and flood risks.
<b>2</b>	State funded schools can open without planning permission for a single academic year without planning permission from any existing use within the Use Classes Order. School must be approved by Secretary of State and school must notify Council before they open. School must revert to its previous use at end of year. Does not apply to listed buildings.
<b>3</b>	B1 (business), C1 (hotel), C2 (residential institution), C2A (secured residential institution) and D2 (assembly and leisure) can convert to a state funded school or registered nursery providing early years childcare without planning permission. Need to apply to Council for prior approval to confirm no significant transport and highways impact, noise impacts and contamination risks. D2 uses that have changed use from A1 or A2 using permitted development right (see footnote 10) cannot then change use to state funded school or registered nursery under this permitted development right
<b>4</b>	A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (pubs), A5 (takeaways), B1a (offices), B1b (light industry), B1c ( R&D), D1 (non-residential institutions) and D2 (assembly and leisure) can change to A1, A2, A3, B1a,b & c without planning permission. Change of use must be less than or equal to 150 square metres. Applies for single continuous period of two years. Can change to other permitted use within two year period. Must revert to original use at end of two year period and notify Council before use begins.
<b>5</b>	A1 (shops) and A2 (financial and professional services) can change to C3 (residential). Building operations and partial demolition works that are “reasonable necessary” are also permitted. Prior approval required for transport and highways impact, contamination, flooding, the design and external appearance of the building and undesirable impacts on shopping facilities. This right only applies to buildings of 150 square metres or less and does not apply in Conservation Area or to listed buildings.
<b>6</b>	Does apply in Conservation Areas but not to listed buildings.
<b>7</b>	B8 (storage of distribution) to C3 (residential). Prior approval required for transport and highways impact, air quality impacts on intended occupiers, noise impacts of the developments, risks of contamination, flooding and the impact the changer of use would have on existing industrial uses and or storage or distribution uses. Right only applies to buildings in B8 use on or before 19 March 2015 and development must be begun before 15 April 2018. Building must have been in B8 use for four years.
<b>8</b>	Prior approval required for transport and highways impact, flooding, contamination and where building works are to be carried out under the permitted development right, design.
<b>9</b>	A1 (shops), A2 (financial and professional services) and betting offices and pay day loans to A3 (restaurants and cafes). Prior approval required for noise, smell/odours, transport and highways, hours of opening as well as siting and design in relation to extraction, ventilation, waste management, storage and undesirable impacts on shopping facilities.
<b>10</b>	A1 (shops) and A2 (financial and professional services) can change to D2. Applies to premises in A1 or A2 use on 5 December 2013. Prior approval required for transport and highways impact, hours of opening, noise impacts of the development and undesirable impacts on shopping facilities. Does not apply to listed buildings.

## **Planning Application Procedure**

1. The Chair introduces the Planning Officer who will present the item.
2. The Planning Officer presents the report to the Committee and advises on any relevant additional information received after the completion of the report. The Planning Officer will also refer to the recommendation (it is assumed that Members will have read the report).
3. Registered objectors may speak for up to three minutes.
4. Councillors who are not members of the Planning Committee may address the Committee with the Chair's permission. They are not permitted to take part in the discussions or question objectors, supporters, applicants or applicants' representatives.
5. Registered supporters, applicants or applicants' representatives for the application may speak for up to three minutes.
6. Committee Members may, through the Chair, seek clarification from Council officers or any other speakers on any relevant planning issue that may have arisen.
7. The Committee shall debate the item. Where the application is considered to be straightforward and there are no speakers present, the Committee may make a decision based on the report and without any debate.
8. The Committee will vote on the matter (including any proposed supplementary conditions or recommendations). In the event that the Committee's decision is to refuse or allow an application contrary to the report's recommendation, Committee Members must give valid reasons for the decision based on relevant planning policies.
9. The Chair shall announce the Committee's final decision.

## Notes

- The opportunity to ask questions may not be used to make general or specific comments or observations. General comments can be raised at the discussion point of the proceedings.
- Committee Members must be present during the entire debate on an application in order to be allowed to participate in the deliberations and vote on the matter. Any Committee Member who is not present at the beginning of the consideration of an application, or who leaves the room at any stage during the consideration of the application, shall be excluded from participating and voting on the application.
- If a Committee Member needs to leave during consideration of an application and wishes to take part in the deliberations and vote, they should seek the permission of the Chair for a short adjournment.
- Members should avoid expressing a view about an application until after the applicant has spoken to avoid the impression of bias.
- If there is a substantial point which needs to be clarified before a vote can take place, the Committee may agree to defer the application.
- The Chair may ask members of the public and press to leave the room to enable the Committee to consider information which is confidential or exempt (in accordance with Schedule 12A of the Local Government Act 1972).



**MINUTES OF  
PLANNING COMMITTEE**

Monday, 17 July 2023  
(7:00 - 7:40 pm)

**Present:** Cllr Muhammad Saleem (Chair), Cllr Jack Shaw (Deputy Chair), Cllr Muhib Chowdhury, Cllr Alison Cormack, Cllr Cameron Geddes, Cllr Harriet Spoor, Cllr Dominic Twomey and Cllr Sabbir Zamee

**Apologies:** Cllr Edna Fergus

**5. Declaration of Members' Interests**

There were no declarations of interest.

**6. Minutes (22 May 2023)**

The minutes of the meeting held on 22 May 2023 were confirmed as correct.

**7. 13-15A Thames Road, Barking - 22/02211/FULL**

The Principal Development Management Officer (PDMO), Be First Development Management Team, introduced a report and presentation on an application from Zenith Land for the demolition of existing buildings (flexible Use Classes E(g), B2, and/or B8) and residential homes (Use Class C3), together with associated landscaping, play space, access, car and cycle parking and other associated and ancillary works at 13-15a Thames Road, Barking. The Planning Officer also referenced a supplementary report which included clarification/corrections to the published report.

In addition to internal and external consultations, a total of 428 notification letters were sent to neighbouring properties, in respect of which no objections were received.

Whilst the development was supported, a general comment was made about public concerns as to the principle of a mixed-use development in this area, and it was hoped that subject to approval this evening the build would be completed in a timely fashion according to planning consents to allay any perceived concerns. The number of affordable rent properties being achieved was also welcomed as was the thermal comfort analysis referenced in the report, given the climate issues that were currently being experienced across Europe. Finally, assurances were sought and received that the additional funding being set aside for the Ripple Greenway and public parks would be subject to consultation with ward councillors in both Thames View and Barking Riverside.

Summing up the PDMO concluded that the proposed change of use would allow for a mixed-use residential-led development. The proposal included 245 new and additional residential units in a range of different tenure and size together with 2,714 sqm GIA of new internal industrial floorspace .

As it stood whilst the development would be a departure from the adopted Local Plan, the Council was in the process of preparing its draft Local Plan 2037 which had an ambitious and forward-looking vision for the borough and which sets out how the housing, economic and social targets will be met. The draft Local Plan 2037 and the Thames Road Masterplan (albeit unadopted) guides the transformation of strategic industrial land into a new community offering high quality housing addressing the local need and annual housing targets.

The proposal included de-designation of parts of RREA through release of industrial land and intensification the lost employment capacity elsewhere within the designated area. The proposed development was in line with the emerging development plan (including the adopted London Plan). In light of this, the principle of development was supported in land use terms. The proposed development would positively contribute towards housing numbers, and it would, on balance, provide an appropriate dwelling mix, tenure split, accessible housing, and play space. Whilst the level of the affordable housing was below the policy level, the under delivery was regarded as acceptable, given that the scheme would contribute to the provision of needed social infrastructure. The contributions would be secured by a s106 legal agreement. The siting, scale, massing, and height of the development was considered appropriate to the site's context and would result in a high-quality finish, meeting or exceeding the relevant internal and external standards. The proposed building would respect the amenity of the existing and future neighbouring occupiers. The proposed landscaping strategy would positively contribute to the appearance and public realm in the area and enhance the arboricultural, biodiversity and environmental value of the site and the surrounding area. Some of the proposed dwellinghouse would be single aspect, and in accordance with planning policy the applicant had demonstrated that they had been suitably designed and that they would not suffer from overheating.

Officers were also satisfied that subject to the recommended planning condition the development could achieve suitable internal and external noise level for future residents. The development would be acceptable in terms of sustainability and air quality. The Energy Strategy submitted as part of the proposed development had demonstrated that the proposals would sufficiently reduce carbon dioxide emissions, with any off set secured through the s106 agreement. There was also a sustainable approach to transport whilst ensuring an acceptable impact on local highway and infrastructure

Officers concluded that following careful consideration of the relevant provisions of the NPPF, the Development Plan and all other relevant material considerations, the proposed development was acceptable, and that any potential material harm in terms of the impact of the proposal on the

surrounding area would reasonably be mitigated through compliance with the listed conditions and associated legal agreement. Therefore,

The Committee **RESOLVED** to:

- (i) Agree the reasons for approval as set out in the report; and
- (ii) Delegate authority to the Director of Inclusive Growth (or authorised Officer) to grant planning permission subject to any direction from the Mayor of London, and the completion of a S106 of the Town and Country Planning Act 1990 (as amended) based on the Heads of Terms identified at Appendix 5 and the Conditions listed at Appendix 4 of the report; and
- (iii) That, if by 13th December 2023 the legal agreement has not been completed, the Director of Inclusive Growth (or other authorised Officer), be delegated authority to refuse planning permission, or extend this timeframe to grant approval, or refer the application back to the Planning Committee for determination.

#### **8. Oxlow Bridge SEND School, Wantz Road, Dagenham - 23/ 00631/FULL**

The Development Management Officer (DMO), Be First Development Management Team, introduced a report and presentation on an application from the Department of Education for the demolition of existing buildings and the construction of a part single store, part two storey special education needs (SEND) school, together with associated access, parking and landscape works.

In addition to internal and external consultations and site and press notices, a total of 134 notification letters were sent to neighbouring properties, in respect of which one representation was received, the material considerations of which were addressed comprehensively in the planning assessment set out in the report.

In response to the officer presentation Members asked whether it was considered that there was sufficient outdoor facilities/green space for pupils on the site?

Andy Carr, Head of Service representing the Council's Education Service, responded that most of the children who would attend the school would not use the outdoor space per say, given their challenging and complex needs. The DMO summarised that in accordance with the draft Local Plan the site had been designated a Local Significant Industrial Location (LSIS) with allocation for educational use with the release of the land undertaken in a plan-led manner. In addition, the evidence presented had demonstrated a need for a new SEND school in the Borough.

The proposal would generate employment of up to 129 staff. Whilst the development was not an industrial use it would contribute to enhancing and providing new employment opportunities within the borough whilst addressing an important identified local need.

The development would have an acceptable impact on the character and appearance of the area, neighbouring amenity, the highway, providing a state-of-the-art new facility. The proposal had been designed to minimise the risk of crime and ensure noise sensitive receptors were positioned away from the surrounding industrial sites and the highway.

The proposed design and layout of the building was regarded as compatible in this location and care had been taken to ensure noise impacts from existing activities were mitigated. A significant uplift in the number of trees, planting and greening of the site would enhance its visual appearance, act as a buffer and screening between neighbouring sites, as well as encourage biodiversity enhancements.

The development whilst designed to encourage the use of more sustainable modes of transport; would make sufficient provision for car parking, cycle parking and school pick up and drop off. Measures would be put in place to ensure that access and egress into and out of the site was safe, and a road safety contribution had been sought to go towards reducing the speed on Wantz Road to improve the safety of the highway immediately outside, and ensure safe pedestrian, driving and cycling to and from the site.

The development was also highly sustainable, offering substantial carbon reductions, air quality neutral development and enhancements to the natural environment on site. All existing land contamination would be cleaned up with the site prepared appropriately for this use. An adequate sustainable drainage strategy had been proposed to ensure the risk of flooding was mitigated.

In conclusion officers believed the benefits of the scheme significantly and demonstrably outweigh any loss of local significant industrial land and attributed significant weight to the site allocation in the Regulation 19 Draft Local Plan, which was at an advance stage. Therefore, subject to the imposition of conditions and obligations officers considered the proposal to be acceptable and in keeping with the development policies and the Development Plan.

In recognising that there was a desperate need for the provision of a new SEND in the Borough,

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 authorised Officer) in consultation with the Head of Legal Services to grant

planning permission, subject to the completion of a legal agreement under s106 of the Town and Country Planning Act 1990 (as amended) based on the Heads of Terms identified at Appendix 6 and the conditions listed in Appendix 5 of the report, as well as confirmation of approval at GLA Stage 2 and,

- (iii) That, if by 17 January 2024 the legal agreement has not been completed, the Director of Inclusive Growth (or authorised Officer) be delegated authority to refuse planning permission or extend this timeframe to grant approval.

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Working in partnership


**Barking &  
Dagenham**

## LONDON BOROUGH OF BARKING & DAGENHAM PLANNING COMMITTEE

**11<sup>th</sup> September 2023**

 Application for **Planning Permission**

<b>Case Officer:</b>	Cari Jones	<b>Valid date:</b>	16.11.2023
<b>Applicant:</b>	Mr Richard J Baker	<b>Expiry date:</b>	14.09.2023
<b>Application number:</b>	22/01950/FULL	<b>Ward:</b>	Whalebone
<b>Address:</b>	David James Motor Co., 154 High Road, Chadwell Heath, Romford, Barking and Dagenham, RM6 6NT		

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 154 High Road, RM6 6NT. This application is being brought to Planning Committee as more than 5 objections to the proposal have been received

### Proposal:

This is a retrospective planning application for the change of use from a car sale to hand car wash.

### Officer recommendation:

Agree the reasons for approval as set out in this report, and delegate authority to the London Borough of Barking & Dagenham's Director of Inclusive Growth (or authorised Officer) to grant planning permission subject to the Conditions listed at Appendix 4 of this report.

### Summary of conditions and informative:

#### Compliance

1. Time Limit
2. Approved Drawings
3. Hours of Use
4. Noise Assessment
5. Site Management Plan
6. Secure by Design

#### Informative

1. Noise management
2. Petrol/ oil interceptors

## OFFICER REPORT

### Site, Situation, and relevant background information:

#### The site and its use

The application site is located to the south side of High Road, close to the junction with Farrance Road in Chadwell Heath. The site was historically used as a petrol filling station, together with showroom and office accommodation and lock up garages at rear. The applicant confirmed that the use of the forecourt as a petrol filling station ceased quite recently due to the adverse effect of the Coronavirus pandemic.

**Figure 1: Google Earth screenshot of aerial view of the application site (marked red) and the surrounding area**



#### Surrounding area and background

The site, as it can be seen from Figure 1 above, is bounded by mixed use commercial/residential sites which form a part of to the east and north. To the west is a residential block of flats (The Pinnacle) and to the south is a street of residential dwellings along Farrance Avenue.

#### Transport

The surrounding roads are local roads, the nearest part of the TfL Road network being the A12 around 1km to the north.

The site has a Public Transport Access Level (PTAL) of 3, on a scale of 0 to 6b where 6b is the best. There are no tube stations within the immediate vicinity of the site and Chadwell Heath Station is the nearest train station to the site, being a circa 12-minute walk away.

The area is served by buses, with the nearest bus stop a short walk, approximately 71.5m away.

#### Archaeology

The site is also within an Archaeological Priority Area (APA). This designation is used to show where development might affect archaeological remains.



## **Planning History**

### Enforcement

On 12.10.2021 an enforcement notice was issued for the unauthorised material change of use to a car wash (ref. 21/00150/ENF). The reasons for issuing this notice were as follow:

- 1. It appears to the Council that the above breach of planning control has occurred within the last ten years.*
- 2. The use of the property for as a car wash an associated parking results in the detrimental impact on the safety, street activity and the visual attractiveness on the urban environment, contrary to policy BR9 'Parking' of the London Borough of Barking and Dagenham's, Development Plan Document (Adopted March 2011).*
- 3. The use of the property as a car wash results in significant exposure to unacceptable levels of pollution and general disturbance. Also, the intensive use of the property will result in a negative impact on present and future occupants and their neighbours. Contrary to Policy's BP8 'Protecting Residential Amenity', Policy BP11 'Urban Design' and Policy BP10 'Housing Density' of the London Borough of Barking and Dagenham's Development Plan Document (Adopted March 2011).*
- 4. Development proposals which would pose an unacceptable threat to the quantity or quality of the Boroughs water resources will not be permitted. This includes pollution caused by water run-off from developments into nearby waterways. Contrary to Policy BR4 'Water Resource Management' of the London Borough of Barking and Dagenham's, Development Plan Document (Adopted March 2011).*
- 5. The development is likely to generate harmful levels of noise, contrary to Policy BR13 'Noise Mitigation' of the London Borough of Barking and Dagenham's, Development Plan Document (Adopted March 2011)*

The applicant was instructed under Section 5 of the Enforcement Notice to do the following within 1 month of issuing the notice:

- Cease the use of the land at the property as a car wash
- Remove all alterations and fixtures related to unauthorised use for car wash business, including the canopy at the front of the premises
- Remove all subsequent waste material from the property.

### Enforcement appeal

On the 29.03.2022 the applicant appealed the enforcement notice. The appeal was logged under ref: APP/Z5060/C/21/3286410. The ground of appeal was that the matters alleged in the notice have not occurred as a matter of fact. The appeal concluded that on the balance of probability, the use of the forecourt as a car wash did not commence more than 10 years before the notice was issued. Therefore, the Council was able to take enforcement action. In relation to section 5 of the Enforcement Notice the Inspector agreed that the use shall cease but they removed second and third bulleted as listed above.

### Other information

Officers have corresponded with colleagues in Planning Enforcement who have confirmed that time for compliance with the notice has passed, and the case is now at prosecution stage.

### **Proposed Development**

The proposed development seeks retrospective permission for the change of use for the change of use from a car sale to hand car wash. The applicant proposes measures to be undertaken on site to minimise harm to the area and to overcome the reasons for serving the enforcement notice

### **Amended Planning Application**

In response to consultation comments received from officers in Transport and Environmental Protection and due to the concerns raised within several objections, further information has been provided by the applicant. These include the following:

- Hand wash progress plan – Drg no 003, Dated November 2022
- Site management plan prepared by Richard J Barker, Dated December 2022
- Noise mitigation assessment prepared by Stansted Environmental Services Ltd, Version 1.0, Dated 2<sup>nd</sup> of June 2023

### **Key issues to assess:**

1. Principle of development
2. Design and Quality of Materials
3. Impacts to Neighbouring Amenity
4. Sustainable Transport
5. Drainage and Flooding
6. Crime and Safety

### **Planning assessment:**

#### **1. Principle of the development**

1.1 Section 70C (1) of the Town and Country Planning Act 1990 provides that:

*"A local planning authority in England may decline to determine an application for planning permission for the development of any land if granting planning permission for the development would involve granting, whether in relation to the whole or any part of the land to which a pre-existing enforcement notice relates, planning permission in respect of the whole or any part of the matters specified in the enforcement notice as constituting a breach of planning control."*

1.2 The Local Planning Authority (LPA) has the power to decline to determine a planning application on a development already the subject of an enforcement notice. If any new application includes part of the details of the breach in the enforcement notice, then the LPA could decline its determination. Therefore, during any appeal of the enforcement notice, it is important that consideration is given to the description of the breach of planning and whether all of the stated breaches of planning are accepted, or any part contested (and requires amendment).

1.3 It is noted that the appeal was made on:

- ground (b) *“that those matters have not occurred”* **(succeeds)**
- ground (d) *“that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters”* **(fails)**
- ground (f) – *“that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach”* **(succeeds with alterations)**

1.4 The appeal did not consider whether the development could be made acceptable if planning permission was sought with or without conditions and planning obligations. Officers therefore consider that the retrospective application can be accepted and considered. Planning Enforcement Officers have confirmed that they are content with a retrospective application being considered for determination if it can address the harm that was initially caused and required an enforcement notice to be served.

## 2. Design and Quality of Materials

### Policy

2.1 Paragraph 126 of the National Planning Policy Framework (NPPF) talks about creation of high quality beautiful and sustainable building and places. This is reflected in Policy D4 (Delivery good design) of the London Plan, Policy CP3 (High quality-built environment) of the Core Strategy, Policy BP11 (Urban design) of the Borough Wide Development Policies DPD, strategic policy SP 2 (Delivering a high quality and resilient built environment) as well as policies DMD 1 (Securing high-quality design) and DMD 6 (Householder extensions and alterations) of the Draft Local Plan 2037 (Reg 19).

### Assessment

2.3 The proposed change of use of the site is not considered to give rise to any unacceptable impacts in terms of character. The car wash represents a commercial use taking place on an established commercial premises. The applicant is not proposing any additional buildings or significant structures and the main visual impact of the use is the presence of cars on the forecourt, which is not considered to be dissimilar to what would be expected had the site remained in use as a petrol station. It is also noted that car washing facilities, including open air jet washes, are a common ancillary feature found at operating petrol stations. Overall, the proposal is considered acceptable and policy compliant in terms of design and appearance.

## 3. Impacts to Neighbouring Amenity

### Policy

3.1 Paragraph 130(f) of the NPPF required development to provide places that have a high standard of amenity for existing and future users. Paragraph 185 requires that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and natural environment ... in doing so decision taken should seek to (a) mitigate and reduce to a minimum potential adverse impact resulting from noise from new development – and

avoid noise giving rise to significant adverse impacts on health and the quality of life. In addition, one of the reasons for serving the enforcement notice to cease the use of the premises as a car wash was the harm caused to surrounding residents through noise from the operation of the premises.

- 3.2 Policy D14 (Noise) of the London Plan states proposals should manage noise by avoiding significant adverse noise impacts on health and quality of life. Policy D13 (Agent of Change) also of the London Plan places the responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development. New noise and other nuisance-generating development proposed close to residential and other noise-sensitive uses should put in place measures to mitigate and manage any noise impacts for neighbouring residents and businesses.
- 3.3 Policies BP8 and BP11 of the Borough Wide Development Plan Document state that all developments are expected to ensure existing and proposed occupiers are not exposed to unacceptable levels of general disturbance arising from the development. Policy BR13 reiterates that any new developments likely to generate harmful levels of noise will 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.
- 3.4 Policy DMSI 3 of the Draft Local Plan 2037 states that development proposals which generate unacceptable levels of nuisance, either individually or cumulatively, will generally be resisted.

### **Assessment**

- 3.5 The concerns expressed about affects the proposal on living conditions and residential amenity through the public consultation exercise have been considered by the case officer and Environment Protection Officer.
- 3.6 It is noted that the application site is located within a mixed-use area where commercial activities take place throughout the course of the day. The site was previously used primarily as a car sales showroom. This use can be seen on google imagery up until April 2019. Imagery from October 2020 shows part of the site unlawfully being used as a car wash. The change of use involves the open-air operation of vehicles and machinery as well as the presence of staff on site. The main source of noise from the site would be from cars entering and exiting the site and the operation of hoses and vacuums.
- 3.7 Since the application was first submitted to the Council for consideration, there has been a series of exchanges of correspondence between the applicant and the Environmental Protection Officer about the potential harm on living conditions and residential amenity from the use of the site. This has resulted in the applicant submitting a Noise Assessment, prepared by Stansted Environmental Services, ref: ENV355-CHAD-001- Smart Hand Car Wash.
- 3.8 The mitigation assessment acknowledges that complete attenuation cannot be achieved onsite using the above measures alone but states that with a sensible and proactive approach to management of site noise, an effective reduction of site plant noise can be achieved. To assist in this, the following additional points were suggested:
  - Regular maintenance of all relevant plant and related equipment.

- Where possible, replace plant with modern equipment. As manufacturing of equipment constantly evolves, so does noise control.
- Keep all doors closed when plant is operation

The second scheme does refer to bringing the noise levels “down to acceptable levels” but the report doesn’t clarify what these are nor does it confirm that the “acceptable levels” satisfy the criteria of being between -5dB and +3dB of the background level stipulated by the LPA. Undoubtedly the second scheme will reduce noise levels but by how much is probably more dependent on the day-to-day management of the site than the first mitigation scheme. If consent is given a condition will be included which requires thru applicant to require them to submit a final mitigation scheme for approval together with a noise management plan

- 3.9 A number of objections have been received to the proposed retention of the hand car wash. These are mainly concerned with noise of the machinery, water run off, and traffic queuing. It is considered that the noise measures outlined above will reduce noise levels. Surface water run off is considered in section 5. In terms of traffic queuing, transport officers have visited the site and not found there to be queues of traffic, nor have instances of traffic congestion causing a danger to pedestrian safety been reported to the transport team. It is considered that the measures to manage the site proposed will address the occasions where queues may arise.

## 4. Sustainable Transport

### Policy

- 4.1 The NPPF at section 9 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.
- 4.2 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.
- 4.3 This is echoed through Policies BR9 (Parking) and BR11 (Walking and cycling) of the Borough Wide Development Policies DPD; Polices T5 (Cycling) and T6.1 (Residential car parking) of the London Plan; Policies DMT 2 (Cycling) and DMT 3 (Car parking) of the draft Local Plan 2037 (Reg 19).

### Assessment

- 4.4 The concerns expressed about highway safety through the public consultation exercise have been considered.
- 4.5 Since the application was first submitted to the Council for consideration, there has been a series of exchanges of correspondence between the applicant and the Be First Transport Officer. The Transport Officer requested that the applicant submits additional information in regarding site management. Following this, the applicant has provided a site management plan and a hand wash progress plan. Those drawings

show that the site would be able to accommodate up to 14 vehicles this includes queuing within the site, processing (being washed), and leaving the site.

- 4.6 These additional drawings were reviewed by the Transport Officer who confirmed on 05.01.2022 that they were satisfied with the documents provided that the dimensions of the drawing titled "Hand wash progress plan" are amended to show the true representation of an average sized vehicle being washed. This will potentially reduce the site capacity but this was not seen to be an issue that would have a significant negative impact on the running of the car washing or the congestion on the local roads.
- 4.7 In view of the additional supporting documents which have been provided and subject to these amendments to the site management plan and appropriate conditioning, the proposed development is considered to have an acceptable impact upon the local highway.

## 5. Drainage and Flooding

### Policy

- 6.1 Policy SI 13 (Sustainable drainage) states that Lead Local Flood Authority (LLFA) should manage area affected by surface water flooding. The policy also states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.
- 6.2 Policy BR4 (Water resource management) of the Borough Wide Development Policies DPD states that development must ensure that greenfield surface water run-off rates are achieved where possible through the use of Sustainable Urban Drainage System (SUDS).
- 6.3 Policy DMSI 7 (Water management) of the draft Local Plan states that development should be managed in line with Policy SI 13 (Sustainable drainage) of the London Plan and the drainage hierarchy.

### Assessment

- 5.4 The proposed development could pose an unacceptable threat to the quantity or quality of the Boroughs water resources. The enforcement notice was issued among other things because the development was considered to pose an unacceptable threat to the quantity or quality of water run off. The application site has been used as a petrol station in the past. Petrol stations would traditionally have a method for disposal of surface water drainage before it reaches the main sewers. The Design and Access Statement mentions that "*the existing drainage system on site is well maintained and comprises drainage gullies and a three-stage interceptor to enable dirty car wash water to be collected, cleaned of silt and particulates before eventually disposed of via the existing foul water drainage system*".
- 5.5 To demonstrate to officers that there are no contaminants remaining from the previous petrol station use, the applicant was required to submit a comprehensive Contamination Investigation Report. This was provided by the applicant and reviewed by LBBB's Flood Risk Manager who stated that from the LLFA perspective they are satisfied with the response from the applicant. The officer noted that it may still be necessary for Thames Water to approve the additional discharges that will come from the change of use.

- 5.6 Thames Water was consulted on the application and on 27.03.2023 they had no objection to the proposed development. It was recommended that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. This is because the failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses. This will be added as an informative.
- 5.7 Overall, based on the submitted information, officers are satisfied that the proposal would not pose an unacceptable threat to the quantity or quality of the Boroughs water resources.

## 6. Crime and Safety

### Policy

- 6.1 Policy D11 (Safety, security, and resilience to emergency) of the London Plan states that development proposals should maximise building resilience and minimise potential physical risks, including measures to design out crime. This approach is supported by Policy CP3 (High quality built environment) of the Core Strategy and Policy BC7 (Crime prevention) of Borough Wide Development Policies DPD.

### Assessment

- 6.2 The Metropolitan Police Design Out Crime reviewed and commented on this application making recommendation of how the scheme should be amended. The changes required can be achieved by adding the Secured by Design planning condition.

## Conclusion

In conclusion, the proposed amendments to the operation of the hand car wash on the site of the former petrol filling station forecourt is considered to overcome the reasons for serving the enforcement notice to cease the use. Following the additional submitted information, officers are satisfied that the proposal is not considered to generate unacceptable levels of pollution, noise and general disturbance and would not pose an unacceptable threat to the quantity or quality of the Boroughs water resources. As such, the proposal is considered to accord with the relevant development plan policies, and it is recommended that planning permission is granted. It will be subject to the proposed measures being implemented, and these will be subject to planning conditions. If further complaints are made, and the occupiers are found to have breached these measures, then a Breach of Condition notice can be served to cease the use until the conditions are complied with

## Appendix 1:

### Development Plan Context

The Council has carefully considered the relevant provisions of the Council's adopted development plan and of all other relevant policies and guidance. Of particular relevance to this decision were the following Framework and Development Plan policies and guidance:

National Planning Policy Framework (NPPF) (MHCLG, July 2021)

The London Plan – March 2021

- Policy D4 – Delivering good design



	<ul style="list-style-type: none"> <li>• Policy D11 - Safety, security, and resilience to emergency</li> <li>• Policy D13 - Agent of change</li> <li>• Policy D14 – Noise</li> <li>• Policy SI 13 - Sustainable drainage</li> <li>•</li> </ul>
Local Development Framework (LDF) Core Strategy - July 2010	<ul style="list-style-type: none"> <li>• Policy CP3 - High Quality Built Environment</li> </ul>
Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) – March 2011	<ul style="list-style-type: none"> <li>• Policy BC7 - Crime prevention</li> <li>• Policy BP8 - Protecting Residential Amenity</li> <li>• Policy BP11 - Urban Design</li> <li>• Policy BR4 - Water Resource Management</li> <li>• Policy BR9 - Parking</li> <li>• Policy BR13 - Noise Mitigation</li> </ul>
<p><i>The London Borough of Barking and Dagenham's Draft Local Plan (Regulation 19 Consultation Version, Autumn 2021) was submitted for examination in public to the Planning Inspectorate in December 2021. Having regard to NPPF paragraph 216 the emerging document is now a material consideration and considerable weight will be given to the emerging document in decision-making unless other material consideration indicate that it would not be reasonable to do so.</i></p>	
The London Borough of Barking and Dagenham's Draft Local Plan (Regulation 19) – Submission version December 2021	<ul style="list-style-type: none"> <li>• Policy SP 2 - Delivering a well-designed, high quality and resilient built environment</li> <li>• Policy DMD 1 - Securing high quality design</li> <li>• Policy DMD 6 - Householder extensions and alterations</li> <li>• Policy DMSI 3 – Nuisance</li> <li>• Policy DMSI 7 - Water management</li> </ul>

## Appendix 2:

Consultee:	Summary of comment:
LBBB Environmental protection Officer	<p>An assessment was provided by the applicant which puts forward the following mitigation measures to bring the noise down to an acceptable level:</p> <p>All plant (i.e., vacuum base units and compressing units which that drive the pressure washing units) to be sited within the building. All services to and from the plant shall be located through the building wall(s)). All penetrations shall be sealed with appropriate mastic and maintained for the life of the building.</p> <p>With regard to the jet washing units, it is acknowledged noise emanates from both the compressing unit and handheld 'wand'. Where possible, consideration could be given to lowering the water pressure from the compressing unit(s). This will have an effect on consequent sound levels.</p> <p>Development of a noise complaint logging procedure</p> <p>The housing of vacuum units within an enclosure to mitigate motor noise levels. The report details a generic enclosure structure that would be suitable</p> <p>The above should be fully implemented together with good general noise management which should include regular maintenance of</p>



plant, equipment, building and enclosure structures, and the closing of doors during the operation of plant and equipment.

The report is based on the operating hours being 7 days per week from 08:00 hours until 19:00 hours and a condition will be included which allows the proposed non-residential use is permitted to trade between the hours of 08:00 and 19:00 on any day and at no other time.

The reason is to prevent any undue disturbance to residential occupiers and occupants of neighbouring properties at unreasonable hours and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

*Response received on 24.08.2023:*

I have looked at the relevant documents again and the acoustic consultant has provided two mitigation schemes, one in the noise assessment reference ENV355-CHAD-001 Version 1.1 dated 24/3/2023 which proposed the following:

- Enclosing the whole active work area with the use of walling and appropriate shutter doors. To provide the maximum performance for airborne sound mitigation the shutter doors to remain closed for as long as practicable during the working day.
- A possible construction type was given which included Curtain walling (> 28dB Rw) and shutter doors (>19dB Rw)
- My understanding from the discussion in the report is that the owner of the business felt that this mitigation scheme would not be financially viable. The acoustic consultant advised that the above mitigation scheme would satisfy the criteria of the plant noise being between -5dB and +3 dB of the background level given to them by the LPA.

A second mitigation scheme was proposed in the Noise Mitigation Assessment Report reference ENV355-CHAD-001 Version 1 dated 2/6/2023 which proposed the following:

- All plant (i.e., vacuum base units and compressing units which drive the pressure washing units) to be sited within the building. All services to and from the plant shall be located through the building wall(s)). All penetrants shall be sealed with appropriate mastic and maintained for the life of the building.
- With regard to the jet washing units, it is acknowledged noise emanates from both the compressing unit and handheld 'wand'. Where possible, consideration could be given to lowering the water pressure from the compressing unit(s). This will have an effect on consequent sound levels.
- Development of a noise complaint logging procedure
- The housing of vacuum units within an enclosure to mitigate motor noise levels. The report details the following generic enclosure structure that would be suitable: I. 2x15mm Sound Bloc plasterboard. II. Timber stud (100mm x 40mm). III. Cavity width 100mm. IV. 100mm Fibreglass (22kg/m<sup>3</sup>) V. 2x15mm Sound Bloc plasterboard. VI. Total system depth: 160mm. The mitigation

	<p>assessment acknowledges that complete attenuation cannot be achieved onsite using the above measures alone but states that with a sensible and proactive approach to management of site noise, an effective reduction of site plant noise can be achieved. To assist in this, the following additional points were suggested:</p> <ul style="list-style-type: none"> <li>• Regular maintenance of all relevant plant and related equipment.</li> <li>• Where possible, replace plant with modern equipment. As manufacturing of equipment constantly evolves, so does noise control. 2</li> <li>• Keep all doors closed when plant is operation The second scheme does refer to bringing the noise levels “ down to acceptable levels” but the report doesn’t clarify what these are nor does it confirm that the “acceptable levels” satisfy the criteria of being between -5dB and +3dB of the background level stipulated by the LPA. Undoubtedly the second scheme will reduce noise levels but by how much is probably more dependent on the day to day management of the site than the first mitigation scheme. If consent is given it may well be appropriate to require them to submit a final mitigation scheme for approval together with a noise management plan.</li> </ul>
<p>Be First Transport Officer</p>	<p>Comments received 05.12.2022:</p> <p>We need information regarding maximum number of vehicles accessing this development at one time and information regarding how it will be managed. A servicing management plan must be conditioned and in which applicant must provide details regarding the daily operation of the facility, how many vehicles they will be able to accommodate and manage at one time? If more vehicles turn up, how will they manage without having an adverse impact to the highway?</p> <p>Comments received 05.01.2022:</p> <p>I’m satisfied with the documents provided and have no further comments.</p>
<p>LBBB Enforcement Officer</p>	<p>We have a pending prosecution on this case</p>
<p>LBBB Flood Risk Manager</p>	<p>From the LLFA perspective we are satisfied with the response from the applicant. It may still be necessary for Thames Water to approve the additional discharges that will come from the change of use.</p>
<p>Thames Water</p>	<p>With regard to SURFACE WATER drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection.</p> <p>Management of surface water from new developments should follow guidance under sections 167 &amp; 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <a href="https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-nearour-pipes">https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/working-nearour-pipes</a></p>

	<p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application based on the information provided.</p> <p>Thames Water would recommend that petrol / oil interceptors be fixed in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses. Water Comments: With regard to water supply, this comes within the area supplied by the Essex and Suffolk Water Company.</p>
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### Appendix 3:

<b>Neighbour Notification:</b>	
Number of neighbouring properties consulted:	117
Number of responses:	15
Address	Summary of responses
Address unknown	The car wash has been in place for a long time without proper planning. They cause excessive noise with the jet washes, and they provide adequate protection for people walking by. My kids have got wet on several occasions. The cars that queued for the car wash block the road, meaning vehicles can't turn onto Farrance Road, blocking the main road. On several occasions, my kids have almost been hit by cars driving towards the car wash. There is no one controlling traffic from the road onto the site. The place is a nuisance!
Address unknown	Ever since this has been used for a car wash, the pavement crossing the entrance is dangerous as cars park across it, also as cars start to queue they block the whole entrance to Farrance Road (mainly at weekends), also when walking past the car wash on the High Road side you are constantly getting sprayed, this is not an ideal location for this sort of business and serious concerns about the safety of pedestrians and Road users are put at risk, please also note during winter months the pavement becomes ice and slippery and there is a school entrance where children walk past every day.
Address unknown	Since the car wash has opened, all the cars block the road for Farrance Road which always causes a delay in getting home. The cars block the road as they are trying to get into the car wash however this means residence are not able to get into Farrance Road.
Address unknown	I object to the submission as wholly inappropriate for the location. This is on the corner of an extremely busy junction, causing daily disruption and inconvenience to local residence who are regularly unable to access the Pinnacle development and Farrance Road due to inconsiderate parking and road use. This is dangerous for road users, pedestrians and residents. The noise and disturbance caused by the jet washing of cars is relentless and a disturbance to all those who reside in the area. This is a residential area and a completely inappropriate location for this type of business that causes noise and disruption to all those who live and use the area.

Address unknown	<p>I object planning permission to use this premises as a Car Wash. The premises is always building up traffic that extends to the High Road and also to the Pinnacle apartments adjacent to the David James Motor Co. The movement of cars from The Pinnacle apartments is always obstructed by drivers queuing with their cars to have a wash. This is normally happening on a daily basis from morning to evening. The noise again from the gus for the jet wash is deafening to residents especially during summer time when windows to our apartments are opened to allow some ventilation. It disturbs our kids from sleeping and also, I work through the night and can't get any decent sleep during the day to get ready for my shift. When I go for a walk or shopping from local stores and it is noted that I have to use the other side of the road because the pavement are always wet and slippery for pavement users and children going for bike rides or scooter rides. I implore the council to note that we are living in the Pinnacle 160 High Road Chadwell Heath, and this car wash is a menace to us, and it is best it is situated in an industrial park. The mechanical workshop also is causing a lot of noise pollution and when they are banging stuff in the garage. It is my wish to object to this planning of Car wash.</p>
Address unknown	<p>I am writing to formally object to the retrospective planning consent application submitted by Mr Richard Wood in respect of the car wash, located on the corner of the High Road and Farrance Road in Chadwell Heath. As an owner of one of the flats in the Pinnacle, a residential block of flats directly across the road from the car wash, I have witnessed firsthand the numerous issues and disturbances caused by this business since its unauthorised establishment in circa January 2021.</p> <p>The Smart Car Wash has had a profoundly negative impact on the quality of life for the residents of the Pinnacle. The primary concern is the excessive noise generated by the car wash's compressors and vacuums. The constant and intrusive noise has disrupted the tranquillity of the living environment and has made it increasingly challenging to relax or concentrate within the homes. The noise pollution persists throughout the day and evening, including weekends, as the car wash operates from 8:00 am to 19:00 pm, seven days a week.</p> <p>Furthermore, the parking situation resulting from the car wash's operation is highly problematic and poses a significant safety hazard. The business has consistently demonstrated a complete disregard for parking regulations, leading to dangerous parking practices and frequent blockages of Farrance Road. This not only causes inconvenience to the residents but also creates potential risks for pedestrians and other road users. The obstruction of the road during peak hours, particularly on weekends, intensifies traffic congestion and compromises the safety of the area.</p> <p>In considering the retrospective planning consent application, it is crucial to note the reasons why planning permission may be lawfully refused. The Smart Car Wash fails to meet several of these criteria, which further strengthens our objection:</p> <p>Adverse Impact on Residential Amenity: The excessive noise generated by the car wash's operations significantly impacts the peaceful enjoyment of the homes. This disturbance is a clear violation</p>

	<p>of the residential amenity that should be safeguarded within our community.</p> <p>Traffic and Highway Safety: The car wash's careless parking practices and frequent blockages of Farrance Road pose a substantial risk to road safety. These dangerous conditions not only jeopardise the well-being of pedestrians but also impede the smooth flow of traffic, creating potential hazards for drivers in the area.</p> <p>Failure to Comply with Planning Regulations: The unauthorised establishment of the car wash demonstrates a disregard for planning regulations and procedures. By operating without proper permission, the business has shown a lack of respect for the legal requirements in place to ensure the well-being and harmonious coexistence of the community.</p> <p>Contravention of Enforcement Notice: An Enforcement Notice has been issued in recognition of the car wash's unauthorised operation, acknowledging the adverse impact it has on the surrounding environment. By granting retrospective planning consent, the planning authority would effectively disregard the importance of enforcing planning regulations and undermine their own enforcement measures. Considering the aforementioned reasons, it is evident that the retrospective planning consent application submitted by Smart Car Wash should be firmly rejected. Granting planning permission would set an unfavourable precedent, allowing businesses to flout regulations and compromise the well-being and safety of the community.</p> <p>I urge you to carefully consider the objections raised by the residents of the Pinnacle, taking into account the adverse impacts on residential amenity, traffic and highway safety, non-compliance with planning regulations, and the contravention of the previously issued Enforcement Notice. It is essential that the planning authority prioritises the interests and safety of the affected community by unequivocally denying the retrospective planning consent application.</p>
Address unknown	<p>Since the car wash has opened it has been a blight on the environment and impacted me being able to enjoy peace in my own home.</p> <p>The noise from the constant jet washers and vacuum is extremely loud, meaning those in the pinnacle building are unable to open their windows as the noise is disruptive to work, and general home life. To watch TV, i have to listen to it on the loudest setting to overcome the noise from the car wash. The noise pollution cannot be good for any of us.</p> <p>The car wash being there has affected the value of my property, when securing a new mortgage, it was commented upon, that this would decrease the valuation. And will be very difficult to sell to prospective buyers as they will be off put by the noise and obstruction of the road. I believe there's also risk from the amount of water it wastes and potential subsistence for all the surrounding buildings.</p> <p>The entrance to the car wash is unsuitable, causing gridlock into Farrance Road. Especially during rush hour and school runs. The car wash employees do nothing to mitigate this.</p>

	<p>Then the car showroom/garage is run by people with a complete lack of regard to their neighbours, they park on pinnacle private land, parking in the car park and on the bays on the adjacent wall which are supposed to be for pinnacle guests.</p> <p>They park on the yellow zigzag, partially blocking the access to the pinnacle car park. They are rude if you ask them to move their cars. And when they are parked on the zig zags or double yellow lines it's hard to manoeuvre our cars out of the pinnacle, I'm surprised there hasn't been an accident yet.</p> <p>All in all, I wholly object to this business being on our doorstep, it's uncomfortable, inconvenient and affecting my quality of life.</p>
Address unknown	<p>The car wash is a real nuisance as cars not only park across it they form a queue waiting to be served as there is nowhere on their site for waiting cars. The whole entrance to Farrance Road and that part of the High Road is blocked especially at weekends, not to mention people standing around blocking the pavement, again because there is nowhere for customers to wait. The jet washes spray water over people walking past on the High Road side and during the winter the public pavement is very dangerous as it gets icy and slippery. I myself slipped and slid there, it's very dangerous for all pedestrians but especially for the elderly.</p>
Address unknown	<p>Very noisy, and causing lots of traffic and pollution, there is a kids nursery at the start of the Farrance Road and kids passes by all the time which is dangerous for them as there is always a traffic jam because of the car wash queue and footpath is always wet and slippery because of soapy water which is dangerous for everyone as someone can slip and hurt themselves</p> <p>No solid wall to prevent the water go on the footpath and pedestrian, they have grill gate which doesn't prevent the water to go out,</p>
Address unknown	<p>There is an enormous amount of noise from the compressors and vacuums by operating from 8.00am to 19.00 pm, 7 days a week. The customers there park dangerously, blocking the entry to Farrance Road at all times of the day and evening especially at Weekends.</p>
Etcetera Construction Services Ltd (freeholders of The Pinnacle, 160 High Road)	<p>This objection is from Etcetera Construction Services Ltd - the freeholders of The Pinnacle, 160 High Road, Chadwell Heath RM6 6PN. We oppose the Change of Use from a car sale to car hand wash. The car sales showroom is still in place, and this is an additional business being added to an already busy site. Car hand wash is not suitable for this location for safety, noise and general disturbance to residential occupants. Letter addressing all points is attached.</p>
(Etcetera Construction Services Ltd)	<p>This is not a suitable location for a car wash This site opened as a car wash without planning permission early 2021.an Enforcement Notice was issued in October 2021 following complaints regarding parking, pollution and general disturbance. this objection was raised on behalf of the occupants of The Pinnacle. The safety of the general public is put at risk on a daily basis - in particular parents with young children as there is an entrance to a Nursery in Farrance Road and with cars</p>

	<p>parked on both sides of the road and cars queuing to enter the car wash the road is blocked and this prevents people crossing safely. The existing businesses create parking issues and to allow another business to add to this problem is not acceptable. Has the Transport Planning Officer visited site to assess the adverse impact on the Highway. The site Management Plan states there is room for 12 cars to be washed at any one time - they would all need to be very small cars. It also states that a member of staff will advise potential customers not to wait and block the road but to return at a less busy time - this has never happened. The noise from the machines is excessive and prevents occupants of the Pinnacle enjoying their homes.</p>
<p>Address unknown</p>	<p>I object it for my kid and others sake residing in the building, because it is very noisy and dangerous around here. The car wash has been causing excessive noise with the jet washes, and cars queueing on the road which clearly causes massive obstructions and chaos. They have not provided adequate protection or cover from the water for people walking by, and sometimes people have to walk on the edge of the curbs to avoid the nasty splash, and this may get extremely dangerous because the walker by do not see the traffic approaching from behind which clearly needs careful consideration and cannot be ignored, all precautions must be taken before it is too late and does not cause any fatal accidents.</p> <p>In terms of living in such noise, it is also impossible to keep the windows open for fresh air for our child because the noise during the day when the washer jets are on full power is unbearable!</p>
<p>1 Farrance Road</p>	<p>My primary concern regarding this proposed car wash facility is the potential obstruction it will cause to the incoming traffic on the main road. As it stands, there is no designated waiting area for cars to be washed.</p> <p>Consequently, this could lead to vehicles waiting on the main road, impeding the smooth flow of traffic and creating a hazardous situation for motorists. Especially when the bus lane is in operation in the afternoon.</p> <p>Furthermore, I would like to bring to your attention the existing issues we face on a daily basis due to the adjacent MOT garage. The constant activities associated with the garage, including car repairs and maintenance, already contribute to a significant lack of parking space in the area, despite it being a resident permit zone. Adding a car wash facility without proper accommodations will only exacerbate this problem and further compound the challenges faced by residents. I have already raised this matter with Glenda Paddle, highlighting the potential complications that may arise if the proposal is approved. While I understand and appreciate the need for new businesses to thrive, it is crucial to consider the adverse effects such ventures can have on the community and the surrounding infrastructure. The main concern I wish to emphasize is the impact on Farrance Road, particularly for vehicles attempting to make turns. There have been numerous instances of conflicts arising from cars waiting to be washed, blocking Farrance Road, and even parking on double yellow lines, rendering the road inaccessible and causing inconvenience to residents and commuters alike. Given the issues, I kindly request that</p>

	<p>you thoroughly review the proposal and take into account the concerns of the community. It is imperative that careful consideration on be given to the potential consequences of allowing a car wash facility without the appropriate provisions in place. Thank you for your attention to this matter. I trust that you will give due consideration to the concerns raised and take appropriate action to ensure the welfare and safety of the local community. I have tried to reach you on your mobile number provided in the letter but it is out of reach, I would be happy if you could call me or arrange a meeting, we can discuss this further. I look forward to hear from you.</p>
--	--

**Officer Summary:**

Officers note receipt of the objection listed above. The material planning considerations and issues raised are addressed within the planning assessment above.

**Appendix 4:**

**Planning conditions:**

**1. Time limit**

The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

*Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).*

**2. Approved drawings**

The development hereby approved shall only be carried out in accordance with the following approved plans and documents: -

- *Site Location Plan and Block Plan - Drg no. 001 - Dated Nov 2022*
- *Proposed Site Plan - Drg no. 002A - Dated Nov 2022*
- *Hand wash progress plan - Drg no. 003 - Dated Nov 2022*
- *Site Management plan - Dated Dec 2022*
- *Existing and proposed elevations*

No other drawings or documents apply.

*Reason: To ensure that the development is undertaken in accordance with the approved drawing(s) and document(s), to ensure that the finished appearance of the development will enhance the character and visual amenities of the area and to satisfactorily protect the residential amenities of nearby occupiers.*

**3. Hours of Use**

Other than with the prior written approval of the Local Planning Authority, the proposed use is permitted to trade between the hours of 08:00 and 19:00 on any day and at no other time.

*Reason: To prevent any undue noise and disturbance to residential occupiers and occupants of neighbouring properties at unreasonable hours and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.*



#### **4. Noise Assessment**

The development shall be operated in strict accordance with the submitted Noise Assessment (prepared by Stansted Environmental Services, reference ENV355-CHAD-001, version 1.0, dated 02.06.2023), and the use shall be carried out in accordance with all mitigation measures set out within this document at all times.

*Reason: To prevent any undue noise and disturbance to residential occupiers and occupants of neighbouring properties.*

#### **5. Final mitigation scheme**

A final mitigation scheme for approval together with a noise management plan shall be provided to the Local Planning Authority for its written approval within one month of the commencement of the approved development.

*Reason: To prevent any undue noise and disturbance to residential occupiers and occupants of neighbouring properties.*

#### **5. Site Management Plan**

The development shall at all times be operated in strict accordance with the site management plan prepared by Richard J Barker, Dated December 2022 which requires a dedicated member of staff to control all vehicles entering and exiting the facility at all times during hours of operation.

*Reason: To appropriately manage the flow of cars, and suitably consider the transport needs of the development in the interests of highway safety.*

#### **6. Secure by Design**

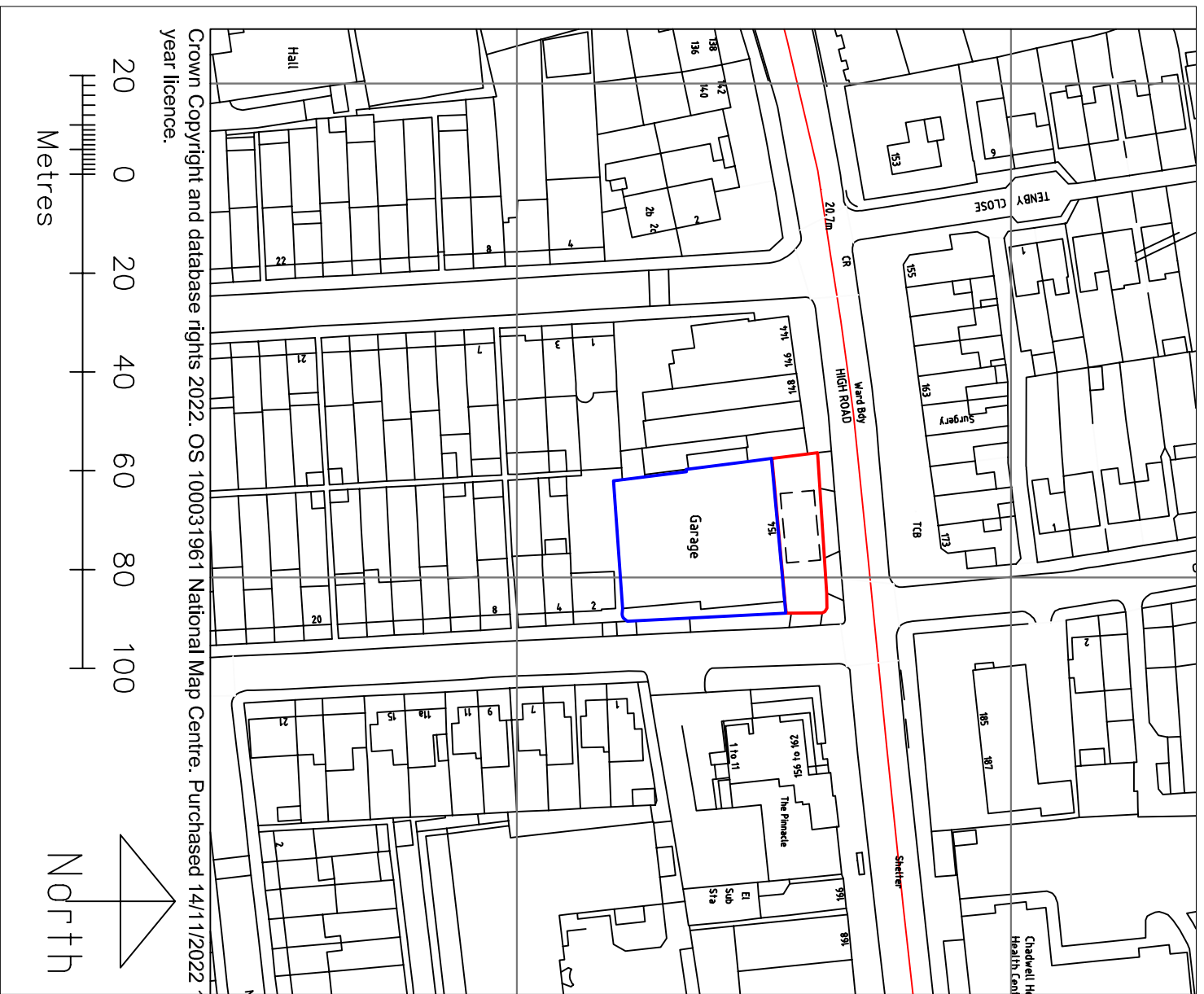
The proposed development shall achieve security standards (based on Secured by Design principles) to the satisfaction of the local authority & Metropolitan Police, details of which shall be provided to the Local Planning Authority for its written approval within three months of the commencement of the approved development. All security measures applied to the approved development shall be permanently retained thereafter.

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

#### **Informative(s):**

1. The applicant is reminded that in addition to the recommended mitigation measures the applicant should have general noise management which should include regular maintenance of plant, equipment, building and enclosure structures, and the closing of doors during the operation of plant and equipment.
2. The application is reminded that petrol / oil interceptors should be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.

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Location Plan (Scale 1:1250 @ A3)



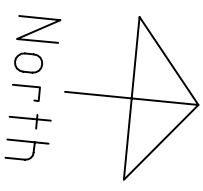
Block Plan (Scale 1:500 @ A3)

**RICHARD J. BAKER**  
 The Studio, 17 Madras Road, Boreham, Essex, SS11 4SU  
 Design Surveys Property Advice  
 Tel: 0464 7880 88/2210

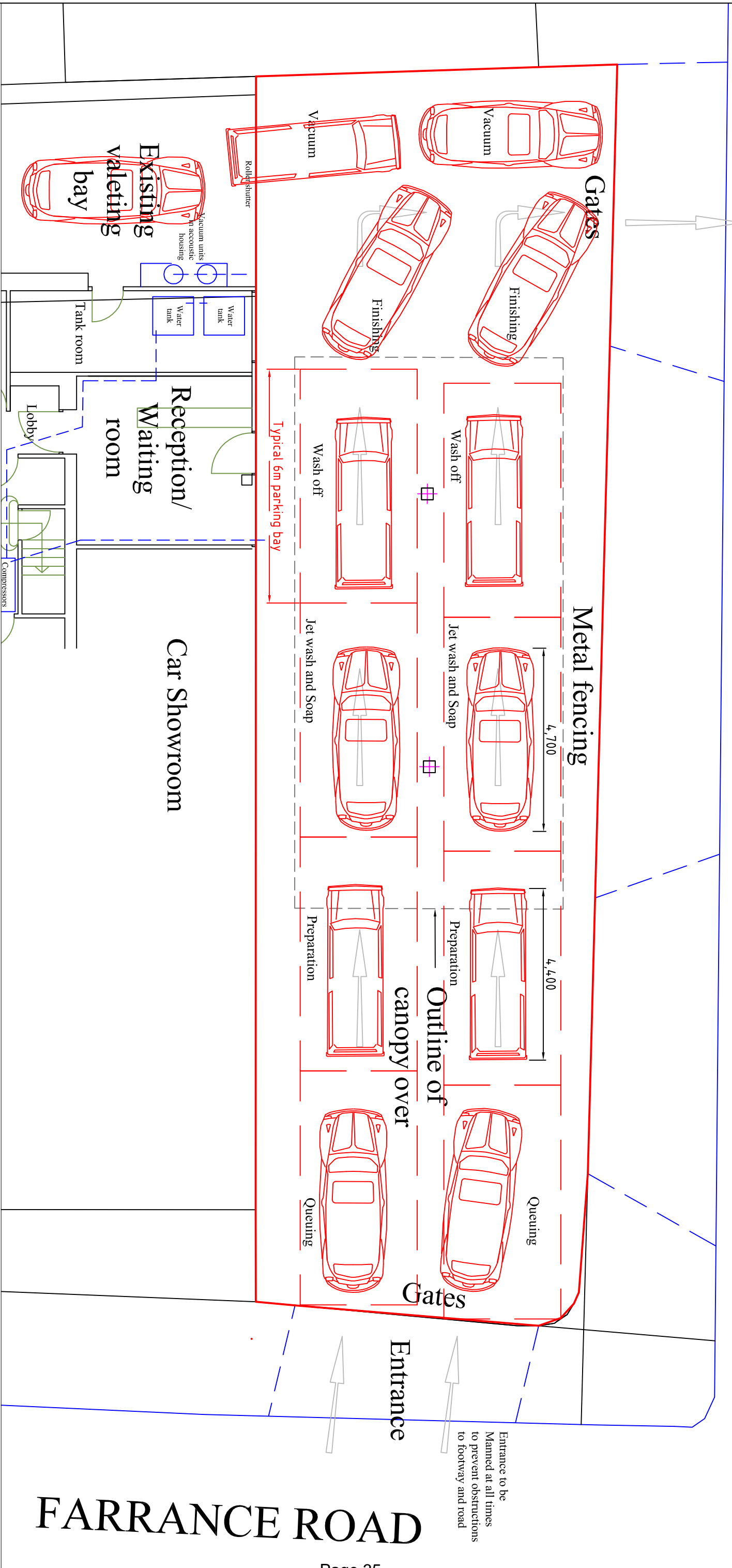
CLIENT	Wood	DATE	Nov, 2022	JOB NO.	154HRCH	Checked
PROJECT	154 High Road Chadwell Heath RM6 6NT	DRAWN	R.J.B.	DRAWN NO.	001	
SCALE	As noted @ A3					

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# HIGH ROAD



Exit



# FARRANCE ROAD

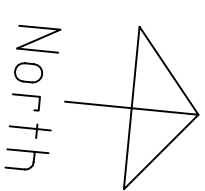
Ground Plan (Scale 1:100 & A3)  
Forecourt area = 282 sq m

<b>RICHARD J. BAKER</b> Design Surveys Property Advice Tel: Mobile: 07890 89270		<b>TITLE</b> Hand wash progress Plan Rev A 24th Aug. 2023	
<b>PROJECT</b> 154 High Road Chadwell Heath RM6 6NT	<b>CLIENT</b> Wood	<b>DATE</b> Nov, 2022	<b>JOB NO.</b> 154HRCH
	<b>SCALE</b> 1:100 @ A3	<b>DRAWN</b> R.J.B.	<b>CHECKED</b> 003A

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# HIGH ROAD

Exit



North

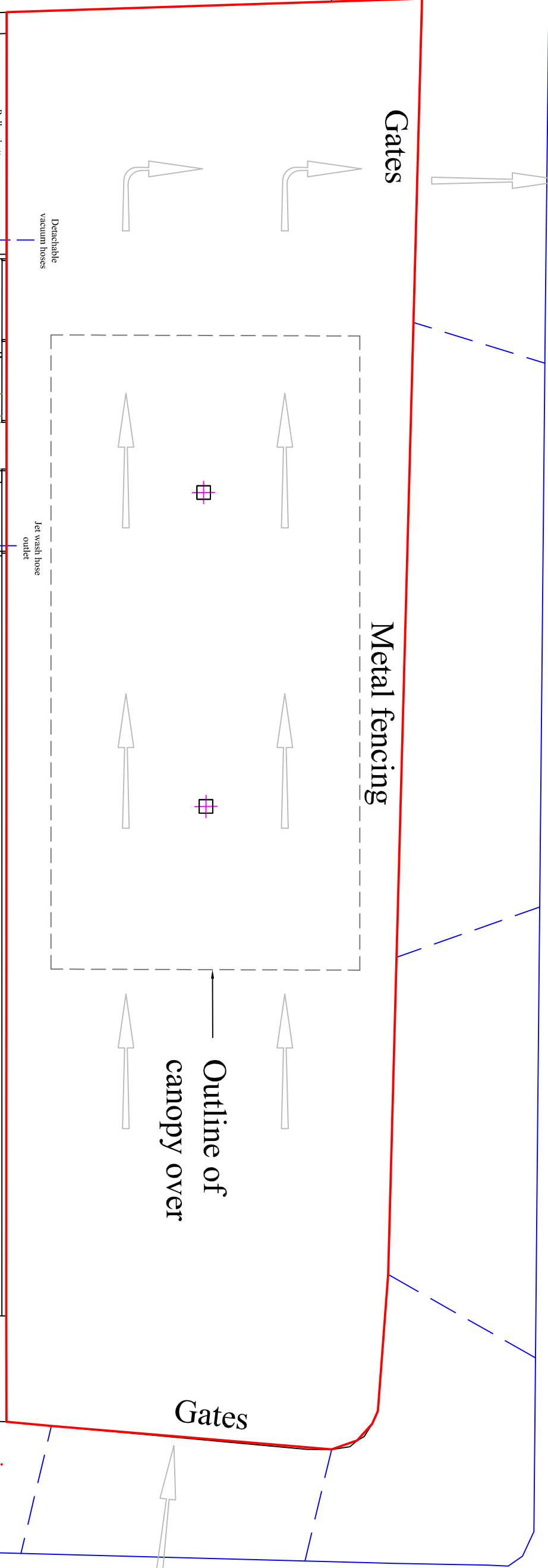
Gates

Metal fencing

Outline of canopy over

Gates

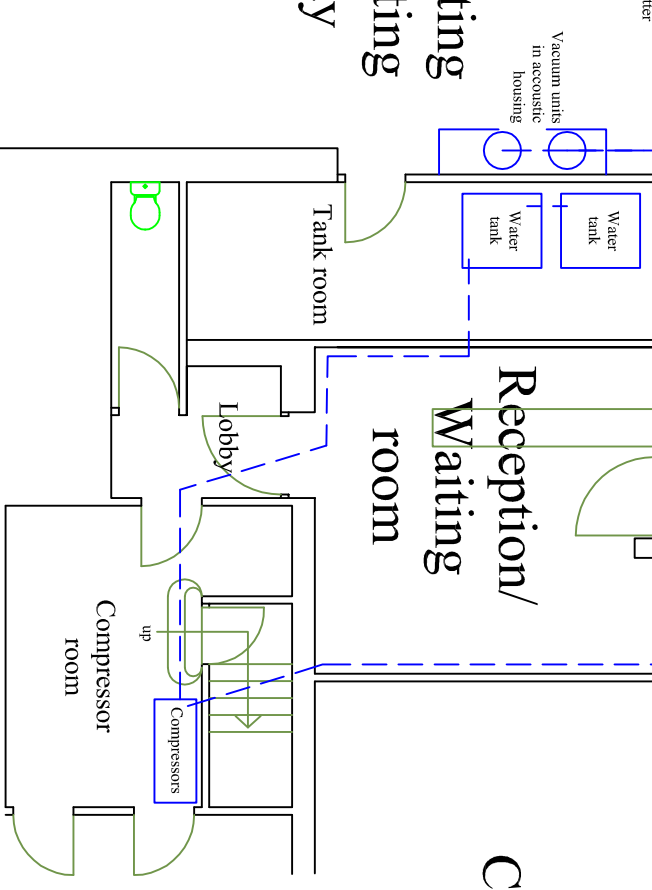
Entrance



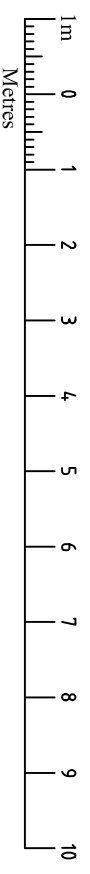
Car Showroom

Reception/  
Waiting room

Existing  
valeting bay



Ground Plan (Scale 1:100 & A3)  
Forecourt area = 282 sq m



**RICHARD J. BAKER**  
Scale: 1:100 Metric Road Services Team (RJR/RSJ)  
Design: Surveys Property Advice  
Tel: Mobile: 07800 882878

PROJECT		TITLE	
154 High Road Chadwell Heath RM6 6NT		Site Plan	
CLIENT	Wood	DATE	Nov, 2022
SCALE	1:100 @ A3	DRAWN	R.J.B.
		JOB NO.	154HRCH
		DRWG. NO.	002A
		Checked	

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Working in partnership


**Barking &  
Dagenham**
**LONDON BOROUGH OF BARKING & DAGENHAM**
**PLANNING COMMITTEE**
**11<sup>th</sup> September 2023**
**Application for 'Variation to S106'**

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

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

**Proposal:**

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

**Officer Recommendations:**

Planning Committee is asked to resolve to:

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

**S106 – Summary of Heads of Terms:**

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

**Phase 3 Affordable Housing Units Schedule**

Phase 3A

	<b>London Rent</b>	<b>Affordable</b>	<b>Affordable Rent</b>	<b>Private</b>
1- Bedroom	6		26	44

2- Bedroom	30	20	58
3- Bedroom	30	12	0
<b>Total</b>	<b>66</b>	<b>58</b>	<b>102</b>

To

**Phase 3 Affordable Housing Units Schedule**

Phase 3A

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

## OFFICER REPORT

### Planning Constraints:

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

### Site, Situation and relevant background information:

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

#### Relevant Planning Background

##### 1. Original Planning Permission – 14/00703/OUT

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

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

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

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

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

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

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

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

4. Section 73 variation to 19/00310/FUL – 20/01251/VAR  
On 26th January 2021 planning permission was granted for the variation of condition 2 (approved parameter plans) in respect of planning permission 19/00310/FUL (Gascoigne Estate East redevelopment).

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

5. Reserved matters application- 20/01250/REM  
On 26th January 2021 planning permission was granted for the approval of reserved matters following outline approval for Phase 3A of application 20/01251/VAR- Development parcels I and J. This application seeks permission for the variation of condition 1 (approved drawings) attached to application 20/01250/REM.
6. Section 73 variation to 20/01250/REM- 22/00496/VAR  
On 30<sup>th</sup> June 2022 planning permission was granted for the variation of Condition 1 (Approved Drawings) attached to planning consent 20/01250/REM dated 26.01.2021 to allow minor material amendments to the facades and landscaping of Building I in order to improve construction efficiency, the quality of the design and landscaping and the building's overall sustainability credentials. The application is linked to approved outline permission 20/01251/VAR.

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

**Key issues:**

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

**Planning Assessment:**

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

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

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

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

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

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

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

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

### **Phase 3 Affordable Housing Units Schedule**

Phase 3A

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

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

**Phase 3 Affordable Housing Units Schedule**

Phase 3A

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

**Conclusions:**

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

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

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

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

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

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

## Appendix 1:

<p><b>Development Plan Context:</b> 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) (DLUHC, July 2021)</i></p>	
<p><i>The London Plan: Spatial Development Strategy for London (March 2021)</i></p>	<p>Policy GG1 - Building Strong and Inclusive Communities Policy GG2 - Making the Best Use of Land Policy GG3 - Creating a Healthy City Policy GG4 - Delivering the Homes Londoners Need Policy D1 - London's Form, Character and Capacity for Growth Policy D2 - Infrastructure Requirements for Sustainable Densities Policy D3 - Optimising Site Capacity Through the Design-Led Approach Policy D4 - Delivering Good Design Policy D5 - Inclusive Design Policy D6 - Housing Quality Standards Policy D7 - Accessible Housing Policy D8 - Public Realm Policy D9 – Tall Buildings Policy D11 - Safety, Security and Resilience to Emergency Policy D12 - Fire Safety Policy D14 - Noise Policy E1 - Offices Policy H1 - Increasing Housing Supply Policy H4 - Delivering Affordable Housing Policy H5 - Threshold Approach to Applications Policy H6 - Affordable Housing Tenure Policy H7 - Monitoring of Affordable Housing Policy H10 - Housing Size Mix Policy H11 – Build to Rent Policy HC1- Heritage and Conservation Policy G1 - Green Infrastructure Policy G5 - Urban Greening Policy G6 - Biodiversity and Access to Nature Policy SI1 - Improving Air Quality Policy SI2 - Minimising Greenhouse Gas Emissions Policy SI3 - Energy Infrastructure Policy SI7 - Reducing Waste and Supporting the Circular Economy Policy SI8 - Waste Capacity and Net Waste Self-Sufficiency Policy SI12 - Flood Risk Management Policy SI13 - Sustainable Drainage Policy T1 - Strategic Approach to Transport Policy T2 - Healthy Streets Policy T3 - Transport Capacity, Connectivity and Safeguarding Policy T4 - Assessing and Mitigating Transport Impacts Policy T5 - Cycling Policy T6 - Car Parking</p>
<p><i>Local Development Framework (LDF) Core Strategy (July 2010)</i></p>	<p>Policy CM1 – General Principles for Development Policy CM2 – Managing Housing Growth</p>



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

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

**Additional Reference:**

*Human Rights Act*

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

*Equalities*

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

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

**Appendix 2:**

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

**Appendix 3:**

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

## Appendix 4:

### s.106 Proposed Deed of Variation:

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

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

### Phase 3 Affordable Housing Units Schedule

Phase 3A

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

To

### Phase 3 Affordable Housing Units Schedule

Phase 3A

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



Working in partnership



## LONDON BOROUGH OF BARKING & DAGENHAM

### PLANNING COMMITTEE

11<sup>th</sup> September 2023

#### Application for Removal or Variation of a Condition following Grant of Planning Permission

<b>Case Officer:</b>	Kathryn McAllister	<b>Valid Date:</b>	20-July-2023
<b>Applicant:</b>	<b>London Borough of Barking and Dagenham</b>	<b>Expiry Date:</b>	20-July-2023
<b>Application Number:</b>	23/01143/VAR	<b>Ward:</b>	Goresbrook, Eastbury, and Mayesbrook
<b>Address:</b>	Development Site Junction of Stamford Road and Woodward Road, Dagenham.		

The purpose of this report is to set out the Officer recommendations to Planning Committee regarding an application for removal or variation of a condition following grant of planning permission relating to the proposal below at Development Site Junction of Stamford Road and Woodward Road, Dagenham.

#### Proposal:

Variation of Condition 2(approved plans) attached to planning consent 20/00097/FUL dated 17.07.2020 to amend the approved affordable housing tenure mix to change 15 out of the 16 London Affordable Rent units to Discount Market Rent.

#### 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 deed of variation under s106 of the Town and Country Planning Act 1990 (as amended) based on the changes identified at Appendix 6 of this report and the Conditions listed in Appendix 5 of this report; and
3. that, if by 11 March 2024 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:

1. Statutory Time Limit - Planning Permission
2. Development in Accordance with Approved Plans
3. Site Contamination
4. Construction Management
5. Air monitoring condition
6. Drainage Strategy
7. Acoustic Protection
8. Materials and Balcony Details

9. Brick Articulation
10. Planting Scheme
11. Fire Safety Scheme
12. Electric Vehicle Charging Points Details
13. Trees
14. Ecological Management Plan
15. Hard/Soft Landscaping Implementation
16. Children's Playspace Implementation
17. Car Parking Implementation
18. Cycle Parking Implementation
19. Refuse and Recycling Strategy Implementation
20. Sustainable Drainage Implementation
21. Crime Prevention Scheme
22. Communal Television and Satellite System
23. External lighting
24. Renewable Energy Infrastructure
25. Accessible Housing
26. Water Efficiency
27. Plant Noise Limit
28. Carbon Reduction
29. Hours of Use of the Community Buildings

#### **S106 – Summary of Deed of Variation:**

The Planning Committee has previously granted planning permission subject to the completion of a Unilateral Undertaking securing the obligations as summarised below:

- ❖ 100% affordable housing development comprising of 40 Affordable Rent units and 16 London Affordable Rent units.
- ❖ Local Employment and Skills ensuring that reasonable endeavours have been made to ensure at least 25% of people working on the development during construction are local residents.
- ❖ Carbon offset obligations to ensure the development achieves a minimum 59% onsite carbon reduction with the remaining offset by a financial contribution to achieve 100% carbon neutral development.
- ❖ Car club to ensure 1 new car club space is provided and minimum 24-month membership is provided from first Occupation of each Residential Unit.
- ❖ Highways work obligation securing a s.278 agreement to cover off-site highway works and the submission of traffic management measures and traffic management measures bond.
- ❖ Air Quality obligation requiring the owner to pay the Air Quality Neutral Mitigation Contribution prior to first occupation.
- ❖ Event management and travel plan obligation requiring the submission of an events management plan and travel plan prior to occupation.

A deed of variation to the existing Unilateral Undertaking dated 10.07.2020 is required. The proposed changes are detailed below:

- ❖ Omit the approved application reference number 20/00097/FUL within the legal agreement and replace with application reference 23/01143/VAR.
- ❖ Amendments to Schedule 2 (Affordable Housing Obligations) to reflect the proposed tenure change. The changes include:
- ❖ Replacement of reference to Affordable Housing Units with Discount Market Rent Units within the schedule.
- ❖ Updated the "Affordable Housing" definition to replace reference to Affordable Rent with Discount Market Rent.
- ❖ Update the "Affordable Housing Units" definition to replace its meaning of '40 units of Affordable Rent Housing Units and 16 Units of London Affordable Rent Housing Units' with



'55 units of Discount Market Rent Housing Units and 1 Unit of London Affordable Rent Housing Units'.

- ❖ Replace the "Affordable Rent Housing Units" definition which means 'the 40 Affordable Housing Units as shown on plans 0110 rev 002, 01111 rev 002 and 01112 rev 002 at Annex C comprising 71% of the Affordable Housing Units to be made available for Affordable Rent Housing in accordance with this Schedule of this Deed'. This will be replaced by a "Discount Market Rent Housing Units" definition which means 'the 55 Discount Market Affordable Housing Units as shown on plans BF0066-MCO-ZZ\_GF-DR-A-03110 revision 003, BF0066-MCO-ZZ-01-DR-A-03111 revision 003 and BF0066-MCO-ZZ-02-DR-A-03112 revision 003, at Annex C comprising 98% of the Affordable Housing Units to be made available for Discount Market Rent Housing in accordance with this Schedule of this Deed'.
- ❖ Updated "London Affordable Rent Housing units" definition which means 'the 16 London Affordable Housing Units as shown on plans 0110 rev 002, 01111 rev 002 and 01112 rev 002 at Annex C comprising 29% of the Affordable Housing Units to be made available for London Affordable Rent Housing in accordance with this Schedule of this Deed'. The meaning will be replaced by the following wording 'the 1 London Affordable Housing Units as shown on plans BF0066-MCO-ZZ\_GF-DR-A-03110 revision 003, BF0066-MCO-ZZ-01-DR-A-03111 revision 003 and BF0066-MCO-ZZ-02-DR-A-03112 revision 003, at Annex C comprising 2% of the Affordable Housing Units to be made available for London Affordable Rent Housing in accordance with this Schedule of this Deed'.
- ❖ Definition for 'Discount Market Rent' to be added in line with London Plan definition. This definition should secure the following:
  - Rent prices for Discount Market Rent Housing Units will have a 20% discount of the full market rents as linked to an open market valuation appraisal undertaken every 3 years by an independent RICS assessor.
  - Longer tenancies (three years or more) for all tenants of Discount Market Rent Housing Units with a break clause allowing tenant to end the tenancy with a month's notice any time after the first six (6) months.
  - Rent and service charges should be made clear to tenants before a tenancy agreement is signed. Any annual increases should be formula linked.
  - Provision of on-site management to enable prompt resolution to issues and should include some daily on-site presence.
  - The provider of Discount Market Rent Housing units should have a complaints procedure in place and a member of a recognised ombudsmen.
  - Providers should not charge tenant or any perspective tenants upfront fees other than deposits and rent up front.
- ❖ Late-Stage Review Mechanism to be secured requiring a late-stage affordable housing review is to occur when 75% of the units in the scheme are sold or let.
- The drawings secured in Appendix C shall be replaced with drawings BF0066-MCO-ZZ\_GF-DR-A-03110 Proposed Ground Floor Plan- Tenure [Revision 003] dated 31.03.2020, BF0066-MCO-ZZ-01-DR-A-03111 Proposed First Floor Plan- Tenure [Revision 003] dated 31.03.2020 and BF0066-MCO-ZZ-02-DR-A-03112 Proposed Second Floor Plan- Tenure [Revision 003] dated 31.03.2020.

All previously approved heads of terms remain unchanged and continue to be acceptable subject to the imposition of conditions. These heads should be moved across unchanged to the new legal agreement. The conditions have been slightly re-worded to reflect the current position, as some details have already been submitted and approved.

**OFFICER REPORT**

<b>Planning Constraints:</b>
Air Quality Management Area Barking Library is a Locally Listed Building. The site is identified in the Council’s Site-Specific Allocations Development Plan Document as SSA SC6: Julia Engwell Clinic.

<b>Site, Situation and relevant background information:</b>
The application site is located on the junction of Woodward Road and Stamford Road. The site’s planning history is as follows:  <b>20/00097/FULL</b> On 17 <sup>th</sup> July 2020 planning permission was granted for the change of use of the former Barking Library building from sui generis (furniture recycling) to Class D1 (community). Construction of up to 266sqm (GIA) building for flexible Class D1 community/sui generis (police station), 56 no. Class C3 (residential) units; and associated works including landscaping and car parking provision. This application was subject to a s106 Legal Agreement.  <b>23/00218/NONMAT</b> On 9 <sup>th</sup> March 2023 non-material amendment following the grant of planning permission was approved. The proposal sought non-material amendments to conditions 2, 15, 17, 18 and 19.  <b>23/01143/VAR - This application</b> This application seeks permission for the Variation of Condition 2 (approved plans) attached to planning consent 20/00097/FUL dated 17.07.2020 to amend the approved affordable housing tenure mix to change 15 out of the 16 London Affordable Rent Units to Discount Market Rent.  The proposal seeks permission to amend the tenure mix of the development. This application will be subject to the completion of a deed of variation.

<b>Detailed proposal:</b>				
<table border="1" style="width: 100%;"> <tr> <td style="background-color: #e0f2f1;">Proposed Amendment:</td> <td style="background-color: #e0f2f1;">Applicant Reasoning:</td> </tr> <tr> <td><i>Amend the approved affordable housing tenure mix to change 15 out of the 16 London Affordable Rent Units to Discount Market Rent.</i></td> <td><i>To allow the continued delivery of the application site.</i></td> </tr> </table>	Proposed Amendment:	Applicant Reasoning:	<i>Amend the approved affordable housing tenure mix to change 15 out of the 16 London Affordable Rent Units to Discount Market Rent.</i>	<i>To allow the continued delivery of the application site.</i>
Proposed Amendment:	Applicant Reasoning:			
<i>Amend the approved affordable housing tenure mix to change 15 out of the 16 London Affordable Rent Units to Discount Market Rent.</i>	<i>To allow the continued delivery of the application site.</i>			

In response to the provisions of Section 73 Town and Country Planning Act 1990, the application is to be assessed to consider the question of the conditions subject to which planning permission should be granted. S.73 States:

- (1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.*
- (2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—*
  - (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and*
  - (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.*

Specifically, s.73 does not apply if the previous planning permission was granted subject to a condition as to the time within which the development to which it related was to be begun and that time has expired

without the development having been begun. Further to this, s.73 does not permit a change to a condition subject to which a previous planning permission was granted by extending the time within which the development must be started or an application of reserved matters to be received.

The National Planning Practice Guidance directs the Local Planning Authority to consider the application against the development plan and material considerations, under section 38(6) of the Planning and Compulsory Purchase Act 2004 (*determination shall be made in accordance with the plan unless material consideration indicates otherwise*), and conditions attached to the existing permission. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

#### Assessment:

##### Key issues:

- Tenure Mix

#### Planning Assessment:

##### 1.0 Tenure Mix

- 1.1 Chapter 5 of the NPPF requires local authorities to identify affordable housing need and set policies for meeting this need. Paragraph 65 states "Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups". Notwithstanding paragraph 63 states "Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities".
- 1.2 Policy H4 of the London Plan sets a strategic target for 50% of all new homes delivered across London to be genuinely affordable. In particular this policy ensures that all major developments which trigger affordable housing requirements provide affordable housing through the threshold approach. Policy H5 outlines the threshold approach which applies to all major development proposals which trigger affordable housing requirements. Policy H5B sets threshold level of affordable housing on gross residential development at a minimum of 35%; or 50 per cent for public sector land where there is no portfolio agreement with the Mayor; or 50 per cent for Strategic Industrial Locations, Locally Significant Industrial Sites and Non-Designated Industrial Sites appropriate for residential uses. This requirement is also established in the Affordable Housing Supplementary Planning Guidance (SPG).
- 1.3 Policy H5 part J states "that any proposed amendments that result in a reduction in affordable housing, affordability or other obligations or requirements of the original permission should be rigorously assessed under the Viability Tested Route. In such instances, a full viability review should be undertaken that reconsiders the value, costs, profit requirements and land value of the scheme". The proposal seeks to replace 15 of the 16 existing approved LAR units with DMR units. Noting this is a reduction in genuinely affordable housing this application will need to follow the Viability Tested Route.
- 1.4 Policy H7 of the London Plan, also reflecting the targets previously set out in the SPG, further details the Mayor's preferred affordable tenure split, which consists of a minimum of 30% low-cost rented homes (including Social Rent and London Affordable Rent), a minimum of 30% intermediate products (including London Living Rent and London Shared Ownership) and the remaining 40% to be determined by the Local Authority based on identified need.
- 1.5 The Draft Local Plan (regulation 19 version) policy DMH1 seeks to apply the threshold approach to viability. The policy seeks to ensure that new developments contribute to the delivery of a range of housing tenures in accordance with the following tenure split: 50% mix of social housing including London Affordable Rent, 50% mix of intermediate housing including London Shared Ownership.

- 1.6 The proposal seeks to amend the tenure mix of this development replacing 15 of the 16 LAR units with Discount Market Rent Units. This application seeks to vary condition 2 (approved drawings) to include the updated affordable housing tenure drawings. Much of the work has been completed on site since the original permission was issued. As such, all remaining conditions will be updates to reflect this.
- 1.7 As consented the proposal will deliver 100% affordable housing which is far more than the Mayor of London’s 50% target for public sector land. The tenure mix consented includes the provision of London Affordable Rent and Affordable Rent units under application 20/00097/FUL is as follows:

<b>Unit Size</b>	<b>London Affordable Rent</b>	<b>Affordable Rent (up to 80% of market rent)</b>	<b>Total</b>
1- Bedroom Flat	0	32	32 (57%)
2- Bedroom Flat	2	8	10 (18%)
3- Bedroom Flat	14	0	14 (25%)
<b>Total Units</b>	16 (29%)	40 (71%)	56 (100%)
<b>Total Habitable Rooms</b>	48 (35%)	88 (65%)	136(100%)

- 1.8 For clarity, as detailed in the planning statement submitted with this application the consent tenure mix included low-cost rent (London Affordable Rent) and Intermediate Rent (Discount Market Rent).
- 1.9 This application seeks to vary condition 2 to amend the tenure mix. It is proposed to replace 15 London Affordable Rent units with Discount Market Rent. The applicant states “LBBB remains committed to providing affordable homes for local people across its portfolio of new homes; therefore, a change in the type of affordable housing provided at the application site is proposed to ensure continued delivery”. Officers believe that the tenure mix has been amended to allow the continued delivery of the scheme. The tenure mix proposed under this application is as follows:

<b>Unit Size</b>	<b>London Affordable Rent</b>	<b>Discount Market Rent</b>	<b>Total</b>
1- Bedroom Flat	0	32	32 (57%)
2- Bedroom Flat	0	10	10 (18%)
3- Bedroom Flat	1	15	14 (25%)
<b>Total Units</b>	1 (2%)	55 (98%)	56 (100%)
<b>Total Habitable Rooms</b>	4 (3%)	146 (97%%)	150(100%)

The proposed changes can be found in the table below.

	London Affordable Rent (LAR)			Discount Market Rent (DMR)			Total
	Existing	Proposed	Changes	Existing	Proposed	Changes	
1- Bedroom Flat	0	0	0	32	32	0	32
2- Bedroom Flat	2	0	-2	8	10	+2	10
3- Bedroom Flat	14	1	-13	0	15	+15	25
<b>Total Units</b>	16	1	-15	40	55	+15	56
<b>Total Habitable Rooms</b>	48	4	-44	88	146	+58	136

- 1.10 As shown above the proposal will remain 100% affordable. However, the changes will result in the loss of 15 LAR units (44 LAR habitable rooms). This will be replaced with 15 DMR units (58 DMR habitable rooms). This is in accordance with the original permission and includes the re-provision of 1 social rented unit that was previously located on site.
- 1.11 As set out in policy H5 part J amendments that result in a reduction in affordable housing, affordability or other obligations or requirements of the original permission should be rigorously assessed under the Viability Tested Route.
- 1.12 Whilst the proposal will remain 100% affordable. The proposed changes would result in the reduction of genuinely affordable low-cost rent properties and replace this with an intermediate product. Therefore, the proposed changes will need to follow the Viability Tested Route.
- 1.13 The application is accompanied by a viability assessment prepared by JLL dated May 2023. This assessment concludes that “the consented scheme produces a deficit of c.£5.44 million and the proposed changes to tenure help to claw back c.£3.78 million of the deficits. This means that the proposed scheme is still some £1.65 million below the breakeven point but significantly reduces the viability deficit. Despite having to repay £1.5 million grant funding, this is more than counteracted by being able to apply an additional £4.3 million right to buy receipts”.
- 1.14 From the assessment provided officers believe that despite the proposed changes the scheme will still remain in deficit, however, this amendment would reduce the size of the deficit. As detailed in the assessment the proposed changes will result in the deficit decreasing from -£5,437,143 to -£1,652,800. The delivery of discount market rent allows the applicant to apply additional right to buy receipts, hence, the scheme will be able to claw back a significant proportion of deficits. This will improve the deliverability of the scheme and continue to allow the applicant to supply affordable units within the borough.
- 1.15 The council has appointed BNP Paribas as their independent viability consultant to review the submitted viability assessment. The consultants has reviewed the viability assessment submitted by the applicant and made a number of recommendations. These include adjusting community space revenue assumptions to reflect what is achievable in the current market and adjusting the programme of timetable. BNP Paribas have undertaken an appraisal assuming 100% affordable housing (55 affordable rent units and 1 London affordable rent units), taking into account the recommended amendments and found the proposed development to generate a negative RLV of -

£218,878. This contrasts with the negative RLV of -£1,652,800 concluded by JLL in their assessment. From the review it is clear that the proposed development improves the viability of the scheme, but it does not generate a positive RLV. Officers consider the result of the BNP Paribas appraisal to be sound and correct. The amendments to the tenure of the scheme will improve the overall viability of the scheme, as such, officers consider the proposed changes to enable the continued delivery of the scheme and provision of much needed housing within the borough.

- 1.16 Discount Market Rent is an intermediate affordable product with rent prices being 80% of the market rent prices. As detailed in policy H7 of the London Plan affordable housing must be monitored with Borough publishing monitoring information annually to ensure transparency. Rent prices within the Borough are monitored annually through the GLA London Plan Annual Monitoring Report (AMR) which borough's feed into through the preparation of a local AMR. It is noted that at present the GLA London Rent Map which is updated quarterly show open market rent prices for the site location being low. The median monthly rent for 1-bedroom units is £950-£1,100; 2-bedroom units are £1,200-£1,300; and 3- bedroom units under £1,500. As such, officers note a 20% discount on these rent prices would further improve access to this product by residents on low incomes. Notwithstanding, officers note guidance on DMR units allows the use of the London Rent map or an open market rent valuation to fix the open market rent before the 20% discount is applied. Noting there is a time lag in the AMR officers consider an annual open market rent valuation to be better placed so as to ensure that the DMR rent prices are the best reflection of the open market.
- 1.17 Further, policy H6 of the London Plan has regard to affordable housing tenure. Regarding discount market rent this policy states that this product is acceptable if it meets the broad definition of affordable housing, the London Housing Strategy definition of genuinely affordable housing and is considered by the borough to be genuinely affordable. The rent prices of DMR units will be prices at 80% of the market value providing residents with access to below market rent allowing them to save up for a deposit. Likewise, this product does not require a large up-front deposit, hence, making it more affordable and accessible to local residents. As detailed above, currently open market rent prices are relatively low in this area of the borough, as such, officers consider the provision of a below-market rent to remain genuinely affordable to resident given these will be remain accessible to those on the low incomes. Officers therefore consider this product to be more affordable than other intermediate products and provide an affordable option to residents of the borough.
- 1.18 In addition, policy H6 states that DMR units should be made affordable to household on incomes of up to £60,000. This income cap is monitored annually via the GLA AMR to ensure access to this product remains affordable to households on lower incomes.
- 1.19 Finally, policy H11 of the London Plan seeks to ensure that where DMR units are provided these are secured in perpetuity. DMR units should be made available to tenants on longer tenancies (three years or more) with a break clause allowing tenants to end the tenancy with a month's notice any time after the first 6 months; rent and service charges should be made clear to tenants before a tenancy agreement is signed. Any annual increases should be formula linked; provision of on-site management to enable prompt resolution to issues and should include some daily on-site presence; the provider of Discount Market Rent Housing units should have a complaints procedure in place and a member of a recognised ombudsmen; and providers should not charge tenant or any perspective tenants upfront fees other than deposits and rent up front. It is noted that a deed of variation is required to insert a definition for Discount Market Rent into the Legal Agreement to ensure this product is secured in perpetuity.
- 1.20 Overall, officers accept the proposed changes would result in the loss of 15 LAR units, which is a more affordable tenure than DMR. However, as shown above it is clear the proposed 16 DMR units will remain affordable for local residents and would represent the maximum level of affordable housing in the circumstances. Officers consider the proposed changes to be acceptable and in keeping with development plan policies.
- 1.21 Officers consider the proposed changes to be acceptable subject to the completion of a deed of variation to the unilateral undertaking dated 10<sup>th</sup> July 2020. This includes amendments to Schedule 2 (Affordable Housing Obligations) to update the secured drawings and tenure details to replace 15 of the 16 consented LAR units with discount market rent units. Further a mechanism for Late Stage Review will be inserted in the legal agreement so that affordable housing tenure mix can be reviewed

laterally. The schedule will be updated to replace reference to Affordable Rent Units with Discount Market Rent Units. The proposed changes to be secured within the deed of variation are as follows:

- Omit the approved application reference number 20/00097/FUL within the legal agreement and replace with application reference 23/01143/VAR.
  - Amendments to Schedule 2 (Affordable Housing Obligations) to reflect the proposed tenure change. The changes include:
    - ❖ Replacement of reference to Affordable Housing Units with Discount Market Rent Units within the schedule.
    - ❖ Updated the “Affordable Housing” definition to replace reference to Affordable Rent with Discount Market Rent.
    - ❖ Update the “Affordable Housing Units” definition to replace its meaning of ‘40 units of Affordable Rent Housing Units and 16 Units of London Affordable Rent Housing Units’ with ‘55 units of Discount Market Rent Housing Units and 1 Unit of London Affordable Rent Housing Units’.
    - ❖ Replace the “Affordable Rent Housing Units” definition which means ‘the 40 Affordable Housing Units as shown on plans 0110 rev 002, 01111 rev 002 and 01112 rev 002 at Annex C comprising 71% of the Affordable Housing Units to be made available for Affordable Rent Housing in accordance with this Schedule of this Deed’. This will be replaced by a “Discount Market Rent Housing Units” definition which means ‘the 55 Discount Market Affordable Housing Units as shown on plans BF0066-MCO-ZZ\_GF-DR-A-03110 revision 003, BF0066-MCO-ZZ-01-DR-A-03111 revision 003 and BF0066-MCO-ZZ-02-DR-A-03112 revision 003, at Annex C comprising 98% of the Affordable Housing Units to be made available for Discount Market Rent Housing in accordance with this Schedule of this Deed’.
    - ❖ Updated “London Affordable Rent Housing units” definition which means ‘the 16 London Affordable Housing Units as shown on plans 0110 rev 002, 01111 rev 002 and 01112 rev 002 at Annex C comprising 29% of the Affordable Housing Units to be made available for London Affordable Rent Housing in accordance with this Schedule of this Deed’. The meaning will be replaced by the following wording ‘the 1 London Affordable Housing Units as shown on plans BF0066-MCO-ZZ\_GF-DR-A-03110 revision 003, BF0066-MCO-ZZ-01-DR-A-03111 revision 003 and BF0066-MCO-ZZ-02-DR-A-03112 revision 003, at Annex C comprising 2% of the Affordable Housing Units to be made available for London Affordable Rent Housing in accordance with this Schedule of this Deed’.
    - ❖ Definition for ‘Discount Market Rent’ to be added in line with London Plan definition. This definition should secure the following:
      - Rent prices for Discount Market Rent Housing Units will have a 20% discount of the full market rents as linked to an open market valuation appraisal every 3 years by an independent RICS assessor.
      - Longer tenancies (three years or more) for all tenants of Discount Market Rent Housing Units with a break clause allowing tenant to end the tenancy with a month’s notice any time after the first six (6) months.
      - Rent and service charges should be made clear to tenants before a tenancy agreement is signed. Any annual increases should be formula linked.
      - Provision of on-site management to enable prompt resolution to issues and should include some daily on-site presence.
      - The provider of Discount Market Rent Housing units should have a complaints procedure in place and a member of a recognised ombudsmen.
      - Providers should not charge tenant or any perspective tenants upfront fees other than deposits and rent up front.
    - ❖ Late-Stage Review Mechanism to be secured requiring a late-stage affordable housing review is to occur when 75% of the units in the scheme are sold or let.
  - The drawings secured in Appendix C shall be replaced with drawings BF0066-MCO-ZZ\_GF-DR-A-03110 Proposed Ground Floor Plan- Tenure [Revision 003] dated 31.03.2020, BF0066-MCO-ZZ-01-DR-A-03111 Proposed First Floor Plan- Tenure [Revision 003] dated 31.03.2020 and BF0066-MCO-ZZ-02-DR-A-03112 Proposed Second Floor Plan- Tenure [Revision 003] dated 31.03.2020.
- 1.22 The conditions that the approval is subject to will remain the same in principle, but small amendments are required through the passage of time. For example, in some cases the details

pursuant to conditions have already been submitted and approved, so the conditions have been re-worded to reflect the current state. The full set of re-worded conditions is attached at Appendix 5

**Conclusions:**

The proposal seeks to amend the consented tenure mix replacing 15 of the 16 London Affordable Rent Units with Discount Market Rent. Although the changes will result in the loss of 15 low-cost rent units the proposed changes have been sought as the provision of DMR units will allow the applicant to use right to buy receipts clawing back a significant proportion of the scheme's deficit. The application is accompanied by a viability assessment which confirms that despite the proposed changes the scheme will remain in deficit, although the amount of negative Residual Land Value will be significantly diminished. Noting the proposed changes will allow the continued delivery of this scheme and the provision of much needed affordable accommodation in the borough. Overall, officers consider the proposed changes to be acceptable and constitute a minor material amendment. It is recommended that planning permission is granted subject to the completion of a deed of variation.



**Appendix 1:**

<p><b>Development Plan Context:</b>          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) (DLUHC, July 2021)</i></p>	
<p><i>The London Plan: Spatial Development Strategy for London (March 2021)</i></p>	<p>Policy GG1 - Building strong and inclusive communities          Policy GG2 - Making the best use of land          Policy GG3 - Creating a healthy city          Policy GG4 - Delivering the homes Londoners need          Policy D1 - London’s form, character and capacity for growth          Policy D2 – Infrastructure requirements for sustainable densities          Policy D3 – Optimising site capacity through the design-led approach          Policy D4 – Delivering good design          Policy D5 – Inclusive design          Policy D6 – Housing Quality Standards          Policy D7 – Accessible Housing          Policy D8 – Public Realm          Policy D11 – Safety, security and resilience to emergency          Policy D12 – Fire Safety          Policy D14 - Noise          Policy H1 - Increasing housing supply          Policy H2 - Small sites          Policy H4 – Delivering affordable housing          Policy H5 – Threshold approach to applications          Policy H6 – Affordable housing tenure          Policy H7 – Monitoring of affordable housing          Policy H10 – Redevelopment of existing housing and estate regeneration          Policy H12 - Housing size mix          Policy HC1- Heritage and conservation          Policy S1 -Developing London’s social infrastructure          Policy S3 – Education and childcare facilities          Policy G1 - Green infrastructure          Policy G5 - Urban greening          Policy G6 - Biodiversity and access to nature          Policy SI7 - Reducing waste and supporting the circular economy          Policy SI8 - Waste capacity and net waste self-sufficiency          Policy T1 - Strategic approach to transport          Policy T2 - Healthy Streets          Policy T3 - Transport capacity, connectivity and safeguarding          Policy T4 - Assessing and mitigating transport impacts          Policy T5 - Cycling          Policy T6 - Car parking</p>

<p><i>Local Development Framework (LDF) Core Strategy (July 2010)</i></p>	<p>Policy CM1 - General Principles for Development  Policy CR2 - Preserving and Enhancing the Natural Environment  Policy CR3 - Sustainable Waste Management  Policy CP2 - Protecting and Promoting our Historic Environment  Policy CP3 - High Quality Built Environment  Policy CC2: Social Infrastructure to Meet Community Needs</p>
<p><i>Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)</i></p>	<p>Policy BR1 - Environmental Building Standards  Policy BR3 - Greening the Urban Environment  Policy BR4 - Water Resource Management  Policy BR9 - Parking  Policy BR10 - Sustainable Transport  Policy BR11 - Walking and Cycling  Policy BR15 - Sustainable Waste Management  Policy BP2 - Conservation Areas and Listed Buildings  Policy BP8 - Protecting Residential Amenity  Policy BP11 - Urban Design  Policy BC6- Loss of Community Facilities</p>
<p><i>The London Borough of Barking and Dagenham’s Draft Local Plan: (Regulation 19 Consultation Version, Autumn 2021) is at an “advanced” stage of preparation. Having regard to NPPF of the emerging document is now a material consideration and substantial weight will be given to the emerging document in decision-making, unless other material considerations indicate that it would not be reasonable to do so.</i></p>	
<p><i>The London Borough of Barking and Dagenham’s Draft Local Plan: (Regulation 19 Consultation Version, Autumn 2021)</i></p>	<p>Policy SPDG1 - Delivering Growth  Policy SP3 - Delivering Homes that Meet People’s Needs  Policy SP2 - Delivering High Quality Design in the Borough  Policy SP6 – Green and blue infrastructure  Policy SP7 - Securing a clean, green and sustainable borough  Policy SP4- Delivering social and cultural infrastructure facilities in the right places locations  Policy DMH1 - Affordable Housing  Policy DMH2 - Housing Size and Mix  Policy DMD1- Securing high-quality design  Policy DMD4- Heritage assets and archaeological remains  Policy DMNE1 – Parks, open spaces and play space.  Policy DMNE2 - Urban Greening  Policy DMNE3 - Nature Conservation and Biodiversity  Policy DMNE5 - Trees  Policy DMSI2 - Energy, Heat and Carbon Emissions  Policy DMSI4 - Improving Air Quality  Policy DMSI6 – Flood risk and defences  Policy DMDI8 – Demolition, construction and operational waste  Policy DMT1 - Making Better Connected Neighbourhoods</p>

	Policy DMT2 - Car Parking Policy DMT3- Cycle Parking Policy DMS2: Planning for new facilities
<i>Supplementary Planning Documents</i>	DCLG Technical Housing Standards (nationally described space standard) (DCLG, March 2015) (as amended) Housing Supplementary Planning Guidance (2017) Accessible London: Achieving an Inclusive Environment (2014) Affordable Housing and Viability (2017) Character and Context (2014) Housing (2016) Play and Informal Recreation (2012) Sustainable Design and Construction (2014)

**Additional Reference:**

*Human Rights Act*

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

*Equalities*

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

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

**Appendix 2:**

<b>Relevant Planning History:</b>			
<i>Application Number:</i>	20/00097/FUL	<i>Status:</i>	Approved Subject to Legal Agreement
<i>Description:</i>	Change of use of the former Barking Library building from sui generis (furniture recycling) to Class D1 (community). Construction of up to 266sqm (GIA) building for flexible Class D1 (community)/sui generis (police station), 56 no. Class C3 (residential) units; and associated works including landscaping and car parking provision		
<i>Application Number:</i>	23/00218/NONMAT	<i>Status:</i>	Approved
<i>Description:</i>	Non material amendment to planning permission 20/00097/FUL dated 17-07-2020 to conditions 2, 15, 17, 18 and 19.		

### Appendix 3:

The following consultations have been undertaken:

- Goresbrook Ward Councillors
- Mayesbrook Ward Councillors
- LBBB Community Solutions
- LBBB Education
- LBBB Trees
- LBBB District Heating/Energy
- LBBB Strategic Refuse and Recycling
- LBBB Access Officer
- LBBB Flood Risk Manager
- Thames Water
- Environmental Agency
- Be First Transport
- Design Out Crime
- LBBB Environmental Protection

<b>Summary of Consultation responses:</b>		
<b>Consultee and date received</b>	<b>Summary of Comments</b>	<b>Officer Comments</b>
Environmental Protection dated 19.08.2023	Having reviewed the application, the change in the number of affordable rent units to discount market rent has no environmental impact so I have no comments to make on this application.	No further comments
Transport Officer dated 11.08.2023	No highways objection for this application.	No further comments
Design Out Crime Officer dated 27.07.2023	With regards to this particular application, what's being proposed will have no detrimental effect on our ongoing work on this scheme. As such we will not look to make any further comments.	No further comments
Thames Water dated 27.07.2023	Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time.	No further comments

**Appendix 4:**

<b>Neighbour Notification:</b>	
<b>Date Site Notice Erected:</b>	4 <sup>th</sup> August 2023
<b>Date of Press Advertisement:</b>	31.07.2023
<b>Number of neighbouring properties consulted:</b>	266
<b>Number of responses:</b>	N/A
<b>Address:</b>	<b>Summary of response:</b>
<i>Complete as required</i>	

## Appendix 5:

### Conditions & Informatives:

#### Conditions:

##### 1. Statutory Time Limit - Planning Permission

The development hereby permitted shall be commenced before the expiration of THREE YEARS from the 17<sup>th</sup> July 2023.

*Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).*

##### 2. Development in Accordance with Approved Plans

The development hereby approved shall only be carried out in accordance with the approved plans listed below:

- Proposed site location BF0066-MCO-ZZ-XX-DR-A-01100-Rev 001
- BF0066-MCL-BA-00-DR-A-9100 Rev S3-P02 Block A Ground Floor Fit Out GA dated 19.01.2022
- BF0066-MCL-BB-00-DR-A-9110 S3 P02 Block B Ground Floor (Fit Out GA) dated 19.01.2022
- BF0066-MCL-BC-00-DR-A-9120 Rev S3-P01 BLOCK C//GROUND FLOOR//sheet 1 of 2//GA dated 18.02.2022
- BF0066-MCL-BC-00-DR-A-9121 S3-P01 BLOCK C//GROUND FLOOR//sheet 2 of 2//GA dated 18.02.2022
- BF0066-MCL-BD-00-DR-A-9130 Rev S3-P01 BLOCK D//GROUND FLOOR//sheet 1 of 2//GA dated 18.02.2022
- BF0066-MCL-BD-00-DR-A-9131 Rev S3-P01 BLOCK D//GROUND FLOOR//sheet 2 of 2//GA dated 18.02.2022
- BF0066-MCL-BE-00-DR-A-9140 Rev S3-P02 Block E - Ground Floor Plan (Fit-out GA) dated 19.01.2023
- BF0066-MCL-BF-00-DR-A-9150 Rev S3-P02 Block F - Ground Floor Plan (Fit-out GA) dated 19.01.2023
- BF0066-MCL-BG-00-DR-A-9160 Rev S3-P01 Block G - Ground Floor Plan dated 18.02.2022
- BF0066-MCL-BH-00-DR-A-9177 Rev S3-PL02 Block H - Proposed Ground Floor Plan dated 08.04.2022
- BF0066-MCL-BA-01-DR-A-9101 Rev S3-P01 BLOCK A FIRST FLOOR (FIT-OUT GA) dated 18.02.2022
- BF0066-MCL-BB-01-DR-A-9111 Rev S3-P01 BLOCK B FIRST FLOOR (FIT-OUT GA) dated 18.02.2022
- BF0066-MCL-BC-01-DR-A-9122 Rev S3-P01 BLOCK C//FIRST FLOOR//sheet 1 of 2//GA dated 18.02.2022
- BF0066-MCL-BC-01-DR-A-9123 Rev S3-P01 BLOCK C//FIRST FLOOR//sheet 2 of 2//GA dated 18.02.2022
- BF0066-MCL-BD-01-DR-A-9132 Rev S3-P01 BLOCK D//FIRST FLOOR//sheet 1 of 2//GA dated 18.02.2022
- BF0066-MCL-BD-01-DR-A-9133 Rev S3-P01 BLOCK D//FIRST FLOOR//sheet 2 of 2//GA dated 18.02.2022
- BF0066-MCL-BE-01-DR-A-9141 Rev S3-P01 Block E - First Floor Plan (Fit-out GA) dated 18.02.2022
- BF0066-MCL-BF-01-DR-A-9151 Rev S3 P01 Block F - First Floor Plan (Fit-out GA) dated 18.02.22
- BF0066-MCL-BG-01-DR-A-9161 Rev S3-P01 Block G - First Floor Plan dated 18.02.2022
- BF0066-MCL-BH-01-DR-A-9178 Rev S3-P01 Block H - Proposed First Floor Plan dated 18.02.2022
- BF0066-MCL-BA-02-DR-A-9102 Rev S3-P01 BLOCK A SECOND FLOOR (FIT-OUT GA) dated 18.02.2022
- BF0066-MCL-BB-02-DR-A-9112 Rev S3-P01 BLOCK B SECOND FLOOR (FIT-OUT GA) dated 18.02.2022

- BF0066-MCL-BC-02-DR-A-9124 Rev S3-P01 BLOCK C//SECOND FLOOR//sheet 1 of 2//GA dated 18.02.2022
- BF0066-MCL-BC-02-DR-A-9125 Rev S3-P01 BLOCK C//SECOND FLOOR//sheet 2 of 2//GA dated 18.02.2022
- BF0066-MCL-BD-02-DR-A-9134 Rev S3-P01 BLOCK D//SECOND FLOOR//sheet 1 of 2//GA dated 18.02.2022
- BF0066-MCL-BD-02-DR-A-9135 Rev S3-P01 BLOCK D//SECOND FLOOR//sheet 2 of 2//GA dated 18.02.2022
- BF0066-MCL-BE-02-DR-A-9142 Rev S3-P01 Block E - Second Floor Plan (Fit-out GA) dated 18.02.2022
- BF0066-MCL-BF-02-DR-A-9152 Rev S3-P01 Block F - Second Floor Plan (Fit-out GA) dated 18.02.2022
- BF0066-MCL-BA-03-DR-A-9103 Rev S2-P01 BLOCK A THIRD/ROOF LEVEL dated 18.02.2022
- BF0066-MCL-BB-03-DR-A-9113 Rev S3-P02 BLOCK B THIRD FLOOR (FIT-OUT GA) dated 19.01.2023
- BF0066-MCL-BB-04-DR-A-9114 Rev S3-P01 BLOCK B ROOF LEVEL dated 18.02.2022
- BF0066-MCL-BC-03-DR-A-9126 Rev S3-P01 BLOCK C//ROOF PLAN//sheet 1 of 2//GA dated 18.02.2022
- BF0066-MCL-BC-03-DR-A-9127 Rev S3-P01 BLOCK C//ROOF PLAN//sheet 2 of 2//GA dated 18.02.2022
- BF0066-MCL-BD-03-DR-A-9136 Rev S3-P01 BLOCK D//ROOF PLAN//sheet 1 of 2//GA dated 18.02.2022
- BF0066-MCL-BD-03-DR-A-9137 Rev S3-P01 BLOCK D//ROOF PLAN//sheet 2 of 2//GA dated 18.02.2022
- BF0066-MCL-BE-03-DR-A-9143 Rev S3-P01 Block E - Roof Plan dated 18.02.2022
- BF0066-MCL-BF-03-DR-A-9153 Rev S3-P01 Block F - Roof Plan dated 18.02.2022
- BF0066-MCL-BG-02-DR-A-0162 Rev S3-P01 Block G - Roof Plan dated 18.02.2022
- BF0066-MCL-BH-02-DR-A-9179 Rev S3-P01 Block H - Proposed Roof Plan dated 18.02.2022
- BF0066-MCL-BB-ZZ-DR-A-9211 Rev S3-P02 Block B - North Elevation dated 20.02.2022
- BF0066-MCL-ZZ-01-DR-A-9222 Rev S3-P02 BLOCK C//NORTH ELEVATION//GA 1 of 2 dated 20.12.2022
- BF0066-MCL-BC-ZZ-DR-A-9223 Rev S3-P02 BLOCK C//NORTH ELEVATION//GA 2 of 2 dated 20.12.2022
- BF0066-MCL-BD-ZZ-DR-A-9230 Rev S3 P02 BLOCK D//NORTH ELEVATION//GA 1 of 2 dated 20.12.2022
- BF0066-MCL-BD-ZZ-DR-A-9231 Rev S3-P02 BLOCK D//NORTH ELEVATION//GA 2 of 2 dated 20.12.2022
- BF0066-MCL-BE-ZZ-DR-A-9242 Rev S3-P03 Block E - North Elevation dated 20.12.2022
- BF0066-MCL-BF-ZZ-DR-A-9250 Rev S3-P02 Block F - North Elevation dated 20.12.2022
- BF0066-MCL-BG-ZZ-DR-A-9261 Rev S3-P02 Block G - North & West Elevation dated 20.12.2022
- BF0066-MCL-BH-ZZ-DR-A-9275 Rev S3-P02 Block H - Proposed North Elevation dated 21.12.2022
- BF0066-MCL-BH-ZZ-DR-A-9277 Block H Proposed North Elevation [Revision S3- P02] date 21.12.2022
- BF0066-MCL-BA-ZZ-DR-A-9200 Rev S3-P02 Block A – East Elevation dated 20.12.2022
- BF0066-MCL-BB-ZZ-DR-A-9210 Rev S3-P02 Block B - East Elevation dated 20.12.2022
- BF0066-MCL-BC-ZZ-DR-A-9224 S3-P02 BLOCK C//EAST & WEST INTERNAL ELEVATION//GA dated 20.12.2022
- BF0066-MCL-BD-ZZ-DR-A-9234 Rev S3-P02 BLOCK D//EAST AND WEST ELEVATION//GA dated 20.12.2022
- BF0066-MCL-BE-ZZ-DR-A-9241 Rev S3-P02 Block E - East Elevation dated 20.12.2022
- BF0066-MCL-BF-ZZ-DR-A-9251 Rev S3-P02 Block F - East Elevation dated 20.12.2022
- BF0066-MCL-BG-ZZ-DR-A-9260 Rev S3-P02 Block G - South & East Elevation dated 20.12.2022
- BF0066-MCL-BH-ZZ-DR-A-9278 Rev S3-P02 Block H - Proposed East Elevation dated 21.12.2022
- BF0066-MCL-BA-ZZ-DR-A-9201 Rev S2-P02 Block A - South Elevation dated 20.12.2022
- BF0066-MCL-BC-ZZ-DR-A-9220 Rev S3-P02 BLOCK C//SOUTH ELEVATION//GA 1 of 2 dated 20.12.2022



- BF0066-MCL-BC-ZZ-DR-A-0221 Rev S3-P02 BLOCK C//SOUTH ELEVATION//GA 2 of 2 dated 20.12.2022
- BF0066-MCL-BD-ZZ-DR-A-9232 Rev S3-P02 BLOCK D//NSOUTH ELEVATION//GA 1 of 2 dated 20.12.2022
- BF0066-MCL-BD-ZZ-DR-A-9233 Rev S3-P02 BLOCK D//SOUTH ELEVATION//GA 2 of 2 dated 20.12.2022
- BF0066-MCL-BE-ZZ-DR-A-9240 Rev S3-P02 Block E - South Elevation dated 20.12.2022
- BF0066-MCL-BF-ZZ-DR-A-9252 Rev S3-P02 Block F - South Elevation dated 20.12.2022
- BF0066-MCL-BA-ZZ-DR-A-9202 Rev S3-P02 Block A – West Elevation dated 20.12.2022
- BF0066-MCL-BB-ZZ-DR-A-9212 Rev S3-P02 Block B - West Elevation dated 20.12.2022
- BF0066-MCL-BE-ZZ-DR-A-9243 Rev S3-P02 Block E - West Elevation dated 20.12.2022
- BF0066-MCL-BF-ZZ-DR-A-9253 Rev S3-P02 Block F - West Elevation dated 20.12.2022
- BF0066-MCL-BH-ZZ-DR-A-9276 Rev S3-P02 Block H - Proposed West Elevation dated 21.12.2022
- BF0066-MCL-BA-ZZ-DR-A-9304 Rev S3-P01 Block A- Section D-D dated 18.02.2022
- BF0066-MCL-BB-ZZ-DR-A-9307 Rev S3-P01 Block A Section G-G dated 18.02.2022
- BF0066-MCL-BB-ZZ-DR-A-9300 Rev S3-P01 BLOCK B SECTION A-A dated 18.02.2022
- BF0066-MCL-BB-ZZ-DR-A-9303 Rev S4-P01 BLOCK B SECTION D-D dated 18.02.2022
- BF0066-MCL-BC-ZZ-DR-A-9320 S3-P01 Block C - Sections A-A & B-B dated 18.02.2022
- BF0066-MCL-BD-ZZ-DR-A-9330 Rev S3-P01 Block D - Sections A-A & B-B dated 18.02.2022
- BF0066-MCL-BE-ZZ-DR-A-9342 Rev S3-P01 Block E - Section C-C dated 18.02.2022
- BF0066-MCL-BF-ZZ-DR-A-9351 Rev S3-P01 Block F - Section B-B dated 18.02.2022
- BF0066-MCL-BG-ZZ-DR-A-9365 Rev S3-P01 Block G - Section F-F dated 18.02.2022
- BF0066-MCL-BH-ZZ-DR-A-9377 Rev S3-P01 Block H - Proposed Section CC dated 18.02.2022
- House Unit Types BF0066-MCO-ZZ-XX-DR-A-01151-Rev 002
- M4(3) Unit Types 01 BF0066-MCO-ZZ-XX-DR-A-01152- Rev 002
- Apartment Block Unit Types BF0066-MCO-ZZ-XX-DR-A-01153-Rev 002
- Block/Gatehouse Unit Types BF0066-MCO-ZZ-XX-DR-A-01156-Rev 002
- M4(3) Unit Types 02 BF0066-MCO-ZZ-XX-DR-A-01157-Rev 002
- Proposed ground floor plan tenure BF0066-MCO-ZZ-GF-DR-A-03110-Rev 0024
- Proposed first floor plan tenure BF0066-MCO-ZZ-01-DR-A-03111-Rev 0024
- Proposed second floor plan tenure BF0066-MCO-ZZ-02-DR-A-03112-Rev 0024
- Proposed third floor plan tenure BF0066-MCO-ZZ-03-DR-A-03113-Rev 002
- Proposed ground floor plan M4(3) BF0066-MCO-ZZ-GF-DR-A-01154-Rev 002
- Air quality assessment by Phlorum dated January 2020
- Tree survey and Arboricultural impact assessment by Greengage dated January 2020
- Bat survey report by Greengage dated August 2019
- Daylight, sunlight and overshadowing assessment by GIA dated 15/01/20
- Delivery and Servicing plan by Motion dated 08/01/2020
- Design and Assessment Statement by Morris & Company dated January 2019
- Energy and Sustainability Assessment by Max Fordham 21/01/2020
- External lighting assessment by Max Fordham dated 16/01/2020
- Framework Travel Plan by Motion dated 07/01/2020
- Report on Phase 2 ground investigation by Site Analytical Services Ltd dated January 2020
- Heritage Statement by AB Heritage dated 17/1/2020
- Landscape report by MRG Studio dated December 2019
- Noise assessment by Phlorum dated January 2020
- Planning Statement by BeFirst dated January 2020
- Transport Statement by Motion dated 08/01/2020
- Preliminary Ecological Appraisal by Greengage dated August 2019
- Sustainable Drainage Strategy by Lewis Hubbard Engineering dated 10th January 2020
- Utilities and Foul Water Drainage by Lewis Hubbard Engineering dated 10th January 2020
- BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 Site Layout dated 20.12.2022
- BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 Site Layout dated 20.12.2022
- landscape general section GS01 00;
- landscape general section GS02 00;
- BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 Site Layout dated 20.12.2022
- BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 Site Layout dated 20.12.2022
- BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 Site Layout dated 20.12.2022

- BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 Site Layout dated 20.12.2022
- BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 Site Layout dated 20.12.2022
- BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 Site Layout dated 20.12.2022
- landscape details LD01;
- landscape details LD02;
- BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 Site Layout dated 20.12.2022
- BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 Site Layout dated 20.12.2022
- BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 Site Layout dated 20.12.2022
- BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 Site Layout dated 20.12.2022
- BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 Site Layout dated 20.12.2022
- BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 Site Layout dated 20.12.2022
- soil plan ground floor SP01;
- soil plan first floor SP02

No other drawings or documents apply.

*Reason: To ensure that the development is undertaken in accordance with the approved drawing(s) and document(s) to ensure that the finished appearance of the development will enhance the character and visual amenities of the area and to satisfactorily protect the residential amenities of nearby occupiers.*

### 3. Site Contamination

~~No development (with the exception of demolition works above ground level only) shall 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 and 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.~~

**The proposed remediation scheme, as informed by the Investigation and Risk Assessment, shall be carried out in accordance with the details approved under application 20/01626/AOD. No development (with the exception of demolition works above ground only) shall commence until:**

- ~~(e) (a) 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) (b)** 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 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:**

- iv. a survey of the extent, scale and nature of contamination;
- v. an assessment of the potential risks to human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments; and
- vi. an appraisal of remedial options, and proposal of the preferred option(s).

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

~~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.*

#### 4. Construction Management

**The development hereby approved shall be implemented in accordance with the Construction Environmental Management Plan (CEMP) and Site Waste Management Plan (SWMP) approved under application 20/01626/AOD.**

~~No development shall 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. ~~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 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 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 08:00 and 18:00 Monday to Friday. 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 residents.*

#### 5. Air monitoring condition

~~**The development hereby approved shall be implemented and continue until 3 months after the site completion date in accordance with the Air Quality Monitoring Report approved under application 20/01626/AOD.** Three months prior to commencement, Air Quality monitoring (i.e. NO2 diffusion tube as per LAQM technical guidance) at a representative location shall be implemented and continue until 3 months after the site completion date. The raw data shall be available to the LA each month, and a summary report at the end of the monitoring period shall be submitted.~~

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

#### 6. Drainage Strategy

~~**The development shall be implemented in accordance with the drainage scheme approved under application 20/01658/AOD.** No development shall commence until a detailed drainage scheme (to include the disposal of surface water by means of sustainable methods of urban drainage systems) has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with such approved details.~~

*Reason: To prevent an increased risk of flooding and to prevent pollution of the water environment.*

#### 7. Acoustic Protection

~~**Prior to first occupation, the development hereby approved shall be implemented in accordance with the scheme of acoustic protection approved under application 20/01836/AOD.**~~

~~Prior to commencement of above ground works, full details of a scheme of acoustic protection of habitable rooms against noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme of acoustic~~

~~protection shall be sufficient to secure internal noise levels no greater than:~~

- ~~a. 35 dB LAeq in living rooms and bedrooms (07:00 hours to 23:00 hours) with windows closed; and~~
- ~~b. 30 dB LAeq in bedrooms (23:00 hours to 07:00 hours) with windows closed.~~

~~Additionally, where the internal noise levels will exceed 40 dB LAeq in living rooms and bedrooms (07:00 hours to 23:00 hours) or 35dB LAeq in bedrooms (23:00 hours to 07:00 hours) with windows open the scheme of acoustic protection shall incorporate a ventilator system which is commensurate with the performance specification set out in Schedule 1 (paragraphs 6 or 7) of The Noise Insulation Regulations 1975 (as amended).~~

~~The approved scheme shall be fully implemented before the first occupation of the residential unit to which it relates and shall be maintained at all times thereafter.~~

*Reason: To ensure that the proposed residential units are adequately protected from noise.*

#### 8. Materials and Balcony Details

~~The development hereby approved shall be implemented in accordance with the balcony and external surface materials approved under application 21/01840/AOD and 21/00153/AOD. No above ground new development shall take place until details of balconies and all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials and balcony details. Minor amendments may be agreed in writing from time to time by the Local Planning Authority.~~

*Reason: To protect or enhance the character and amenity of the area.*

#### 9. Brick Articulation

~~No above ground new development shall take place until design details of~~ The brick articulation on the outfacing north elevation and all materials to be used in the construction of this elevation **shall be carried out in accordance with the materials and design details approved under application 20/02212/AOD.** ~~have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials and design details. Minor amendments may be agreed in writing from time to time by the Local Planning Authority.~~

*Reason: In the interest of visual amenity*

#### 10. Planting Scheme

~~No above ground new development shall commence until a~~ **The planting scheme for the outfacing north elevation shall be implemented in accordance with the details approved under application reference 22/02212/AOD.** ~~has been submitted to and approved in writing by the Local Planning Authority.~~

Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of size and species unless the Local Planning Authority gives written consent to any variation.

*Reason: To secure the provision and retention of landscaping in the interests of the visual amenity of the area, to preserve and enhance the Borough's natural environment and to ensure a high-quality built environment.*

#### 11. Fire Safety Scheme

~~The development hereby approved~~ **No above ground new development shall commence until a Fire Statement has been submitted to and approved in writing by the Local Planning Authority. The Fire Statement shall be produced by an independent third party suitably qualified assessor which shall detail the building's construction, methods, products and materials used; the means of escape for all building users 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 Fire Safety Scheme shall be implemented in accordance with the Fire Safety Scheme approved under application 21/00507/AOD** detailed prior to first occupation of the development and permanently maintained thereafter.

*Reason: In order to provide a safe and secure development.*

#### 12. Electric Vehicle Charging Points Details

**The Electric Vehicle Charging Point details approved in application 20/02212/AOD shall be installed prior to the occupation of the development shall be** ~~No above ground new development shall take place until details of Electric Vehicle Charging Points have been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how active electric charging points will be provided for 20% of the car parking spaces, with passive provision for the remaining 80% of the spaces. The spaces shall be constructed and marked out, and the charging points installed prior to the occupation of the development and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.~~

*Reason: To encourage the use of electric cars in order to reduce carbon emissions.*

#### 13. Trees

**The development hereby approved shall be implemented in accordance with the** ~~No above ground new development shall commence until an Arboricultural Method Statement and Tree Protection Plan approved under application 20/02212/AOD. are submitted to and approved in writing by the Local Planning Authority.~~

*Reason: To secure the provision and retention of landscaping in the interests of the visual amenity of the area, to preserve and enhance the Borough's natural environment and to ensure a high-quality built environment.*

#### 14. Ecological Management Plan

**The development hereby approved shall be implemented in accordance with the** ~~No above ground new development shall commence until an Ecological Management Plan approved under application 20/02212/AOD. is submitted to and approved in writing by the Local Planning Authority.~~

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

#### 15. Hard/Soft Landscaping Implementation

The hard landscaping shown on drawing Nos. ~~GA01 Rev 00, GA02 Rev 00, GS01 Rev 00, GS02 Rev 00, HP01 Rev 00, HP02 Rev 00, HP03 Rev 00, HP04 Rev 00, HP05 Rev 00, HP06 Rev 00, LD01 Rev 00, LD02 Rev 00~~ **BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 dated 20.12.2022** shall be carried out prior to the first occupation of the development and thereafter permanently retained.

The soft landscaping shown on drawing Nos. ~~GA01 Rev 00, GA02 Rev 00, GS01 Rev 00, GS02 Rev 00, LD01 Rev 00, LD02 Rev 00, PP01 Rev 00, PP02 Rev 00, PP03 Rev 00, PP04 Rev 00, PP05 Rev 00, PP06 Rev 00,~~ **BF0066-MCL-ZZ-ZZ-DR-A-9001 S4- P05 dated 20.12.2022** SP01 Rev 00, SP02 rev 00 shall be carried out in the first planting and seeding seasons following the first occupation of the building or completion of the development, whichever is the sooner. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The trees identified to be retained on the Tree Retention Plan dated 17/12/19 shall be protected during construction in accordance with the approved Tree Survey and Arboricultural Impact Assessment by Greengage. The development shall not be first occupied until bird nesting and bat roosting boxes have been installed within or on the buildings or in any trees on the site in accordance with the submitted details.

*Reason: To secure the provision and retention of landscaping in the interests of the visual amenity of the area, to preserve and enhance the Borough's natural environment and to ensure a high-quality built environment.*

#### 16. Children's Playspace Implementation

Prior to the first occupation of the development, details of child play associated equipment shall be submitted to and approved in writing by the Local Planning Authority. The children's play space and approved associated equipment shall be permanently retained thereafter.

*Reason: To ensure suitable provision for children's play.*

#### 17. Car Parking Implementation

The car parking areas shown on drawing Nos. BF0066- MCL- ZZ-ZZ-DR-A-9001 S4-P05 dated 20.12.2022 shall be constructed and marked out prior to the first occupation of the development and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose. The parking spaces should be clearly delineated with raised kerbs to avoid encroachment on surrounding footpaths and damage to trees. The three proposed blue badge car parking spaces shall be constructed and marked out prior to the first occupation of the development as accessible parking bays (to be clearly marked with a British Standard disabled symbol).

*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.*

#### 18. Cycle Parking Implementation

**Prior to first occupation of the development the details of cycle parking facilities approved under application 23/00545/AOD shall be installed and thereafter permanently retained.** ~~Prior to the first occupation of the development the cycle parking facilities shown on drawing No. BF0066- MCL- ZZ-ZZ-DR-A-9001 S4-P05 dated 20.12.2022 shall be completed and thereafter permanently retained.~~

*Reason: In the interests of promoting cycling as a sustainable and non-polluting mode of transport.*

#### 19. Refuse and Recycling Strategy Implementation

**Prior to first occupation of the development the refuse and recycling strategy approved under application 23/00545/AOD shall be installed and thereafter permanently retained.** ~~The refuse and recycling stores shown on drawing No. BF0066- MCL- ZZ-ZZ-DR-A-9001 S4-P05 dated 20.12.2022 shall be provided before the first occupation of the development and thereafter permanently retained.~~

*Reason: To provide satisfactory refuse and recycling storage provision in the interests of the appearance of the site and locality.*

#### 20. Sustainable Drainage Implementation

Prior to the occupation of the buildings hereby approved the surface water drainage works shall be carried out and the sustainable urban drainage system shall thereafter be managed and maintained in accordance with the agreed management and maintenance plan.

*Reason: To prevent an increased risk of flooding and to prevent pollution of the water environment.*

#### 21. Crime Prevention Scheme

The proposed development shall achieve a Certificate of Compliance in respect of the Secured by Design scheme (silver), or alternatively achieve security standards (based on Secured by Design principles) to the satisfaction of the Metropolitan Police, details of which shall be provided to the Local Planning Authority for its written approval prior to the first occupation of the approved development. All security measures applied to the approved development shall be permanently retained thereafter.

*Reason: In order to provide a good standard of security to future occupants and visitors to the site and to reduce the risk of crime.*

#### 22. Communal Television and Satellite System

The development hereby permitted shall not be occupied until details of a communal television and satellite system have been submitted to and approved in writing by the Local Planning Authority. The approved system shall be provided prior to occupation and be made available to each residential unit.

No antennae or satellite dishes may be installed on the exterior of the building, with the exception of a single antennae or satellite dish per block to support the communal television and satellite system. The proposed antennae or satellite dishes shall be designed to minimise their visual impact and shall not be mounted on any publicly visible façade.

*Reason: To safeguard the external appearance of the building.*

#### 23. External lighting

Prior to the first occupation of the development, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting approved shall be permanently retained thereafter.

*Reason: In order to provide a good standard of lighting and security to future occupants and visitors to the site and to reduce the risk of crime.*

#### 24. Renewable Energy Infrastructure

**Prior to first use the renewable energy infrastructure approved under application 22/00646/ADO shall be implemented prior to first occupation of the dwellings to ensure the scheme delivers a 38% reduction in site wide CO2 emissions.** ~~The development hereby permitted will ensure the renewable energy infrastructure (Air Source Heat Pumps), delivering a 38% reduction in site wide CO2 emissions, is implemented prior to first occupation of the dwellings.~~

*Reason: To ensure measures are implemented to reduce carbon emissions.*

#### 25. Accessible Housing

Apart from units G.01.01, G.01.02, G.01.03, G.01.04, G.02.01, G.02.02, G.02.03 and G.02.04 which shall comply with Building Regulations Optional Requirement Approved Document M4(1), all new build dwellings shall be constructed to comply with Building Regulations Optional Requirement Approved Document M4(2) Category 2: Accessible and adaptable dwellings (2015 edition) as a minimum. Six (11%) dwellings, identified as Units G.00.02, B00.04, B00.02, B00.01, A.00.03 and A.00.02 on drawing No. BF0066-MCO-ZZ-GF-DR-A-01154 Rev 002 shall be constructed to, or capable of easy adaptation to, Building Regulations Optional Requirement Approved Document M4(3) Category 3: Wheelchair user dwellings (2015 edition).

*Reason: To ensure that sufficient accessible housing is provided.*

#### 26. Water Efficiency

The proposed dwellings shall comply with the water efficiency optional requirement in paragraphs 2.8 to 2.12 of the Building Regulations Approved Document G.

*Reason: To minimise the use of mains water.*

#### 27. Plant Noise Limit

Any machinery and equipment installed pursuant to this permission shall be designed and installed to ensure that structure borne (re-radiated) noise emissions shall not exceed 35 LAeq dB (5 min) when measured in any habitable room in adjoining residential premises.

*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.*

#### 28. Carbon Reduction

The development hereby permitted shall be carried out in accordance with the **details approved under application 22/00646/AOD** ~~submitted Energy Statement prepared by Max Fordham dated 21/01/2020~~ to achieve a minimum 38% reduction in carbon dioxide emissions over Part L of the Building Regulations (2013) (when applying updated SAP 10 emission factors).



*Reason: To ensure measures are implemented to reduce carbon emissions.*

29. Hours of Use of the Community Buildings

The Community Buildings hereby approved shall not be occupied outside the hours of 8am to 11pm Sunday to Friday, and 8am to 12,30 Saturday

*Reason: To protect the amenity of the surrounding residential buildings*

## Appendix 6:

### s.106 Proposed Deed of Variation

The Planning Committee has previously granted planning permission subject to the completion of a Unilateral Undertaking securing the obligations as summarised below:

- 100% affordable housing development comprising of 40 Affordable Rent units and 16 London Affordable Rent units.
- Local Employment and Skills ensuring that reasonable endeavours have been made to ensure at least 25% of people working on the development during construction are local residents.
- Carbon offset obligations to ensure the development achieves a minimum 59% onsite carbon reduction with the remaining offset by a financial contribution to achieve 100% carbon neutral development.
- Car club to ensure 1 new car club space is provided and minimum 24-month membership is provided from first Occupation of each Residential Unit.
- Highways work obligation securing a s.278 agreement to cover off-site highway works and the submission of traffic management measures and traffic management measures bond.
- Air Quality obligation requiring the owner to pay the Air Quality Neutral Mitigation Contribution prior to first occupation.
- Event management and travel plan obligation requiring the submission of an events management plan and travel plan prior to occupation.

A deed of variation to the existing Unilateral Undertaking dated 10.07.2020 is required. The proposed changes are detailed below:

- Omit the approved application reference number 20/00097/FUL within the legal agreement and replace with application reference 23/01143/VAR.
- Amendments to Schedule 2 (Affordable Housing Obligations) to reflect the proposed tenure change. The changes include:
  - ❖ Replacement of reference to Affordable Housing Units with Discount Market Rent Units within the schedule.
  - ❖ Updated the “Affordable Housing” definition to replace reference to Affordable Rent with Discount Market Rent.
  - ❖ Update the “Affordable Housing Units” definition to replace its meaning of ‘40 units of Affordable Rent Housing Units and 16 Units of London Affordable Rent Housing Units’ with ‘55 units of Discount Market Rent Housing Units and 1 Unit of London Affordable Rent Housing Units’.
  - ❖ Replace the “Affordable Rent Housing Units” definition which means ‘the 40 Affordable Housing Units as shown on plans 0110 rev 002, 01111 rev 002 and 01112 rev 002 at Annex C comprising 71% of the Affordable Housing Units to be made available for Affordable Rent Housing in accordance with this Schedule of this Deed’. This will be replaced by a “Discount Market Rent Housing Units” definition which means ‘the 55 Discount Market Affordable Housing Units as shown on plans BF0066-MCO-ZZ\_GF-DR-A-03110 revision 003, BF0066-MCO-ZZ-01-DR-A-03111 revision 003 and BF0066-MCO-ZZ-02-DR-A-03112 revision 003, at Annex C comprising 98% of the Affordable Housing Units to be made available for Discount Market Rent Housing in accordance with this Schedule of this Deed’.
  - ❖ Updated “London Affordable Rent Housing units” definition which means ‘the 16 London Affordable Housing Units as shown on plans 0110 rev 002, 01111 rev 002 and 01112 rev 002 at Annex C comprising 29% of the Affordable Housing Units to be made available for London Affordable Rent Housing in accordance with this Schedule of this Deed’. The meaning will be replaced by the following wording ‘the 1 London Affordable Housing Units as shown on plans BF0066-MCO-ZZ\_GF-DR-A-03110 revision 003, BF0066-MCO-ZZ-01-DR-A-03111 revision 003 and BF0066-MCO-ZZ-02-DR-A-03112 revision 003, at Annex C comprising 2% of the Affordable Housing Units to be made available for London Affordable Rent Housing in accordance with this Schedule of this Deed’.

- ❖ Definition for 'Discount Market Rent' to be added in line with London Plan definition. This definition should secure the following:
  - Rent prices for Discount Market Rent Housing Units will have a 20% discount of the full market rents as linked to an open market valuation appraisal undertaken every 3 years by an independent RICS assessor.
  - Longer tenancies (three years or more) for all tenants of Discount Market Rent Housing Units with a break clause allowing tenant to end the tenancy with a month's notice any time after the first six (6) months.
  - Rent and service charges should be made clear to tenants before a tenancy agreement is signed. Any annual increases should be formula linked.
  - Provision of on-site management to enable prompt resolution to issues and should include some daily on-site presence.
  - The provider of Discount Market Rent Housing units should have a complaints procedure in place and a member of a recognised ombudsmen.
  - Providers should not charge tenant or any prospective tenants upfront fees other than deposits and rent up front.
- ❖ Late-Stage Review Mechanism to be secured requiring a late-stage affordable housing review is to occur when 75% of the units in the scheme are sold or let.
- The drawings secured in Appendix C shall be replaced with drawings BF0066-MCO-ZZ\_GF-DR-A-03110 Proposed Ground Floor Plan- Tenure [Revision 003] dated 31.03.2020, BF0066-MCO-ZZ-01-DR-A-03111 Proposed First Floor Plan- Tenure [Revision 003] dated 31.03.2020 and BF0066-MCO-ZZ-02-DR-A-03112 Proposed Second Floor Plan- Tenure [Revision 003] dated 31.03.2020.

All previously approved heads of terms remain unchanged and continue to be acceptable subject to the imposition of conditions. These should be moved across unchanged to the new legal agreement.

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