## Barking and Dagenham Council
### Development Control Board

**Date:** 8 February 2016

<table>
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<tr>
<th>Application No:</th>
<th>15/00427/FUL</th>
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<tr>
<td>Ward:</td>
<td>Gascoigne</td>
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### Reason for Referral to DCB as set out in Part 2, Chapter 9 of the Council Constitution:

The application by reason of its scale, impact upon the environment and the level of likely Councillor interest should, in the opinion of the Divisional Director of Regeneration, be determined by the Development Control Board.

| Address:       | 174 - 176 Ripple Road, Barking |

**Development:**

Erection of 3/4/5 storey building to provide retail unit on ground floor with 9 flats, comprising 1 studio, 4 one bedroom, 3 two bedroom and 1 three bedroom units, above.

| Applicant:     | UMAD Investment Ltd |

### Contact Details:

- **Contact Officer:** Simon Bullock
- **Title:** Principal Development Management Officer
- **Contact Details:**
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  - E-mail: simon.bullock@lbbd.gov.uk

### Summary:

On this empty site at the Ripple Road/King Edwards Road junction formerly stood the Westbury Arms public house. The proposed development, comprising ground floor retail unit and 9 flats above, rising to a maximum of 5 storeys in height, would provide a well designed focal point to this junction. The scale is appropriate to its setting, and the scheme is designed with graduated heights enabling a harmonious relationship with the neighbouring two storey terrace.

The provision of additional retail space is supported in this location that is within the designated Westbury Neighbourhood Centre. The proposed flats maximise the potential of the site in a sustainable location that is very well served by public transport. The development would be ‘car free’ with a restriction imposed preventing future occupiers from obtaining residents parking permits.

The development would not cause harm to the amenities of neighbouring occupiers and is designed to provide a good standard of amenity for future residents that is in accordance with the relevant policies for internal and external space standards.

The proposal would result in the regeneration of a long derelict site close to the town centre, and is recommended for approval.

This application was previously on the agenda for both the 8 December 2015 and 8 February 2016 Development Control Board meetings, but was withdrawn from these agendas prior to the meeting in order to allow time for the completion of a Section 106 agreement.
**Recommendation(s):**

That the Development Control Board grant planning permission subject to the completion of a Section 106 agreement securing the payment to the Council of £62,587.80 (this being an overdue payment that was due in 2011 to cover the costs of demolition works carried out by the Council to make the site safe under the Building Act) and the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

   **Reason:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended by S.51 of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: P810/100/C; P810/101/C; P810/102/C; P810/103/C; P810/104/C; P810/105/C; P810/107/C; P810/108/C; P810/110/C except that the top floor glazed corner feature shall be constructed in accordance with the details shown on photomontage ref. P810-003-rev. D in materials to be approved under condition 3 below.

   **Reason:** For the avoidance of doubt and in the interests of proper planning.

3. No above ground development hereby permitted shall take place until details/samples of 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.

   **Reason:** To protect or enhance the character and amenity of the area in accordance with policies BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

4. Cycle parking and refuse enclosures shall be provided in accordance with the details shown on drawing No. P810/100/C, and the cycle store shall be adapted to provide a minimum of 14 cycle parking spaces, prior to the occupation of the development and thereafter permanently retained for the use of the occupiers of the premises.

   **Reason:** In the interests of promoting cycling as a safe, efficient and non-polluting mode of transport and to provide satisfactory refuse storage provision in the interests of the appearance of the site and locality in accordance with policies BR11, BP8 and BP11 of the Borough Wide Development Policies Development Plan Document.

5. No above ground development hereby permitted shall take place until details of the proposed green roofs including their type, location and specific purpose together with a maintenance schedule shall be submitted to and approved by the Local Planning Authority. The green roofs shall be constructed in accordance with the approved details and thereafter maintained in accordance with the approved maintenance schedule.

   **Reason:** In the interests of contributing to bio-diversity, and in accordance with policy BR3 of the Borough Wide Development Policies Development Plan Document.

6. No above ground development hereby permitted shall take place until details of all
boundary fences and walls have been submitted to and approved by the Local Planning Authority and no part of the development shall be occupied until the approved fences and walls have been provided. The approved fences and walls shall be retained unless the Local Planning Authority gives prior written approval to their removal.

Reason: To ensure the satisfactory means of enclosure for the proposed development in the interests of the visual amenity of the area and in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document.

7. Glazing to habitable rooms is to incorporate noise attenuating trickle ventilators and is to achieve a sound reduction index performance of not less than:

<table>
<thead>
<tr>
<th>Octave band centre frequency</th>
<th>SRI, dB</th>
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<tr>
<td>125Hz</td>
<td>23</td>
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<tr>
<td>250Hz</td>
<td>26</td>
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<tr>
<td>500Hz</td>
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<td>2000Hz</td>
<td>29</td>
</tr>
<tr>
<td>4000Hz</td>
<td>20</td>
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Reason: To ensure that the proposed dwellings are adequately protected from traffic noise and in accordance with policy BR13 of the Borough Wide Development Policies Development Plan Document.

8. The ground floor shop windows shall be clear glazed and views into the shop unit shall not be obscured by any internal shelving, plant, film or other window covering, or by any other means, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of maintaining a good standard of visual amenity and a sense of vitality to the street and in accordance with policy BP11 of the Borough Wide Development Policies Development Plan Document.

9. No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
   i. details of access to the site;
   ii. a construction logistics plan;
   iii. loading and unloading and the storage of plant and materials used in constructing the development;
   iv. the erection and maintenance of security hoardings including decorative displays;
   v. measures to control the emission of noise, dust and dirt during construction;
   vi. a scheme for recycling/disposing of waste resulting from demolition and construction works; and
   vii. details of 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.

Reason: In order to reduce the environmental impact of the construction and the impact
on the amenities of neighbouring residents and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

10. No deliveries, external running of plant and equipment or construction works, other than internal works not audible outside the site boundary, shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturday and not at all on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

Reason: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with policy BP8 of the Borough Wide Development Policies Development Plan Document.

11. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be 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:
   a. a survey of the extent, scale and nature of contamination;
   b. an assessment of the potential risks to:
      i. human health,
      ii. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
      iii. adjoining land,
      iv. groundwaters and surface waters,
      v. ecological systems,
      vi. archeological sites and ancient monuments;
   c. an appraisal of remedial options, and proposal of the preferred option(s).
   d. This must be conducted in accordance with DEFRA and the Environment Agency’s ‘Model Procedures for the Management of Land Contamination, CLR 11’.

12. 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 must be prepared, and is subject to the approval in writing of the Local Planning Authority. 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.

13. The approved remediation scheme must be carried out in accordance with its terms
prior to the commencement of 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.

14. 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.

15. 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 accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Reason for Conditions 11 to 15: Details are required prior to commencement 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 in accordance with Policy BR5 of the Borough Wide Development Policies Development Plan Document.

16. The owner and /or occupier, or any future owner and/or occupier, of the hereby approved dwellings shall not apply for, or be entitled to, residents’ parking permits for use within any Controlled Parking Zone in which the development is located.

Reason: To prevent an increase in on street parking demand in an area of parking pressure and a consequent negative impact on residential amenity and highway safety in view of the constraints preventing provision of off street parking and in accordance with policies BR9, BR10 and BP8 of the Borough Wide Development Policies Development Plan Document.

17. The delivery/collection of goods to the ground floor commercial use is only permitted to take place between the hours of 07:00hrs and 21:00 hrs on any day.

Reason: In order to prevent noise nuisance at unsocial hours affecting the future residents of the development and in accordance with policies BP8 and BR13 of the Borough Wide Development Policies Development Plan Document.

18. Each residential unit hereby permitted shall meet Building Regulation M4(2) ‘accessible and adaptable dwellings’.

Reason: To ensure that accessible housing is provided in accordance policy BC2 of the Borough Wide Development Policies Development Plan Document and policy 3.8 of the Minor Alterations to the London Plan.

1. Introduction and Description of Development
1.1 The site, 174 - 176 Ripple Road, is at the junction of Ripple Road and King Edwards Road, forming a roughly triangular shaped corner plot. The corner of the plot faces onto the mini-roundabout at this junction. It is the site of the former Westbury Arms public house which following several years of vacancy was substantially burned down during the 2011 riots, with the remains of the building subsequently demolished for safety reasons.

1.2 The former Westbury Arms public house was a fine building with a corner copula and spire feature that was on the Council’s Local List of Buildings of Special Architectural or Historic Interest.

1.3 To the north of the site, on the opposite side of the road, is Millicent Preston House, a 3 storey care home. To the east are two storey shops with flats above fronting Ripple Road. Adjoining the site to the south is a church known as the Celestial Church of Christ, on King Edwards Road.

1.4 To the west, on the opposite side of King Edwards Road, is the King Edwards Medical Centre and the Gascoigne Estate. The proposals for this part of the Gascoigne Estate include the retention of the existing medical centre, with a 4/5 storey block of flats adjacent to its boundary and, on the site of Louise Graham House, a 5/8 storey block of flats. Planning permission has been granted for the redevelopment of Gascoigne Estate East under ref. 14/00703/OUT.

1.5 The proposed 3/4/5 storey building would comprise a 204m2 retail space on the ground floor with 9 flats above, including one studio flat, four 1 bedroom flats, three 2 bedroom flats, and one 3 bedroom flat. The proposed tenure is open market housing.

1.6 No car parking is proposed and the development would be ‘car free’ whereby a condition would be imposed to remove the entitlement of future occupiers to obtain residents parking permits for parking in the area.

1.7 The building would have a ‘house width’ three storey section adjacent to 178 Ripple Road to which it would be attached; it would then rise up to a maximum height of five storeys with the majority of the top floor set back behind a parapet to reduce its apparent bulk. The west elevation would be stepped, it would mainly be five storeys in height, but to its south elevation, it would step down to four, three, two, then single storey.

1.8 The building would be curved at the corner frontage facing the road junction. Floor to ceiling windows within the upper floors of this corner divided by white columns, plus a top rounded glazed ‘tower feature’ are intended to create vertical emphasis and a focal point for this important junction.

1.9 The ground floor retail shop would have a fully glazed frontage that would wrap around the corner. The top floor would be constructed with curtain wall glazing to the street frontages in order to provide a light-weight appearance. The facing materials for the remaining external walls of the building would be brick. The proposed three storey part of the building that provides the link to the existing two storey shop/flats would have a pitched roof with dark grey zinc cladding. The remainder of the building would have flat roofs.
1.10 Inset balconies are proposed to the west elevation, together with some areas of roof terrace, particularly to the top floor. Perforated metal balcony screens are proposed to these balconies, and to a number of proposed ‘juliette’ balconies.

1.11 The proposed building would cover the majority of the plot. A small triangular piece of land to the south of the proposed building that is adjacent to the church would remain open. It is proposed that this be landscaped with seating provided to create an area of external amenity space. It would also provide access to the cycle store.

1.12 In addition to the roof terraces, the flat roofs within the scheme would be utilised to provide some areas of green (living) roofs to be planted with sedum and wildflowers.

2. Background

2.1 The site has an extensive planning history related to the previous demolished building at the site. This included an application in 2006 for the conversion of the ground floor to three units and a roof extension and conversion of the upper floors to flats that was refused planning permission.

3. Consultations

Adjoining occupiers

3.1 Letters were sent to 175 neighbouring occupiers; and the application was advertised by press notice and site notice. One reply was received from a resident of Sutton Road, Barking objecting to the application on the following grounds:

- Inappropriate plans
- No subsidised housing provided
- No onsite parking provided
- Low quality retail unit proposed
- The redevelopment should incorporate an enterprise serving the public in the form of a public house, restaurant or café
- The development would result in the conversion of a public space into private housing for profit

Access Officer

3.2 No objections.

Environmental Health

3.3 No objections subject to the imposition of conditions relating to noise control, land remediation and construction management.

London Fire and Emergency Planning Authority

3.4 No objections.

Transport Development Management
3.5
- Requests additional cycle storage to meet policy requirement
- Requests details of how servicing/deliveries would be carried out

3.6 Officer note: An additional two cycle parking spaces are required but the cycle storage area has sufficient capacity and a condition can be imposed to secure this. Deliveries would need to take place from King Edwards Road and delivery vehicles would be able to stop whilst unloading on existing double yellow lines adjacent to the west elevation of the proposed building, as there is no loading restriction in place.

Waste and Recycling Policy Manager

3.7 Confirms that the proposed waste storage area has sufficient capacity to serve the development.

4. Local Finance Considerations

4.1 The development would result in an estimated Mayoral Community Infrastructure Levy of £21,067.80 which is to be utilised towards the funding of the Cross Rail project, and an estimated LBBD Community Infrastructure Levy of £9212.00.

5. Analysis

Principle of Development

5.1 The site is designated as part of the Westbury Neighbourhood Centre as defined by Site Specific Allocations Development Plan Document. The proposed use of the ground floor for retail would therefore be appropriate and support the retail function of this Neighbourhood Centre.

5.2 The mixed use of the proposed development with flats above would also be in accordance with planning policy, and help to maximise the use of the site, and contribute to housing supply.

5.3 With 9 private units, the scheme is below the threshold of 10 above which London Plan policy 3.13 seeks the provision of affordable housing where viable. It is considered that the scheme maximises the use of the site and therefore it is in accordance with this policy. This addresses the affordability issue raised by the objector.

5.4 The site is currently empty and the previous building has been demolished. The proposal would not therefore result in the loss of a public house. Whilst such a use maybe considered desirable as raised by the objector, the proposed use of the site is in accordance with policy and would benefit the locality in terms of providing an additional retail unit and residential flats.

Design

5.5 The design of the building, as described above, would provide a focal point for this important corner site. The rounded corner feature draws the eye upward, and in this
aspect is reminiscent of the former Westbury Arms public house that previously stood on the site.

5.6 The manner in which the building connects to the adjacent terrace of two storey shops with flats above is considered appropriate. It is considered that the graduation in the height of the building results in a comfortable transition from the adjacent two storey development up to the maximum five storeys of the proposed building.

5.7 To the south there is a gap between the proposed building and the church, beyond which are two storey terraced houses. It is considered that this also provides a comfortable transition in scale.

5.8 The height and bulk is considered appropriate to its setting, and it would be similar in height to adjacent parts of the future Gascoigne Estate redevelopment on the opposite side of King Edwards Road.

5.9 The ground floor retail unit would have extensive floor to ceiling shopfront glazing allowing for an active frontage to the street.

5.10 The building is considered to be well proportioned and attractively designed and would provide visual interest to the street. The design has been refined in discussions between the architect and the planning officer at pre-application stage, and during the consideration of the planning application.

**Amenity**

5.11 The first floor flat at No. 178 Ripple Road, to which the proposed building would be attached at the side, has a first floor rear window adjacent to the proposal. The proposed building has been designed such that it would not project to the rear of a 45 degree angle drawn from the centre of this window. The section of the building adjacent to this window would be three storeys in height, thereby rising by one additional storey relative to the affected window. The window is south facing.

5.12 It is considered that the above relationship would ensure adequate daylight and sunlight to this adjacent window, such that there would be no harm to the residential amenity of the adjacent occupier.

5.13 In relation to the future Gascoigne Estate redevelopment to the west of the site on the opposite side of King Edwards Road, there would be a gap between the proposed buildings of approximately 15m. This is considered to be an acceptable space between residential flats fronting a road to provide privacy. Additionally a significant proportion of the aspect to the west of the building would be open, with a view down the road known as St. Margarets. This part of St. Margarets would remain in its current position as part of the future Gascoigne redevelopment.

5.14 The majority of the flats have more than one aspect, but two of the flats, the studio and a one bedroom flat, are mainly single aspect to the south-west, though in addition to the main aspect these flats each have a single north-west facing window onto their balconies. This additional window would provide a small amount of additional sunlight at midsummer. These flats would also benefit from the open aspect down St. Margarets as described above.
5.15 In relation to internal space each flat would meet the standards for gross internal area, storage space, room sizes and layout, set out within the Government’s ‘nationally described space standard’ and the draft Minor Alterations to the London Plan.

5.16 All units are designed to achieve optional Building Regulations requirement M4 (2) ‘accessible and adaptable dwellings’ (equivalent to Lifetime Homes Standards) in accordance with policy 3.8 of the draft Minor Alterations to the London Plan. These standards are designed to ensure that dwellings are adaptable for use by disabled persons including wheelchair users. A lift would be provided ensuring level access to each flat.

5.17 The site is adjacent to two main roads, and the environmental health officer has advised that an acceptable noise environment can be provided internally, subject to appropriate glazing and trickle ventilators to be secured by condition.

5.18 It is concluded that proposed development would not cause harm to the amenities of existing residents, and would provide a good standard of residential amenity for the future occupiers of the proposed scheme.

5.19 Each flat has a private balcony or roof terrace that meets the standards set out in the London Housing Design Guide. The total area of external amenity space provided including balconies, terraces and the communal amenity space is 213m². Whilst the majority of the flats have standard sized balconies two have large roof terraces, making use of the roof spaces of the building, one with an area of 43m² and the other with an area of 38m².

5.20 It is considered that the applicant has maximised the provision of external amenity space having regard to the constraints of the site, and therefore the development would be in accordance with this policy BP5 of the Borough Wide Policies Development Plan Document.

**Transport**

5.21 The site has a very high Public Transport Accessibility Level (PTAL) of 6a on a scale of 0 – 6b where 6b is excellent.

5.22 The proposed development would be ‘car free’ whereby no on-site parking is provided, and the applicant has agreed to a condition whereby future residents will not be entitled to obtain a residents parking permit for on street parking within the adjacent Controlled Parking Zone (CPZ). This CPZ is operational between the hours of 8.30am to 9pm Monday to Sunday.

5.23 The edge of town centre location and high level of public transport accessibility makes this an appropriate location for a car free development. The imposition of the proposed condition would prevent potential nuisance to existing neighbouring residents caused by additional parking congestion.

5.24 The lack of on-site parking also helps enable the development potential of the site to be maximised. These comments address the objector’s concern about the lack of parking proposed within the site.
5.25 Cycle parking would be provided within a secure cycle storage area within the building, to London Plan standards.

Environmental Sustainability

5.26 The proposal is not defined as a ‘major development’ and consequently there is no policy requirement for an energy strategy to be submitted with the application.

5.27 The building would incorporate some areas of bio-diverse green roofs. Green roofs enhance building insulation, reduce surface water run-off, and contribute to biodiversity.

5.28 The design incorporates roof-lights to provide natural light to the stairwell and areas of some of the flats that are not well lit by windows. The scheme also incorporates a large roof overhang to the south elevation of the top floor flat in order to minimise summer over-heating. Such environmental design features have the potential to reduce energy consumption.

5.29 The site is located in an area that is highly accessible by public transport.

Section 106 agreement

5.30 The applicant has agreed to the completion of a Section 106 agreement that will secure the payment of costs that are owed to the Council and which are entered as a charge on the Register of Local Land Charges. This relates to the former public house building on the site that was fire damaged during the 2011 riots. Following the fire the building was unsafe and the Council therefore had to take responsibility for its demolition incurring costs which under the Building Act are the responsibility of the owner of the land.

5.31 The total amount following indexation is £62,587.80.

Conclusions

5.32 The proposed development would result in a well designed building of appropriate scale and relationship with neighbouring buildings, which would make good use of the site.

5.33 The scheme would protect the amenities of neighbouring occupiers and provide a good standard of residential amenity for future occupiers.

5.34 The site is a highly accessible location and is suitable for a ‘car free’ development as proposed.

Background Papers

- Planning Application File:
• **Local Plan Policy**

  Policy CM1  General Principles for Development  
  Policy CC1  Family Housing  
  Policy CP3  High Quality Built Environment  
  Policy BR5  Contaminated Land  
  Policy BR10  Sustainable Transport  
  Policy BR11  Walking and Cycling  
  Policy BR13  Noise Mitigation  
  Policy BC7  Crime Prevention  
  Policy BC8  Mixed Use Development  
  Policy BP5  External Amenity Space  
  Policy BP8  Protecting Residential Amenity  
  Policy BP10  Housing Density  
  Policy BP11  Urban Design

• **London Plan Policy**

  Policy 3.3  Increasing housing supply  
  Policy 3.4  Optimising housing potential  
  Policy 5.11  Green roofs and development site environs  
  Policy 5.21  Contaminated land  
  Policy 7.3  Designing out crime  
  Policy 7.6  Architecture

  Minor Alterations to the London Plan consultation draft May 2015

  Policy 3.5 Quality and design of housing developments  
  Policy 3.8 Housing choice

• **National Policy**

  National Planning Policy Framework  
  National Planning Practice Guidance