


**LONDON BOROUGH OF BARKING & DAGENHAM**
**PLANNING COMMITTEE**
**20 December 2021**
**Application for Planning Permission**

<b>Case Officer:</b>	Kathryn McAllister	<b>Valid Date:</b>	16.09.2021
<b>Applicant:</b>	Dr M Salim	<b>Expiry Date:</b>	20.12.2021
<b>Application Number:</b>	21/01623/FULL	<b>Ward:</b>	Whalebone
<b>Address:</b>	949 Green Lane, Dagenham, Barking and Dagenham, RM8 1DJ		

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 949 Green Lane.

**Proposal:**

Change of use from Residential to a Community Centre to include Worship (F.1(a), F.1(f) and F.2(b)).

**Officer Recommendations:**

Planning Committee is asked to resolve to:

1. agree the reasons for approval as set out in this report; and
2. delegate authority to the London Borough of Barking & Dagenham's Director of Inclusive Growth in consultation with the Head of Legal Services to grant planning permission subject to the completion of a legal agreement under s106 of the Town and Country Planning Act 1990 (as amended) based on the Heads of Terms identified at Appendix 6 of this report and the Conditions listed in Appendix 5 of this report; and

**Conditions Summary:**
Mandatory conditions

- Time
- Approved Drawings & Documents

Prior to first occupation and/or use Conditions

- Event Management Plan
- Travel Plan
- External Facades
- Signage
- Cycle and Car Parking
- Refuse and Waste

### Monitoring & Management Conditions

- Event Capacity
- Opening Hours
- Noise from non-residential uses and plan and structure borne noise emissions

### **S106 – Summary of Heads of Terms:**

#### **Transport**

1. With the exception of users who qualify for blue badge/disabled parking, the Owner will ensure the development is a car parking permit free development and the Owner and users of the development will be restricted from obtaining parking permits for any Controlled Parking Zone (CPZ).
1. The Owner shall submit to the Council a Travel Plan on an annual basis for the first 5 years of the development, the first one to be submitted 3 months prior to first occupation. The owner must cover the cost of the annual review of this plan as a payment of £5000 3 months prior to first occupation

## OFFICER REPORT

### Planning Constraints:

No site constraints. However, the site is located just outside a neighbourhood centre.

### Site, Situation and relevant background information:

The application site is located on Green Lane in close proximity to the junction with Tenterden Road and adjacent to Green Lane Christian Fellowship Church.

#### 19/01817/FUL

Application 19/01817/FUL sought permission for the change of use from residential to a community centre to include worship. This application was refused for the following reasons:

- 1) The conversion of the dwelling into community centre would result in the loss of a family dwelling house to the detriment of the stock of family housing in the borough, contrary to Policy BC4 of the Borough Wide Development Policies DPD (March 2011).
- 2) The proposed change of use has not provided a sufficient parking plan nor shown that the existing transport capacity is sufficient contrary to Policy BR10 of the Borough Wide Development Policies Development Plan Document (March 2011).

#### 21/00075/FULL

Application 21/00075/FULL is a resubmission of application 19/01817/FUL. Further, details regarding the proposed use accompanied the application. Notwithstanding, this application was refused for the following reasons:

- 1) The proposed change of use has not provided a sufficient parking and event management plan nor shown that the existing transport capacity is sufficient to mitigate harm caused from intensification of use of the site, contrary to:
  - National Planning Policy Framework (MHCLG, February 2019)
  - Policy T4 of The London Plan (March 2021)
  - Policy BP10 of the Borough Wide DPD (March 2011)
  - Policy DMT2 of the Draft Local Plan Regulation 19 consultation version (October 2020)

#### 21/01623/FULL- Present Application

This application is a resubmission of application 21/00075/FULL and 19/01817/FUL. It seeks permission for the change of use from Residential to a Community Centre to include Worship (F.1(a), F.1(f) and F.2(b)). It is different to all previous applications as further details regarding transport capacity have been provided.

### Key issues:

- Principle of the proposed development
- Design and quality of materials
- Impacts to neighbouring amenity
- Sustainable Transport

### Planning Assessment:

#### 1.0 Principle of the development:

<i>Existing use(s) of the site</i>	Single Dwellinghouse
<i>Proposed use(s) of the site</i>	Community Centre with a Place of Worship

#### 1.1 Loss of Dwelling

- 1.2 At a national level the National Planning Policy Framework (NPPF) in Chapter 5 has specific regard to housing stating that 'to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment... [and] within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies'.
- 1.3 The London Plan Objective GG4 states that to create a housing market that works better for all Londoners, those involved in planning and development must create mixed and inclusive communities, with good quality homes that meet high standards of design and provide for identified needs, including for specialist housing. Policy H1 of the London Plan outlines the Boroughs' 10-year target for net housing completion which highlights the pressing need for more homes in London and that a genuine choice of new homes should be supported which are of the highest quality and of varying sizes and tenures in accordance with Local Development Frameworks. Likewise, this policy requires that Londoners have a genuine choice of homes that they can afford which meets their requirements for different types of high-quality accommodation. The London Strategic Housing Market Assessment (SHMA) which formed the evidence base for policy H1 reinforces the need to increase the housing supply to promote opportunity and provide real choice for all Londoners. In addition policy H2 supports the use of small sites highlighting that boroughs should support the construction of well-designed dwellings on small sites. The Housing SPG further supports the London Plan on such matters. Further policy H9 states boroughs should promote efficient use of existing housing stock to reduce the number of vacant and under-occupied dwellings
- 1.4 Policy CM1 and CM2 of the Core Strategy seeks to ensure the borough contributes to meeting its housing targets and supports the delivery of a variety of housing types. Policy CC1 of the Core Strategy DPD further supports this noting developments should provide a range of accommodation types and sizes. In particular development should provide a minimum of 40% family housing. This is the type of housing which is in high demand throughout the borough. Family sized homes are defined by properties which have 3 or more bedrooms. Additionally, policy BC4 of the Borough Wide DPD seeks to preserve and increase the stock of family housing in the Borough. Consequently, when planning permission is required, the Council will resist proposals which involve the loss of housing with three bedrooms or more. Officers acknowledge that the London Plan 2021 and NPPF were published after these documents and seek to ensure development provide a range of dwelling types. Therefore, it could be argued that the local policies are outdated and therefore greater weight should be apportioned to the NPPF and London Plan with regard to the type of housing which development should be providing.
- 1.5 Notwithstanding, the draft local plan reg 19 is in its final stages of examination as such substantial weight should be apportioned to this document. Policy SPDG1 seeks to ensure developments contribute to meeting the Borough's housing targets and supports the delivery of a suitable variety of housing to meet high levels of identified need within the Borough. Policy SP3 emphasising the need to optimise suitable sites to help deliver suitable housing for the Borough's high levels of identified housing need. The need for more family sized dwellings in the borough is evidence in the SHMA 2019 documents. Further policy DMH5 states proposals for conversions or loss of existing family housing, or dwelling houses capable of accommodating a small family with children, will be resisted. Therefore, whilst policies set out in the Core Strategy DPD and Borough Wide DPD may be outdated, officers have apportioned substantial weight to the policies found in the Draft Local Plan Reg 19 as these highlight the continued need for more family sized dwellings across the borough based on the most up to date evidence. Therefore, it is clear that whilst policies support the developments which provide a range of accommodation types and sizes, given the high demand for family sized dwellings in the borough it is expected that adequate provision is provided.
- 1.6 **Creation of Community Facility**
- 1.7 Objective 92 of the NPPF outlines that policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other. Objective 93 expands on this stating that to provide social, recreational and cultural facilities and services the community needs, developments which plan positively for the provision and use of shared spaces, community facilities such as places of worship and other local services to enhance the sustainability of communities and residential environments.

- 1.8 Policy GG1 of the London Plan states developments should contribute to providing openness, diversity and equality and help deliver strong and inclusive communities. In particular they should provide access to good quality community spaces, services, amenities and infrastructure that accommodate, encourage and strengthen communities, increasing active participation and social integration, and addressing social isolation. Policy S1 supports this stating developments should ensure the social infrastructure needs of London's diverse communities are met, informed by a needs assessment of social infrastructure. Assessments should consider the need for cross-borough collaboration where appropriate and involve relevant stakeholders, including the local community. In particular, development proposals that provide high quality, inclusive social infrastructure that addresses a local or strategic need and supports service delivery strategies should be supported. All new facilities should be easily accessible by public transport, cycling and walking and should be encouraged in high streets and town centres.
- 1.9 At local level policy CC2 of the core strategy DPD states developments should maintain and improve community wellbeing, support will be given to proposals and activities that protect, retain or enhance existing community facilities, or lead to the provision of additional community facilities. Community facilities should be sustainable and accessible. They should be located where they can be accessed on foot, bicycle or public transport rather than car only, be located in premises that comply with the access requirements of the Disability Discrimination Act 2005, where possible, be developed as part of mixed-use developments so that facilities are better linked to housing, jobs, shopping, leisure and other local services, in order to minimise travel distances and where possible, be located in close proximity to the community that the facility will serve. The dual-use of premises for a range of community uses will be encouraged. This is supported by policy SP4 and DMS2 of the Draft Local Plan Reg 19.
- 1.10 **Analysis**
- 1.11 As noted above policies support developments which seek to increase the provision of housing within the Borough with a particular emphasis on family sized homes defined as properties with 3 or more bedrooms. Therefore, developments which will result in the loss of existing family homes will be resisted. Notwithstanding, policies also support developments which provide high quality, inclusive social infrastructure that addresses a local or strategic need. The proposal seeks permission for the change of use of an existing single dwellinghouse into a community centre including a place of worship. Taking into consideration the policies above, an on balanced assessment will be carried out.
- 1.12 The application site is a two-storey detached property located on Green Lane. Green Lane is characterised by terraced properties. Nevertheless, the application site is unique given its location adjacent to Green Lane Christian Fellowship Church, a car wash and a car park to the west and an open green space to the east which has been cornered off for development. The proposal seeks permission for the change of use of the single dwellinghouse into a community centres to include worship. Officers note this application is a resubmission of application 19/01817/FUL and 21/00075/FULL. In assessing application 21/00075/FULL officers found the principle of development to be acceptable, as such, it was not listed as a reason for refusal on the decision notice. This application is a like for like resubmission of application 21/00075/FULL. Officers therefore consider the comments made by the previous case officer to be relevant and applicable to this application. Officer have provided these comments below.
- 1.13 *"The proposal seeks permission for the change of use of the single dwellinghouse into a community centres to include worship. As noted in the supporting statement "the organisation (East African Foundation) has been running for a considerable number of year, most recently and specifically from the Froud Centre in Manor Park (L.B. Newham). However, many members and many volunteers and supporters now live locally to Green Lane, as such this led them to look for a more suitable property in their newly adopted neighbourhood, hence the acquisition of 949 Green Lane". The statement goes on to say "since moving locally members have found they now need to travel to make their devotion. This is mainly of concern to those practising the faith of Islam as they are required to do so 5 times a day. as such significant portion of time is spent going to and from the centre in Newham. To this end, members have pressed that facilities to enable them to pray locally should be included in the proposal". In addition, applicant states "the organisation's primary function and purpose in acquiring the property is to serve the public as a community centre consistent with its ethos, past performance and charitable works, is charitable status and business plan. The aspect*

*of worship is an ancillary activity and service." It is clear to officers that the proposal seeks to provide a community centre to provide a space for worship and events to members of the organisation who have moved into the local area. This is further evidenced in the submitted 5 year business plan and 2020 activity plan which seeks to ensure the facility "enriched the lives of local residents, to foster social inclusion and to encourage participation in the life of the local community". Additionally, documents submitted show the organisation currently provides and supports tuition to children, local food bank, sports and cultural events e.g. science week and seminars to the local community. Finally a letter dated 8th March 2021 from the Mayor of London regarding the Community Spaces at Risk Fund. The letter states " The East African Education Foundation was chosen to join the first cohort of this programme as an organisation which has served the community since 2001 whereby their work has included a food bank service, tuition, sports programmes and cultural events. To this end The East African Foundation is an invaluable community asset, providing emergency frontline support to local communities in Barking and Dagenham".*

- 1.14 *In addition, "the proposed community centre will offer space for religious worship, promote and host events targeted at local people, provide space for local councillors to meet constituent and other community centre based service". Therefore, from the submitted evidence it is clear that the proposed community centre will be run by an organisation is currently well established in the local community. The proposed community centre seeks to provide this organisation with a base within Barking and Dagenham providing a space for members of the local community to meet, interact and provide an inclusive environment for all.*
- 1.15 *Notwithstanding, as stated previously the existing use of the application site is a single dwellinghouse. Given the size of the dwelling officers consider this to be a family sized home as it has 3 + bedrooms. This is the type of housing in high demand within the borough and hence policies seek to protect them. Hence, in policy terms the loss of family sized homes will be resisted. Nevertheless, given the sites location adjacent to a church, car park and car wash facilities to the west and a large plot for redevelopment to the east, as such, the dwellinghouse sits isolated from the residential areas and adjacent to non-residential uses as such officers do not consider the quality of accommodation this property will be provided to be of no particular merit given its location. Therefore, whilst officers acknowledged that the proposal will result in the loss of a family home, given the sites location adjacent to a church and the fact that the proposal will also provide a place of worship and community facilities, officers therefore, consider the benefits arising from the introduction of a community centre at this location to outweigh the benefits arising from a family sized dwelling at this location. Therefore, on balance the proposal is considered acceptable and in keeping with the development policies.*
- 1.16 *Officers acknowledge that this application is a resubmission of application 19/01817/FUL. The principle of development was refused in this application "as the conversion of the dwelling into a community centre would result in the loss of a dwellinghouse detrimental to the stock of family sized housing in the borough". In light of this officers note that the applicant has provided substantial information to show that the organisation is already established within the community and that the proposal will provide a local base for member of the community to use for worship as well as for the organisation to host events and provide a community space. Therefore, whilst it accepted that the proposal will result in the loss of a family sized home, officers consider the benefits arising from a community centre at this location to outweigh the benefits arising from a family sized home at this location given the site is adjacent to an existing church and area of redevelopment. The principle of development is therefore considered acceptable and in keeping with the development policies".*
- 1.17 *Considering the points raised above and the submitted drawings and documents, officers are confident that the proposal seeks to provide a place of worship and community facility to serve the local community. Further, it is noted that the development is located 20-minute walk/13-minute bus journey from Chadwell Heath Station and moments away from a number of bus services along Green Lanes. Similarly, the site is located 400ft from Winifred Parade a neighbourhood centre, adjacent to Robert Clark School, Beacon Tree Public House, car wash and Green Lane Christian Fellowship Church. As such, noting the sites locality officers consider the proposal to be fully accessible by public transport, walking and bicycles and in close proximity to other local services. The site will be fully accessible and in close proximity to the community it serves. This will be discussed further in sections 1.19-1.25 and sections 1.40 and 1.53 of this report. Therefore, officers maintain the position that the benefits arising from the scheme and the introduction of a community*

facility and place of worship at this location will outweigh any substantial harm caused to the loss of a single family dwellinghouse.

- 1.18 Therefore, on balance the principle of development is considered acceptable and in keeping with the development policies.

<b>1.0 Design and quality of materials:</b>	
<i>Does the proposed development respect the character and appearance of the existing dwelling?</i>	Yes
<i>Does the proposed development respect and accord to the established local character ?</i>	Yes
<i>Is the proposed development acceptable within the street scene or when viewed from public vantage points?</i>	Yes
<i>Is the proposed development acceptable and policy compliant?</i>	Yes

- 1.1 Paragraph 130 of the NPPF (2021) outline that planning policies and decisions should aim to ensure that developments function well and add to the overall quality of an area not just for the short-term, but over the lifetime of the development. Paragraph 134 advises that 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.
- 1.2 Policies D1, D4 and D8 of the London Plan (2021) state that the design of new developments and the spaces they create should help reinforce the character of the neighbourhood. Development to have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings and other forms of development. It is required that in areas of poor, or ill-defined, character, new development should build on the positive existing elements that can contribute to establishing an enhanced character for the future function of the area. Further, policies seek to ensure the highest quality materials and design appropriate to its context. It is advised that the buildings and structures should be of the highest architectural quality and comprise details and materials that complement the local architectural character. Likewise, policies outline the need for good design to be thoroughly scrutinised at application stage, including elements relating to layout, scale, density, land-uses, materials, detailing and landscaping.
- 2.3 This is further supported by policies SP2 and DMD1 which seek to ensure developments contribute to providing a high-quality built environment which contributes positively to the character of the surrounding area. This is further supported by policy BP11 of the Borough Wide DPD and policy CP3 of the Core Strategy DPD.
- 2.4 The proposal seeks permission for the construction of an access ramp to the front elevation of the property. The proposal will comprise of a 1.2-metre-wide x 2.78-metre-long ramp and 1.2-metre-deep x 1.8-metre-wide clear landing. The ramp will be of a textured surface. Handrails are proposed on both side. Given the proposal will improve accessibility to the site on balance officers consider the proposal to have an acceptable impact on the character and appearance of the building and surrounding local area. The proposal is considered acceptable and in keeping with the development policies.
- 2.5 Notwithstanding, a condition will be placed on the proposal requiring a scheme of improvement to the external facades of the building and details of all signage proposed to be submitted prior to first use of the development. This is to ensure the building has an exemplar finish and to protect the character and appearance of the area.
- 2.6 **Summary**
- 2.7 Taking into consideration the points raised above and subject to the imposition of conditions officers consider the proposal to have an acceptable impact on the character and appearance of the area. The proposal is considered acceptable and in keeping with the development policies.

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

- 3.1 The NPPF, The London Plan Policies GG1, GG3 and D14, all have relevance to the importance of quality development which addressing neighbouring amenity and avoiding unacceptable impacts.
- 3.2 Policy DMD1 of the Draft Local Plan Reg 19 seeks to ensure all development proposals consider the impact on neighbouring amenity with regard to significant overlooking (loss of privacy and immediate outlook) and overshadowing (unacceptable loss of daylight/sunlight). Policy DMSI3 further expands on this noting development proposals which generate an unacceptable level of nuisance including noise, waste, comings and goings and general disturbances will be resisted. This is supported by policy DMD6 of the Draft Local Plan Reg 19 and policy BP8 of the Borough Wide DPD.
- 3.3 Only minor alterations to the external appearance of the property are proposed as such officers are confident the proposal will not result in the material loss of daylight, outlook or privacy.
- 3.4 However, as stated on the planning statement "the hours of operation for the centre will be 9:00hrs to 23:00 hours a day with the period from 21:00 hrs being reserved for special events and occasions and used only when needed for specific services". Further, the applicant notes "our expectations for 10 to 30 attendees during the normal day and for general activities, with some rising up to 50 people at the Centre at any one time. A provisional limit of 80 persons has therefore been proposed to allow for peak periods when less frequent/higher attendance activities occur.". Officers therefore consider the proposed community centre to result in the generation of more waste, noise, general disturbances and comings and goings than currently generated by the existing single dwellinghouse. Nevertheless, the property is isolated from the surrounding residential properties and sits adjacent to an existing church. The properties to the rear of the site will be separated by a service road. Therefore, whilst it is accepted that the proposed development could result in a greater impact on neighbouring amenity. Noting the site seeks to provide a community facility to support local residents and given its location and opening hours. Officers consider the benefits arising from the scheme to outweigh any substantial harm caused to neighbouring residents. On balance the proposal is considered to be acceptable.
- 3.5 It is noted that previous application 21/00075/FULL was considered to have an acceptable impact on neighbouring amenity. Noting the hours of operation and expected attendees will remain unchanged. In the interest of consistency officers maintain the position that the proposal is acceptable and in keeping with the development policies.
- 3.6 Notwithstanding, to minimise the impact on neighbouring amenity it is recommended that conditions relating to hours of operation, noise from Non-Residential Uses and Plant and Structure Borne Noise Emissions and an event management plan are placed on this application. Further, the applicant has provided evidence that the site will attract 70 members. Therefore, to reduce the impact on the local area a condition limiting the site capacity to 70 will be placed on this application.
- 3.7 The environmental health officer was consulted. They recommended a condition requiring details of all commercial kitchen extract ventilation system to be submitted. However, the applicant confirmed that the "proposed kitchen will only essentially be used by staff, to prepare light refreshments for the coffee mornings, possible afternoon teas, meetings and so on. Also for light refreshments at public meetings arranged to discuss local concerns from time to time. There is no intention to cook on site in any meaningful way". Taking this into consideration officers are confident that there will not be a commercial kitchen on site. As such, they do not consider the imposition of the above condition to be appropriate.

#### **4.0 Neighbour Comments**

- 4.1 7 neighbour comments were received. The concerns raised are as follows:
  - There is a high demand for homes and education not places of worship
  - Don't need another community centre in the area
  - Parking- there is not enough parking bays for residents alone let alone the community centre
  - Site is located in close proximity to an existing school. Concerns over parking.



- Noise- the pub is open till late and music and members of the public being rowdy
- There is a community centre of this kind not far away. We do not need another one in the same postcode.
- Loss of family dwelling. Where will existing occupants move to.
- There is already a place of worship on Green Lanes.
- Church next door has its own car park. There is no assurance that the car park will not be co-opted by the property.
- The development will not serve the whole community as it will be owned and run by one religion

4.2 Officers have reviewed the proposal taking into consideration the points raised above. They note the proposal will provide a place of worship, however, in addition it will also host and support more community-based activities such as tuition classes, safer community initiatives, food banks, keep fit classes, training, cultural events and outreach programmes. Hence, officers are confident that the proposal will involve and serve the whole community and serve a dual use to provide a range of community services. As discussed in sections 1.1 to 1.18 of this report the existing property is a single dwelling house. Nevertheless, given its location and noting the proposed use of the development. On balance officers consider the benefits arising from the scheme to outweigh any significant harm caused by the loss of the dwellinghouse. Hence, it was considered acceptable.

4.3 Further, it is acknowledged that the site is in close proximity to Robert Clark School, adjacent to an existing church and in close proximity to other community centres. Notwithstanding, as part of the submission the applicant has provided details to show that there is a need for a community centre at this location to serve the needs of the local community. This is evident through the postcode survey provided as well as the proposed activities, letters of support and evidence of strong community presence and following of the foundation within the area. Therefore, whilst it is accepted there are similar developments in the local area. Based on the evidence submitted by the applicant officers are confident that there is a local need for this development and hence the approval of this scheme will be of benefit to the local community. Further details can be found in section 1.1 to 1.18 of this report.

4.4 In terms of noise as discussed in section 1.29 of this report it is accepted that the proposal will result in increased comings and goings, noise, and general disturbances. Nevertheless, noting the site opening hours and location, officers are of the view that the benefits arising from the scheme will outweigh any significant harm caused to neighbouring properties. Therefore, on balance the proposal is considered acceptable.

4.5 Concerns regarding parking are acknowledged and addressed in sections 1.41 to 1.54 of this report.

#### 4.6 **Summary**

4.7 Taking into consideration the points raised above and subject to the imposition of conditions, officers consider the proposal to have an acceptable impact on neighbouring amenity. As such, the proposal is considered to be acceptable and in keeping with the development policies.

### **5.0 Sustainable Transport:**

5.1 The NPPF recognises that sustainable transport has an important role to play in facilitating sustainable development but also contributing to wider health objectives. It offers encouragement to developments which support reductions in greenhouse gas emissions and those which reduce congestion. The NPPF also outlines those 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 does not give rise to the creation of conflicts between vehicular traffic and pedestrians. However, it also stated that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 5.2 This is echoed by the London Plan (2021) through policy T4 which states development proposals should reflect and be integrated with current and planned transport access, capacity and connectivity. This is supported by policy BR10 of the Borough Wide DPD which states that proposals for changes of use will be assessed subject to their potential impact on the surrounding transport and road network because existing or planned transport capacity must be sufficient to allow for travel generated by a proposed development. This is further supported by policy DTM2 of the Draft Local Plan reg 19.
- 5.3 The application site has a PTAL of 1b which represents poor access to public transport. Notwithstanding, the site is located within a largely residential area, 400ft from Winifred Parade neighbourhood centre, 20-minute walk/13-minute bus journey from Chadwell Heath Station and moments from a number of bus services along Green Lane. Whilst it is accepted that the site is located within an area of low PTAL it is evident that there are good public transport links and in close proximity to other local services. The application is accompanied by a map showing a catchment area of 900 metres. It is noted that on previous applications reasons for refusal related to the applicant providing insufficient parking plans and failing to show that the existing transport capacity was sufficient.
- 5.4 Notwithstanding, this application is accompanied by a transport assessment, post code survey and parking stress survey to demonstrate the acceptability of the scheme and its impact on the highway.
- 5.5 Regarding the parking stress survey, the transport officer was consulted who stated “a parking stress survey has been undertaken and submitted for the current planning application. It must be noted that we were disappointed that a 24-hour parking stress survey was not undertaken to understand the full current stress levels of car parking over a whole day period. However, the results of the parking stress survey taken clearly indicates that there is currently a very high occupancy (stress level) of parking spaces within 500m of the site. Between 8am – 11pm on a weekday, there is a minimum occupancy of 83.1% and maximum occupancy of 91.2%. On the weekend, the minimum occupancy was 68.8% and maximum was 89.9%. This represents a very high level of parking stress, and any additional car parking will have an unacceptable negative impact on the local area”. Officers have reviewed this comment with respect to the development and note that the opening hours of the proposal will be 09:00 to 23:00, as such, the submitted parking stress survey will cover the sites opening hours. Noting the development will not be in operation 24 hours officers do not consider a 24-hour parking stress survey to be necessary.
- 5.6 Nevertheless, officers agree with the transport officer with regards to the result of the survey. It is clear from the submitted data that there is high parking stress within the area. Therefore, any additional car parking would have an unacceptable impact on the local area.
- 5.7 However, the applicant has also provided a full postcode survey of all members of the centre. In total there are 71 members all which live within the London Borough of Barking and Dagenham. The majority (98.5%) of whom live within 2km of the site. These figures can be shown in the table below:

<b>Distance</b>	<b>Number of Members</b>	<b>Percentage</b>
0-800m	34	47.9%
800m-2 km	36	50.7%
2-5 km	0	0%
5 km+	1	1.4%
<b>TOTAL</b>	<b>71</b>	<b>100%</b>

5.8 Officers have pressed the applicant for further information from the applicant to detail the modes of transport proposed for each member taking into consideration members who will be using the centre more frequently for prayer time. The outcome of the survey are as follows:

Mode of transport	Number of Members
Walking	39
Cycling	2
Driving	1 (disabled)
Public Transport	29
Total	71

5.9 Further, of these members 29 will regularly attend the site for prayer. 27 of the 29 members primary mode of transport is walking and the remaining 2 will take public transport. From the submission officers are confident that all members live in the local area and will use more sustainable modes of transport to access the site.

5.10 Therefore, whilst it is accepted that there is high parking stress within the vicinity of the site. From the evidence and documents submitted by the applicant. Officers are confident that the proposed development will not exacerbate this stress, noting that all members will walk, cycle or take public transport with the expectation of one or two members driving. It is also noted that given the proposed use of the site and its proposed events such as food banks, local seminars etc. it is likely events will be aimed at the local community. Hence, officers are confident that the proposal is unlikely to attract visitors from different boroughs or a significant distance away.

5.11 The applicant states “based upon the predicted number of car trips that would be generated during peak operation periods (8 cars = 16 two-way vehicle trips), it is considered that the impact on the local highway network would be minimal and does not warrant any further detailed capacity assessment”. Officers therefore believe that the car trips generated by this scheme will be low, as such, the impact on the highway and parking amenity will be minimal. Based on the postcode survey and details of the modes of transport used by members officers are confident that the impact will be minimal. Notwithstanding, should this application be approved it is recommended that a travel plan is conditioned. To ensure the development contributes to minimising car usage and supports the use of more sustainable modes of transport. In light of the additional details provided officers are of the view that the number of car trips would be minimal.

5.12 The transport officer was consulted who stated, *“in light of the submission of the additional information there are no transport or highway objections to the proposal. Nevertheless, In terms of assessing the transport impacts it would appear to hinge around understanding the use, activities and intended catchment area. It’s described as a change of use from Residential to a Community Centre to include Worship; serving nearby residents who will predominately walk to this site. It’s emphasised it will be a local community centre to serve and cater for local needs of residents and it’s suggested that 98% of the prospective members and congregation live and work within the 2km. The East African Education Foundation website list the address 949 Green Lane, Dagenham which gives the impression to be its sole premises with a vision to become a pioneering educational institution. The attached technical note states our concern raised around EAEF relocating from Newham “as being used as something akin to a “red-herring” in the planning process”. I believe it is a genuine concern and not an unreasonable question given the organisation was set up and promotes to support and provide educational activities for wider communities living in the London Boroughs of Newham, Barking & Dagenham, Tower Hamlets and Redbridge with LBN being more central. The primary reason given for relocating to Dagenham and driving this move is to have a centre closer to their membership who have moved to the area for several reasons which are unspecified. It’s understood from the parking stress survey levels are high on some of the minor*

*residential streets and the on-site parking provision is minimal will only be 2 spaces (1 No. disabled space and 1 No. drop-off space). The TS states this proposal theoretically comes with a modest level of parking which is anticipated and can be accommodated on the local highway network. However, a few activities and events which will be held on a weekly/fortnightly basis will attract larger numbers i.e., seminars and educational events with a total occupancy of the property planned to be limited for these purposes to 50 people at any one time. Because travel patterns are dependent on where people live and it appears the coverage is further reaching than just being local to the Borough. This could result in an increase in membership and people travelling from other parts of East London with several choosing to drive. The intention of the proposal is based on a local need and being entirely for local people which this may not necessary be the case and subsequently traffic impacts from development being unacceptable”.*

5.13 It is acknowledged that the proposal seeks to relocate the community centre from Newham to Barking and Dagenham as a result of members moving closer to the proposed site. Officers accept that the transport officer concerns with regard to the information provided and the fact that the impact on the highway and transport amenity will be based on travel patterns which could cover a larger area resulting in subsequent traffic impacts. Nevertheless, further discussion with the transport officer has highlighted that this concern is theoretical and based on assumptions of future impacts of the proposal. However, in terms of this application and the evidence provided to support it there are no objections. Therefore, whilst officers accept this could be a future concern, based on the evidence supporting this application it is considered the impact on the highway and transport network will be acceptable. As such it would be deemed unreasonable to refuse the proposal on the grounds of potential future impacts on the highway and transport amenity based on the fact that the evidence supporting this application suggests that the impacts would be acceptable. Notwithstanding, to ensure that any impact to the highway and parking amenity is kept to a minimum, it is recommended that should this application be approved a planning condition limiting the site capacity to 70 is placed on the proposal. Likewise, a planning obligation is recommended to secure the submission of an annual travel plan for the first 5 years of the development and restrict the organisation and users of the site from obtaining parking permits for any controlled parking zone (CPZ).

#### 5.14 **Summary**

5.15 Taking into consideration the points raised above and subject to the imposition of conditions and obligations. Officers consider the proposed development to be acceptable and in keeping with the development policies.

#### **Conclusions:**

The proposal seeks permission for the change of use of a single dwellinghouse into a community centres including a place of worship. From the documents, drawings and evidence submitted it is evident that the proposed community centre will provide a dual purpose and offer a range of activities which will serve the local community, be fully accessible and be in close proximity to other local service. Similarly, based on the full list of members it is evident that users of the site will be located in a location convenient to the community it will serve. This evidences the minimal impact the development will have on the highway and parking amenity noting the evidence supports the fact that most users will travel to and from the site by foot, bike or public transport. Hence, the impact on parking amenity and levels of parking stress will be kept to a minimum, The proposal will result in more comings and goings, noise and general disturbances than currently produced by the existing property. Nevertheless, as the site is isolated from surrounding neighbouring residents and given the opening hours of the development. Officers consider the benefits arising from the scheme to outweigh any significant harm to neighbouring amenity.

Taking into consideration the points raised above it is clear that the site will provide a community facility to support the needs of the local community without having an unacceptable impact on the character and appearance of the area, neighbouring amenity or the highway and parking amenity. Therefore, officers consider the benefits of the scheme to outweigh the harm caused to the loss of a single dwellinghouse. On balance the proposal is considered acceptable and in keeping with the development policies.

Subject to the imposition of planning conditions and s106 obligations it is recommended that planning permission is granted.

## Appendix 1:

<b>Development Plan Context:</b>	
<p>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:</p>	
<p><i>National Planning Policy Framework (NPPF) (MHCLG, July 2021)</i></p>	
<p><i>The London Plan: Spatial Development Strategy for London (March 2021)</i></p>	<p>Policy GG4 Delivering the homes Londoners need            Policy H1 Increasing housing supply            Policy H2 Small Sites            Policy GG1 Building strong and inclusive communities            Policy S1 Developing London's social infrastructure            Policy GG2 Making the best use of land            Policy D14 Noise            Policy T4 Assessing and mitigating transport impacts            Policy H9 Ensuring the best use of stock</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 CC1 Family Housing            Policy CC2 Social Infrastructure to Meet Community Needs</p>
<p><i>Local Development Framework (LDF) Borough Wide Development Plan Document (DPD) (March 2011)</i></p>	<p>Policy BC4 Residential Conversions and Houses in Multiple Occupation            Policy BP10 Housing Density</p>
<p><i>The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Consultation Version, October 2021) is at an "advanced" stage of preparation. Having regard to NPPF paragraph 216 the emerging document is now a material consideration and substantial weight will be given to the emerging document in decision-making, unless other material considerations indicate that it would not be reasonable to do so.</i></p>	
<p><i>The London Borough of Barking and Dagenham's Draft Local Plan: (Regulation 19 Consultation Version, October 2021)</i></p>	<p>Policy SPDG1 Delivering the growth in Barking and Dagenham            Policy DMH4 Purpose build shared housing            Policy SP4 Delivering social and cultural infrastructure facilities in the right locations            Policy DMS2 Planning for new facilities            Policy DMD1 Securing High Quality Design            Policy DMS13 Noise            Policy DTM2 Car Parking            Policy DMT3 Cycle Parking</p>
<b>Additional Reference:</b>	
<p><i>Human Rights Act</i></p> <p>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.</p> <p><i>Equalities</i></p> <p>In determining this planning application, the BeFirst on behalf of the London Borough of Barking &amp; Dagenham has regard to its equality's obligations including its obligations under section 149 of the Equality Act 2010 (as amended).</p> <p>For the purposes of this application there are no adverse equalities issues.</p>	

**Appendix 2:**

<b>Relevant Planning History:</b>			
<i>Application Number:</i>	19/01817/FUL	<i>Status:</i>	Application Refused
<i>Description:</i>	<i>Change of use from residential to a Community Centre to include worship</i>		
<i>Application Number:</i>	21/00075/FULL	<i>Status:</i>	Application Refused
<i>Description:</i>	<i>Change of use from Residential to a Community Centre to include Worship (F.1(a), F.1(f) and F.2(b)).</i>		

### Appendix 3:

The following consultations have been undertaken:

- Transport Officer
- Access Officer
- Environmental Health Officer

Summary of Consultation responses:		
Consultee and date received	Summary of Comments	Officer Comments
<p>Transport Officer Dated 16.11.2021</p>	<p>Base on the information and documents provided there are no highway or transport objections.</p> <p>Nevertheless, the following comments are made:-</p> <p>In terms of assessing the transport impacts it would appear to hinge around understanding the use, activities and intended catchment area. It's described as a change of use from Residential to a Community Centre to include Worship; serving nearby residents who will predominately walk to this site.</p> <p>It's emphasised it will be a local community centre to serve and cater for local needs of residents and it's suggested that 98% of the prospective members and congregation live and work within the 2km.</p> <p>The East African Education Foundation website list the address 949 Green Lane, Dagenham which gives the impression to be its sole premises with a vision to become a pioneering educational institution.</p> <p>The attached technical note states our concern raised around EAEF relocating from Newham "<i>as being used as something akin to a "red-herring" in the planning process</i>". I believe it is a genuine concern and not an unreasonable question given the organisation was set up and promotes to support and provide educational activities for wider communities living in the London Boroughs of Newham, Barking &amp; Dagenham, Tower Hamlets and Redbridge with LBN being more central. The primary reason given for relocating to Dagenham and driving this move is to have a centre closer to their membership who have moved to the area for several reasons which are unspecified.</p>	<p>Comments are discussed in section 1.50 and 1.51 of this report.</p> <p>A condition concerning the travel plan has been added</p>

	<p>It's understood from the parking stress survey levels are high on some of the minor residential streets and the on-site parking provision is minimal will only be 2 spaces (1 No. disabled space and 1 No. drop-off space)..</p> <p>The TS states this proposal theoretically comes with a modest level of parking which is anticipated and can be accommodated on the local highway network. However, a few activities and events which will be held on a weekly/fortnightly basis will attract larger numbers i.e., seminars and educational events with a total occupancy of the property planned to be limited for these purposes to 50 people at any one time.</p> <p>Because travel patterns are dependent on where people live and it appears the coverage is further reaching than just being local to the Borough. This could result in an increase in membership and people travelling from other parts of East London with several choosing to drive.</p> <p>The intention of the proposal is based on a local need and being entirely for local people which this may not necessary be the case and subsequently traffic impacts from development being unacceptable.</p>	
<p>Environmental Protection Officer Dated 18.10.202</p>	<p>Should this application be approved the following conditions are recommended:</p> <ul style="list-style-type: none"> <li>• Noise from non-residential uses and plant and structure borne noise emissions</li> <li>• Details of any commercial kitchen extract ventilation system</li> </ul>	<p>Both recommended conditions have been attached to the application</p>
<p>Access Officer Dated 07.10.2021</p>	<p>I'm happy with the proposal</p>	<p>Officers note the proposed comments.</p>



**Appendix 4:**

<b>Neighbour Notification:</b>	
<b>Number of neighbouring properties consulted:</b>	47
<b>Number of responses:</b>	7
<b>Address:</b>	<b>Summary of response:</b>
12 Tenterden Road	<p>The whole community is saying no to this, the few that are saying yes to this proposal are sponsored by the owners. I have a proof to demonstrate that they were sponsored to support this project.</p> <p>The recent planning application number 21/00075/FULL is a no.            We do not need another religion place of worship.            We need homes and place of education not another place of worship.            We do not want another community centre in my area,            Please do not make my beloved street worse.            Please I am begging.            Listen to the voice of the masses.            I live here and i know what it is like to have another community place of worship.</p> <p>We need more homes and education not religion. I am begging for Allah's sake. Do not authorise such construction in a small space. It is not fair on us. Please imagine yourselves living next to the building. It is just a no no for me and my family.</p>
1064 Green Lane	<p>PARKING – we already have the Church and the Pub opposite us and there is not enough parking bays for residents let alone a Community Centre</p> <p>Noise – as I said the pub is open till late with music and members of the public being rowdy with influence of drink</p> <p>There is already a Community Centre of this kind not far away , so why do we need another one in the same postcode</p>
1066 Green Lane	<p>1. Parking, there is already a strain on parking from residence down the road. Already a busy road due to secondary school, pub, car wash and church. I have brought this to light previously but not have a good enough response on how they would resolve the situation.</p>

	<p>2. Noise, opening hours are far too long on a residential area for entering and exiting the building.</p> <p>Barking &amp; Dagenham council have already built a youth centre at Parsloes park for our young community why is there a need for another one in the area again.</p> <p>The building in question is already a occupied home for a number of residents, why would it then be changed into a community centre? Where would these residents then move on to live if the council is already overrun by homelessness and the housing list is forever growing.</p> <p>Us as residents was told that property was being sold as a home and not told till the last minute it was going to be changing into a community centre / place of worship.</p> <p>There is already a place of worship down Green Lane which is only a 10 minute walk from the property in question. Why is there a need to have another one so close ?</p>
64 Fordyke Road	<p>On behalf of the owners of 64 Fordyke Road, I write to you today in objection of the planning application 21/01623/FULL.</p> <p>We have reviewed the transport statement and note parking was only monitored for two days in June. We personally believe this is not a justifiable amount of time to collect important data; two days worth of data can't be used to provide an average of the parking representation in the area.</p> <p>In addition, it is felt that this development will not serve the current surrounding community.</p> <p>We strongly agree with our neighbours and other residents, hence why we had initially signed the petition titled 'Dear Residents'.</p> <p>Please note our views remain the same and should be taken into consideration alongside the objection letter from our neighbours 66 Fordyke Road on behalf of our neighbourhood.</p>
Anonymous Objection	<p>We do not support this planning application and totally agree with the comments submitted by the residents at 66 Fordyke road , as previously mentioned the parking in and around the Triptons estate is quite heavy at times, we actually</p>

	<p>struggle to park outside our own property, The Robert Clack school is within a 1 minute walk of 949 Green Lane and the flow of traffic in the morning and at pick up time is very heavy. You also need to take into consideration the council plans to regenerate around the school area and that they have plans to stop parking on the main road Green lane that runs outside the school' this will also impact on parking in the vicinity of 949 Green Lane. We also experience issues with the removal company currently registered at this address who park vehicles in the rear alley which is an access road for the garages of residence on Fordyke road and should not be used as a parking Bay. I also believe there is a covenant on 949 Green Lane which needs to be investigated further, this also could have an important bearing on the application.</p>
<p>Green Lane Christian Fellowship</p>	<p>The issue of parking remains a serious one that has not be adequately addressed. The property is residential and has parking to suit that use. It does not have parking to suit a community centre nor a place of worship. Nor does the property have any capacity to build its own carpark. The local area is already saturated with cars, the added burden of accommodating new traffic generated by the change of use will only make the matter worse. This has the potential for generating an unsafe environment for local residents: Green Lane is a main road which has a lot of traffic flow, additional cars will only create more hazards for local people to negotiate. The property is also very near a local school (Robert Clack) the pavement outside the property is one of the main routes that children use on the way to and from the school. The proposed alterations to parking arrangements does not take into consideration the safety of the pupils who will now have to deal with the additional traffic. It also has to be pointed out that there is no public parking facilities in the local area that could accommodate an increase in cars.</p> <p>The church next door has its own carpark. We have received no assurances that our</p>

	<p>carpark will not be co-opted by the property. In fact, we have not even been approached by the property owner with a view to discussing the proposals and the impact it may have on use of our facilities.</p> <p>The benefit of the proposed community centre to the local community has to be seriously questioned. Many of the services it is seeking to provide already exist. This is unnecessary duplication without discernible benefit.</p>
<p>66 Fordyke Road</p>	<ol style="list-style-type: none"> <li>1. The change of residential to commercial : This is one of the best properties in Dagenham. This has been a family home for at least forty years we have lived here. With the shortage of housing and with many commercial properties within the area being vacant, this is surely not the right thing to do!</li> <li>2. There is an Islamic place of worship in the same road i.e. 798 Green Lane, which is approximately 1/2 a mile away. I also understand there is also an Islamic place of worship at 1 Selinas Lane that is approximately the same distance.</li> <li>3. You will notice the petition of signatories is headed DEAR RESIDENT. The actual nearby residents living in close vicinity to 949 Green Lane were NEVER ASKED their opinion. However people from over all other parts of Dagenham, Romford Hornchurch, Goodmayes, Chadwell Heath AND apparently four people living in Morrisons supermarket signed the petition.</li> <li>4. Parking : Seeing the addresses of the signatories, there will be a lot of vehicles frequenting 949 Green Lane. The Triptons estate and those directly opposite 949 Green Lane is already bad for parking. I have measured some of the signatories distances from the proposed site and they are incorrect in a number of cases.</li> <li>5. The word COMMUNITY can not be used in a place that is owned and run by one religion, because it does not serve the WHOLE COMMUNITY, which we are told by the applicant is made up of</li> </ol>

mainly English, Polish and Lithuanian. As for all residents being welcome, very few non Islamic people would be likely to use the facility.

6. We understand there is a covenant on 949 that does not permit it to be a place of worship, that should surely be upheld.

To summarise, With the chronic shortage of housing in the borough, surely the council can not let this substantial house be turned into commercial use what with all the parking problems it will bring. I await your response to our comments.

**Officer Summary:**

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

## Appendix 5:

### Conditions & Informatives:

#### **Conditions:**

##### **1. Time Limit**

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

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

##### **2. Approved Drawings**

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

- Proposed Ground Floor Plan dated 19.11.2021
- Proposed First Floor Plan dated 19.11.2021
- Planning Statement [Updated] dated 29.09.2021
- Transport Statement prepared by Sanderson Associates dated 21<sup>st</sup> July 2021
- Site Location Plan
- Proposed Front Elevation dated November 2021
- 3D impression of proposed ramp dated November 2021
- Proposed Access Ramp dated November 2021

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

##### **3. Event Management Plan**

Prior to first use of the development an events management plan shall be submitted and approved in writing by the Local Planning Authority. The events management plan shall provide details of how the site will operate for functions with more than 30 attendees including details on likely event timetables, event health and safety statement, key contacts, risk assessment, details of any security personnel/stewards, transport management plan and emergency plan.

*Reason: To prevent the loss of neighbouring amenity and general disturbances in the local area.*

##### **4. Travel Plan**

Prior to first use of the development, a Travel Plan shall be submitted and approved in writing by the Local Planning Authority. The Travel Plan shall include measures for minimising car trips and promoting and encouraging travel to/from the site by sustainable modes such as walking, cycling and public transport. The approved Travel Plan shall provide a programme for monitoring, reviewing, maintaining and developing the Travel Plan in relation to the targets in accordance with TfL's ITRACE monitoring practices. An updated Travel Plan shall be submitted annually on or up to 14 dates prior to the date of this decision for the first 5 years of the development.

*Reason: To ensure that the proposal abides by the Council's sustainable transport objectives.*

##### **5. External Facades**

Prior to the first use of the development hereby consented, the applicant shall undertake a scheme of improvement works to uplift the external facades of the building including but not limited to; repainting external elevations and restorative works to eaves and windows.

*Reason: To enhance the character and amenity of the area and to ensure an exemplar finish to the building.*

## 6. **Signage**

Prior to first use details of all external signage including drawings of their proposed size, appearance and location shall be submitted to and approved in writing by the local planning authority. The approved signage must be implemented prior to first use and retained thereafter for the lifetime of the development.

*Reason: To ensure the proposal respects and reflects the character and appearance of the area.*

## 7. **Cycle and Car Parking**

Prior to first use of the site the car parking and cycle parking spaces detailed in drawing number 11677/001 Proposed Parking Arrangements dated 21.10.20 located within Appendix D of the Transport Statement prepared by Sanderson Associates dated 21.07.2021 shall be implemented and permanently retained for the lifetime of the development.

*Reason: To ensure that sufficient off-street parking areas are provided and not to prejudice the free flow of traffic or conditions of general safety along the adjoining highway and in the interest of promoting cycling as a sustainable and non-polluting mode of transport.*

## 8. **Refuse and Waste**

Prior to first use of the site a refuse and waste strategy including details of the proposed refuse storage design and capacity shall be submitted to and approved in writing by the local planning authority. The approved strategy shall be implemented prior to first use and permanently retained for the lifetime of the development.

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

## 9. **Event Capacity**

No event or use at the site shall exceed 70 persons.

*Reason: To prevent the loss of neighbouring amenity and general disturbances in the local area.*

## 10. **Opening Hours**

The development hereby permitted shall not operate outside the hours of 09:00 and 23:00 Monday to Sunday.

*Reason: In the interest of protecting neighbouring amenity.*

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

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

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

CUAN = Commercial/Community Use Activity Noise Level, WCUAN = representative background noise level without commercial/community use activity noise, both measured 1 metre from the façade of the noise-sensitive premises.

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

Any machinery and equipment installed pursuant to this permission shall be designed and installed to ensure that structure borne (re-radiated) noise emissions shall not exceed 35 LAeq dB (5 min) when measured in any habitable room in adjoining residential premises.

Reason: To ensure that the proposed and surrounding residential properties and other noise-sensitive premises in the vicinity of site are adequately protected from noise and in accordance with policy BR13 of the Borough Wide Development Policies Development Plan Document and policy D14 of the London Plan.



## **Appendix 6:**

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

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

#### **Administrative:**

2. Payment of the Council's professional and legal costs, whether or not the deed completes;
3. Payment of the Council's reasonable fees of £1,500 in monitoring and implementing the Section 106 and payable on completion of the deed; and,
4. Indexing – all payments are to be index linked from the date of the decision to grant planning permission to the date on which payment is made, using BCIS index.

#### **Transport**

5. With the exception of users who qualify for blue badge/disabled parking, the Owner will ensure the development is a car parking permit free development and the Owner and users of the development will be restricted from obtaining parking permits for any Controlled Parking Zone (CPZ).
6. The Owner shall submit to the Council a Travel Plan on an annual basis for the first 5 years of the development, the first one to be submitted 3 months prior to first occupation. The owner must cover the cost of the annual review of this plan as a payment of £5000 3 months prior to first occupation