


**LONDON BOROUGH OF BARKING & DAGENHAM**
**PLANNING COMMITTEE**
**26 April 2021**
**Application for Planning Permission**

<b>Case Officer:</b>	Olivia St-Amour	<b>Valid Date:</b>	28/01/2021
<b>Applicant:</b>	Mobin Properties Ltd	<b>Expiry Date:</b>	29/04/2021
<b>Application Number:</b>	21/00159/FULL	<b>Ward:</b>	Abbey
<b>Address:</b>	34-42 East Street, Barking, IG11 9EP		

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 34-42 East Street, Barking.

**Proposal:**

*Redevelopment of site to provide a 5-9 storey building comprising up to 65 residential units (Use Class C3) with retail units (Use Class E) at ground and part first floors, with associated landscaping and highway works.*

**Officer Recommendations:**

1. Delegate authority to the London Borough of Barking & Dagenham's Director of Inclusive Growth (or authorised Officer) in consultation with the Head of Legal Services to refuse planning permission for the reasons set out below.

**Reasons for refusal:**

1. The proposed development by virtue of its siting, location, and high density will be a stark, crude and isolated development that is piecemeal in nature and represents poor place-making which will unduly impact on the setting of the Grade II listed former Barking Magistrates Court, does not seek to preserve or enhance the character of the Abbey and Barking Town Centre Conservation Area and does not maximise opportunities within the key regeneration area of Barking Town Centre and as such would be contrary to policies CM1, CM2 and CP3 of the Core Strategy, policies BTC16 and BTC19 of the Barking Town Centre Area Action Plan, policy BP11 of the Borough Wide Development Policies Development Plan Document, draft policies SPP1, SP2, DMD1, DMD2, DMD3, DMD4, DMD5 of the Regulation 19 Draft Local Plan, London Plan policies D1, D3, D4, D8, D9, HC1, SD1 and the London Riverside Opportunity Area Planning Framework and the NPPF.
2. The proposed development will result in the loss of sunlight and daylight to neighbouring residential occupiers and in particular flats contained within the former Barking Magistrates Court and the Bath House buildings. The proposal is considered to impact on the living standards of the neighbouring residential occupiers and potential occupiers of the proposed development, contrary to policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document and the NPPF.
3. Insufficient information has been submitted and the application has failed to demonstrate that there would not be an unacceptable impact on highway safety particularly in respect of the location of the blue badge car parking spaces conflicting with access to the market, contrary to

the NPPF.

4. The proposed application has not been accompanied by an adequate Archaeological Written Scheme of Investigation to inform Historic England of the impact of the design proposals on this Archaeological Priority Area, contrary to policy BP3 of the Borough Wide Development Policies Development Plan Document and the NPPF.

## OFFICER REPORT

### Planning Constraints:

Adopted Proposals Map:  
Conservation Area  
Primary Shopping Area  
Barking Town Centre Boundary  
Barking Town Centre Area Action Plan Boundary  
Barking Town Centre Key Regeneration Area  
Priority Archaeological Area  
Epping Forest Special Area of Conservation (SAC) Zone of Influence

Emerging Local Plan (Regulation 19):  
Draft Allocation DJ – Clockhouse Avenue

### Site, Situation and relevant background information:

The application site measures approximately 0.16 hectares and is located on the south-eastern side of East Street, Barking. The site is broadly square-shaped and currently comprises a 3-storey building comprising two retail units (Iceland and a pound store) at ground floor with ancillary office accommodation above. The building is served by a service yard for Iceland which is accessed from Clockhouse Avenue and runs to the south of the building. There is also a 'folly' attached to the southern elevation of the building providing a semi-concealment to the service yard.

The application site is located within the Abbey and Barking Town Centre Conservation Area and is bound by the pedestrianised retail area of East Street to the north-west and the former Barking Magistrates Court building to the north-east. The former Barking Magistrates Court building including its railings, lampholders and lamps is a Grade II listed building. The building has been refurbished and extended in the form of a 6-storey linked building to provide residential accommodation. There are access roads linking Clockhouse Avenue and East Street on both sides of the site namely Grove Place to the west and Clockhouse Avenue to the east. Grove Place separates the application site from 32 East Street which is a 2.5-storey building occupied by the NatWest Bank with ancillary offices above.

Barking Town Hall is located a short distance to the south-west of the site. To the rear and east of the site is the Bath House building which forms part of the Barking Town Square development. The Bath House building (9-storeys) comprises ground floor commercial floorspace with residential units above.

The site is covered by the Barking Town Centre Area Action Plan designation.

#### *Background*

This application is a resubmission of application 19/00770/FUL for the *Redevelopment of site to provide a 6-9 storey building comprising 79 residential units (35 x 1 bed, 15 x 2 bed and 29 x 3 bed flats) with 1210m<sup>2</sup> of retail space (Use Class A1) at ground and part first floors.* The application was refused 19/02/2020, with 8 reasons for refusal, summarised as:

1. Poor placemaking, design and density
2. Poor outlook from south west first floor flats
3. Loss of daylight/sunlight to neighbouring properties
4. Poor first floor layout – isolated residential units
5. Insufficient children's playspace
6. Location of blue badge spaces
7. Requirement for Archaeological Field Evaluation
8. Failure to provide breakdown of affordable housing tenure

The full reasons for refusal of the previous application are contained at Appendix 2.

The changes between the previously refused scheme and the current application are assessed in the relevant sections below.

### *Proposal*

The application proposes a 5-9 storey building comprising up to 65 residential units (Use Class C3) with retail units (Use Class E) at ground and part first floors, with associated landscaping and highway works. The ground floor retail uses would comprise 6 separate units:

- Unit 1 - 339sqm, fronting onto East Street (north west elevation)
- Unit 2 - 51sqm, fronting onto East Street (north west elevation)
- Unit 3 - 118sqm, fronting onto East Street (north west elevation)
- Unit 4 - 123sqm fronting onto Clockhouse Avenue (north east elevation)
- Unit 5 – 103sqm, fronting onto Clockhouse Avenue (north east elevation)
- Unit 6 – 70sqm, fronting onto Clockhouse Avenue (south east elevation)

The proposed development has 3 separate residential entrances, 3 bin stores and 2 residential cycle stores. In terms of cycle parking provision, the development includes 118 cycle spaces for residents (long stay) and 27 spaces for retail staff, retail visitors and residential visitors (short stay). The application is car free, with the exception of 2 disabled bays that are proposed with electric vehicle charging.

The proposed residential units are proposed as build-to-rent and a minimum provision of 38% affordable housing is proposed, by habitable room.

The northern corner of the proposed development is proposed to be red brick, with the retail element framed by a series of grey/white cast masonry arches, turning the corner from East Street onto Clockhouse Avenue. This element of the building is essentially surrounded by the black brick part of the building which also fronts onto East Street and wraps around Grove Place and Clockhouse Avenue. The building steps up in height along the southern end of East street and towards Clockhouse Avenue, where it reaches 9 storeys in height.

### **Key issues:**

- Principle of the proposed development
- Dwelling mix and Quality of accommodation
- Design and quality of materials
- Impacts to neighbouring amenity
- Sustainable Transport
- Meeting the needs of local residents
- Employment
- Impact to existing Education Provision
- Accessibility and Inclusion
- Waste management
- Delivering Sustainable Development (Energy / CO<sub>2</sub> reduction / Water efficiency)
- Biodiversity & Sustainable drainage
- Habitat Regulation Assessment: Epping Forest Special Area of Conservation (SAC)

### **Planning Assessment:**

<b>Principle of the development:</b>	
<i>Existing use(s) of the site</i>	Two retail units (GIA 1,336sqm)
<i>Proposed use(s) of the site</i>	65 residential units and 1,314sqm retail (Use Class E) floorspace (GIA)
<i>Net gain/loss in number of jobs</i>	The application form estimates that the existing site employs 67 FTE and the proposed site would employ 78 FTE.

- 1.1 National Planning Policy Framework (NPPF) (MHCLG, February 2019) 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.
- 1.2 The NPPF introduces a presumption in favour of sustainable development, which for decision-taking means approving development proposals that accord with an up-to-date development plan without delay, or where the development plan policies are out of date, granting permission unless the policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing development, or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole (paragraph 11).
- 1.3 The NPPF introduces the Housing Delivery Test (HDT) as a measurement of housing delivery, engaging the presumption in favour of sustainable development where insufficient homes have been built over the previous three-year period, irrespective of whether the LPA has a five year housing land supply. The HDT 2020 results show that LBBB have reached 58% of the target, and thus the presumption in favour of sustainable development is enacted and the adopted housing policies 'fall away'.
- 1.4 The London Plan policy GG2 encourages the best use of land to enable the development of brownfield land, particularly in Opportunity Areas and on surplus public sector land, and sites within and on the edge of town centres. Policy GG4 seeks to ensure that more homes are delivered. 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. The site is also within London Riverside Opportunity Area.
- 1.5 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. Barking Town Centre Area Action Plan Policy BTC13 seeks to identify land to help meet the target of 6,000 homes in Policy CM2.
- 1.6 Strategic Policy SPP1 of the Draft Local Plan (Regulation 19) identifies an indicative capacity for 15,000 new homes to be delivered in Barking Town Centre and the River Roding area across the plan period, stating that the Council will support development that contributes to the delivery of varied retail, cultural and community offer alongside office and residential development, and continued improvements to public realm between key buildings.
- 1.7 In respect of the ground floor uses the NPPF supports the role that town centres play, encouraging policies and decisions to take a positive approach to their growth management and adaptation, and sets out a sequential test for town centre uses. London Plan Policy SD6 promotes the vitality and viability of London's town centres. Core Strategy policies CM1 and CM5 focus retail development to town centres and identify Barking as a major town centre. Policy CE1 seeks to promote, strengthen and enhance the status of Barking Town Centre. Barking Town Centre Area Action Plan policy BTC2 identifies primary and secondary shopping frontages, including primary shopping frontages at 1-35, 41-67, 2a-42, 54-68 East Street.
- 1.8 The application proposes a residential led mixed-use development with commercial retail (use Class E) within Barking Town Centre, the principle of the development accords with the development plan and is supported.

<b>Dwelling mix and Quality of accommodation:</b>			
<i>Proposed Density u/ph:</i>	n/a	<i>Overall % of Affordable Housing:</i>	38% by habitable room, 35% by unit
<i>LP Density Range:</i>	n/a	<i>Comply with London Housing SPG?</i>	Yes
<i>Acceptable Density?</i>	No	<i>Appropriate Dwelling Mix?</i>	Yes

## *Density*

- 1.9 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. Policy D3 requires development to make the best use of land by following a design-led approach that optimises the capacity of the site, which means that the development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth.
- 1.10 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.
- 1.11 The site is not allocated in the adopted Proposals Map but is proposed to be allocated in the Regulation 19 Draft Local Plan as part of allocation DJ 'Clockhouse Avenue', which identifies a potential delivery of a residential-led mixed use development involving office, retail and community floorspace alongside approximately 250 (net) homes over an area of 0.7ha, of which this site is 0.16ha.
- 1.12 In reducing the number of residential units from 79 to 65 and reducing part of the height of the proposal from 6 storeys to 5 storeys, the density of the proposed development has reduced when compared to the refused scheme.
- 1.13 The Planning Statement assesses the density of the site in terms of the draft site allocation, noting that the site comprises 21.5% of the site allocation area, and represents 26% of the proposed number of residential units and as the site allocation is an approximate target, the density of the proposal is in line with the draft allocation. The Statement further notes that this part of the site would be best suited for any higher proportion of massing in townscape and heritage terms in order not to concentrate massing too near to the Barking Abbey grounds. However, whilst this is indicated in the Planning Statement, no design/visual studies have been submitted as part of the planning application to demonstrate that alternative massing options have been tested across the proposed allocation site. Furthermore, in terms of density it should be acknowledged that this site is immediately adjacent to a Grade II listed building (former Magistrates Court). Officers therefore do not accept this approach to determining whether the proposed development represents the optimal and appropriate density of development for the site, particularly as the appropriate option studies have not been undertaken in line with the London Plan (which has been adopted since the previous refusal) and the draft site allocation in the emerging Local Plan (Regulation 19 version) which has also been published for consultation since the refusal of application 19/00770/FUL, gaining more weight than the Regulation 18 version which also identified the location as a potential development site.
- 1.14 In terms of the 'design-led' approach to achieving an appropriate form of density required by the London Plan, it is noted that the applicant has not sought to engage in pre-application discussions following the previous refusal. Following the submission of this current application, officers sought to engage the applicant in a placemaking/design meeting with architects Peter Bishop and DaeWha Kang who have been involved in various master planning exercises in Barking, particularly in relation to East Street and Town Quay, for which vision documents have been produced. Officers emphasise that the vision documents are not adopted planning documents and do not hold material weight and do not consider that this application need directly reflect what is shown on the site in the vision documents. However, we considered that the experience and knowledge of the area gained by Peter Bishop and DaeWha Kang could be put to positive use in examining this application, and as such offered the applicant a meeting to discuss how the proposed development delivers placemaking and how far it addresses the previous reasons for refusal. Unfortunately, the applicant was unprepared to cover the cost for the meeting and as such this exercise could not take place.

1.15 The application represents a high-density development in a key town centre site. Policy encourages high density development to be focussed on key regeneration areas and accessible and sustainable town centre locations. However appropriate density is intrinsically linked with design and site constraints, and policy is clear that a design-led approach to density is required to optimise density, with the adoption of the London Plan and publication of the Regulation 19 Draft Local Plan since the refusal of the previous application, this policy position has strengthened. Whilst the Design and Access Statement contains some development/massing studies for the site, no wider design options have been assessed taking into consideration the proposed site allocation as a whole. As discussed further in the design section below, officers do not consider that the planning application has been designed to integrate appropriately and respond positively to the site context to justify the proposed high-density development of the site.

*Dwelling mix*

1.16 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”.

1.17 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”.

1.18 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. Barking Town Centre Policy Emerging Local Plan (at Regulation 19 stage) SP4 also supports the delivery of family accommodation, Policy DMH2 requires development proposals to provide a range of units in accordance with the Council’s preferred dwelling size mix, which seeks family housing at 25% for private, 38% intermediate and 50% social housing.

1.19 The application proposes the following unit mix:

<b>Unit size</b>	<b>Number of units</b>	<b>Percentage</b>
1 bed 2 person	29	44.6%
2 bed 3 person	17	26.2%
3 bed 4 person	16	24.6%
3 bed 5 person	3	4.6%
<b>Total</b>	<b>65</b>	<b>100%</b>

1.20 The development would deliver a good proportion of family units, in line with the aims of local policy, which encourages the delivery of family units. The proposed development is considered acceptable in terms of dwelling mix, in accordance with policy.

*Affordable Housing*

1.21 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.”

- 1.22 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.
- 1.23 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.
- 1.24 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.
- 1.25 London Plan Policy H11 (Build to Rent) sets out criteria for a scheme to qualify as a Build to Rent scheme, including that the scheme must be over 50 units and has a unified ownership and unified management of the private and affordable housing elements of the scheme. Where the criteria are met, the policy states that the affordable housing offer can be solely Discounted Market Rent (DMR), preferably London Living Rents (LLR). To meet the Fast Track Route the proposal must deliver at least 35% affordable, with at least 30% of the DMR to be provided at an equivalent rent to LLR with the remaining 70% at genuinely affordable rents.
- 1.26 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 in accordance with the following tenure split:
  - 50% mix of social housing including London Affordable Rent,
  - 50% mix of intermediate housing including London Shared Ownership
- 1.27 Application 19/00770/FUL included a reason for refusal (reason 8) on the basis that the application failed to provide details of the breakdown of the proposed affordable housing tenure.
- 1.28 The current application provides a breakdown of the units in the form of a schedule of accommodation appended to the Affordable Housing Statement, proposing a tenure split of 30% London Living Rent (LLR) and 70% discount market rent (DMR) and the Planning Statement confirms that discussions have been initiated with affordable housing providers and would include exploration of grant availability.
- 1.29 The affordable housing provision comprises 23 units and 71 habitable rooms out of 185 habitable rooms, which equates to 38.38% of the development calculated on a habitable room basis. The breakdown by unit is as follows:

Size	London Living Rent	Discount Market Rent	Total
1 bed	3	4	7



<b>2 bed</b>	1	6	7
<b>3 bed</b>	3	6	9
<b>Total</b>	<b>7</b>	<b>16</b>	<b>23</b>

- 1.30 The quantum of affordable housing and the tenure split accords with the threshold approach to meet the Fast Track route within the London Plan and is therefore considered appropriate. If minded to approve the development, this could be secured through a Section 106 obligation, and plans would be requested to clearly identify the location of the affordable housing units in line with the accommodation schedule appended to the Affordable Housing Statement.

*Quality of Accommodation*

- 1.31 The MHCLG Technical Housing Standards – nationally described space standard specifies the space standards required for new dwellings. The London Plan, Policy H6 and 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.
- 1.32 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’.
- 1.33 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.
- 1.34 The London Plan specifically through Policies GG4, D1, D2, D4 and D6 all emphasise the importance of high-quality design in development. Policy D4 reiterates and includes further requirements of the Technical Housing Standards within the policy itself and the minimum 2.5m floor to ceiling height is stipulated as a requirement rather than merely strongly encouraged.
- 1.35 The space standards outlined in the London Plan are expressed as minimums and should be exceeded where possible. They should be a basis to promote innovative thinking about designing space and how it is to be used within the home. Additionally, the Mayor’s Housing SPG stipulates developments should avoid single aspect dwellings that are north facing.
- 1.36 In terms of minimum space standards, these are met, the size of the units are summarised in the table below:

Type and bed spaces	GIA (m <sup>2</sup> )	Minimum space standards / Nationally Described Space Standards (m <sup>2</sup> )
1B2P Apartments	50-58	50
1B2P Duplex	61	58
2B3P Apartments	61-69	61
3B4P Apartments	74-76	74

3B4P Duplex	93	84
3B5P Apartments	101	86
3B5P Duplex	95-97	93

- 1.37 The proposal would provide 45 dual aspect units (69%) and 3 single aspect units, the remaining 15 units would not be directly dual aspect but receive secondary aspect via inset balconies. There would be no single aspect north facing units. Officers consider that the number of single aspect units have been appropriately minimised on a site of this constrained nature.
- 1.38 The first floor of the development incorporates only 4 residential units served by 3 independent stair/lift cores, the remainder of this floor is largely taken up by plant, back-of-house areas and retail floorspace. The design of this floor does not create an inclusive environment given the isolated nature of these flats in comparison to all other floors on this development and was previously included as a reason for refusal.
- 1.39 The Mayor's Housing SPG Standard 12 advises that 'each core should be accessible to generally no more than eight units on each floor'. The Good Quality Housing For All Londoners London Plan Guidance, Draft for Consultation October 2020 advises that development proposals accessed from a single core does not exceed eight per floor (C3.1.2). The updated guidance advises that the threshold between public realm of the street and the private realm of the home affects people's sense of security and ownership and that entrances should feel welcoming. The guidance further notes "within residential blocks, the number of dwellings served by a single core needs careful consideration as it affects both security and people's sense of community and ownership" and advises "in terms of the number of homes per floor, groups of two to eight dwellings are usually desirable. In these smaller groups, residents tend to enjoy a greater sense of privacy, security and ownership, and may be more likely to take an active interest in the upkeep of shared spaces."
- 1.40 Officers still hold concerns with regards to the desirability and residential feel of the first-floor apartments, which have cores shared with commercial plant rooms and back of house retail areas rather than other residential units. In this respect, the development would not achieve an inclusive environment, or indoor and outdoor environments that are comfortable and inviting for people to use, as required by London Plan Policy D3. However, in light of the updated London Plan housing guidance which to some extent encourages smaller groups, it is not considered that this reason for refusal would still hold, particularly when considered against the borough's Housing Delivery Test position. Offers therefore do not recommend that the application is refused on this basis.

#### *Crime and Safety*

- 1.41 The Designing Out Crime Office has reviewed the application and raised some concerns/made recommendations to mitigate crime, particular areas of concern are the safety and security of the cycle store and the accessibility to the communal roof terrace. However, these matters can be addressed by the imposition of a planning condition requiring a Secure by Design accreditation should planning permission be granted for this development.

#### *Amenity Space*

- 1.42 All residential units have private amenity space comprising of a balcony in accordance with the Mayor's Housing SPG.
- 1.43 The proposal incorporates a communal courtyard area at second floor level which has the potential to provide attractive and useable outdoor space for the new residents to enjoy. The area would be accessed via each of the residential cores, and as above, a Secure by Design condition would be required to ensure that there would be no safety issues resulting from the communal use of the terrace. The communal courtyard would be separate from the playspace area, which is located on the fifth floor.

#### *Child Play Space*

- 1.44 London Plan policy S4 requires developments for schemes that are likely to be used by children and young people should increase opportunities for play and informal recreation and incorporate

good-quality accessible play provision for all ages for residential development, providing at least 10sqm of playspace per child. The GLA Playspace Calculator generates a population yield of 13 children on the basis that the development comprises private and intermediate products and a requirements of 130sqm child playspace. The application proposed 312sqm of child playspace to be provided on site, on the fifth floor communal terrace. The delivery of high-quality playspace could be secured by condition.

- 1.45 Officers consider this provision acceptable, in accordance with London Plan requirements, as such the previous reason for refusal (no.5) no longer stands.

*Accessible Units*

- 1.46 The application proposed 12% of the units to be wheelchair user dwellings, with the remaining units to be accessible and adaptable, in accordance with policy requirements. If the application were to be approved, a condition would be imposed to ensure that this would be delivered.
- 1.47 LBBD's Access Officer has reviewed the application and raises some concerns with regards to the location of some of the wheelchair accessible units along with the mix of wheelchair accessible units, for example none of the affordable housing units are to be provided as wheelchair accessible and there are no 2bed wheelchair accessible units, with the mix comprising 7x 1bed and 1 x 3bed. It is noted that no objections were received from the Access Team in response to the previously refused application, and accessibility of the units did not comprise a reason for refusal of the scheme. If planning permission were to be granted for this development, it is considered that this matter can be addressed via a suitably worded condition to ensure that a suitable mix and tenure of wheelchair accessible units could be delivered.

<b>Design and quality of materials:</b>	
<i>Does the proposed development respect the character and appearance of the existing dwelling?</i>	No
<i>Does the proposed development respect and accord to the established local character?</i>	No
<i>Is the proposed development acceptable within the street scene or when viewed from public vantage points?</i>	No
<i>Is the proposed development acceptable and policy compliant?</i>	No

- 1.48 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”.
- 1.49 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”.
- 1.50 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.
- 1.51 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”.
  - 1.52 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)”.
  - 1.53 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.
  - 1.54 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 site’s 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.
  - 1.55 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.
  - 1.56 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. Policy D6 considers the importance of achieving and maintaining a high quality of design through the planning process and into delivery stage.
  - 1.57 Tall and large buildings should always be of the highest architectural quality, (especially prominent features such as roof tops for tall buildings) and should not have a negative impact on the amenity of surrounding uses. Additionally the London Plan policy D9 and states that tall buildings should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey.
  - 1.58 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.
  - 1.59 London Plan Policy D9 seeks to ensure tall buildings are sustainably developed in appropriate locations and are of the required design quality having regard to local context as specified in Development Plans. Policy D12 of the London Plan states to development proposals must achieve the highest standards of fire safety. Policy D14 of the London Plan seeks to reduce, manage and mitigate noise to improve health and quality of life.

- 1.60 This is further supported by policy BP11 of the Borough Wide DPD, policy CP3 of the Core Strategy DPD and policy DM16, SP4 and DM11 of the Draft Local Plan Regulation 19 which ensures that development is designed in a sensitive and appropriate manner which minimises impact on surrounding neighbours and respects the character of the area. Barking Area Action Plan policy BTC18 states that public realm improvements undertaken by the Council and developers as part of their schemes, should use the materials and methods in the Barking Code, including artists within design teams, to seek to raise the profile of historic street and spaces. Policy BTC16 highlights that the Council will expect all new developments in the AAP to be of a high standard that reflect the principles of good architecture and urban design, thereby contributing towards a dramatic improvement in the physical environment.
- 1.61 Draft Local Plan (Regulation 19) Strategic Policy SPP1 identifies the development potential in Barking Town Centre and the River Roding, stating that development in Barking Town Centre should contribute to creating a thriving 21<sup>st</sup> century town centre with an intensified range of activities and uses to support existing and new communities. Development should be informed by its rich history and heritage, revealing, restoring and telling Barking's story. Part E of the policy supports the delivery of continued improvements to public realm between key buildings, and introduction of urban greening and the creation of lively street culture and safe environment in East Street – reinforcing the role of this area as an important social asset for the borough. Chapter 4 of the Draft Local Plan (regulation 19) sets out the borough's design policies. Strategic Policy SP2 promotes high quality design that recognises and celebrates local character and heritage, adopting a design-led approach to optimising density and site potential by responding positively to local distinctiveness and site context. The policy encourages the use of local context to inform detail and seeks to protect identified views and vistas. Policy DMD1 encourages early engagement with planners and the Barking and Dagenham Quality Review Panel. Policy DMD3 specifically addresses development in town centres, stating that developments should co-ordinate and consolidate elements of street furniture to streamline the public realm where relevant and appropriate. DMD4 addresses heritage and archaeology and Policy DMD5 requires development to seek to positively contribute to the characteristics and composition of identified local views
- 1.62 The site is located between two distinct areas of the town centre, each with its own character. To the north-west the site fronts East Street which has a 'market town' character and to the south-east the site faces the Town Hall and the Town Square where there is a much more 'civic' presence which is emphasised by the cluster of nearby tall buildings which stand proud around the immediate vicinity of the square. These include the Barking Learning Centre, the Ropeworks and the Lemonade and the Arboretum buildings.
- 1.63 As identified in the Council's Barking Town Centre Strategy, East Street is a commercial, pedestrianised street in the town centre which, as well as being Barking's main high street, is the home to Barking Market, a vibrant street market. It is also a key east-west connection linking Barking Station to the historic Abbey Green and onwards to the River Roding. East Street lies in the Abbey and Barking Town Centre Conservation Area which includes many architectural buildings of some art-nouveau style dating back from the early 20th Century which gives the street a distinct character above the parade of retail shops.
- 1.64 In recent years, East Street has undergone some upgrade to improve the quality and appearance of East Street including the removal of street clutter and the introduction of a catenary lighting scheme across the length of East Street further reinforcing its importance at the heart of the Borough and this Opportunity Area.
- 1.65 Given the importance of East Street at the heart of this Opportunity Area and the Housing Zone, Officers consider that where development proposals come forward of a significant nature such as this scheme, proposals need to adopt an overarching holistic approach in order to establish greater connectivity and legibility between key sites and provide a cohesive identity to Barking Town Centre. The joint opportunities and shared constraints mean that individual sites and adjacent plots cannot be treated in isolation, resulting in poor place-making which does not contribute to establishing a cohesive, interlinked and coordinated approach to the creation of buildings and spaces within the town centre.
- 1.66 The site forms part of a wider town centre place-making strategy with Supplementary Planning Document 'Barking Station Masterplan' established in 2012. Subsequent to this, the wider vision

for the town centre has been updated by both the designation of the town centre forming part of the London Riverside Opportunity Area, the Barking Town Centre Housing Zone status.

#### *Height Scale and Massing*

- 1.67 East Street, which is located in the Conservation Area comprises buildings that are generally two to three storey terraces with some larger footprint and taller buildings on the south side of East Street. Outside the Conservation Area and away from East Street, a number of buildings have an increased height and massing, including Bath House (9 storeys), Ropeworks Arboretum (8 storeys) and the Lemonade building on Ripple Road which rises to 19 storeys.
- 1.68 The proposed development has been reduced in height along the East Street frontage – where the refused scheme was previously 7 storeys alongside the Former Magistrates building, the current application is 5 storeys, rising up to 6 storeys along the southern end of East Street and stepping up to a maximum 9 storeys along Clockhouse Avenue.
- 1.69 The reduction in height of the proposed development around the East Street frontage is welcomed, however as the building steps up, this would still represent departure from the character of East Street and would still dominate views along East Street, particularly where the 6-storey frontage on East Street is retained to the southern end of the development, notable in View 11 of the Heritage, Townscape and Visual Assessment. Views 3 and 4 also highlight that whilst the height has been stepped back, the 9 storey element is still highly prominent in views around East Street and in the immediate context of the former Magistrates Court. Whilst officers acknowledge the quantum of housing proposed in the emerging allocation DJ, as noted in the density section above, in the absence of wider master planning option studies it is not considered this is fully justified in the context of this wider allocation.

#### *Layout*

- 1.70 The site is of significant importance and is located adjacent to an urban block (2-32 East street), marked for redevelopment as part of emerging allocation DJ which combines the two sites. The proposed layout and façade treatment of the residential units facing Grove Place do not create a pleasant aspect for the proposed residents of blocks D and C. Further to this the proposal does consider the impact or implications of this future development.
- 1.71 The ground floor layout of the current application is broadly similar to the previously refused scheme, interspersing 6 retail units of varying size amongst the 3 residential cores and associated cycle and bin stores, with access to the building from all sides.
- 1.72 The opportunity to activate/replace the existing dead frontage and service yard to the rear of the site is acknowledged which shows some consideration on how to respond to the constraints of the site, with the proposed refuse strategy helping to reduce the need for the 'back of house/ service yard that currently exists. However, as with the previously refused scheme, the relationship between the proposed ground floor layout and the existing folly wall is considered to be poor, largely obscuring the visibility of Unit 5. The folly wall is a valued artistic reference to Barking's historic fabric. Its status as a key public art installation dictates that careful consideration should be given to its integration/relocation as part of future development proposals. The retention of the folly is welcomed, however, while the proposal begins to create the opportunity to complete the town centre square in a meaningful way, it does not go far enough in proposing and embedding itself into a wider holistic placemaking strategy. It is unclear whether the implications of the approved plans for closure of Grove Place have been considered
- 1.73 'Retail Unit 6' would initially be isolated given the existing function of Clockhouse Avenue (a street dominated by rear servicing). Visual prominence/identity for a commercial unit in this location is therefore important. Given the prominent location of 'Retail Unit 6' the proposal lacks consideration to the architectural articulation and function of this space as an important part of the town square.
- 1.74 In the upper floors it is also noted that the proposal relies on south facing views that directly face no.32 East Street with a 6-metre separation distance. As highlighted above, this represents a missed opportunity for placemaking to interact with not only the existing surroundings but also the emerging allocation.

### *Architecture*

- 1.75 The architecture of the proposal has advanced from the previously refused scheme in respect of the architectural strategy, particularly in relation to the northern corner adjacent to the former Magistrates Court.

### *Landscape and Public Realm*

- 1.76 The communal roof terraces within the scheme as welcomed, and the quality of the landscaping provided could be conditioned to ensure it offers high quality landscaping to create welcome communal spaces.
- 1.77 In terms of the ground floor landscaping, the proposal would see the loss of four lime trees by the folly. The trees are old town centre trees that go back many decades. LBBB's Arboricultural Officer has reviewed the application and has accepted the loss of the trees on the basis that there is a good landscaping package in place as a replacement. This would include six new semi-mature trees and an additional contribution of £7,785 as a tree contribution to ensure the replacement valuation is akin to the trees lost; the money should be made available to LBBB Parks and Environment.
- 1.78 With respect to the public realm, the application takes a piecemeal approach with no improvements proposed beyond the red line boundary and does not appear to consider how elements of the public realm interact with the space. This site is a crucial town centre location that provides the opportunity to create a positive connection between East Street and the Town Square/Town Hall, but this connection and opportunity to improve the public realm surrounding the building is not utilised as part of this scheme, which sits isolated from its surroundings. The development is therefore a missed opportunity to cohesively connect the two key distinctive elements of the town centre and form part of a holistic regeneration strategy for the town centre.

### *Heritage*

- 1.79 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a general duty on the Council in respect of listed buildings in exercising its planning functions. In considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 1.80 In accordance with Section 72 Planning (Listed Buildings and Conservation Areas) Act 1990, in the assessment of the proposal the Council has paid special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 1.81 Chapter 16 of the NPPF (Conserving and enhancing the historic environment) advises Local Planning Authorities to recognise heritage assets as an "irreplaceable resource" and to "conserve them in a manner appropriate to their significance" (para.184). Paragraphs 189-192 require the significance of any affected heritage assets to be described, identified and assessed. Paragraph 193 of the National Planning Policy Framework (NPPF) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 195 goes on to say LPAs need to consider whether a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset. Paragraph 194 requires any harm to a designated heritage asset to be clearly and convincingly justified. Paragraph 196 states that 'less than substantial harm' to designated heritage assets should be weighed against the public benefits of the proposal.
- 1.82 London Plan Policy HC1 states that "development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings."
- 1.83 The above policies are reiterated at a local scale within, Policies BP2 and CP2 of the Local Plan, policy DM14 of the Draft Local Plan which seek to conserve heritage assets and avoid harm.

- 1.84 The Former Magistrates Court (Grade II listed) is identified as a landmark building in the Abbey and Barking Town Centre Conservation Area Appraisal (ABTCCAA), due to its detached nature and position. The building is a large building of grand Flemish Renaissance style which presides over East Street featuring in views all along the street and from the open public space in front of the building. The Town Hall (locally listed) is also located in the Conservation Area, to the south of the site is identified as a landmark building due to its grand scale, austere architecture and prominent clocktower which appears in views across the Conservation Area and beyond. Part of the site itself is identified as a positive contributor to the Conservation Area.
- 1.85 In terms of new development the (ABTCCAA) advises that new and replacement development needs to take account of and be sensitive to, the significance of any building proposed to be removed, the significance of any relationship between any building to be removed and adjacent structures and spaces, potential impact of the new design on known or potential archaeological remains, the potential impact of the new design on the setting of any neighbouring listed or locally listed buildings, the potential impact on important views and in relation to landmark buildings, the materiality and architectural detailing characteristics of the area and the scale and grain of the surrounding area.
- 1.86 The application is supported by a Heritage, Townscape and Visual Assessment which assesses the significance of heritage assets and the likely effects of the proposed development.
- 1.87 Historic England have been consulted on the application. Historic previously supported investment along the historic high street in principle and recognised the opportunities to improve the poor townscape quality of the building at the site, however concerns were raised about the overall scale, massing and design of the proposed development, which would fail to preserve or enhance the character and appearance of the Conservation Area or preserve the setting of the Grade II listed Magistrates Court. Whilst some increased height and mass could be supported to the rear part of the site, the street-facing elements should seek to respond to the prevailing scale of buildings along East Street.
- 1.88 In response to the current proposals, Historic England welcome the refinements to the scheme, which are an improvement to the previous iteration and would notably sit more comfortably alongside the Grade II Magistrates Court. Changes to the design and materiality are also welcomed. However, Historic England consider that the redevelopment as a whole remains of a very large scale for a high street plot, and whilst acknowledging that building height and density is increasing around Barking Town Centre, this development site is particularly sensitive due to its positioning along the historic high street. There remains a somewhat stark juxtaposition in scale with the surrounding historic buildings that is likely to result in some harm to the appreciation of Barking's historic market town grain, scale and character. Harm would also result from the loss of the existing building at 34 East Street (with reference to Para 201 of the NPPF) due to its identification as a Positive Contributor in the Council's recently updated Conservation Appraisal and Management Plan.
- 1.89 Officers consider the amendments to the East Street frontage to be an improvement, particularly the amendments to the northern corner which are immediately adjacent to the Grade II listed Magistrates Court. As such, in comparison to the previously refused scheme, it is considered that the harm on the setting of this heritage asset has lessened in terms of impact on this listed building. However, the proposed development overall is still of a substantial massing, density and stark appearance such that there would still be harm to the setting of the Grade II listed building, resulting in 'less than substantial' harm. The proposed development would create a dominating presence adjacent to the listed building, which is particularly evidenced in views from the south of East Street.
- 1.90 Any harm to or loss of a heritage asset requires justification (para 194 NPPF). In this instance, officers consider the proposed development would lead to 'less than substantial harm' to the setting of the Grade II former Magistrates building and 'less than substantial harm' to the Conservation Area'. As such, this harm must be balanced against the 'public benefits' derived from the scheme, which in this case are notably the delivery of 65 new homes including family housing and affordable housing to assist in the borough meeting its targets for much needed housing. There would also be short-term benefits associated with the creation of construction jobs. However, despite the Council's shortfall in housing delivery (as confirmed by the recent HDT



results) it is not considered that this outweighs the harm to the setting of this listed building and the conservation area, which must be given considerable importance and weight.

- 1.91 The proposed development would result in the loss of No.34 East Street, which dates back to the 1920s. This building has both historical and architectural significance and is identified as a positive contributor to the Conservation Area in the ABTCCAA. Whilst the rationale for adopting a contemporary architectural approach (avoiding pastiche design) is accepted; the proposed development overall does not relate well to the conservation area and fails to enhance the character and setting of the conservation area or respond positively to its immediate surroundings.
- 1.92 Officers have paid special attention to the desirability of preserving features of special architectural or historic interest, and in particular, listed buildings and the preservation and enhancement of the character or appearance of the Abbey and Barking Town Centre Conservation Area in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Officers have concluded that the development by virtue of its siting, design and piecemeal nature will impact on the setting of the Grade II listed former Barking Magistrates Court and will not protect or enhance the character of the Abbey and Barking Town Centre Conservation Area, resulting in less than substantial harm which would not be outweighed by any public benefits resulting from the proposal.

#### *Summary*

- 1.93 In summary, officer concerns in relation to design, remain. Whilst we consider some positive progress has been made where the proposed development sits alongside the former Magistrates Court, the height, scale and massing is still considered substantial in the setting of this application on a key high street site in the Conservation Area. The application fails to demonstrate that design options have been explored to assess the distribution of height and massing across the wider proposed allocation. It is considered that the proposal still represents a stark and isolated development that results in a missed opportunity to cohesively connect the two key distinctive elements of the town centre and form part of a holistic regeneration strategy for the town centre. The application represents a piecemeal approach to development that fails to preserve and enhance the setting of the conservation area and would have a less than substantial impact on the setting of the Grade II former Magistrates Court that would not be outweighed by public benefits.

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

- 1.94 NPPF paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of pollution, including noise, water and air.
- 1.95 London Plan Policy D3 sets out that developments should deliver appropriate outlook, privacy and amenity and help prevent or mitigate the impacts of noise and poor air quality. Policy D6 part D states “the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space.”
- 1.96 Adopted Policy BP8 of the Borough Wide Development Management Policies DPD seeks to protect residential amenity, and Draft Local Plan Policy DMD1 ‘Securing high quality design’ (Regulation 19 version) sets out that among other things, all development proposals should consider the impact on the amenity of neighbouring properties with regard to significant overlooking, privacy and immediate outlook, and should mitigate the impact of air, noise and environmental pollution.
- 1.97 In respect of daylight and sunlight, the NPPF states that authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards) (Paragraph 123c). 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.”

### *Daylight and Sunlight*

- 1.98 One of the reasons for refusal of application 19/00770/FUL was in relation to the loss of sunlight and daylight to neighbouring residential occupiers, in particular flats contained within the former Barking magistrates Court and the Bath House buildings. The reason for refusal also pertained to the failure to demonstrate the proposed flats with the development and the courtyard area would receive adequate sunlight levels.
- 1.99 A Daylight and Sunlight Assessment prepared by CPMC Chartered Surveying, which highlights that the BRE Guidelines should be applied flexibly and in the context of a major centre and London Riverside Opportunity Area, it is reasonable to assume that the density in the area is likely to increase and the BRE targets are unlikely to be met in all instances. The report highlights the importance of context when assessing daylight/sunlight factors and have reviewed daylighting levels enjoyed by nearby properties in order to provide a more in depth understanding of the context. The buildings reviewed are:
- The east elevation of the Magistrates Court. The first floor has an average VSC 11.21 and the second floor has an average VSC 13.08.
  - The east elevation of The Bath House. The first floor has an average VSC 11.71 and the second floor has an average VSC 13.92.
  - The western elevation of Arboretum Place. The second floor has an average VSC 10.23 and the third floor has an average VSC 13.74.

### Daylight and sunlight assessment on surroundings

- 1.100 The Assessment submitted summarises that the majority of neighbouring windows, rooms and amenity spaces comfortably fulfil all of the planning guidance. However, the assessment acknowledges that the most significant impact is caused to the Barking Magistrates Court building, which contains a residential element, noting that whilst the impact is relatively significant, the design of the building makes some windows and rooms more sensitive than we would ordinarily expect and that the residual light levels are in keeping with other nearby facades, including the eastern façade of the same building.
- 1.101 The submitted assessment does not directly compare the current application with the previously refused scheme but seeks to contextualise the scheme to justify the numerous ‘transgressions’ to the neighbouring buildings. In addition to the contextual analysis of sunlight received to neighbouring properties (above), the report highlights the impact of balconies in exacerbating loss of light. Officers accept that the context of the development is an important factor to consider and the close-knit nature of the immediately surrounding buildings are a material consideration. However, it is worth noting that in the examples provided the windows assessed at Arboretum Place are inward looking towards the same building, and as such these windows were never afforded greater levels of sunlight. Similarly, the Bath House development was approved within 2 years of Arboretum Place and both schemes were approved under planning policy that pre-dates the current national, regional and local policy framework. Crucially no cohesive wider master planning work has been undertaken as part of this planning application to demonstrate that this form of development is the most appropriate form for the proposed site allocation, and that the quantum of development in the emerging site allocation cannot be distributed without this level of daylight/sunlight impacts.
- 1.102 It is acknowledged that in historic city centre environments may not be possible to achieve the 27% VSC target and that some level of change is likely to be necessary if the proposed levels of housing area to be accommodated on this site, and within the town centre more generally.

However, daylight/sunlight impacts must be scrutinised, particularly if VSC value is below 27%, and if the reduction is greater than 20% (or 1/5<sup>th</sup> its former value), when the reduction is likely to be noticeable, as the BRE guidance advises.

- Arboretum Place – 3 VSC window transgressions (where BRE targets are not passed) are caused, all of which are considered by the applicant to be ‘marginal’ and exacerbated by the balconies above. In undertaking an additional calculation without the balcony in place, all windows pass. In terms of the annual probable sunlight hours test (APSH), all tested windows are either orientated north or pass.
- Bath House – 26 VSC window transgressions are caused to this property as a result of the proposal, of which the assessment notes 19 windows remain above 0.7 of their former value (but below 0.8). Of the 7 windows that have losses more significant than 0.7m the windows are located under balconies, which naturally causes greater restriction. When assessed without the balcony obstruction, all windows are above 0.7 of their former value. For APSH, all tested windows are either orientated north or pass.
- Former Magistrates Court – 40 VSC window transgressions occur to this property. The applicant seeks to justify the transgressions through contextualising a number of the windows, for example presence of basement windows or recessed mezzanine floors. Whilst officers acknowledge the design of basement development and recessed mezzanine floor rooms are difficult to achieve high VSC ratings, there are a number of other transgressions occurring on all floors, including the fourth floor that would have a noticeable and significant impact to the occupiers of the development. The assessment notes that the Former Magistrates Court is due north of the proposed development and therefore inevitable that the proposal will cause more significant sunlight impacts to this property than neighbouring properties. In terms of APSH, the proposal results in 9 annual and 9 winter transgressions to this property, however this includes that basement room and rooms that are lit by numerous windows, thus translating to 6 annual and 4 winter room transgressions.

1.103 In terms of sun on the ground to neighbouring amenity space, the current application assesses amenity space at The Bath House and Barking Magistrates Court. The assessment concludes that there would be no change to The Bath House amenity space but that there would be a transgression to the amenity space at the Former Magistrate Court, reducing from 5% to 0%. Officers consider this to be a significant change which would result in a poor amenity space.

#### Daylight and sunlight assessment for the development proposal

- 1.104 In relation to internal daylight levels within the proposed development, all the flats will have a combined living room/kitchen area whereby the BRE guidelines advise a target average daylight factor (ADF) level of 2% however, in practice, the principal use of rooms designed as a ‘living room/kitchen/dining room’ is as a living room and accordingly it would be reasonable to apply a target of 1.5% to such rooms.
- 1.105 The current application contains an assessment of the proposed accommodation, which summarises that of the 185 habitable rooms proposed, 179 pass the ADF test (97%) and 170 habitable rooms (92%) pass the daylight distribution test. An assessment of the sunlight received to the living/kitchen/dining space found that 80% of the rooms tested meet the annual probable sunlight guidance and 82% meet the winter hour guidance, with 79% of rooms passing both tests. The previous application considered the internal daylight/sunlight levels achieved within the proposed building, and in assessing the application, officers considered the internal daylight and sunlight to be acceptable. Officers consider the current application receive an acceptable level of daylight/sunlight to the rooms within the proposed development.
- 1.106 In assessing the previous application, officers considered that a sunlight assessment for the courtyard area should have been included as part of the assessment to ascertain whether adequate levels of sunlight is achieved to this area, and the absence of this formed part of the reason for refusal.
- 1.107 BRE guidelines commend that at least half of a garden or amenity space should receive at least two hours of sunlight on 21 March. The two communal terraces proposed (on the second and fifth floors) have been assessed and the submitted report concludes that the BRE criteria is met.

1.108 In terms of the proposed development and associated amenity space, it is therefore considered acceptable in terms of daylight and sunlight. Officers would however note that the proposed development contains a large number of windows on the south west elevation facing the other part of the emerging site allocation, and as a piecemeal development with no master planning/placemaking work undertaken, officers are not assured that the proposed development would not prejudice future development coming forward on this site.

1.109 Daylight and sunlight summary

1.110 Even when applying the BRE guidance with the flexibility as intended, the impacts of the proposed development caused by the proposed development are noticeable and in many cases significant. It is not considered that the contextual justification provided or differences between this application and the previously refused application are significant or material enough for officers to remove the previous reason for refusal, particularly as no wider master planning options have been tested to demonstrate that this density and massing is the most appropriate form for the site.

*Outlook/Privacy*

1.111 The siting of the current application is located on broadly the same footprint as the previously refused scheme and as such the impacts in relation to privacy are akin to the previous scheme. There will be a separation distance of approximately 12 metres between the north-eastern elevation of the proposed development and the former Barking Magistrates Court building. It is therefore not considered that the development will have any material impact on the outlook and privacy of existing residential occupiers, particularly given the central town centre location. Whilst the Bath House is located directly to the south-east and within close proximity of the proposed development, it is not considered that there would be any direct overlooking or loss of privacy to the residents of this building.

1.112 The previous reasons for refusal included a reason pertaining to the outlook of the proposed flats facing onto Grove Place, which measures 6m wide. Officers considered that there would be a poor outlook from the flats facing south-west onto Grove Place, particularly at the first-floor level of the development, which would have a detrimental impact on the amenities enjoyed and the living standards of the future occupiers of the development. The first floor flats of the current application are all dual aspect with outlooks onto the town square or onto East Street. There is also a camber to the East Street side, which angles away from Grove Place. It is therefore no longer considered that outlook from the first floor units would justify a reason for refusal of the proposed development.

*Noise*

1.113 London Plan policy D13 (noise) sets out ways to manage noise within new developments. The policy ties into policy D12 (agent of change) which places responsibility for mitigating impacts from existing noise and other nuisance-generating activities or uses on the proposed new noise-sensitive development.

1.114 The Environmental Health Officer (EHO) has reviewed the submitted documentation and notes that the preliminary noise survey took place between 29-30 April 2019 which were a Monday and a Tuesday. As this development will be used at weekends it is considered that it would have been more representative to conduct a survey which would also cover these times which can be noisier, particularly in the evening/night time. In addition, the precise details of the mechanical services plant and refrigeration equipment (type and noise signature) are not known at this stage.

1.115 For the reasons highlighted above, the EHO recommends that the noise implications at the site will need revisiting and in the event planning permission is granted a number of noise based conditions are recommended, including a scheme of acoustic protection, noise limits for non-residential uses and plant structures. A condition is also recommended for a Construction Environmental Management and Site Waste Management Plan which should incorporate noise and vibration control details and restrict the demolition and construction hours to ensure there would be no undue construction noise at unneighbourly hours.

### *Lighting*

- 1.116 No details of external lighting have been submitted. To enable the development to be safe, secure and inviting, whilst ensuring external lighting does not give rise to neighbouring amenity impacts, a condition requiring the submission of lighting details would be imposed if planning permission were granted.

### *Air Quality*

- 1.117 The NPPF sets out at paragraph 181 that decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants taking into account the presence of AQMAs and the cumulative impacts from individual sites in local areas.
- 1.118 Policy SI1 of the London Plan also states that all development should be air quality neutral as a minimum. This is supported by Policy DMSI4 of the draft Local Plan (Regulation 19 version). Core Strategy CR1 sets a policy requirement to protect air quality.
- 1.119 The Environmental Health Officer has reviewed the position relative to air quality, advising that the Air Quality Neutral assessment will need revisiting once the end uses are known, and when the assumptions within the submitted report can be validated. As such, if planning permission were to be granted a condition is recommended for the submission of an Air Quality and Air Quality Neutral Assessment with a scheme for air pollution mitigation measures. A further condition is recommended for emissions from non-road mobile machinery.

### *Contaminated Land*

- 1.120 If planning permission were to be granted, a condition would be required to ensure there would be no adverse impacts in terms of land contamination, involving the submission of an investigation and risk assessment, detailed remediation scheme and a verification report.

<b>Sustainable Transport:</b>			
<i>Net gain/loss in car parking spaces:</i>	2 disabled bays proposed	<i>PTAL Rating</i>	6a
<i>Proposed number of cycle parking spaces:</i>	143 long-stay cycle parking spaces	<i>Closest Rail Station / Distance</i>	Barking Station / 0.2 miles
<i>Restricted Parking Zone:</i>	Yes	<i>Parking stress survey submitted?</i>	No

- 1.121 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.
- 1.122 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.
- 1.123 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.

- 1.124 Barking Area Action Plan Policy BTC8 states that the Council wish to encourage through traffic to remain on the primary road network and thereby reduce the levels of traffic using the roads in the Plan area as a short cut.
- 1.125 Strategic Policy SPP1 (Regulation 19 Draft Local Plan) promotes measures to improve access across the town centre, which includes prioritising pedestrian and cycle movement and safety around Town Quay, including restricting Highbridge Road to a minimum of one-way vehicular traffic.
- 1.126 The site has a PTAL rating 6a, which represents an excellent level of public transport accessibility.
- 1.127 Application 19/00770/FUL contained a reason for refusal pertaining to the location of the proposed blue badge spaces posing a potentially hazardous conflict with the existing turning head area on Clockhouse Avenue and the plant and refuse access to the former Magistrates Court building. The applicant has sought to address this reason for refusal by changing the location of the two blue badge spaces proposed.

#### *Site Access*

- 1.128 The building is proposed to be accessed from all elevations – East Street to the west, Grove Place to the south and Clockhouse Avenue to the north and east. The access strategy proposed includes 3 access points on Grove Place (back of house to retail unit 1, bin store and separate cycle store to the residential units). However, a previous planning application for the closure of Grove Place (16/00204/REG3) was given planning permission on 25/10/2018. This is still planned to be implemented and therefore the access strategy should demonstrate how the proposed closure of Grove Place has been taken into consideration, to avoid likely conflicts should the planning permission be implemented, and this area is closed off. This issue was raised in the previous planning report, where it was noted that the implementation of the consented scheme would have significant access and environmental implications for the ground and upper floor layouts of the proposed development and highlights the importance of adopting a holistic joined-up approach to development so as to maximise wider regeneration benefits.
- 1.129 Furthermore, officers note that two green electricity boxes on the east of the site should be relocated to the back of the footway to not cause a hindrance to pedestrians.

#### *Car and Cycle Parking*

- 1.130 The proposal includes the provision of 2 disabled parking spaces. These are located to the north and east of the site. Regarding the car parking space to the north of the site, it is unclear if the applicant is intending to remove some of the footway to enable the disabled parking space to be implemented and to allow continued access into the market for permitted vehicles. Further details that show the tracking of vehicles in order for vehicles to maintain access to the market are required to provide assurance that there would be no conflict. In accordance with the London Plan, officers would also expect these parking spaces to include electric vehicle charging infrastructure. The Transport Statement states that EV charging is proposed, however details of how this could be achieved within the public realm have not been submitted at this stage.
- 1.131 For the remainder of the proposed development, this will be car free. To ensure this is achieved, a car free obligation in the S106 should be secured to any permission granted that states that with every type of tenure and tenancy agreement, future occupiers will not be granted a permit, unless they qualify for disabled parking.
- 1.132 In terms of residential cycle parking, 143 long-stay cycle parking spaces, which is in line with minimum standards set out in the Intend to Publish London Plan. These cycle parking spaces should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards. A condition should be attached to ensure that detailed plans are submitted and then implemented.
- 1.133 A Car and Cycle Parking Management Plan that should be secured by condition.

#### *Other transport matters*

- 1.134 If planning permission were to be granted, A full Delivery and Servicing Management Plan, full Construction Logistics Plan and full Framework Travel Plan should be secured by condition to

ensure that the outline/framework principles set out in the submitted documentation can be implemented and additional details reviewed by officers to ensure there would be no adverse impacts as a result of construction or servicing, and to ensure sustainable transport is promoted in accordance with policy requirements.

### *Summary*

- 1.135 Based on the lack of information provided on the car parking arrangement and the site access strategy along Grove Plan, Transport Officers have substantially objected to the application on highways grounds. On the basis of this lack of clarity and potential conflict with vehicles accessing the market, officers are therefore not assured that there would not be an unacceptable impact on highway safety. The issues that resulted in the previous reason for refusal in terms of transport impacts have not been resolved and officers consider this a reason for refusal.

### **Archaeology:**

- 1.136 NPPF Section 16 recognise the positive contribution of heritage assets of all kinds and make the conservation of archaeological interest a material planning consideration. NPPF paragraph 189 says applicants should provide an archaeological assessment if their development could affect a heritage asset of archaeological interest. Paragraph 199 of the NPPF says that applicants should record the significance of any heritage assets that the development harms. Applicants should also improve knowledge of assets and make this public. Policy HC1 of the London Plan echo the importance of archaeological contributions, as set out in the NPPF. NPPF paragraphs 185 and 192 and London Plan Policy HC1 emphasise the positive contributions heritage assets can make to sustainable communities and places. Where appropriate, applicants should therefore also expect to identify enhancement opportunities.
- 1.137 Borough Wide Development Policies DPD Policy BP3 looks to secure the conservation or enhancement of archaeological remains and their settings.
- 1.138 The previous application contained a reason for refusal pertaining to archaeology (reason 7). No further archaeological investigations have been undertaken in the intervening time prior to the submission of this application and as such Historic England (GLAAS)'s position remains the same as the previous application.
- 1.139 Historic England have not been able to assess the effects on archaeological interest resulting from the proposal. In order to inform on this issue, Historic England requires the applicants to carry out a programme of archaeological fieldwork to provide the necessary information to inform any design work. It is acknowledged that much of the site will be inaccessible due to the current building, however fieldwork could be possible within the service yard on site, with the potential for this to be accommodated when the service yard is not in use. As this application has not been accompanied by the relevant fieldwork, Officers are unable to ascertain whether the proposal would conserve or enhance any possible archaeological remains and is therefore contrary to Policy BP3 in this regard, and the relevant sections of the NPPF.

### **Employment:**

- 1.140 London Plan Policy E11 promotes inclusive access to training, skills and employment opportunities for all Londoners. Core Strategy Policy CM1 states that development should meet the needs of new and existing communities and that a sustainable balance should be sought between housing, jobs and social infrastructure. Strategic Policy SP5 of the Draft Local Plan (Regulation 19) sets out that the Council will support businesses who seek to evolve, diversify and contribute to a more thriving and more inclusive local economy, including through the provision of employment and training opportunities for local people. Emerging policy DMM1 notes that the Council may request planning obligations to achieve construction-phase and occupation-stage employment and procurement targets.
- 1.141 The proposed development would contribute to employment for residents within the borough. If members were minded to approve the application, a Section 106 obligation would be sought to secure an Employments, Skills and Suppliers Plan ensuring that a minimum of 25% of labour and suppliers required for the construction of the development would be drawn from within the Borough, to maximise opportunities for local residents and businesses and to secure end-use jobs.

**Impact to existing Education Provision:**

1.142 The application proposes the delivery of 65 new homes, including 19 family units. LBBD School Investment Team have provided comments on the application, summarised in Appendix 3 below.

**Waste management:**

1.143 London Plan Policies D6 and S18 seek to ensure high standards of construction and design are achieved and seeks to ensure minimisation of generation of waste and maximisation of reuse and recycling. 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 DMS19.

1.144 No objections were raised to waste management in the previous application and it is considered that a detailed waste plan would be required to ensure that any waste collected in association with the proposed use would be managed and segregated in line with requirements.

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

<i>Proposed CO<sub>2</sub> Reduction</i>	<b>38%</b>
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1.145 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.

1.146 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.

1.147 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.

1.148 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.

1.149 An Energy and Sustainability Statement has been submitted as part of the planning application. The Statement sets out energy and sustainability measures to be incorporated into the development proposal. The statement sets out the expectation for the design to become connected in the future to a local heat network, proposing that a site-wide heating system with a single energy centre would be incorporated to connect to all residential units.

1.150 The Energy and Sustainability Statement confirms that the development would achieve 38% CO2 reduction overall, using SAP 10 factors through the provision of efficiency measures and rooftop solar PV, with the remainder to be offset through calculated contributions. The carbon offset to be paid is estimated to be £102,695 based on £95 tonne, in accordance with updated GLA figures. Other renewable energy options are reviewed but are considered unfeasible.



Officers consider that this position accords with policy and a planning obligation and planning condition could be secured to ensure the carbon reduction is met.

- 1.151 In terms of BREEM the Energy and Sustainability Statement acknowledges the policy requirements but states that as the retail units are all smaller than 1,000sqm and considers that exceptional cases where floor area is less than 1,000 that BREEM Excellent should not be sought, based on the LBB Sustainable Design and Construction Planning Advice Note 5 (2007). However, the reference in the advice note is in reference to the trigger for 'major developments' which this application meets, and the overall amount of commercial floorspace proposed is 1,314sqm. Furthermore, the more recently published Regulation 19 Draft Local Plan requires all new non-residential development over 500sqm to meet or exceed BREEM Excellent rating. If the application were approved, officers would seek to impose a condition requiring the non-residential floorspace to meet or exceed BREEM rating Excellent.

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

- 1.152 The NPPF states that planning systems should minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 1.153 Policy G6 of the London Plan requires new developments to make a positive contribution to the protection, enhancement, creation and management of biodiversity wherever possible. Policy SI17 supports river restoration and biodiversity improvements, noting that developments along London's river network should respect their local character, environment and biodiversity. Policy D8 encourages the incorporation of green infrastructure to the public realm to support rainwater management. 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 (Regulation 19 stage). Emerging policy DMNE2 supports developments that maximise opportunities for urban greening; DMNE3.

##### *Biodiversity and ecology*

The site is of low ecological value and its biodiversity will need to be enhanced through proposed tree planting and landscaping to be provided within the development. Matters relating to biodiversity can be secured by condition.

##### *Sustainable drainage*

- 1.154 The NPPF states that new development should be planned for in ways that avoid increased vulnerability to the impacts arising from climate change, and highlights at paragraph 155 that inappropriate development in areas at risk of flooding should be avoided, and that where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
- 1.155 London Plan policy SI13 states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to the source as possible. Drainage should be designed and implemented to promote benefits including urban greening, improved water quality and water efficiency. Policies CR4 and BR4 of the Core Strategy and Borough Wide Policies and Policy DMSI6 of the emerging Local plan (Regulation 19 stage), set out the local policy position.
- 1.156 The proposed development incorporates satisfactory Sustainable Urban Drainage solutions (SUDS) in principle. A detailed SUDS strategy and maintenance plan for drainage matters can be secured by condition, in line with the recommendations of the LLFA.

#### **Planning Balance:**

- 1.157 As assessed above, officers consider there is less than substantial harm to the former Magistrates Court heritage asset as a result of the proposed development and to the character and appearance of the Conservation Area that are not outweighed by public benefits. Officers also consider that the density, scale and massing has not been assessed against alternative options which consider wider masterplanning options. Further concerns include the impact in

terms of daylight and sunlight on the surrounding residential neighbours and the impacts in respect of transport as a result of lack of submitted information.

- 1.158 Given the position in respect of the Housing Delivery Test, the Council have published a Housing Delivery Test Action Plan which sets out how LBBD will increase housing delivery going forward. The Action Plan identifies barriers to housing delivery over the last 2 years and lists actions that the local authority has been and will continue to take to improve housing delivery in the borough. The Action Plan demonstrates that the Council is making significant progress to improving the delivery of homes through the increase in planning permissions, having granted permission for new homes over and above the London Plan target for the past 3 years.
- 1.159 As a result of the Council's housing position, paragraph 11a of the NPPF is engaged and the policies most important for determining the application are to be considered out of date, unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 1.160 Officers consider the approval of the application would be contrary to the above exceptions, which specifically seeks to protect designated heritage assets. Officers also consider the other adverse impacts identified in this assessment to significantly and demonstrably outweigh the benefits when considered against the policies in the NPPF as a whole, which therefore presents a clear reason for refusing the application.

#### **Habitat Regulation Assessment: Epping Forest Special Area of Conservation (SAC)**

- 1.161 Officers have considered the development type and proximity to Epping Forest Special Area of Conservation (SAC) and noting that the application is for new residential development within the 6.2KM Zone of Influence (ZoI) for the Epping Forest Special Area of Conservation have undertaken a Habitat Regulation Assessment. This assessment is detailed at **Appendix 8** and has been undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) and the emerging strategic approach relating to the Epping Forest Special Area of Conservation (SAC) Interim Mitigation Strategy Dated 06 March 2019.
- 1.162 The Habitat Regulation Assessment recognises that the proposed development either when considered alone, or in combination with other residential developments is likely to have a significant effect on the sensitive interest features of Epping Forest Special Area of Conservation (SAC) through increased recreational pressure.

#### **Conclusions:**

The application is a resubmission of application 19/00770/FUL which was refused on 8 grounds. The application relates to a residential-led redevelopment of a key town centre site that is part of and emerging allocation in the Draft Local Plan (Regulation 19). Officers accept the principle of development and acknowledge the progress that has been made since the refusal of planning application 19/00770/FUL, which has enabled the removal of 4 previous reasons for refusal. However, there are a number of areas of concern that have not been resolved through the resubmission of the current application, and as such four reasons for refusal are retained. The proposed development represents a piecemeal development that would result in poor place-making that is not considered to provide significant regeneration benefits or public benefits to the extent that this outweighs the harm of the development.

The application is not considered to comply with the relevant policies set out in the NPPF, London Plan 2021, or adopted and emerging local planning policies.

Officers therefore recommend refusal for the reasons listed at Appendix 6.

## 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 (GLA, March 2021)*

GG1 Building strong and inclusive communities  
 GG2 Making the best use of land  
 GG3 Creating a healthy city  
 GG4 Delivering the homes Londoners need  
 GG5 Growing a good economy  
 GG6 Increasing efficiency and resilience  
 Policy 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 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  Policy BR13: Noise Mitigation</p>

	<p>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 18 Consultation Version, November 2019) is at an “early” stage of preparation. Having regard to NPPF paragraph 216 the emerging document is now a material consideration and limited 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 18 Consultation Version, November 2019)</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  POLICY DMD 5: Local views  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 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  POLICY DMSI 2: Energy, heat and carbon emissions</p>

	<p>POLICY DMSI 3: Nuisance  POLICY DMSI 4: Air quality  POLICY DMSI 5: Land contamination  POLICY DMSI 6: Flood risk and defences  POLICY DMSI 7: Water management  POLICY DMSI 9: Demolition, construction and operational waste  POLICY DMSI 10: Smart Utilities  STRATEGIC POLICY SP8: Planning for integrated and sustainable transport  POLICY DMT 1: Making better connected neighbourhoods  POLICY DMT 2: Car parking  POLICY DMT 3: Cycle parking  POLICY DMT 4: Deliveries, servicing and construction  STRATEGIC POLICY SP 9: Managing development  POLICY DMM 1: Planning obligations (Section 106)</p>
<p><i>Supplementary Planning Documents</i></p>	<p>DCLG Technical Housing Standards (nationally described space standard) (DCLG, March 2015) (as amended)  Housing Supplementary Planning Guidance (GLA, March 2016, Updated August 2017)  Housing (2016)  Play and Informal Recreation (2012)  Energy Assessment Guidance (GLA, October 2018)  Sustainable Design and Construction SPG (GLA, April 2014)  Abbey and Barking Town Centre Conservation Area Appraisal</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>	19/00770/FUL	<i>Status:</i>	Refused
<i>Description:</i>	<i>Redevelopment of site to provide a 6-9 storey building comprising 79 residential units (35 x 1-bed, 15 x 2-bed and 29 x 3-bed flats) with 1,210m2 of retail space (Use Class A1) at ground and part first floors</i>		
<i>Reasons for refusal</i>	<ol style="list-style-type: none"> <li>1. The proposed development by virtue of its siting, location, unexemplary design and high density will be a stark, crude and isolated development in the town centre that is piecemeal in nature and represents poor place-making which will unduly impact on the setting of the Grade II listed former Barking Magistrates Court, does not seek to preserve or enhance the character of the Abbey and Barking Town Centre Conservation Area and does not maximise opportunities within the key regeneration area of Barking Town Centre and as such would be contrary to policies CM1, CM2 and CP3 of the Core Strategy, policies BTC16 and BTC19 of the Barking Town Centre Area Action Plan, policy BP11 of the Borough Wide Development Policies Development Plan Document, London Plan policies 3.4, 7.4, 7.6 and 7.7, draft London Plan policies D1, D4, D3, D9, HC1, SD1 and the London Riverside Opportunity Area Planning Framework.</li> <li>2. The proposed first floor flats on the south-western elevation facing Grove Place will be separated from the flank wall of 32 East Street by a distance of only 6 metres resulting in poor outlook from the proposed flats, detrimental to the amenities enjoyed and living standards of future occupiers of the development, contrary to policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.</li> <li>3. The proposed development will result in the loss of sunlight and daylight to neighbouring residential occupiers and in particular flats contained within the former Barking Magistrates Court and the Bath House buildings. The application has also failed to demonstrate that flats within the development and the courtyard area will receive adequate sunlight levels. The proposal is considered to impact on the living standards of the neighbouring residential occupiers and potential occupiers of the proposed development, contrary to policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.</li> <li>4. The proposed development by virtue of the first floor internal layout will result in four isolated residential units which provides an uninviting and poor quality environment and represents poor design for potential residents contrary to policy BTC16 of the Barking Town Centre Area Action Plan, policy BP11 of the Borough Wide Development Policies Development Plan Document, London Plan policy 3.5 and draft London Plan policies D1 and D6.</li> <li>5. The application has failed to demonstrate that sufficient children's playspace provision will be provided for the development and as such will be detrimental to the living standards and amenities enjoyed by future occupants of the development, contrary to London Plan policy 3.6, draft London Plan policy S4 and the Mayor's Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance.</li> <li>6. The location of the proposed blue badge spaces is considered unsatisfactory, posing a potentially hazardous conflict with the existing turning head area on Clockhouse Avenue and the plant and refuse access to the former Barking Magistrates Court</li> </ol>		

	<p>building, and as such is contrary to policies BR9 and BR10 of the Borough Wide Development Policies Development Plan Document and draft London Plan policies T6 and T6.1.</p> <ol style="list-style-type: none"><li data-bbox="555 219 1479 383">7. The proposed application has not been accompanied by an adequate Archaeological Written Scheme of Investigation to inform Historic England of the impact of the design proposals on this Archaeological Priority Area, contrary to policy BP3 of the Borough Wide Development Policies Development Plan Document.</li><li data-bbox="555 392 1479 553">8. The application has failed to provide details of the breakdown of the proposed affordable housing tenure and as such has not satisfactorily demonstrated that the proposal will accord with the Mayor's fast-track viability route, contrary to London Plan policies 3.10-3.13 and draft London Plan policies H4-H6.</li></ol>
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### Appendix 3:

The following consultations have been undertaken:

- TfL
- LBBD Energy
- Designing Out Crime Officer, Metropolitan Police
- Historic England (Buildings)
- Historic England (Archaeology) (GLAAS)
- LBBD Access Officer
- Be First Transport Officers
- LBBD Flood Risk Manager (LLFA)
- LBBD Education Team
- LBBD Arboricultural Officer
- Environmental Agency
- LBBD Environmental Health Officer
- Thames Water
- Be First Urban Design Officers

Summary of Consultation responses:		
Consultee and date received	Summary of Comments	Officer Comments
TfL	No comment	
LBBD Energy	Requested the applicants engaged directly with LBBD Energy in respect of the proposed connection to the district heat network	This advice has been passed onto the applicant
Designing Out Crime Officer Letter, 03/02/2021	<p>Areas requiring mitigation:</p> <ol style="list-style-type: none"> <li>1. Ground floor bin room area – concerning levels of permeability on the ground floor between bin rooms, residential entrances, and cycle stores. Bin room interconnecting door sets must be removed. Bin and cycle stores must remain completely separate.</li> <li>2. The proposed cycle storage should be sub divided in to smaller more manageable blocks or bays, with no more than 45 bikes per room/pen. To be access controlled. Robust external doorset. HD CCTV coverage</li> <li>3. Ground floor public realm – semi public communal seating and planters need to be proportionate and grouped in smaller hubs.</li> </ol> <p>The colonnade aspect is a vulnerability and may offer shelter for rough sleepers, beggars etc if not well designed. This aspect must be as high and open as possible and supported with lighting to BS 5489, to aid natural surveillance and encourage activity. Every effort must be made to design out legitimate places for individuals to dwell that are too close to the vulnerable aspects of the scheme, such as recesses or undercrofts adjacent to block entrances, as well as entrances to bin and cycle stores.</p>	<p>It is understood that the DOCO met with the applicant to discuss the comments. Discussions with the DOCO have confirmed this, who confirmed that the main concerns were the compartmentation (security layering) and importance of controlled access to the communal amenity space on the podium, also concerns with regards to the access to the cycle storage. DOCO expressed that these issues could be resolved/controlled but that this is likely to be at a greater expense of the developer. Officers consider the recommended condition and a requirement for compartmentation would be crucial to ensure the</p>

	<ol style="list-style-type: none"> <li>4. External communal entrance doorsets. To be constructed to standards.</li> <li>5. Lighting – adequate uniform lighting.</li> <li>6. Residential communal entrances and public realm. Secure post lobby at ground floor to be designed with air-lock design. Suitable mail room. Secure doors</li> <li>7. Security compartmentation – residential apartments over 25 units featured in this proposal must be subject to destination control that prohibits uninvited guests from freely moving around the entire building. *Please be mindful that without some form of security compartmentation the proposed scheme will possibly fail the SBD scheme, something that may become a challenge if an SBD condition is added by the planning committee. It would be prudent for the applicant to seek our advice on this matter*</li> <li>8. Fire escape routes and security – must be aware that where a level of access is required in an area that is part of a fire route, extra care must be taken over how doorsets are secured.</li> <li>9. Residential Unit – apartment doors. Requirement.</li> <li>10. Accessible window requirement.</li> <li>11. Roof terraces or podium gardens – to be supported with access control etc.</li> <li>12. Ground floor commercial units <ol style="list-style-type: none"> <li>a. Public realm – ensure outside activates if any are conducted at the front of each unit/property with seating to be supervised by staff</li> <li>b. Doors and windows – constructed to standards.</li> </ol> </li> </ol> <p><u>Security condition:</u> The development shall achieve a Certificate of Compliance to a Secure by Design scheme where one exists. Or alternatively achieve secure by design standards to the satisfaction of the Metropolitan Police and the local authority, details of which shall be provided in writing to the Local Planning Authority prior to first habitation or use. All security features are to be retained and maintained for the lifetime of the development.</p> <p>REASON: To provide a safer environment for future residents and visitors to the site and reduce the fear of crime.</p>	<p>development is safe and secure.</p>
<p>Historic England (buildings) 22/02/2021</p>	<p>Historic England provided comments on the previous proposals for this site last year (your ref: 19/00770/FUL, our ref: P01147470) which involved the demolition of all buildings on site and the erection of a residential development with retail at ground floor comprising of buildings between six and nine storeys in height. In our advice letter, Historic England expressed in-principle support for the investment along the historic high street, and recognised the opportunities to improve upon the poor townscape quality of the existing building at 36-42 East Street. However, concerns were</p>	<p>Heritage issues are assessed in the report above.</p>

raised about the overall scale, massing, and design of the proposed development which would fail to preserve the setting of the neighbouring Grade II listed Magistrates Court, and would also fail to preserve or enhance the character and appearance of the Abbey and Barking Town Centre Conservation Area.

Historic England therefore considered that the scheme failed to comply with the key heritage policies set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (specifically Sections 66 and 72), and the National Planning Policy Framework (February 2019) (specifically Paras 192, 194, 196 and 200).

Whilst Historic England considered that the rear part of the site could support some increased density and mass (given the emerging context around Barking Town Hall), we felt that the street-facing elements should seek to respond to the prevailing scale of buildings along East Street in order to preserve both the character of the Conservation Area and the setting of the Magistrates Court.

Historic England note that the application was refused by the Local Planning Authority in part due to the adverse impacts on the Conservation Area and Magistrates Court.

Welcome the refinements to the scheme which we consider to be an improvement on the previous iteration. The proposed 'Market Building' facing East Street would now respond more successfully to the prevailing scale of buildings found along this key artery through the Conservation Area, and notably sit more comfortably alongside the neighbouring Grade II listed Magistrates Court. The changes to the design and materiality of that building are also welcomed.

However, the redevelopment as a whole does remain of a very large scale for a high street plot. Whilst it is acknowledged that building height and density is increasing around Barking Town Centre, this development site is particularly sensitive due to its positioning along the historic high street. There remains a somewhat stark juxtaposition in scale with the surrounding historic buildings that is likely to result in some harm to the appreciation of Barking's historic market town grain, scale and character. Harm would also result from the loss of the existing building at 34 East Street (with reference to Para 201 of the NPPF) due to its identification as a Positive Contributor in your Council's recently updated Conservation Appraisal and Management Plan (Purcell, October 2020, p48).

In determining this revised application, it will be for the Authority to consider whether this harm has been justified and outweighed by public benefits in accordance with Paras 194 and 196 of the NPPF.

#### Recommendation

Historic England welcomes the positive changes to the scheme, but remains of the view that some harm would

	<p>result from these proposals. The Local Authority should take these representations into account and seek amendments, safeguards or further information as set out in this advice.</p>	
<p>Historic England (Archaeology) (GLAAS) 17 February 2021</p>	<p>Field Evaluation required pre-determination. The planning application lies in an area of archaeological interest.</p> <p>An archaeological field evaluation involves exploratory fieldwork to determine if significant remains are present on a site and if so to define their character, extent, quality and preservation. Field evaluation may involve one or more techniques depending on the nature of the site and its archaeological potential. It will normally include excavation of trial trenches. A field evaluation report will usually be used to inform a planning decision (pre-determination evaluation) but can also be required by condition to refine a mitigation strategy after permission has been granted.</p>	<p>Archaeological matters are discussed above.</p>
<p>LBBB Access Officer 26/02/2021</p>	<p>Initial comments:</p> <ul style="list-style-type: none"> <li>• Corridor near the lift has door opening outwards which can clash with people using corridor</li> <li>• Intercom to be accessible to include colour contrast, braille and video.</li> <li>• Wheelchair units need to be allocated in affordable section as this is where the need is.</li> <li>• Wheelchair units should be a mixture of baths and wetroom</li> <li>• Please consider having 2 wheelchair units per floor (over 4 floors) as this will assist with evacuation if</li> <li>• required.</li> <li>• The design of the wheelchair units are inaccessible; please re-configure to ensure ease of access.</li> </ul> <p>Further comments following liaison with applicant:</p> <ul style="list-style-type: none"> <li>• The ground floor southern residential entrance (adjacent to retail unit 6) there's a cluster of doors at bottom of stairs into lift area.</li> <li>• By putting the accessible units within the private rent area, we may be failing our duty under The Equality Act 2010 as we know the need for accessible housing is within affordable section.</li> <li>• What is stopping the wheelchair accessible units to be let out at an affordable rent? Affordable units do not have to be segregated away from the private ones.</li> <li>• The Fire and Rescue Service prefer disabled occupants to be on lower floors.</li> <li>• Clarified original wording. The units are not inaccessible; however, the layout will be difficult for a wheelchair user due to the angles within the unit and position of corridors. The flat next door for example is a much better layout as the doors are straight off the entrance hall and there's no awkward angles to negotiate. It would be very difficult to open door in living area to access the hall. The bedroom in the wheelchair units would</li> </ul>	<p>Accessibility issues are considered above.</p>

	<p>benefit from being more square rather than having the small narrow section.</p> <ul style="list-style-type: none"> <li>• There is actually a need for larger wheelchair units to accommodate disabled people with families, therefore is there a reason why it is only 1B2P units are wheelchair accessible?</li> </ul>	
<p>Be First Transport Officers 08/04/2021</p>	<p>Redevelopment of site to provide a 5-9 storey building comprising up to 65 residential units (Use Class C3) with retail units (Use Class E) at ground and part first floors, with associated landscaping and highway works.</p> <p><i>Highway Planning Observations</i> The official Public Transport Accessibility Level (PTAL) rating for the site has been determined at 6a. This represents an excellent level of public transport accessibility.</p> <p><i>Site Access</i> The access strategy proposed includes 3 access points on Grove Place. However, a previous planning application for the closure of Grove Place (16/00204/REG3) was given planning permission on 25/10/2018. This is still planned to be implemented and therefore the access strategy for this application needs to be amended to remove any access points on Grove Place, as this will be closed off.</p> <p>Furthermore, the two green electricity boxes on the east of the site should be relocated to the back of the footway to not cause a hindrance to pedestrians.</p> <p><i>Car and Cycle Parking:</i> The proposal includes the provision of 2 disabled parking spaces. These are located to the north and east of the site. Regarding the car parking space to the north of the site, it is unclear if the applicant is intending to remove some of the footway to enable the disabled parking space to be implemented and to allow continued access into the market for permitted vehicles. The applicant should submit further details that shows the tracking of vehicles in order for vehicles to maintain access to the market. In accordance with the London Plan, we would also expect these parking spaces to include electric vehicle charging infrastructure.</p> <p>For the remainder of the proposed development, this will be car free. We recommend that a car free obligation in the S106 is secured to any permission granted that states that with every type of tenure and tenancy agreement, future occupiers will not be granted a permit, unless they qualify for disabled parking.</p> <p>In terms of residential cycle parking, 143 long-stay cycle parking spaces, which is in line with minimum standards set out in the Intend to Publish London Plan. These cycle parking spaces should be designed and laid out in accordance with the guidance contained in the London</p>	<p>The matters are assessed in the report above.</p>

	<p>Cycling Design Standards. A condition should be attached to ensure that detailed plans are submitted and then implemented.</p> <p>A Car and Cycle Parking Management Plan that should be secured by condition.</p> <p><i>Delivery and Servicing Management Plan</i> A full Delivery and Servicing Management Plan should be secured under a condition.</p> <p><i>Construction Logistics Plan</i> An outline Construction Logistics Plan has been submitted, but a full Construction Logistics Plan should be secured under a condition.</p> <p><i>Framework Travel Plan</i> A full Travel Plan should be secured under a condition.</p> <p><b>RECOMMENDATION</b> Based on the information provided it is our considered view that given the reasons stated above on the site access strategy on Grove Place and the lack of information provided on the car parking arrangement, this provides substantial reason for highways to object</p>	
<p>LBBB Flood Risk Manager (LLFA) 08/04/2021</p>	<p>The proposals have been reviewed and they appear acceptable. The following conditions should be applied:</p> <ol style="list-style-type: none"> <li>1. <i>'No works on site 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.'</i></li> <li>2. <i>'Prior to the occupation of the buildings hereby approved 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.'</i></li> </ol>	<p>If approved, officers would recommend the imposition of the conditions as advised.</p>
<p>LBBB School Investment team 16/02/2021</p>	<p>Note the reference in the application regarding the GLA calculation for the number of residents, in particular that there would be an estimated 12 school age pupils generated by the development. Based on historical Borough trends, LBBB estimate the child yield once fully operational to be: Pre-school children: 10 Primary Age Pupils: 17 Secondary age pupils: 12</p> <p>This development is in a town centre location in a particularly difficult locality to identify any additional school sites and the pressure for places will be a future problem, all primary schools in the Ward area have previously been expanded. There are discussions ongoing with colleagues in Be First looking at a suitable</p>	<p>The comments are noted, and attempts are being made to seek school sites in the Local Plan</p> <p>In respect to the child yield calculator, officers acknowledge that LBBB's figures are likely to be more accurate as they are based on local and historic trends, rather than broad figures. However the child yield calculations in respect of play space are policy compliant and are</p>

	<p>location but there is no clear pathway to find a primary school site. CIL contributions to help achieve a new school. We hope this can be resolved in the short term but until there is a route to find such solution then pupils who live furthest from schools will be displaced to sites where schools have vacancies.</p>	<p>therefore considered acceptable in this regard. Moreover the application proposes more child play space than generated by the calculations which could assist in accommodating for the locally estimated uplift.</p>
<p>Be First Urban Design 13 April 2021</p>	<p>Context</p> <ul style="list-style-type: none"> <li>• The site is located within the Abbey and Barking Town Centre Conservation Area and sits adjacent to the Grade II listed former Barking Magistrates Court. Several locally listed 19<sup>th</sup> and 20<sup>th</sup> century buildings are situated nearby including nos. 1-11, 13-27, 33-35, 41 East Street and Barking Town Hall.</li> <li>• In accordance with the NPPF, London Plan and Local Plan policy new development proposals should seek to preserve and enhance the setting of listed heritage assets and the character and appearance of conservation areas (thereby reinforcing local identity and sense of place).</li> </ul> <p>Principle</p> <ul style="list-style-type: none"> <li>• The application site sits between two key spaces within Barking Town Centre; East Street to the north (the town centre's main high street which forms an important east west connection) and Town Square to the south (the civic heart of Barking Town Centre) and is therefore strategically important.</li> <li>• This importance is reflected by the Barking Civic Centre Masterplan (September 2019) which sets out strategic proposals for several sites including 34-42 East Street and the adjacent urban block (2-32 East street). The Masterplan document highlights the need to adopt an overarching approach in order to establish greater connectivity and legibility between key sites and a cohesive identity to Barking Town Centre.</li> <li>• Given the strategic importance of the site all development proposals will require a holistic joined up approach as part of the wider emerging Masterplan. The joint opportunities and shared constraints mean that individual sites and adjacent plots cannot be treated in isolation. In accordance with the Masterplan objectives all new development should be <i>cohesive</i>, <i>interlinked</i> and <i>coordinated</i> to establish a series of architecturally coherent spaces and landmarks creating a lasting identity for Barking.</li> <li>• The redevelopment of the site in unison with adjacent plots would increase the scope of regeneration potential creating opportunities and benefits greater than those which could be provided by piecemeal</li> </ul>	<p>Design comments are considered</p>

	<p>development. The site forms part of a wider town centre placemaking strategy as such the current 'separate entity' approach is not supported.</p> <p>Layout and appearance</p> <ul style="list-style-type: none"> <li>• The site is of significant importance and is located adjacent to an urban block (2-32 East street), marked for redevelopment as part of a masterplan that sets out strategic proposals seeking to establish greater connectivity and legibility between key sites and a cohesive identity to Barking Town Centre. The proposed layout and façade treatment of the residential units facing Grove Place do not create a pleasant aspect for the proposed residents of blocks D and C. Further to this the proposal does consider the impact or implications of this future development.</li> <li>• Some consideration has been given to how to respond to the constraints of the site. At ground floor, the proposed refuse strategy helps to reduce the need for the 'back of house'/ 'service yard' that currently exists on the Clocktower Avenue side of the site facing onto the town centre square. The retention of the folly is welcomed, however, while the proposal begins to create the opportunity to complete the town centre square in a meaningful way, it does not go far enough in proposing and embedding itself into a wider holistic placemaking strategy. It is unclear whether the implications of the approved plans for closure of Grove Place have been considered.</li> <li>• The submission presents a thorough study of the context and proposes a scheme that seeks to respond to the difficult constraints of the site. In particular, the architectural articulation of the facades facing East Street and Clocktower Avenue is notably improved from the previous submission through the façade development studies.</li> <li>• Given the prominent location of 'Retail Unit 6' more consideration to the architectural articulation and function of this space as an important part of the town square is required.</li> </ul>	
<p>LBBB Arboricultural Officer 09/02/2021</p> <p>And 02/03/2021</p>	<p>The Arboricultural officer commented with a number of questions in respect to the loss of 4no. lime trees near the folly. These are old town centre trees that go back many decades. It is not practical to keep them if this proposal is accepted, but they are not significant enough to object to the proposal for arboricultural reasons alone. They can be replaced with a good enough landscape package. This should involve five new semi-mature trees as described in the attached communications, and shown in the proposed site plan.</p> <p>The applicant responded to questions raised by the</p>	<p>Officers acknowledge the arboricultural officer's position and agree that an appropriately worded condition should be added if planning permission is granted to secure the maintenance of the trees, and a planning obligation for the sum of £7,784 to be made available to LBBB Parks and Environment.</p>



	<p>Arboricultural officers, confirming the CAVAT valuation for the four mature lime trees, and the value for new tree planning for six trees. As the value of the replacement trees would be less than the trees lost, the applicant has confirmed agreement to an additional sum of £7,784 to be made available to LBBD Parks and Environment.</p> <p>The Arboricultural Officer responded on 02/03/2021 to confirm acceptance of the proposals, arboricultural report and CAVAT valuation and recommends that confirmation of the planting and follow up 3 year maintenance plan carried out by independent contractors appointed by the development team should be secured if planning permission is granted.</p>	
<p>Environment Agency 09/02/2021</p>	<p>Have assessed the application as having low environmental risk and therefore have no comments.</p>	<p>Noted.</p>
<p>LBBD Environmental Health Officer 01/03/2021</p>	<p>The preliminary noise survey took place between 29th-30th April 2019, which were a Monday &amp; Tuesday. As this development will be used at weekends it would have been more representative to conduct a survey which also covered these times, which can be noisier, particularly in the evening / night times.</p> <p>In addition, the precise details of the mechanical services plant and refrigeration equipment (type and noise signature) are not known at this stage.</p> <p>The Preliminary Geo-Environmental Risk Assessment prepared by Deltasimons dated January 2021, ref: 19-0896.01 is accepted as a preliminary piece of work however the following condition is required to ensure that the necessary intrusive investigation and any subsequent remediation strategy etc are approved.</p> <p>There is no documentation submitted with regard to lighting, therefore the following condition is recommended.</p> <p>The Air Quality Neutral assessment will need revisiting once the end uses are known, and when the assumptions within the submitted report can be validated.</p> <p>For this reason the noise implications at this site will need revisiting, therefore if the LPA is minded to grant permission the following conditions are recommended:</p> <ul style="list-style-type: none"> <li>• Scheme of Acoustic Protection</li> <li>• Noise from Non-Residential Uses and Plant and Structure Borne Noise Emissions</li> <li>• Construction Environmental Management and Site Waste Management (details to be submitted)</li> <li>• Contaminated Land</li> <li>• Lighting</li> <li>• Air Quality and Air Quality Neutral Assessment</li> <li>• Emissions from Non-road mobile machinery (NRMM)</li> </ul> <p>Informative: For information on the NRMM Low Emission Zone</p>	<p>Noted and discussed in the report above.</p>

	<p>requirements and to register NRMM, please visit “<a href="http://nrmm.london/">http://nrmm.london/</a>”.</p>	
<p>Thames Water 03/02/2021</p>	<p>Water – there are public sewers close to the development. If significant works are proposed, risk of damage should be minimised. The applicant is advised to read Thames Water guide.</p> <p>The proposed development is located within 15m of underground waste water assets and an informative is therefore recommended.</p> <p>Surface water drainage – Thames Water advise that the sequential approach should be followed. Where the developer proposes to discharge into a public sewer, prior approval from Thames Water Developer Services will be required.</p> <p>Thames Water expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharge into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing <a href="mailto:trade.effluent@thameswater.co.uk">trade.effluent@thameswater.co.uk</a> . Application forms should be completed on line via <a href="http://www.thameswater.co.uk">www.thameswater.co.uk</a>. Please refer to the Wholesale; Business customers; Groundwater discharges section.</p> <p>Thames Water would advise that with regard to WASTE WATER NETWORK and SEWAGE TREATMENT WORKS infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.</p> <p>Water - There are water mains crossing or close to your development. Thames Water do NOT permit the building over or construction within 3m of water mains. If planning significant works near mains (within 3m) Thames Water need to check that the development doesn't reduce capacity, limit repair or maintenance activities during and after construction, or inhibit the services we provide in any other way. The applicant is advised to read the guide working near or diverting our pipes. <a href="https://developers.thameswater.co.uk/Developing-a-large-">https://developers.thameswater.co.uk/Developing-a-large-</a></p>	<p>Noted.</p>

site/Planning-yourdevelopment/Working-near-or-diverting-our-pipes

The applicant is advised that their development boundary falls within a Source Protection Zone for groundwater abstraction. These zones may be at particular risk from polluting activities on or below the land surface. To prevent pollution, the Environment Agency and Thames Water (or other local water undertaker) will use a tiered, risk-based approach to regulate activities that may impact groundwater resources. The applicant is encouraged to read the Environment Agency's approach to groundwater protection (available at <https://www.gov.uk/government/publications/groundwater-protection-position-statements>) and may wish to discuss the implication for their development with a suitably qualified environmental consultant.

**Appendix 4:**

<b>Neighbour Notification:</b>	
<b>Number of neighbouring properties consulted:</b>	1537
<b>Number of responses:</b>	3
<b>Address:</b>	<b>Summary of response:</b>
4 <sup>th</sup> floor flat, Ropeworks, 407 Cutmore, IG11 7GS	<p><i>Objects to a tall building so close to already existing tall buildings at Bath House and Ropeworks. The 9-storey building would have a huge negative impact to residents due to natural light and privacy. Live at a flat on the 4<sup>th</sup> floor of the Ropeworks building which only gets a little bit of sun light in the late afternoon, which would be lost if this were to be approved. The residents below would be even worse and those towards the Lemonade building.</i></p> <p><i>There are a lot of residents/family with children who enjoy playing in the late afternoon at the town square. The tall building will reduce a lot of the natural light and the town square will not be as welcoming. The feel of the town square will be overwhelming with another big building in close proximity. Even the trees and benches at the Arboretum will have reduced sun/daylight and it will become a less attractive place for residents and visitors.</i></p> <p><i>As a lot of people rent flats in the buildings around the town square they might not be as bothered as those who own the flats, for who the development will have a greater impact on everyday life.</i></p>
On behalf of the Barking and Dagenham Heritage Conservation Group	<p><i>The Barking and Dagenham Heritage Conservation Group fully oppose this relatively high-rise housing scheme for various social, heritage, public health and environmental reasons.</i></p> <p><i>This area is within a conservation area and it is close to listed buildings such as the Barking Town Hall and the Magistrates Court as well as The Bull PH and having this new development here will adversely affect this area of local heritage especially when so much of it has already disappeared or is already under threat.</i></p> <p><i>Also constructing these residential units here will create a greater amount of congestion in a busy and polluted location which is what councils and planners ought to be more fully aware of in public health terms especially with the current situation of our coronavirus pandemic that has actually shown a causal link between the spread of this virus amongst populations who live in areas of higher housing density.</i></p>
No address given	<p><i>Object to this planning application as presented because it will drastically and negatively affect quality of life due to its impact on both light and privacy at my property.</i></p> <p><i>In particular, the plans as currently drawn would mean that:</i></p> <ul style="list-style-type: none"> <li><i>- The level of natural light to my property, almost all of which comes from the direction of the proposed development, will be reduced significantly, with virtually no natural light during at least half of the period during the day in which it is currently available.</i></li> <li><i>- The impact on privacy will be severe, with almost all my</i></li> </ul>

*living space directly overlooked by the new development.*

*Beyond the direct impact on quality of life within the property, it will also radically reduce the amount of light available in the spaces outside the building, which are frequently used by families.*

*Due to these impacts of the proposed development I am strongly opposed to the current application, and would hope at the very least that the proposed height of the development be revisited.*

**Officer Summary:**

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

## Appendix 5:

### Habitat Regulation Assessment: Epping Forest Special Area of Conservation (SAC) Screening Matrix and Appropriate Assessment (AA) Statement

#### Stage 1: Screening Assessment

(Screening under Regulation 63(1)(a) of the Habitats Regulations)

Officers have considered the development type and proximity to Epping Forest Special Area of Conservation (SAC) and confirm that the application is for new residential development within the 6.2KM Zone of Influence (Zol) for the Epping Forest Special Area of Conservation.

It is considered that, without mitigation, all new residential development within regular walking/driving distance of Epping Forest Special Area of Conservation would constitute a likely significant effect through increased recreational pressure, when considered either 'alone' or 'in combination' with other such development. The unique attraction of the Forest presents a strong draw as a place to undertake recreational activities on a regular basis; such activities (e.g. walking, dog walking, etc.) can lead to negative impacts on the sensitive interest features of the SAC (both habitats and species) through, for example, trampling of vegetation, compaction of soil, damage to tree roots and eutrophication of soil etc.

Visitor surveys have been undertaken to understand the distances within which residents from such development will travel to visit the SAC; this distance is referred to as a Zone of Influence (Zol). Following the recent CJEU 'People Over Wind' (or Sweetman II) ruling, avoidance and mitigation measures can no longer be taken into account as part of a planning application at this stage of the Habitat Regulation Assessment process. Therefore, all relevant development within scope of the Epping Forest Mitigation Strategy must progress to Habitat Regulation Assessment Stage 2: Appropriate Assessment, even where mitigation is proposed.

## Stage 2: Appropriate Assessment

(Screening under Regulation 63(1)(a) of the Habitats Regulations)

Epping Forest (the Forest) was a former royal forest and whilst it is London's largest open space, it also provides significant open space opportunities for residents from within and beyond Epping Forest District. It covers some 2400 hectares framed by Walthamstow to the south, the Lee Valley to the west, the M11 to the east and the M25 to the north. The Forest comprises wood-pasture with habitats of high nature conservation value including ancient semi-natural woodland, old grassland plains, wet and dry heathland and scattered wetland.

It is considered that, any additional homes built within the Zol, when taken in combination with other plans and projects, have the potential to increase pressure on the Epping Forest Special Area of Conservation, and have a Likely Significant Effect on its health as a Special Area of Conservation. It is acknowledged by Natural England that there is no way of preventing more people who come to live in the Zol as a result of new residential development from visiting the Forest in order to avoid placing further pressures on it and as such there is a need to undertake measures to mitigate these Likely Significant Effects and for new developments to make a contribution towards their implementation.

The Interim Approach to Managing Recreational Pressures on the Epping Forest Special Area of Conservation (SAMMS) produced by Natural England, (dated 5<sup>th</sup> October 2018) sets out a number of costed schemes and people resources needed to mitigate the harm of increased recreational pressure on Epping Forest Special Area of Conservation as a result of new residential development. These schemes include:

- Traffic control and car impact reduction measures
- Physical management of paths and tracks
- New, extended & re-aligned paths & circular walks
- New signage at transport nodes
- Visitor engagement campaigns, Bicycle hire scheme and Cycle Maps

Natural England agree that the above strategic mitigation measures (to be delivered by the City of London Conservators) are ecologically sound and will ensure that development, considered in-combination, does not have an adverse effect on the integrity of the Epping Forest Special Area of Conservation.

## Stage 3: Summary of Appropriate Assessment

(Screening under Regulation 63(1)(a) of the Habitats Regulations)

Having considered the proposed avoidance and mitigation measures above, the London Borough of Barking & Dagenham conclude that with mitigation the project will not have an adverse effect on the integrity of the Epping Forest Special Area of Conservation included within the Epping Forest Mitigation Strategy.

Further, having regard to the results of the 2019/20 Epping Forest Visitor Survey, it is confirmed that '*very few people from Barking and Dagenham visited the SAC*' and as such Natural England have confirmed in writing (17<sup>th</sup> September 2020) that no mitigation is required.

Having made this appropriate assessment of the implications of the plan or project for the site in view of that site's conservation objectives, the authority may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017.

In addition this appropriate assessment has taken into account the Epping Forest Special Area of Conservation (SAC) Interim Mitigation Strategy Dated 06 March 2019 prepared by Natural England.

## Appendix 6:

### Reasons for Refusal:

1. The proposed development by virtue of its siting, location, and high density will be a stark, crude and isolated development that is piecemeal in nature and represents poor place-making which will unduly impact on the setting of the Grade II listed former Barking Magistrates Court, does not seek to preserve or enhance the character of the Abbey and Barking Town Centre Conservation Area and does not maximise opportunities within the key regeneration area of Barking Town Centre and as such would be contrary to policies CM1, CM2 and CP3 of the Core Strategy, policies BTC16 and BTC19 of the Barking Town Centre Area Action Plan, policy BP11 of the Borough Wide Development Policies Development Plan Document, draft policies SPP1, SP2, DMD1, DMD2, DMD3, DMD4, DMD5 of the Regulation 19 Draft Local Plan, London Plan policies D1, D3, D4, D8, D9, HC1, SD1 and the London Riverside Opportunity Area Planning Framework and the NPPF.
2. The proposed development will result in the loss of sunlight and daylight to neighbouring residential occupiers and in particular flats contained within the former Barking Magistrates Court and the Bath House buildings. The proposal is considered to impact on the living standards of the neighbouring residential occupiers, contrary to policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document and the NPPF.
3. Insufficient information has been submitted and the application has failed to demonstrate that there would not be an unacceptable impact on highway safety particularly in respect of the location of the blue badge car parking spaces conflicting with access to the market, contrary to the NPPF.
4. The proposed application has not been accompanied by an adequate Archaeological Written Scheme of Investigation to inform Historic England of the impact of the design proposals on this Archaeological Priority Area, contrary to policy BP3 of the Borough Wide Development Policies Development Plan Document and the NPPF.