


**LONDON BOROUGH OF BARKING & DAGENHAM**
**PLANNING COMMITTEE**

 19<sup>th</sup> October 2020

**Application for S73 Variation to a Full Planning Permission**

<b>Case Officer:</b>	Grace Liu	<b>Valid Date:</b>	04/09/2020
<b>Applicant:</b>	London Borough of Barking and Dagenham	<b>Expiry Date:</b>	30/10/2020
<b>Application Number:</b>	20/01612/VAR	<b>Ward:</b>	Becontree
<b>Address:</b>	200 Becontree Avenue, Dagenham, Barking and Dagenham, RM8 2TS.		

The purpose of this report is to set out the Officer recommendations to Planning Committee regarding an application for a Section 73 Variation to planning permission relating to the proposal below at 200 Becontree

**Proposal:**

Application for variation of conditions: 2 (Approved drawings); 3(Hard and soft Landscaping and Tree Protection); 5 (Car Parking); 4 (Child Playspace); 6 (Cycle Parking); 7 (Refuse Store); & 18 (External Materials) following grant of planning permission 18/02154/FUL.

Consented development 18/02154/FUL

Construction of two new buildings accommodating 19 x residential units (13 x 1-bedroom units; 4 x 2-bedroom units; and 2 x 3-bedroom units), 169 sqm community room (Class D1) and associated works [Revised description of development and drawings and application documents submitted on 19/07/2019] 18/02154/FUL.

**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 LBBD Legal Services to grant planning permission subject to any direction from the Mayor of London, the completion of a Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 (as amended) based on the Heads of Terms identified at Appendix 7 of this report and the Conditions listed at Appendix 6 of this report; and
3. that, if by 19<sup>th</sup> April 2021 the legal agreement has not been completed, the London Borough of Barking & Dagenham's Director of Inclusive Growth has delegated authority to refuse planning permission or extend this timeframe to grant approval.

## Conditions Summary:

### Summary of Conditions

1. Commencement of development within 3 years
2. In accordance with approved plans
3. Hard and Soft Landscaping and Tree Protection (compliance)
4. Child Playspace (compliance)
5. Car Parking (compliance)
6. Cycle Parking (compliance)
7. Refuse Strategy (compliance)
8. Accessible Housing (compliance)
9. Crime Prevention (submission)
10. Surface Water Drainage (compliance)
11. Water Efficiency (compliance)
12. Piling Method (submission)
13. Fire Safety (submission)
14. Site Contamination (submission and compliance)
15. Construction Management (submission and compliance)
16. Community Space Hours of Use (compliance)
17. Communal Television and Satellite System (submission)
18. External Materials (compliance)

## S106 – Summary of Heads of Terms:

The Planning Committee has previously granted planning permission subject to the completion of a S106 Agreement securing the obligations as summarised below:

- Secure 100% affordable housing on site;
- Secure an Employment, Skills and Suppliers Plan ensuring that a minimum of 25% of labour and suppliers required for the construction of the development are drawn from within the Borough;
- Secure restrictions preventing future residents from obtaining parking permits for any controlled parking zone (CPZ);
- Secure a minimum 35% reduction in carbon dioxide emissions over Part L of the Building Regulations 2013 through on-site provisions for the residential and non-residential uses and the remaining carbon emissions to zero-carbon for the residential uses to be subject to a carbon offset payment;
- Pay the professional fees associated with the preparation and completion of the S106 Agreement.

## OFFICER REPORT

### Planning Constraints:

None

### Site, Situation and Relevant Background Information:

200 Becontree Avenue is a circa 0.15 hectare site located at the junction of Becontree Avenue and School Way (a footpath connecting Lichfield Road to Becontree Avenue and Becontree Primary School beyond).

The site formerly accommodated a single storey 1920s building used as a synagogue until 2014, when the site was vacated and later sold to London Borough of Barking and Dagenham. The building was occupied by a church group on a short-term lease from January 2018 to March 2019. The building was demolished in June 2019 and the site is now vacant.

The application site is adjacent to a number of residential properties including a three-storey property at 198 Becontree Avenue to the south-west and several two-storey terraced and semi-detached houses at 135, 137 and 139 Lichfield Road to the south-east. A nursery is situated to the north-east, on the opposite side of School Way; and a terrace of shops and The Vibe Community Centre are situated to the north-west, on the opposite side of Becontree Avenue.

The application site is situated within the Becontree Estate. The estate was built as Homes for Heroes in the period 1921 to 1934 and at the time was the largest municipal estate in the world. As such, it is referenced in policy CP2 of the Local Plan as forming an important symbol of the past. All developments are expected to preserve, reinstate or enhance the locally distinctive and historically important features of such areas.

## **Relevant Background**

### Original Planning Permission – 18/02154/FUL

Planning permission was granted on 27-09-2019 application for the:

Construction of two new buildings accommodating 19 x residential units (13 x 1-bedroom units; 4 x 2-bedroom units; and 2 x 3-bedroom units), 169 sqm community room (Class D1) and associated works [Revised description of development and drawings and application documents submitted on 19/07/2019] 18/02154/FUL.

The application under consideration is a variation to the above application.

The proposed material amendments as part of this application relate to the following changes:

- All no.19 units from Shared ownership to affordable rent
- Increase of maximum building heights by 0.45m for Building A and 0.54m for Building B.
- Increase to the overall building footprints (GEA) by 37m<sup>2</sup> for Building A and 41m<sup>2</sup> for Building B.
- Removal of gas fired boilers and addition of 5 Outdoor Units ('ODU's') for Air Source Heat Pumps ('ASHPs') to provide low-carbon heat to the development.
- Relocation of the Refuse Store towards Becontree Avenue to accommodate the ODU's.
- The footprint of the Refuse Store has slightly increased from 35m<sup>2</sup> to 38 m<sup>2</sup>.
- Removal of ramp into the private garden, parking gates and resin circles to tree pits.
- A new substation has been added
- The number of car parking spaces has reduced to 8 from 10
- Central garden walls moved away from car park boundary to provide fire tender access.
- Change in the layout of the child playspace.

Whilst it is acknowledged by officers that the proposed amendments range in their significance, officers have had regard to the overall culminative impact of the changes and therefore deem them all to be material.

### **Key issues:**

1. Principle of the Proposed Development
2. Affordable Tenure
3. Design and Access
4. Impacts to Neighbouring Amenity
5. Sustainable Transport
6. Waste Management
7. Energy and Sustainability
8. Biodiversity

## Planning Assessment:

### 1. Principle of the Development:

- 1.1 The National Planning Policy Framework (NPPF) speaks of the need for delivering a wide choice of quality homes which meet identified local needs, in accordance with the evidence base, and to create sustainable, inclusive, and mixed communities. Paragraph 17 specifically states that it is a core planning principle to efficiently reuse land which has previously been developed.
- 1.2 The London Plan, through Policies 3.3, 3.5 and 3.8, outlines that there is a pressing need for more homes in London and that a genuine choice of new homes should be supported which are of the highest quality and of varying sizes and tenures, in accordance with Local Development Frameworks. Residential development should enhance the quality of local places and take account of the physical context, character, density, tenure and mix of the neighbouring environment and as a minimum incorporate the space standards and more detailed requirements, as outlined in the Housing SPG. The Draft London Plan outlines comparable messages to the adopted London Plan in regard to the need for more and good quality homes through Policies GG4, D2, D4, H1, H10 and H12.
- 1.3 The Core Strategy outlines through Policy CM1 that development should meet the needs of new and existing communities and deliver a sustainable balance between housing, jobs, and social infrastructure, with Policy CM2 further emphasising the specific housing growth targets of the Borough. Policies SPDG1 and SP4 of the emerging LP (at Reg 19 stage) outline similar objectives.
- 1.4 The proposed redevelopment of the site would re-provide community space and create a total of 19 new dwellings. This would positively contribute to the Borough's housing stock, noting the demand for increased housing. The principle of the development is therefore supported.
- 1.5 The NPPF states strategic and non-strategic policies should set out an overall strategy for the pattern, scale, and quality of development, and make sufficient provision for community facilities (such as health, education and cultural infrastructure. In promoting healthy and safe communities, Paragraphs 91 to 95 specifically discusses how planning policies and decisions should aim to achieve healthy, inclusive, and safe places.
- 1.6 London Plan policy 3.16 and Draft London Plan policy S1 discusses the need to protect and enhance social infrastructure. The policies consider that proposals which would result in a loss of social infrastructure without realistic proposals for re-provision should be resisted. The suitability of redundant social infrastructure premises for other forms of social infrastructure for which there is a defined need in the locality should be assessed before alternative developments are considered.
- 1.7 Core Strategy Policy CC2 seeks to maintain and improve community wellbeing and support will be given to proposals and activities that protect, retain, or enhance existing community facilities, or lead to the provision of additional community facilities. Borough Wide Policy BC6 protects the loss of community facilities.
- 1.8 Class F1 use is defined as non-residential institutions. The use class was previously known as Class D1 but has changed due to the Government's recent changes of the Use Class Order on the 1st September 2020. This use class includes uses such as a gym, religious meeting place, art gallery, health centre.
- 1.9 The application proposes 169sq m of Class F1 community space and officers continue to be satisfied that this provision meets policy objectives as noted above.
- 1.10 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.

## 1.11 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.

1.12 Legislation set out within the Planning Act states that in respect of such minor material amendment applications, the Local Planning Authority should only consider the question of the conditions subject to which planning permission should be granted. It is not necessary therefore to reconsider the whole principle of the development which is already established by the consented planning permission.

1.13 The key issue therefore is the differences between the consented scheme and the proposed amendments and their acceptability in planning policy terms. The principle of the development has been established and no additional uses are proposed/ nor has there been a change in planning policy to determine the principle of development to no longer be acceptable.

## 2.0 Affordable Tenure

2.1 Policy H5 of the draft London Plan requires 50% of the number of homes built over the plan period to be affordable, with a specific requirement for 50% affordable housing on public sector land as previously established in the Affordable Housing Supplementary Planning Guidance (SPG).

2.12 Policy H7 of the draft 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, provided they are consistent with the definition of affordable housing. The policy also indicates that this preferred split, established on a habitable room basis, should not be applied so strictly where the overall affordable housing provision exceeds 75%.

2.13 Similar affordable housing requirements, as well as the preferred tenure split set out in draft London Plan policy, are echoed by emerging Local Plan (Reg 19 stage) Policy DMH1.

- 2.14 The approved development delivers 100% affordable housing of shared ownership units which is far in excess of the London Mayor's 50% target. Although not representing a genuine mix of tenures, it was considered that the significant contribution to the Borough's much needed provision of affordable housing outweighed any issue arising from the proposed tenure mix.
- 2.15 The applicant now proposes to change the tenure of the units from shared ownership to affordable rent.
- 2.16 The applicant has confirmed that they are seeking a tenure change from Shared Ownership to Affordable Rent (maximum 80% of market rate) of all no. 19 units. There is no change in the mix.
- 2.17 The Applicant is committed to increasing the delivery of a range of affordable homes for local residents and wishes to propose the tenure change to affordable rent as it is considered more value to meet local community needs. The LBBD Strategic Housing Market Assessment and Housing Needs Survey (2019) states that 20% of in need households can afford shared ownership costs in comparison to 61% of in need households that can afford 66-79% of market rent (affordable rent). These findings show that the provision of 100% affordable rent (maximum 80% market rate) better suits local needs than shared ownership at this location. Further details are contained in the applicant's affordability note that was submitted with the application.
- 2.18 The revised tenure comprising of affordable rented homes (let at up to 80% of market rent) and it is considered that the proposed tenure change complies with policies H4, H5 of the draft London Plan and Mayor's Affordable Housing and Viability SPG.
- 2.19 The delivery of affordable housing in accordance with the revised tenure set out above will be secured by S106 Agreement through a deed of variation.

<b>3. Design (Variations proposed to original planning permission):</b>	
<i>Does the proposed development respect the character and appearance of the existing area?</i>	Yes
<i>Does the proposed development respect and accord to the established local character?</i>	Yes
<i>Is the proposed development acceptable within the street scene or when viewed from public vantage points?</i>	Yes
<i>Is the proposed development acceptable and policy compliant?</i>	Yes

- 3.1 The NPPF, policies 3.5, 7.1, 7.4, 7.5 and 7.6 of the London Plan and policies D1, D4 and D6 of the Draft London Plan expect all development to be of high-quality design. This is echoed at local level through policy BP11 of the Local Plan and policy SP2 of the Draft Local Plan.
- 3.2 Specifically, policy 7.4 of the London Plan requires development to have regard to the form, function and structure of the local context and scale, mass, and orientation of surrounding buildings. It is also required that in areas of poor or ill-defined character, that new development should build on the positive elements that can contribute to establishing an enhanced character for future function of the area. Policy D1 of the Draft London Plan reiterates these objectives.
- 3.3 The following section discusses the changes to condition 2 (approved documents and drawings) following by a justification and assessment as to whether the proposed change is acceptable.

#### **Increase of Building Heights and Overall Build Footprints**

- 3.4 Since planning permission for this site was granted, the Applicant has made the strategic decision to avoid the use of wood in the external construction of buildings in response to fire safety concerns; therefore, it is now proposed to construct the buildings in traditional block and brick concrete frames, as opposed to Cross Laminated Timber ('CLT') as was approved. The

block and brick construction technique results in thicker external walls and floor to floor heights when compared to CLT, which will result in the minor increase in building height, building footprint, and minor changes to the internal GIA of units, as set out in the tables below:

	Maximum building height (above FFL)		Building footprint	
	Approved	Proposed	Approved	Proposed
Building A	13.8m	14.25	1,408 m2	1,446 m2
Building B	10.7m (to the ridge only)	11.24 m (to the ridge only)	625 m2	667 m2

Building A	Approved GIA	Proposed GIA
D1 Use	168 m2	168.3 m2
Flat 1	53 m2	50.3 m2
Flat 2	52 m2	51.5 m2
Flat 3	76 m2	74 m2
Flat 4	54 m2	55.6 m2
Flat 5	55 m2	55.5 m2
Flat 6	56 m2	53.4 m2
Flat 7	57 m2	55.8 m2
Flat 8	55 m2	55.6 m2
Flat 9	56 m2	55.6 m2
Flat 10	65 m2	58.9 m2
Flat 11	81 m2	79.2 m2
Flat 12	54 m2	51.2 m2
Flat 13	59 m2	55.9 m2
Building B	Approved GIA	Proposed GIA
Flat 14	98 m2	101.3 m2
Flat 15	86 m2	88.1 m2
Flat 16	80 m2	82.6 m2
Flat 17	72 m2	71.2 m2
Flat 18	51 m2	53.8 m2
Flat 19	50 m2	52.3 m2

- 3.5 All the flats will continue to meet minimum space standards for new dwellings as set out in London Plan Policy 3.5 and Draft London Plan Policy D4. Given the proposed increase in building height, the application has been supported by an updated Daylight and Sunlight Assessment prepared by Waterslade Ltd. This Assessment confirms that the impact to most properties will be small and fully compliant with the default BRE numerical criteria with the exception of 196-198 Becontree Avenue which currently has low levels of daylight due to a constrained location. The impact to the front and rear facades of this property will be negligible and officers consider the impact on balance to be acceptable. It is therefore considered that these amendments are compliant with Mayor's 'Housing' Supplementary Planning Guidance (SPG) and Local Plan Policies BP11 and BP8.

### **New Substation**

- 3.6 The Applicant proposes the construction of a new single storey electric substation to the north west of the site to provide enough power to support electric vehicle charging on site. The proposed substation will be constructed of red brick cladding and will match the rest of the development.
- 3.7 The new substation also proposes no loss to neighbouring amenity as it is not excessive in height, scale or massing to impact on neighbouring property.
- 3.8 It is considered that the proposal complies with Local Plan Policies BP11 and CP3 which state that development proposals should be high-quality and respect the local character of the area. The proposed substation also supports sustainability modes of transport.

### **Removal of Central Garden Walls**

- 3.9 The car park layout has been re-configured to accommodate the proposed electrical substation. The most efficient design to minimise the loss of car parking spaces is to position the turning head adjacent to the substation. Swept path analysis conducted by the Transport Consultants Steer, confirms that the central garden walls will need to be moved back. It is therefore, proposed that the garden walls are moved back into the central garden by 400mm to allow enough access for the fire tender to turn freely without hitting the wall (see figure 3 overleaf).
- 3.10 It is considered that the proposed change is in compliance with Policy D12 of the Draft London Plan regarding fire safety, as it continues to ensure fire tender access into the site.

### **Removal of Carparking Gates**

- 3.11 The applicant wishes to remove the approved parking gates to avoid the potential for cars to queue on Becontree Avenue which could conflict with the bus stop.
- 3.12 Officers consider that the proposed change is acceptable in accordance with Local Plan Policies BP11 and CP3 which state that development proposals should be high-quality and respect the local character of the area.

### **Removal of Ramp**

- 3.13 It is proposed that the approved ramp leading into the private garden of unit 15 is removed to accommodate the substation and access to the Air Source Heat Pumps ASHPs enclosure for the ODUs for Block B. The two ground floor units will continue to fully meet the requirements of Building Regulations Part M4(3), as level access to the gardens is provided through the units from the car parking and School Lane.

### **Other Design Changes**

- 3.14 There are other changes that impact on the revision to the drawings as noted in Condition These include the following:
- Relocation of the Refuse Store towards Becontree Avenue to accommodate the ODU's.
  - The footprint of the Refuse Store has slightly increased from 35m<sup>2</sup> to 38 m<sup>2</sup>.
  - Removal of resin circles to tree pits.
  - The number of car parking spaces has reduced to 8 from 10
- 3.15 Whilst the proposed changes noted above have design implications, the main premise of the changes come from other factors that are to be discussed separately in this report.

## **4. Impacts to Neighbouring Amenity:**

- 4.1. Paragraph 17 of the NPPF details within its core planning principles that new development should seek to enhance and improve the health and wellbeing of the places in which people live their lives. Paragraph 180 outlines that development proposals should mitigate and further reduce potential adverse impacts resulting from noise from new development and to avoid noise giving rise to significant adverse impacts on health and quality of life.
- 4.2. Policies 7.1 and 7.6 of the London Plan states that development should not cause unacceptable harm to neighbouring residential buildings in relation to loss of privacy and overlooking. Policy BP8 of the Local Plan and policy DMD1 of the Draft Local Plan specifically relate to ensuring neighbourly development, specifying various potential impacts that development proposals shall consider and avoid or minimise. The policy also emphasises adequate access to daylight and sunlight.

### Sunlight / Daylight



- 4.3. The Mayor's 'Housing' SPG states that an appropriate degree of flexibility needs to be applied when using Building Research Establishment (BRE) guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in accessible locations, and should consider local circumstances, the need to optimise housing capacity, and the scope for the character and form of an area to change over time.
- 4.4. As noted in the previous section of this report, given the proposed increase in building height, the application has been supported by an updated Daylight and Sunlight Assessment prepared by Waterslade Ltd. This Assessment confirms that the impact to most properties will be small and fully compliant with the default BRE numerical criteria with the exception of 196-198 Becontree Avenue which currently has low levels of daylight due to a constrained location. The impact to the front and rear facades of this property will be negligible and officers consider the impact on balance to be acceptable. It is therefore considered that these amendments are compliant with Mayor's 'Housing' Supplementary Planning Guidance (SPG) and Local Plan Policies BP11 and BP8.

#### Other amenity impacts

- 4.5. Other amenity related impacts have been considered previously at the original application and relevant conditions already imposed to ensure the impacts are acceptable. It is considered there will not be any further amenity impacts arising from the proposal, which overall conforms with the above-mentioned policies.

### **5. Sustainable Transport- Car parking**

- 5.1 The Applicant proposes the construction of a new single storey electric substation to the north west of the site to provide enough power to support electric vehicle charging on site. This change is discussed in more detail in section 3 of this report. To accommodate the proposed substation, two car parking spaces will be lost and a total of 8 car parking spaces will be provided.
- 5.2 This change impacts on the approved drawings in association with Conditions 5 – car parking and condition 6- cycle parking.
- 5.3 The applicant has submitted an updated Transport Statement prepared by Steer which indicates a relatively low level of parking stress in the surrounding area and a surplus in capacity for parking around the site. Therefore, it is considered that surrounding streets have sufficient parking capacity to absorb any overspill parking created by the loss of two car parking spaces on the site without impinging on existing parking arrangement for residents and businesses in the area.
- 5.4 Officers have no objection to these changes as there is no apparent adverse highway safety issue. Therefore, it is considered that the proposal complies with policies 6.13 of the London Plan, T6.1, T6, of the Draft London Plan, and BR9 and BR10 of the Local Plan. The change to condition 5 which relates to car parking layouts is noted in appendix 6 of this report.
- 5.5 The changes to the conditions can be viewed in appendix 6 of this report.

### **6 Waste Management**

- 6.1 Policies CR3 and BR15 of the Core Strategy and Borough Wide policy document outline the need for development in the Borough to minimise waste and work towards a more sustainable approach for waste management. These objectives are further emphasised in the emerging

Local plan (Reg 19 stage) through Strategic Policy SP7 and Policy DMSI9. Policy 5.17 of the London Plan seeks a wider goal for all development proposals in London.

- 6.2 It is proposed that the approved refuse storage at the front of the Site is moved by 3.7m metres towards Becontree Avenue to accommodate the 5 Outdoor Units (ODUs) and the new electric substation to the rear. The footprint of the Refuse Store has slightly increased from 35m<sup>2</sup> to 38 m<sup>2</sup> and provides the same provision for large bulky waste, refuse and recycling bins as the approved Refuse Storage.
- 6.3 Officers have no objection to this change however to regulate the modification this will require a revision to the current wording of condition 7 which is noted in Appendix 6.

## **7. Energy and sustainability matters:**

- 7.1 Chapter 5 (London's response to climate change) of the London Plan and Chapter 9 (Sustainable infrastructure) of the Draft London Plan require development to contribute to mitigation and adaptation to climate change. Specifically, Policy 5.2 of the London Plan and Policy SI2 of the Draft London Plan set out the energy hierarchy development should follow – '1. Be Lean; 2. Be Clean; 3. Be Green'. The policies require major residential development to be zero-carbon, with a specific requirement for at least 35% on-site reduction beyond Building Regulations. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on site, any shortfall should be provided through a cash in-lieu contribution to the borough's carbon offset fund and / or off-site, provided that an alternative proposal is identified and delivery is certain. These objectives and targets are also outlined in Policy DM24 of the emerging local plan (Reg 18 stage).
- 7.2 Policy 5.3 of the London Plan requires development proposals to demonstrate that sustainable design standards are integral to the proposal, including its construction and operation and ensure that they are considered at the beginning of the design process. Policy 5.6 states that development proposals should evaluate the feasibility of Combined Heat and Power (CHP) systems. Major development proposals should select energy systems in accordance with the following hierarchy – '1. Connection to existing heating or cooling networks; 2. Site wide CHP network; 3. Communal heating and cooling'. Policy 5.7 seeks an increase in the proportion of energy generated from renewable sources and states that major development proposals should provide a reduction in expected carbon dioxide emissions through the use of on-site renewable energy generation, where feasible.
- 7.3 The approved energy strategy included individual gas boilers designed to meet the hot water demand and to supply space heating. The Applicant is committed to ensuring that the building is as sustainable as possible; therefore, it is proposed to amend the energy source through the removal of gas fired boilers and replacement with 5 Outdoor Units (ODU's) to accommodate Air Source Heat Pumps (ASHPs).
- 7.4 The updated Energy Statement prepared by SCMS Associates confirms how the proposed development implements the sequential energy hierarchy set out in the London Plan and Draft London Plan. Collectively, these measures achieve a total 43% reduction in carbon emissions over Part L of the Building Regulations 2013 which is an improvement in comparison with the CO<sub>2</sub> emissions reduction of 41.7% achieved under planning permission 18/02154/FUL. The proposed ASHPs are considered to be more sustainable and improve the Be Lean measures in the energy strategy for this development from the strategy approved under planning permission 18/02154/FUL and are in compliance with policies 5.2, 5.3, 5.7 and 5.9 of the London Plan.
- 7.5 The change in the renewable energy strategy for this site has had repercussions throughout the design particularly with regards to the ground floor layout. These changes are discussed in more detail throughout this report in the relative sections.

## **8. Biodiversity**

- 8.1 Policy 7.19 of the London Plan and Policy G6 of the Draft London Plan require new developments to make a positive contribution to the protection, enhancement, creation and management of biodiversity wherever possible. Policies CR2 and BR3 of the Core Strategy and Borough Wide policies echo the London Plan in its strategic approach to protect and enhance biodiversity and to provide a net gain in the quality and quantity of the Borough's natural environment. This approach is also set out in Policy SP6 of the emerging local plan (Reg 19 stage).
- 8.2 It is proposed to replace the approved resin circles to the tree pits with a mulch solution. The mulch solution is a more natural and lower-maintenance strategy which could have a positive biodiversity effect for small invertebrates when compared to the resin bound gravel. Both solutions are permeable so this change will not impact the approved drainage strategy. Officers have no objection to this change and note that it is a preferred solution to the original.
- The applicant originally proposed to include changes to the location of a tree outside of the red line boundary which would be outside of the remit of the principle of this application. Officers have now been assured that the applicant has now confirmed that this is a highway issue and is to be regulated under the s278 agreement associated with the development.
- 8.3 Due to the change in the site layout due to the proposed minor changes the previously approved Landscaping strategy is to be revised to take account of this. The previously approved landscaping strategy also included details with regards to the child playspace strategy (condition 4) and bat and bird box strategy (condition 3). Updated detailed drawings have been revised and submitted to take account of these layout changes which are based on the previous landscaping strategy. The amount of child playspace is to remain the same and hence officers are comfortable with the slight layout change. Officers are to condition an updated landscaping strategy is submitted within 3 months of the date of this permission so that it is in line with the detailed drawings.
- 8.4 The revised wording to condition 3 can be viewed in Appendix 6 of this report.

## **9. Unilateral Undertaking: Deed of Variation:**

- 9.1 A deed of variation to the existing Unilateral Undertaking is required to facilitate the change in the affordable housing tenure.
- 9.2 This report has considered the main planning impacts arising from the proposed amendments to the original planning permission. All other matters remain unchanged and continue to be acceptable subject to the imposition of conditions.
- 9.3 The applicant welcomes a Deed of Variation to the Unilateral Undertaking Agreement (dated 29th September 2019) to cover changes to the following matters:
- i. Update Schedule Two (Affordable Housing) to allow the 19 units to be delivered as Affordable Rent units.
  - ii. Update Affordable Housing Units; Service Charge
  - iii. Remove London Shared Ownership Housing and update with Affordable Rent; and London Shared Ownership Housing Units; Staircasing
  - iv. Pay the council a monitoring fee of £2000

## **Conclusions:**

Overall in consideration of the consented scheme and having regard to the changes as proposed and additional details submitted for consideration, the proposal is considered generally in accordance with relevant planning policy as noted above and therefore shall be supported.

As such the officer recommendation is to grant planning permission subject to the securing a deed of variation to the original unilateral undertaking agreement as listed within appendix 7 and the conditions listed within appendix 6 of this planning report.

## 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) (MHCLG, Feb 2019)</i></p>	
<p><i>The London Plan: Spatial Development Strategy for London (GLA, consolidated with alterations since 2011, published March 2016)</i></p>	<p>Policy 1.1 - Delivering the strategic vision and objectives for London Policy 3.1 - Ensuring equal life chances for all Policy 3.3 - Increasing housing supply Policy 3.4 - Optimising housing potential Policy 3.5 - Quality and design of housing developments Policy 3.8 - Housing choice Policy 3.9 - Mixed and balanced communities Policy 3.10 - Definition of affordable housing Policy 3.16- Protection and enhancement of social infrastructure Policy 5.3 - Sustainable design and construction Policy 5.10 - Urban greening Policy 5.17 - Waste capacity Policy 6.1 - Strategic approach Policy 6.3 - Assessing effects of development on transport capacity Policy 6.9 - Cycling Policy 6.10 - Walking Policy 6.13 - Parking Policy 7.1 - Lifetime neighbourhoods Policy 7.2 - An inclusive environment Policy 7.3 - Designing out crime Policy 7.4 - Local character Policy 7.5 - Public realm Policy 7.6 - Architecture Policy 7.14 - Improving air quality Policy 7.15 - Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate townscapes Policy 7.19 - Biodiversity and access to nature</p>
<p><i>The Mayor of London's Draft London Plan - Intend to Publish version December 2019 is under Examination. Having regard to NPPF paragraph 48 the emerging document is a material consideration and appropriate weight will be given to its policies and suggested changes in decision-making, unless other material considerations indicate that it would not be reasonable to do so.</i></p>	
<p><i>Draft London Plan - Intend to Publish version December 2019</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</p>

	<p>Policy D11 – Safety, security and resilience to emergency</p> <p>Policy D12 – Fire Safety</p> <p>Policy D14 - Noise</p> <p>Policy H1 - Increasing housing supply</p> <p>Policy H2 - Small sites</p> <p>Policy H4 – Delivering affordable housing</p> <p>Policy H5 – Threshold approach to applications</p> <p>Policy H6 – Affordable housing tenure</p> <p>Policy H7 – Monitoring of affordable housing</p> <p>Policy H10 – Redevelopment of existing housing and estate regeneration</p> <p>Policy H12 - Housing size mix</p> <p>Policy S1 -Developing London’s social infrastructure</p> <p>Policy S3 – Education and childcare facilities</p> <p>Policy G1 - Green infrastructure</p> <p>Policy G5 - Urban greening</p> <p>Policy G6 - Biodiversity and access to nature</p> <p>Policy SI7 - Reducing waste and supporting the circular economy</p> <p>Policy SI8 - Waste capacity and net waste self-sufficiency</p> <p>Policy T1 - Strategic approach to transport</p> <p>Policy T2 - Healthy Streets</p> <p>Policy T3 - Transport capacity, connectivity and safeguarding</p> <p>Policy T4 - Assessing and mitigating transport impacts</p> <p>Policy T5 - Cycling</p> <p>Policy T6 - Car parking</p>
<p><i>Local Development Framework (LDF) Core Strategy (July 2010)</i></p>	<p>Policy CM1 - General Principles for Development</p> <p>Policy CR2 - Preserving and Enhancing the Natural Environment</p> <p>Policy CR3 - Sustainable Waste Management</p> <p>Policy CP3 - High Quality Built Environment</p> <p>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</p> <p>Policy BR3 - Greening the Urban Environment</p> <p>Policy BR4 - Water Resource Management</p> <p>Policy BR9 - Parking</p> <p>Policy BR10 - Sustainable Transport</p> <p>Policy BR11 - Walking and Cycling</p> <p>Policy BR15 - Sustainable Waste Management</p> <p>Policy BP8 - Protecting Residential Amenity</p> <p>Policy BP11 - Urban Design</p> <p>Policy BC6- Loss of Community Facilities</p>
<p><i>The London Borough of Barking and Dagenham’s Draft Local Plan: (Regulation 19 Consultation Version, October 2020) is at an “mid” stage of preparation. 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 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, October 2020)</i></p>	<p>Policy SPDG1 - Delivering Growth</p> <p>Policy SP4 - Delivering Homes that Meet People’s Needs</p> <p>Policy SP2 - Delivering High Quality Design in the Borough</p> <p>Policy SP6 – Green and Blue Infrastructure</p>

	<p>Policy SP7 - Securing a Sustainable and Clean Borough</p> <p>Policy SP4- Delivering social infrastructure in the right locations</p> <p>Policy DMH1 - Affordable Housing</p> <p>Policy DM2 - Housing Size and Mix</p> <p>Policy DMD1 - Responding to Place</p> <p>Policy DMNE1 - Protecting and Improving Parks and Open Spaces</p> <p>Policy DMNE2 Urban greening</p> <p>Policy DMNE3- Nature Conservation and Biodiversity</p> <p>Policy DMNE5 - Trees</p> <p>Policy DMSI 2 - Energy, Heat and Carbon Emissions</p> <p>Policy DMSI4 - Improving Air Quality</p> <p>Policy DMSI6 - Managing Flood Risk, including Surface Water Management</p> <p>Policy DMSI9 - Managing our Waste</p> <p>Policy DMT1 - Making Better Connected Neighbourhoods</p> <p>Policy SP4: Planning for social infrastructure</p> <p>Policy DMS1- Protecting or enhancing facilities</p>
<p><i>Supplementary Planning Documents / Other</i></p>	<p>DCLG Technical Housing Standards (nationally described space standard) (DCLG, March 2015) (as amended)</p> <p>Affordable Housing and Viability Supplementary Planning Guidance (GLA, August 2017)</p> <p>Housing Supplementary Planning Guidance (GLA, March 2016, Updated August 2017)</p> <p>Sustainable Design and Construction Supplementary Planning Guidance (GLA, April 2014)</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, Be First on behalf of the London Borough of Barking & Dagenham has had 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.

*Local Government (Access to Information) Act 1985*

Background papers used in preparing this report:

- Planning Application
- Statutory Register of Planning Decisions
- Correspondence with Adjoining Occupiers
- Correspondence with Statutory Bodies
- Correspondence with other Council Departments

- National Planning Policy Framework
- London Plan
- Local Plan



**Appendix 2:**

<b>Relevant Planning History:</b>			
Application Number:	18/02177/PRIOR4	Status:	Approved
Description:	Application for prior notification of proposed demolition of single storey property currently used as a place of worship (prior approval granted).		
Application Number	18/02154/FUL	Status:	Approved
Description:	Construction of two new buildings accommodating 19 x residential units (13 x 1-bedroom units; 4 x 2-bedroom units; and 2 x 3-bedroom units), 169 sqm community room (Class D1) and associated works [Revised description of development and drawings and application documents submitted on 19/07/2019].		

**Appendix 3:**

The following consultations have been undertaken:

- LBBB Trees
- LBBB Refuse Services
- BeFirst Transport Development Management
- Befirst Affordable Housing
- Befirst Ecology

<b>Summary of Consultation responses:</b>		
<b>Consultee and date received</b>	<b>Summary of Comments</b>	<b>Officer Comments</b>
LBBB Trees 28 <sup>th</sup> September 2020	No objection	Noted
LBBB Refuse Services dated 1 <sup>st</sup> October 2020	No objection	Noted.
BeFirst Transport Development Management Dated 11 <sup>th</sup> September 2020	No objection	Noted.

**Appendix 4:**

<b>Neighbour Notification:</b>	
<b>Site Notices Erected:</b>	Yes
<b>Number of neighbouring properties consulted:</b>	104
<b>Number of responses:</b>	None

Appendix 5:

Proposed Site Layout:



## Appendix 6

### Conditions:

#### 1) Commencement of development within 3 years

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

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

#### 2) In accordance with approved plans

The development hereby permitted shall be carried out in accordance with the following approved plans:

- 573BE\_ARC\_DE\_050 Rev P4 09/07/19
- 573BE\_ARC\_DE\_200 Rev P4 09/07/19
- 573BE\_ARC\_DE\_201 Rev P4 09/07/19
- 573BE\_ARC\_DE\_202 Rev P4 09/07/19
- 573BE\_ARC\_DE\_203 Rev P4 09/07/19
- 573BE\_ARC\_DE\_300 Rev P3 09/07/19
- 573BE\_ARC\_001 Rev P4 09/07/19
- 573BE\_ARC\_002 Rev P3 09/07/19
- 573BE\_ARC\_EX\_050 Rev P5 05/08/2020
- 573BE\_ARC\_EX\_200 Rev P4 09/07/19
- 573BE\_ARC\_EX\_201 Rev P4 09/07/19
- 573BE\_ARC\_EX\_202 Rev P4 09/07/2018
- 573BE\_ARC\_EX\_203 Rev P4 09/07/19
- 573BE\_ARC\_EX\_300 Rev P3 09/07/19
- 573BE\_ARC\_PR\_050 Rev P11 05/08/2020
- 573BE\_ARC\_PR\_200 Rev P5 05/08/2020
- 573BE\_ARC\_PR\_201 Rev P5 05/08/2020
- 573BE\_ARC\_PR\_202 Rev P5 05/08/2020
- 573BE\_ARC\_PR\_203 Rev P5 05/08/2020
- 573BE\_ARC\_PR\_300 Rev P2 05/08/2020
- 573BE\_ARC\_PR\_A\_100 Rev P7 05/08/2020
- 573BE\_ARC\_PR\_A\_101 Rev P7 05/08/2020
- 573BE\_ARC\_PR\_A\_102 Rev P7 05/08/2020
- 573BE\_ARC\_PR\_A\_103 Rev P7 05/08/2020
- 573BE\_ARC\_PR\_A\_104 Rev P7 05/08/2020
- 573BE\_ARC\_PR\_A\_200 Rev P6 05/08/2020
- 573BE\_ARC\_PR\_A\_201 Rev P6 05/08/2020
- 573BE\_ARC\_PR\_A\_202 Rev P6 05/08/2020
- 573BE\_ARC\_PR\_A\_203 Rev P6 05/08/2020
- 573BE\_ARC\_PR\_A\_300 Rev P2 05/08/2020
- 573BE\_ARC\_PR\_A\_301 Rev P2 05/08/2020
- 573BE\_ARC\_PR\_A\_302 Rev P2 05/08/2020
- 573BE\_ARC\_PR\_A\_303 Rev P2 05/08/2020
- 573BE\_ARC\_PR\_A\_304 Rev P2 05/08/2020
- 573BE\_ARC\_PR\_A\_305 Rev P2 05/08/2020

- 573BE\_ARC\_PR\_A\_306 Rev P2 05/08/2020
- 573BE\_ARC\_PR\_A\_307 Rev P2 05/08/2020
- 573BE\_ARC\_PR\_A\_308 Rev P2 05/08/2020
- 573BE\_ARC\_PR\_B\_100 Rev P6 05/08/2020
- 573BE\_ARC\_PR\_B\_101 Rev P6 05/08/2020
- 573BE\_ARC\_PR\_B\_102 Rev P6 05/08/2020
- 573BE\_ARC\_PR\_B\_103 Rev P6 05/08/2020
- 573BE\_ARC\_PR\_B\_200 Rev P5 05/08/2020
- 573BE\_ARC\_PR\_B\_201 Rev P5 05/08/2020
- 573BE\_ARC\_PR\_B\_202 Rev P5 05/08/2020
- 573BE\_ARC\_PR\_B\_203 Rev P6 05/08/2020
- 573BE\_ARC\_PR\_B\_300 Rev P5 05/08/2020
- 573BE\_ARC\_PR\_B\_301 Rev P2 05/08/2020
- 573BE\_ARC\_PR\_B\_302 Rev P2 05/08/2020
- 573BE\_ARC\_PR\_600 Rev P2 15/01/2019
- 573BE\_ARC\_PR\_601 Rev P2 15/01/2019
- 573BE\_ARC\_PR\_610 Rev P2 15/01/2019
- 573BE\_ARC\_PR\_611 Rev P2 15/01/2019
- 573BE\_ARC\_PR\_612 Rev P2 15/01/2019
- 573BE\_ARC\_PR\_620 Rev P2 15/01/2019
- 8277-PL-101-GA-P Rev 2 16/09/2020
- 8277-PL-102-HW-P Rev 3 16/09/2020
- 8277-PL-103-SW-P Rev 3 16/09/2020
- 8277-PL-104-TL-P Rev 3 16/09/2020
- 8277-PL-105-EKW-P Rev 3 16/09/2020
- 8277-PL-106-FF-P Rev 3 16/09/2020
- 8277-PL-107-LT-P Rev 3 16/09/2020
- 8277-PL-201-SS-P Rev 2 16/09/2020
- 8277-SE-301-GA-P Rev 2 16/09/2020
- 8277-SE-302-GA-P Rev 2 16/09/2020
- 8277-SE-303-GA-P Rev 2 16/09/2020
- Energy and sustainability statement by SCMS Associates dated March 2020
- Transport Assessment Addendum by Steer dated 05/08/20
- Revised Design and Access Statement P2 by Archio
- Affordability Note dated 4<sup>th</sup> September 2020
- Daylight and Sunlight Report by Waterslade dated August 2020

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

### 3) Hard and Soft Landscaping and Tree Protection

The hard landscaping shown on drawing Nos. 8277-PL-101-GA-P Rev 2, 8277-PL-102-HW-P Rev 3, 8277-PL-105-EKW-P Rev 3, 8277-PL-106-FF-P Rev 3, 8277-PL-107-LT-P Rev 3, 8277-SE-301-GA-P Rev 2, 8277-SE-302-GA-P Rev 2, 8277-SE-303-GA-P Rev 2 shall be carried out prior to the occupation of the development and thereafter permanently retained.

The soft landscaping shown on drawing Nos. 8277-PL-101-GA-P Rev 2, 8277-PL-103-SW-P Rev 3, 8277-PL-104-TL-P Rev 3, 8277-SE-301-GA-P Rev 2, 8277-SE-302-GA-P Rev 2, 8277-SE-303-GA-P Rev 2 shall be carried out in the first planting and seeding seasons following the occupation of the building or completion of the development, whichever is the sooner.

An updated revision of the previously approved Landscaping Strategy 8277-DPA-001-REV02 dated 12/07/19 to which the above detailed drawings are based upon shall also be submitted within 3 months of the date of this permission. The revised landscaping strategy must also include a plan showing the location of the bat and bird boxes. Once approved the bird nesting and bat roosting boxes shall be installed within or on the buildings or in any trees on the site prior to occupation.

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 shall be protected during construction in accordance with the approved Arboricultural Method Statement dated 04/12/18 and prepared by PJC Consultancy.

Minor amendments may be agreed in writing from time to time 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, in accordance with policy CR2 of the Core Strategy, policies BR3 and BP11 of the Borough Wide Development Policies Development Plan Document, policy 7.19 of the London Plan and Section 197 of the Town and Country Planning Act 1990.

#### 4) Child Playspace

Prior to the occupation of the development, the children's playspaces and associated equipment shall be installed and thereafter maintained in accordance with drawing Nos. 8277-PL-101-GA-P Rev 2, 8277-PL-102-HW-P Rev 3, 8277-PL-106-FF-P Rev 3, 8277-SE-301-GA-P Rev 2, 8277-SE-302-GA-P Rev 2, 8277-SE-303-GA-P Rev 2. An updated revision of the previously approved Landscaping Strategy 8277-DPA-001-REV02 dated 12/07/19 to which the above detailed drawings are based upon shall also be submitted within 3 months of the date of this permission. Minor amendments may be agreed in writing from time to time by the Local Planning Authority.

Reason: To ensure suitable provision for children's play and in accordance with the London Plan Play and Informal Recreation SPG (September 2012).

#### 5) Car Parking

The car parking areas shown on drawings. No.8277-PL-101-GA-P Rev 2, 8277-PL-105-EKW-P Rev 3 and 573BE\_ARC\_PR\_050 Rev P11 shall be constructed and marked out 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. 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 occupation of the development as accessible parking bays (to be clearly marked with a British Standard disabled symbol).

Active electric charging points shall be provided for 20% of the car parking spaces and a further 50% of the spaces shall be provided for passive electric vehicle charging points. 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.

Minor amendments may be agreed in writing from time to time by the Local Planning Authority.

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 and to encourage the use of electric cars in order to reduce carbon emissions and in accordance with policies BC2, BR9, and BR10 of the Borough Wide Development Policies Development Plan Document and policy 6.13 of the London Plan.

#### 6) Cycle Parking

Prior to the occupation of any building within the development the cycle parking serving that building as shown on drawing Nos. 573BE\_ARC\_PR\_050 Rev P11, 573BE\_ARC\_PR\_A\_100 Rev P7 and 573BE\_ARC\_PR\_B\_100 Rev P6 shall be completed and thereafter maintained. Minor amendments may be agreed in writing from time to time by the Local Planning Authority.

Reason: In the interests of promoting cycling as a sustainable and non-polluting mode of transport and in accordance with policy BR11 of the Borough Wide Development Policies Development Plan Document.

#### 7) Refuse Strategy

The refuse stores shown on drawing Nos. 573BE\_ARC\_PR\_050 Rev P11, 8277-PL-101- GA-P Rev 2 and 8277-PL-106-FF-P Rev 3 shall be provided before the occupation of the development and thereafter permanently retained. Minor amendments may be agreed in writing from time to time by the Local Planning Authority.

Reason: To provide satisfactory refuse storage provision in the interests of the appearance of the site and locality in accordance with policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

#### 8) Accessible Housing

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. The four first and second floor units in Building B are exempted from the step-free access requirement.

Two (11%) dwellings 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).

Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To ensure that sufficient accessible housing is provided in accordance with Policy 3.8 of the London Plan.

#### 9) Crime Prevention

No above ground new development shall take place until a scheme showing the provisions to be made for CCTV, external lighting, access control, and any other measures to reduce the risk of crime, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved scheme has been implemented. Thereafter the approved measures shall be permanently retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to provide a good standard of security to future visitors to and users of the site and to reduce the risk of crime in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document.

#### 10) Surface Water Drainage

No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the SUDS Strategy 17:5235 Rev P3 dated September 2019. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the SUDS Strategy 17:5235 Rev P3 dated September 2019.

Reason: To prevent an increased risk of flooding and to prevent pollution of the water environment and in accordance with policy BR4 of the Borough Wide Development Policies Development Plan Document.

#### 11) Water Efficiency

Before occupation 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. Evidence of compliance



shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

Reason: To minimise the use of mains water in accordance with policy 5.15 of the London Plan.

#### 12) Piling Method

No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact/cause failure of local underground sewerage utility infrastructure.

#### 13) Fire Safety

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 development shall be carried out in accordance with the approved details.

Reason: In order to provide a safe and secure development in accordance with policy CP3 of the Core Strategy and policy D11 of the draft London Plan.

#### 14) Site Contamination

(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.

(b) Following completion of measures identified in the approved remediation scheme for the development, 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.

(c) 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 and where remediation is necessary a remediation scheme must be prepared, 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 the development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other

off-site receptors in accordance with policy BR5 of the Borough Wide Development Policies Development Plan Document and policy 5.21 of the London Plan.

#### 15) Construction Management

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) measures to control the emission of dust, dirt and emissions to air during construction; such measures to accord with the guidance provided in the document "The Control of Dust and Emissions during Construction and Demolition", Mayor of London, July 2014; including but not confined to, nonroad 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 and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

#### 16) Community Space Hours of Use

The community use (Class D1) hereby permitted shall not take place other than between the hours of 07:00 and 23:00 on any day.

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

#### 17) 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 in accordance with policy CP3 of the Core Strategy and policy BP11 of the Borough Wide Development Policies Development Plan Document.

#### 18) External Materials

All external surfaces of the development shall be constructed using the materials shown on drawing Nos. 573BE\_ARC\_PR\_A\_200 Rev P6, 573BE\_ARC\_PR\_A\_201 Rev P6, 573BE\_ARC\_PR\_A\_202 Rev P6, 573BE\_ARC\_PR\_A\_203 Rev P6, 573BE\_ARC\_PR\_B\_200 Rev P5, 573BE\_ARC\_PR\_B\_201 Rev P5, 573BE\_ARC\_PR\_B\_202 Rev P5, 573BE\_ARC\_PR\_B\_203 Rev P5, 573BE\_ARC\_PR\_600 Rev P2, 573BE\_ARC\_PR\_601 Rev P2, 573BE\_ARC\_PR\_610 Rev P2, 573BE\_ARC\_PR\_611 Rev P2, 573BE\_ARC\_PR\_612 Rev P2, 573BE\_ARC\_PR\_620 Rev P2. Minor amendments may be agreed in writing from time to time by the Local Planning Authority.

Reason: In order to protect or enhance the character and amenity of the area in accordance with policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

## **Appendix 7 Heads of Terms:**

The Planning Committee has previously granted planning permission subject to the completion of a S106 Agreement securing the obligations as summarised below:

- Secure 100% affordable housing on site;
- Secure an Employment, Skills and Suppliers Plan ensuring that a minimum of 25% of labour and suppliers required for the construction of the development are drawn from within the Borough;
- Secure restrictions preventing future residents from obtaining parking permits for any controlled parking zone (CPZ);
- Secure a minimum 35% reduction in carbon dioxide emissions over Part L of the Building Regulations 2013 through on-site provisions for the residential and non-residential uses and the remaining carbon
- emissions to zero-carbon for the residential uses to be subject to a carbon offset payment;
- Pay the professional fees associated with the preparation and completion of the S106 Agreement

A deed of variation to the existing Unilateral Undertaking is required to facilitate the change in the affordable housing tenure.

This report has considered the main planning impacts arising from the proposed amendments to the original planning permission. All other matters remain unchanged and continue to be acceptable subject to the imposition of conditions.

The applicant welcomes a Deed of Variation to the Unilateral Undertaking Agreement (dated 29th September 2019) to cover changes to the following matters:

- i. Update Schedule Two (Affordable Housing) to allow the 19 units to be delivered as Affordable Rent units.
- ii. Update Affordable Housing Units; Service Charge
- iii. Remove London Shared Ownership Housing and update with Affordable Rent; and London Shared Ownership Housing Units; Staircasing
- v. Pay the council a monitoring fee of £2000

## Appendix 8:

Drawing Table Schedule of retained and revised drawings:

- Officers note that the changes in the existing site plan and existing south site plan are to capture the current situation in that the former on-site building has now been demolished
- The proposed GIA plans have not been revised as the applicant has provided a GIA floorspace schedule for each unit.
- The 3x CGI views were for illustrative purposes only and for the minor changes were not considered material to revise for the assessment and determination of this application.

Original Consent Drawing Title	Original Consent Drawing Number	Revision	Date	Action	Proposed Drawing Title	Proposed Replacement Drawing	Revision	Date
Demolition Site Plan	573BE ARC DE 050	P4	09/07/19	Retain				
Demolition North Site Elevation	573BE ARC DE 200	P4	09/07/19	Retain				
Demolition East Site Elevation	573BE ARC DE 201	P4	09/07/19	Retain				
Demolition South Site Elevation	573BE ARC DE 202	P4	09/07/19	Retain				
Demolition West Site Elevation	573BE ARC DE 203	P4	09/07/19	Retain				
Demolition Site Section AA	573BE ARC DE 300	P3	09/07/19	Retain				
Location Plan	573BE ARC 001	P4	09/07/19	Retain				
Block Plan	573BE ARC 002	P3	09/07/19	Retain				
Existing Site Plan	573BE ARC EX 050	P4	09/07/19	Replace	Existing Site Plan	573BE ARC EX 050	P5	05/08/2020
Existing North Site Elevation	573BE ARC EX 200	P4	09/07/19	Retain				
Existing East Site Elevation	573BE ARC EX 201	P4	09/07/19	Retain				
Existing South Site Elevation	573BE ARC EX 202	P4	09/07/19	Replace	Existing South Site Elevation	573BE ARC EX 202	P4	09/07/2018
Existing West Site Elevation	573BE ARC EX 203	P4	09/07/19	Retain				
Existing Site Section AA	573BE ARC EX 300	P3	09/07/19	Retain				
Proposed Site Plan	573BE ARC PR 050	P10	09/07/19	Replace	Proposed Site Plan	573BE ARC PR 050	P11	05/08/2020
Proposed North Site Elevation	573BE ARC PR 200	P4	09/07/19	Replace	Proposed North Site Elevation	573BE ARC PR 200	P5	05/08/2020
Proposed East Site Elevation	573BE ARC PR 201	P4	09/07/19	Replace	Proposed East Site Elevation	573BE ARC PR 201	P5	05/08/2020
Proposed South Site Elevation	573BE ARC PR 202	P4	09/07/19	Replace	Proposed South Site Elevation	573BE ARC PR 202	P5	05/08/2020
Proposed West Site Elevation	573BE ARC PR 203	P4	09/07/19	Replace	Proposed West Site Elevation	573BE ARC PR 203	P5	05/08/2020
Proposed Site Section AA	573BE ARC PR 300	P1	06/12/2018	Replace	Proposed Site Section AA	573BE ARC PR 300	P2	05/08/2020
View from Becontree Avenue	573BE ARC PR 500	P3	09/07/19	Remove				
View from Lichfield Avenue	573BE ARC PR 501	P3	09/07/19	Remove				
View from The Lifeline School	573BE ARC PR 502	P1	09/07/19	Remove				
Proposed Ground Floor Plan	573BE ARC PR A 100	P6	09/07/19	Replace	Building A - Proposed Ground Floor Plan	573BE ARC PR A 100	P7	05/08/2020
Proposed First Floor Plan	573BE ARC PR A 101	P6	09/07/19	Replace	Building A - Proposed First Floor Plan	573BE ARC PR A 101	P7	05/08/2020
Proposed Second Floor Plan	573BE ARC PR A 102	P6	09/07/19	Replace	Building A - Proposed Second Floor Plan	573BE ARC PR A 102	P7	05/08/2020
Proposed Third Floor Plan	573BE ARC PR A 103	P6	09/07/19	Replace	Building A - Proposed Third Floor Plan	573BE ARC PR A 103	P7	05/08/2020
Proposed Roof Plan	573BE ARC PR A 104	P6	09/07/19	Replace	Building A - Proposed Roof Plan	573BE ARC PR A 104	P7	05/08/2020
Proposed North Elevation	573BE ARC PR A 200	P5	09/07/19	Replace	Building A - Proposed North Elevation	573BE ARC PR A 200	P6	05/08/2020
Proposed East Elevation	573BE ARC PR A 201	P5	09/07/19	Replace	Building A - Proposed East Elevation	573BE ARC PR A 201	P6	05/08/2020
Proposed South Elevation	573BE ARC PR A 202	P5	09/07/19	Replace	Building A - Proposed South Elevation	573BE ARC PR A 202	P6	05/08/2020
Proposed West Elevation	573BE ARC PR A 203	P5	09/07/19	Replace	Building A - Proposed West Elevation	573BE ARC PR A 203	P6	05/08/2020
Proposed Section AA	573BE ARC PR A 300	P1	09/07/19	Replace	Building A - Proposed Section AA	573BE ARC PR A 300	P2	05/08/2020
Proposed Section BB	573BE ARC PR A 301	P1	09/07/19	Replace	Building A - Proposed Section BB	573BE ARC PR A 301	P2	05/08/2020
Proposed Section CC	573BE ARC PR A 302	P1	09/07/19	Replace	Building A - Proposed Section CC	573BE ARC PR A 302	P2	05/08/2020
Proposed Section DD	573BE ARC PR A 303	P1	09/07/19	Replace	Building A - Proposed Section DD	573BE ARC PR A 303	P2	05/08/2020
Proposed Section EE	573BE ARC PR A 304	P1	09/07/19	Replace	Building A - Proposed Section EE	573BE ARC PR A 304	P2	05/08/2020
Proposed Section FF	573BE ARC PR A 305	P1	09/07/19	Replace	Building A - Proposed Section FF	573BE ARC PR A 305	P2	05/08/2020
Proposed Section GG	573BE ARC PR A 306	P1	09/07/19	Replace	Building A - Proposed Section GG	573BE ARC PR A 306	P2	05/08/2020
Proposed Section HH	573BE ARC PR A 307	P1	09/07/19	Replace	Building A - Proposed Section HH	573BE ARC PR A 307	P2	05/08/2020
Proposed Section JJ	573BE ARC PR A 308	P1	09/07/19	Replace	Building A - Proposed Section JJ	573BE ARC PR A 308	P2	05/08/2020
Proposed GIA Plans	573BE ARC PR A 600	P7	09/07/19	Remove				
Proposed Ground Floor Plan	573BE ARC PR B 100	P5	09/07/19	Replace	Building B - Ground Floor Plan	573BE ARC PR B 100	P6	05/08/2020
Proposed First Floor Plan	573BE ARC PR B 101	P5	09/07/2019	Replace	Building B - First Floor Plan	573BE ARC PR B 101	P6	05/08/2020
Proposed Second Floor Plan	573BE ARC PR B 102	P5	09/07/19	Replace	Building B - Second Floor Plan	573BE ARC PR B 102	P6	05/08/2020
Proposed Roof Plan	573BE ARC PR B 103	P5	09/07/19	Replace	Building B - Roof Plan	573BE ARC PR B 103	P6	05/08/2020
Proposed North Elevation	573BE ARC PR B 200	P4	09/07/19	Replace	Building B - Proposed North Elevation	573BE ARC PR B 200	P5	05/08/2020
Proposed East Elevation	573BE ARC PR B 201	P4	09/07/19	Replace	Building B - East Elevations	573BE ARC PR B 201	P5	05/08/2020
Proposed South Elevation	573BE ARC PR B 202	P4	09/07/19	Replace	Building B - South Elevation	573BE ARC PR B 202	P5	05/08/2020
Proposed West Elevation	573BE ARC PR B 203	P4	09/07/19	Replace	Building B - West Elevation	573BE ARC PR B 203	P5	05/08/2020
Proposed Section AA	573BE ARC PR B 300	P4	09/07/19	Replace	Building B - Section AA	573BE ARC PR B 300	P5	05/08/2020
Proposed Section BB	573BE ARC PR B 301	P1	09/07/19	Replace	Building B - Section BB	573BE ARC PR B 301	P2	05/08/2020
Proposed Section CC	573BE ARC PR B 302	P1	09/07/19	Replace	Building B - Section CC	573BE ARC PR B 302	P2	05/08/2020
Proposed GIA Plans	573BE ARC PR B 500	P5	09/07/19	Remove				
Typical Dormer Details 1	573BE ARC PR 600	P1	26/07/19	Replace	Typical Dormer Details 1	573BE ARC PR 600	P2	15/01/2019
Typical Dormer Details 2	573BE ARC PR 601	P1	26/07/19	Replace	Typical Dormer Details 2	573BE ARC PR 601	P2	15/01/2019
Typical Rooflight Details	573BE ARC PR 610	P1	26/07/19	Replace	Typical Rooflight Details	573BE ARC PR 610	P2	15/01/2019
Typical Ground Floor Window and Brick Reveal Details	573BE ARC PR 611	P1	26/07/19	Replace	Typical Ground Floor Window and Brick Reveal Details	573BE ARC PR 611	P2	15/01/2019
Typical Upper Floor Window Details	573BE ARC PR 612	P1	26/07/19	Replace	Typical Upper Floor Window Details	573BE ARC PR 612	P2	15/01/2019
Entrance Arch Details 1	573BE ARC PR 620	P1	26/07/19	Replace	Entrance Arch Details	573BE ARC PR 620	P2	15/01/2019
Landscape Masterplan General Arrangement	8277-PL-101-GA-P	1	12/07/19	Replace	Landscape Masterplan General Arrangement	8277-PL-101-GA-P	2	16/09/2020
Landscape Masterplan Hard Landscape	8277-PL-102-HW-P	2	12/07/19	Replace	Landscape Masterplan Hard Landscape	8277-PL-102-HW-P	3	16/09/2020
Landscape Masterplan Soft Landscape	8277-PL-103-SW-P	2	12/07/19	Replace	Landscape Masterplan Soft Landscape	8277-PL-103-SW-P	3	16/09/2020
Landscape Masterplan Tree Layout	8277-PL-104-TL-P	2	12/07/19	Replace	Landscape Masterplan Tree Layout	8277-PL-104-TL-P	3	16/09/2020
Landscape Masterplan Edge, Kerb and Wall	8277-PL-105-EKW-P	2	12/07/19	Replace	Landscape Masterplan Edge, Kerb and Wall	8277-PL-105-EKW-P	3	16/09/2020
Landscape Masterplan Furniture	8277-PL-106-FF-P	2	12/07/19	Replace	Landscape Masterplan Furniture	8277-PL-106-FF-P	3	16/09/2020
Landscape Masterplan Lighting Strategy	8277-PL-107-LT-P	2	12/07/19	Replace	Landscape Masterplan Lighting Strategy	8277-PL-107-LT-P	3	16/09/2020
Detailed Area School Way Services and Tree Pit	8277-PL-201-SS-P	1	12/07/19	Replace	Detailed Area School Way Services and Tree Pit	8277-PL-201-SS-P	2	16/09/2020
Landscape Section North / South	8277-SE-301-GA-P	1	09/07/19	Replace	Landscape Section North / South	8277-SE-301-GA-P	2	16/09/2020
Landscape Section 02	8277-SE-302-GA-P	1	09/07/19	Replace	Landscape Section 02	8277-SE-302-GA-P	2	16/09/2020
Landscape Section 03 School Way	8277-SE-303-GA-P	1	09/07/19	Replace	Landscape Section 03 School Way	8277-SE-303-GA-P	2	16/09/2020