



and

LONDON BOROUGH OF BARKING & DAGENHAM
PLANNING COMMITTEE
30th November 2020
Application for Removal or Variation of a Condition following Grant of Planning Permission

Case Officer:	Kathryn McAllister	Valid Date:	09 September 2020
Applicant:	Catherine Tusien	Expiry Date:	30 November 2020
Application Number:	20/01815/VAR	Ward:	Abbey
Address:	House for Artists, 36-40 Linton Road, Barking, IG11 8HR		

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 House of Artists, 36-40 Linton Road.

Proposal:

Application to vary condition 2 (approved drawings) of planning permission 18/00555/FUL.

Officer Recommendations:

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 to a s106 agreement based on the Heads of Terms identified at Appendix 6 of this report and the Conditions listed in Appendix 5 of this report; and
3. that, if by 30th May 2021 the Deed of Variation 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:

- Time
- Approved Drawings & Documents
- Creative and Cultural Industries Tenure
- Details of External Materials
- Details of Bird Management and Rainwater Runoff
- Accessible Housing- M4(2)
- Accessible Housing- M4(3)
- Water Efficiency
- Hard and Soft Landscaping Scheme and Management Plan
- Parking (Details)
- Access for Services

- Construction and Logistics Plan
- Surface Water Drainage (Aquifer)
- Site Investigation (Potential contaminants)
- Detailed Remediation Scheme
- Implementation of Approved Remediation Scheme
- Risk Assessment
- Monitoring and Maintenance Scheme
- Construction Hours
- Control of Noise and Vibration
- Control of Dust
- Construction Method Statement
- SUDS Infiltration of surface water into ground (Environmental Agency)
- Piling/boreholes/tunnel shafts/ ground source heating and cooling systems (Environment Agency)
- Decommission of investigative boreholes (Environment Agency)

S106 – Summary of Heads of Terms:

- Notices and Financial Obligations
- Affordable Housing
- No Control Parking Zone (CPZ) Permits
- Carbon Offsetting

OFFICER REPORT

Planning Constraints:

The application site is located within Barking Town Centre

Site, Situation and relevant background information:

The application site is located within Barking Town Centre on Linton Road at the junction with Anne Mews. A previous application 18/00555/FUL was approved in September 2018 for the erection of a 5-storey building to provide ground floor community space and artists workspace and 12 dwellings above dedicated for artists. Subsequently, permission was granted in December 2018 for a s.96 non-material amendment for the replacement of district heating system with an air source heat pump, internal and external design changes to facade treatment and ground floor and courtyard layout (18/02027/NMA). This application seeks permission for a s.73 non-material amendment to vary condition 2 (approved drawings) of planning permission 18/00555/FUL.

Detailed proposal:

Proposed Amendment:	Applicant Reasoning:
<i>Reconfigure the ground floor internal layout</i>	<i>To maximise the flexibility of use</i>
<i>Omit ground floor sloping columns and replace them with wider vertical columns</i>	<i>To aid buildability</i>
<i>Lengthen the columns to the stair core</i>	<i>To aid structural stability</i>
<i>Omit external sloping canopies</i>	<i>To aid buildability</i>
<i>Omit east/west facing glazing and fenestration in flats 4, 6, 7 and 10 and replace them on the northern elevation</i>	<i>To increase daylight within internal spaces and the flexibility of the spaces</i>
<i>Relocation of roof access hatch</i>	<i>To provide a safer access point for maintenance</i>
<i>Removal of roof infill</i>	<i>To allow for the installation of a ventilation unit</i>
<i>Reduction in the number of roof lights</i>	<i>To aid buildability</i>
<i>Railings added to the third floor</i>	<i>Railings added due to change in level on the third floor and for safeguarding</i>
<i>Reduction in height of the third floor, which will reduce the height of the overall building by 0.495 metres.</i>	<i>To allow the height of the third floor to match the other floors</i>
<i>New openings added to the concrete</i>	<i>To let light into flats 4, 6, 7 and 10</i>
<i>Consolidation of the number of PV panels</i>	<i>N/A</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:

- Design and quality of materials
- Impacts to neighbouring amenity
- Delivering Sustainable Development (Energy / CO2 reduction / Water efficiency)

Planning Assessment:

1.0 Design and quality of materials:

- 1.1 Paragraphs 127 and 128 of the NPPF (2019) outline that planning policies and decisions should aim to ensure that developments function well and add to the overall quality of an area not just for the short-term, but over the lifetime of the development. Paragraph 130 advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 1.2 London Plan (2016) Policy 7.1 stated that the design of new developments and the spaces they create should help reinforce the character of the area. Policy 7.4 requires development to have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings and other forms of development. It is required that in areas of poor, or ill-defined, character, new development should build on the positive existing elements that can contribute to establishing an enhanced character for the future function of the area. Policy 7.6 seeks the highest quality materials and design appropriate to its context. It is advised that the development should be of the highest architectural quality and comprise details and materials that complement the local architectural character. These policies are supported by policy D4 of the draft London Plan which discusses the need for good design to be thoroughly scrutinised at application stage, including elements relating to layout, scale, density, land-uses, materials, detailing and landscaping.
- 1.3 Policy CP3 of the Core Strategy DPD seeks to ensure new development achieve a high-quality standard in relation to design and layout. Likewise, it notes that special attention should be paid to ensure developments are designed inclusively so that they are legible, usable, and permeable for all those who use it. Furthermore, BP11 of the Borough Wide DPD seeks to ensure development protects and enhances the character and amenity of the area. This is echoed in policy SP2, SP4 and DMD1 of the Draft Local Plan and policy BTC16 of the Barking Town Centre Area Action Plan.
- 1.4 The application site is located within Barking Town Centre on Linton Road at the junction with Anne Mews. A previous application 18/00555/FUL was approved in September 2018 for the erection of a 5-storey building to provide ground floor community space and artists workspace and 12 dwellings above dedicated for artists. Subsequently, permission was granted in December 2018 for a s.96 non-material amendment for the replacement of district heating system with an air source heat pump, internal and external design changes to facade treatment and ground floor and

courtyard layout (18/02027/NMA). As shown on google maps the application site is located adjacent to Barking Enterprises Centre CIC and The Presbytery which is a locally listed building, therefore, it is evident that there is a variety of building of varying architectural style in the surrounding area. As stated in the approved application reference 18/00555/FUL's committee report "the building is described by CABE as having a 'monumentality' to its design. A potentially austere frontage to Linton Road has its tone lifted at ground floor level by the use of a glazed frontage set behind a wall perforated with concrete geometric shapes beneath a substantial overhanging canopy. At the sides facing onto Anne Mews and into the courtyard the canopies are smaller. The canopies have dual functions of shielding ground floor activities from unwanted solar gain and signifying the presence of the building in the street scene". Therefore, it is evident that the design of the proposed development is unique and thus considered to provide an individual quality to the area. Officers acknowledge the as approved design of the development and note that amendments to the proposal should not result in the loss of its unique character and design.

1.5 As stated on the applicants cover letter this "application seeks to vary condition 2 (approved drawings) to accommodate the following alterations:

- i. Reconfiguration of internal layout to maximise flexibility of the use;
- ii. Sloping columns on the ground floor changed to wider vertical columns to aid buildability;
- iii. Columns to stair core lengthened to aid structural stability;
- iv. The sloping canopies have been omitted to aid buildability;
- v. Changes to glazing and fenestration to increase daylight within internal spaces and the flexibility of the spaces;
- vi. Roof access hatch moved to provide a safer access point for maintenance;
- vii. Roof infill removed to allow for the installation of a ventilation unit;
- viii. Reduction in the number of roof lights to aid buildability;
- ix. Railings added due to change in level on the third floor and for safeguarding;
- x. Reduction to the height of the third floor to match the other floors. This will result in the reduction to the overall height of the building by 0.495m;
- xi. New openings added to the concrete to let light into flats; and,
- xii. Consolidation of the number of PV panels"

Having taken these points into consideration and the proposed plans officers consider the above changes stated by the application to be the only matters which seek alterations. As such, with consideration of the development policies and the existing approved design officers will assess the design impacts each matter has on the character and appearance of the local area and the overall development independently.

1.6 Firstly, the proposal seeks to reconfigure the internal layout of the proposed development to maximise flexibility of the use. As shown on the proposed floor plans the applicant seeks to remove the existing as approved internal walls on the ground floor so as to open up the space linking the rooms together and thus increasing the flexibility of its use. These changes resonate with paragraph 6.3.4 of the approved planning permission's committee report which states "the structure of the building provides the flexibility to make future internal alterations to take place if required, such as moving walls. This will enable flexibility in the internal layouts of the ground floor and living accommodation. Further, the living rooms of each of the flats have the option of being interconnected to permit collaboration on work or to share childcare with neighbours". Therefore, it is evident that from the start the development has sought to provide flexibility, hence officers consider these alterations to remain in line with the aims of the original application, thus these changes are supported. Moreover, changes to the internal layout will only affect the internal appearance of the property, hence, the impact on the overall external design of the proposal is negligible.

1.7 The proposal seeks to make amendments to the roof design. As shown on the proposed roof plan these include reducing the number of roof lights from 7 to 2, moving the roof hatch inwards away from the edge of the building and towards the centre of the roof to provide a safer access point for maintenance, roof infill removed to allow for the installation of a ventilation unit and the

consolidation of the number of PV panels on the roof. These changes will sit entirely within the roof, as such, they will not be visible from the public realm. Similarly, they do not alter the roof design, hence, officers consider them to have an acceptable impact on the character and appearance of the development in keeping with the development policies.

- 1.8 Further, the applicant proposes to lengthen the columns to increase structural stability. Again, these changes are considered to alter the internal design of the proposal. Likewise, officers acknowledge that these changes are required to allow the proposal to be constructed, therefore, on balance they are considered acceptable and result in minimal changes to the design and appearance of the development.
- 1.9 Regarding the sloping columns these are located on the north and south elevations and add to the visual character of the development. This proposal seeks to remove these and replace them with vertical columns, officers acknowledge that these changes are required to aid buildability of the development. As these changes are limited to the ground floor and only to the north and south elevations, on balance, officers consider the impact of these changes to have an acceptable impact on the overall design and appearance of the development.
- 1.10 In terms of the change of height the proposal seeks to reduce the height of the 3rd floor so that it matches the height of the other floors, as a result the overall height of the building will decrease by 0.495 metres, hence the overall height of the building will be reduced from approximately 18.0 metres to approximately 17.5 metre. This reduction is considered to have a minimal impact on the overall design of the scheme. Furthermore, handrails will be added to the third floor for safety which officers consider to be acceptable as this will match the design and appearance of the other floors which have handrails as per the approved scheme. Overall, officers consider this point to have minimal impact on the overall design and appearance of the scheme.
- 1.11 As stated by the applicant “the proposal seeks to omit the sloping canopies on all elevations to aid buildability. It is considered by the applicant that these proposed amendments will not affect the material finish of the building”. Officers have turned to the original applications committee report to gain further insight into whether this feature held significant weight in the design of the original proposal. Paragraph 6.3.3 of this report reads as follows: “a particular feature of the design is the use of a canopy or wide ‘porches’ over the ground floor of the building that project 1.7m at the front and 0.8m to the sides and which provide shading. This element will also highlight the presence of the building within the street scene so that it can be viewed from further along Linton Road, when approaching from the town direction. Underneath the canopy will be a minimalist, geometric concrete façade”. As such it is evident that the existing canopies which sit on all elevations of the as approved drawings play an important role in the design and appearance of the building and give the overall development a presence within the street scene. In light of this officers note that the sloping canopies add an interesting architectural component to the proposal, as such, by removing these the overall development will have the appearance of a ‘concrete box’ which remains indistinguishable to the “minimalist geometric concrete façade” which the original committee report describes it as. Hence, it is considered that this amendment will result in the loss of a characteristic unique to the design of the overall scheme.
- 1.12 Notwithstanding, as shown in the as approved plans the external sloping canopies sit over the ground floor and only extends up to the bottom of the first floor window line on the southern and northern elevations and just over the first floor on the western elevation. Hence, it is clear from these drawings that the majority of the proposal appears within the street scene as a “minimalist geometric concrete facade” whereby the canopies only play a small part in the overall design at ground floor and first floor level. Therefore, whilst officer believe that the removal of these canopies will result in the loss of an interesting architectural component they acknowledge that these canopies are not structurally feasible, as such, on balance their need to be removed outweighs and significant harm this will do to the overall design and appearance of the proposal, thus officers consider this amendment to be acceptable.
- 1.13 Lastly, the applicant has “ proposed changes to fenestration and glazing as well as to reduce the number of roof lights from 7 to 5, omit windows to flat 4, 7 and 10 along the eastern elevation and to flat 6 along the western elevation. New openings and windows would be added to the concrete

on the norther elevation to let light into flats 4, 6, 7 and 10 and a window would be added to the east elevation by the southern walkway to let additional light into flat 4. The windows along the eastern elevation on the approved scheme were within 1.8 metres of an escape stair and, therefore, fixed shut. The proposed amendments will enable these windows to be openable and help improve daylight where windows have been omitted". Officers note that the as approved design consists of windows opening out onto a shared rear walkway whereby opening have been made to allow daylight and sunlight into the flats. The proposed amendments seek to relocate windows from the east/west elevations to the north elevations and consequently provide additional openings in concrete along the rear walkway to allow light in. These new windows would be openable Therefore, considering the changes to the overall external appearance of the building to be minor as the size, shape and design of the opening and window design will remain the same as those found on the as approved scheme. Hence, changes to the fenestration and glazing are not considered to negatively impact the overall design and appearance of the development as these alterations will be minor.

- 1.14 In spite of the proposed changes having a negligible impact on the design and appearance of the scheme officer still hold particular concerns regarding this amendment as expressed at the pre-application meeting as it is believed that the move from east/west facing windows to northern facing windows would significantly minimise the amount of daylight and sunlight entering the flats, hence, it was advised at pre-app that the applicant submitted a daylight/sunlight assessment which provided evidence that this would not be the case. Officer have reviewed this revised document which concludes that "the non-residential units at the application site are performing better compared to the residential elements in regard to its weighted average daylight factor a result of the design of these areas consisting of large glazed areas with limited obstruction". Furthermore, it goes onto state that "it is not considered feasible that daylight could be considerably improved without a complete re-design of the scheme, and removal of the balconies". Officers acknowledge this point and appreciate that due to the design of the building that daylight and sunlight to the flats is already restricted by the rear walkways with separate these windows from the external façade of the property, hence, whilst moving these windows to a northern elevation may appear to be detrimental to the provision of sunlight/daylight, as this has already restricted by the balconies hence the impact of north facing windows on the amount of daylight/ sunlight entering the flats and the quality of accommodation is considered to be negligible. Further, as the new windows will be openable, they will provide better natural ventilation through the flats, thus, providing a better quality of accommodation. Therefore, on balance officers consider benefits resulting from the proposed amendments to the fenestration and glazing to outweigh any significant impacts this may have on the design and quality of accommodation, as such, they are considered to be acceptable.
- 1.15 Furthermore, the NPPF states that proposals should aim to ensure that developments function well and add to the overall quality of an area not just for the short-term, but over the lifetime of the development. The original application 18/00555/FUL sought permission for the erection of a 5-storey building to provide ground floor community space and artists workspace and 12 dwellings above dedicated for artists. Therefore, as the proposed changes are sought to aid buildability and structural stability officers consider the public benefit resulting from the construction and development of this proposal to outweigh any significant damage the proposal will have on the character and appearance of the as approved development or the surrounding local area. As such on balance the proposed minor material amendments are considered acceptable and in keeping with the development policies.
- 1.16 Overall, the proposed minor material amendments addressed in paragraphs 1.6 to 1.14 are considered to respect and reflect the built form and design of the as approved scheme without negatively impacting the character and appearance of the street scene and the surrounding area. The proposal is therefore considered to be acceptable and in keeping with the development policies.

2.0 Impacts to neighbouring amenity:

- 2.1 The NPPF, The London Plan Policies 7.1, 7.4, 7.6, and 7.15, draft London Plan Policies GG1, GG3 and D14, all have relevance to the importance of quality development which addressing neighbouring amenity and avoiding unacceptable impacts.

- 2.2 Policy BP8 of the Borough Wide DPD seeks to protect residential amenity, by ensuring new developments including conversions, do not expose existing and proposed occupiers to unacceptable levels of pollution that may arise. This includes noise, smoke, fumes, refuse and/ or lighting during construction and occupation. This is supported by policies DMD1, DMSI3 and DMD6 of the Draft Local Plan.
- 2.3 Officers do not consider the proposed amendments to matters addressed in paragraph 1.6 to 1.9 and 1.11 to 1.12 to result in the loss of neighbouring amenity, as these design changes will only result in slight amendments to the overall design and appearance of the proposal and are not considered to impact the amenity of neighbouring properties. With regard to the change in height of the overall proposal as discussed in paragraph 1.10, officers consider this amendment to be minor as the overall development will only be reduced in height by approximately 0.5 metres, as such, the proposal is not considered to result in the greater additional loss of neighbouring amenity than currently existing. Hence, the impact on neighbouring amenity regarding these matters is considered to be acceptable.
- 2.4 Nonetheless, there are concerns that the amendments to the fenestration, glazing and concrete openings from the east/west elevation to the northern elevation will result in the material loss of neighbouring amenity, as these amendments will result in flats 4, 6, 7 and 10 being able to overlook Forresters Apartments and Anne Mews. Forresters Apartment is located on the junction between Linton Road and Anne Mews and sits 10.0 metres north-west of the application site. As shown on google maps the southern elevation of Forrester Apartment has 8 windows which look onto Anne Mews which appear to be habitable rooms as they have net curtains, therefore, special attention must be paid to the relocation of the windows and openings on the application site so as to ensure that these amendments do not result in the material loss of outlook, daylight and privacy. Nonetheless, as noted previously the proposal has been designed whereby each level has balconies which sit between the flats glazing and fenestration and the exterior concrete facade. Whilst officers acknowledge that residents will be able to use these balconies as the application site is located at least 10 metres from the boundary line of Forresters Apartments officers consider the distance to significantly mitigate and loss of outlook or privacy. With regard to the remaining neighbouring properties the proposed amendments discussed above are not considered to negatively impact their amenity.
- 2.5 Officers acknowledge that one objection comment was received regarding the proposal, however, the material planning matters in which the neighbour provided comments on have remained indistinguishable to the matters approved in the original application, as such, substantial weight has not been apportioned to these comments.
- 2.6 Overall, officers consider the proposed development to have an acceptable impact on neighbouring amenity as it is not considered to result in greater levels of overshadowing or any significant material loss of outlook, daylight or privacy. The proposal is therefore considered acceptable and in keeping with development policies.

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

- 3.1 The NPPF states that plans should take a proactive approach to mitigating and adapting to climate change. In particular to increase the use and supply of renewable and low carbon energy and heat plans should provide a positive strategy for energy from these sources, that maximises the potential for sustainable development, while ensuring that adverse impacts are addressed satisfactorily.
- 3.2 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 DMSI of the emerging local plan (Reg 19 stage).

- 3.3 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.
- 3.4 Policy 5.9 states that major development proposals should reduce potential overheating and reliance on air conditioning systems and demonstrate this in accordance with the following cooling hierarchy – ‘1. Minimise internal heat generation through energy efficient design; 2. Reduce the amount of heat entering a building in summer through orientation, shading, albedo, fenestration, insulation and green roofs and walls; 3. Manage heat within the building through exposed internal thermal mass and high ceilings; 4. Passive ventilation; 5. Mechanical ventilation; 6. Active cooling systems (ensuring they are the lowest carbon options)’.
- 3.5 The applicant has submitted a revised energy statement with this submission as they note “the previously approved energy strategy attached to planning permission ref: 18/02027/NMA utilised a number of defaults and assumptions where the detailed design had not been progressed. Since approval was granted, further design progression has been made and the updated Energy Statement prepared by Energist UK Ltd includes detailed thermal bridge performance, along with other performance figures that were not finalised at the time of the previous submission ref: 18/02027/NMA”. Hence, this document has been submitted to provide an update.
- 3.6 The Energy Statement confirms how the proposed development implements the sequential energy hierarchy set out in the London Plan and Draft London Plan: sustainable design principles and optimum design of the building fabric and form (Be Lean) and the installation of 7.0kWp photovoltaic arrays on the roof of the property (Be Green). Collectively these measures achieve a 39% reduction in carbon emissions over Part L of the building Regulation 2013. This is a 4% increase from the 35% CO2 reductions achieved under planning permission 18/02027/NMA. Furthermore, it is estimated that this will result in a £13,662.00 payment in lieu contributions to the London Borough of Barking and Dagenham carbon offset-fund. The applicants commitment to this contribution has already been secured via a Unilateral Undertaking, as such officers will list the submitted energy statement document under condition 2 (approved plans) to ensure the approved details remain secured by this deed.
- 3.7 Overall, officers are confident that the proposal will contribute to mitigating and adapting to climate change in line with the development policies. The proposal is therefore considered acceptable. This commitment to achieving a reduction in carbon emissions has already been secured by unilateral undertaking which will be carried over with this proposal.

Conclusions:
The proposed s.73 minor material amendments application to vary condition 2 (Approved Drawings) attached to permission reference 18/00555/FUL is considered to have an acceptable impact on the character and appearance of the as approved development, street scene and the surrounding local area without having an unacceptable impact on neighbouring amenity and the developments commitment to reducing carbon emissions. The proposal is therefore considered acceptable and in keeping with the development policies.

Appendix 1:

<p>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:</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 7.1 Lifetime Neighbourhoods Policy 7.4 Local Character Policy 7.6 Architecture Policy 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes Policy 5.2 Minimising carbon dioxide emissions Policy 5.3 Sustainable design and construction Policy 5.6 Decentralised energy in development proposals Policy 5.7 Renewable energy Policy 5.9 Overheating and cooling</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 D4 Delivering Good Design Policy GG1 Building Strong and Inclusive Communities Policy GG3 Creating a Healthy City Policy D14 Noise Policy SI2 Minimising Greenhouse Gas Emissions</p>
<p><i>Local Development Framework (LDF) Core Strategy (July 2010)</i></p>	<p>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 BP11 Urban Design Policy BP8 Protecting Residential Amenity</p>
<p><i>The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Consultation Version, October 2020) is at an "advanced" stage of preparation. Having regard to NPPF paragraph 216 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, October 2020)</i></p>	<p>Policy SP2 Delivering a well-designed high- quality ad resilient built environment Policy SP4 Delivering social and cultural infrastructure facilities in the right locations Policy DMD1 Securing high-quality design Policy DMSI3 Nuisance Policy DMD6 Householder Extensions and Alterations Policy DMS1 Sustainable Design and Construction</p>
<p><i>Supplementary Planning Documents</i></p>	<p>Barking Town Centre Area Action Plan (February 2011)</p>

Appendix 2:

Relevant Planning History:			
<i>Application Number:</i>	20/01033/PRE	<i>Status:</i>	Advice Issued
<i>Description:</i>	Application for Variation of Condition 2 (approved drawings) in relation to Planning Permission Ref 18/00555/FUL.		
<i>Application Number:</i>	18/02027/NMA	<i>Status:</i>	Application Approved
<i>Description:</i>	Application for non-material amendment following grant of planning permission 18/00555/FUL: Replacement of district heating system with an air source heat pump, internal and external design changes to façade treatment and ground floor and courtyard layout.		
<i>Application Number:</i>	18/00555/FUL	<i>Status:</i>	Application Approved
<i>Description:</i>	Erection of a 5 storey building to provide ground floor community space and artists workspace and 12 dwellings above dedicated for artists.		
<i>Application Number:</i>	19/00583/CDN	<i>Status:</i>	Application Refused
<i>Description:</i>	Application for approval of details reserved by conditions 14 (Contamination Land), 15 (Remediation Scheme) 16 (Approved Remediation Scheme), 17 (Risk Assessment) & 18 (Monitoring and Maintenance Scheme) in respect of planning permission 18/00555/FUL.		
<i>Application Number:</i>	20/01290/AOD	<i>Status:</i>	Application Approved
<i>Description:</i>	Application for approval of details reserved by condition 13 (Surface water Drainage Scheme) in respect of planning permission 18/00555/FUL		
<i>Application Number:</i>	20/01345/AOD	<i>Status:</i>	Application Approved
<i>Description:</i>	Application for approval of details reserved by condition 5 (Bird Management & Rainwater Strategy) in respect of planning permission 18/00555/FUL.		
<i>Application Number:</i>	20/01957/AOD	<i>Status:</i>	Application Refused
<i>Description:</i>	Details pursuant to Conditions 9 (Hard and Soft Landscaping Scheme and Management Plan) and 10 (Parking) attached to planning consent 18/00555/FUL dated 25/09/2018 as varied by 18/02027/NMA dated 21/12/2018		

Appendix 3:

The following consultations have been undertaken:

Summary of Consultation responses:		
Consultee and date received	Summary of Comments	Officer Comments
<p>Access Officer- Stephen Knell and Simon Blewett</p> <p>Email dated 17.09.2020</p>	<p>Ground floor public/gallery space-</p> <ul style="list-style-type: none"> • All entrance/exit doors must provide 1m clear opening. • The accessible toilet must be furnished with a colour contrasted doc M pack. This must include an alarm with a cord that extends to the floor. Use lever taps, a lever lock and an automatic or paddle flush system for ease of use. • Internal doors must have visibility panels (excluding WCs), kick plates and contrasting ironmongery. • Furniture/desks must be accessible. • Décor must contrast. • Signage must be contrasted and accessible. • Lighting must be consistent. • They must have induction loop provisions. • The accessible parking spaces must have hatching to indicate the side and rear transfer zones. <p>Residential-</p> <ul style="list-style-type: none"> • Main entrance doors must comply with part M. If they are controlled and/or automated please provide a spec. • The lift must comply with part M. Please provide a spec. • The post boxes must be at an accessible height. • Décor in communal areas must contrast. • Signage in communal areas must be contrasted and accessible. • Lighting in communal areas must be consistent. • Communal stairs must comply with part K. • Front and internal doors must comply with part M. • Some of the units should have wet rooms/level access shower provisions. Why don't they? 	<p>These comments were passed on to the applicant who addressed each point in an email dated 25.09.2020. Officers note that the scheme seeks permission for minor-material amendments and whilst it seeks to reconfigure the internal layout of the ground floor level the overall internal design and space standards have been approved by application 18/00555/FUL and secured by condition 6 and 7. These conditions will be brought across with this application, as such, officers are confident that the proposal will continue delivering accessible ground floor and residential units</p>

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| | <ul style="list-style-type: none">• Some of the units should be adapted/adaptable. | |
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Appendix 4:

Neighbour Notification:	
Date Neighbours Consulted:	<i>15.09.2020</i>
Number of neighbouring properties consulted:	<i>184</i>
Number of responses:	<i>1</i>
Address:	Summary of response:
<i>Anonymous</i>	I object against this development. Its effect on traffic, parking, disturbance, loss of light, impact on our neighbours and many other matters. This proposed development is of no advantage to us it has been built in such a small, congested area where we already face problems like traffic and parking. There is a noise disturbance we already face in our area and this development is adding into this more.

Officer Summary:
Officers note receipt of the objection listed above. The development has permission. This is a variation to the original consent. The material planning considerations are addressed within the planning assessment.

Appendix 5:

Conditions & Informatives:

Conditions:

1. 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. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - ~~HAB-PLN-P-SI-EX~~, **HAB-PLN-P-SI-EX Site Plan Existing [Revision] 21.11.2018**
 - ~~HAB-PLN-P-SI-PR~~, **HFA-CFS-ZZ-ZZ-DR-A-0P103 Site Plan Proposed [Revision 4] Dated 04.06.2020**
 - ~~HAB-PLN-P-00 Rev.1~~, **HFA-CFS-CM-GF-DR-A-0P201 Proposed Ground Floor Plan [Revision 11] Dated 07.09.2020**
 - ~~HAB-PLN-P-01 Rev.1~~, **HFA-CFS-RD-01-DR-A-0P202 Proposed First Floor Plan [Revision 10] Dated 20.08.2020**
 - ~~HAB-PLN-P-02 Rev.1~~, **HFA-CFS-RD-02-DR-A-0P203 Proposed Second Floor Plan [Revision 12] Dated 07.09.2020**
 - ~~HAB-PLN-P-03 Rev.1~~, **HFA-CFS-RD-03-DR-A-0P204 Proposed Third Floor Plan [Revision 11] Dated 07.09.2020**
 - ~~HAB-PLN-P-04 Rev.1~~, **HFA-CFS-RD-04-DR-A-0P205 Proposed Fourth Floor Plan [Revision 10] Dated 07.09.2020**
 - ~~HAB-PLN-P-RF Rev.1~~, **HFA-CFS-RD-RF-DR-A-0P206 Proposed Roof Plan [Revision 9] Dated 07.09.2020**
 - ~~HAB-PLN-E-N1 Rev.1~~, **HFA-CFS-ZZ-ZZ-DR-A-0P301 Proposed North Elevation [Revision 9] Dated 07.09.2020**
 - ~~HAB-PLN-E-N2 Rev.1~~, **HFA-CFS-ZZ-ZZ-DR-A-0P305 Proposed Elevation North-Walkway Elevation [Revision 8] Dated 07.09.2020**
 - ~~HAB-PLN-E-E Rev.1~~, **HFA-CFS-ZZ-ZZ-DR-A-0P303 Proposed East Elevation [Revision 8] Dated 07.09.2020**
 - ~~HAB-3-A-E-S1 Rev.1~~, **HFA-CFS-ZZ-ZZ-DR-A-0P302 Proposed South Elevation [Revision 9] Dated 07.09.2020**
 - ~~HAB-PLN-E-S2 Rev.1~~, **HFA-CFS-ZZ-ZZ-DR-A-0P306 Proposed Elevation South – Walkway Elevation [Revision 10] dated 07.09.2020**
 - ~~HAB-PLN-E-W Rev.1~~, **HFA-CFS-ZZ-ZZ-DR-A-0P304 Proposed West Elevation [Revision 10] Dated 07.09.2020**
 - ~~HAB-PLN-S-A Rev.1~~, **HFA-CFS-ZZ-ZZ-DR-A-0P307 Proposed Section A [Revision 6] Dated 07.09.2020**
 - ~~HAB-PLN-S-B Rev.1~~, **HFA-CFS-ZZ-ZZ-DR-A-0P308 Proposed Section B [Revision 6] Dated 07.09.2020**
 - ~~HAB-PLN-S-C Rev.1~~, **HFA-CFS-ZZ-ZZ-DR-A-0P309 Proposed Section C [Revision 4] dated 07.09.2020**
 - ~~HAB-PLN-S-D Rev.1~~, **HFA-CFS-ZZ-ZZ-DR-A-0P310 Proposed Section D [Revision 4] Dated 07.09.2020**
 - ~~HAB-PLN-P-00-AREA~~, **HFA-CFS-CM-GF-DR-A-P0500 Proposed Ground Floor GIA and areas according to use class [Revision 1] Dated 09.09.2020**
 - **BF0032-ENG-ZZ-ZZ-RP-EN-0001 Revised Energy Strategy Addendum Dated 20.07.2020**

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

3. All of the artists' dwellings hereby approved shall accommodate at least one person employed in the creative and cultural industry unless otherwise agreed in writing by the Local Planning Authority.

Reason: The dwellings have been designed to provide specific accommodation for a specifically identified group of workers within the cultural and creative industry, particularly geared towards artists who are being displaced from elsewhere in London. The loss of the units to general use would be harmful to this objective and to the wider regeneration aims of the Borough and to London. This occupancy condition will ensure compliance of the development with Strategic Objectives SO.1, SO.2, SO.3, SO.7, SO.8 and SO.11, Policies CC2, CE1, CP1 and CP3 of the Core Strategy; Policies BC1, BC2, of the Borough Wide Development Plan; Policy BTCSSA4 of the Barking Town Centre Action Plan and Policies 3.1, 3.5, 3.8, 4.6 and 7.4 of the London Plan.

4. Prior to commencement of development details/samples of all materials to be used in the construction of the external surfaces, their finish and any resulting treatment of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.

Reason: Details of external materials, their finish and treatment are required prior to commencement of development because these have not been supplied already. These details are required 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.

5. **The development should be carried out in accordance with the bird management and run-off strategy approved under application 20/01345/AOD.** ~~Prior to the commencement of development details of the bird management and rainwater run-off strategy for the building and any resulting treatment of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials.~~

Reason: To ensure the building does not encourage nesting or roosting birds and that rain water issuing from the building, especially its canopies, is managed so as not to cause a problem at the entrances to the site and adjacent road and footways. The implementation of these details is required as it ensures these matters will not impact on the design and construction of the building or result in an unsightly building and ensures the proposal protects and enhances the character and amenity of the area in accordance with Policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

~~*Reason: Providing a bird strategy will ensure that the building does not encourage nesting or roosting birds and that rainwater issuing from the building, especially its canopies, is managed so as not to cause a problem at the entrances to the site and adjacent road and footways. These details are required prior to commencement of development because they may impact on the design and construction of the building where retrofitting could be unsightly and these details have not been supplied already. These details are required 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.*~~

6. Before occupation 11 of the dwellings shall comply with Building Regulations Optional Requirement Approved Document M4(2) Category 2: Accessible and adaptable 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 accessible housing is provided in accordance with Policy 3.8 of the London Plan.

7. The one wheelchair unit identified on the approved drawings shall be constructed 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.

8. 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 (March 2016).

9. No development above ground level shall take place until:
 - i. a scheme of hard and soft landscaping for the courtyard, including details of any boundary treatment, materials, bin storage, any seating etc. areas and security measures and a planting schedule shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping, boundary treatments, bin store and any seating etc. areas shall be carried out prior to the occupation of the development and thereafter permanently retained. The approved soft landscaping 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. Any planting 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.
 - ii. A Management Plan detailing the use of the public areas of the site, internal ground floor and external courtyard space, including details of numbers of people attending events, strategy for managing any overspill or crowds, noise management, security measures, operating hours, methods for managing the amenity of existing neighbouring residential and business occupiers shall be submitted to and approved in writing by the Local Planning Authority. The approved Management Plan shall subsequently be implemented in accordance with the approved details.

Reason: In order to safeguard and improve the appearance of the area through providing a comprehensive scheme for the redevelopment of the courtyard between the Artists Accommodation and the Barking Enterprise Centre and to manage any impact to residential and commercial neighbours arising from the uses of the ground floor of the building and external courtyard in accordance with policy CM1 of the Core Strategy, policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

10. No development above ground level shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of safe and secure parking for a minimum of 25 cycles and accessible car parking facilities in line with the minimum standards of the London Plan. The approved scheme shall be implemented prior to the occupation of the development and thereafter retained permanently for the accommodation of bicycles of occupiers and visitors to the premises and not used for any other purpose.

Reason: In the interests of promoting cycling as a sustainable and non-polluting mode of transport and providing an accessible car parking space in accordance with Policy BR11 of the Borough Wide Development Policies Development Plan Document and Policy 6.13 of the London Plan.

11. No development above ground level shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority for provision of a Service Delivery Plan to ensure satisfactory operational parking for maintenance, servicing and deliveries of the proposed uses of the building and for the maintenance access to the energy centre located at the rear of the site.

Reason: In order to ensure waiting and loading restrictions already adjacent to the site would not affect the operational parking for maintenance, servicing and deliveries of the proposed uses of the building and that the maintenance access to the energy centre located at the rear of the site for the electricity substation and district heating component would not be blocked to prevent any maintenance operations from taking place, in accordance with Policy 6.13 of the London Plan.

12. Prior to the commencement of the development a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be designed to minimise deliveries of materials and export of any waste materials within the times of peak traffic congestion on the local road network. The Plan shall be implemented in accordance with the approved details and thereafter maintained.

Reason: The Construction Logistics Plan is required prior to commencement of development in order to minimise the impact of construction on the free flow of traffic on the local highway network and in the interests of highway safety, and in accordance with Policy BR10 of the Borough Wide Development Policies Development Plan Document and Policy 6.3 of the London Plan.

13. **The Surface Water Drainage Scheme approved under application 20/01290/AOD shall be implemented in accordance with the approved details before the development is completed.** Prior to commencement of development a Surface Water Drainage Scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

*Reason: The **implementation of the Drainage Scheme** is required prior to commencement of development in order to reduce the risk of damaging the Aquifer and in order to ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution and to prevent further deterioration and promote recovery of groundwater with a groundwater body in accordance with Policy CR1 of the Core Strategy, Policies BR1, BR4 and BR5 of the Borough Wide Development Policies Development Plan Document, Policies 5.21, 5.13 and 5.15 of the London Plan and in line with paragraph 109 of the National Planning Policy Framework.*

14. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be 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;
- 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'.

15. 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 must be prepared and is subject to the approval in writing of the Local Planning Authority. 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.

16. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of 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.
17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 13, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 14, 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 in accordance with condition 15.
18. Where indicated by the remediation strategy a monitoring and maintenance scheme to include monitoring the long term effectiveness of the proposed remediation and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Reason (for conditions 14-18): Contamination must be identified prior to commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with Policy BR5 of the Borough Wide Development Policies Development Plan Document and Policy 5.21 of the London Plan.

19. No deliveries, external running of plant and equipment or construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with Policy BP8 of the Borough Wide Development Policies Development Plan Document.

20. 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.
21. Measures to control the emission of dust, dirt and emissions to air during construction to accord with the guidance provided in the document "The Control of Dust and Emissions during construction and demolition", Mayor of London, July 2014 are to be implemented throughout the construction of the building.

Reasons for conditions 20 and 21: In the interests of preventing pollution and protecting residential amenity and in accordance with Policy BP8 of the Borough Wide Development Policies Development Plan Document (2011).

22. Prior to commencement of development, including any works of breaking up the hardstanding, a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. a strict pollution prevention protocol to be adhered to during the clearance and construction phase of the proposed development to protect the aquifer;
- ii. the parking of vehicles of site operatives and visitors;
- iii. details of access to the site;
- iv. loading and unloading and the storage of plant and materials used in constructing the development;
- v. the erection and maintenance of security hoardings including decorative displays;
- vi. wheel washing facilities;
- vii. measures to control the emission of noise, dust and dirt during construction;
- viii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
- ix. details of 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

Reason: The construction method statement is required prior to commencement of development in order to reduce the environmental impact of the construction as the site is above an Aquifer and close to neighbouring dwellings, in accordance with Policy CR2 of the Core Strategy, Policy BP8 of the Borough Wide Development Policies Development Plan Document and Policy 5.13 of the London Plan.

23. No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority.

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution caused by mobilised contaminants and to prevent further deterioration and promote recovery of groundwater with a groundwater body because infiltration of surface water has the potential to mobilise contamination present within the soil. Where the proposal involves the discharge of anything other than clean roof water via sealed drainage, within sensitive groundwater locations, a risk assessment and suitable level of treatment may be required. To ensure the development is in accordance with Policy CR1 of the Core Strategy, Policies BR4 and BR5 of the Borough Wide Development Policies Development Plan Document, Policies 5.21, 5.13 and 5.15 of the London Plan and in line with paragraph 109 of the National Planning Policy Framework.

24. Piling, deep foundations and other groundworks (investigation boreholes, tunnel shafts, ground source heating and cooling systems) using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. If piling is required a piling risk assessment and appropriate mitigation measures should be submitted in accordance with Environment Agency guidance.

Reason: To ensure that any proposed piling, deep foundations and other groundworks (investigation boreholes, tunnel shafts, ground source heating and cooling systems) using penetrative methods, does not harm groundwater resources and to prevent further deterioration and promote recovery of groundwater with a groundwater body because some piling techniques can cause preferential pathways for contaminants to migrate to groundwater and cause pollution. During piling works (especially if the piles extend to the chalk within Source Protection Zone (SPZ)1 - saturated zone), due to the proximity of nearby potable abstractions, the weekly groundwater monitoring for in situ parameters and turbidity should be considered. To ensure the development in accordance with Policy CR1 of the Core Strategy, Policies BR4 and BR5 of the Borough Wide Development Policies Development Plan Document, Policies 5.21, 5.13 and 5.15 of the London Plan and in line with paragraph 109 of the National Planning Policy Framework.

25. A scheme for managing any borehole installed for the investigation of soils, groundwater or geotechnical purposes shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of how redundant boreholes are to be decommissioned and how any boreholes that need to be retained, post-development, for monitoring purposes will be secured, protected and inspected. The scheme as approved shall be implemented prior to the occupation of any part of the permitted development.

Reason: To prevent further deterioration and promote recovery of groundwater with a groundwater body and to ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies in accordance with Policy CR1 of the Core Strategy, Policies BR4 and BR5 of the Borough Wide Development Policies Development Plan Document, Policies 5.21, 5.13 and 5.15 of the London Plan and in line with paragraph 109 of the National Planning Policy Framework.

Appendix 6:

s.106 Heads of Terms:

The following heads of terms have been secured through a Section 106 Legal Agreement (dated 24th September 2018 agreed between the Council and the Applicant) these remain unchanged in the Deed of Variation and are set out below:

Administrative:

i. Affordable housing

All 12 residential units that will be constructed will be rented out on an intermediate rent basis at 65% of market rent

ii. No Permits for Controlled Parking Zones (CPZ)

To ensure that all head leases contain a provision to secure the obligation that the leaseholder shall not apply for a parking permit for any Controlled Parking Zone unless the occupant is the holder of a disabled persons badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970.

iii. Carbon Offset

The development shall achieve a minimum 35% reduction in carbon emissions over Part L of the Building Regulations 2013 through on-site provisions and the remaining carbon emissions to zero carbon should be offset through a monetary contribution to the Local Authority's carbon offset fund calculated on the basis of £60 per tonne over 30 years.

iv. S106 Legal Fees

Pay the Council's professional fees associated with the preparation and completion of the S106 Agreement.