


**LONDON BOROUGH OF BARKING & DAGENHAM**
**PLANNING COMMITTEE**
**March 25<sup>th</sup> 2021**
**Application for Planning Permission**

<b>Case Officer:</b>	Nathaniel Soneye-Thomas	<b>Valid Date:</b>	29.09.20
<b>Applicant:</b>	<b>KTS Group Limited</b>	<b>Expiry Date:</b>	29.12.20 <b>Subject to PEA</b>
<b>Application Number:</b>	20/01940/FULL	<b>Ward:</b>	Whalebone
<b>Address:</b>	2 High Road, Chadwell Heath, Romford, RM6 6PR		

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 2 High Road, Chadwell Heath, Romford, RM6 6PR.

**Proposal:**

Demolition of existing public house and construction of a 4 storey building, comprising of 20 flats and 4 ground floor commercial units (Use Class E) and associated access, parking and landscaping.

**Officer Recommendations:**

Planning Committee is asked to resolve to:

1. agree the reasons for approval as set out in this report; and
2. delegate authority to the London Borough of Barking & Dagenham's Director of Inclusive Growth in consultation with the Head of Legal Services to grant planning permission subject to the completion of a legal agreement under s106 of the Town and Country Planning Act 1990 (as amended) 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 25<sup>th</sup> September 2021 the legal agreement has not been completed, the London Borough of Barking & Dagenham's Director of Inclusive Growth is delegated authority to refuse planning permission or extend this timeframe to grant approval.

**Conditions Summary:**
Mandatory conditions

- Time
- Approved Drawings & Documents

Prior to all works/commencement Conditions

- Archaeology
- Historical Analysis

- Scheme of Acoustic Protection
- Contaminated Land
- Construction Management
- Drainage Scheme
- Waste Management Plan

Prior to above ground works Conditions

- Materials and Balcony Details
- Hard/Soft Landscaping
- Noise Insulation

Prior to first occupation and/or use Conditions

- Cycle Parking Implementation
- Car Parking Implementation
- Details of Commercial Kitchen Extract Ventilation System
- Crime Prevention Scheme
- Renewable Energy Infrastructure

Monitoring & Management Conditions

- M4(2) Units
- M4(3) Units
- Restricted Uses

**S106 – Summary of Heads of Terms:**

**Administrative:**

1. Payment of the Council's professional and legal costs, whether the deed completes.
2. Payment of £2000 in monitoring and implementing the Section 106 and payable on completion of the deed; and,
3. Indexing – all payments are to be index linked from the date of the decision to grant planning permission to the date on which payment is made, using BCIS index.

**Affordable Housing:**

Provision of on-site affordable housing offer at 35% on a unit basis, comprising 7 Discount Market Rented Units (DMR):

- 7 x Discount Market Rented units as numbered Flats 1, 2, 5, 8, 9, 15 and 16

**Transport**

•Car Parking permit free development. with a commitment to provide two-year free car club membership to all residents.

**Employment and Skills**

• Secure an Employment, Skills and Suppliers Plan 6 months prior to commencement of development ensuring that a minimum of 25% of labour and suppliers required for the construction of the development are drawn from within the Borough, to maximise opportunities for residents and businesses

**Sustainability**

• The development shall achieve a minimum 67% reduction in carbon dioxide emissions over Part L of the Building Regulations 2013 (when applying updated SAP 10 emission factors) through on-site provision, and a monetary contribution of up to £42,997. shall be made to the Local Authority's carbon

offset fund to offset the remaining carbon emissions to net zero-carbon.

**Park contribution**

- A sum of £100,000 to be paid and to go towards children's play space and associated improvements at St Chads Park.

## OFFICER REPORT

### Planning Constraints:

District Centre  
Primary Shopping Frontage  
Locally listed building

### Site, Situation and relevant background information:

The application site is currently a two-storey end of terrace building comprising the former Coopers Arms Public House. The site has not operated as a public house for an extended period of time and has since fallen into disrepair and become dilapidated. The building itself is locally listed and is therefore considered a non-designated heritage asset. The site surroundings are characterised by two-storey mixed use buildings comprising commercial units on the ground floor with residential in the floors above. The high Road is designated as a district centre and primary shopping frontage with the Eastern elements of the high Street becoming a secondary frontage.

The site has had a previous planning application under reference: 18/00813/FUL which was refused. A further pre-application was undertaken (ref: 20/00044/PRE) which sought to address the reasons for refusal and design the scheme that would be considered acceptable by officers.

The current proposal seeks planning permission for the demolition of the existing building and the erection of a four-storey building comprising 4 commercial units on the ground floor use class E and the provision of 20 residential units Use Class C3.

### Key issues:

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

### Planning Assessment:

#### Principle of the development:

<i>Existing use(s) of the site</i>	Sui Generis (Public House)
<i>Proposed use(s) of the site</i>	Class E, C3

#### *Loss of public House*

- 1.1 The National Planning Policy Framework (MHCLG, February 2019) (NPPF) states that development proposals should seek to provide the social, recreational and cultural facilities and services the community needs. This should take place by
- a) planning positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.
  - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.
  - c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs.

d) ensure that established shops, facilities, and services are able to develop and modernise, and are retained for the benefit of the community; and

e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

- 1.2 Policy HC7 of the London Plan states that where achievable, development proposals should protect public houses where they have a heritage, economic, social or cultural value to local communities, or where they contribute to wider policy objectives for town centres, night-time economy areas, Cultural Quarters and Creative Enterprise Zones. Additionally, applications that propose the loss of public houses with heritage, cultural, economic or social value should be refused unless there is authoritative marketing evidence that demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future.
- 1.3 On a local scale, Core Strategy Policy CC2 outlines the need to resist the loss of community facilities unless in exceptional circumstances. In the emerging Local Plan policy context, this is supported through Policy DMS 1 which states that development proposals involving the net loss of existing facilities (excluding sports facilities, playing fields, and recreational buildings and land) or viable cultural facilities will be resisted, unless:
- a) the existing facility is being re-provided on-site and of a similar nature that would better meet (in quantum and quality) the needs of existing users or forms part of a strategy agreed by the Council and the relevant service provider to serve local needs.
- b) there is no longer an identified need or demand for the existing use of the facility. In such circumstances, the applicant must provide robust evidence to demonstrate:
- i. active marketing over a continuous 24-month period of time for alternative forms of social and cultural infrastructure on the site, taking into account the needs of the future local community, including if the facility was refurbished and/or multi-functional.
- ii. demonstrate that the loss of the facility would not lead to a shortfall in provision for the specified use for the population that it serves.
- 1.4 Moreover, Policy DMS3 of the Reg 19 Local Plan outlines that The Council will protect public houses within the borough in accordance with the relevant policies set out in the New London Plan. Development proposals resulting in the loss of a public house will be strongly resisted unless justified by robust and up-to-date planning and marketing evidence in accordance with policy DMS1 Protecting and Enhancing Existing Facilities.
- 1.5 The above policies are supported through the Last Orders preserving public houses SPD (2014) which states that In cases where submitted evidence demonstrates to the Council's satisfaction that where a pub is demolished the replacement development must make an equal or greater contribution to the street scene and community benefit than the building and use it is replacing. Proposals will be expected to either incorporate a community use in the redevelopment or make a contribution towards enhancing community facilities in the locality where appropriate.
- 1.6 The existing site comprises a vacant Public House (Coopers Arms). The proposed development seeks to demolish the existing building and replace the public house at ground floor level with 4 commercial units and 20 residential units in the floors above. As outlined in the policies above, it is expected that the applicant must robustly demonstrate with market evidence that there is no further need for the facility in this location and result in a shortfall within the area.
- 1.7 The applicant has submitted a marketing report and a supporting guidance within the planning statement. The marketing reports cover a period of 4 years since April 2016. Based on the valuation of the site at £1,350,000. there were no viable offers received for the building to be brought back into use as a public house. Whilst this does not specifically relate to the consideration of the current state of the building; it was noted within the marketing report that the previous owners of the site did not consider it a viable option to refurbish the pub and continue operating as such.
- 1.8 The site has been marketed by Drake and Company since December 2017 and has remained on the market since and has received one offer from a renter to take on the property as a public house; however this falls below the market expectation which would place the rental value between £60,000-£75,000 per annum. Officers give further regard to the situation of the Eva Hart

Public House operated by the JD Whetherspoon company located to the immediate West of the site on the opposite corner of High Road. It is considered that the neighbouring public house which would service the needs of local residents in continuing to provide this type of use. The proposed scheme also seeks to maintain a ground floor frontage through the conversion of the public house floor space into commercial units.

- 1.9 The applicant has also taken into consideration the above policy position and the need to make a wider contribution for the community and has made a commercial decision to provide £100,000. for the improvement of children's play equipment and any associated works at St Chads Park which is located approximately 100m to the North East of the application site.
- 1.10 Noting the above provided by the applicant in relation to marketing evidence, the neighbouring viable public house and the financial contribution to go towards the nearby park to benefit the community. Officers consider that the proposed loss of the public house has been demonstrated. Additional regard has been given to the provision of on-site affordable housing as a means of benefitting the community which shall be expanded upon in further detail in the later sections of this report. Nevertheless, the principle of development with respect to the demolition and loss of the public house is considered acceptable in this instance.

#### *Commercial units*

- 1.11 Chapter 7 of the NPPF outlines that planning policies should promote competitive town centre environments and seek to ensure that new developments support their viability and vitality. The NPPF (2019) states that assessments should include assessment of; the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme). Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 90, it should be refused.
- 1.12 London Plan through Policy SD6 and SD7 promote the vitality and viability of designated town and local centres. This is supported through Local Plan Policy DME3 which states that Development proposals for commercial, businesses and service uses will be permitted within the town centre boundaries. Flexibility should be applied to accommodate the changing needs within the borough with reasoned justification for any commercial development outside of the defined town centre boundaries.
- 1.13 Officers note that the proposed development would seek to demolish the existing public house and the ground floor will be occupied by 4 commercial units. Officers give regard to the wider context in which the high Road forms a District Centre, a primary shopping frontage and a secondary shopping frontage. Officers note that the proposed scheme in maintaining the retail frontage at ground floor would be commensurate to the context of the district centre and commercial frontages across the High Road.
- 1.14 As such, officers consider the principle of the commercial units to be acceptable. Officers consider it necessary to recommend conditions controlling the use of the retail units as Class E, a, b and c to remain in accordance with the surrounding context which predominantly fall within the conditioned uses as listed above.

#### *Residential development*

- 1.15 The National Planning Policy Framework (MHCLG, February 2019) (NPPF) seeks to promote delivery of a wide choice of high-quality homes which meet identified local needs (in accordance with the evidence base) and widen opportunities for home ownership, and which create sustainable, inclusive, and mixed communities.
- 1.16 The London Plan (2021) Objective GG4 states that to create a housing market that works better for all Londoners, those involved in planning and development must create mixed and inclusive communities, with good quality homes that meet high standards of design and provide for identified needs, including for specialist housing. The policies outlined in Chapter 4 (Housing) further acknowledges the stress on housing demand and provides increased targets for Local Authorities and revised policies in respect of ensuring additional housing contribution according to local needs. Policy H1 and H2 echoes existing policy 3.3 reinforcing the need to increase the

housing supply to promote opportunity and provide real choice for all Londoners. In particular policy H2 seeks to ensure Borough's pro-actively support well-designed homes on small sites.

- 1.17 On a local level, Policy CM1 of the Core Strategy DPD that development should meet the needs of new and existing communities and deliver a sustainable balance between housing, jobs and social infrastructure, with Policy CM2 further emphasising the specifying housing growth targets of the Borough. Policy BP10 of the Borough Wide DPD further supports this by emphasising the need to optimise suitable sites to help deliver suitable housing for the Borough's high levels of identified housing need.
- 1.18 Policy SP3 of the Draft Local Plan Reg 19 version reiterates the requirement for high quality homes to be supported in achieving the 10-year housing supply targets set out within the adopted London Plan.
- 1.19 The proposed development seeks to demolish the existing public house to erect a four-storey building comprising 20 residential units (Use Class C3) with associated amenities. Officers give regard to the residential context of the surrounding properties and therefore consider the principle of the proposed development to be acceptable, given the contribution to the boroughs overall housing stock.

<b>Dwelling mix and Quality of accommodation:</b>			
<i>Proposed Density u/ph:</i>	200u/ha	<i>Overall % of Affordable Housing:</i>	35%
<i>LP Density Range:</i>	n/a	<i>Comply with London Housing SPG?</i>	Yes
<i>Acceptable Density?</i>	Yes	<i>Appropriate Dwelling Mix?</i>	Yes

*Density*

- 1.20 London Plan policy GG2 promotes higher density development, particularly in locations that are well-connected to jobs, services, infrastructure, and amenities. Policy D2 directs that the density of proposals should consider planned levels of infrastructure and be proportionate to the site's connectivity and accessibility.
- 1.21 Locally, Core Strategy Policy CM1 states that residential development (particularly higher density development) will be focussed in the Key Regeneration Areas, including Barking Town Centre, and on previously developed land in other areas with high PTAL levels. Strategic Policy SP2 of the emerging Local Plan (Regulation 19) promotes high-quality design, optimising a design-led approach to optimising density and site potential by responding positively to local distinctiveness and site context.
- 1.22 Officers note that the updated policy position within the London Plan has moved away from applying density mechanistically. The scheme has been designed to remain in accordance with the surrounding context and sits on a prominent corner of the high road. Officers consider the proposed scheme to reflect a suitable quantum of development in respect of the number of units and the overall built form for this location.

*Dwelling Mix*

- 1.23 The NPPF seeks "to deliver a wide choice of high-quality homes". It recognises "Government attaches great importance to the design of the built environment" and that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people".
- 1.24 London Plan Policy H12 sets out all the issues that applicants and boroughs should take into account when considering the mix of homes on a site. In particular H12C states the following: "Boroughs should not set prescriptive dwelling size mix requirements (in terms of number of bedrooms) for market and intermediate homes."
- 1.25 Similarly, Policy CC1 of the Core Strategy seeks to secure the delivery of a mix and balance of housing types, including a significant increase in family housing. The policy requires major housing developments (10 units or more) to provide a minimum of 40% family accommodation (3-bedroom units or larger). Nevertheless, it should be acknowledged that not all sites are suitable

for family sized accommodation. Emerging Local Plan (at Regulation 19 stage) SP4 also supports the delivery of family accommodation.

1.26 The proposed scheme seeks to provide 20 residential units comprising 7 x 1 bedroom and 13 x 2 bedroom units. Whilst the scheme fails to deliver 3-bedroom units in line with the above policies, officers have taken into consideration the scheme viability, the location within a district centre which is strongly characterised by retail development with smaller sized flats in the floors above. Given the relatively small nature of the proposed development, officers are satisfied in this particular instance that the scheme could potentially be further compromised in viability terms with the inclusion of 3-bedroom units which could reduce the number of units sought on site or the quality of the proposed flats which would not all benefit from adequate private amenity spaced which should be afforded to 3-bedroom units.

1.27 The proposed mix is therefore considered acceptable.

#### *Affordable Housing*

1.28 Chapter 5 of the NPPF requires local authorities to identify affordable housing need and set policies for meeting this need. Paragraph 57 states: "Where up to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available."

1.29 London Plan Policy H4 sets a strategic target for 50% of all new homes to be delivered as genuinely affordable. Specific measures to achieve this aim include:

- Requiring major developments that trigger affordable housing requirements to provide affordable housing through the threshold approach
- Public sector land delivering at least 50% affordable housing on each site.

1.30 The threshold approach, in policy H5 sets out a Fast Track Route, whereby applications do not need to be viability tested, where they:

- Meet or exceed the relevant threshold level of affordable housing on site without public subsidy
- Are consistent with the relevant tenure split in Policy H6
- Meet other relevant policy requirements and obligations to the satisfaction of the borough and Mayor, where relevant.
- Demonstrate that they have taken account of the strategic 50% target in policy H4.

1.31 Policy H6 sets out the tenure split required to meet the Fast-Track Route, which requires a minimum of 30% low cost rented homes, as either London Affordable Rent or Social Rent, a minimum 30% intermediate products which meet the definition of genuinely affordable housing, including London Shared Ownership, and the remaining 40% to be determined by the borough as low cost rented homes or intermediate products.

1.32 The Draft Local Plan (regulation 19 version) policy DMH1 seeks to meet an overarching 50% on-site affordable housing provision, by applying the London Plan threshold approach. The policy seeks to ensure that new developments contribute to the delivery of a range of housing tenures.

1.33 There is an identified need for major development to accord with the above policy expectations in providing affordable housing on site that is at a minimum 35% with an appropriate tenure split. Officers note that the proposed development was submitted with a full viability appraisal document prepared by Glenny LLP, dated June 2020. The submitted report concluded that the proposed development would generate a deficit and would therefore be unable to provide any affordable housing. The document was appraised by BNP Paribas in December 2020 and



concluded that the scheme could not be viably delivered however could potentially provide 20% on site affordable housing as Discount Market rented units as this would not result in a significantly larger deficit. This was subject to the confirmation on a number of presumptions that had been made and additional detail pertaining to the existing use value.

- 1.34 Officers note that the applicant had previously made a commercial decision to make a financial contribution to the council of £100,000. to go towards off site affordable housing. BNP Paribas therefore further considered this and noted that the £100,000 would equate to 30% on site affordable housing. The applicant considered this and made an offer to the council which further exceeded this to provide 7 of the 20 units as DMR which equates to 35%. Officers acknowledge that this would not specifically align with policy aspirations insofar as it does not offer a range of tenures however significant weight is placed upon the scheme which has proven to be unviable without the provision of any affordable housing. The scheme therefore represents a significant increase in what can be considered reasonable. Moreover, the proposed development has made a further financial contribution of £100,000. for the improvement of St Chads Park which would further compromise the viability position of the scheme.
- 1.35 Officers are therefore satisfied that the proposed development represents the maximum affordable housing that can be reasonably provided and is therefore considered acceptable in this instance.

#### *Quality of accommodation*

- 1.36 The MHCLG Technical Housing Standards – nationally described space standard specifies the space standards required for new dwellings. The London Plan, Policy D6 and supporting Housing SPG require new housing development to meet these standards as a minimum and provides further criteria to ensure an acceptable quality of accommodation is provided for users. The Council's Local Plan reiterates the need for housing development to conform to these requirements. The Technical Housing Standards stipulate minimum gross internal floor areas (GIAs) for dwellings/units based on the number of bedrooms, intended occupants and storeys, minimum bedroom sizes of 7.5m<sup>2</sup> for single occupancy and 11.5m<sup>2</sup> for double/twin occupancy, plus further dimension criteria for such spaces. Built in storage is required for all units with minimum sizes depending on the number of bedrooms and occupants, and minimum floor to ceiling heights are stipulated as at least 2.3m for at least 75% of the GIA
- 1.37 Moreover, Policy D6 of the London Plan seeks minimum standards in relation to private internal space and private outdoor space. London Plan Policy D5 seeks to ensure that at least 10 per cent of new build dwellings meet Building Regulation requirement M4(3) 'wheelchair user dwellings' and that all other new build dwellings meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.
- 1.38 The London Housing SPG requires all dwellings to be accompanied by adequate private open space (i.e. outdoor amenity area). Standard 26 of the Housing SPG sets a minimum space requirement of 5 sq. m per 1-2 person dwelling with an extra 1 sq. m for each additional occupant.
- 1.39 Officers note that all of the proposed units exceed the minimum internal space standards prescribed to 1- and 2-bedroom units. Officers note that a small proportion of the units do not benefit from private amenity space; notwithstanding this, it is considered to have been appropriately offset through the provision of generous internal floorspaces and a communal garden to the rear that can only be accessed by the residents of the proposed flats on site. The submitted plans have also indicated that the floor plans would allow efficient use of the internal space without creating undue additional effort, contributing positively to the fitness for purpose of the internal spaces. Furthermore, the stacking of units is generally acceptable and consistent throughout the development.
- 1.40 In line with the abovementioned policies, 10% of units must be designed to be fully wheelchair accessible, adhering to Building Regulations M4(3). All the remaining units must be designed to be fully wheelchair adaptable, adhering to Building Regulations M4(2) officers consider it necessary to recommend a compliance condition to ensure that these units are designed to this standard upon occupation of the residential units.

#### 1.41 Summary

Taking into consideration the above and imposition of relevant conditions. Officers consider the proposed development in respect of the quality of accommodation to be acceptable.

<b>Design and quality of materials:</b>	
<i>Does the proposed development respect the character and appearance of the existing dwelling?</i>	Yes
<i>Does the proposed development respect and accord to the established local character ?</i>	Yes
<i>Is the proposed development acceptable within the street scene or when viewed from public vantage points?</i>	Yes
<i>Is the proposed development acceptable and policy compliant?</i>	Yes

- 1.42 Objective 124 of the NPPF states that “good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”
- 1.43 Objective 125 states “plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable”.
- 1.44 Objective 127 details that planning policies and decisions should aim to ensure that developments:
- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.
  - are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
  - are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
  - optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - create places that are safe, inclusive, and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience
- 1.45 Objective 129 states: “Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. These include workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for Life”
- 1.46 Further, objective 130 states: “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, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used)”
- 1.47 Policy D1 of 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, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan, through appropriate construction

methods and the use of attractive, robust materials which weather and mature well. This is also reiterated in Policy D2 of the London Plan which seeks good design.

- 1.48 Policy D3 outlines the need for development to take a design led approach that optimises the capacity of sites. This accordingly requires consideration of design options to determine the most appropriate forms of development that responds to the sites context and capacity for growth. Proposals should enhance the local context delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance, and shape with due regard to existing and emerging street hierarchy, building types, forms, and proportions.
- 1.49 Policy D4 has regard to securing sufficient level of detail at application stage to ensure clarity over what design has been approved and to avoid future amendments and value engineering resulting in changes that would be detrimental to the design quality.
- 1.50 Policy D5 of the London Plan seeks to deliver an inclusive environment and meet the needs of all Londoners. Development proposals are required to achieve the highest standards of accessible and inclusive design.
- 1.51 Policy D6 considers the importance of achieving and maintaining a high quality of design through the planning process and into delivery stage.
- 1.52 Policy D8 of the London Plan states that development proposals should ensure the public realm is safe, accessible inclusive, attractive, well connected, easy to understand and maintain, and that it relates to the local and historic context. Public realm should be engaging for people of all ages, with opportunities for play and social activities during the daytime, evening and at night as well as maximising the contribution that the public realm makes to encourage active travel. This should include identifying opportunities for the meanwhile use of sites in early phases of development to create temporary public realm.
- 1.53 This is further supported by policy BP11 of the Borough Wide DPD, policy CP3 of the Core Strategy DPD and policy SP4 and DMD1 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
- 1.54 The existing site comprises a two-storey end of terrace property which previously served as a public house. The site is a locally listed building and a non-designated heritage asset. The site surroundings are predominantly mixed use in character with retail development on the ground floor and residential in the floors above which is consistent with the areas designation as a district centre and primary shopping frontage. The properties are generally two storeys with the exception of a three-storey block to the West on the High Road.
- 1.55 Officers note that the proposed development following the demolition of the existing buildings on site would seek to erect a four-storey mixed use building. Given the marginal increase in built form officers consider that the proposed development which sits as a prominent corner plot would remain commensurate to its surroundings in townscape terms. Additionally, whilst the site had community value and historical local significance officers note that during the period of vacancy it has become dilapidated. Given that the site has been unable to come back into use as a traditional pub, the demolition of the local listed building is considered acceptable on balance.
- 1.56 The design of the scheme has taken into consideration the surrounding context and has taken on a less contemporary design insofar as the scheme draws influence from the traditional building design which forms part of the distinct local character. There has been extensive discussion between the applicant on the design of the scheme at pre-application, previous submissions, and the current proposal.
- 1.57 As mentioned in an earlier section of this report London and Local Plan policies seek to reduce crime and create safer neighbourhoods with this being achieved through creating active frontages creating natural surveillance and effectively designing out crime. Officers have imposed a condition requiring the scheme to adhere to secured by design principles prior to first occupation of the development to accord with the abovementioned policies
- 1.58 The proposed development in design terms is considered acceptable subject to the imposition of relevant conditions requiring details of materials, landscaping and boundary details to be

submitted prior to the commencement of the development. This is to ensure that the finished external appearance of the scheme is of a high quality.

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

- 1.59 NPPF Objective 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 noise pollution.
- 1.60 Policy D1 of the London Plan states that development design should deliver appropriate outlook, privacy and amenity. Policy D14 of the London Plan seeks to reduce, manage and mitigate noise to improve health and quality of life
- 1.61 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, comings and goings and/ or lighting during construction and occupation. This is supported by policies DM11, DM16 and DM25 of the Draft Local Plan.
- 1.62 In relation to standards for privacy, daylight and sunlight the London Plan Housing SPG states that “An appropriate degree of flexibility needs to be applied when using BRE guidelines to assess the daylight and sunlight impacts of new development on surrounding properties, as well as within new developments themselves. Guidelines should be applied sensitively to higher density development, especially in opportunity areas, town centres, large sites and accessible locations, where BRE advice suggests considering the use of alternative targets. This should take into account local circumstances; the need to optimise housing capacity; and scope for the character and form of an area to change over time. The degree of harm on adjacent properties and the daylight targets within a proposed scheme should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London. Decision makers should recognise that fully optimising housing potential on large sites may necessitate standards which depart from those presently experienced, but which still achieve satisfactory levels of residential amenity and avoid unacceptable harm.”
- 1.63 A comprehensive daylight and sunlight report has been submitted produced by Avison Young. The report has indicated that the loss of daylight and sunlight would be within acceptable parameters when considering Vertical Sky Component (VSC), Average Daylight Factor, Annual Probable Sunlight Hours and No skyline
- 1.64 Given the change in the use and the scale of the development within an urban setting it is reasonable to assume that there will be potential for perception of loss of privacy and outlook will to those existing residential occupiers who neighbour the site. As aforementioned, the existing site does not currently comprise any active residential uses. Furthermore, noting the increase in height and built form from the existing form. Officers consider the separation distances between the application site and the neighbouring properties to be generous enough to safeguard the amenity of the surrounding properties.
- 1.65 The proposed development would be considered to be a significant intensification of uses at the application site given the large increase in residential units. This would in-turn result in the increase of comings and goings from the dwellings and by visitors into the commercial units on the ground floor of the site. Notwithstanding this, having regard to the local context officers consider that the proposed development would generally remain commensurate to the nature of the district centre which has a high volume of pedestrian and vehicular movements resulting in noise pollution. Noting this, a scheme of acoustic protection has been recommended by Environmental Health to protect the amenity of the future occupants.
- 1.66 Further regard has been given to the construction phase of the development which would give rise to additional noise. It is noted that the construction phase of the development would be temporary and would not be a permanent contributor of noise to the surrounding properties. Furthermore, officers have recommended a robust demolition and construction management plan shall be required to be submitted by way of a condition. Officers note that this must be submitted and agreed by the Local Planning Authority prior to any above ground works being carried out. This is to ensure that the method of demolition and construction is agreed and would be designed

to minimise the potential risk of adverse impacts to any of the surrounding neighbouring properties. Additionally, officers have recommended a compliance condition controlling hours of construction given that there are existing residential properties within proximity to the development site. As such, the construction hours shall be limited to: 08:00 and must finish no later than 18:30 Monday to Friday and 09:00 – 13:00 on Saturdays with no construction works taking place on Sundays or public holidays.

- 1.67 Policy SI1 of the London Plan also states that all development should be air quality neutral as a minimum. The Air quality report has been considered by officers and is acceptable in aligning with the above policy.

<b>Sustainable Transport:</b>			
<i>Net gain/loss in car parking spaces:</i>	n/a	<i>PTAL Rating</i>	4
<i>Proposed number of cycle parking spaces:</i>	Minimum of 37	<i>Closest Rail Station / Distance (m)</i>	440m/ Chadwell Heath
<i>Restricted Parking Zone:</i>	Controlled parking outside of site	<i>Parking stress survey submitted?</i>	Yes

- 1.68 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.
- 1.69 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.
- 1.70 Core Strategy policy CR1 promotes the use of sustainable transport to assist in addressing the causes and potential impacts of climate change. 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. Emerging policy DMM1 confirms that the Council may use planning obligations to address a development’s impacts and to ensure it aligns with the development plan for the borough, including highways works or payments towards addressing any impacts as a result of the development and other transport requirements arising from transport assessments and travel plans.
- 1.71 The development has been proposed as a car parking free development with the exception of two disabled car parking bays on site which would achieve a 10% level of blue badge parking. It is noted that these two bays are proposed to have electric vehicle charging points. Officers consider this to be acceptable and appropriate heads of terms and conditions shall be included in this regard to secure these details.
- 1.72 The transport assessment and submitted plans have indicated a secure cycle storage area; notwithstanding this however, officers have recommended a condition requiring full details of these to be provided prior to the commencement of the proposed development and to be completed in full prior to the occupation of the residential or commercial units.
- 1.73 A Demolition and Construction Management has been recommended by way of a condition requiring various logistical matters pertaining to the demolition and construction phase of the development. This is to be submitted for approval and subsequent implementation. A detailed condition is recommended to secure as such. Adherence to such condition will ensure there will be no unacceptable impacts upon the safe and efficient operation of the surrounding highways or quality of the public realm and neighbouring amenity during the development phase.

*Summary*

- 1.74 Officers therefore consider the proposed development with respect to transport matters to be considered acceptable.

**Employment:**

- 1.75 The proposed development will also contribute to employment for residents within the borough. Officer will secure an Employment, Skills and Suppliers Plan ensuring that reasonable endeavours are undertaken to ensure a minimum of 25% of labour and suppliers required for the construction of the development are drawn from within the Borough, to maximise opportunities for residents and businesses.
- 1.76 It is therefore considered that the proposal accords London Plan policies GG1, GG4, H4 and Emerging Local Plan Policies SPDG1 and Policy SP4 with regards to affordable housing and building inclusive communities.

**Waste management:**

- 1.77 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.
- 1.78 The proposed plans have indicated the area dedicated for refuse. Officers consider it necessary to include a condition requiring a full strategy for waste storage which demonstrates an acceptable strategy for both the commercial and residential properties. This should be submitted prior to the commencement and implemented in full prior to the first occupation.

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

<i>BREEAM Rating</i>	<b>Excellent</b>
<i>Renewable Energy Source / %</i>	<b>PV Panels</b>
<i>Proposed CO<sub>2</sub> Reduction</i>	<b>67%</b>

- 1.79 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.
- 1.80 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. Policy SI states that major development proposals within Heat Network Priority Areas should have a low-temperature heating system. Policy SI4 sets policies to minimise adverse impacts on the urban heat island and requires major development proposals to demonstrate through an energy strategic how they will reduce potential for internal overheating, following a cooling hierarchy.
- 1.81 Policy CR1 of the Core Strategy sets out measures to address the causes and potential impacts of climate change, requiring all new development to meet high environmental buildings standards and encourage low and zero carbon developments. 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. The policy also prioritises decentralised energy and sets an expectation for development proposals to connect to any existing or planned low carbon district energy networks.
- 1.82 Section 43 of the Deregulation Act 2015 outlines that development consisting of the construction or alteration of buildings to provide dwellings, or the carrying out of any work on dwellings should

be designed and completed in accordance with the energy efficiency requirements outlined within building regulations.

- 1.83 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.
- 1.84 The initial emissions reduction has been calculated at 67% which would be in excess of the 35% baseline set for non-residential major development. As outlined above however there is a requirement for domestic development of this nature to achieve a zero-carbon target. Where these emissions targets cannot be met on-site the London Plan states any shortfall should be provided off-site or through a cash-in-lieu contribution which is used to secure carbon dioxide savings elsewhere. The report accompanying the planning application calculates the application scheme will need an offset payment of £42,997. This would be calculated as followed: £95 (price per tonne) x 452.6 (tonnes over a 30-year period).
- 1.85 The above financial contribution will be included as part of the application's section 106 heads of terms. A condition will also be included for the passive and renewable energy savings measures in the Energy & Sustainability Statement to be implemented prior to the development being occupied.
- 1.86 Subject to suitable conditions and S106 Heads of Terms to safeguard the above measures, the proposal is considered satisfactory in terms of sustainability and energy matters and in compliance with the aforementioned policies.

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

##### *Biodiversity*

- 1.87 Policy G6 of the London Plan require new developments to make a positive contribution to the protection, enhancement, creation, and management of biodiversity wherever possible. Policies CR2 and BR3 of the Core Strategy and Borough Wide policies echo the London Plan in its strategic approach to protect and enhance biodiversity and to provide a net gain in the quality and quantity of the Borough's natural environment. This approach is also set out in Policy SP6 of the emerging local plan (Reg 19 stage)
- 1.88 Officers note given the urban context of the site that there is very little vegetation on site or in the surrounding street scene. Officers acknowledge the consultation response from the arboriculture officer outlining the need for street trees and greening. Officers consider that a further financial contribution would further compromise the viability position. The applicant has increased planting at the site within the rear communal garden and a condition requiring landscaping plans to be submitted prior to the commencement of the proposed development.

##### *Drainage*

- 1.89 Policy SI12 of the London Plan states that development should utilise sustainable urban drainage systems (Suds') unless there are practical reasons for not doing so and should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible in line with the drainage hierarchy set out within this policy. The policy aspirations are also reiterated at local level by Policies CR4 and BR4 of the Core Strategy and Borough Wide Policies and Policy DMSI6 of the emerging Local plan (Reg 19 stage).
- 1.90 A drainage strategy/flood risk assessment has been submitted as part of the application. The main design principals and proposals as set out in this document have been accepted by officers. Officers have recommended a condition requiring an approved detailed drainage design to be provided prior to commencement of construction work on site and this will be secured by condition. Also, an additional condition to secure that the surface water drainage works shall be carried out and the sustainable urban drainage system shall thereafter be managed and maintained in accordance with the agreed management and maintenance plan shall be added.

**Conclusions:**

In recommending to grant planning permission, Officers have found the proposal to be acceptable following careful consideration of the relevant provisions of the National Planning Policy Framework, the Development Plan and all other relevant material considerations. Officers are satisfied that any potential material harm in terms of the impact of the proposal on the surrounding area would reasonably be mitigated through compliance with the listed conditions and associated legal agreement



## 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 (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 SD1 Opportunity Areas  
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 D6 Housing quality and standards  
Policy D7 Accessible housing  
Policy D8 Public realm  
Policy D9 Tall buildings  
Policy D11 Safety, security and resilience to emergency  
Policy D12 Fire safety  
Policy D13 Agent of Change  
Policy D14 Noise  
Policy H1 Increasing housing supply  
Policy H4 Delivering affordable housing  
Policy H5 Threshold approach to applications  
Policy H6 Affordable housing tenure  
Policy H7 Monitoring of affordable housing  
Policy H9 Ensuring the best use of stock  
Policy H10 Housing size mix  
Policy S1 Developing London's social infrastructure  
Policy S2 Health and social care facilities  
Policy S3 Education and childcare facilities  
Policy S4 Play and informal recreation  
Policy E1 Offices  
Policy E2 Providing suitable business space  
Policy E11 Skills and opportunities for all  
Policy HC1 Heritage conservation and growth  
Policy HC3 Strategic and Local Views  
Policy HC4 London View Management Framework  
Policy HC6 Supporting the night-time economy  
Policy E9 Retail, markets and hot food takeaways  
Policy G1 Green infrastructure  
Policy G4 Open space  
Policy G5 Urban greening  
Policy G6 Biodiversity and access to nature  
Policy G7 Trees and woodlands

	<p>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 6 Digital connectivity 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 SI 14 Waterways – strategic role  Policy SI 15 Water transport  Policy SI 16 Waterways – use and enjoyment  Policy SI 17 Protecting and enhancing London’s waterways  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 T6.1 Residential parking  Policy T6.5 Non-residential disabled persons parking  Policy T7 Deliveries, servicing and construction  Policy T9 Funding transport infrastructure through planning  Policy DF1 Delivery of the Plan and Planning Obligations</p>
<p><i>Local Development Framework (LDF) Core Strategy (July 2010)</i></p>	<p>Policy CM1: General Principles for Development  Policy CM2: Managing Housing Growth  Policy CM4: Transport Links  Policy CM5: Town Centre Hierarchy  Policy CR1: Climate Change and Environmental Management  Policy CR2: Preserving and Enhancing the Natural Environment.  Policy CR3: Sustainable Waste Management  Policy CR4: Flood Management  Policy CC1: Family Housing  Policy CC2: Social Infrastructure to Meet Community Needs  Policy CC3: Achieving Community Benefits through Developer Contributions  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 BR7: Open Space (Quality and Quantity)  Policy BR9: Parking  Policy BR10: Sustainable Transport  Policy BR11: Walking and Cycling</p>

	<p>Policy BR13: Noise Mitigation  Policy BR14: Air Quality  Policy BR15: Sustainable Waste Management  Policy BC1: Delivering Affordable Housing  Policy BC2: Accessible and Adaptable Housing  Policy BC7: Crime Prevention  Policy BC8: Mixed Use Development  Policy BC10: The Health Impacts of Development  Policy BC11: Utilities  Policy BE1: Protection of Retail Uses  Policy BE3: Retail Outside or on the Edge of Town Centres  Policy BE4: Managing the Evening Economy  Policy BP2: Conservation Areas and Listed Buildings  Policy BP3: Archaeology  Policy BP4: Tall Buildings  Policy BP5: External Amenity Space  Policy BP6: Internal Space Standards  Policy BP8: Protecting Residential Amenity  Policy BP10: Housing Density  Policy BP11: Urban Design</p>
<p><i>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 2: Tall buildings  Policy DMD 3: Development in town centres  Policy DMD 4: Heritage assets and archaeological remains  Strategic Policy SP 3: Delivering homes that meet peoples’ needs  Policy DMH 1: Affordable housing  Policy DMH 2: Housing mix  Strategic Policy SP 4: Delivering social and cultural infrastructure facilities in the right locations  Policy DMS1 – Protecting and enhancing existing facilities.  Policy DMS3 – Public Houses  Policy DME 5: Evening Economy  Policy DME 3: Encouraging vibrant, resilient, and characterful town centres  Policy SP6: Green and blue infrastructure  Policy DMNE 1: Parks, open spaces and play space  Policy DMNE 2: Urban greening  Policy DMNE 3: Nature conservation and biodiversity  Policy DMNE 4: Water Environment  Policy DMNE 5: Trees  Strategic Policy SP7: Securing a clean, green and sustainable borough  Policy DMSI 1: Sustainable design and construction</p>

	<p>Policy DMSI 2: Energy, heat and carbon emissions</p> <p>Policy DMSI 3: Nuisance</p> <p>Policy DMSI 4: Air quality</p> <p>Policy DMSI 5: Land contamination</p> <p>Policy DMSI 6: Flood risk and defences</p> <p>Policy DMSI 7: Water management</p> <p>Policy DMSI 9: Demolition, construction and operational waste</p> <p>Policy DMSI 10: Smart Utilities</p> <p>Strategic Policy SP8: Planning for integrated and sustainable transport</p> <p>Policy DMT 1: Making better connected neighbourhoods</p> <p>Policy DMT 2: Car parking</p> <p>Policy DMT 3: Cycle parking</p> <p>Policy DMT 4: Deliveries, servicing and construction</p> <p>Strategic Policy SP 9: Managing development</p> <p>Policy DMM 1: Planning obligations (Section 106)</p>
<i>Supplementary Planning Documents</i>	<p>DCLG Technical Housing Standards (nationally described space standard) (DCLG, March 2015) (as amended)</p> <p>Housing Supplementary Planning Guidance (2017)</p> <p>Accessible London: Achieving an Inclusive Environment (2014)</p> <p>Affordable Housing and Viability (2017)</p> <p>Character and Context (2014)</p> <p>Housing (2016)</p> <p>Sustainable Design and Construction (2014)</p> <p>Last Orders Public House SPG (2014)</p>

**Additional Reference:**

*Human Rights Act*

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

*Equalities*

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

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

**Appendix 2:**

<b>Relevant Planning History:</b>			
<i>Application Number:</i>	20/00044/PRE	<i>Status:</i>	Issued
<i>Description:</i>	Pre application meeting request: Revised submission for mixed use redevelopment of the site following a previous withdrawal		
<i>Application Number:</i>	18/00813/FUL	<i>Status:</i>	Refused
<i>Description:</i>	Demolition of existing public house and erection of part 3/part 4 storey building, comprising 6 one bedroom and 13 two-bedroom flats on upper floors, and 4 commercial units on ground floor within Use Classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), and A4 (drinking establishments) and associated access, parking and landscaped roof terraces.		
<b>Enforcement Case:</b>	17/00248/NOPERM	<i>Status:</i>	Closed
<i>Alleged breach:</i>	Alleged Change Of Use Of Pub To furniture shop		
<b>Enforcement Case:</b>	18/00235/NOPERM	<i>Status:</i>	Closed
<i>Alleged breach:</i>	Alleged use of first floor flat as HMO		

### Appendix 3:

The following consultations have been undertaken:

- Infrastructure Deliver Manager LBB
- Cllr Amardeep Singh Jamu (Whalebone)
- Cllr Andrew Achilleos (Whalebone)
- Environmental Health and Trading Standards (Noise, Fumes etc)
- LBB District Heating / Energy
- LBB Lead Local Flood Authority
- LBB Transport
- LBB Access Officer
- Trees (LBB)
- Designing Out Crime
- LBB Contaminated Land
- Archaeology
- Transport for London
- LBB Policy
- Historic England
- London Borough of Redbridge
- Environment Agency
- Thames Water
- National Grid
- NHS

<b>Summary of Consultation responses:</b>		
<b>Consultee and date received</b>	<b>Summary of Comments</b>	<b>Officer Comments</b>
LBB – Access	<ul style="list-style-type: none"><li>• No objection comments recommended in respect of accessibility</li></ul>	The comments provided have been noted.
LBB Environmental Health	<ul style="list-style-type: none"><li>• No objection subject to conditions relating to control any loss of amenity.</li></ul>	Noted. Conditions have been recommended accordingly
Transport for London	<ul style="list-style-type: none"><li>• No objection subject to conditions and heads of terms relating to :<ul style="list-style-type: none"><li>- Car free development</li><li>- Demolition and Construction</li><li>- Delivery and servicing</li></ul></li></ul>	Noted. Discussed in the relevant sections of the report. Conditions and heads of terms included.
Urban Design	<ul style="list-style-type: none"><li>• Acknowledgement of the improvements to the design as part of this proposal. The</li></ul>	Officers have recommended appropriate conditions in relation to the response on urban design. Further amendments were

	detailing and materiality should be secured by way of conditions.	received during the course of the application to address the minor concerns raised by the urban design officer and are considered acceptable.
Metropolitan Police – Secured by Design	<ul style="list-style-type: none"> <li>• No objection subject to conditions</li> </ul>	compliance conditions have been secured in relation to secured by design standards.
Thames Water	<ul style="list-style-type: none"> <li>- No objection subject to the imposition of conditions</li> </ul>	Noted. Discussed in the relevant sections of the report. Conditions included.
NHS	<ul style="list-style-type: none"> <li>• Increase In occupants would require a financial contribution of £19,352.</li> </ul>	The comments are noted. The scheme is not considered economically viable and has made a significant payment towards the local park and delivering on site affordable housing. Officers consider given the modest scale of the development this has not been requested. It is noted that the scheme is CIL chargeable and there is some potential for these monies to serve the community.
LBBB Arboriculture	<ul style="list-style-type: none"> <li>• No objection however recommended for on street planting or contribution to go towards this.</li> </ul>	Noted and reviewed in the relevant section of the report.
LFB	<ul style="list-style-type: none"> <li>• No objection.</li> </ul>	Noted

**Appendix 4:**

<b>Neighbour Notification:</b>	
<b>Date of Press Advertisement:</b>	1 <sup>st</sup> October 2020
<b>Number of neighbouring properties consulted:</b>	635
<b>Number of responses:</b>	2
<b>Address:</b>	<b>Summary of response:</b>
<i>Complete as required</i>	<p>I say no to the demolition of the existing public house and the construction of a 4 storey monstrosity of flats in an already over crowded area. You have no regard of peoples well being in this area. How about a green space with a coffee shop. You have not seen the horrible building of 5 flats behind my house. It is disgusting and they work regardless of what day it is.</p> <p>I have attached a photo of what is happening in my back lane. I am suffering from depression and i have no peace in my house since the work has started in back lane for these flats.</p>
<i>14 Arundel Gardens</i>	<p>I am writing on behalf of many local residents including the Barking and Dagenham Heritage Conservation Group to state that we are all firmly opposed to these plans for 20 residential units of 4 storeys on this location because they are far too excessive for the site for numerous public health, safety, social as well as heritage and other environmental planning reasons considering the fact that Chadwell Heath is already a congested neighbourhood without having more flats built here which are often usually unaffordable for many local Barking and Dagenham residents anyway.</p> <p>Also another crucial factor in these objections that we have regarding this scheme is that it will involve the demolition of a former public house that was a valuable asset to this community bearing in mind the fact that the Barking and Dagenham Council are actually committed to preserving these venues in planning policy terms.</p> <p>This part of our borough is currently suffering from more than enough housing developments as well as a loss of both social and leisure facilities already which is putting a huge strain on local transport, health, education as well as our police services here. The sheer amount of all this housing is also having an adverse effect on local air pollution levels as well.</p>



With our current coronavirus pandemic that has proved residents are in greater danger of contracting the virus if they live within areas of high density housing as well as with great levels of air pollution and also in properties which have a lack of close access to open green spaces as well.

Therefore all planners whether private or public and local councils ought to be completely more aware of the overall public health, social and environmental impacts of these housing plans on the residents living within or close to them.

**Officer Summary:**

Officers note receipt of the objections listed above. The material planning considerations are addressed within the planning assessment.

## Appendix 5:

### Conditions & Informatives:

#### Conditions:

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

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

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

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

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

- Drawing Title : Proposed Site Plan – Drawing Number : 3703\_PL05 – Dated : September 2020
- Drawing Title : Proposed Ground Floor Plan – Drawing Number : 3703\_PL06A – Dated : November 2020
- Drawing Title : Proposed First Floor Plan – Drawing Number : 3703\_PL07 – Dated : September 2020
- Drawing Title: Proposed Second Floor Plan – Drawing Number: 3703\_PL08 – Dated : September 2020
- Drawing Title: Proposed Third Floor Plan – Drawing Number: 3703\_PL09A – Dated : November 2020
- Drawing Title: Proposed Roof Plan- New Build 4 Storeys – Drawing Number: 3703\_PL09A – Dated : November 2020
- Drawing Title : Proposed Elevations – 1 of 2 – Drawing Number : 3703\_PL11A – Dated : November 2020
- Drawing Title : Proposed Elevations – 2 of 2 – Drawing Number : 3703\_PL12 – Dated : September 2020

#### Documentation

- Sustainability and Energy Statement – Dated : September 2020 – Produced by : Greenbox Associates

No other drawings or documents apply.

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

#### **Prior to all works/commencement Conditions**

##### 3. Archaeology (WSI)

No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with

the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

- A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- B. Where appropriate, details of a programme for delivering related positive public benefits.
- C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

*Reason: Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation followed by the subsequent recording of significant remains prior to development (including preservation of important remains), in accordance with recommendations given by the borough and in the NPPF.*

#### **4. Historical Analysis**

*No demolition or remediation shall take place until the applicant has secured the implementation of a programme of recording and historic analysis, which considers social history, building structure, architectural detail and archaeological evidence. This shall be undertaken in accordance with a written scheme of investigation submitted by the applicant and approved by the local planning authority.*

*Reason: Important structural remains are present on the site. Accordingly the planning authority wishes to secure the provision of historic building recording prior to development, in accordance with Historic England guidance.*

#### **5. Scheme of Acoustic Protection**

Prior to commencement of the development full details of a scheme of acoustic protection of habitable rooms against noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme of acoustic protection shall be sufficient to secure internal noise levels no greater than:

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

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

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

#### **6. Contaminated Land**

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*

## **7. Construction Management**

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

- a) construction traffic management;
- b) the parking of vehicles of site operatives and visitors;

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

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

Demolition and construction work and associated activities, other than internal works not audible outside the site boundary, are only to be carried out between the hours of 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 Saturday, with no work on Sundays or public holidays without the prior written permission of the Local Planning Authority. Any works which are associated with the generation of ground borne vibration are only to be carried out between the hours of 08:00 and 18:00 Monday to Friday.

Demolition and construction work and associated activities are to be carried out in accordance with the recommendations contained within British Standard 5228:2009, "Code of practice for noise and vibration control on construction and open sites", Parts 1 and 2.

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

*significant remains prior to development (including preservation of important remains), in accordance with recommendations given by the borough and in the NPPF*

## **8. Drainage Scheme**

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

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

## **9. Waste Management Plan**

Prior to commencement of any works a detailed waste management Plan shall be submitted and approved in writing by the Local Planning Authority. Upon approval, the waste management plan shall be implemented in full prior to the first occupation of the residential or commercial units.

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

***Prior to above ground works***

## **10. Materials and Balcony Details**

Prior to the commencement of any above ground works details of all balconies and all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials and balcony details. Minor amendments may be agreed in writing from time to time by the Local Planning Authority.

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

## **11. Hard/Soft Landscaping Details**

Prior to the commencement of any above ground works detailed soft and hard landscaping strategies must be submitted and approved in writing by the Local Planning Authority.

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

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

## **12. Noise Insulation of Party Construction**

No above ground new development shall commence until a scheme of noise insulation of party construction between the residential units and the non-residential uses has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the first occupation of the non-residential / residential unit(s) to which it relates.

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

***Prior to first occupation and/or use Conditions***

## **13. Cycle Parking Implementation**

Prior to the first occupation of the development the applicant makes the necessary provisions for cycle parking provision in accordance with the London Plan to determine an appropriate levels of cycle parking which should be to the minimum standards set out, secure and well-located. 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.*

#### **14. Car Parking Implementation**

The car parking areas shown on drawing 3703\_06A shall be constructed and marked out prior to the first occupation of the development and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose. The parking spaces should be clearly delineated with raised kerbs to avoid encroachment on surrounding footpaths and damage to trees. The blue badge car parking spaces shall be constructed and marked out prior to the first occupation of the development as accessible parking bays (to be clearly marked with a British Standard disabled symbol).

*Reason: To ensure that sufficient off-street parking areas are provided and not to prejudice the free flow of traffic or conditions of general safety along the adjoining highway, to ensure and promote easier access for disabled persons*

#### **15. Details of Any Commercial Kitchen Extract Ventilation System**

Prior to occupation of any non-residential unit 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*

#### **16. Crime Prevention Scheme**

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

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

#### **17. Renewable Energy Infrastructure**

The development hereby permitted will ensure the renewable energy infrastructure will be carried out in accordance to document Energy Statement by Greenbox Design Ltd Dated: September 2020 delivering a 67% reduction in site wide CO2 emissions. A verification report must be submitted in writing and approved by the Local Planning Authority and implemented in full prior to first occupation of the dwellings.

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

## **Monitoring & Management Conditions**

### **18. M4(2) – Accessible Units**

Building Regulations M4(2) 90% of the residential units hereby approved shall conform to the requirements of Category M4(2) ['Accessible and Adaptable Dwellings'] of Schedule 1 to the Building Regulations 2010 (HM Government 2015).

*Reason: To ensure the accessibility of the residential dwellings hereby approved.*

### **19. M4(3) – Accessible Units**

Building Regulations M4(3) 10% of the residential units hereby approved shall conform to the requirements of Category M4(2) ['Accessible and Adaptable Dwellings'] of Schedule 1 to the Building Regulations 2010 (HM Government 2015).

*Reason: To ensure the accessibility of the residential dwellings hereby approved.*

### **20. Restricted Uses**

The proposed commercial units on the ground floor plan shall be used for no other purpose within Class E (for uses as retail, café or office space) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

*Reason: To safeguard the use hereby permitted and to satisfactorily protect the amenities of adjoining properties.*

## **Informatives:**

### **Working with the applicant**

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.



## **Appendix 6:**

### **s.106 Proposed Heads of Terms:**

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

#### **Administrative:**

1. Payment of the Council's professional and legal costs, whether or not the deed completes;
2. Payment of £2000 in monitoring and implementing the Section 106 and payable on completion of the deed; and,
3. Indexing – all payments are to be index linked from the date of the decision to grant planning permission to the date on which payment is made, using BCIS index.

#### **Affordable Housing:**

Provision of on-site affordable housing offer at 35% on a unit basis, comprising 7 Discount Market Rented Units (DMR):

- 7 x Discount Market Rented units as numbered Flats 1, 2, 5, 8, 9, 15 and 16

#### **Transport**

- Car Parking permit free development. with a commitment to provide two-year free car club membership to all residents.

#### **Employment and Skills**

- Secure an Employment, Skills and Suppliers Plan 6 months prior to commencement of development ensuring that a minimum of 25% of labour and suppliers required for the construction of the development are drawn from within the Borough, to maximise opportunities for residents and businesses

#### **Sustainability**

- The development shall achieve a minimum 67% reduction in carbon dioxide emissions over Part L of the Building Regulations 2013 (when applying updated SAP 10 emission factors) through on-site provision, and a monetary contribution of up to £42,997. shall be made to the Local Authority's carbon offset fund to offset the remaining carbon emissions to net zero-carbon.

#### **Park contribution**

- A sum of £100,000 to be paid and to go towards children's play space and associated improvements at St Chads Park.