

COMMITTEE UPDATE REPORT

Barking and Dagenham Council Planning Committee addendum report		Date: 20/12/2021
Application No:	21/00023/FUL	Ward: Thames Ward
Address:	Plot 2, Segro Park Dagenham, Choats Road, Barking, RM9 6BF	
Development:	The demolition of an existing research building, gatehouse and associated hardstanding; construction of an industrial building (Use Class B2, B8, E(g)(iii)), with ancillary offices, entrance building, security hub, gatehouse and access ramps; creation of new vehicular accesses from Hitch Street and Choats Road; pedestrian and cycle access from Choats Manor Way; cycle, motorcycle, car, van and HGV parking; hardstanding and circulation areas; sprinkler tanks; pump house; relocated pumping station; and all other ancillary and enabling works including landscaping, drainage, engineering, ground stability works and boundary treatment.	
Summary:		
<p>COMMITTEE UPDATE REPORT</p> <p>This update follows the planning application 21/00023/FUL brought before the Planning Committee on 5 July 2021 with a recommendation for approval. Members resolved to approve the application subject to planning conditions and planning obligations. The report which is attached as Appendix 3 contains the full list of planning obligations and conditions originally agreed.</p> <p>In the light of that decision and following objections to the scheme by TfL on highways grounds, detailed discussions between the applicant (Segro) and TfL have taken place, as a consequence of which a number of improvements appertaining to highways/transport obligations are now being proposed.</p> <p>Officers presented a summary of TfL's response in the July report and acknowledged the high quantum of car parking proposed, but considered that on balance with mitigation measures, the proposed development suitably addressed highways impacts. However, TfL continued to object to the proposed development and therefore as the Mayor of London's industrial developer for East London, and this development being a GLA partnership scheme, Segro continued to work with TfL to come to an agreed position.</p> <p>As a result, the following uplift has been agreed:</p> <ul style="list-style-type: none"> • A financial contribution of £600,000 (index linked from the date of planning permission) towards necessary changes to local bus services (night-time and morning peak capacity) to serve the development. This is an uplift from £200,000 as previously presented at planning committee. • A financial contribution of £248,577 (index linked from the date of planning permission) towards road network improvements. The financial contribution will be towards localised highways improvements or works to the wider A13. This is a new contribution. • 		

- Reduction in car parking spaces on occupation from 218 as presented to Planning Committee July 2021, to 172 car parking spaces.
- Submission of a revised Car Parking Management Plan requiring a 10% reduction in car parking by the 10th anniversary, subject to a car parking survey demonstrating spaces are not essential for operation purposes. This is a change from the previous reduction of 20% which was linked to the PTAL rating changing to 4 in the future.

The above summary represents a position that both the applicant and TfL have agreed on and Be First officers support this progression and the additional measures that have been secured. Whilst these changes could be agreed under delegated powers, as the changes are substantial and materials, officers consider it is Members' interest to be informed of the updated position.

The applicant has also sought minor amendments to the wording of planning conditions 3 (secure by design accreditation), and 8 (fire safety) to change the trigger to "Prior to the commencement of development (excluding demolition, remediation and enabling works)," rather than pre-commencement, alongside the introduction of a Phasing Plan condition. An amendment is also sought to condition 26 (maximum quantum of floorspace) to reduce it from 32,957sqm to 30,084sqm. This is to reflect the plans as amended during the course of the application, which was not reflected in the wording of the condition. A new 'Unit 1 Office & Car Park Plan' has been inserted to supersede the previous plan to reflect the reduced car parking numbers, and as such amendments are sought to condition 2 (approved plans) to facilitate this change.

Officers are satisfied with the proposed changes and do not consider these to be materially different to the approved position. Therefore, it is being recommended that planning permission be granted subject to the amended conditions and obligations set out in Appendix 2, and Appendix 3 of this report.

Recommendation:

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 and Dagenham's Director of Inclusive Growth in consultation with LBB Legal Services to negotiate and secure the Section 106 legal agreement based on the Heads of Terms at Appendix 1 of this report and the conditions listed in Appendix 2.
3. agree that, if by 20th June 2022 the legal agreement has not been completed, the London Borough of Barking & Dagenham's Director of Inclusive Growth has delegated authority to refuse planning permission or extend this time frame to grant approval.

Contact Officer
Olivia St-Amour

Title:
Principal Development
Management Officer

Contact Details:
Tel: 07925357088
Email: Olivia.St-Amour@befirst.london

Appendix 1 Planning Conditions

1. Three Year 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. Development in accordance with approved Plans

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

Site Location Plan (Ref. 31221-PL-201)

Site Layout Plan (Ref. 31221-PL-202B)

External Finishes Plan (Ref. 31221-PL-203B)

Ground Floor Plan (Ref. 31221-PL-205B)

Unit 1 Office & Car Park Plan (Ref. 31221-PL-206D)

First Floor Plan (Ref. 31221-PL-207A)

Unit 2 Office - Mezzanine Floor Plan (Ref. 31221-PL-208A)

Roof Plan-Roof Terrace & Plant (Ref. 31221-PL-209A)

Roof Plan (Ref. 31221-PL-210A)

Elevations (Ref. 31221-PL-211C)

Illustrative Elevations (Ref. 31221-PL-212C)

Section A-A (Ref. 31221-PL-213A)

Indicative Constraint Section (31221-PL-215A)

Entrance Building - Floor Plans (Ref. 31221-PL-220A)

Entrance Building - Elevations (Ref. 31221-PL-221A)

Security Hub (Ref. 31221-PL-230A)

Design and Access Statement, prepared by Michael Sparks Associates, dated January 2021;

Revised Energy Strategy and accompanying GLA Consultation Energy Memo (including enclosures), prepared by MBA Consulting Engineers; dated 15th April 2021;

Revised Circular Economy Statement and accompanying GLA CE Memo (including reference documents) prepared by LCD Consulting, dated 25th April 2021;

Revised Flood Risk Assessment & Sustainable Drainage Strategy, prepared by Fairhurst, dated 25th May 2021;

Revised LED Lighting Assessment Report and accompanying plans, prepared by MBA Consulting Engineers, dated 11th May 2021;

Revised Landscaping Strategy Drawings, prepared by TALA;

Whole Life Cycle Carbon Assessment, prepared by LCD Consulting, dated May 2021;

Transport Assessment (including Framework Travel Plan,

Draft Construction Logistics Plan and Draft Delivery and Servicing Plan) prepared by Motion, dated 11th January 2021;

Technical Note, addendum to Transport Assessment, prepared by Motion, dated 26 March 2021;

Site Waste Management Plan, prepared by SEGRO, dated: 20 January 2021 Version: 02;

Air Quality Assessment, prepared by Kairus, dated 5th January 2021;

Preliminary Ecological Appraisal (including Phase 1 Habitat Survey), prepared by DeltaSimons, dated 6th November 2020;

Construction Environmental Management Plan, prepared by SEGRO, dated 16 November 2020;

Planning Statement, prepared by Barton Willmore, dated 5th January 2021;

Noise Impact Assessment, prepared by Stantec, dated 30th October 2020;

Remediation and Verification Strategy, prepared by Delta Simons, dated 17th November 2020;

Arboricultural Survey, prepared by Delta Simons, dated 6th November 2020;

Preliminary Risk Assessment and Geo-Environmental Assessment, prepared by DeltaSimons, dated 6th November 2020;

Archaeological Written Scheme of Investigation for Geoarchaeological Evaluation, dated 21st December 2020 and
Report on Geoarchaeological borehole evaluation, prepared by Museum of London Archaeology, dated 2nd October 2020;
Foul Sewage and Utilities Assessment, prepared by MBA Consulting Engineers, dated 17th November 2020; and
BREEAM Pre-Assessment, prepared by MBA Consulting Engineers, dated 13th November 2020.

Reason: To ensure that the development is undertaken in accordance with the approved drawing(s) and document(s)

Prior to commencement of development

3. Secure by Design accreditation

Prior to the commencement of development (excluding demolition, remediation and enabling works as set out within the approved Phasing Plan), a Report shall be submitted to the local planning authority detailing how the scheme has taken into account the principles and practices of Secured by Design in order to assist in reducing the opportunity for crime, minimising fear of crime, and creating a safer and more secure environment. The scheme shall be constructed in accordance with the approved Report.

Reason: In the interest of creating safer, sustainable communities.

4. Contamination

The Delta-Simons Preliminary Risk Assessment ref 17-0084.31, Geo-environmental Assessment and Remediation and Verification Strategy ref 17-0084.31 have been received and reviewed and the general approach is agreed. The redevelopment of the Site should proceed on the basis of the submitted Remediation and Verification Strategy albeit further information is required with respect to the Remediation activities prior to their commencement.

a. Further details of ground gas protection measures. No installation of ground gas and vapour protection measures shall commence until a detailed scheme of the proposed ground gas and vapour protection measures has been prepared and submitted to the Local Planning Authority for approval in writing. The scheme must include details of the proposed ground gas protection to be included within buildings and structures and details of how the proposed measures will meet the requirements of BS8485 based upon the Characteristic Situation derived for the site in the Delta-Simons Remediation and Verification Strategy. The scheme must include details of any proposed membrane and confirmation of the parties responsible for the independent verification of the ground gas and vapour protection measures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

b. Notification of Commencement. The approved remediation scheme as detailed in the Delta-Simons Remediation and Verification Strategy must be carried out in accordance with the Strategy prior to occupation, with the exception of the placement of clean cover, unless otherwise agreed in writing by the Local Planning Authority. Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

c. Remediation Verification (1st Stage). Occupation may not commence until a Remediation Verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met excepting the placement of Clean Cover.

d. Remediation Verification (2nd Stage). Following placement and verification of the required clean cover identified in the approved remediation scheme and within a maximum of 6 calendar weeks following occupation unless otherwise agreed with the Local Planning Authority, a revised Remediation Verification report that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority. The report shall include results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met.

e. Unexpected Contamination. In the event that contamination is encountered of an extent, nature or magnitude beyond that identified within the previously submitted remediation strategy at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a revised remediation scheme must be prepared which is subject to the approval in writing of the Local Planning Authority. Following completion of any additional measures identified in the approved remediation scheme a Remediation Verification report must be prepared, which shall be subject to the approval in writing of the Local Planning Authority.

f. Materials Management. Where reuse or importation of soil materials is proposed, unless an appropriate exemption or other permit is in place, the Works shall be carried out in accordance with the Materials Management Plan (MMP) proposed within the Remediation and Verification Strategy and confirmation that an MMP or other mechanism has been in place for the works shall be included in the final Remediation Verification report must be prepared, which shall be subject to the approval in writing of the Local Planning Authority.

Reason: Contamination must be identified prior to commencement of development to ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors.

5. Construction Environmental Management Plan (CEMP)

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

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

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

Demolition and construction work and associated activities, other than internal works not audible outside the site boundary, are only to be carried out between the hours of 07:00 and 19:00 Monday to Friday and 07:00 and 18:00 Saturday, with no work on Sundays or public holidays without the prior written permission of the Local Planning Authority. Any works which are associated with the generation of ground borne vibration are only to be carried out between the hours of 07:00 and 19:00 Monday to Friday and between 08:00 and 13:00 on Saturdays.

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

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

6. Construction Logistics Plan

The development hereby permitted shall not commence until a Construction Logistics Plan (CLP) has been submitted to and approved in writing by the Local Planning Authority. The Plan shall be designed to minimise deliveries of materials and export of any waste materials within the times of peak traffic congestion on the local road network. The Plan shall be implemented in accordance with the approved details and thereafter maintained.

Reason: The Construction Logistics Plan is required prior to commencement of development in order to minimise the impact of construction on the free flow of traffic on the local highway network and in the interests of highway safety.

7. Construction Noise

The development (excluding demolition, remediation and enabling works) permitted shall not commence until an acoustic report has been submitted to and approved in writing by the Local Planning Authority. Such a report will demonstrate that Construction noise levels at the nearest dwellings should not exceed 75 dB LAeq,10h during weekday daytime (07:00 – 19:00) and 75 dB LAeq,5h during Saturday daytime (07:00 – 18:00). Where it is considered impractical to meet this noise limit the report should detail mitigation measures taken to reduce noise to a minimum. The approved measures for the mitigation of construction noise shall be implemented prior to the commencement of all works and be maintained until the development has been completed.

Reason: To ensure that works do not prejudice the ability of neighbouring occupier's reasonable enjoyment of their properties and to ensure that works shall not represent any unacceptable level of noise. The imposition of this prior to commencement planning condition is considered necessary to prevent commencement of works until the requirements have been met because the timing of compliance is fundamental to the decision to grant planning permission.

8. Fire Safety

Prior to commencement of development (excluding demolition, remediation and enabling works as set out within the approved Phasing Plan), details shall be submitted to and approved in writing by the local planning authority demonstrating that a minimum of at least one lift per core (or more subject to capacity assessments) within the main warehouse building (excluding external lobby building) will be a suitably sized fire evacuation lift (which will also be utilised for firefighting) suitable to be used to evacuate people who require level access from the building. The development shall be carried out in accordance with these details and maintained as such in perpetuity.

Reason: In the interests of fire safety

Information required prior to above ground floor works.

9. Details of all facade meetings

Prior to the commencement of works above ground floor slab of the development hereby approved, details of all materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the full array of PV Panels. The development shall be carried out in accordance with the approved materials.

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

10. Details of all boundary treatment

Prior to any above ground floor works, full details of all boundary treatment of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details including Tree Planting shall accord with the details submitted under landscape plan 824.10.02 dated November 2020 Development shall be carried out in accordance with the approved details [and permanently retained thereafter].

Reason: To ensure that the finished appearance of the development will respect the character and visual amenities of the local area.

11. Electric Vehicle Charging Points and Rapid Electric Vehicle Charging Points

Prior to above ground floor works details of car parking spaces shall be accompanied by detailed plans showing the provision of Electric Vehicle and Rapid Electric Vehicle Charging Points.

- a. A minimum of 5% of all car parking spaces shall be Rapid Charging Spaces
- b. A minimum of 25% of all spaces (not including those under part (a)) shall be active spaces and
- c. The remainder 70% shall have passive provision. The development shall be carried out in accordance with the approved details.

Reason: To restrict car usage and encourage the use of electric cars in order to reduce carbon emissions

12. Cycle Parking

Prior to above ground floor works (in consultation with TfL) a detailed layout of cycle parking demonstrating compliance with the London Plan 2021 and the LCDS shall be submitted to and approved in writing by the local planning authority. The spaces shall thereafter be made permanently available for the occupants of the building(s).

Reason: To ensure reasonable provision of cycle spaces is made within the site for the parking of bicycles and to encourage sustainable modes of transport.

13. Noise from Non-Residential Uses and Plant and Structure Borne Noise Emissions

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 residential dwelling. Any assessment of compliance in this regard shall be made according to the methodology and procedures presented in BS4142:2014.

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 the London Plan.

Prior to occupation

14. Emergency Flood Risk

The development shall not be occupied until an emergency flooding plan has been submitted to, and approved in writing by the LPA. The scheme shall as a minimum include:

- a) Details of advanced flood warning measures;
- b) Advanced site preparation measures to be undertaken in the event of a flood warning;
- c) Site evacuation measures;
- d) Measures to monitor the surface water drainage system and drainage ditch system in the wider area;
- e) Dedicated named flood wardens who will be on site during all operational hours of the development, responsible for flood safety measures in accordance with emergency flood management plan.

The approved emergency flooding plan shall be relayed to all site workers and shall be implemented for the life of the development.

Reason: to ensure future occupiers are not susceptible to unacceptable flood risk.

15. Car Park Management Plan

Prior to occupation of the use, a car parking management plan shall be submitted to and approved in writing by the local planning authority. The car parking management plan should detail how the car parking spaces are allocated, managed and monitored.

The development shall be carried out in accordance with the details approved.

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

16. Energy Statement

A post completion report demonstrating compliance to the submitted Energy Statement, shall be provided and approved in writing by the Local Planning Authority within SIX (6) months of first occupation of any phase of the development. This report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure an energy efficient and sustainable development.

17. Archaeology

The development must be carried out in accordance with the submitted Written Scheme of Investigation (WSI) prepared by the Museum of London Archaeology (dated December 2020). In accordance with the WSI, the development shall not be occupied until the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material has been submitted to and approved by the Local Planning Authority in writing.

Reason: Heritage assets of archaeological interest survive on the site. The planning authority wishes to secure the provision of archaeological investigation followed by the subsequent recording of significant remains in accordance with recommendations given by the borough and in the NPPF.

18. Travel Plan

Prior to occupation a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority in consultation with Transport for London. That 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.

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

19. Whole Life Carbon Assessment

Prior to occupation the post-construction tab of the GLA's whole life carbon assessment template should be completed accurately and in its entirety in line with the GLA's Whole Life Carbon Assessment Guidance. The post-construction assessment should provide an update of the information submitted at planning submission stage, including the whole life carbon emission figures for all life-cycle modules based on the actual materials, products and systems used. This should be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation.

Reason: In the interests of sustainable development and to maximise on-site carbon dioxide savings.

20. BREEAM

The BREEAM 2018 post-construction assessment demonstrating how the development will achieve (BREEAM Excellent), shall be submitted to and approved in writing by the Local Planning Authority within SIX (6) MONTHS of occupation, to demonstrate that the development is in accordance with an agreed methodology to ensure that the required minimum rating has been achieved.

Reason: In the interest of energy efficiency and sustainability.

21. Sustainable Drainage

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.

Reason: To safeguard the public from surface water flood risk, protect the environment and respond to climate change.

22. Circular Economy Statement

A post completion report demonstrating compliance with the Circular Economy Statement must be provided and approved in writing by the Local Planning Authority within 6 months of first occupation of any part of the development.

Reason: In the interest of creating safer, sustainable communities.

23. Delivery and Servicing Plan

Prior to occupation of development, a Delivery and Servicing Plan for all the proposed uses shall be submitted to an approved in writing by the local planning authority. The approved details shall be fully implemented before the first use of the relevant non-residential unit and shall thereafter be permanently retained in an efficient manner.

Reason: In order to ensure the design has suitably considered the transport needs of the development in the interests of highway safety.

Compliance conditions

24. Surface Water Drainage

No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

25. Piling, Deep Foundations and Boreholes

a) Piling, investigation boreholes, tunnel shafts, ground source heating and cooling systems or any other foundation designs using penetrative methods shall not be carried out other than with the written consent of the Local Planning Authority. A piling method statement shall be submitted for approval in writing detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out and should demonstrate that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

b) If piling or ground improvement work is undertaken pursuant to this permission, then the 5% level of vibration attributable to these activities shall not exceed a peak particle velocity of 1.5mm/sec when measured at the point of entry to any adjoining residential development. In the event of reasonable complaint of vibration nuisance and at the request of the Local Planning Authority monitoring to evaluate compliance with this condition is to be carried out and the results submitted to the Local Planning Authority.

Reason: In order to ensure that piling activities do not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework and Position Statement and Protecting Groundwater resources of 'The Environment Agency's approach to groundwater protection' and in order to protect the amenities of neighbouring occupiers in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

26. Maximum Quantum of Floorspace

The development hereby approved shall be limited to a maximum of 30,084sqm.

Reason: In order to ensure that the development causes no additional impact that has not been assessed as part of the planning application proposal.

27. Site Specific Non-Road Mobile Vehicles

During onsite construction works, all non-road transportable industrial equipment or vehicles which are fitted with an internal diesel-powered compression ignition engine between 37 and 560KW and

not intended for transporting goods or passengers on roads are required to be NRMM registered and comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance 'Control of Dust and Emissions from Construction and Demolition SPG' July 2014. Such vehicles must be run on ultra-low sulphur diesel (also known as ULSD 'cleaner diesel' or 'green diesel'). "Ultra-low sulphur diesel" means fuel meeting the specification within BS EN 590. Where these standards are succeeded, they should be applied no later than 1 year after succession. Exemptions to these standards maybe granted for specialist equipment or for equipment with alternative emission reduction equipment or run-on alternative fuels. Such exemptions shall be applied for in writing to the LPA in advance of the use of such vehicles, detailing the reasons for the exemption being sought and clearly identifying the subject vehicles. Exemptions that are granted will be in writing and such vehicles must not be used until written exemption has been received by the applicant. No vehicles or plant to which the above emission standards apply shall be on site, at any time, whether in use or not, unless it complies with the above standards, without the prior written consent of the local planning authority.

Reason: To ensure that air quality is not adversely affected by the development and to protect the amenity of future occupants and/or neighbours.

28. Flood Risk Assessment

The development permitted by this planning permission shall only be carried out in accordance with the approved flood risk assessment. There shall be no raising of existing ground levels on the site to facilitate the free passage of flood water in times of flooding.'

Reason: to minimise the risk of internal flooding and to ensure the safety of the occupants during a flood to ensure users of the site

29. Maximum Car Parking Numbers

The maximum number of vehicle parking spaces shall not exceed 218 parking spaces at any time. The details should include the design of blue badge disabled parking having regard to the adopted London Plan.

The development shall be carried out in accordance with plans 31221-PL-206B, 31221-PL207A & 31221-PL-205B

Reason: In order to ensure an acceptable level of parking and to ensure that vehicle movements associated with the use hereby permitted remains consistent and that the use shall not represent any unacceptable level of vehicle movements such that the safety of pedestrians shall be unduly prejudiced.

30. No Open Storage

No open storage shall be permitted on site unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory standard of external appearance, in accordance with Policy CP3 of the Core Strategy and policy BP11 of the Borough Wide Development Policies Development Plan Document.

31. Phasing Plan

Prior to commencement of development, a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall include details of the works which are to take place as part of individual phases.

The development shall only be carried out in accordance with the approved Phasing Plan.

Reason: For clarity and in the interests of proper planning

Appendix 2 – Section 106 Heads of Terms

Administrative

1. Payment of the Council's professional and legal costs, whether or not the deed completes.
2. Payment of the Council's reasonable fees of £2,000.00 in monitoring (£500 per Head of Term Section – excluding Transport, Employment and Food Related obligations) and implementing the Section 106 and payable on completion of the deed.
3. Indexing – all payments are to be index linked from the date of the decision notice to grant planning permission to the date on which payment is made, using BCIS or Consumer Price index (as appropriate).

Energy and Sustainability

4. Carbon off-setting to ensure the development achieves zero-carbon standards.

From Implementation the Owner shall use its reasonable endeavours to ensure that the Development shall achieve a minimum 100% reduction in carbon emissions over Part L of the Building Regulations 2013 through on-site provisions.

On Practical Completion of the Development on the Site:

- (a) The Owner shall submit to the Council an assessment of the carbon reduction measures implemented within the Development and the figure for any Carbon Offset Contribution payable for the Development; and
- (b) Pay to the Council the Carbon Offset Contribution (if any) no later than 3 months from the date of Practical Completion of the Development.

Not to Occupy the Site until the Carbon Offset Contribution has been paid to the Council. Where it is clearly demonstrated that zero-carbon standard (based on net-zero regulated CO2 emissions) cannot be achieved on-site, any shortfall should be provided through a cash in lieu contribution (£95/ per tonne over a 30 year period as the rate in place at the time of the application's determination) to the borough's carbon offset fund, and/or off-site (provided that an alternative proposal is identified, and delivery is certain and agreement is reached by the Council of no appropriate alternative projects can be agreed).

The estimated carbon offset payment of (£95/ per tonne as the rate in place at the time of the application's determination) should be paid to the Council.

5. Future proof development in order to ensure it could connect to a District Heating Network

As part of Reserved Matters planning application, the Owner will submit a District Heating Network (DHN) Statement to the Council for approval to detail how the development could connect to the DHN or future DHN.

Trigger: statement to be submitted prior to commencement of development.

6. Energy Be Seen energy performance.

a) Within 8 weeks of the grant of planning permission, the Owner shall submit to the GLA accurate and verified estimates of the 'Be seen' energy performance indicators, as outlined in the 'Planning stage' section / chapter of the GLA 'Be seen' energy monitoring guidance document (or any document that may replace it), for the consented development. This should be submitted to the GLA's Energy Monitoring Portal in accordance with the 'Be seen' energy monitoring guidance.

b) Prior to each Building being occupied, the Owner shall provide updated accurate and verified 'as-built' design estimates of the 'Be seen' energy performance indicators for each Reportable Unit of the development, as per the methodology outlined in the 'As-built stage' chapter / section of the GLA 'Be seen' energy monitoring guidance (or any document that may replace it). All data and supporting evidence should be uploaded to the GLA's Energy Monitoring Portal. The owner should also confirm that suitable monitoring devices have been installed and maintained for the monitoring of the in-use energy performance indicators, as outlined in the 'In-use stage' of the GLA 'Be seen' energy monitoring guidance document (or any document that may replace it).

c) Upon completion of the first year of Occupation or following the end of the Defects Liability Period (whichever is the later) and for the following four years after that date, the legal Owner is required to provide accurate and verified annual in-use energy performance data for all relevant indicators under each Reportable Unit of the development as per the methodology the 'In-use stage' chapter / section of the GLA 'Be seen' energy monitoring guidance document (or any document that may replace it). All data and supporting evidence should be uploaded to the GLA's Energy Monitoring Portal. This obligation will be satisfied after the Owner has reported on all relevant indicators included in the 'In-use stage' chapter of the GLA 'Be seen' energy monitoring guidance document (or any document that may replace it) for at least five years.

d) In the event that the 'In-use stage' evidence submitted under Clause XX shows that the 'As-built stage' performance estimates derived from Clause XX have not been or are not being met, the Owner should investigate and identify the causes of underperformance and the potential mitigation measures and set these out in the relevant comment box of the 'Be seen' spreadsheet through the GLA's Energy Monitoring Portal. An action plan comprising measures identified in Clause XX shall be submitted to and approved in writing by the GLA, identifying measures which would be reasonably practicable to implement and a proposed timescale for implementation. The action plan and measures approved by the GLA should be implemented by the Owner as soon as reasonably practicable.

7. A financial contribution (£25,000.00) towards a wider study for Dagenham Dock decentralised energy network potential

The Owner and Be First will agree the scope of the study through the steering group at the time of commission. The progress of the study will be reported to the Steering Group.

Trigger: payment to be made Prior to commencement of development (excluding demolition/enabling and remediation works).

Transport and Highways

8. The Owner will enter into a S278 Agreement for carrying out improvements to Goresbrook Interchange (the 'Goresbrook Interchange Highway Works')

The works should include:

- Increasing the existing footway width into the site (offering up land in the ownership of the applicant) along the eastern (Choats Manor Way) and southern (Choats Road) boundaries of the development site to create a segregated pedestrian footway & cycleway. It is considered prudent to attach a highway plan to the s106 or legal agreement and in the interest of highway safety, requiring the applicant to
 - a) agree a scheme of highway works and
 - b) implement all off-site highway works prior to above ground works of the development or first occupation of the development and secured. To be executed by the applicant under a s38/278 highway agreement.

The S278 Agreement (and all related approvals and consents) shall not be unreasonably withheld or delayed by the highway authorities (the highway authority being LBBD and TfL). The highway authority shall use all reasonable endeavours to ensure congestion mitigation measures provided for in the S278 Agreement are in place prior to the intended date of first occupation. An agreed programme specifying all necessary procedural and implementation stages and their anticipated dates shall be included in the S106/278 Agreement and the parties shall carry out such stages in accordance with the programme.

9. A commitment to deliver the LSIP cycle route to Dagenham Dock Station or a financial contribution (£337,303.00) if this is not achievable.

Prior to the commencement of development, a scheme shall be submitted to the LPA for approval confirming the design and proposed delivery of the footway / cycleway. The scheme shall include indicative timescales for acquiring the land necessary to deliver the footway / cycleway and transferring to Be First. The footway / cycleway shall be constructed in accordance with the approved details. The existing 3m path to be retained should be inspected and if required resurfaced/reconstructed and lit to the satisfaction of the LPA.

SEGRO shall use reasonable endeavours to bring forward the footway / cycleway, with an agreed maximum cap of £337,303 (index linked) to deliver the route in full. However, in the event that the land required to deliver the footway / cycleway is not within Be First's control on the 10th anniversary of occupation, a financial contribution of £337,303 (index linked) shall be made payable by SEGRO.

The improvements will be supported by a Highway Works Specification in accordance with the Manual Contract of Documents for Highway Works specification. These will be secured to the value of a Highway Works Bond. The works should also detail measures adopted to ensure the safety of Cyclists including a well-lit route with CCTV coverage along its whole length.

10. A financial contribution (£25,000) towards the development of a strategic infrastructure masterplan study focused on modal shift, including the river / rail freight proposition, innovation, promotion and support of low carbon and autonomous vehicles.

The scope of the masterplan study will be submitted to the Council for approval. The scope will be discussed with relevant members of the Steering Group.

Trigger: Payment to be made prior to commencement of development (excluding demolition/enabling and remediation works).

11. A financial contribution (£600,000) towards the enhancement of local bus services to serve the development.

The owner for agrees to pay the Council £600,000 (index-linked from the date of planning permission) towards necessary changes to local bus services (night-time services and morning peak capacity) to serve the development.

12. A financial contribution (£248,577) towards road network improvements

The owner agrees to pay the Council £248,577 (index-linked from the date of planning permission) towards road network improvements. The financial contribution will be towards localised highways improvements or works to the wider A13, to be agreed by the Council and TfL. A financial contribution (£248,577) towards road network improvements

Trigger: Payment to be made prior to commencement of development (excluding demolition/enabling and remediation works).

The owner agrees to pay the Council £248,577 (index-linked from the date of planning permission) towards road network improvements. The financial contribution will be towards localised highways improvements or works to the wider A13, to be agreed by the Council and TfL.
A financial contribution (£248,577) towards road network improvements

The owner agrees to pay the Council £248,577 (index-linked from the date of planning permission) towards road network improvements. The financial contribution will be towards localised highways improvements or works to the wider A13, to be agreed by the Council and TfL.

Air Quality

13. Submission of a revised Car Parking Management Plan

By the 10th anniversary of occupation of the development, a revised Car Park Management Plan (CPMP) shall be submitted to the local planning authority for determination. The revised CPMP shall be accompanied with a report monitoring usage of the car park since first occupation. Subject to the CPMP demonstrating that the spaces are not essential for operation purposes, up to 10% of approved parking spaces shall be removed by the 10th anniversary of first occupation of the development.

Trigger: The Plan must be submitted to the Council before the tenth anniversary of occupation of the Development.

14. Site Wide Travel Plan

The Owner shall develop a Site Wide Travel Plan that accords with the approved Framework Travel Plan in consultation with TfL.

Trigger: submitted to the Council for their approval before practical completion.

15. Air Quality off-setting contribution.

A payment at the off-setting contribution rate of £29,000 per tonne of NO_x over the benchmark (or the equivalent rate at the time of reassessment) will be applied if the scheme does not meet air quality neutral standards

Trigger: The assessment must be submitted to the Council before the first anniversary of occupation of the Development, and payment made based on this assessment

Public Realm

16. A financial contribution (£300,000) towards Public Realm enhancements in and around Dagenham Dock station.

The Owner will pay a contribution of £300,000 towards improvements near and around Dagenham Dock C2C Station and Chequers Lane.

The extent of the area this contribution should go towards is to be agreed through discussion between relevant members of the Steering Group and other contributors that may be in place post signature of this agreement.

Trigger: payment to be prior the commencement of development whichever is the earliest.

Employment, Training, Education and Supply Chain – General Provision

17. Local employment, training and supply chain plans

Plans must be submitted prior to the commencement of development, providing a forecast of the estimated FTE workforce, the number of vacancies, paid work placements and short courses that will be created over the lifetime of the development. This must be accompanied by a method statement setting out how this will be delivered, including who in the organisation will be responsible for managing recruitment and training, how they will ensure compliance by trade contractors and how this will be managed, how health and safety issues will be managed, and how they will engage with the local community and contribute to educational engagement with local schools.

Templates for the initial plan, method statement and monitoring forms will be provided by Be First. In addition, the Construction Team in the council's job brokerage service offers support for developers to understand their commitments and build an effective plan where desired.

Trigger: the plans must be submitted three months prior to commencement of development

18. A financial contribution (£157,500) towards training and employment support for local residents across Construction and End Use phase:

Commit to a financial contribution towards training and employability support for local residents of £157,500. This is 25% of the cost the council would incur within our employment and brokerage services to successfully train and support local candidates to fill the local employment targets set out above, which at £5,000 per head for 25 roles in construction phase, and minimum 100 roles during first 5 years of end user phase (based on assumption that of 660 jobs on site).

Trigger: Payable on commencement of development.

19. Employment during Construction

The Owner will use reasonable endeavours to ensure that jobs are provided to LBBB residents, during the construction and remediation phases.

The jobs to be provided in accordance with the following:

- 25% of the total jobs of the total jobs 250 FTE jobs created are new jobs filled by LBBB residents, with at least 10% of these (25) directly employed construction jobs with the remaining 15% (37.5) secured through reasonable endeavours through supply chain.
- Advertise all vacancies through the council's job brokerage services, with notification of job vacancies exclusively available to residents for a minimum of 10 days before being advertised more widely.
- Provide a skill forecast for the development and highlight any shortages to the council's job brokerage service.

20. Training during Construction

The Owner will use reasonable endeavours to ensure the following:

- Deliver Health and Safety training (CSCS) for twenty-five (one training opportunity for every 10 construction workers) young people developing a career in the construction industry.
- Provide 20 weeks of work experience with each placement lasting a minimum of 2 weeks. Candidates to be brought through from the training where possible. For up to 10 people.
- Provide at least one educational workshop / visit for primary or secondary school students per educational term, for the duration of the construction phase, to support local schools and careers services.

- Paid Work Placement/Traineeship to new entrants to the industry (LBBD) – Support residents with a CSCS card but with little or no prior experience of working on site. A total of 70 weeks employment on site. Candidates to be brought through from the training where possible. Up to 4 people.

21. Employment – End User Obligations

The Owner will use reasonable endeavours to ensure that the Owner's employees and jobs with its contractors are provided to LBBD residents during the end-user phase in accordance with the following:

- a. fill 80 posts, which is **25% of the 323 newly created** vacancies (49% of FTE 660) by local residents within the first 5 years of operation.
- b. Fill a minimum of 20 further posts created through turnover in the 337 relocated posts (51% of FTE 660) within 5 years of operation.
- c. Work closely with the council's employment and skills brokerage to achieve a target of **25% of all jobs** within the tenants' workforce on site to be filled by local residents within 6 years of operation.
- d. Advertise all vacancies through the council's job brokerage service, with notification of job vacancies exclusively available to residents for a minimum of 10 days before being advertised more widely

2. For end-user jobs, encourage tenants to work closely with the applicant and LBBD to advertise all newly created vacancies through the council's Job Brokerage service including through introducing tenants to LBBD's Job Brokerage service to help provide a skills forecast for the development and highlight any shortages to the Council's job brokerage service, a minimum of one month before operational end use commences; and where feasible including relevant commitments within terms and conditions of tenancies.

3. A commitment to collaborative working through the employment of a designated Employment co-ordinator to liaise with and where feasible provide access on site for the Councils Job Brokerage service.