


**LONDON BOROUGH OF BARKING & DAGENHAM**
**PLANNING COMMITTEE**
**25 March 2021**
**Application for Planning Permission**

<b>Case Officer:</b>	<b>Olivia St-Amour</b>	<b>Valid Date:</b>	<b>03/02/2021</b>
<b>Applicant:</b>	<b>Be (Barking) LLP</b>	<b>Expiry Date:</b>	<b>05/05/2021</b>
<b>Application Number:</b>	<b>21/00204/FULL</b>	<b>Ward:</b>	Gascoigne
<b>Address:</b>	<b>Highbridge Road, Barking, IG11 7BA</b>		

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 Highbridge Road, Barking, IG11 7BA.

**Proposal:**

*Construction of a temporary Tesco store with pharmacy on the southern part of the existing Tesco car park, comprising 1,369sqm GEA, car parking spaces, cycle parking spaces, service yard, associated cage marshalling and trolley bays*

**Officer Recommendations:**

Planning Committee is asked to resolve to:

1. agree the reasons for approval as set out in this report; and
2. delegate authority to the London Borough of Barking & Dagenham's Director of Inclusive Growth in consultation with the Head of Legal Services to grant planning permission based on the Conditions & Informatives listed in Appendix 5 and summarised below.

**Conditions Summary:**
Mandatory conditions

- Time
- Approved Drawings & Documents

Prior to all works/commencement Conditions

- Off-site highways works
- Construction Environmental Management and Site Waste Management
- Construction Logistics Plan
- Drainage Strategy

Prior to above ground works Conditions

- Car Parking Management Plan

Prior to first occupation and/or use Conditions

- Travel Plan
- Refuse Strategy
- Noise from Non-Residential Uses and Plan and Structure Borne Noise Emissions
- Details of Any Commercial Kitchen Extract Ventilation System
- Deliveries and Servicing
- Emergency Flooding Plan
- Secure By Design
- Lighting Scheme
- Landscaping and Boundary Treatment

#### Monitoring & Management Conditions

- Trading
- Temporary
- Hours of Use and Delivery/Collection Hours
- Cycle Parking Implementation
- Energy and Sustainability
- Vegetation Clearance and Tree Works

## OFFICER REPORT

### Planning Constraints:

- Extent of Allocated Tesco Site (BTC1 and BTCSSA7)
- Adjacent to Site of Importance for Nature Conservation (SINC) (River Roding)
- Barking Town Centre Area Action Plan Boundary
- Barking Town Centre Key Regeneration Area
- Allocation BB in Draft Local Plan (Regulation 19)
- London Riverside Opportunity Area
- Archaeological Priority Area
- Air Quality Focus Area
- Flood Zones 1 and 2
- Epping Forest Special Area of Conservation (SAC) Zone of Influence (3-6.2km Zone)

The site is identified on the proposals map as “Extent of Allocated Tesco Site (BTC1 and BTCSSA7)” which allocated Abbey Retail Park as a mixed use development site, comprising either a residential development or a residential-led development with the provision of a retail store as part of a combined approach with this site for a residential redevelopment.

The Regulation 19 version of the Draft Local Plan allocation BB proposes a comprehensive residential-led mixed-use development. Potential to deliver cir.1,800 (net) units of new homes, 1 primary school and commercial/community uses.

### Site, Situation and relevant background information:

#### *Site*

The site relates to the southern section of the Tesco car park, located off Highbridge Road, Barking. The application site is 0.71 hectares, bounded by the existing Tesco store and part of the remaining car park to the north, the River Roding to the east and south and hotel developments across West Bank to the west. The site has existing vehicular access through the Tesco Car Park from Highbridge Road.

The existing Tesco store, located outside of the red line boundary directly to the north of the site has a GIA of 5,044sqm and a net sales area of 3,035sqm. It is served by 459 car parking spaces, of which it is understood only 226 car parking spaces are in use.

The site sits to the north west of the Abbey and Barking Town Centre Conservation Area; the closest Listed Building to the site is The Old Granary (Grade II).

#### *Background information*

This planning application is a procedural application submitted as part of a wider approach to planning, which seeks to ensure that the operation of a Tesco store at this site could be retained to allow wider development across the site, to fulfil the emerging site allocation for a residential led redevelopment, which would include the re-provision of a Tesco store in the same location as the existing store. The intention is to allow Tesco to close its existing store whilst continuing to trade - within a smaller temporary store and associated car park – at the same location.

No application for any wider redevelopment proposals has been submitted, although it is understood that the intention is for an application to be submitted later this year. The consideration of this application would have no bearing on the acceptability, or otherwise of any future application for the site’s wider redevelopment.

#### *Proposal*

The proposal seeks the erection of a temporary Tesco store 1,369sqm gross external area with 980sqm of net sales area (NSA) located within the southern end of the existing Tesco car park. The proposal would provide 75 car parking spaces including 6 blue badge and 4 parent and child spaces. 50 cycling spaces would also be provided (42 short stay and 8 long stay).

A new vehicular access is proposed off West Bank, connecting to Highbridge Road to the south.

The temporary period proposed for the application is up to 5 years.

#### Key issues:

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

#### Planning Assessment:

##### Principle of the development:

<i>Existing use(s) of the site</i>	Tesco Car Park
<i>Proposed use(s) of the site</i>	Tesco store
<i>Net gain/loss in number of jobs</i>	Unknown

- 1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The NPPF sets out a presumption in favour of sustainable development.

##### *Retail Re-provision*

- 1.2 The NPPF sets out a sequential approach for town centre uses (including retail), directing such development proposals to town centre sites. The NPPF states: "When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre." Local Policy follows the sequential approach of the NPPF (Policies CM5, CE1 and BE3 of the Core Strategy and Borough Wide Development Policies DPD). Policy BE3 specifically identifies that "new" retail development is expected to be located in town centres. The NPPF requires retail impact assessments for out of centre proposals over 2,500sqm in size, unless there is a locally set threshold. Emerging Policy DME3 sets a threshold of 500sqm (Regulation 19 Draft Local Plan).
- 1.3 Draft Local Plan Policy SPP1 'Barking and the River Roding Area' (Regulation 19) identifies that the Council will support development that contributes to the delivery of varied retail, cultural and community offer alongside office and residential development.
- 1.4 The adopted site allocation BTCSSA7 (The Abbey Retail Park) identifies the potential for a linked redevelopment with the former Abbey Retail Park site being an appropriate location for a new retail store to replace the existing Tesco store. The emerging site allocation (BB) (Regulation 19 Draft Local Plan) proposes to designate the site for a comprehensive residential-led mixed use development, which includes commercial uses and a primary school.
- 1.5 The site is located on the edge of the town centre, approximately 400m west of the Barking Town Centre boundary. A Town Centre and Retail Statement has been submitted as part of this application. The Statement considers the sequential test and retail impact tests are not applicable to this application for a temporary store, as no 'new' or additional floorspace is proposed, but a transfer of a proportion of the existing retail floorspace.
- 1.6 Whilst the NPPF does not specify that a sequential assessment is only required for 'new' retail floorspace, policy BE3 specifies that 'new' residential development is expected to be in town centres. As the application is linked with a future redevelopment of the main Tesco store, this temporary application would not be considered a provision of new retail floorspace, particularly if as a condition would be imposed to ensure the use of this development could only commence on the closure of the neighbouring store. The provision of a retail store as part of site allocation

BTCSSA7 is identified within the adopted development plan, and this site is also identified within the emerging policies as appropriate for commercial uses. As such it is considered that the proposal accords with the local policy position.

- 1.7 Furthermore, if the store were to be relocated to a temporary town centre site, it would not serve to enable a continuous trade at this part, whilst redevelopment proposals would be ongoing. Officers also consider that there would be no impact on the town centre retail provision as a result of this application, given the relationship of the temporary store with the existing Tesco.

*Temporary Application*

- 1.8 Section 72 of the Town and Country Planning Act 1990 enables local planning authorities to grant planning permission for a specified period only. Paragraph 014 Reference ID: 21a-014-20140306 of the Planning Policy Guidance (PPG) advises that a temporary planning permission may be appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward (a ‘meanwhile use’). The guidance further states:

- 1.9 *“It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently.”*

- 1.10 The principle of a temporary use of the existing car park for a temporary store would accord with the PPG above, as it would enable future proposals to come forward at the end of the temporary period. As above, there would be no presumption that a temporary grant of planning permission for the proposal would be granted permanently.

- 1.11 The proposed temporary Tesco store would make efficient use of the under-utilised area of car parking (much of which is surplus to the existing Tesco store, as accepted in planning application 18/02131/FUL for the redevelopment of the southern part of the site), for a temporary period of up to 5 years and would open up wider opportunities for the site, including potential provision of a primary school, to accord with the aims of the site’s allocation.

<b>Design and quality of materials:</b>	
<i>Does the proposed development respect the character and appearance of the existing dwelling?</i>	No
<i>Does the proposed development respect and accord to the established local character ?</i>	No
<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

- 1.12 The NPPF places a great emphasis on the creation of high-quality buildings, setting out at paragraph 124 that good design is a key aspect of sustainable development.
- 1.13 Policy D1 the London Plan states that development design should respond to local context by delivering buildings and spaces that are positioned and of a scale, appearance and be of high quality. Policies D4 and D5 provide more detail on design quality, and standards.
- 1.14 The importance of good design is further supported by policy BP11 of the Borough Wide DPD, policy CP3 of the Core Strategy DPD and policy DM16, SP4 and DM11 of the Draft Local Plan Regulation 19 which ensures that development is designed in a sensitive and appropriate manner which minimises impact on surrounding neighbours and respects the character of the area.
- 1.15 The temporary store comprises a pre-fabricated modular system, with a rectangular footprint of 1,368sqm and a net sales area of 980sqm. The building is currently being used as a temporary Tesco store in Kennington (LB Lambeth). The structure is proposed to be dismantled, transferred and reassembled to this site, should this planning application be approved.
- 1.16 Whilst the proposal is not particularly high in quality, and would not enhance the character and appearance of the area, in the context that the proposal is a functional building that would be for a temporary use of no longer than 5 years, and represents the sustainable re-use of a pre-fabricated modular construction, officers consider the building is acceptable in terms of the design

and appearance. A condition requiring the removal of the temporary building and structures from the site after 5 years of operation would ensure that the character of the area will be restored.

#### *Heritage*

- 1.17 Chapter 16 of the NPPF (Conserving and enhancing the historic environment) advises Local Planning Authorities to recognise heritage assets and to “conserve them in a manner appropriate to their significance” (para.184). Paragraph 195 goes on to say LPAs need to consider whether a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset.
- 1.18 The site sits adjacent to the Abbey and Barking Town Centre Conservation Area, the proposed development would be visible from the Town Quay part of the Conservation Area, and Grade II listed The Granary. The proposal would not be in keeping with the character of the conservation area, but would be low rise and modest in size, and have a marginally greater impact than the existing car park. In respect of both the listed building and the Conservation Area, it is considered that the proposal would have a less than substantial harm, which would be temporary. It is considered that this temporary harm is outweighed by the public benefits of maintaining an operational store at the site, and the proposal’s potential to facilitate potential future redevelopment benefits.
- 1.19 Historic England have responded to confirm they do not wish to comment on this temporary application. The condition requiring the removal of buildings and structures associated with the development and the restoration of the land will ensure the proposals are not permanent.

#### *Crime and Safety*

- 1.20 Officers have received a consultation response from the Designing Out Crime Office at the Metropolitan Police. The comments are summarised in the appendices, and it is recommended that a Secure by Design condition is imposed to protect the safety of the environment.

#### *Landscaping – removal of trees*

- 1.21 The application would involve the removal of a number of trees, within the site and along the rivers edge. The application is accompanied by an Arboricultural Impact Assessment, which includes trees removal and protection plans. Through the pre-application process, officers have sought the retention of Category B trees along the river’s edge, which provide visual amenity as well as natural benefits. The current application proposals the retention of 7no. Category B and C trees along the river’s edge. The trees would seek to ensure the development does not appear stark in its surrounding, continuing to add value to the river’s edge. Whilst officers would preferably wish to see the retention of more trees along the boundary, the applicant considers that the retention of any further trees would compromise the already constrained layout of the site. It is recommended that a condition is imposed requiring the site to be restored following the cessation of the temporary development, which would include the replanting of 3no. trees, to replace the 3 category B trees that would be lost along the river’s edge.

#### *Summary*

- 1.22 Given the temporary nature of the application, the sustainable re-use of the modular building, its purpose to facilitate wider redevelopment, and the retention of trees along the boundary, officers consider the proposals to be acceptable in terms of design and quality.

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

- 1.23 NPPF paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of pollution, including noise, water and air.
- 1.24 London Plan Policy D3 sets out that developments should deliver appropriate outlook, privacy and amenity and help prevent or mitigate the impacts or noise and poor air quality.
- 1.25 Adopted Policy BP8 of the Borough Wide Development Management Policies DPD seeks to protect residential amenity, and Draft Local Plan Policy DMD1 ‘Securing high quality design’ (Regulation 19 version) sets out that among other things, all development proposals should consider the impact on the amenity of neighbouring properties with regard to significant

overlooking, privacy and immediate outlook, and should mitigate the impact of air, noise and environmental pollution.

- 1.26 The site is located within proximity to a number of emerging new development sites. A row of hotels is located to the west of the site. There are no residential neighbours immediately adjacent to the site; the nearest residential neighbours are within Benedict's Wharf, across the River Roding to the east, the Ecoworld Barking Wharf scheme is in construction to the north of Benedict's Wharf, and is expected to be occupied by the time the temporary Tesco store is in operation.
- 1.27 The proposal relates to a low-rise, modular construction that would operate as a convenience retail store. It is not considered that the application would give rise to impacts to neighbouring amenity, in respect of privacy/overlooking, or daylight/sunlight.

*Noise*

- 1.28 London Plan policy D13 (noise) sets out ways to manage noise within new developments. The policy ties into policy D12 (agent of change) which places responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development.
- 1.29 A Noise Assessment has been prepared and submitted alongside the planning application. In terms of noise, the application would have less vehicle and delivery movements than the existing store. The hours of opening are proposed between 7:00-23:00 hours Monday-Saturday, and 10:00-18:00 hours on Sundays. Given these opening times, and the relationship of the site to any neighbouring buildings, it is not considered that there would be any adverse impacts in respect of noise.

*Air Quality*

- 1.30 The NPPF sets out at paragraph 181 that decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants taking into account the presence of AQMAs and the cumulative impacts from individual sites in local areas.
- 1.31 Policy SI1 of the London Plan also states that all development should be air quality neutral as a minimum. This is supported by Policy DMSI4 of the draft Local Plan (Regulation 19 version). Core Strategy CR1 sets a policy requirement to protect air quality.
- 1.32 An Air Quality Assessment has been submitted. The Assessment notes the site's location within an Air Quality Management Area and considers that the main likely effects on local air quality during construction would be in relation to generation of dust and particulates, and sets out measures to minimise or prevent this. In terms of trip generation, the application is expected to result in a reduction of 2,035 vehicle trips AADT when compared to the existing Tesco store. The report notes that the application would not be Air Quality Neutral with regard to transport emissions. However, the transport emissions is likely to be less than the existing store, and any future development on the site would need to be Air Quality Neutral or make a financial contribution to a fund. Given the temporary and facilitatory nature of this application, it is not considered that a condition or contribution is appropriate in this instance.

*Summary*

- 1.33 Subject to the recommended conditions, officers consider the application has an acceptable impact on neighbouring amenity.

<b>Sustainable Transport:</b>			
<i>Net gain in car parking spaces:</i>	75 car parking spaces	<i>PTAL Rating</i>	2
<i>Proposed number of cycle parking spaces:</i>	42 short stay 8 long stay	<i>Closest Rail Station / Distance (m)</i>	Barking
<i>Restricted Parking Zone:</i>	No	<i>Parking stress survey submitted?</i>	No

- 1.34 The NPPF recognises that sustainable transport has an important role to play in facilitating sustainable development but also contributing to wider health objectives. In particular it offers encouragement to developments which support reductions in greenhouse gas emissions and

those which reduce congestion. The NPPF also outlines that developments which generate significant vehicle movements should be located where the need to travel will be minimised and the use of sustainable transport options can be maximised. It is also expected that new development will not give rise to the creation conflicts between vehicular traffic and pedestrians.

- 1.35 London Plan Policies T1- T6, seek to promote sustainable modes of transport, encourage the effective use of land, reduce car dominance and be integrated with current and planned transport access, capacity and connectivity.
- 1.36 Policies BR9, BR10 and BR11 of the Borough Wide Policies DPD set out the Council's approach to parking, sustainable transport and walking and cycling. Emerging Policy DMT1 'Making better connected neighbourhoods' of the Draft Local Plan (Regulation 19) sets out that development proposals should reduce the dominance of vehicles on London's streets. Emerging Policy DMT2 'Car parking' states that development will be resisted where anticipated car parking and vehicle use will increase congestion and parking stress.

#### *Access*

- 1.37 A new vehicular access is proposed on West Bank, connecting to Highbridge Road, which is intended to be used by general vehicles and servicing vehicles to proposed temporary Tesco store. The proposals involves plans to widen the carriageway along West Bank that would result in the loss of the cycleway and path along West Bank. Pedestrian access would be maintained from West Bank. In the context that the proposals are temporary and would facilitate wider redevelopment in the area, it is considered that this is acceptable. The proposed alterations on West Bank are dependent on agreement with the Council, as the highway authority and as such a detail highway scheme is to be determined and be secured with the applicant separately in a section 278 agreement (Highways Act 1980).

#### *Car and cycling parking*

- 1.38 75 car parking spaces are proposed, including 5 disabled bays and 4 parent and child bays. This is a reduction to the current car parking and is suspected that there will be a reduction in trips generated by the store due to the reduction in floorspace. This is considered acceptable. 42 short stay and 8 long stay cycle parking spaces are proposed, it is recommended that a condition is imposed to ensure the spaces are implemented in accordance with London Cycling Design Standards. Officers also recommend the submission of a car and cycle management plan, to maintain the safety of the site. No electric charging provision is proposed; in the context of this temporary application, this is considered acceptable.

#### *1.39 Other transport matters*

- 1.40 A Construction Logistics Plan has been submitted with the application, however this shows routes and vehicles associated with a wider development, rather than just this application. Officers have advised that Tesco's existing vehicular access should be utilised during construction. It is recommended that the submission of a Construction Logistics Plan is conditioned to ensure that the construction strategy is accepted. A delivery and servicing plan is also recommended to be conditioned.

#### *Summary*

- 1.41 Subject to the above, officers consider that the proposal will comply with current transport policies and would assist in facilitating wider development at the site.

#### **Employment:**

- 1.42 London Plan Policy E11 promotes inclusive access to training, skills and employment opportunities for all Londoners. Core Strategy Policy CM1 states that development should meet the needs of new and existing communities and that a sustainable balance should be sought between housing, jobs and social infrastructure. Strategic Policy SP5 of the Draft Local Plan (Regulation 19) sets out that the Council will support businesses who seek to evolve, diversify and contribute to a more thriving and more inclusive local economy, including through the provision of employment and training opportunities for local people.
- 1.43 The temporary Tesco store proposed seeks to enable continuous trading on the site, between the existing Tesco and future redevelopment, which would include a new Tesco store. When this temporary store opens, the existing store will close, and whilst no details have been submitted in



relation to potential impact on jobs, officers recommend a condition requiring the submission of an Employment Management Plan demonstrating measures to retain and re-locate employees of the existing store. This is requested in order to provide assurance to the local authority that existing local jobs will be retained and re-located where possible. Due to the temporary nature of the store it is not considered that a full employment, skills and training store is required, and the Employment Management Plan will suffice in this instance.

**Waste management:**

- 1.44 Policies CR3 and BR15 of the Core Strategy and Borough Wide policy document outline the need for development in the Borough to minimise waste and work towards a more sustainable approach for waste management. These objectives are further emphasised in the emerging Local plan (Regulation 19) through Strategic Policy SP7 and Policy DMSI9.
- 1.45 The Council's Waste and Recycling Officer has reviewed the application submission and requested the submission of a detailed Refuse Strategy as the Design and Access Statement does not provide any refuse strategy and the refuse provisions are not indicated in the plans / drawings. It is therefore recommended that a Refuse Strategy is submitted as a condition, so as to ensure the development accords with waste related policies and operates efficiently.

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

*Proposed CO<sub>2</sub> Reduction*

**35%**

- 1.46 The NPPF emphasises at paragraph 148 that the planning system should support the transition to a low carbon future in a changing climate and should help to shape places that contribute to radical reductions in greenhouse gas emissions, and encourage the reuse of existing resources, including the conversion of existing buildings.
- 1.47 The Mayor of London has set ambitious targets for London to be net zero-carbon. London Plan Policy SI2 'minimising greenhouse gas emissions' directs that major development should be net zero-carbon, through reducing greenhouse gas emissions in accordance with the be lean, be clean, be green, be seen hierarchy. The policy requires a minimum on-site reduction of at least 35% beyond Building Regulations for major development.
- 1.48 Policy BR2 'Energy and on-site renewables' of the Borough Wide Development Policies DPD outlines the expectations for significant carbon reduction targets to be achieved. Draft Local Plan Policy DMS2 'Energy, heat and carbon emissions' sets out the Council's expectations for major development to contribute and where possible exceed the borough's target of becoming carbon neutral by 2050 by maximising potential carbon reduction on-site and demonstrating the achievement of net zero carbon buildings.
- 1.49 Borough Wide Development Policies DPD policy BR1 sets a requirement for non-residential major developments to achieve BREEAM Very Good-Excellent. The Draft Local Plan (Regulation 19) seeks to go further, requiring all new non-residential development over 500sqm floorspace to be designed and built to meet or exceed a BREEAM Excellent rating.
- 1.50 An Energy and Sustainability Statement has been submitted, following the sustainability hierarchy to assess the feasibility of reducing energy demand of the building, via passive and energy efficiency measures, incorporating clean technology.
- 1.51 With regards to BRREAM, the applicant considers that it is not appropriate to undertake a formal BREEAM assessment of the temporary store, due to its temporary nature, but seeks to demonstrate that the proposals include a range of measures incorporated into the design, construction and operation to embody the principles of sustainable development. The proposed energy strategy demonstrates how a 35% carbon reduction over baseline can be met on site for the temporary Tesco store.
- 1.52 Officers have reviewed the information submitted in respect of energy and sustainability. As the application relates to a prefabricated modulate building, that would be erected for temporary period of up to 5 years, in this instance it is considered that the development would accord with the aims of the national, regional and local energy and sustainability policies, subject to a condition to ensure the 35% carbon reduction is achieved.

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

- 1.53 The NPPF states that planning systems should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 1.54 The NPPF states that new development should be planned for in ways that avoid increased vulnerability to the impacts arising from climate change, and highlights at paragraph 155 that inappropriate development in areas at risk of flooding should be avoided, and that where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 1.55 As discussed above, the site would involve the removal of a number of trees. For the reasons above, officers accept this approach. Officers recommend that a condition is attached so that tree works and vegetation clearance is not undertaken during the bird breeding season.
- 1.56 The application relates to a temporary store, that would sit above the existing ground level. In this context it is considered that the absence of green infrastructure sustainable drainage measures is acceptable. A preliminary drainage strategy has been submitted; officers recommend that a detailed drainage scheme is conditioned to be submitted, along with an emergency flood plan.
- 1.57

### **Conclusions:**

The temporary store is proposed as part of a wider approach to planning, to enable wider development proposals to come forward for the site, in line with the site allocation. The proposal would enable the continued operation of a Tesco store at this site.

Subject to the recommended conditions, it is considered that the proposal accords with the development plan and officers recommend that permission is granted.

## Appendix 1:

### Development Plan Context:

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

#### *National Planning Policy Framework (NPPF) (MHCLG, Feb 2019)*

#### *The London Plan: March 2021*

GG1 Building strong and inclusive communities  
GG2 Making the best use of land  
GG3 Creating a healthy city  
GG4 Delivering the homes Londoners need  
GG5 Growing a good economy  
GG6 Increasing efficiency and resilience  
Policy SD6 Town centres and high streets  
Policy SD7 Town centres: development principles and Development Plan Documents  
Policy SD10 Strategic and local regeneration  
Policy D1 London's form, character and capacity for growth  
Policy D2 Infrastructure requirements for sustainable densities  
Policy D3 Optimising site capacity through the designed approach  
Policy D4 Delivering good design  
Policy D5 Inclusive design  
Policy D11 Safety, security and resilience to emergency  
Policy D12 Fire safety  
Policy D13 Agent of Change  
Policy D14 Noise  
Policy E11 Skills and opportunities for all  
Policy HC1 Heritage conservation and growth  
Policy G1 Green infrastructure  
Policy G5 Urban greening  
Policy G7 Trees and woodlands  
Policy SI 1 Improving air quality  
Policy SI 2 Minimising greenhouse gas emissions  
Policy SI 3 Energy infrastructure  
Policy SI 4 Managing heat risk  
Policy SI 5 Water infrastructure  
Policy SI 7 Reducing waste and supporting the circular economy  
Policy SI 8 Waste capacity and net waste self-sufficiency  
Policy SI 12 Flood risk management  
Policy SI 13 Sustainable drainage  
Policy T1 Strategic approach to transport  
Policy T2 Healthy Streets  
Policy T3 Transport capacity, connectivity and safeguarding  
Policy T4 Assessing and mitigating transport impacts  
Policy T5 Cycling  
Policy T6 Car parking  
Policy T6.3 Retail parking  
Policy T6.5 Non-residential disabled persons parking  
Policy T7 Deliveries, servicing and construction  
Policy DF1 Delivery of the Plan and Planning Obligations

<p><i>Local Development Framework (LDF) Core Strategy (July 2010)</i></p>	<p>Policy CM1: General Principles for Development  Policy CM5: Town Centre Hierarchy  Policy CR1: Climate Change and Environmental Management  Policy CR3: Sustainable Waste Management  Policy CR4: Flood Management  Policy CE1: Vibrant and Prosperous Town Centres  Policy CP2: Protecting and Promoting our Historic Environment  Policy CP3: High Quality Built Environment</p>
<p><i>Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)</i></p>	<p>Policy BR1: Environmental Building Standards  Policy BR2: Energy and On-Site Renewables  Policy BR3: Greening the Urban Environment  Policy BR4: Water Resource Management  Policy BR5: Contaminated Land  Policy BR9: Parking  Policy BR10: Sustainable Transport  Policy BR11: Walking and Cycling  Policy BR13: Noise Mitigation  Policy BR14: Air Quality  Policy BR15: Sustainable Waste Management  Policy BC7: Crime Prevention  Policy BC8: Mixed Use Development  Policy BE1: Protection of Retail Uses  Policy BE3: Retail Outside or on the Edge of Town Centres  Policy BP2: Conservation Areas and Listed Buildings  Policy BP3: Archaeology  Policy BP11: Urban Design</p>
<p><i>Local Development Framework (LDF) Barking Town Centre Area Action Plan (2011)</i></p>	<p>BTC1 Additional Shopping Floorspace  BTC11 Cycling Facilities  BTC16 Urban Design  BTC19 Heritage and the Historic Environment  BTCSSA7 Abbey Retail Park</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>STRATEGIC POLICY SPDG 1: Delivering growth in Barking and Dagenham  STRATEGIC POLICY SPP1: Barking and the River Roding Area  STRATEGIC POLICY SP 2: Delivering a well-designed, high-quality and resilient built environment  POLICY DMD 1: Securing high-quality design  POLICY DMD 3: Development in town centres  POLICY DMD 4: Heritage assets and archaeological remains  POLICY DME 3: Encouraging vibrant, resilient, and characterful town centres  POLICY SP6: Green and blue infrastructure  POLICY DMNE 2: Urban greening  POLICY DMNE 5: Trees  STRATEGIC POLICY SP7: Securing a clean, green and sustainable borough  POLICY DMSI 1: Sustainable design and construction  POLICY DMSI 2: Energy, heat and carbon emissions</p>

	POLICY DMSI 3: Nuisance POLICY DMSI 4: Air quality POLICY DMSI 5: Land contamination POLICY DMSI 6: Flood risk and defences POLICY DMSI 7: Water management POLICY DMSI 9: Demolition, construction and operational waste STRATEGIC POLICY SP8: Planning for integrated and sustainable transport POLICY DMT 1: Making better connected neighbourhoods POLICY DMT 2: Car parking POLICY DMT 3: Cycle parking POLICY DMT 4: Deliveries, servicing and construction
<i>Supplementary Planning Documents</i>	Abbey and Barking Town Centre Conservation Area Appraisal

**Additional Reference:**

*Human Rights Act*

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

*Equalities*

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

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

**Appendix 2:**

<b>Relevant Planning History:</b>			
<i>Application Number:</i>	18/02131/FUL	<i>Status:</i>	Resolution to grant, pending legal agreement
<i>Description:</i>	Demolition of the existing car park and substation and construction of five buildings ranging in height from 9 to 23 storeys to provide 514 residential units (Use Class C3) together with 90 square metres (GIA) of flexible retail/commercial floorspace (Use Classes A1-A3), ancillary management and resident facilities, pedestrian and cycle footbridge, public realm enhancements including hard and soft landscaping and associated access, servicing, car parking and cycle parking.		
<i>Application Number:</i>	18/00485/FUL	<i>Status:</i>	Approved
<i>Description:</i>	Alterations to car park layout including demolition of car park canopy, changes to access and associated works.		

### Appendix 3:

The following consultations have been undertaken:

- Environment Agency
- Designing Out Crime Officer
- TfL
- Be First Transport Officers
- Lead Local Flood Authority
- Historic England – Buildings
- Historic England – Archaeology
- Access Officer
- Thames Water
- Port of London Authority
- Urban Design Officer
- LBBD Arboricultural Officer
- Waste and Recycling Officer
- Environmental Health Officer

Summary of Consultation responses:		
Consultee and date received	Summary of Comments	Officer Comments
Environment Agency 25/02/2021	<p>No objections.</p> <p>This lightweight modular structure is positioned at least 25 metres from the tidal flood defences and more than 30 metres in most places. EA are satisfied that access to the flood defence for inspection and maintenance is achievable. Expressed preference to see 'standard parking spaces' 69 to 71 located further away from the flood defences to reduce any potential damage to the flood defences caused by human driving error.</p> <p>Advise that it is the responsibility of the riparian owner to ensure a fit for purpose flood defence is maintained.</p> <p>Recommendation of an informative for environmental permit.</p>	<p>Noting that no objection has been received, officers are content that the car parking arrangement is acceptable for the purposes of this temporary store. There would be site boundary treatment and no objections to the arrangement have been received by transport officers.</p>
Designing Out Crime Officer – Metropolitan Police 04/03/2021	<p>The Designing Out Crime Officer recommends that a secure by design is added which focusses on safety measures acceptable to police to enable flexibility if the structure cannot reach certificate level, but to ensure an appropriate level of safety can be achieved.</p>	<p>Officers recommend the suggested condition.</p>
London Underground/DLR Infrastructure Protection 11/02/2021	<p>Confirmed no comments to make on the application.</p>	<p>n/a</p>
Be First Transport Officers	<p><i>Transport comments are integrated into the sustainable transport section above.</i></p>	<p>Officers have incorporated the recommended conditions.</p>

04/03/2021		
LLFA 04/03/2021	<p>No objection subject to the imposition of the following conditions:</p> <ul style="list-style-type: none"> <li>• Submission and implementation of a detailed drainage scheme</li> <li>• Submission of an emergency flooding plan</li> </ul>	Officers consider the conditions necessary and recommend the imposition of the conditions.
Historic England – Buildings 25/02/2021	<p>Do not wish to comment on this application which involves the erection a much more modest temporary supermarket development.</p> <p>Historic England remains interested in the permanent redevelopment of this site due to the proximity to the Abbey and Barking Town Centre Conservation Area and its various listed buildings.</p>	No comments.
Historic England – Greater London Archaeological Advisory Service 17/02/2021	<p>Content the lightweight, temporary works here cannot be meaningfully managed archaeologically.</p> <p>Having considered the proposals with reference to information held in the Greater London Historic Environment Record and/or made available in connection with this application, conclude that the proposal is unlikely to have a significant effect on heritage assets of archaeological interest.</p> <p>Permanent redevelopment would have an archaeological impact on deeply buried prehistoric remains</p>	No comments.
Access Officer	No response.	The Design and Access Statement considers access requirements confirming that access requirements can be met.
Thames Water 11/02/2021	<p>Waste – if the developer follows the sequential approach to the disposal of surface water, no objection.</p> <p>Advise that there are public sewers crossing or close to the development. If significant work is planned near Thames Water Sewers, minimising risk of damage is important. Would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer.</p> <p>Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-</p>	Comments have been considered within the assessment above.



	<p>polluted discharges entering local watercourses.</p> <p>Waste Water Network and Sewage Treatment Works – no objection.</p> <p>Water - outside the jurisdiction of Thames Water.</p>	
<p>Port of London Authority 10/02/2021</p>	<p>The application site is outside of the PLA's area of navigational jurisdiction and land ownership and the PLA has no comments to make.</p>	<p>No comment.</p>
<p>Be First Urban Design Officer</p>	<p>Be First's Urban Design officer provided comments at the pre-application stage. No further comments received at application stage.</p>	<p>Urban Design feedback has been incorporated to the assessment above.</p>
<p>LBBB Arboricultural Officer</p>	<p>LBBB's Arboricultural Officer provided comments at the pre-application stage. The boundary trees on this site have significant environmental and amenity value. The riverside trees and those that screen from the premier inn are the most significant, providing site-lines from the river and the public paths. It would not be acceptable to lose them for temporary land use. The replanting of them would take many years to achieve the same level of value.</p> <p>If the site can retain the boundary trees, I would have no problem with the proposal for this temporary use. A tree protection plan and method statement would be expected to cover it. The site can be replanted to cover lost trees when it is restored after use.</p> <p>No further comments received at application stage.</p>	<p>Since the comments were received at pre-application stage, the proposals have been amended to retain 7 trees along the river's edge. Whilst there would be some loss of tree cover, officers consider that this is a reasonable balance to help facilitate the long-term redevelopment of the site. Officers have also sought to impose a condition requiring the replanting of 3 trees along the river boundary to replace the loss of 3 category B trees.</p>
<p>LBBB Waste and Recycling Officer 04/03/2021</p>	<p>The application is subject to approval of providing a detailed refuse strategy including refuse provisions, access, and a swept path analysis for RCVs to service the development. The storage and disposal of refuse should be in line with current regulations and the strategy as per current LBBB planning advisory note.</p> <p>The Tesco site has been an important site for Recycling Bring Banks which are not use by public now due to the site going under development. It would be useful at this stage to propose a location for the recycling banks around the development.</p>	<p>Officers raised the question on the reprovision of the recycling banks to the applicant, but are informed this is not possible due to site constraints. Officers accept this position and recommend the imposition of the condition.</p>
<p>Environmental</p>	<p>At this stage details of the proposed</p>	<p>Officers have recommended the noise</p>

<p>Health Officer 04/03/2021</p>	<p>nature, type and number of such plant are unavailable. Conditions are therefore recommended in respect of plan and structure borne noise emissions and commercial kitchen ventilation system details. A condition is recommended to limit hours of use and deliver, to prevent undue disturbance to residential occupiers and occupants of neighbouring properties.</p> <p>Notes that the Air Quality Assessment states that the development would not be air quality neutral with regards to transport emissions, but that it would enable development of a Tesco store to be operational as part of a wider redevelopment. The permanent delivery would be air quality neutral or make a financial contribution. Conditions are recommended for the development to be air quality neutral.</p> <p>Consider that it is unlikely that no ground works will be necessary, as a minimum with regard to connection to utilities etc. in the event of any ground works, a land contamination condition is recommended.</p>	<p>and contaminated land conditions. In respect of air quality however, the assessment submitted refers to a future development being air quality neutral. In the interests of facilitating future development, officers have not sought an air quality condition for this temporary application.</p>
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**Appendix 4:**

<b>Neighbour Notification:</b>	
<b>Date Site Notice Erected:</b>	None.
<b>Date of Press Advertisement:</b>	05/02/2021
<b>Number of neighbouring properties consulted:</b>	2432
<b>Number of responses:</b>	0

## Appendix 5:

### Conditions & Informatives:

#### **Conditions:**

##### ***Mandatory conditions***

###### 1. Time Limit

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 Section 51 of the Planning and Compulsory Purchase Act 2004).*

###### 2. Plan Numbers

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

- Site Location Plan 1133-X1000 Rev D, dated 08/03/2021
- Ground floor plan 1133-A1200 Rev G, dated 28/01/2021
- Roof plan 1133-A1201 Rev C, dated 28/01/2021
- North and east elevations 1133-A1680 Rev C, dated 28/01/2021
- South and west elevations 1133-A1681 Rev C, dated 28/01/2021
- Sections 1133-A1690 Rev C, dated 28/01/2021
- Landscape plan 1133-A8200 Rev C, dated 28/01/2021
- Car and Cycle Parking 1133-A8202 Rev C, dated 28/01/2021
- Boundary treatments and landscaping 1133-A8203 Rev A, dated 28/01/2021

Approved documents:

- Covering letter, prepared by Barton Willmore, dated 29 January 2021
- Air Quality Assessment, prepared by Waterman, dated January 2021
- Arboricultural Impact Assessment, prepared by Waterman, dated January 2020
- Design and Access Statement, prepared by Lifschutz Davidson Sandilands, dated 28 January 2021
- Energy and Sustainability Statement, prepared by Ridge, dated 28 January 2021
- Fire Statement Rev 02, prepared by Joule Group, dated 28 January 2021
- Below Ground Drainage Strategy and FRAM prepared by Meinhardt, dated 28 January 2021
- Noise Impact Assessment, prepared by Waterman, dated January 2021
- Planning Statement, prepared by Barton Willmore, dated January 2021
- Town Centre and Retail Statement, prepared by Lichfields, dated January 2021
- Transport Statement (Issue 3), prepared by Cole Easdon Consultants, dated January 2021
- Planning Statement for Utilities Assessment and Ventilation/Extraction Statement, dated 28 January 2021

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

##### ***Pre-commencement conditions***

###### 3. Off-site highways works

No development shall commence until a detailed highway design has been submitted to and agreed in writing by the Local Planning Authority and the developer has entered a s278 agreement to undertake highway improvements seeking to ensure a detailed design to accord with the relevant road safety audit and cover new Traffic Management Orders, kerb alignment and adjustment, upgrade and new pedestrian crossings, footway resurfacing / recon, to ensure parking and loading and service arrangements. The highways works shall be in accordance with the principles of drawings 6667/SK01 dated January 2021 and 1133-a1200 Rev F. The detailed design works are to be in accordance with the Design Manual for Roads and Bridges and Manual Contract for Highway Works specifications. The off-site highways works shall be implemented prior to the first use of the development hereby permitted.

*Reason: In the interest of highway safety*

#### 4. Construction Environmental Management and Site Waste Management

No development shall commence, including any works of demolition, until a Construction Environmental Management Plan (CEMP) and a Site Waste Management Plan (SWMP) have been submitted to and approved in writing by the Local Planning Authority. These Plans shall incorporate details of:

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

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.

Once approved the Plans shall be adhered to throughout the construction period for the development.

*Reason: The CEMP and SWMP are required prior to commencement of development in order to reduce the environmental impact of the construction and the impact on the amenities of neighbouring residents*

#### 5. Construction Logistics Plan

No development shall commence, including any works of demolition, until a Construction Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be

designed to minimise deliveries of materials and export of any waste materials within the times of peak traffic congestion on the local road network. The Plan shall be implemented in accordance with the approved details and thereafter maintained.

*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*

## 6. Drainage Strategy

Prior to the commencement of the development hereby permitted a detailed drainage scheme (to include the disposal of surface water by means of sustainable methods of urban drainage systems) shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with such approved details, and maintained and managed for the duration of the development hereby approved.

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

## 7. Contaminated Land

In the event of any ground works, no development shall commence until:

(a) an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

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

(b) a detailed remediation scheme, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared and submitted to the Local Planning Authority for approval in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) The approved remediation scheme must be carried out in accordance with its terms prior to commencement of the development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met.

(d) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning

Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of (a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

*Reason: Contamination must be identified prior to commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors*

### ***Pre-above ground works***

#### **8. Car Parking Management Plan**

Prior to above ground works, a detailed parking design shall be submitted to and agreed in writing by the Local Planning Authority. The detailed parking design shall be TSRGD compliant both in term of the bays and the accompanying signage and a management plan reflecting the highways marking and restrictions.

*Reason: In the interest of highway safety and sustainable transport.*

### ***Pre-occupation/use conditions***

#### **9. Travel Plan**

Prior to the first use of the development hereby permitted, a Travel Plan shall be submitted to and agreed in writing by the Local Planning Authority. On approval the Travel Plan shall be implemented prior to first use.

*Reason: In the interests of sustainable transport.*

#### **10. Refuse Strategy**

Prior to first use of the development, a detailed commercial Refuse Strategy shall be submitted to the Local Planning Authority in consultation with the Council's Refuse Team. The Strategy shall include, but not be limited to, details of the design and location of the refuse stores, the safeguarding of an unobstructed access and egress to the refuse stores, details of the frequency of collections, a contingency plan in the event that a service is unable to attend and management of the turning area. The approved refuse stores shall be provided before the occupation of the development and thereafter permanently retained.

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

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

Noise from the development hereby permitted shall be controlled so as to be inaudible inside adjoining and other noise-sensitive premises in the vicinity of those uses. The initial test for compliance with the 'inaudibility' criterion will be that noise should be no more than barely audible outside those noise-sensitive premises. In the event there is disagreement as to whether such noise is or is not audible the following numerical limits shall be used to determine compliance with this condition:

- the LAeq (CUAN) shall not exceed LA90 (WCUAN); and
- the L10 (CUAN) shall not exceed L90 (WCUAN) in any 1/3 octave band between 40Hz and 160Hz.

CUAN = Commercial Use Activity Noise level, WCUAN = representative background noise level without Commercial Use Activity Noise, both measured 1 metre from the façade of the noise-sensitive premises.

The combined rating level of the noise from any plant installed pursuant to this permission (other than plant which is only to be operated in emergency circumstances) shall not exceed the existing background noise level outside the window to any noise-sensitive room. Any assessment of compliance in this regard shall be made according to the methodology and procedures presented in BS4142:2014.

Any machinery and equipment installed pursuant to this permission shall be designed and installed to ensure that structure borne (re-radiated) noise emissions shall not exceed 30 LAeq dB (5 min) when measured in any habitable room in adjoining residential premises.

*Reason: To ensure that the proposed and surrounding residential properties and other noise-sensitive premises in the vicinity of site are adequately protected from noise*

#### 12. Details of Any Commercial Kitchen Extract Ventilation System

Prior to the first use of the development hereby permitted with a commercial kitchen, details of any ventilation system for the removal and treatment of cooking odours from any commercial catering, including its appearance and measures to mitigate system noise, are to be submitted to and approved in writing by the Local Planning Authority. The measures shall have regard to and be commensurate with guidance and recommendations in:

- The current edition of publication “Specification for Kitchen Ventilation Systems”, DW/172, Heating and Ventilating Contractors Association, or other relevant and authoritative guidance; and
- Publication, “Control of Odour and Noise from Commercial Kitchen Exhaust Systems – Update to the 2004 report prepared by NETCEN for the Department for Environment, Food and Rural Affairs”, Ricardo.com, 2018.

The approved details shall be fully implemented before the first use of the relevant non-residential unit and shall thereafter be permanently retained in an efficient manner.

*Reason: To safeguard the appearance of the premises and minimise the impact of cooking smells, odours and noise*

#### 13. Deliveries and Servicing

14. Prior to the first use of the development hereby permitted, a Deliveries and Servicing Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be implemented prior to the first use of the development.

*Reason: In the interests of highway safety*

#### 14. Emergency flooding plan

Prior to the first use of the development hereby permitted, an Emergency Flooding Plan shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall as a minimum include:

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



## 15. Secure by Design

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

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

## 16. Employment Management Plan

Prior to the first use of the development hereby permitted, an Employment Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall demonstrate measures to retain and re-locate employees of the Tesco store on the adjacent site, and shall include details of consultation with employees and unions.

*Reason: To maintain local employment opportunities*

## 17. Lighting

Prior to first use of the development hereby permitted, a scheme showing the provisions to be made for external lighting shall be submitted to and approved in writing by the Local Planning Authority. The lighting is to be designed, installed and maintained so as to fully comply with The Association of Chief Police Officers - Secured by Design publication "Lighting Against Crime - A Guide for Crime Reduction Professionals", ACPO SPD, January 2011. The design shall satisfy criteria to limit obtrusive light presented in Table 1, page 25 of the guide, relating to Environmental Zone E2 Low district brightness areas-Rural, small village or relatively dark urban locations. 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 the interests of security and safety, to avoid light pollution and safeguard neighbouring amenity*

## 18. Landscaping and boundary treatment

Prior to first use of the development hereby permitted, details of the 'boundary treatments and landscaping' as shown on drawing reference 1133-A8203 Rev A, dated January 2021 shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented prior to first use of the development hereby permitted and retained for the duration of the development.

*Reason: 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*

### **Compliance conditions**

## 19. Trading

At no time shall the development to which this decision relates operate at the same time as the store labelled 'Superstore' within the blue line boundary on drawing reference 1133X1000 Rev D dated 08/03/2021. The development shall cease trading to the public prior to the operation of any retail operation at land within the blue boundary on drawing reference 1133X1000 Rev D dated 08/03/2021, or the expiry of the temporary consent as controlled by condition 20.

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

## 20. Temporary

The development to which this decision relates is on a temporary basis only. The development shall be in operation for a maximum duration of 5 years only, from the date of first use. Within 6 months of the cessation of the development, the buildings and structures associated with the development shall be removed and the land restored to its former condition; the site restoration shall include the replanting of 3 semi-mature trees to the river boundary.

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

#### 21. Houses of use and delivery/collection hours

The proposed development hereby permitted shall trade between the hours of 07:00 and 23:00 on any day and at no other time.

The delivery/collection of goods associated with the use hereby permitted shall only be permitted to take place between the hours of 07:00 hrs and 21:00 hrs on any day.

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

#### 22. Cycle Parking Implementation

Prior to the first use of the development hereby approved the 42 short stay and 8 long stay cycle parking spaces as shown on drawing reference 1133-A8202 Rev C shall be provided. The cycle parking spaces shall be retained for the duration of the development. The cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards.

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

#### 23. Energy and Sustainability

The development hereby permitted shall be carried out in accordance with the submitted Energy and Sustainability Statement prepared by Ridge dated 28 January 2021 to achieve a minimum 35% reduction in carbon dioxide emissions over Part L of the Building Regulations (2013) (when applying updated SAP 10 emission factors).

*Reason: In the interests of safeguarding the environment and providing sustainable development*

#### 24. Vegetation Clearance and Tree Works

There shall be no vegetation clearance or tree works during the bird breeding season (February to September). If this is not possible the vegetation should be surveyed immediately prior to removal by a suitably qualified ecologist. If nests/nesting birds are present, the relevant works must be delayed until the nesting season is over and the fledglings have left the surrounding area.

*Reason: To protect the ecology of the area*

#### **Informatives:**

In dealing with this application, Be First working in partnership with the London Borough of Barking and Dagenham has implemented the requirements of the National Planning Policy Framework and of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) to work with the Applicant in a positive and proactive manner. As with all applicants, Be First has made available detailed advice in the form of statutory policies and all other relevant guidance, as well as offering a full pre-application advice service, so as to ensure the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

The applicant is advised that the alterations proposed to the public highway will require consent separate

to any planning permission granted. This will need to be secured with the applicant and Highway Authority separately in a section 278 agreement (Highways Act 1980).

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission.

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03702 422 549. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

We would like to remind the riparian owner of their responsibility to ensure a fit for purpose flood defence line is maintained in line with s.6 of the Metropolis Management (Thames River Prevention of Flood) Act 1879 to 1962 (The Act). While we appreciate the condition of the flood defences as part of this development, the riparian owner must ensure that the tidal flood defences remain fit for purposes in the interim. Our asset inspector has noted that the defences are currently below target condition grade and are in need of maintenance. The riparian owner should continue to monitor and maintain the condition of the flood defences, including undertaking any urgent remediation works as part of these temporary installation works

Practical advice on how to reduce flood damage to your property is available in a free document entitled "Preparing for Floods" (October 2003) - a comprehensive guide to help homeowners and small businesses to improve the flood resistance of their homes and premises. The guidance contains advice on both simple, low-cost measures to limit damage to valuables as well as suggestions on building alterations and designs that help keep water or reduce damage if flood water enters. The guide is aimed at homeowners, small businesses, planners and developers. Copies of "Preparing for Floods" are available free of charge from the Environment Agency 24 hour "Floodline" on 0845 988 1188, or on our website: <http://www.environment-agency.gov.uk/floodline>. Flood Risk Management Authorities recommend that in areas at risk of flooding consideration be given to the incorporation into the design and construction of the development of flood proofing measures. These include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. Additional guidance can be found in the Environment Agency Floodline Publication 'Damage Limitation'. A free copy of this is available by telephoning 0845 988 1188.

In aiming to satisfy Secure By Design condition the applicant should seek the advice of the Police Designing out Crime Officers (DOCOs). The services of the Police DOCOs are available free of charge and can be contacted via [docomailbox.ne@met.police.uk](mailto:docomailbox.ne@met.police.uk) or 0208 217 3813. It is the policy of the local planning authority to consult with the DOCOs in the discharging of community safety condition(s).