

MINUTES OF PLANNING COMMITTEE

Monday, 22 March 2021
(6:00 - 8:50 pm)

Present: Cllr Muhammad Saleem (Chair), Cllr John Dulwich (Deputy Chair), Cllr Sanchia Alasia, Cllr Faruk Choudhury, Cllr Cameron Geddes, Cllr Mohammed Khan, Cllr Foyzur Rahman and Cllr Dominic Twomey.

Also Present: Councillor Darren Rodwell

Apologies: Cllr Irma Freeborn

41. Declaration of Members' Interests

The Chair declared an interest in agenda item 11 (The Sienna Building, Victoria Road, Barking) and therefore stood down as the Chair for the item and took no part in the discussions and did not vote on the application.

42. Minutes (16 February 2021)

The minutes of the meeting held on 16 February 2021 were confirmed as correct.

43. Minutes of the Planning Performance & Review Sub-Committee (16 February 2021)

The minutes of the Planning Performance & Review Sub-Committee were noted. A full report detailing the Sub-Committee's findings from the evaluation of a random sample of delegated planning decisions will be presented to the Planning Committee for information in April 2021.

44. Minutes of the Planning Visiting Sub-Committee (12 March 2021)

The minutes of the Visiting Sub-Committee held on 12 March 2021 were noted, the views and conclusions from which were taken into account as part of the Committee's consideration of the planning application for a residential development at Fels Farm, referred to under minute 49.

45. City of London Markets- Former Barking Power Station Site, Chequers Lane, Dagenham- 20/01907/OUTALL

The Principal Development Management Officer (PDMO) introduced a report on an application from the City of London Corporation (COLC) seeking an outline planning permission (with all matters reserved) on the former Barking Power Station Site at Chequers Lane, Dagenham for the demolition of remaining buildings and structures; and development of a consolidated wholesale market (including market spaces, logistics, distribution, food

preparation areas, storage and ancillary uses), together with associated circulation and service floorspace, parking and landscaping.

The Committee also received a supplementary report linked to the application concerning a financial contribution from COLC towards the upgrading of the strategic transport network (A13), should the application be approved.

In addition to internal and internal consultations, a total of 267 letters were sent on three separate dates to neighbouring properties together with the requisite site and press notices. A total of seven representations were received of which four objected, two supported and one was neutral to the proposed development. Officer comments on the responses to the consultation were contained in the planning assessment detailed in the report. In addition, one of the objectors submitted further written representations that were circulated prior to the meeting, the content of which was assessed by the PDMO and commented on verbally at the meeting.

The PDMO in summarising the key issues associated with the application stated that when considered in its entirety the proposed development was considered acceptable in land use terms. Through the construction and operational phases, it would create substantial employment and regenerative benefits to the borough including educational opportunities linked to the Council's development aspirations for the Dagenham Dock area, all of which would be secured through a Section 106 agreement. Further contributions had been secured in relation to wider placemaking set out in a proposed masterplan including public realm enhancements and improvements to the local cycle network.

It was acknowledged that the scheme would bring substantial vehicular traffic to the local network and along the A13, but that through discussions with Planning and Highways officers and with TfL and neighbouring businesses the PDMO was confident that an agreed package of transport improvements including a £2m financial contribution towards wider improvements to the A13 would mitigate against the negative traffic impacts. Likewise, although the proposed parking levels exceeded the standards set down in both the Local and London Plans policies, it was felt that on balance this was justified due to the unique use and the planned measures secured through the S106 obligations to encourage a reduction in parking over time.

Given the scale of the development strong and valid concerns had been expressed as to the impacts on existing businesses, although officers were confident these impacts would be suitably mitigated as far as possible at this stage through a combination of conditional measures similarly secured through the S106 agreement, Furthermore the submission of a Travel Plan and the appointment of a Travel Plan Coordinator to engage with local stakeholders through an appointed Steering Group would promote wider sustainable travel benefits across the site as well as keeping local businesses informed and involved.

An Energy Strategy submitted with the application demonstrated that the proposals would sufficiently reduce carbon dioxide emissions with any off set to be secured through the S106 agreement. Finally, there were no adverse heritage impacts associated with the development.

Officers concluded that when considered as a whole the proposed development accords with the statutory Development Plan, the London Plan and emerging Local Plan, and on the basis of all other material considerations outlined in the report, it was recommended that outline planning permission be granted.

David Slater and Adam Bassant, representing Hovis, one of the objectors, spoke at the meeting. Whilst Hovis were not opposed to the markets' development there were a number of transport related concerns which in summary were:

- Given that the proposed site was 4 x larger than the existing three market site, the forecasted traffic volumes associated with the development were predicted to be less, with no explanation as to the lower forecast, which in Hovis opinion had been significantly underestimated.
- The pattern of traffic movements between the Hovis operations and that of the markets were similar with the majority between 12.30 and 5.30am. The planning application stated that there would be a 7am enforced closure of the markets to alleviate traffic congestion on the A13 during the morning rush hour. The traffic assessment had suggested that at the peak times there would be a vehicle movement in Chequers Lane every 5 seconds, making it difficult for lorries to exit the Hovis site onto Chequers Lane.
- Despite the offer of modifications, the proposed junction design and signalling arrangements at Chequers Lane/Choats Road would not work for Hovis, as it would make it difficult for HGV's to exit the site as well as representing a safety hazard for pedestrians and cyclists, there being no road safety audit in the outline application. Possible alternative traffic management solutions for the junction were outlined.

Concluding the objections Hovis representatives were strongly of the view that approving the application as presented and relying on finalising the details through reserved matters was not sufficient nor appropriate given the scale of the development, and its effects on the locality. They urged the Committee to defer consideration of the outline application to allow officers more time to scrutinise the traffic assumptions and subsequent mitigation arrangements, and for the development of a workable safe junction design that would enable Hovis to maintain access and thereby protect the long-term viability of their site.

The PDMO commented on the suggestion of a deferment and stated that this application had already been delayed for a number of months due to officer concerns regarding traffic modelling, transport and other matters, to a point where officers were now satisfied that the development as proposed had been

appropriately mitigated against. He referenced in particular condition 21 of the conditions set out in Appendix 6 of the report concerning a scheme of highways works which included proposed works to the junction which formed part of the reserved matters, and which would require submission and approval by the local planning authority before the application could proceed.

He added that if the junction proposals did not work for Hovis it would not work for the market operators or any other businesses in the locality. This point was echoed by Members who whilst concerned to hear that Hovis did not think that there had been sufficient dialogue with officers, were hopeful and encouraged that as an outline application with matters reserved there would be workable solutions to the transport issues for all concerned.

Further questions were raised by Members and responded to by officers which in summary were:

- *The report referenced that the applicant was obligated through the Heads of Terms to work with the Council's Enterprise and Employment team to encourage traders to support the creation of job opportunities for local residents and in doing so ensure that up to 80% of the net additional FTE jobs generated by the development would be secured by local residents, and that all vacancies would be advertised exclusively to local residents up to 10 days before being advertised more widely. How was that figure arrived at, and would it be possible to push for a longer period, notwithstanding employment rules etc?*

The PDMO explained that this figure was a target rather than a requirement given that to start with as part of the relocation of the markets, the operators would want to transfer existing staff but that the Council would be confident through the end user obligations of securing additional employment opportunities for residents. As for the 10-day period this was a standard lead in time proposed by the Council's Enterprise and Employment team to enable them preparation time to encourage local take up of vacancies, albeit local residents would be free to apply beyond that time.

- *Given the significant activity that this development would create in the area and its surrounds, what would be the Council's aspirations for developing a night-time economy?*

In response the PDMO stated that the development would generate significant associated regenerative benefits. He was aware that New Spitifields market had a number of ancillary business linked to its operations, and which may seek to relocate to the area in time. This would of course require the submission of separate planning applications, each of which would need to be considered on their own merits and seeing the likely transport requirements and implications of such activities, no further commitments were being given at this stage.

- *How is it envisaged that this development would work with the planned Freeport, designated in this area?*

Whilst the Freeport discussions and its parameters were at a very early stage it was imperative that this application linked to the wider development aspects of the area. COLC are committed to exploring the greater use of river freight and the Blue River Network to complement their activities and funding studies within the obligations in the application.

In response the applicant (COLC) led by Catherine McGuinness, Policy Chair, commented that the Market Co-location Plan was large and complex. It aimed to deliver benefits for the markets as well as create significant regeneration opportunities for this part of East London including job opportunities and achieving carbon neutral targets. She recognised that the development would have effects for existing businesses but was committed to working with the likes of Hovis and others to resolve their issues and concerns.

Anne Dunne, Programme Director provided an overview of the application and the work undertaken to date. She acknowledged that the use would be very intensive but would bring significant benefits to the area. That said she too recognised the need to work closely with objectors to ensure the road network worked for all businesses in Dagenham Dock.

Jeremy Castle, planning consultant briefly addressed the objectors' concerns explaining that due to site constraints it was not possible nor appropriate to compare the existing and proposed developments which had been designed to address the specific requirements of the traders. Another important factor to bear in mind was that the number of trips that would be generated by the markets were below the number modelled in the transport assessment and should that number rise to above 90% then further mitigation measures would be required. Finally, COLC were committed to finding a solution to the junction that worked for everybody and which formed part of the reserved matters.

Members were excited about the development and the employment opportunities it would bring for the benefit of local residents. With careful planning it would improve the Goresbrook Interchange and address the public Art on that part of the A13. The design would be a landmark for the Borough. Given its strategic importance Members would like to see regular updates brought forward, and therefore,

The Committee **RESOLVED** to:

1. Agree the reasons for approval as set out in this report,
2. Delegate authority to the Director of Inclusive Growth in consultation with Legal Services to grant outline planning permission subject to any direction from the Mayor of London, the completion of a Section 106 legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) based on the Conditions listed at Appendix 6 and the Heads of Terms identified at Appendix 7 of the report,

3. Agree that, if by 22 September 2021 the legal agreement has not been completed, the Director of Inclusive Growth be delegated authority to refuse outline planning permission or extend this timeframe to grant approval, and
4. Delegate authority to the Director of Inclusive Growth to provide a reasoned conclusion and other information required by Regulation 29 of the Town and Country Planning (Environmental Impact) Regulations 2017 and to inform the public and the Secretary of State as required by Regulation 30 of those regulations, based on the evaluation and reasons as set out in this report.

46. City of London Markets -Former Barking Power Station Site, Chequers Lane, Dagenham- 20/01094/FULL

Further to the submission of the previous outline application, the Principal Development Management Officer (PDMO) introduced a report on a further application from the City of London Corporation (COLC) seeking a full planning permission on the former Barking Power Station Site at Chequers Lane, Dagenham for below and above ground works associated with the decommissioning of former power station site including below ground demolition; remediation of the site; decommissioning and demolition of the cooling water system comprising intake and outfall tunnels, associated pump station and outfall structure(s); decommissioning and demolition works associated with gas, fuel distillate and utility infrastructure.

The assessment, considerations and discussions of the application, including the written and verbal objections outlined at the meeting were outlined in minute 45 above. Therefore accordingly,

The Committee **RESOLVED** to:

1. Agree the reasons for approval as set out in the report, and
2. Delegate authority to the Director of Inclusive Growth in consultation with Legal Services to grant planning permission subject to the Conditions listed at Appendix 5 in the report.

47. Barking Riverside Ltd - PLOT209-20/02552/ REM

The Principal Development Management Officer (PDMO), Be First Development Management Team, introduced a report on an application for the approval of reserved matters pursuant to Conditions 38 and 39 (plot details) following outline approval 18/00940/FUL for Plot 209B within Stage 2 North. The proposed development comprised the erection of 229 residential dwellings (Use Class C3) and retail and restaurant floorspace (Use Class E), with associated parking, landscaping and tertiary roads.

The application also sought to partially discharge conditions 5 (Partial Discharge), 41 (Acoustics), 42 (Nature Conservation and Landscape), 43 (Parking and Servicing), 47 (Drainage), 48 (Access), 49 (Air Quality), 50 and 51 (Code of Construction Practice for Plots) of the outline planning permission.

In addition to internal and internal consultations, a total of 1182 letters were sent to neighbouring properties together with a requisite press notice. One response was received seeking details on how to view the application online which was addressed via email. No objections were received. The material planning considerations were addressed within the planning assessment outlined in the report.

The officer's assessment of the application was that the redevelopment of the site for residential use was acceptable in principle and would contribute to the Borough's housing stock through the provision of 229 good quality units compliant with relevant standards. The proposal would comprise 47% affordable units which was considered to meet an identified need in the Borough.

The scale, siting and design of the development was regarded appropriate to the site's context and would result in a high-quality finish, whilst respecting the amenity of neighbouring occupiers. The proposed landscaping strategy would positively contribute to the appearance and public realm of the area and enhance the arboricultural, biodiversity and environmental value of the site.

The development as proposed adopted a sustainable approach to transport whilst ensuring an acceptable impact on local highways and infrastructure. The proposal was also considered acceptable in terms of sustainability and air quality, and therefore it was recommended that the reserve matters be approved subject to the conditions listed in the report.

Having regard to the summary of consultation responses set out in the report, clarification was sought as to the comments of Environmental Heath in relation to noise levels from a proposed tank room and from a commercial unit designated for a restaurant. The PDMO confirmed that the detailed design aspects around these features would follow at a later date and formed part of a separate application covering the discharge of the planning permission.

A number of questions were asked regarding the mix of tenures and types of accommodation, particular family sized units, to which the officer provided explanations and clarification in the context of the wider development of Barking Riverside.

In supporting the proposals Members welcomed the inclusion of the commercial elements including the provision of eateries to provide residents with much needed facilities. Therefore,

The Committee **RESOLVED** to:

1. Agree the reasons for approval as set out in this report; and
2. Delegate authority to the Director of Inclusive Growth (or authorised Officer), in consultation with Legal Services to approve the Reserved Matters subject to the Conditions listed in Appendix 6 of the report.

48. Barking Riverside Ltd - Cladding - 20/02517/FULL

The Principal Development Management Officer (PDMO), Be First Development Management Team presented an application for the replacement of the existing external timber cladding with fibre cement boards to 231 existing properties within Stage 1 of Barking Riverside, Renwick Road, Barking. Subsequent to the publication of the agenda and prior to the meeting a supplementary report was issued concerning a revision to condition 3 (materials and balcony details).

In addition to internal and external consultations, a total of 570 notification letters were sent to neighbouring properties together with the requisite statutory site and press notices. One representation of objection was submitted, the material planning considerations relating to which were set out in the planning assessment detailed in the report.

In assessing the proposal officers considered that on balance the change in material was acceptable in principle, there being sufficient justification on fire safety grounds to remove the timber. However, given there were no guarantees that all the properties would be changed, there remained significant concerns over the resulting design impact on the award-winning estate.

One registered speaker opposing the application addressed the Committee. In summary their concerns were that:

- The materials, colour, design and construction methods were unsuitable for the building.
- Making the existing transparent gates solid would remove much needed surveillance from the streets, representing a safety risk.
- The application contained proposals that would irreversibly change the appearance of their home, the street-scene and townscape.
- The interface details had not been thought through and this was apparent in the pilot homes. As a material, the proposed product was a possible cladding replacement if applied in an appropriate way i.e. vertical as opposed to horizontal. This could be achieved as demonstrated through the Abode Housing Scheme in Cambridge, where the vertical elements were very similar to the existing cladding design at Barking Riverside Phase 1, and
- Why have necessary applications to temporarily remove the timber cladding not been made? This would have allowed appropriate time and consultation for the planning process.

The objector claimed that members were being unfairly offered a decision to either improve the safety of residents' homes whilst sacrificing the quality, or to retain the quality with a known fire risk. This was not the purpose of the planning process, and therefore the Committee was urged to make its decision based on the negative impact the application would have on the award-winning neighbourhood. They also requested that the application be referred to the Council's Quality Review Panel so it could be independently assessed under the aim to "improve the quality of buildings and places for the benefit of the public".

Responding to the objector's comments Matthew Carpen, Managing Director of Barking Riverside Ltd stated that there had been significant and detailed consultations and discussions with all parties including local residents over the past year since the fire, aimed at reaching a workable solution to what had proved a technically challenging situation.

Sheppard Robson, the original architects were commissioned to produce the designs for the cladding so as to retain as far as possible the integrity of the original award-winning design. A number of design images illustrating the proposed cladding materials and style were shown to Members. The reference to the Abode Housing scheme was noted but following a visit to this site it was explained that to achieve the desired vertical style as suggested by the objector timber battens had been used to create the look, which in this instance could not be used.

A 'lessons learnt' review would be conducted shortly with the onsite contractor, looking at the outcomes of the pilot scheme which had been running for the past six weeks. This would include considering and potentially addressing the visibility issues raised by the objector regarding the gates on the bungalow style properties. Finally, as pointed out by the PDMO the replacement cladding was an offer and not a requirement for private homeowners. That said of the 231 affected properties a total of 210 (91%) had to date taken up the replacement option.

In conclusion following careful consideration of the relevant provisions of the National Planning Policy Framework, the Development Plan and all other relevant material considerations, officers had recommended that planning permission be granted, and therefore,

The Committee **RESOLVED** to:

1. Agree the reasons for approval as set out in this report, and
2. Delegate authority to the Director of Inclusive Growth to approve the planning application subject to the conditions listed in the report as amended by the supplementary report (condition 3).

49. Fels Farm, Dagenham Road, Rush Green -20/02167/FULL

Following a deferral at the last meeting and in the light of a site visit by the Planning Visiting Sub-Committee, the Development Management Officer (DMO), Be First Development Management Team, provided a brief resume of the application for the demolition of existing buildings and the erection of a new residential scheme comprising seven new dwellings made up of three x 4 bedroom and four x 3 bedroom, and utilisation of existing vehicular access at Fels Farm, 360 Dagenham Road, Rush Green

The Committee were reminded that in addition to internal and external consultations, a total of 2,438 notification letters had been sent to neighbouring properties together with the requisite statutory site and press notices. This resulted in the submission of 13 objections including from the three Eastbrook ward councillors, the material planning considerations of which were set out in the planning assessment detailed in the report.

The Deputy Chair who called for the deferment, provided a summary of the findings from the Sub-Committee's visit to the site, the overall view of which was that the proposed development would have a negligible impact on the openness and amenity of the surrounding Green Belt and that it would represent a significant improvement on the current permitted use. It was acknowledged however that the ward councillors' opposition to the application for the reasons outlined at the Planning Committee on 16 February remained.

Having considered the application and the outcome of the Sub-Committee visit,

The Committee **RESOLVED** to:

1. Agree the reasons for approval as set out in this report; and
2. Delegate authority to the Head of Planning and Assurance to grant planning permission based on the Conditions & Informative listed in Appendix 5 of the report.

50. The Sienna Building, Victoria Road, Barking - 20/02534/PRIFLAT

The Development Management Officer (DMO), Be First Development Management Team presented a report regarding an application for prior approval for the construction of one additional storey on top of the detached block of flats to create 4 new units at The Sienna Building, 116-118 Victoria Road.

The officer explained that this was not a planning application, and as such the principle of development, quality of accommodation, waste management and provision of cycle storage and parking were matters which fall outside the scope of consideration. They also outlined those matters which could be taken into account by the Committee when determining the application.

In addition to internal and external consultations, a total of 107 notification letters were sent to neighbouring properties. In total 8 individual objections were received together with a petition signed by 29 residents, the material planning considerations concerning which were set out in the planning assessment detailed in the report.

Two representations were made at the meeting by local residents, who objected to the application for the following reasons:

- Lack of allocated parking provision which will be exacerbated with this development
- Lack of on street parking available in the area
- Concerns that the additional load bearing weight on the roof will cause further structural damage to the existing flats
- Presence of Japanese Knotweed makes it difficult to get mortgages on the flats
- The proposed extension will invade the outdoor space of flat 3 patio area
- Adverse effect on daylight and sunlight for both the flats and neighbouring properties as a result of this development
- Noise from construction works, and
- General wellbeing of residents.

Kieran Rafferty, planning consultant representing the applicant responded to the objector comments, explaining that in respect to the loss of sun and daylight the reductions were judged by BRE standards to be minimal and within agreed levels. As for parking provision, in accordance with the Mayor's London Plan the presumption was to reduce allocated parking provision i.e. car free developments to encourage greater use of public transport particular in and around Town Centre locations, which this was one. The other issues raised by the residents were for the purposes of this application not material considerations.

Members in recognising the concerns conveyed by the objectors did acknowledge that the general health and wellbeing of residents was very important. However, given the limited scope of material considerations available to the Committee in respect of this application,

The Committee **RESOLVED** to:

1. Agree the reasons for approval as set out in this report, and
2. Delegate authority to the Director of Inclusive Growth to grant prior approval based on the Conditions listed in Appendix 5 in the report.

**Councillor John Dulwich, Deputy Chair took the Chair for this application.*