

MINUTES OF PLANNING COMMITTEE

Monday, 26 April 2021
(6:00 - 8:45 pm)

Present: Cllr Muhammad Saleem (Chair), Cllr John Dulwich (Deputy Chair), Cllr Faruk Choudhury, Cllr Irma Freeborn, Cllr Cameron Geddes, Cllr Mohammed Khan, Cllr Olawale Martins, Cllr Foyzur Rahman and Cllr Dominic Twomey

Apologies: Cllr Sanchia Alasia

56. Declaration of Members' Interests

There were no declarations of interest.

57. Minutes (22 and 25 March 2021)

The minutes of the meetings held on 22 and 25 March 2021 were confirmed as correct.

58. Chadwell Heath Baptist Church - 76 High Road, Chadwell Heath, Romford - 20/01859/FULL

The Principal Development Management Officer (PDMO), Be First Development Management Team introduced a report on an application seeking a planning permission at Chadwell Heath Baptist Church and adjacent land at 76 High Road, Chadwell Heath, Romford. The proposal sought to retain the Church's façade, demolish remaining premises and construction of a new church building with associated Community uses and 17 residential units (Use Class C3) comprising buildings of 2-4 storeys.

In addition to internal and external consultations, a total of 534 notification letters were sent to neighbouring properties together with the requisite statutory press notice. A total of four objections were received, two of which were included in a supplementary report, the full material planning considerations relating to which were set out in the planning assessment detailed both in the committee report and the subsequent supplementary report, the latter of which included a response to concerns expressed over the consultation process in relation to properties in Eric Road.

A local ward councillor spoke on behalf of the three Whalebone councillors in full support of the development, citing the vital role played by the Baptist Church in providing services to vulnerable residents and the wider community. They referred to comments previously expressed about the scale of the development, housing mix and car parking, and placed on record their appreciation of the positive approach taken by the Church to adapt their scheme to address the concerns of both ward members and the local community. That said the ward councillors would continue to work closely with the Church and the community to resolve any future issues that may arise.

Two registered speakers opposing the application addressed the Committee. In summary their concerns were:

- The development would impact on their privacy and quality of life insofar as it would overlook both adjoining properties and gardens in Eric Road.
- The scale, density and layout of the development was inappropriate for the surrounding area.
- Lack of consultation, and particular concerns about the validity of the statutory consultation seeing that properties in Eric Road did not appear to receive either the notification letter issued by Be First, nor a leaflet about the proposals circulated by the Church.

The PDMO maintained that the local Planning Authority's statutory duties had been fulfilled through the 534 letters sent out to surrounding properties together with the requisite press advert dated 23 September 2020, a copy of which was set out in the supplementary report, which also included the list of the of neighbouring properties consulted on Eric Road.

- Lack of available parking.
- The development would result in more people living in the area, creating additional demands and congestion, coupled with the fact that there was already little available green space and play areas for local children.

The applicant stated that they had considered the possibility of creating a play space at the expense of an element of the housing provision but had concluded that financially it was not viable for the overall development and that that the area already benefitted from a large space at the nearby St Chads Park.

In addition to the public representations further questions arose about the application which were addressed by the PDMO and the applicant including the proposed % and mix of affordable housing and the mechanism to secure the affordable units, projected rental costs, the importance of retaining the church façade in keeping with the traditional appearance of the building and the arrangements for the shared use of the amenity/garden space within the development.

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

The Committee **RESOLVED** to:

1. Agree the reasons for approval as set out in the report; and
2. Delegate authority to the Director of Inclusive Growth (or authorised Planning Officer) in consultation with the Head of Legal Services to grant

planning permission subject to the completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) based on the Heads of Terms identified at Appendix 7 and the conditions listed in Appendix 6 of the report; and

3. That, if by 26 October 2021 the legal agreement has not been completed, the Director of Inclusive Growth (or authorised Planning Officer) was delegated authority to refuse planning permission or extend this timeframe to grant approval.

59. Former Thames View Clinic, Bastable Avenue, Barking - 20/01760/FUL

The PMDO, Be First introduced a report on an application seeking a planning permission for the construction of a five-storey building comprising community use at ground floor level (Use Class F1) (327sqm) plus 50 residential flats (22 x 1-bed, 20 x 2-bed and 8 x 3-bed) and associated access, ground level parking and landscaping on the site of the former Thames View Clinic, Bastable Avenue, Barking.

In addition to internal and external consultations, a total of 177 notification letters were sent to neighbouring properties together with the requisite statutory press notice. A total of three representations were received, two of which were in support of the development and one sought confirmation of the location. Details of the full material planning considerations relating to the consultations were set out in the planning assessment detailed in the report.

A number of questions arose from consideration of the application which were addressed by the officer and the applicant concerning the parking arrangements for servicing the site, the future traffic arrangements for Samuel Ferguson Way, which would remain one way, and the provision of nearby play facilities and use of the community space. Both were seen as integral to the development and which would form part of the Section 106 Agreement, progress updates on which would as requested be provided to the Thames ward councillors.

In conclusion the redevelopment of the site for new and improved community space within Class F1 and residential use was considered by officers to be acceptable in principle and would contribute to the Borough's housing stock through the provision of 50 good quality units, of which 39% would be affordable, meeting an identifiable need in the Borough.

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

The development adopted a sustainable approach to transport whilst ensuring an acceptable impact on local highways and infrastructure. The proposal was also considered acceptable in terms of sustainability and air quality, with a financial contribution secured to mitigate any shortfall in carbon reduction.

Accordingly, the Committee **RESOLVED** to:

1. Agree the reasons for approval as set out in the report,
2. Delegate authority to the Director of Inclusive Growth (or authorised Planning Officer), in consultation with the Director of Law and Governance to grant planning permission subject to the completion of a unilateral undertaking under Section 106 of the Town and Country Planning Act 1990 (as amended) based on the Heads of Terms identified at Appendix 6 and the Conditions listed in Appendix 5 of the report, and
3. That, if by 26 October 2021 the Unilateral Undertaking has not been completed, the Director of Inclusive Growth (or other authorised Planning Officer), in consultation with the Director of Law and Governance, be Delegated authority to either refuse planning permission, extend this timeframe to grant approval or refer the application back to the Planning Committee for determination.

60. 34-42 East Street, Barking - 21/00159/FULL

The Development Management Officer (DMO), Be First Development Management Team introduced a report on an application seeking a planning permission for the redevelopment of the site at 34-42 East Street, Barking, 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. It was noted that the application was a resubmission of a previous application which was refused in February 2020 on the grounds set out in the report.

In addition to internal and external consultations, a total of 1537 notification letters were sent to neighbouring properties together with the requisite statutory press notice. A total of five objections were received, two of which were detailed in previously circulated supplementary reports, which also included an additional consultation response from the Greater London Archaeological Advisory Service (GLAAS), as well as additional submission documents presented by the applicant.

The full material planning considerations relating to the above were set out in the planning assessment detailed both in the committee report and the supplementary reports. This had resulted in an officer recommendation for refusal for reasons as detailed and presented at the meeting. This also included an officer assessment of the changes between the previously refused scheme and the current application.

In conclusion the officer reiterated that the current application related to a residential-led redevelopment of a key town centre site that was part of an emerging allocation in the Draft Local Plan (Regulation 19). The principle of development had been accepted and it was acknowledged that progress had been made since the refusal of planning application 19/00770/FUL, which had enabled the removal of five previous reasons for refusal. However, there remained a number of areas of concern that had not been resolved through the resubmission of the current application, and as such three reasons for refusal were retained.

Given the planning principle that each application should be considered on its merits and as there were currently no other plans for the site, clarification was sought as to the validity of citing the committee report which stated that the proposal was not making best use of land. The DMO confirmed that this was in specific reference to policies in the now adopted London Plan which required a holistic design led approach to schemes and that consequently the applicant had failed to demonstrate how this application would work/complement future adjacent developments as part of the emerging site allocation.

One registered speaker opposing the application addressed the Committee. In summary their concerns focussed on the impact of the proposed development on their quality of life in their adjoining property, through a combination of a significant reduction in natural light and a loss of privacy. It would also in their opinion reduce the sunlight to the Town Square, a popular play space for families and young children.

In response to the officer assessment and reasons for refusal the applicant and their representatives outlined what they saw as the key benefits of the scheme. In summary these were the number of build to rent units being delivered including 30% of those deemed affordable based on the London Living Rent (LLR) which exceeded the Mayor of London threshold, the number of family sized units, a density aligned with the aspirations set out in the draft site allocation, the introduction of a large area of retail floor space, and a high quality build and design, complementing the surrounding local heritage assets.

They challenged the officer argument about the wider site allocation, which in their view being in draft form only should have little bearing on the decision-making process, especially seeing the emerging local plan had yet to be independently reviewed. Their assessment of the draft site allocation was that it was made up of a considerable number of leasehold and freehold interests, which could take many years to unify and therefore it was unreasonable to withhold a consent on this application at this time.

Furthermore, the applicant challenged the daylight and sunlight assessment, claiming that based on an independent analysis, any such refusal would run contrary to the Council's ambitions for the number of homes to be proposed across the draft allocation in the emerging Local Plan, as well as failing reasonably to consider the dense urban context in which the site existed.

They also suggested that given more time issues raised by officers regarding parking could be resolved.

In response to comments from the Chair the applicant referenced the CGI illustrations in the report to demonstrate that there will be no overshadowing of the Town Square as a consequence of the development, and that the design would replicate the scale of massing already in place on the other three sides of the area. Other issues raised by Members concerned the question of true affordability for local residents, the design of the buildings, and the detrimental effect on local heritage specifically to the adjoining former Magistrates Court, albeit less than significant. In those circumstances it was not considered that the application would provide significant regeneration benefits or public benefits to the extent that it would outweigh the harm of the development.

Therefore, the Committee **RESOLVED**:

To delegate authority to the Director of Inclusive Growth (or authorised Planning Officer) in consultation with the Head of Legal Services to refuse planning permission for the following reasons:

1. The proposed development by virtue of its siting, location, and high density would be a stark, crude and isolated development that was piecemeal in nature and represented poor place-making which would unduly impact on the setting of the Grade II listed former Barking Magistrates Court, did not seek to preserve or enhance the character of the Abbey and Barking Town Centre Conservation Area and did 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 would 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 was 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, and
3. Insufficient information had been submitted and the application had 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.

61. Performance Review

The Committee noted a report from Be First detailing the findings from the evaluation of a random sample of delegated planning decisions as discussed at the Planning Performance and Review Sub-Committee on 16 February 2021 as presented at the last meeting (minute 43 refers).

The Committee placed on record its thanks to the Planning Officers from Be First and the Council for the overall performance in relation to the timely determination of planning applications in the context of the Key National Performance Indicators published by Ministry of Housing, Communities and Local Government.