



LONDON BOROUGH OF BARKING & DAGENHAM PLANNING COMMITTEE

11th September 2023

Application for Removal or Variation of a Condition following Grant of Planning Permission

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| Case Officer: | Kathryn McAllister | Valid Date: | 20-July-2023 |
| Applicant: | London Borough of Barking and Dagenham | Expiry Date: | 20-July-2023 |
| Application Number: | 23/01143/VAR | Ward: | Goresbrook, Eastbury, and Mayesbrook |
| Address: | Development Site Junction of Stamford Road and Woodward Road, Dagenham. | | |

The purpose of this report is to set out the Officer recommendations to Planning Committee regarding an application for removal or variation of a condition following grant of planning permission relating to the proposal below at Development Site Junction of Stamford Road and Woodward Road, Dagenham.

Proposal:

Variation of Condition 2(approved plans) attached to planning consent 20/00097/FUL dated 17.07.2020 to amend the approved affordable housing tenure mix to change 15 out of the 16 London Affordable Rent units to Discount Market Rent.

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 deed of variation under s106 of the Town and Country Planning Act 1990 (as amended) based on the changes identified at Appendix 6 of this report and the Conditions listed in Appendix 5 of this report; and
3. that, if by 11 March 2024 the legal agreement has not been completed, the London Borough of Barking & Dagenham's Director of Inclusive Growth is delegated authority to refuse planning permission or extend this timeframe to grant approval.

Conditions Summary:

1. Statutory Time Limit - Planning Permission
2. Development in Accordance with Approved Plans
3. Site Contamination
4. Construction Management
5. Air monitoring condition
6. Drainage Strategy
7. Acoustic Protection
8. Materials and Balcony Details

9. Brick Articulation
10. Planting Scheme
11. Fire Safety Scheme
12. Electric Vehicle Charging Points Details
13. Trees
14. Ecological Management Plan
15. Hard/Soft Landscaping Implementation
16. Children's Playspace Implementation
17. Car Parking Implementation
18. Cycle Parking Implementation
19. Refuse and Recycling Strategy Implementation
20. Sustainable Drainage Implementation
21. Crime Prevention Scheme
22. Communal Television and Satellite System
23. External lighting
24. Renewable Energy Infrastructure
25. Accessible Housing
26. Water Efficiency
27. Plant Noise Limit
28. Carbon Reduction
29. Hours of Use of the Community Buildings

S106 – Summary of Deed of Variation:

The Planning Committee has previously granted planning permission subject to the completion of a Unilateral Undertaking securing the obligations as summarised below:

- ❖ 100% affordable housing development comprising of 40 Affordable Rent units and 16 London Affordable Rent units.
- ❖ Local Employment and Skills ensuring that reasonable endeavours have been made to ensure at least 25% of people working on the development during construction are local residents.
- ❖ Carbon offset obligations to ensure the development achieves a minimum 59% onsite carbon reduction with the remaining offset by a financial contribution to achieve 100% carbon neutral development.
- ❖ Car club to ensure 1 new car club space is provided and minimum 24-month membership is provided from first Occupation of each Residential Unit.
- ❖ Highways work obligation securing a s.278 agreement to cover off-site highway works and the submission of traffic management measures and traffic management measures bond.
- ❖ Air Quality obligation requiring the owner to pay the Air Quality Neutral Mitigation Contribution prior to first occupation.
- ❖ Event management and travel plan obligation requiring the submission of an events management plan and travel plan prior to occupation.

A deed of variation to the existing Unilateral Undertaking dated 10.07.2020 is required. The proposed changes are detailed below:

- ❖ Omit the approved application reference number 20/00097/FUL within the legal agreement and replace with application reference 23/01143/VAR.
- ❖ Amendments to Schedule 2 (Affordable Housing Obligations) to reflect the proposed tenure change. The changes include:
- ❖ Replacement of reference to Affordable Housing Units with Discount Market Rent Units within the schedule.
- ❖ Updated the "Affordable Housing" definition to replace reference to Affordable Rent with Discount Market Rent.
- ❖ Update the "Affordable Housing Units" definition to replace its meaning of '40 units of Affordable Rent Housing Units and 16 Units of London Affordable Rent Housing Units' with

'55 units of Discount Market Rent Housing Units and 1 Unit of London Affordable Rent Housing Units'.

- ❖ Replace the "Affordable Rent Housing Units" definition which means 'the 40 Affordable Housing Units as shown on plans 0110 rev 002, 01111 rev 002 and 01112 rev 002 at Annex C comprising 71% of the Affordable Housing Units to be made available for Affordable Rent Housing in accordance with this Schedule of this Deed'. This will be replaced by a "Discount Market Rent Housing Units" definition which means 'the 55 Discount Market Affordable Housing Units as shown on plans BF0066-MCO-ZZ_GF-DR-A-03110 revision 003, BF0066-MCO-ZZ-01-DR-A-03111 revision 003 and BF0066-MCO-ZZ-02-DR-A-03112 revision 003, at Annex C comprising 98% of the Affordable Housing Units to be made available for Discount Market Rent Housing in accordance with this Schedule of this Deed'.
- ❖ Updated "London Affordable Rent Housing units" definition which means 'the 16 London Affordable Housing Units as shown on plans 0110 rev 002, 01111 rev 002 and 01112 rev 002 at Annex C comprising 29% of the Affordable Housing Units to be made available for London Affordable Rent Housing in accordance with this Schedule of this Deed'. The meaning will be replaced by the following wording 'the 1 London Affordable Housing Units as shown on plans BF0066-MCO-ZZ_GF-DR-A-03110 revision 003, BF0066-MCO-ZZ-01-DR-A-03111 revision 003 and BF0066-MCO-ZZ-02-DR-A-03112 revision 003, at Annex C comprising 2% of the Affordable Housing Units to be made available for London Affordable Rent Housing in accordance with this Schedule of this Deed'.
- ❖ Definition for 'Discount Market Rent' to be added in line with London Plan definition. This definition should secure the following:
 - Rent prices for Discount Market Rent Housing Units will have a 20% discount of the full market rents as linked to an open market valuation appraisal undertaken every 3 years by an independent RICS assessor.
 - Longer tenancies (three years or more) for all tenants of Discount Market Rent Housing Units with a break clause allowing tenant to end the tenancy with a month's notice any time after the first six (6) months.
 - Rent and service charges should be made clear to tenants before a tenancy agreement is signed. Any annual increases should be formula linked.
 - Provision of on-site management to enable prompt resolution to issues and should include some daily on-site presence.
 - The provider of Discount Market Rent Housing units should have a complaints procedure in place and a member of a recognised ombudsmen.
 - Providers should not charge tenant or any perspective tenants upfront fees other than deposits and rent up front.
- ❖ Late-Stage Review Mechanism to be secured requiring a late-stage affordable housing review is to occur when 75% of the units in the scheme are sold or let.
- The drawings secured in Appendix C shall be replaced with drawings BF0066-MCO-ZZ_GF-DR-A-03110 Proposed Ground Floor Plan- Tenure [Revision 003] dated 31.03.2020, BF0066-MCO-ZZ-01-DR-A-03111 Proposed First Floor Plan- Tenure [Revision 003] dated 31.03.2020 and BF0066-MCO-ZZ-02-DR-A-03112 Proposed Second Floor Plan- Tenure [Revision 003] dated 31.03.2020.

All previously approved heads of terms remain unchanged and continue to be acceptable subject to the imposition of conditions. These heads should be moved across unchanged to the new legal agreement. The conditions have been slightly re-worded to reflect the current position, as some details have already been submitted and approved.

OFFICER REPORT

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| Planning Constraints: |
| Air Quality Management Area Barking Library is a Locally Listed Building. The site is identified in the Council’s Site-Specific Allocations Development Plan Document as SSA SC6: Julia Engwell Clinic. |

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| Site, Situation and relevant background information: |
| The application site is located on the junction of Woodward Road and Stamford Road. The site’s planning history is as follows: 20/00097/FULL On 17 th July 2020 planning permission was granted for the change of use of the former Barking Library building from sui generis (furniture recycling) to Class D1 (community). Construction of up to 266sqm (GIA) building for flexible Class D1 community/sui generis (police station), 56 no. Class C3 (residential) units; and associated works including landscaping and car parking provision. This application was subject to a s106 Legal Agreement. 23/00218/NONMAT On 9 th March 2023 non-material amendment following the grant of planning permission was approved. The proposal sought non-material amendments to conditions 2, 15, 17, 18 and 19. 23/01143/VAR - This application This application seeks permission for the Variation of Condition 2 (approved plans) attached to planning consent 20/00097/FUL dated 17.07.2020 to amend the approved affordable housing tenure mix to change 15 out of the 16 London Affordable Rent Units to Discount Market Rent. The proposal seeks permission to amend the tenure mix of the development. This application will be subject to the completion of a deed of variation. |

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| Detailed proposal: | | | | |
| <table border="1"><tr><td>Proposed Amendment:</td><td>Applicant Reasoning:</td></tr><tr><td><i>Amend the approved affordable housing tenure mix to change 15 out of the 16 London Affordable Rent Units to Discount Market Rent.</i></td><td><i>To allow the continued delivery of the application site.</i></td></tr></table> | Proposed Amendment: | Applicant Reasoning: | <i>Amend the approved affordable housing tenure mix to change 15 out of the 16 London Affordable Rent Units to Discount Market Rent.</i> | <i>To allow the continued delivery of the application site.</i> |
| Proposed Amendment: | Applicant Reasoning: | | | |
| <i>Amend the approved affordable housing tenure mix to change 15 out of the 16 London Affordable Rent Units to Discount Market Rent.</i> | <i>To allow the continued delivery of the application site.</i> | | | |

In response to the provisions of Section 73 Town and Country Planning Act 1990, the application is to be assessed to consider the question of the conditions subject to which planning permission should be granted. S.73 States:

- (1) This section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.*
- (2) On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and—*
 - (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and*
 - (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.*

Specifically, s.73 does not apply if the previous planning permission was granted subject to a condition as to the time within which the development to which it related was to be begun and that time has expired

without the development having been begun. Further to this, s.73 does not permit a change to a condition subject to which a previous planning permission was granted by extending the time within which the development must be started or an application of reserved matters to be received.

The National Planning Practice Guidance directs the Local Planning Authority to consider the application against the development plan and material considerations, under section 38(6) of the Planning and Compulsory Purchase Act 2004 (*determination shall be made in accordance with the plan unless material consideration indicates otherwise*), and conditions attached to the existing permission. Local planning authorities should, in making their decisions, focus their attention on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

Assessment:

Key issues:

- Tenure Mix

Planning Assessment:

1.0 Tenure Mix

- 1.1 Chapter 5 of the NPPF requires local authorities to identify affordable housing need and set policies for meeting this need. Paragraph 65 states "Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups". Notwithstanding paragraph 63 states "Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities".
- 1.2 Policy H4 of the London Plan sets a strategic target for 50% of all new homes delivered across London to be genuinely affordable. In particular this policy ensures that all major developments which trigger affordable housing requirements provide affordable housing through the threshold approach. Policy H5 outlines the threshold approach which applies to all major development proposals which trigger affordable housing requirements. Policy H5B sets threshold level of affordable housing on gross residential development at a minimum of 35%; or 50 per cent for public sector land where there is no portfolio agreement with the Mayor; or 50 per cent for Strategic Industrial Locations, Locally Significant Industrial Sites and Non-Designated Industrial Sites appropriate for residential uses. This requirement is also established in the Affordable Housing Supplementary Planning Guidance (SPG).
- 1.3 Policy H5 part J states "that any proposed amendments that result in a reduction in affordable housing, affordability or other obligations or requirements of the original permission should be rigorously assessed under the Viability Tested Route. In such instances, a full viability review should be undertaken that reconsiders the value, costs, profit requirements and land value of the scheme". The proposal seeks to replace 15 of the 16 existing approved LAR units with DMR units. Noting this is a reduction in genuinely affordable housing this application will need to follow the Viability Tested Route.
- 1.4 Policy H7 of the London Plan, also reflecting the targets previously set out in the SPG, further details the Mayor's preferred affordable tenure split, which consists of a minimum of 30% low-cost rented homes (including Social Rent and London Affordable Rent), a minimum of 30% intermediate products (including London Living Rent and London Shared Ownership) and the remaining 40% to be determined by the Local Authority based on identified need.
- 1.5 The Draft Local Plan (regulation 19 version) policy DMH1 seeks to apply the threshold approach to viability. The policy seeks to ensure that new developments contribute to the delivery of a range of housing tenures in accordance with the following tenure split: 50% mix of social housing including London Affordable Rent, 50% mix of intermediate housing including London Shared Ownership.

- 1.6 The proposal seeks to amend the tenure mix of this development replacing 15 of the 16 LAR units with Discount Market Rent Units. This application seeks to vary condition 2 (approved drawings) to include the updated affordable housing tenure drawings. Much of the work has been completed on site since the original permission was issued. As such, all remaining conditions will be updates to reflect this.
- 1.7 As consented the proposal will deliver 100% affordable housing which is far more than the Mayor of London's 50% target for public sector land. The tenure mix consented includes the provision of London Affordable Rent and Affordable Rent units under application 20/00097/FUL is as follows:

| Unit Size | London Affordable Rent | Affordable Rent (up to 80% of market rent) | Total |
|------------------------------|-------------------------------|---|--------------|
| 1- Bedroom Flat | 0 | 32 | 32 (57%) |
| 2- Bedroom Flat | 2 | 8 | 10 (18%) |
| 3- Bedroom Flat | 14 | 0 | 14 (25%) |
| Total Units | 16 (29%) | 40 (71%) | 56 (100%) |
| Total Habitable Rooms | 48 (35%) | 88 (65%) | 136(100%) |

- 1.8 For clarity, as detailed in the planning statement submitted with this application the consent tenure mix included low-cost rent (London Affordable Rent) and Intermediate Rent (Discount Market Rent).
- 1.9 This application seeks to vary condition 2 to amend the tenure mix. It is proposed to replace 15 London Affordable Rent units with Discount Market Rent. The applicant states "LBBB remains committed to providing affordable homes for local people across its portfolio of new homes; therefore, a change in the type of affordable housing provided at the application site is proposed to ensure continued delivery". Officers believe that the tenure mix has been amended to allow the continued delivery of the scheme. The tenure mix proposed under this application is as follows:

| Unit Size | London Affordable Rent | Discount Market Rent | Total |
|------------------------------|-------------------------------|-----------------------------|--------------|
| 1- Bedroom Flat | 0 | 32 | 32 (57%) |
| 2- Bedroom Flat | 0 | 10 | 10 (18%) |
| 3- Bedroom Flat | 1 | 15 | 14 (25%) |
| Total Units | 1 (2%) | 55 (98%) | 56 (100%) |
| Total Habitable Rooms | 4 (3%) | 146 (97%%) | 150(100%) |

The proposed changes can be found in the table below.

| | London Affordable Rent (LAR) | | | Discount Market Rent (DMR) | | | Total |
|------------------------------|------------------------------|----------|---------|----------------------------|----------|---------|-------|
| | Existing | Proposed | Changes | Existing | Proposed | Changes | |
| 1- Bedroom Flat | 0 | 0 | 0 | 32 | 32 | 0 | 32 |
| 2- Bedroom Flat | 2 | 0 | -2 | 8 | 10 | +2 | 10 |
| 3- Bedroom Flat | 14 | 1 | -13 | 0 | 15 | +15 | 25 |
| Total Units | 16 | 1 | -15 | 40 | 55 | +15 | 56 |
| Total Habitable Rooms | 48 | 4 | -44 | 88 | 146 | +58 | 136 |

- 1.10 As shown above the proposal will remain 100% affordable. However, the changes will result in the loss of 15 LAR units (44 LAR habitable rooms). This will be replaced with 15 DMR units (58 DMR habitable rooms). This is in accordance with the original permission and includes the re-provision of 1 social rented unit that was previously located on site.
- 1.11 As set out in policy H5 part J amendments that result in a reduction in affordable housing, affordability or other obligations or requirements of the original permission should be rigorously assessed under the Viability Tested Route.
- 1.12 Whilst the proposal will remain 100% affordable. The proposed changes would result in the reduction of genuinely affordable low-cost rent properties and replace this with an intermediate product. Therefore, the proposed changes will need to follow the Viability Tested Route.
- 1.13 The application is accompanied by a viability assessment prepared by JLL dated May 2023. This assessment concludes that “the consented scheme produces a deficit of c.£5.44 million and the proposed changes to tenure help to claw back c.£3.78 million of the deficits. This means that the proposed scheme is still some £1.65 million below the breakeven point but significantly reduces the viability deficit. Despite having to replay £1.5 million grant funding, this is more than counteracted by being able to apply an additional £4.3 million right to buy receipts”.
- 1.14 From the assessment provided officers believe that despite the proposed changes the scheme will still remain in deficit, however, this amendment would reduce the size of the deficit. As detailed in the assessment the proposed changes will result in the deficit decreasing from -£5,437,143 to -£1,652,800. The delivery of discount market rent allows the applicant to apply additional right to buy receipts, hence, the scheme will be able to claw back a significant proportion of deficits. This will improve the deliverability of the scheme and continue to allow the applicant to supply affordable units within the borough.
- 1.15 The council has appointed BNP Paribas as their independent viability consultant to review the submitted viability assessment. The consultants has reviewed the viability assessment submitted by the applicant and made a number of recommendations. These include adjusting community space revenue assumptions to reflect what is achievable in the current market and adjusting the programme of timetable. BNP Paribas have undertaken an appraisal assuming 100% affordable housing (55 affordable rent units and 1 London affordable rent units), taking into account the recommended amendments and found the proposed development to generate a negative RLV of -

£218,878. This contrasts with the negative RLV of -£1,652,800 concluded by JLL in their assessment. From the review it is clear that the proposed development improves the viability of the scheme, but it does not generate a positive RLV. Officers consider the result of the BNP Paribas appraisal to be sound and correct. The amendments to the tenure of the scheme will improve the overall viability of the scheme, as such, officers consider the proposed changes to enable the continued delivery of the scheme and provision of much needed housing within the borough.

- 1.16 Discount Market Rent is an intermediate affordable product with rent prices being 80% of the market rent prices. As detailed in policy H7 of the London Plan affordable housing must be monitored with Borough publishing monitoring information annually to ensure transparency. Rent prices within the Borough are monitored annually through the GLA London Plan Annual Monitoring Report (AMR) which borough's feed into through the preparation of a local AMR. It is noted that at present the GLA London Rent Map which is updated quarterly show open market rent prices for the site location being low. The median monthly rent for 1-bedroom units is £950-£1,100; 2-bedroom units are £1,200-£1,300; and 3- bedroom units under £1,500. As such, officers note a 20% discount on these rent prices would further improve access to this product by residents on low incomes. Notwithstanding, officers note guidance on DMR units allows the use of the London Rent map or an open market rent valuation to fix the open market rent before the 20% discount is applied. Noting there is a time lag in the AMR officers consider an annual open market rent valuation to be better placed so as to ensure that the DMR rent prices are the best reflection of the open market.
- 1.17 Further, policy H6 of the London Plan has regard to affordable housing tenure. Regarding discount market rent this policy states that this product is acceptable if it meets the broad definition of affordable housing, the London Housing Strategy definition of genuinely affordable housing and is considered by the borough to be genuinely affordable. The rent prices of DMR units will be prices at 80% of the market value providing residents with access to below market rent allowing them to save up for a deposit. Likewise, this product does not require a large up-front deposit, hence, making it more affordable and accessible to local residents. As detailed above, currently open market rent prices are relatively low in this area of the borough, as such, officers consider the provision of a below-market rent to remain genuinely affordable to resident given these will be remain accessible to those on the low incomes. Officers therefore consider this product to be more affordable than other intermediate products and provide an affordable option to residents of the borough.
- 1.18 In addition, policy H6 states that DMR units should be made affordable to household on incomes of up to £60,000. This income cap is monitored annually via the GLA AMR to ensure access to this product remains affordable to households on lower incomes.
- 1.19 Finally, policy H11 of the London Plan seeks to ensure that where DMR units are provided these are secured in perpetuity. DMR units should be made available to tenants on longer tenancies (three years or more) with a break clause allowing tenants to end the tenancy with a month's notice any time after the first 6 months; rent and service charges should be made clear to tenants before a tenancy agreement is signed. Any annual increases should be formula linked; provision of on-site management to enable prompt resolution to issues and should include some daily on-site presence; the provider of Discount Market Rent Housing units should have a complaints procedure in place and a member of a recognised ombudsmen; and providers should not charge tenant or any perspective tenants upfront fees other than deposits and rent up front. It is noted that a deed of variation is required to insert a definition for Discount Market Rent into the Legal Agreement to ensure this product is secured in perpetuity.
- 1.20 Overall, officers accept the proposed changes would result in the loss of 15 LAR units, which is a more affordable tenure than DMR. However, as shown above it is clear the proposed 16 DMR units will remain affordable for local residents and would represent the maximum level of affordable housing in the circumstances. Officers consider the proposed changes to be acceptable and in keeping with development plan policies.
- 1.21 Officers consider the proposed changes to be acceptable subject to the completion of a deed of variation to the unilateral undertaking dated 10th July 2020. This includes amendments to Schedule 2 (Affordable Housing Obligations) to update the secured drawings and tenure details to replace 15 of the 16 consented LAR units with discount market rent units. Further a mechanism for Late Stage Review will be inserted in the legal agreement so that affordable housing tenure mix can be reviewed

laterally. The schedule will be updated to replace reference to Affordable Rent Units with Discount Market Rent Units. The proposed changes to be secured within the deed of variation are as follows:

- Omit the approved application reference number 20/00097/FUL within the legal agreement and replace with application reference 23/01143/VAR.
 - Amendments to Schedule 2 (Affordable Housing Obligations) to reflect the proposed tenure change. The changes include:
 - ❖ Replacement of reference to Affordable Housing Units with Discount Market Rent Units within the schedule.
 - ❖ Updated the “Affordable Housing” definition to replace reference to Affordable Rent with Discount Market Rent.
 - ❖ Update the “Affordable Housing Units” definition to replace its meaning of ‘40 units of Affordable Rent Housing Units and 16 Units of London Affordable Rent Housing Units’ with ‘55 units of Discount Market Rent Housing Units and 1 Unit of London Affordable Rent Housing Units’.
 - ❖ Replace the “Affordable Rent Housing Units” definition which means ‘the 40 Affordable Housing Units as shown on plans 0110 rev 002, 01111 rev 002 and 01112 rev 002 at Annex C comprising 71% of the Affordable Housing Units to be made available for Affordable Rent Housing in accordance with this Schedule of this Deed’. This will be replaced by a “Discount Market Rent Housing Units” definition which means ‘the 55 Discount Market Affordable Housing Units as shown on plans BF0066-MCO-ZZ_GF-DR-A-03110 revision 003, BF0066-MCO-ZZ-01-DR-A-03111 revision 003 and BF0066-MCO-ZZ-02-DR-A-03112 revision 003, at Annex C comprising 98% of the Affordable Housing Units to be made available for Discount Market Rent Housing in accordance with this Schedule of this Deed’.
 - ❖ Updated “London Affordable Rent Housing units” definition which means ‘the 16 London Affordable Housing Units as shown on plans 0110 rev 002, 01111 rev 002 and 01112 rev 002 at Annex C comprising 29% of the Affordable Housing Units to be made available for London Affordable Rent Housing in accordance with this Schedule of this Deed’. The meaning will be replaced by the following wording ‘the 1 London Affordable Housing Units as shown on plans BF0066-MCO-ZZ_GF-DR-A-03110 revision 003, BF0066-MCO-ZZ-01-DR-A-03111 revision 003 and BF0066-MCO-ZZ-02-DR-A-03112 revision 003, at Annex C comprising 2% of the Affordable Housing Units to be made available for London Affordable Rent Housing in accordance with this Schedule of this Deed’.
 - ❖ Definition for ‘Discount Market Rent’ to be added in line with London Plan definition. This definition should secure the following:
 - Rent prices for Discount Market Rent Housing Units will have a 20% discount of the full market rents as linked to an open market valuation appraisal every 3 years by an independent RICS assessor.
 - Longer tenancies (three years or more) for all tenants of Discount Market Rent Housing Units with a break clause allowing tenant to end the tenancy with a month’s notice any time after the first six (6) months.
 - Rent and service charges should be made clear to tenants before a tenancy agreement is signed. Any annual increases should be formula linked.
 - Provision of on-site management to enable prompt resolution to issues and should include some daily on-site presence.
 - The provider of Discount Market Rent Housing units should have a complaints procedure in place and a member of a recognised ombudsmen.
 - Providers should not charge tenant or any perspective tenants upfront fees other than deposits and rent up front.
 - ❖ Late-Stage Review Mechanism to be secured requiring a late-stage affordable housing review is to occur when 75% of the units in the scheme are sold or let.
 - The drawings secured in Appendix C shall be replaced with drawings BF0066-MCO-ZZ_GF-DR-A-03110 Proposed Ground Floor Plan- Tenure [Revision 003] dated 31.03.2020, BF0066-MCO-ZZ-01-DR-A-03111 Proposed First Floor Plan- Tenure [Revision 003] dated 31.03.2020 and BF0066-MCO-ZZ-02-DR-A-03112 Proposed Second Floor Plan- Tenure [Revision 003] dated 31.03.2020.
- 1.22 The conditions that the approval is subject to will remain the same in principle, but small amendments are required through the passage of time. For example, in some cases the details

pursuant to conditions have already been submitted and approved, so the conditions have been re-worded to reflect the current state. The full set of re-worded conditions is attached at Appendix 5

Conclusions:

The proposal seeks to amend the consented tenure mix replacing 15 of the 16 London Affordable Rent Units with Discount Market Rent. Although the changes will result in the loss of 15 low-cost rent units the proposed changes have been sought as the provision of DMR units will allow the applicant to use right to buy receipts clawing back a significant proportion of the scheme's deficit. The application is accompanied by a viability assessment which confirms that despite the proposed changes the scheme will remain in deficit, although the amount of negative Residual Land Value will be significantly diminished. Noting the proposed changes will allow the continued delivery of this scheme and the provision of much needed affordable accommodation in the borough. Overall, officers consider the proposed changes to be acceptable and constitute a minor material amendment. It is recommended that planning permission is granted subject to the completion of a deed of variation.

Appendix 1:

Development Plan Context:

The Council has carefully considered the relevant provisions of the Council's adopted development plan and of all other relevant policies and guidance. Of particular relevance to this decision were the following Framework and Development Plan policies and guidance:

National Planning Policy Framework (NPPF) (DLUHC, July 2021)

The London Plan: Spatial Development Strategy for London (March 2021)

Policy GG1 - Building strong and inclusive communities
Policy GG2 - Making the best use of land
Policy GG3 - Creating a healthy city
Policy GG4 - Delivering the homes Londoners need
Policy D1 - London's form, character and capacity for growth
Policy D2 – Infrastructure requirements for sustainable densities
Policy D3 – Optimising site capacity through the design-led approach
Policy D4 – Delivering good design
Policy D5 – Inclusive design
Policy D6 – Housing Quality Standards
Policy D7 – Accessible Housing
Policy D8 – Public Realm
Policy D11 – Safety, security and resilience to emergency
Policy D12 – Fire Safety
Policy D14 - Noise
Policy H1 - Increasing housing supply
Policy H2 - Small sites
Policy H4 – Delivering affordable housing
Policy H5 – Threshold approach to applications
Policy H6 – Affordable housing tenure
Policy H7 – Monitoring of affordable housing
Policy H10 – Redevelopment of existing housing and estate regeneration
Policy H12 - Housing size mix
Policy HC1- Heritage and conservation
Policy S1 -Developing London's social infrastructure
Policy S3 – Education and childcare facilities
Policy G1 - Green infrastructure
Policy G5 - Urban greening
Policy G6 - Biodiversity and access to nature
Policy SI7 - Reducing waste and supporting the circular economy
Policy SI8 - Waste capacity and net waste self-sufficiency
Policy T1 - Strategic approach to transport
Policy T2 - Healthy Streets
Policy T3 - Transport capacity, connectivity and safeguarding
Policy T4 - Assessing and mitigating transport impacts
Policy T5 - Cycling
Policy T6 - Car parking

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| <p><i>Local Development Framework (LDF) Core Strategy (July 2010)</i></p> | <p>Policy CM1 - General Principles for Development Policy CR2 - Preserving and Enhancing the Natural Environment Policy CR3 - Sustainable Waste Management Policy CP2 - Protecting and Promoting our Historic Environment Policy CP3 - High Quality Built Environment 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 BR1 - Environmental Building Standards Policy BR3 - Greening the Urban Environment Policy BR4 - Water Resource Management Policy BR9 - Parking Policy BR10 - Sustainable Transport Policy BR11 - Walking and Cycling Policy BR15 - Sustainable Waste Management Policy BP2 - Conservation Areas and Listed Buildings Policy BP8 - Protecting Residential Amenity Policy BP11 - Urban Design Policy BC6- Loss of Community Facilities</p> |
| <p><i>The London Borough of Barking and Dagenham’s Draft Local Plan: (Regulation 19 Consultation Version, Autumn 2021) is at an “advanced” stage of preparation. Having regard to NPPF of 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, Autumn 2021)</i></p> | <p>Policy SPDG1 - Delivering Growth Policy SP3 - Delivering Homes that Meet People’s Needs Policy SP2 - Delivering High Quality Design in the Borough Policy SP6 – Green and blue infrastructure Policy SP7 - Securing a clean, green and sustainable borough Policy SP4- Delivering social and cultural infrastructure facilities in the right places locations Policy DMH1 - Affordable Housing Policy DMH2 - Housing Size and Mix Policy DMD1- Securing high-quality design Policy DMD4- Heritage assets and archaeological remains Policy DMNE1 – Parks, open spaces and play space. Policy DMNE2 - Urban Greening Policy DMNE3 - Nature Conservation and Biodiversity Policy DMNE5 - Trees Policy DMSI2 - Energy, Heat and Carbon Emissions Policy DMSI4 - Improving Air Quality Policy DMSI6 – Flood risk and defences Policy DMDI8 – Demolition, construction and operational waste Policy DMT1 - Making Better Connected Neighbourhoods</p> |

| | |
|---|--|
| | Policy DMT2 - Car Parking Policy DMT3- Cycle Parking Policy DMS2: Planning for new facilities |
| <i>Supplementary Planning Documents</i> | DCLG Technical Housing Standards (nationally described space standard) (DCLG, March 2015) (as amended) Housing Supplementary Planning Guidance (2017) Accessible London: Achieving an Inclusive Environment (2014) Affordable Housing and Viability (2017) Character and Context (2014) Housing (2016) Play and Informal Recreation (2012) Sustainable Design and Construction (2014) |

Additional Reference:

Human Rights Act

The provisions of the Human Rights Act 1998 have been taken into account in the processing of the application and the preparation of this report.

Equalities

In determining this planning application, the BeFirst on behalf of the London Borough of Barking & Dagenham has regard to its equalities obligations including its obligations under section 149 of the Equality Act 2010 (as amended).

For the purposes of this application there are no adverse equalities issues.

Appendix 2:

| Relevant Planning History: | | | |
|-----------------------------------|--|----------------|-------------------------------------|
| <i>Application Number:</i> | 20/00097/FUL | <i>Status:</i> | Approved Subject to Legal Agreement |
| <i>Description:</i> | Change of use of the former Barking Library building from sui generis (furniture recycling) to Class D1 (community). Construction of up to 266sqm (GIA) building for flexible Class D1 (community)/sui generis (police station), 56 no. Class C3 (residential) units; and associated works including landscaping and car parking provision | | |
| <i>Application Number:</i> | 23/00218/NONMAT | <i>Status:</i> | Approved |
| <i>Description:</i> | Non material amendment to planning permission 20/00097/FUL dated 17-07-2020 to conditions 2, 15, 17, 18 and 19. | | |

Appendix 3:

The following consultations have been undertaken:

- Goresbrook Ward Councillors
- Mayesbrook Ward Councillors
- LBBB Community Solutions
- LBBB Education
- LBBB Trees
- LBBB District Heating/Energy
- LBBB Strategic Refuse and Recycling
- LBBB Access Officer
- LBBB Flood Risk Manager
- Thames Water
- Environmental Agency
- Be First Transport
- Design Out Crime
- LBBB Environmental Protection

| Summary of Consultation responses: | | |
|---|--|-------------------------|
| Consultee and date received | Summary of Comments | Officer Comments |
| Environmental Protection dated 19.08.2023 | Having reviewed the application, the change in the number of affordable rent units to discount market rent has no environmental impact so I have no comments to make on this application. | No further comments |
| Transport Officer dated 11.08.2023 | No highways objection for this application. | No further comments |
| Design Out Crime Officer dated 27.07.2023 | With regards to this particular application, what's being proposed will have no detrimental effect on our ongoing work on this scheme. As such we will not look to make any further comments. | No further comments |
| Thames Water dated 27.07.2023 | Thank you for consulting Thames Water on this planning application. Having reviewed the details, we have no comments to make at this time. | No further comments |

Appendix 4:

| | |
|---|-----------------------------|
| Neighbour Notification: | |
| Date Site Notice Erected: | 4 th August 2023 |
| Date of Press Advertisement: | 31.07.2023 |
| Number of neighbouring properties consulted: | 266 |
| Number of responses: | N/A |
| Address: | Summary of response: |
| <i>Complete as required</i> | |

Appendix 5:

Conditions & Informatives:

Conditions:

1. Statutory Time Limit - Planning Permission

The development hereby permitted shall be commenced before the expiration of THREE YEARS from the 17th July 2023.

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 listed below:

- Proposed site location BF0066-MCO-ZZ-XX-DR-A-01100-Rev 001
- BF0066-MCL-BA-00-DR-A-9100 Rev S3-P02 Block A Ground Floor Fit Out GA dated 19.01.2022
- BF0066-MCL-BB-00-DR-A-9110 S3 P02 Block B Ground Floor (Fit Out GA) dated 19.01.2022
- BF0066-MCL-BC-00-DR-A-9120 Rev S3-P01 BLOCK C//GROUND FLOOR//sheet 1 of 2//GA dated 18.02.2022
- BF0066-MCL-BC-00-DR-A-9121 S3-P01 BLOCK C//GROUND FLOOR//sheet 2 of 2//GA dated 18.02.2022
- BF0066-MCL-BD-00-DR-A-9130 Rev S3-P01 BLOCK D//GROUND FLOOR//sheet 1 of 2//GA dated 18.02.2022
- BF0066-MCL-BD-00-DR-A-9131 Rev S3-P01 BLOCK D//GROUND FLOOR//sheet 2 of 2//GA dated 18.02.2022
- BF0066-MCL-BE-00-DR-A-9140 Rev S3-P02 Block E - Ground Floor Plan (Fit-out GA) dated 19.01.2023
- BF0066-MCL-BF-00-DR-A-9150 Rev S3-P02 Block F - Ground Floor Plan (Fit-out GA) dated 19.01.2023
- BF0066-MCL-BG-00-DR-A-9160 Rev S3-P01 Block G - Ground Floor Plan dated 18.02.2022
- BF0066-MCL-BH-00-DR-A-9177 Rev S3-PL02 Block H - Proposed Ground Floor Plan dated 08.04.2022
- BF0066-MCL-BA-01-DR-A-9101 Rev S3-P01 BLOCK A FIRST FLOOR (FIT-OUT GA) dated 18.02.2022
- BF0066-MCL-BB-01-DR-A-9111 Rev S3-P01 BLOCK B FIRST FLOOR (FIT-OUT GA) dated 18.02.2022
- BF0066-MCL-BC-01-DR-A-9122 Rev S3-P01 BLOCK C//FIRST FLOOR//sheet 1 of 2//GA dated 18.02.2022
- BF0066-MCL-BC-01-DR-A-9123 Rev S3-P01 BLOCK C//FIRST FLOOR//sheet 2 of 2//GA dated 18.02.2022
- BF0066-MCL-BD-01-DR-A-9132 Rev S3-P01 BLOCK D//FIRST FLOOR//sheet 1 of 2//GA dated 18.02.2022
- BF0066-MCL-BD-01-DR-A-9133 Rev S3-P01 BLOCK D//FIRST FLOOR//sheet 2 of 2//GA dated 18.02.2022
- BF0066-MCL-BE-01-DR-A-9141 Rev S3-P01 Block E - First Floor Plan (Fit-out GA) dated 18.02.2022
- BF0066-MCL-BF-01-DR-A-9151 Rev S3 P01 Block F - First Floor Plan (Fit-out GA) dated 18.02.22
- BF0066-MCL-BG-01-DR-A-9161 Rev S3-P01 Block G - First Floor Plan dated 18.02.2022
- BF0066-MCL-BH-01-DR-A-9178 Rev S3-P01 Block H - Proposed First Floor Plan dated 18.02.2022
- BF0066-MCL-BA-02-DR-A-9102 Rev S3-P01 BLOCK A SECOND FLOOR (FIT-OUT GA) dated 18.02.2022
- BF0066-MCL-BB-02-DR-A-9112 Rev S3-P01 BLOCK B SECOND FLOOR (FIT-OUT GA) dated 18.02.2022

- BF0066-MCL-BC-02-DR-A-9124 Rev S3-P01 BLOCK C//SECOND FLOOR//sheet 1 of 2//GA dated 18.02.2022
- BF0066-MCL-BC-02-DR-A-9125 Rev S3-P01 BLOCK C//SECOND FLOOR//sheet 2 of 2//GA dated 18.02.2022
- BF0066-MCL-BD-02-DR-A-9134 Rev S3-P01 BLOCK D//SECOND FLOOR//sheet 1 of 2//GA dated 18.02.2022
- BF0066-MCL-BD-02-DR-A-9135 Rev S3-P01 BLOCK D//SECOND FLOOR//sheet 2 of 2//GA dated 18.02.2022
- BF0066-MCL-BE-02-DR-A-9142 Rev S3-P01 Block E - Second Floor Plan (Fit-out GA) dated 18.02.2022
- BF0066-MCL-BF-02-DR-A-9152 Rev S3-P01 Block F - Second Floor Plan (Fit-out GA) dated 18.02.2022
- BF0066-MCL-BA-03-DR-A-9103 Rev S2-P01 BLOCK A THIRD/ROOF LEVEL dated 18.02.2022
- BF0066-MCL-BB-03-DR-A-9113 Rev S3-P02 BLOCK B THIRD FLOOR (FIT-OUT GA) dated 19.01.2023
- BF0066-MCL-BB-04-DR-A-9114 Rev S3-P01 BLOCK B ROOF LEVEL dated 18.02.2022
- BF0066-MCL-BC-03-DR-A-9126 Rev S3-P01 BLOCK C//ROOF PLAN//sheet 1 of 2//GA dated 18.02.2022
- BF0066-MCL-BC-03-DR-A-9127 Rev S3-P01 BLOCK C//ROOF PLAN//sheet 2 of 2//GA dated 18.02.2022
- BF0066-MCL-BD-03-DR-A-9136 Rev S3-P01 BLOCK D//ROOF PLAN//sheet 1 of 2//GA dated 18.02.2022
- BF0066-MCL-BD-03-DR-A-9137 Rev S3-P01 BLOCK D//ROOF PLAN//sheet 2 of 2//GA dated 18.02.2022
- BF0066-MCL-BE-03-DR-A-9143 Rev S3-P01 Block E - Roof Plan dated 18.02.2022
- BF0066-MCL-BF-03-DR-A-9153 Rev S3-P01 Block F - Roof Plan dated 18.02.2022
- BF0066-MCL-BG-02-DR-A-0162 Rev S3-P01 Block G - Roof Plan dated 18.02.2022
- BF0066-MCL-BH-02-DR-A-9179 Rev S3-P01 Block H - Proposed Roof Plan dated 18.02.2022
- BF0066-MCL-BB-ZZ-DR-A-9211 Rev S3-P02 Block B - North Elevation dated 20.02.2022
- BF0066-MCL-ZZ-01-DR-A-9222 Rev S3-P02 BLOCK C//NORTH ELEVATION//GA 1 of 2 dated 20.12.2022
- BF0066-MCL-BC-ZZ-DR-A-9223 Rev S3-P02 BLOCK C//NORTH ELEVATION//GA 2 of 2 dated 20.12.2022
- BF0066-MCL-BD-ZZ-DR-A-9230 Rev S3 P02 BLOCK D//NORTH ELEVATION//GA 1 of 2 dated 20.12.2022
- BF0066-MCL-BD-ZZ-DR-A-9231 Rev S3-P02 BLOCK D//NORTH ELEVATION//GA 2 of 2 dated 20.12.2022
- BF0066-MCL-BE-ZZ-DR-A-9242 Rev S3-P03 Block E - North Elevation dated 20.12.2022
- BF0066-MCL-BF-ZZ-DR-A-9250 Rev S3-P02 Block F - North Elevation dated 20.12.2022
- BF0066-MCL-BG-ZZ-DR-A-9261 Rev S3-P02 Block G - North & West Elevation dated 20.12.2022
- BF0066-MCL-BH-ZZ-DR-A-9275 Rev S3-P02 Block H - Proposed North Elevation dated 21.12.2022
- BF0066-MCL-BH-ZZ-DR-A-9277 Block H Proposed North Elevation [Revision S3- P02] date 21.12.2022
- BF0066-MCL-BA-ZZ-DR-A-9200 Rev S3-P02 Block A – East Elevation dated 20.12.2022
- BF0066-MCL-BB-ZZ-DR-A-9210 Rev S3-P02 Block B - East Elevation dated 20.12.2022
- BF0066-MCL-BC-ZZ-DR-A-9224 S3-P02 BLOCK C//EAST & WEST INTERNAL ELEVATION//GA dated 20.12.2022
- BF0066-MCL-BD-ZZ-DR-A-9234 Rev S3-P02 BLOCK D//EAST AND WEST ELEVATION//GA dated 20.12.2022
- BF0066-MCL-BE-ZZ-DR-A-9241 Rev S3-P02 Block E - East Elevation dated 20.12.2022
- BF0066-MCL-BF-ZZ-DR-A-9251 Rev S3-P02 Block F - East Elevation dated 20.12.2022
- BF0066-MCL-BG-ZZ-DR-A-9260 Rev S3-P02 Block G - South & East Elevation dated 20.12.2022
- BF0066-MCL-BH-ZZ-DR-A-9278 Rev S3-P02 Block H - Proposed East Elevation dated 21.12.2022
- BF0066-MCL-BA-ZZ-DR-A-9201 Rev S2-P02 Block A - South Elevation dated 20.12.2022
- BF0066-MCL-BC-ZZ-DR-A-9220 Rev S3-P02 BLOCK C//SOUTH ELEVATION//GA 1 of 2 dated 20.12.2022

- BF0066-MCL-BC-ZZ-DR-A-0221 Rev S3-P02 BLOCK C//SOUTH ELEVATION//GA 2 of 2 dated 20.12.2022
- BF0066-MCL-BD-ZZ-DR-A-9232 Rev S3-P02 BLOCK D//NSOUTH ELEVATION//GA 1 of 2 dated 20.12.2022
- BF0066-MCL-BD-ZZ-DR-A-9233 Rev S3-P02 BLOCK D//SOUTH ELEVATION//GA 2 of 2 dated 20.12.2022
- BF0066-MCL-BE-ZZ-DR-A-9240 Rev S3-P02 Block E - South Elevation dated 20.12.2022
- BF0066-MCL-BF-ZZ-DR-A-9252 Rev S3-P02 Block F - South Elevation dated 20.12.2022
- BF0066-MCL-BA-ZZ-DR-A-9202 Rev S3-P02 Block A – West Elevation dated 20.12.2022
- BF0066-MCL-BB-ZZ-DR-A-9212 Rev S3-P02 Block B - West Elevation dated 20.12.2022
- BF0066-MCL-BE-ZZ-DR-A-9243 Rev S3-P02 Block E - West Elevation dated 20.12.2022
- BF0066-MCL-BF-ZZ-DR-A-9253 Rev S3-P02 Block F - West Elevation dated 20.12.2022
- BF0066-MCL-BH-ZZ-DR-A-9276 Rev S3-P02 Block H - Proposed West Elevation dated 21.12.2022
- BF0066-MCL-BA-ZZ-DR-A-9304 Rev S3-P01 Block A- Section D-D dated 18.02.2022
- BF0066-MCL-BB-ZZ-DR-A-9307 Rev S3-P01 Block A Section G-G dated 18.02.2022
- BF0066-MCL-BB-ZZ-DR-A-9300 Rev S3-P01 BLOCK B SECTION A-A dated 18.02.2022
- BF0066-MCL-BB-ZZ-DR-A-9303 Rev S4-P01 BLOCK B SECTION D-D dated 18.02.2022
- BF0066-MCL-BC-ZZ-DR-A-9320 S3-P01 Block C - Sections A-A & B-B dated 18.02.2022
- BF0066-MCL-BD-ZZ-DR-A-9330 Rev S3-P01 Block D - Sections A-A & B-B dated 18.02.2022
- BF0066-MCL-BE-ZZ-DR-A-9342 Rev S3-P01 Block E - Section C-C dated 18.02.2022
- BF0066-MCL-BF-ZZ-DR-A-9351 Rev S3-P01 Block F - Section B-B dated 18.02.2022
- BF0066-MCL-BG-ZZ-DR-A-9365 Rev S3-P01 Block G - Section F-F dated 18.02.2022
- BF0066-MCL-BH-ZZ-DR-A-9377 Rev S3-P01 Block H - Proposed Section CC dated 18.02.2022
- House Unit Types BF0066-MCO-ZZ-XX-DR-A-01151-Rev 002
- M4(3) Unit Types 01 BF0066-MCO-ZZ-XX-DR-A-01152- Rev 002
- Apartment Block Unit Types BF0066-MCO-ZZ-XX-DR-A-01153-Rev 002
- Block/Gatehouse Unit Types BF0066-MCO-ZZ-XX-DR-A-01156-Rev 002
- M4(3) Unit Types 02 BF0066-MCO-ZZ-XX-DR-A-01157-Rev 002
- Proposed ground floor plan tenure BF0066-MCO-ZZ-GF-DR-A-03110-Rev 0024
- Proposed first floor plan tenure BF0066-MCO-ZZ-01-DR-A-03111-Rev 0024
- Proposed second floor plan tenure BF0066-MCO-ZZ-02-DR-A-03112-Rev 0024
- Proposed third floor plan tenure BF0066-MCO-ZZ-03-DR-A-03113-Rev 002
- Proposed ground floor plan M4(3) BF0066-MCO-ZZ-GF-DR-A-01154-Rev 002
- Air quality assessment by Phlorum dated January 2020
- Tree survey and Arboricultural impact assessment by Greengage dated January 2020
- Bat survey report by Greengage dated August 2019
- Daylight, sunlight and overshadowing assessment by GIA dated 15/01/20
- Delivery and Servicing plan by Motion dated 08/01/2020
- Design and Assessment Statement by Morris & Company dated January 2019
- Energy and Sustainability Assessment by Max Fordham 21/01/2020
- External lighting assessment by Max Fordham dated 16/01/2020
- Framework Travel Plan by Motion dated 07/01/2020
- Report on Phase 2 ground investigation by Site Analytical Services Ltd dated January 2020
- Heritage Statement by AB Heritage dated 17/1/2020
- Landscape report by MRG Studio dated December 2019
- Noise assessment by Phlorum dated January 2020
- Planning Statement by BeFirst dated January 2020
- Transport Statement by Motion dated 08/01/2020
- Preliminary Ecological Appraisal by Greengage dated August 2019
- Sustainable Drainage Strategy by Lewis Hubbard Engineering dated 10th January 2020
- Utilities and Foul Water Drainage by Lewis Hubbard Engineering dated 10th January 2020
- BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 Site Layout dated 20.12.2022
- BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 Site Layout dated 20.12.2022
- landscape general section GS01 00;
- landscape general section GS02 00;
- BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 Site Layout dated 20.12.2022
- BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 Site Layout dated 20.12.2022
- BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 Site Layout dated 20.12.2022

- BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 Site Layout dated 20.12.2022
- BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 Site Layout dated 20.12.2022
- BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 Site Layout dated 20.12.2022
- landscape details LD01;
- landscape details LD02;
- BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 Site Layout dated 20.12.2022
- BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 Site Layout dated 20.12.2022
- BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 Site Layout dated 20.12.2022
- BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 Site Layout dated 20.12.2022
- BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 Site Layout dated 20.12.2022
- BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 Site Layout dated 20.12.2022
- soil plan ground floor SP01;
- soil plan first floor SP02

No other drawings or documents apply.

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. Site Contamination

~~No development (with the exception of demolition works above ground level only) shall commence until:~~

- ~~(a) an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:~~
- ~~i. a survey of the extent, scale and nature of contamination;~~
 - ~~ii. an assessment of the potential risks to human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments; and~~
 - ~~iii. an appraisal of remedial options, and proposal of the preferred option(s).~~

~~This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'; and~~

- ~~(b) a detailed remediation scheme, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared and submitted to the Local Planning Authority for approval in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. 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.~~

The proposed remediation scheme, as informed by the Investigation and Risk Assessment, shall be carried out in accordance with the details approved under application 20/01626/AOD. No development (with the exception of demolition works above ground only) shall commence until:

- (e) (a)** The approved remediation scheme must be carried out in accordance with its terms prior to commencement of the development, other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a 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.

(d) (b) In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken **in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:**

- iv. a survey of the extent, scale and nature of contamination;
- v. an assessment of the potential risks to human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; groundwaters and surface waters; ecological systems; archaeological sites and ancient monuments; and
- vi. an appraisal of remedial options, and proposal of the preferred option(s).

(e) This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'; and a detailed remediation scheme, to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, has been prepared and submitted to the Local Planning Authority for approval in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. 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.

~~An investigation and risk assessment must be undertaken in accordance with the requirements of (a), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (b), which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is 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.

4. Construction Management

The development hereby approved shall be implemented in accordance with the Construction Environmental Management Plan (CEMP) and Site Waste Management Plan (SWMP) approved under application 20/01626/AOD.

~~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. ~~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 08:00 and 18:00 Monday to Friday and 08:00 and 13:00 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 08:00 and 18:00 Monday to Friday. 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 residents.

5. Air monitoring condition

~~**The development hereby approved shall be implemented and continue until 3 months after the site completion date in accordance with the Air Quality Monitoring Report approved under application 20/01626/AOD.** Three months prior to commencement, Air Quality monitoring (i.e. NO₂ diffusion tube as per LAQM technical guidance) at a representative location shall be implemented and continue until 3 months after the site completion date. The raw data shall be available to the LA each month, and a summary report at the end of the monitoring period shall be submitted.~~

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

6. Drainage Strategy

~~**The development shall be implemented in accordance with the drainage scheme approved under application 20/01658/AOD.** No development shall commence until a detailed drainage scheme (to include the disposal of surface water by means of sustainable methods of urban drainage systems) has been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with such approved details.~~

Reason: To prevent an increased risk of flooding and to prevent pollution of the water environment.

7. Acoustic Protection

~~**Prior to first occupation, the development hereby approved shall be implemented in accordance with the scheme of acoustic protection approved under application 20/01836/AOD.**~~

~~Prior to commencement of above ground works, full details of a scheme of acoustic protection of habitable rooms against noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme of acoustic~~

~~protection shall be sufficient to secure internal noise levels no greater than:~~

- ~~a. 35 dB LAeq in living rooms and bedrooms (07:00 hours to 23:00 hours) with windows closed; and~~
- ~~b. 30 dB LAeq in bedrooms (23:00 hours to 07:00 hours) with windows closed.~~

~~Additionally, where the internal noise levels will exceed 40 dB LAeq in living rooms and bedrooms (07:00 hours to 23:00 hours) or 35dB LAeq in bedrooms (23:00 hours to 07:00 hours) with windows open the scheme of acoustic protection shall incorporate a ventilator system which is commensurate with the performance specification set out in Schedule 1 (paragraphs 6 or 7) of The Noise Insulation Regulations 1975 (as amended).~~

~~The approved scheme shall be fully implemented before the first occupation of the residential unit to which it relates and shall be maintained at all times thereafter.~~

Reason: To ensure that the proposed residential units are adequately protected from noise.

8. Materials and Balcony Details

~~The development hereby approved shall be implemented in accordance with the balcony and external surface materials approved under application 21/01840/AOD and 21/00153/AOD. No above ground new development shall take place until details of balconies and all materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials and balcony details. Minor amendments may be agreed in writing from time to time by the Local Planning Authority.~~

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

9. Brick Articulation

~~No above ground new development shall take place until design details of~~ The brick articulation on the outfacing north elevation and all materials to be used in the construction of this elevation **shall be carried out in accordance with the materials and design details approved under application 20/02212/AOD.** ~~have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved materials and design details. Minor amendments may be agreed in writing from time to time by the Local Planning Authority.~~

Reason: In the interest of visual amenity

10. Planting Scheme

~~No above ground new development shall commence until a~~ **The planting scheme for the outfacing north elevation shall be implemented in accordance with the details approved under application reference 22/02212/AOD.** ~~has been submitted to and approved in writing by the Local Planning Authority.~~

Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To secure the provision and retention of landscaping in the interests of the visual amenity of the area, to preserve and enhance the Borough's natural environment and to ensure a high-quality built environment.

11. Fire Safety Scheme

~~The development hereby approved~~ **No above ground new development shall commence until a Fire Statement has been submitted to and approved in writing by the Local Planning Authority. The Fire Statement shall be produced by an independent third party suitably qualified assessor which shall detail the building's construction, methods, products and materials used; the means of escape for all building users including those who are disabled or require level access together with the associated management plan; access for fire service personnel and equipment; ongoing maintenance and monitoring and how provision will be made within the site to enable fire appliances to gain access to the building. The Fire Safety Scheme shall be implemented in accordance with the Fire Safety Scheme approved under application 21/00507/AOD** detailed prior to first occupation of the development and permanently maintained thereafter.

Reason: In order to provide a safe and secure development.

12. Electric Vehicle Charging Points Details

The Electric Vehicle Charging Point details approved in application 20/02212/AOD shall be installed prior to the occupation of the development shall be ~~No above ground new development shall take place until details of Electric Vehicle Charging Points have been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate how active electric charging points will be provided for 20% of the car parking spaces, with passive provision for the remaining 80% of the spaces. The spaces shall be constructed and marked out, and the charging points installed prior to the occupation of the development and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose.~~

Reason: To encourage the use of electric cars in order to reduce carbon emissions.

13. Trees

The development hereby approved shall be implemented in accordance with the ~~No above ground new development shall commence until an Arboricultural Method Statement and Tree Protection Plan approved under application 20/02212/AOD. are submitted to and approved in writing by the Local Planning Authority.~~

Reason: To secure the provision and retention of landscaping in the interests of the visual amenity of the area, to preserve and enhance the Borough's natural environment and to ensure a high-quality built environment.

14. Ecological Management Plan

The development hereby approved shall be implemented in accordance with the ~~No above ground new development shall commence until an Ecological Management Plan approved under application 20/02212/AOD. is submitted to and approved in writing by the Local Planning Authority.~~

Reason: To preserve and enhance the Borough's natural environment.

15. Hard/Soft Landscaping Implementation

The hard landscaping shown on drawing Nos. ~~GA01 Rev 00, GA02 Rev 00, GS01 Rev 00, GS02 Rev 00, HP01 Rev 00, HP02 Rev 00, HP03 Rev 00, HP04 Rev 00, HP05 Rev 00, HP06 Rev 00, LD01 Rev 00, LD02 Rev 00~~ **BF0066-MCL-ZZ-ZZ-DR-A-9001 S4-P05 dated 20.12.2022** shall be carried out prior to the first occupation of the development and thereafter permanently retained.

The soft landscaping shown on drawing Nos. ~~GA01 Rev 00, GA02 Rev 00, GS01 Rev 00, GS02 Rev 00, LD01 Rev 00, LD02 Rev 00, PP01 Rev 00, PP02 Rev 00, PP03 Rev 00, PP04 Rev 00, PP05 Rev 00, PP06 Rev 00,~~ **BF0066-MCL-ZZ-ZZ-DR-A-9001 S4- P05 dated 20.12.2022** SP01 Rev 00, SP02 rev 00 shall be carried out in the first planting and seeding seasons following the first occupation of the building or completion of the development, whichever is the sooner. Any plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation. The trees identified to be retained on the Tree Retention Plan dated 17/12/19 shall be protected during construction in accordance with the approved Tree Survey and Arboricultural Impact Assessment by Greengage. The development shall not be first occupied until bird nesting and bat roosting boxes have been installed within or on the buildings or in any trees on the site in accordance with the submitted details.

Reason: To secure the provision and retention of landscaping in the interests of the visual amenity of the area, to preserve and enhance the Borough's natural environment and to ensure a high-quality built environment.

16. Children's Playspace Implementation

Prior to the first occupation of the development, details of child play associated equipment shall be submitted to and approved in writing by the Local Planning Authority. The children's play space and approved associated equipment shall be permanently retained thereafter.

Reason: To ensure suitable provision for children's play.

17. Car Parking Implementation

The car parking areas shown on drawing Nos. BF0066- MCL- ZZ-ZZ-DR-A-9001 S4-P05 dated 20.12.2022 shall be constructed and marked out prior to the first occupation of the development and thereafter retained permanently for the accommodation of vehicles of occupiers and visitors to the premises and not used for any other purpose. The parking spaces should be clearly delineated with raised kerbs to avoid encroachment on surrounding footpaths and damage to trees. The three proposed blue badge car parking spaces shall be constructed and marked out prior to the first occupation of the development as accessible parking bays (to be clearly marked with a British Standard disabled symbol).

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.

18. Cycle Parking Implementation

Prior to first occupation of the development the details of cycle parking facilities approved under application 23/00545/AOD shall be installed and thereafter permanently retained. ~~Prior to the first occupation of the development the cycle parking facilities shown on drawing No. BF0066- MCL- ZZ-ZZ-DR-A-9001 S4-P05 dated 20.12.2022 shall be completed and thereafter permanently retained.~~

Reason: In the interests of promoting cycling as a sustainable and non-polluting mode of transport.

19. Refuse and Recycling Strategy Implementation

Prior to first occupation of the development the refuse and recycling strategy approved under application 23/00545/AOD shall be installed and thereafter permanently retained. ~~The refuse and recycling stores shown on drawing No. BF0066- MCL- ZZ-ZZ-DR-A-9001 S4-P05 dated 20.12.2022 shall be provided before the first occupation of the development and thereafter permanently retained.~~

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

20. Sustainable Drainage Implementation

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 prevent an increased risk of flooding and to prevent pollution of the water environment.

21. Crime Prevention Scheme

The proposed development shall achieve a Certificate of Compliance in respect of the Secured by Design scheme (silver), or alternatively achieve security standards (based on Secured by Design principles) to the satisfaction of the Metropolitan Police, details of which shall be provided to the Local Planning Authority for its written approval prior to the first occupation of the approved development. All security measures applied to the approved development shall be permanently retained thereafter.

Reason: In order to provide a good standard of security to future occupants and visitors to the site and to reduce the risk of crime.

22. Communal Television and Satellite System

The development hereby permitted shall not be occupied until details of a communal television and satellite system have been submitted to and approved in writing by the Local Planning Authority. The approved system shall be provided prior to occupation and be made available to each residential unit.

No antennae or satellite dishes may be installed on the exterior of the building, with the exception of a single antennae or satellite dish per block to support the communal television and satellite system. The proposed antennae or satellite dishes shall be designed to minimise their visual impact and shall not be mounted on any publicly visible façade.

Reason: To safeguard the external appearance of the building.

23. External lighting

Prior to the first occupation of the development, details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. The external lighting approved shall be permanently retained thereafter.

Reason: In order to provide a good standard of lighting and security to future occupants and visitors to the site and to reduce the risk of crime.

24. Renewable Energy Infrastructure

Prior to first use the renewable energy infrastructure approved under application 22/00646/ADO shall be implemented prior to first occupation of the dwellings to ensure the scheme delivers a 38% reduction in site wide CO2 emissions. ~~The development hereby permitted will ensure the renewable energy infrastructure (Air Source Heat Pumps), delivering a 38% reduction in site wide CO2 emissions, is implemented prior to first occupation of the dwellings.~~

Reason: To ensure measures are implemented to reduce carbon emissions.

25. Accessible Housing

Apart from units G.01.01, G.01.02, G.01.03, G.01.04, G.02.01, G.02.02, G.02.03 and G.02.04 which shall comply with Building Regulations Optional Requirement Approved Document M4(1), all new build dwellings shall be constructed to comply with Building Regulations Optional Requirement Approved Document M4(2) Category 2: Accessible and adaptable dwellings (2015 edition) as a minimum. Six (11%) dwellings, identified as Units G.00.02, B00.04, B00.02, B00.01, A.00.03 and A.00.02 on drawing No. BF0066-MCO-ZZ-GF-DR-A-01154 Rev 002 shall be constructed to, or capable of easy adaptation to, Building Regulations Optional Requirement Approved Document M4(3) Category 3: Wheelchair user dwellings (2015 edition).

Reason: To ensure that sufficient accessible housing is provided.

26. Water Efficiency

The proposed dwellings shall comply with the water efficiency optional requirement in paragraphs 2.8 to 2.12 of the Building Regulations Approved Document G.

Reason: To minimise the use of mains water.

27. Plant Noise Limit

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.

28. Carbon Reduction

The development hereby permitted shall be carried out in accordance with the **details approved under application 22/00646/AOD** ~~submitted Energy Statement prepared by Max Fordham dated 21/01/2020 to~~ achieve a minimum 38% reduction in carbon dioxide emissions over Part L of the Building Regulations (2013) (when applying updated SAP 10 emission factors).

Reason: To ensure measures are implemented to reduce carbon emissions.

29. Hours of Use of the Community Buildings

The Community Buildings hereby approved shall not be occupied outside the hours of 8am to 11pm Sunday to Friday, and 8am to 12,30 Saturday

Reason: To protect the amenity of the surrounding residential buildings

Appendix 6:

s.106 Proposed Deed of Variation

The Planning Committee has previously granted planning permission subject to the completion of a Unilateral Undertaking securing the obligations as summarised below:

- 100% affordable housing development comprising of 40 Affordable Rent units and 16 London Affordable Rent units.
- Local Employment and Skills ensuring that reasonable endeavours have been made to ensure at least 25% of people working on the development during construction are local residents.
- Carbon offset obligations to ensure the development achieves a minimum 59% onsite carbon reduction with the remaining offset by a financial contribution to achieve 100% carbon neutral development.
- Car club to ensure 1 new car club space is provided and minimum 24-month membership is provided from first Occupation of each Residential Unit.
- Highways work obligation securing a s.278 agreement to cover off-site highway works and the submission of traffic management measures and traffic management measures bond.
- Air Quality obligation requiring the owner to pay the Air Quality Neutral Mitigation Contribution prior to first occupation.
- Event management and travel plan obligation requiring the submission of an events management plan and travel plan prior to occupation.

A deed of variation to the existing Unilateral Undertaking dated 10.07.2020 is required. The proposed changes are detailed below:

- Omit the approved application reference number 20/00097/FUL within the legal agreement and replace with application reference 23/01143/VAR.
- Amendments to Schedule 2 (Affordable Housing Obligations) to reflect the proposed tenure change. The changes include:
 - ❖ Replacement of reference to Affordable Housing Units with Discount Market Rent Units within the schedule.
 - ❖ Updated the “Affordable Housing” definition to replace reference to Affordable Rent with Discount Market Rent.
 - ❖ Update the “Affordable Housing Units” definition to replace its meaning of ‘40 units of Affordable Rent Housing Units and 16 Units of London Affordable Rent Housing Units’ with ‘55 units of Discount Market Rent Housing Units and 1 Unit of London Affordable Rent Housing Units’.
 - ❖ Replace the “Affordable Rent Housing Units” definition which means ‘the 40 Affordable Housing Units as shown on plans 0110 rev 002, 01111 rev 002 and 01112 rev 002 at Annex C comprising 71% of the Affordable Housing Units to be made available for Affordable Rent Housing in accordance with this Schedule of this Deed’. This will be replaced by a “Discount Market Rent Housing Units” definition which means ‘the 55 Discount Market Affordable Housing Units as shown on plans BF0066-MCO-ZZ_GF-DR-A-03110 revision 003, BF0066-MCO-ZZ-01-DR-A-03111 revision 003 and BF0066-MCO-ZZ-02-DR-A-03112 revision 003, at Annex C comprising 98% of the Affordable Housing Units to be made available for Discount Market Rent Housing in accordance with this Schedule of this Deed’.
 - ❖ Updated “London Affordable Rent Housing units” definition which means ‘the 16 London Affordable Housing Units as shown on plans 0110 rev 002, 01111 rev 002 and 01112 rev 002 at Annex C comprising 29% of the Affordable Housing Units to be made available for London Affordable Rent Housing in accordance with this Schedule of this Deed’. The meaning will be replaced by the following wording ‘the 1 London Affordable Housing Units as shown on plans BF0066-MCO-ZZ_GF-DR-A-03110 revision 003, BF0066-MCO-ZZ-01-DR-A-03111 revision 003 and BF0066-MCO-ZZ-02-DR-A-03112 revision 003, at Annex C comprising 2% of the Affordable Housing Units to be made available for London Affordable Rent Housing in accordance with this Schedule of this Deed’.

- ❖ Definition for 'Discount Market Rent' to be added in line with London Plan definition. This definition should secure the following:
 - Rent prices for Discount Market Rent Housing Units will have a 20% discount of the full market rents as linked to an open market valuation appraisal undertaken every 3 years by an independent RICS assessor.
 - Longer tenancies (three years or more) for all tenants of Discount Market Rent Housing Units with a break clause allowing tenant to end the tenancy with a month's notice any time after the first six (6) months.
 - Rent and service charges should be made clear to tenants before a tenancy agreement is signed. Any annual increases should be formula linked.
 - Provision of on-site management to enable prompt resolution to issues and should include some daily on-site presence.
 - The provider of Discount Market Rent Housing units should have a complaints procedure in place and a member of a recognised ombudsmen.
 - Providers should not charge tenant or any prospective tenants upfront fees other than deposits and rent up front.
- ❖ Late-Stage Review Mechanism to be secured requiring a late-stage affordable housing review is to occur when 75% of the units in the scheme are sold or let.
- The drawings secured in Appendix C shall be replaced with drawings BF0066-MCO-ZZ_GF-DR-A-03110 Proposed Ground Floor Plan- Tenure [Revision 003] dated 31.03.2020, BF0066-MCO-ZZ-01-DR-A-03111 Proposed First Floor Plan- Tenure [Revision 003] dated 31.03.2020 and BF0066-MCO-ZZ-02-DR-A-03112 Proposed Second Floor Plan- Tenure [Revision 003] dated 31.03.2020.

All previously approved heads of terms remain unchanged and continue to be acceptable subject to the imposition of conditions. These should be moved across unchanged to the new legal agreement.