

MINUTES OF PLANNING COMMITTEE

Monday, 12 February 2024
(7:00 - 7:57 pm)

Present: Cllr Muhammad Saleem (Chair), Cllr Jack Shaw (Deputy Chair), Cllr Muhib Chowdhury, Cllr Edna Fergus, Cllr Cameron Geddes and Cllr Sabbir Zamee

Also Present: Cllr Lee Waker and Cllr Phil Waker

Apologies: Cllr Faruk Choudhury, Cllr Alison Cormack, Cllr Harriet Spoor and Cllr Dominic Twomey

18. Declaration of Members' Interests

There were no declarations of interest.

19. Minutes (16 October 2023)

The minutes of the meeting held on 16 October 2023 were confirmed as correct.

20. Planning Performance Review Sub-Committee

In accordance with the provisions of the Constitution we have agreed to appoint the Planning Performance Review Sub-Committee for 2024 with a membership made up of the Chair and Deputy Chair together with Councillors Cormack, Spoor and Zamee.

The Sub-Committee, which will meet during April on a date to be confirmed, will consider and report back on a random sample of delegated planning decisions taken to assess that the relevant planning policies and criteria were correctly applied in each case as well as review planning appeal performance and scrutinise overturned decisions.

21. Bryson House, 131 Church Elm Lane, Dagenham - Section 73 application

The Senior Development Management Officer (SDMO), Be First, introduced a report on an application from Major Commercial Property Ltd seeking approval for minor material amendments under Section 73 of the Town & Country Planning Act (1990) in respect of a mixed-use development, at the site known as Bryson House, 131 Church Elm Lane, Dagenham RM10 9RR, which was granted planning permission in June 2023 (19/00865/FUL).

The proposed amendments comprised variations of the following conditions: Condition 2 (approved plans), Condition 3 (contamination), Condition 4 (CEMP and SWMP), Condition 5 (Construction Logistics Plan), Condition 6 (Air Quality), Condition 7 (Acoustic Protection), Condition 8 (Plant), Condition 9 (hours of use), Condition 10 (Lighting and CCTV), Condition 11 (Piling), Condition 12 (Flood Risk Assessment), Condition 13 (Materials), Condition 14 (landscaping), Condition 15 (Travel Plan), Condition 16 (Waste), Condition 17 (Car Parking Design and Management Plan), Condition 18 (Cycle Parking), Condition 19 (Delivery and Servicing Plan), Condition 20 (Energy), Condition 21 (Accessible dwellings), Condition 23 (Water efficiency), Condition 24 (Non-residential units), Condition 25 (Fire) and Condition 26 (balustrades, screening and boundary treatments) attached to planning consent 19/00865/FUL (as amended by non-material amendment 23/01795/NONMAT, dated 17.12.2023) dated 10/01/2020 to allow for minor material amendments, including an amended number of units, amended affordable housing provision, amendment from flexible B1/D1 uses at ground floor to 2no. Class E and 1no. Class F2 units, a reconfigured site and internal layout changes; redesigned play space and landscaping; the relocation of balconies; the provision of one additional core; changes to materiality; and internal alterations on upper floors.

A total of 413 notification letters were sent to neighbouring and nearby properties from which four representations were received, of which two objected to the development, the material planning considerations and issues of which were addressed by the SDMO in their planning assessment of the application.

In addition to the published papers, a supplementary report was presented which contained details of a further public representation. At the request of the objector the wording of the objection was read out in full for the Committee's consideration which centred on the proximity of some of the balconies and overlooking windows to the rear gardens of existing adjoining properties, and in that respect the loss of privacy and a reduction in the market value of their property. The SDMO in addressing the points concluded that overall the objection had already been addressed in the report and did not materially alter the officer's recommendation on the application. Impacts on property values were not a material planning consideration.

The supplementary report also contained details of TfL Spatial Planning response which came in after the publication of the main report, and which, other than a proposed minor amendment to the wording of Condition 18 (Cycle Parking), was also considered to have no material impact on the SDMO assessment and/or recommendations as presented. Finally, reference was made to a minor drafting error in the report indicating that there would be an additional six and not four affordable units as set out in the summary section of the published report.

In response to the officer presentation a number of questions were raised by Members. Firstly, the Chair referenced the change in tenure in the Section 73 application which indicated that of the now 40% affordable housing secured

on the development, all would be provided at London Affordable Rent rather than a 50:50 mix of social rent and shared ownership as previously approved. This change would align more closely with the areas of greatest need in LBB. It was noted that the applicant had an aspiration to achieve 100% London Affordable Rent across the whole development. However this could not be guaranteed as it would be dependent on the applicant securing grant from the GLA, and therefore at this stage it did not form part of the application before the Committee.

Whilst the affordable housing was welcomed, given the amount of new development taking place in the area it was questioned as to whether adequate consideration had been given to the need for additional services to support incoming residents such as local health facilities, dentists and schools. The SDMO responded that the fundamental principle applied to the application was that a consented scheme had been secured for new homes on the site which Planning had robustly assessed, and in that respect neither the NHS nor the Council's Education Service had chosen to comment on the proposed development during the consultation stage. That said irrespective of this Members were mindful of the current pressures on local health facilities and the difficulties experienced by local residents to secure GP appointments etc.

It was also noted that approval to the application was contingent on a financial contribution in lieu of play space to improve facilities at Old Dagenham Park, the precise nature of which had been discussed with LBB Parks officers, and which dependant on the application being approved, would be subject to consultation with the local community.

Members noted that the proposed changes of layout would on the ground floor include a larger space for commercial/community uses, the precise nature of the latter use, including how many it could potentially cater for, would be dependent on the end user.

With the permission of the Chair, and in accordance with the provisions of the Constitution, verbal representations of objection were presented at the meeting by Councillors Lee and Phil Waker in their capacity as Village ward councillors.

In summary both objected to the development for the following reasons:

- A lack of onsite car parking provision, which would lead to further parking congestion in the area. One option would be to change the ground floor layout by replacing the commercial space for more allocated parking to serve the development. As a matter of principle the Council should oppose developments that did not provide adequate parking.
- London Affordable Rent was out of reach financially for local people. Therefore revisit the tenure mix to achieve more social rented housing.

- Given the lack of shopping facilities at the Heathway the nearest 'big shop' namely Asda on the A13 or Tesco at Rainham Village were both inaccessible without a car.
- The local health centre, main hospitals and GP services were already operating beyond capacity.
- Who would manage the community space.
- Over development. The height of the buildings should be reduced by at least one/two floor(s).
- Most of the changes in the application were disappointing and viewed as a retrograde step which was not good for both existing and future residents
- The Committee was urged to reject the application, and to ask officers to work with the applicant to come back with a better scheme taking into account the above comments.

The SDMO responded that in relation to the community use a management plan would be secured through the Section 106 Agreement, the details of which would follow in due course. The London Affordable Rent was classed in planning policy as a social rented product which was considered as affordable for local residents, and represented a betterment compared to the existing scheme, seeing the increase in the number of units proposed in the application. He outlined the proposed rent levels for the product for 1 to 4 bedroom units that would apply to the Village ward in the coming financial year, and which compared favourably to market rents.

In terms of the proximity of the development to local shops, having more residents in the area would support local business through more customers. The officer acknowledged that health facilities in the locality needed to be improved and extended but made the point that there was a need for more housing to help residents get off temporary accommodation and in so doing improve their living accommodation and support better health.

In respect to parking, incoming residents would not be eligible for parking permits in the controlled parking zone. The starting point for planning policy in the London Plan was to adopt a car free approach to new development, or if that was not achievable then at least car light, given the good local public transport links. Finally as regards the height of the development, the Council could not defend any refusal on those grounds as the original scheme had already secured a consent based on a certain height.

The Committee then heard from the agent acting for the applicant who made the point that the application before the Committee was a series of amendments to an already consented scheme. The main changes concerned the affordable housing element with a significant benefit to the Authority in as much that the change of tenure configuration would mean a greater proportion of 2/3 bed family homes which coupled with way the scheme was funded meant that nominations for the 91 affordable housing units would be offered strictly to those residents on the Council's housing waiting list.

The dedicated community space on the ground floor of the development would be delivered at a peppercorn rent and assistance with the fit out based on the management plan referenced in the officer presentation. The proposed parking provision, whilst seeing a reduction of ten spaces would allow for a significantly larger area on the ground floor for much needed child play space.

Turning to the public objection read out at the Committee, and specifically the overlooking balconies, the approved scheme had a maximum of three balconies on each floor of the rear elevation. The proposed scheme sought to introduce a maximum of two additional balconies on each floor, with conditions to ensure the privacy of the neighbouring properties, and which would not be constructed until felt appropriate by Planning.

In conclusion the agent said the applicant had and continued to work closely with officers to ensure positive changes through the application to deliver high quality homes in the Borough.

Following a question that arose from the presentation, the agent representative confirmed that residents nominated from the Council housing waiting lists would be eligible for housing benefit support towards London affordable rent levels, should this prove unaffordable.

The Committee welcomed the additional affordable housing, and whilst acknowledging the points made by the ward councillors about parking provision for some, did recognise that car use generally across the borough was beginning to fall, that the area was well served by public transport, and that on balance the need for children play space outweighed the need for more car parking.

The SDMO stated that the proposal would result in an increase of 16 units and a greater proportion of family sized affordable homes, helping to address an acute housing need in the Borough. The proposals presented a more deliverable scheme and aligned well with the principles established under the previously approved scheme, in terms of height, scale and mass.

The proposals would secure a development of both high-quality and design that would safeguard nearby residential amenity. Subject to the imposition of recommended conditions and the finalisation of a Section 106 Legal Agreement, the officer had concluded that the development would not cause any notable transport or adverse environmental impacts, and on the basis of according with the adopted Development Plan,

The Committee **resolved** to:

- (i) Agree the reasons for approval as set out in the report,
- (ii) Delegate authority to the Director of Inclusive Growth in consultation with the Head of Legal Services to grant planning permission based on the proposed updates to the legal agreement under s106 of the Town and Country Planning Act 1990 (as amended) set out in the amended

Heads of Terms identified at Appendix 5 and the Conditions listed in Appendix 6 of the report; and

- (iii) That, if by 12 August 2024 the legal agreement has not been completed, the Director of Inclusive Growth be delegated authority to refuse planning permission or extend this timeframe to grant approval.