

Barking Riverside

in the London Borough of Barking and Dagenham

planning application no. 16/00131/OUT

Strategic planning application stage 2 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Application under Section 73 for the variation of all conditions (1-57) attached to planning permission 08/00887/FUL, which was granted in July 2009.

The 2009 planning permission (ref: 08/00887/FUL), which has been partly implemented, was for:

Development comprising or to provide a mixed use development for up to 10,800 residential dwellings and up to 65,600 sq.m of built floorspace for retail uses (classes A1 to A5), business premises (Class B1), hotel (Class C1), communal care home and other residential institutions (Class C2), sui-generis live work units, community and social facilities (Classes D1 and D2) (for uses such as libraries, primary health care facilities, places of worship and assembly, community facilities, crèche and pre-school facilities, care facilities for the young, old and/or infirm, sport and leisure development).

In addition, development will also provide: one secondary school of up to 8 forms of entry (with maximum gross site area of 44,585 sq.m.) including ancillary accommodation and facilities plus a sports field up to 14,313 sq.m (gross site area; up to 2 no.; up to 3-form entry primary schools (with a maximum gross site area of 15,000 sq.m. each). Additional educational accommodation (Class D1) is also to be provided in the form of an ecology centre of up to 250 sq.m and in addition, a maximum of two multi storey car parks to provide for 1000 spaces in total. Such development to include the remediation of the former Renwick Road landfill site and former power station foundations, and the continuation of the remediation of the remainder of the site in accordance with the principles established by the 1994 permission (LPA Ref. TP/43/93) to provide for revised ground contours and development platforms, strategic landscape and works to create new and improved/retained ecological reserves, retention of city farm, open space (including parks, play spaces, promenades and piazzas, formal and informal play space), laying out and/or improvement of alteration to existing service infrastructure (to include the laying of foul and surface water drainage infrastructure and water attenuation), new and alteration to existing vehicular and pedestrian access and routes, diversion of existing statutory footpath no. 47, works to existing river wall, bund and flood defenses, alterations to existing T jetty and coal wharf. Ancillary engineering and other operations

The applicant

The applicant is **Barking Riverside Ltd**, a joint venture between the **GLA Land and Property** (as land owner) and **London and Quadrant (L&Q) New Homes** (as development partner).

The architect is **Lifschutz Davidson Sandilands**.

Key dates

Application submitted to Barking and Dagenham Council: **29 January 2016**

Stage 1 reported to previous Mayor of London: **22 March 2016**

Barking and Dagenham Council planning committee: **27 July 2016**

Strategic issues summary

Based on the bespoke financial model that has been developed, the scheme will deliver 35% affordable housing (by unit number) as a baseline based on current assumptions on costs and revenues, increasing to the target level of 50% with grant funding and viability reviews.

The baseline tenure split at this stage is 5% affordable rent (minimum 50% market rent), 35% shared ownership, 5% rent to buy and 5% starter homes, which will be reviewed as explained above with any surplus/additional grant used to increase the quantum of affordable rent capped homes to 10% (paragraphs 7-13).

The additional information required in relation to energy to verify the expected carbon savings has been provided and is satisfactory at this stage (paragraphs 14-17).

Following extensive discussions with the applicant and the Council, the issues raised at consultation stage in relation to: development triggers; transport strategy; highway impact; bus provision; car parking management; highway design, and; use of the river; have now been addressed, and appropriate mitigation measures are included in the section 106 heads of terms and proposed planning conditions. Together with the railway, a total of £188 million will be provided towards transport infrastructure and mitigation, in addition to highway works (paragraphs 18-31).

The Council's decision

In this instance, Barking and Dagenham Council has resolved to grant permission, subject to conditions and completion of a section 106 agreement.

Recommendation

That Barking and Dagenham Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

Context

1 On 4 February 2016, the Mayor of London received documents from Barking and Dagenham Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. The application was referable under Categories 1A, 1B(c), 1C(a), 2C, 3E(a) and 3F of the Schedule to the Order 2008:

- Category 1A: *“Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats”.*
- Category 1B (c): *“Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings...outside Central London and with a total floorspace of more than 15,000 square metres”.*
- Category 1C (a): *“Development which comprises or includes the erection of a building... more than 25 metres high and is adjacent to the River Thames”.*

- Category 2C: *“Development to provide...(d) a railway station...(i) a passenger pier on the River Thames”.*
- Category 3E (a): *“Development which does not accord with one or more provisions of the development plan in force in the area in which the application site is situated and comprises or includes the provision of more than 2,500 square metres of floorspace of Use Classes A1-A5, B1, C1, C2, D1 and D2”.*
- Category 3F: *“Development for a use, other than residential use, which includes the provision of more than 200 car parking spaces in connection with that use”.*

2 On 22 March 2016 the previous Mayor, considered planning report D&P/0150c/01, and subsequently advised Barking and Dagenham Council that while the application was generally supported in strategic planning terms, more information was requested on housing, affordable housing, energy and transport, to ensure full compliance with London Plan policies.

3 A copy of the earlier report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.

4 On 27 July 2016, Barking and Dagenham Council decided that it was minded to grant planning permission and on 24 August 2016 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged; direct the Council under Article 6 to refuse the application; or, issue a direction to the Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 7 September 2016 to notify the Council of his decision and to issue any direction.

5 The environmental information provided under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) have been taken into account.

6 The decision on this case, and the reasons, will be made available on the GLA’s website www.london.gov.uk.

Update

7 At consultation stage Barking and Dagenham Council was advised that generally the application was strongly supported, although more information was required in relation to housing and affordable housing, energy and transport to ensure full compliance with the London Plan, as summarised below:

- **Land use principles, design, density, residential quality, playspace, inclusive design, inclusive access, ecology, flooding:** All supported at consultation stage.
- **Affordable housing:** At this stage the target mix of units is welcomed, and the affordable housing principles are welcomed. However, further information is needed on the minimum and maximum levels to be provided in each phase, and mechanisms allowed for any off-site solutions. GLA officers will continue to be involved in affordable housing discussions and viability meetings throughout the course of the application to ensure London Plan Policies are complied with in respect of maximum reasonable.
- **Energy:** A reduction of 5400 tonnes of CO₂ per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected, equivalent to an overall saving of 35%. The carbon dioxide savings exceed the target set within Policy 5.2 of the London Plan. However, further information is required in order to verify the expected savings and ensure compliance with the London Plan.

- **Transport:** Further information is required to ensure the impacts of the development are appropriately mitigated. Further information and discussions are required on: highway impact and mitigation, car and cycle parking, buses, river usage, and construction impacts and logistics. Other matters, such as street hierarchies will require further discussion at SFP stage.

Affordable housing

8 As noted in the consultation report, the earlier consent required 41% of habitable rooms to be provided as affordable, which is broadly equivalent to 33% of units numbers, with 50% of these to be provided as social rent.

9 GLA officers recognised that it was necessary to revisit the affordable housing strategy and section 106 agreement through this section 73 application, to ensure it reflected the revised housing mix and layout, funding mechanisms for the railway and other social infrastructure, and new mechanisms for grant allocation. The applicant's broad principles in relation to affordable housing and its proposals for variations to the section 106 agreement to allow the detail and levels to be set in advance of the disposal of development plots to developers, was welcomed. GLA officers were however keen to continue dialogue with the applicant and the Council and in particular, requested further detail on the controls to be included in relation to the minimum and maximum levels of affordable housing per phase, tenures and rent levels and any off-site provisions or review mechanisms.

10 GLA officers have continued to be involved in negotiations with the applicant and the Council over the optimum affordable housing strategy for this scheme. The Council and the applicant jointly appointed a viability consultant, Quod, to advise both clients on an open-book basis. Quod has developed a financial model with a baseline position on current values, costs and assumptions, and which can be used going forward to review the financial position, to determine the precise affordable housing requirement at each sub-framework plan stage.

11 Quod's baseline model has informed the draft section 106 agreement heads of terms. It includes 65% private market units (split 50% private sale and 50% private rent (PRS)), and a minimum of 35% affordable housing by unit number, which is broadly equivalent to the existing consent. The baseline financial model demonstrates that with additional grant and updated assumptions on costs and revenues through viability reviews, up to 50% affordable housing (by unit number) could be achieved, which is the target level. The proposed tenure split for the baseline model is:

Type	Split
Affordable rent (set at 50% market rent)	5% (minimum)
Shared ownership	35%
Rent to Buy or London Living Rent	5%
Starter Homes	5%

Table 1: Affordable housing tenure split

12 Through the viability reappraisal at each sub-framework plan stage, the primary aim is to maintain an internal rate of return (IRR) for the applicant of at least 12% to ensure that the scheme and the railway are deliverable (private schemes usually require between 15-20% or more). A number of thresholds will apply as follows:

- In testing the viability of the proportions set out above, any IRR below 12% shall be regarded as indicating an unviable scheme. Where this occurs the applicant, the GLA and the Council shall work jointly to adjust the affordable housing tenures to reach a 12%

IRR, having regard to the agreed minimum total proportion of 35% affordable housing units and the agreed minimum proportion of affordable rent (capped) homes of 5%.

- Any value between 12% and 15% IRR shall be retained by the applicant (and distributed to shareholders), acknowledging that 15% is a reasonable market return, and considering the substantial risk profile of the project.
- Any value in excess of 15% IRR shall be regarded as 'additional value' and will be shared 50% to the applicant, and 50% to improve the quantum of affordable rent (capped) homes (up to a maximum of 10%), and the overall quantum of affordable housing units, up to a maximum of 50%.
- If an overall affordable housing proportion of 50% (by unit number) has been achieved, including 10% affordable rent (capped) homes, any further surplus shall be retained by the applicant.

13 Where any additional grant is made available by the GLA, this shall not be subject to the distribution outlined above. The grant will be used entirely to improve the quantity or tenure mix of the affordable housing up to the maximum of 50% (by unit number).

14 This is a complex development with significant infrastructure needs, and developing a financial model that ensures deliverability of the scheme and its necessary infrastructure, is crucial. The baseline model and the provisions with the section 106 heads of terms to review the viability regularly throughout the development and at each sub-framework plan stage, is strongly supported.

Climate change

15 At consultation stage, GLA officers broadly welcomed the energy strategy and noted that the development was expected to achieve a 35% reduction in regulated carbon dioxide emissions per annum. However, in order to ensure full compliance with the London Plan energy policies, further information was requested on: the size of the energy centre and connections to the site wide heat network; the temporary energy centres and relationship with the phasing plan, and; progress on establishing the potential for the site to generate heat for the wider area.

16 The applicant is in the process of a competitive tender for a joint venture partner to establish a Barking Riverside Energy Services Company (ESCo), and has tendered for a number of packages to the market as below:

- Lot 1: Esco investment partner
- Lot 2: Design and build
- Lot 3: Operate and maintain
- Lot 4: Customer service and billing

17 The intention is to deliver a site wide heat network that will connect all buildings and have the ability to link into plans for the wider London Riverside area. A phasing strategy for the build out will need to be provided as the detailed design is progressed. This will be reported to the Steering Group for review as part of the governance structure and sub-framework plan approval stages. The energy centre will also require a new detailed planning application. The target is to have the ESCo in place by March 2017.

18 Due to the size of the scheme and nature of the application, other matters raised at consultation stage in relation to energy will be dealt with via condition and reserved matters through the sub-framework plans, as the strategy develops further.

Transport

19 TfL raised a number of issues at consultation stage, including development triggers, the development of the transport strategy, highway impact, bus provision, car parking management, highway design and use of the river. Following extensive discussions with the applicant and the Council, these issues have now been addressed, and appropriate mitigation measures are included in the heads of terms for the section 106 agreement and proposed planning conditions.

20 TfL is therefore satisfied that the issues raised at consultation stage can be satisfactorily resolved on this basis, such that the proposed development would be in accordance with the transport policies of the London Plan.

Barking Riverside extension

21 The Barking Riverside Extension (BRE) to the London Overground will provide a new station at the heart of the Barking Riverside development providing access to the rail network in an area which currently has limited access to public transport. TfL has worked closely with the applicants, the Council and the GLA to ensure that the BRE is fully integrated into the revised Barking Riverside masterplan. The BRE will be jointly funded by the applicant and TfL, and the applicant's contribution of £172 million is included in the section 106 heads of terms.

22 As requested by TfL at consultation stage, the trigger restricting the number of residential unit occupations to 4,000 prior to the BRE becoming operational will be retained in the forthcoming section 106 agreement. The trigger restricting the number of occupations to 1,500 prior to the Transport and Works Act Order (TWAO) coming into force will also be retained.

23 TfL submitted the Transport and Works Act Order (TWAO) application for the BRE on 31 March 2016, and a public inquiry is scheduled to start on 18 October 2016.

Transport strategy

24 The transport strategy and associated delivery framework have been agreed with the applicant the Council and are included in the section 106 heads of terms, along with appropriate monitoring and review mechanisms. The transport strategy sets out ambitious mode share targets for sustainable travel, in order to reduce the need to travel by car and reduce the impact on the A13, and to encourage residents and visitors to walk, cycle and to travel by public transport.

25 The transport strategy sets out the principles of the car park management plan, including a site wide CPZ, provision of electric vehicle charging points and appropriate enforcement measures. It also includes a commitment to providing cycle parking in accordance with London Plan standards for all land uses.

26 The applicant will be required through the section 106 agreement to set up a Barking Riverside Steering Group, which will oversee the implementation of the development including the monitoring, review and update of the transport strategy. The steering group membership will include TfL, the GLA and the Council.

Highways

27 As requested at consultation stage, the £5.4 million contribution towards the A13/Renwick Road junction scheme is included in the section 106 heads of terms. TfL is currently undertaking feasibility work to determine the most appropriate solution, and has committed to delivering the scheme and funding the balance of the total cost. No more than 2,500 residential units can be occupied prior to the contribution being paid and TfL confirming funding for the scheme, and no more than 4,000 units can be occupied prior to the scheme being open to the public.

28 TfL also raised a number of detailed issues at consultation stage with regard to highway impact, and these have been resolved through measures in the transport strategy and highway improvements included in the section 106 heads of terms.

Buses

29 The provision of high quality, high frequency East London Transit (ELT) bus services at Barking Riverside is a key element of the masterplan, and will complement the introduction of the BRE. A contribution of £11.1 million towards the provision of bus services has been secured in the heads of terms, along with all necessary bus infrastructure and the requirement for all residential units to be within 400 metres of a bus stop. TfL raised a number of detailed design issues at consultation stage and these will be addressed through the appropriate sub framework plans (SFPs).

Street design and local junction layouts

30 TfL provided comments to the applicant and the Council on the proposed street and junction designs at consultation stage, including on bus priority and cycle provision. These have largely been addressed through the masterplan, and the detailed design will be agreed at the appropriate SFP stage and through the steering group.

Use of the river

31 The applicant has committed to providing piers and other associated infrastructure for river passenger services, subject to it being commercially viable. This is also subject to ongoing TfL investigations into the feasibility of extending passenger services to the site. The applicant has also committed to investigate the feasibility of river freight during construction through the Construction Logistics Plan (CLP).

Deliveries and servicing, construction logistics and travel plan

32 Delivery and servicing, construction logistics and travel plans have been secured through the transport strategy. These documents will be reviewed at each SFP stage in order to ensure that measures are appropriate and follow the most recent best practice. The applicant will also contribute towards the provision of a London Riverside area wide travel co-ordinator.

Response to consultation

33 The application was subject to statutory consultation, including 2,031 neighbouring properties consulted in writing and a notice placed in the local press. The relevant statutory bodies were also consulted. Prior to the application being submitted, the applicant also carried out extensive pre-application engagement with the community, the Council's Policy Forum and Development Control Board. The representations received in response to the local consultation process are considered in detail within the Council's committee report. Furthermore, copies of all representations to public consultation, and any other representations made on the case have been made available to the Mayor.

From neighbour consultation, the Council received one written responses raising concern with the lack of provision for places of worship. The scheme makes provision for up to 2,450 sq.m of Class D1 floorspace, including multi-faith centres. These spaces would be dispersed through the site within the more commercial areas (such as the District Centre). One multi faith centre (out of a total of four) has already been provided at the Rivergate Centre. The level of provision is acceptable from a strategic perspective for the anticipated population.

34 The Council received the following responses from statutory consultees:

- **Environment Agency:** No objection on flood risk grounds or contaminated land. Condition required to secure an evacuation plan, which has been included.
- **Historic England:** No objections and no conditions required.
- **Port of London Authority:** Updated conditions required, which have been included.
- **Thames Water:** Condition required in relation to drainage, which has been included.
- **Essex and Suffolk Water:** No comment.
- **Natural England:** No objection.
- **National Grid:** No objections.
- **London Fire and Emergency Planning Authority:** No objection.
- **London City Airport:** Conditions requested requiring applicant to consult with LCY in the event that any structure is required higher than 95m AOD, and to make landscaping/planting unattractive to birds to minimise bird strike threat to operating aircraft. A condition is included on the first point. On the second point however, this is a Site of Importance for Nature Conservation (both borough and metropolitan level) due to the presence of breeding birds. To actively discourage birds would fail the ecological mitigation required to replace lost habitat. However, the ecological strategy would not provide optimum environment for grassland nesting birds or skylark which can fly at 300m, and the risk of bird strike is therefore minimised as far as possible.
- **HS1 Ltd:** No objections.
- **Sport England:** No objections at this stage – will comment further on sports provision in the detailed stages.
- **Network Rail:** General comments about future maintenance and separation distances to NR assets, plant and materials storage, scaffolding, piling, lighting, noise, vibration etc.
- **Bexley Council (adjoining borough):** No comments.
- **Royal Society for the Protection of Birds:** No comments.

Response to consultation - conclusion

35 Having considered the above representations and consultation responses, Barking and Dagenham Council has proposed various planning conditions to address the issues raised. Having had regard to this, GLA officers are satisfied that the statutory and non-statutory responses to the Council's consultation process do not raise any material planning issues of strategic importance that have not already been considered at consultation stage, and/or in this report.

Legal considerations

36 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order.

37 He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purposes of determining the application and any connected application. The Mayor may also leave the decision to the local authority.

38 In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames.

39 The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

40 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses rising from an appeal.

41 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

42 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the Council to do so) and determining any approval of details (unless the Council agrees to do so).

Conclusion

43 Having regard to the details of the application, the matters set out in the Council's committee report, draft heads of terms for the section 106 legal agreement, and draft decision notice, the scheme is acceptable in strategic planning terms. It will deliver a new sustainable neighbourhood with new district centre and provision for new transport, within a high-quality design and walkable layout. The scheme includes good levels of affordable housing, and a good mix of tenures and unit sizes. Strategic planning matters raised at consultation stage in relation to affordable housing, energy and transport have been addressed and the scheme is in accordance with the London Plan.

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Barking Riverside**in the London Borough of Barking and Dagenham****planning application no. 16/00131/OUT****Strategic planning application stage 1 referral**

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The proposal

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In addition, development will also provide: one secondary school of up to 8 forms of entry (with maximum gross site area of 44,585 sq.m.) including ancillary accommodation and facilities plus a sports field up to 14,313 sq.m (gross site area; up to 2 no.; up to 3-form entry primary schools (with a maximum gross site area of 15,000 sq.m. each). Additional educational accommodation (Class D1) is also to be provided in the form of an ecology centre of up to 250 sq.m and in addition, a maximum of two multi storey car parks to provide for 1000 spaces in total. Such development to include the remediation of the former Renwick Road landfill site and former power station foundations, and the continuation of the remediation of the remainder of the site in accordance with the principles established by the 1994 permission (LPA Ref. TP/43/93) to provide for revised ground contours and development platforms, strategic landscape and works to create new and improved/retained ecological reserves, retention of city farm, open space (including parks, play spaces, promenades and piazzas, formal and informal play space), laying out and/or improvement of alteration to existing service infrastructure (to include the laying of foul and surface water drainage infrastructure and water attenuation), new and alteration to existing vehicular and pedestrian access and routes, diversion of existing statutory footpath no. 47, works to existing river wall, bund and flood defenses, alterations to existing T jetty and coal wharf. Ancillary engineering and other operations

The applicant

The applicant is **Barking Riverside Ltd**, a joint venture between the **GLA Land and Property** (as land owner) and **London and Quadrant (L&Q) Housing Trust** (as development partner).

The architect is **Lifschutz Davidson Sandilands**.

Strategic issues

The **principle** of the development and the creation of a **sustainable mixed-use community** on this site remains strongly supported strategically, in line with strategic priorities in the **London Riverside Opportunity Area Planning Framework**, the London Plan and local policies.

The parameters for the **layout, density, key routes and connections** and **height** are supported, and the indicative **masterplan** with the creation of **character zones** and **housing typologies** are strongly supported at this stage.

The **housing mix** is broadly acceptable, but further discussion is required on this and the **affordable housing strategy** across the phases to ensure the maximum reasonable amount will be secured and create a **mixed and balanced community**.

Matters of **flooding** and **biodiversity** are also acceptable at this stage, and some further information is required on **energy** to verify **carbon savings**.

Whilst the **transport** impacts are broadly acceptable, further discussion is required on matters such as **buses, car and cycle parking, river usage** and **construction logistics** to ensure that the transport impacts on the local network are mitigated.

Recommendation

That Barking and Dagenham Council be advised that the application broadly complies with the London Plan but that the issues set out in paragraph 119 of this report should be addressed before the scheme is referred back to the Mayor.

Context

1 On 3 February 2016 the Mayor of London received documents from Barking and Dagenham Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 23 March 2016 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor's use in deciding what decision to make.

2 The application is referable under Category 1A of the Schedule to the Order 2008:

- Category 1A: *"Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats".*
- 1B (c) *"Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings...outside Central London and with a total floorspace of more than 15,000 square metres".*
- 1C (a) *"Development which comprises or includes the erection of a building.... more than 25 metres high and is adjacent to the River Thames".*
- 2C *"Development to provide...(d) a railway station...(i) a passenger pier on the River Thames".*
- 3E (a) *"Development which does not accord with one or more provisions of the development plan in force in the area in which the application site is situated and comprises or includes the provision of more than 2,500 square metres of floorspace of Use Classes A1-A5, B1, C1, C2, D1 and D2".*

- 3F “Development for a use, other than residential use, which includes the provision of more than 200 car parking spaces in connection with that use”.

3 Once Barking and Dagenham Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 has been taken into account in the consideration of this case.

5 The Mayor of London’s statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

6 The application site comprises 179.3 hectares of brownfield land on the north banks of the River Thames. To the north and north-west, the site is bound by predominantly two-storey housing built in the 1990’s, railway land, and the A13. To the east and west, it is bound by industrial and employment land, and to the south by the River Thames. The southern boundary is a 2km south-facing stretch of the River Thames. The site is approximately 2 miles to the south-east of Barking Town Centre and 800 metres to the south of the A13. It is irregular in shape and has maximum dimensions east to west of 2.2km and north to south of 1.1km.

7 The site was previously occupied by three power stations as well as a landfill, and was also used for tipping pulverised fuel ash, a by-product of the two coal fired power stations. Asbestos and other waste materials originating from the power stations were historically disposed of following the closure of the power stations. The site comprises mainly vacant land, apart from the implemented development area noted below, an operational switching station in the centre (although outside the red line boundary), and a collection of semi-vacant commercial buildings in the south-west of the site with a large yard used by Dagenham Sunday Market. The site is also dominated by power lines running east to west

8 Since the original planning consent was given, approximately 32 hectares in the north-west portion of the site has been, and continues to be developed, with approximately 686 dwellings completed with associated infrastructure.

9 Three existing roads cross the site; River Road to the south-west; Renwick Road running north to south; and Choats Road to the north, parallel to the A13. Choats Road provides access to the A13 Goresbrook interchange to the north-east of the site via Choats Manor Way. It enters the site from Dagenham Dock in the east, traverses the northern part of the site beneath the pylons before connecting with Renwick Road. Renwick Road connects with the A13 to the north and runs through the centre of the site on a north-south alignment, adjacent to the switching station. This connects to River Road, which provides access to the site from the adjacent industrial estate to the west. Existing traffic movements to the site are low due to its largely derelict nature. Public transport serves phase 1 of the implemented development (see site history below) through bus services 387 and ELT1. However, there is currently no public transport serving the remainder of the site.

10 The site contains the two designated Sites of Importance for Nature Conservation (SINC’s) – The Ripple Nature Reserve (of metropolitan importance) located in the north-west part of the site, and; the Goresbrook and the Ship and Shovel Sewer (of borough importance). The site also contains; the Buzzards Mouth Creek watercourse; a T-shaped jetty to the south that extends into the River Thames and a coal wharf in the south-west corner of the site (both historically used by

the power station); a tidal defence embankment (7.48m AOD at its crest) running along the southern boundary of the site, and; a two metre high concrete flood defence wall which runs along the south-eastern part of the site at the former coal wharf.

11 An existing public right of way (footpath 47) starts at the southern end of Renwick Road and crosses the site in a south-easterly direction emerging at the River Thames to the east of the T-jetty. The footpath then follows the foreshore in an easterly direction before turning north on the eastern side of the Goresbrook to pass through Dagenham Dock.

12 The site has been designated as a major regeneration and housing/employment site in both strategic and local policies for a number of years. It is currently designated in the Council's Site Specific Allocations DPD as a 'key regeneration and significant housing site' (ref: SSA SM1: Barking Riverside), and is a key development area in the recently adopted London Riverside Opportunity Area Planning Framework (OAPF).

Site and planning history

13 There is an extensive planning history on the site.

14 Following the closure of the power stations and landfill operations ceasing in the 1980's, planning policy designations changed to designate the land for regeneration and an initial masterplan was prepared. In 1994 permission was granted for large-scale remediation works to be carried out on site (LPA ref: 93/43/TP). In 1995 planning permission was granted for phase 1A of the masterplan, which comprised 473 residential units. In 1997 a further masterplan was prepared and later adopted as Supplementary Planning Guidance by the Council. The land was then purchased by Bellway Homes in 1998 and in 1999 and 2000 permission was granted for phases 1A (revised from the 1995 submission), and 2A, which comprised 864 units in total. These are now completed on site. In 2003 a joint venture company was formed between English Partnerships and Bellway Homes to redevelop the site. In December 2008, English Partnerships powers were passed to its successor body, the Homes and Communities Agency, and then in 2011, were passed to the GLA when the London HCA's functions were devolved under the Localism Act.

15 The first site wide outline planning permission was granted on 7 August 2007 (under LPA Ref: 04/01230/OUT), which in short, provided for the development of the site for up to 10,800 homes and 65,600 sq.m of non-residential floorspace across Use Class A1-A3, B1, C1, C2, D1 and D2). The scheme was predicated on the provision of an extension to the Docklands Light Railway (DLR) to Dagenham Dock, and a fast dedicated bus route to Barking Town Centre (East London Transit (ELT)).

16 The Mayor was consulted on this application, and on 4 October 2006 advised the Council that whilst the principle of developing the brownfield site was strongly supported, and no concern raised with matters relating to energy, affordable housing, the Mayor raised concern that there was a significant transport infrastructure funding gap that would limit development. Further work was also required on access and sustainability. At stage two, the Mayor noted that TfL were committed to taking forward development work on a number of transport projects that were essential to the delivery of the full development, although it was noted that central Government funding would be vital if the rate of development was to be achieved. All others matters were broadly acceptable with the inclusion of conditions and obligations contained in a section 106 agreement.

17 A second planning application pursuant to Section 73 was submitted to the London Thames Gateway Development Corporation in 2008 (the determining authority at that time), and subsequently granted on 23 July 2009 (under LPA ref: 08/00887/FUL), which included 57 conditions and 23 informatives. The Mayor was not required to be consulted on this application by virtue of Section 1(3) of the Town and Country Planning (Mayor of London) Order 2008. This permission included a section 106 agreement, which stated that no more than 1,500 units shall be occupied before a Transport and Works Act Order (TWAO) is made, and no more than 4,000 units will be occupied before a DLR extension is operational.

18 The planning permission did not include provision for either the DLR or ELT, but provided for their routing and stations through safeguarding, reflected in the parameter plans.

19 It is this second outline planning permission that has been partly implemented (phase 1 and part of phase 2) with the construction of 686 new dwellings, a primary school contained within the Rivergate Centre and a local retail convenience store of 600 sq.m, on the north-west portion of the site.

20 Extensive and regular pre-planning application meetings over a number of years have taken place with the applicant, the Council and the GLA, as set out in the Planning Performance Agreement (PPA).

Details of the proposal

Reason for the current application

21 As outlined above, the 2009 extant outline planning consent was predicated on an extension to the DLR coming forward in order to unlock further phases of development. Due to a lack of funding at the time, the DLR extension to Dagenham Dock through the site did not progress. Instead, funding has been secured for an Overground rail link (ORL), extending the Gospel Oak to Barking Overground line south to Barking Riverside. The rail link is to be promoted by way of a TWAO application by TfL due to be submitted shortly, with an inquiry likely to be held in the autumn 2016. The TWAO and a related application (with all necessary assessments) will secure the powers and planning permission allowing the ORL to be constructed.

22 The provision of the revised transport mitigation (ORL) however, conflicts with the approved parameters and development parcels of the outline scheme, which require amendment through this S73 application to reflect the route of the ORL. The S106 agreement attached to the earlier consent also requires amendment, in particular to the provisions relating to access, transport (as it refers to the DLR) and affordable housing, together with other matters that are no longer necessary.

The application

23 The application seeks a new planning permission under S73 to vary all conditions attached to the previous consent, and is accompanied by a new Environmental Impact Assessment. A new S106 agreement is also in the process of being negotiated.

24 The application is submitted in outline form with all matters reserved except for the partial discharge of landscaping. In addition, full planning permission is sought for the continued remediation works of the former Renwick Road landfill site, power station foundations and the remainder of the site and revised ground contours, in accordance with the strategy established under the 1994 planning permission (LPA ref: 93/43/TP).

25 The application does not seek permission for the ORL but accommodates it and safeguards land and has been prepared to be consistent with the TWAO scheme.

Parameters and sub-framework plans

26 Both the 2007 and 2009 outline planning permissions were based on a set of development parameter plans and written parameters.

27 They also established the requirement for sub-framework plans (SFP's), as an intervening approval stage in advance of the discharge of reserved matters. The current application follows the same parameters approach with SFP's. As part of this submission, the applicant has amended, deleted and supplemented a number of parameter plans and principles included within the extant permission. The parameters for this submission define the following:

- Open space and landscape;
- Development areas;
- Access and movement to, from and within the site;
- The treatment and character of boundaries and different areas within the overall development, and;
- The scale, form and massing of the built form.

28 The primary changes proposed through this application to the approved parameter plans in the extant consent are as follows:

- Accommodation of the ORL and safeguarded land;
- Changes to the layout of the district centre;
- Changes to the alignment of the ELT route;
- Changes to the road hierarchy to accommodate revised ELT routing and provide for a more efficient block typology;
- Changes to the locations of the primary and secondary schools and provision of an additional primary school;
- Changes to the nature, function and extent of the internal roads, and;
- Changes to the heights plan to allow for an increase in maximum height in the following areas:
 - River frontage in stage 4;
 - The Crescent in stage 3;
 - Station Square in stage 2.

29 As established by the extant outline consent, the site is divided into four strategic areas or phases, with each phase being the subject of at least one SFP. Each sub-framework area will then be further broken down into smaller development zones that would be subject to reserved matters applications (RMA). It should be noted that SFP's and RMA's have already been approved for Stage 1 and the majority of Stage 2 as noted in paragraph 17 above.

The proposals

30 The description of the development is the same as that for the extant outline consent, and is outlined in full on page one of this report. The application also maintains the land uses previously permitted, which are summarised below:

- Residential development (Class C3) shall not exceed 10,800 units;
- Non-residential development shall not exceed 65,600 sq.m of which:
 - Not more than 19,700 sq.m shall fall within Classes A1 to A3;
 - Not more than 11,250 sq.m shall fall within Class B1;
 - Not more than 2,400 sq.m shall be provided as sui generis mixed-use 'live-work' units;
 - Not more than 4,800 sq.m shall fall within Class C1 and 22,000 sq.m within Class C2.
 - Not more than 2,450 sq.m shall fall within Class D1 (excluding education uses) and 3,000 sq.m within Class D2;
- In addition, Class D1 education uses shall comprise up to 2 no. up to 3-form entry primary schools, of a gross site area not more than 15,000 sq.m each;
- One 8-form entry secondary school totalling not more than 44,585 sq.m;
- A school playing field not exceeding 14,313 sq.m;
- A 250 sq.m unit for an ecology centre for education purposes (Class D1).

31 Accordingly, the total accommodation for non-residential uses, excluding education uses, shall not exceed 65,600 sq.m. The table below breaks down this accommodation schedule by stages:

Use	Stage 1	Stage 2	Stage 3	Stage 4	Total
Retail (A1-A3)	2,200	4,000	5,500	8,000	19,700
Office (B1)	2,000	9,250			11,250
Hotel (C2)		4,800			4,800
Residential institutions (C2)	2,000		10,000	10,000	22,000
Housing (C3)	1,393 units	4,283 units	2,200 units	2,924 units	10,800 units
Live/work units		1,200		1,200	2,400
Schools (D1)	15,000	37,000	18,500*	18,500*	89,000
Ecology centre (D1)	250				250
Non-residential institutions (D1)	1,200	500	750		2,450

Leisure (D2)		3,000			3,000
Car park				15,000	15,000
TOTAL (not incl. resi floorspace)	22,650	59,750	34,750	52,700	169,850

Table 1: Land use schedule across stages 1-4

(Note: 1. The primary school in stage 1 has already been completed. A new school campus (1 x secondary, 1 x primary (incl. SEN) will part open in January 2017 as the first part of stage 2.

2. *Two further primary schools are anticipated in stage 3 and 4. Land has been identified for both, but the schools will be promoted by the Local Education Authority and will be the subject of separate planning applications.

3. Class A1 provision to include one food store of in excess of 2,500 sq.m but not more than 9,500 sq.m.)

32 An illustrative masterplan has been submitted in support of the application, which is in conformity with the parameter plans submitted for approval. This is shown in the urban design section of this report.

Strategic planning issues and relevant policies and guidance

33 The relevant issues and corresponding policies are as follows:

- Opportunity Area *London Plan; London Riverside Opportunity Area Planning Framework;*
- Land use principles *London Plan;*
- Mix of uses *London Plan, London Riverside Opportunity Area Planning Framework;*
- Housing *London Plan; Housing SPG; Housing Strategy; Shaping Neighbourhoods: Play and Informal Recreation SPG;*
- Affordable housing *London Plan; Draft Interim Housing SPG, Housing Strategy;*
- Density *London Plan; Housing SPG;*
- Urban design *London Plan; Shaping Neighbourhoods: Character and Context SPG;*
- Blue Ribbon Network *London Plan;*
- River Thames *London Plan;*
- Flooding *London Plan;*
- Biodiversity *London Plan; The Mayor's Biodiversity Strategy;*
- Sustainable development *London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaptation Strategy; Mayor's Climate Change and Energy Strategy; Mayor's Water Strategy;*

- Transport and parking *London Plan; the Mayor's Transport Strategy;*
- Crossrail *London Plan; Mayoral Community Infrastructure Levy.*

34 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plans in force for the area are the Barking and Dagenham Council Core Strategy 2010, Development Control Policies Development Plan Document 2011, and the London Plan (Consolidated with Alterations since 2011).

35 The following are also relevant material considerations:

- London Riverside Opportunity Area Planning Framework (October 2015)
- The National Planning Policy Framework, Technical Guide to the National Planning Policy Framework and National Planning Practice Guidance.

Land use principles

36 As noted in paragraph 12, the site has been designated as a major regeneration and housing/employment site in both strategic and local policies for a number of years. The principle of the development has already been established by the earlier and extant outline consents, of which the latter 2009 consent has been partly implemented. Paragraphs 20-21 of this report explain the reasoning behind this current section 73 application, in order to vary the conditions and allow revisions to the layout to accommodate the altered transport mitigation measure from the DLR and Overground. The type and quantum of the land uses proposed remain consistent with the earlier consent (bar changes to the phasing), as set out in table one.

37 A key objective for Barking Riverside is that a new sustainable mixed use community is created, that reduces reliance on the car. In order to achieve this on a site of this scale where there is currently no, or very limited, public transport, is the delivery of a major piece of public transport.

38 The revised transport mitigation is that the Overground rail link, together with the buses (including ELT), will provide the level of public transport accessibility on par if not better than that arising from the previous DLR/ELT combination. The predicted public transport accessibility level (PTAL) rating across the site arising from the ORL will improve, both due to frequency in the peak hour but also the number of stations on site and their location. This is explored in greater detail in the transport section of this report.

39 The principle of the development and mix of uses proposed is therefore strongly supported and wholly consistent with long standing local and strategic policies that seek a major regeneration of this site for housing and commercial uses.

Housing

40 The development will deliver a total of 10,800 residential units across the four phases. The number of units per phase is set out in table one, with each phase expected to take approximately 4-5 years.

41 London Plan Policy 3.3 seeks to increase London's supply of housing and in doing so sets borough housing targets, of which Barking and Dagenham's is 1,236 additional homes per year between 2015 and 2025. The scheme will deliver up to 10,800 units over the four phases with expected completion in 2031. The expected delivery rates per phase are set out in table one. This therefore makes a significant contribute to Barking and Dagenham's housing need and to a wider pan-London recognised level of housing need in an opportunity area with significant growth potential.

Affordable housing

42 London Plan Policies 3.11 and 3.12 require the maximum reasonable amount of affordable housing to be delivered in all residential developments above ten units, taking into account; the need to encourage rather than restrain development; the housing needs in particular locations; mixed and balanced communities, and; the specific circumstances of individual sites. The tenure split suggested by London Plan Policy 3.8 is 60% social/affordable rent and 40% shared ownership. Barking and Dagenham's current Core Strategy policy also seeks maximum reasonable amount, although emerging Local Plan Policy CC1 aims for at least 50% of new homes to be provided as affordable, with the precise percentage, distribution and type determined by circumstances, site specifics and financial viability.

43 Given that this proposal is for a new outline permission for a phased scheme with a 17 year lifespan, where future subsidy, build costs, demand and sale rates cannot be fully determined, the applicant proposes to vary the section 106 agreement provisions for affordable housing to allow the detail and levels to be set in advance of the disposal of development plots to developers.

44 The earlier consent included an overall minimum provision of 41% across the site and within each phase, subject to the availability of sufficient social housing grant and to be demonstrated by financial appraisals. Within this, a minimum of 50% of the habitable room provision was for social rent, with no cap on either the affordable housing provision or the social rented proportion within any zone.

45 The applicant and the Council are due to meet with the jointly appointed viability consultant in the near future, to establish what minimum/maximum levels of affordable housing, tenures and rent levels are reasonable across the phases, and GLA officers expect to be involved in these on-going discussions to ensure compliance with London Plan policies. At this stage however, the following broad principles are set out:

- The affordable housing requirement shall be determined through viability appraisal on a phased basis;
- Any railway infrastructure costs will be included in the viability appraisal at appropriate or agreed phases to reflect any relevant loan repayments required as part of funding agreement associated with the railway delivery;
- Where reserved matters have already been approved, a revision to the affordable housing requirement can be sought, again determined through viability appraisal;
- Rented tenures could include affordable rent (rent levels to be determined);
- A minimum and maximum level of affordable housing shall be agreed, including for social rent and for all affordable tenures;
- Prior to the commencement of development of a phase, the applicant shall submit an affordable housing scheme supported by a financial appraisal, which shall set out:
 - The level of provision proposed and tenure split;
 - The assumptions as to affordability (i.e.: the percentage of open market rent);
 - The phasing of the affordable homes across the development plots;
 - The location in terms of split (quantum and tenure) per development plot, and;
- Where the affordable housing scheme provides for less than the maximum level of affordable housing within a phase, the scheme shall be subject to re-appraisal following the disposal of the final development plot (all tenures);

- Where the implementation of a phase has resulted in excess land revenue over and above that identified in the appraisal, the applicant shall pay the excess into an escrow account, which shall be used to provide further subsidy to support the provision of additional affordable housing within subsequent phases (i.e. above that demonstrated as being viable through financial appraisal);
- Where the land receipt falls below the level identified in the appraisal, the shortfall shall be recovered through subsequent phases (identified as an additional 'cost' in the appraisal of the subsequent phase);
- Upon the final sale of the final development plot, the final phase shall be subject to re-appraisal (provided that affordable housing was below the maximum in that final phase, and a percentage (to be agreed with the Council) of any excess profit shall be paid to the Council to fund the provision of additional affordable housing elsewhere in the Borough;
- At all times, it shall be open to the applicant and the Council to agree any off-site provision where it is agreed that such provision would best meet affordable housing needs in the borough.

46 The acknowledgement of the need to address affordable housing and a review mechanism through the inclusion of broad principles outlined above is welcomed. However, the principles should be more clearly defined and require further discussion. Prior to the application being referred back at stage two, GLA officers will require further information on the controls to be included, for example, the minimum and maximum levels of affordable per phase, tenures and rent levels, any off-site provisions and review mechanisms.

Housing choice and mixed and balanced communities

47 London Plan Policies 3.8, 3.9 and 3.11 and the Mayor's Housing SPG all accord priority to affordable family housing in new residential development, promote housing choice and seek a balanced mix of unit sizes and tenures in new developments in order to promote mixed and balanced communities, which can be achieved by providing a mix of tenures across the development and ensuring that the scheme is tenure blind.

48 The planning statement states that while the unit mix is not fixed, the target mix is to provide 30% one-beds, 40% two-beds and 30% three or four beds. The mix will be determined at the sub-framework plan stage having regard to the above target mix.

49 In order to create a mixed and balanced community across a new sustainable neighbourhood of this scale, it is crucial that tenures and unit sizes are mixed across the character zones and phases, where practicable. It is appreciated that the character areas will have different roles, in particular the District Centre, Port Quarter and Riverside areas will no doubt have a greater presence of smaller units to provide a critical mass to support the services and non-residential activity of these areas. Similarly, it is expected that the Suburbs and Ramparts will predominantly contain larger family homes. Whilst this strategy is understood, the applicant will need to ensure that tenures and unit sizes where possible are mixed between the phases. GLA officers welcome further discussion on how this matter can be controlled/monitored through the phases, as discussions about affordable housing develop. The target mix of units however, is nonetheless welcomed in this location.

Density

50 London Plan Policy 3.4 requires development to optimise housing output for different locations taking into account local context and character, design principles set out in London Plan

Chapter 7 and public transport capacity. Table 3.2 provides the density matrix in support of this policy.

51 As noted earlier in this report, the site currently has a poor public transport accessibility level (PTAL) rating of between zero and one given its previous use. As such, in its current form, it would only be appropriate for the lowest density range on Table 3.2 to be applied, which is 35-75 dwellings per hectare (dph) or 150-200 habitable rooms per hectare (hr/h). The extant consent (based on DLR as transport mitigation) allowed for a higher density based on improved public transport accessibility, and as outlined in paragraph 36, the ORL, together with the buses (including ELT), will provide the level of public transport accessibility on par if not better than that arising from the previous DLR/ELT combination. TfL forecasts for 2031 (when the development is expected to be complete) take account of the ORL, which shows that the site will generally have an improved PTAL of 2, with PTAL 3 around the station. The character setting to be created through the masterplan would be a mix of suburban and urban. In Table 3.2 of the London Plan, 'suburban' settings with moderate (2-3) PTAL allows for a density of 35-95 dph or 150-250 hr/h, and 'urban' settings allows for 45-170 dph or 200-450 hr/h.

52 The parameter plan below shows the densities proposed for each phases. The proposals seek to maintain the density targets established by the 2009 outline permission, although changes to densities across character zones/phases are proposed to take account of the change in transport mitigation and altered PTAL forecasting.



Image 1: Density parameter plan

53 Based on the density parameter plan above, the Suburbs and Riverside zones broadly accord with the London Plan SRQ density matrix. The Ramparts, Hill Town and Port Quarter character zones could have densities that partly exceed the guideline density within Table 3.2, although these areas would also have the best public transport accessibility being close to the district centre and train station and the esplanade that will carry the bus link. The site wide density of 109 dph is appropriate overall, and consistent with the earlier outline consent.

54 As noted earlier, the site is within an Opportunity Area and is a priority regeneration area where densities can be expected to be optimised. Following the Further Alterations, the

Consolidated London Plan gives greater emphasis on the need for high densities in appropriate locations such as town centres, opportunity areas and around transport hubs. Paragraph 3.28 of the London Plan also states that it is not appropriate to apply Table 3.2 mechanistically and that account should be taken of other factors relevant to optimising potential – such as local context, design and transport capacity, as well as social infrastructure, open space and play. The densities proposed would help deliver London Plan policy and the London Riverside OAPF aspirations and are therefore fully supported.

Urban design, residential quality and playspace

55 The development proposals have been commented on extensively through a series of pre-application meetings and GLA officers will continue to engage through regular meetings.

Layout principles

56 The indicative masterplan provides for a residential-led development, with commercial and leisure focus organised around a civic square and new station for the ORL. The Square will become a new mixed use district centre with retail, parking, a market place, cultural and leisure buildings, a hotel, offices and residential.

57 A new linear park, called the 'Esplanade', will act as a central spine providing recreational uses, and terminating in a Circus in stage 3 with retail, cafes and restaurants activating the ground floor of the perimeter buildings. Small scale retail and other non-residential uses are anticipated along 'Pylon Way', the street connecting the 'Circus' with 'Pylon Park' to the north of the development. The Esplanade curves as it runs west to east, reflecting the curve of the River Thames and the character of the inter-war housing built north of the A13.



Image 2: Indicative masterplan (Source: LDS)

58 In terms of the layout, the main access and circulation routes seek to maintain the broad principles established through the outline consent, and are parameter based, although the detailed layout will be agreed at sub-framework plan and reserved matters stage. Nonetheless, the design

and access statement sets out a typological approach to the masterplan layout comprising six distinct character areas each defined by location, density, form and materiality –

- Stage 1 (under construction);
- The Suburbs;
- The Ramparts and Hill Town;
- The Riverside;
- The Port Quarter, and;
- The Civic Quarter.

59 The design and access statement and masterplan, whilst indicative, outline a vision and intent for how each of these zones will evolve architecturally to respond to key constraints and opportunities, and to bring a unique personality to each area.

60 The layout across the character zones is tied together by the simple 100m x 100m grid layout, to give consistency and maximise permeability and legibility. Within this grid, hubs are then created, for example with the main district centre, and smaller local centre and civic spaces. The key connections increase access to the river, with the Esplanade designed to maximise the extent of bus accessibility. Perpendicular streets then provide access to urban blocks.

61 The district centre provides the main point of activity and a hub within the masterplan, where the Overground Rail Link will terminate. With commercial, cultural and education uses in this area and a clear view of the river, it has the potential to be a hub of community activity in a riverside setting. The Port, Waterfront and Riverside path will be well connected to the district centre extending this activity towards the river where the industrial heritage and biodiversity of the area can be appreciated. The layout principles and the parameters, on which these principles are based, are strongly supported.

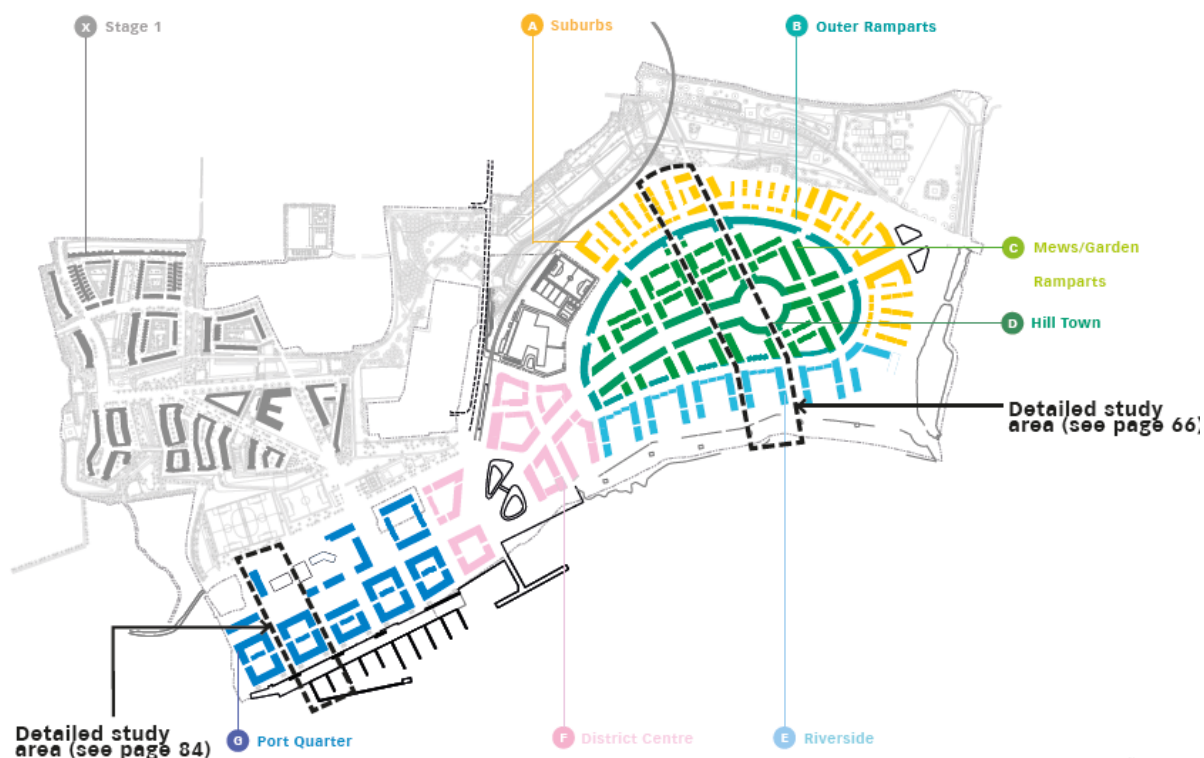


Image 3: Character zones (Source: LDS)

Height and density

62 Similarly, densities and building heights have broadly maintained the principles established in the earlier consent, although some changes are proposed to allow greater height and density to accommodate the new rail link and district centre. It should also be noted that levels vary across the site quite significantly, and the strategy for where building height should be accommodated has also been informed by the proposed levels plans which in turn has been influenced by the existing levels and the surcharging that has, and continues to, take place. The principles for density and height are as follows:

- Stage 4 gradually increases in height towards the Civic Square;
- Buildings in the perimeter of the central Garden Rampart zone are slightly higher than the central zone, with taller volumes at the street intersections to delineate junctions.
- Buildings on both sides of the main boulevard increase building heights at street junctions.
- Buildings along the Choats Road gateway (which separates stages 2 from 3), increases in height from north to south;
- Stage 2 and 3 riverfront buildings up to five storeys only to minimise environmental impacts.

63 The layout and heights indicative strategy has been tested in a number a townscape views throughout the masterplan plan process to ensure that public areas are not overshadowed and height is used as a wayfinding tool, striking the right balance between legibility context and density. The height and density strategy is supported at this stage.



Image 4: Aerial view of indicative masterplan from north-east (Source: LDS)

Materials and appearance

64 Materials and appearance will be a matter for sub-framework plans and reserved matters application. The indicated use of masonry materials such as brick, stone, slate and pre-cast concrete, with metal and zinc detailing and a mix of inset and projecting balconies, is broadly supported at this stage, subject to further detail to be secured at a later stage.

Residential quality

65 London Plan Policy 3.5 and the Housing SPG set out requirements for the quality and design of housing developments, including minimum space standards for new development. The Housing SPG also states that new residential development should generally not provide more than eight units per core, in order to promote a sense of community and ownership over one's home. In addition, in order to achieve a quality internal environment in terms of light and cross-ventilation, the SPG states that dual aspect units should be maximised and single aspect units facing north should be avoided altogether.

66 The design and access statement contains design principles across the character zones covering matters such as unit types, sizes and aspect, materials, punctuations and extent of non-active frontages, parking servicing and courtyards, with cross sections through parts of the masterplan provided with precedent images. This detail is not subject to approval through this S73 application however, as the level of detail for design codes will be coordinated through the sub-framework plans. Nonetheless, the detail within the design and access statement provides GLA officers with confidence in the design quality of the scheme going forward.

Playspace

67 Children and young people need free, inclusive, accessible and safe spaces offering high-quality play and informal recreation opportunities in child-friendly neighbourhood environments. Policy 3.6 of the London Plan states that development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs.

68 Playspace and detailed landscaping and amenity areas will be dealt with via the sub-framework plans and reserved matters. Nonetheless, the applicant has committed to ensuring that the playspace provision meets the requirements of London Plan Policy 3.6. As the masterplan includes a high proportion of family homes with private gardens, plus balconies and new areas of public open space, civic space, riverside path and sports park, GLA officers are confident that the playspace needs can be accommodated within the masterplan.

Waste management

69 Given the scale of the site, it is important that a comprehensive waste management strategy is developed. Earlier phases of the development that are now built have been less successful in terms of waste storage, which have impacted on the overall appearance of the streets, and the opportunity should be taken to improve on this for later phases. It is understood that the applicant is in discussions with comprehensive waste management providers (e.g. Envac), which is welcome, and GLA officers would like to be kept informed on these discussions.

Inclusive design

70 The aim of London Plan Policy 7.2 is to ensure that proposals achieve the highest standards of accessibility and inclusion. Inclusive design principles if embedded into the development and design process from the outset help to ensure that all of us, including older people, disabled and deaf people, children and young people, can use the places and spaces proposed comfortably, safely and with dignity.

71 Inclusive design will be dealt with through the detail in the sub-framework plans and reserved matters application, and the applicant is expected to note the following:

72 Residential units should be designed to be easily adaptable for wheelchair use (10%) to comply with Approved Document M4(3) of the Building Regulations, and 90% should comply with Approved Document M4(2). Conditions should be included to secure these.

73 Inclusive design in the public realm can help to ensure that the parking areas, the routes to the site and links to adjacent public transport and local services and facilities are also designed to be accessible, safe and convenient for everyone, particularly disabled and older people. The SFP and RM detail should include details showing how disabled people access each of the entrances safely, and include details of levels, gradients, widths and surface materials of the paths, and how any level changes on the routes will be addressed.

Parking

74 An accessible parking space should be provided for every wheelchair adaptable unit, and these should be appropriately located to minimise travel distances for wheelchair users. Accessible visitors' spaces should also be provided.

75 The provision and future management of the blue badge parking bays for the residents should be in line with the advice in the Wheelchair Housing Design Guide. A car parking management plan should be secured by condition, and should identify how bays will be allocated to residents of the wheelchair accessible units and should include a mechanism to ensure that the supply and demand of the blue badge bays are regularly monitored and the provision reviewed. This ensures that the provision going forward equates to the demand from disabled residents and visitors, and also ensures that the bays are effectively enforced.

Flooding

Flood risk

76 A flood risk assessment (FRA) has been undertaken by BMT WBM, which updates several previous FRA's that have been produced for this site.

77 The site is split between flood zones 1, 2 and 3a, and the FRA confirms that the site benefits from the existing high standard of protection from tidal flooding. It also confirms that the development will deliver an increase in the height of the tidal flood defences from 7.1m AOD to 8.2m AOD, in line with the Thames Estuary 2100 strategy, and that the risk of fluvial flooding from the Gores Brook and Buzzards Mouth sewer is low. The risks of surface water flooding are also low.

78 The FRA also considers the potential implications of breaches in the tidal flood defences at two modelled locations and concludes that whilst flood water will inundate some parts of the site, no residential dwellings would be flooded. Nonetheless, the assessment recommends that a flood evacuation plan is produced to accompany the proposed development. The proposals are acceptable in this regard and comply with London Plan Policy 5.12.

Surface water run-off

79 Although the site is generally at low risk of surface water flooding, the development of such a large area has the potential to create surface water flood risks, and London Plan Policy 5.13 and the sustainable drainage hierarchy contained within the policy are an important consideration for the development.

80 The FRA states that the development already benefits from a number of sustainable drainage measures constructed in line with a sustainable drainage strategy that Hyder produced in 2009. These measures include a number of basins, storage ponds and a pumping station that are designed to achieve greenfield run-off rates of 7.9l/ha/s.

81 The detailed requirements of the drainage system will be determined at the SFP and RM stages, but the current FRA proposes that the development is split into seven sub-catchments. Four of these sub-catchments will outfall to the Thames. In terms of the London Plan Policy 5.13, these outfalls will not require attenuation as they are discharging to the Tidal Thames, however, they may need some degree of attenuation to allow for any occasions when the outfalls are tide-locked, but this is a matter for detailed design.

82 The remaining three sub-catchments will discharge to the on-site fluvial rivers, will require attenuation. The FRA recommends the use of a range of techniques to attenuate and absorb rainwater, these include green roofs, permeable paving, water butts, raingardens, ponds, sub-surface attenuation and temporary storage of rainwater in suitable open spaces. These measures are acceptable and should be subject to detailed agreement with the Lead Local Flood Authority. To ensure that this matter continues to receive appropriate design attention the following suggested condition (or a similar wording) should be applied to any planning permission:

No development shall commence until a sustainable drainage regime meeting the requirements of London Plan policy 5.13 has been submitted to and approved by the Local Planning Authority in consultation with the London Borough of Barking & Dagenham Lead Local Flood Authority.

Ecology

83 London Plan Policy 7.19 states that the Mayor will ensure a proactive approach to the protection, enhancement, creation, promotion and management of biodiversity in support of the Mayor's Biodiversity Strategy. The Policy provides a hierarchy that should be applied when considering proposals that affect sites of nature conservation interest.

84 A biodiversity strategy has been undertaken as part of the updated environmental statement looking at the development impacts. The strategy sets out key components, criteria and principles for ecological protection, mitigation and enhancement at Barking Riverside. It also details strategic habitat creation proposals for the main public open space areas that are to be provided within pylon park, on land north of Choats Road, adjacent the Goresbrook and Ship and Shovel Sewer and within the Foreshore Park. Measures are also proposed for areas west of Renwick Road, including The Ripple Nature Reserve.

85 The strategy identifies the key ecological receptors for the proposed development, which have been identified through a review of the 2004 and 2008 environment statement documents, further informed by more recent detailed field surveys undertaken in 2015. The measures proposed have been designed to ensure that key ecological receptors are adequately considered at the detailed design stage for each relevant phase of site development, when each sub-framework plan is brought forward, and this is acceptable at this stage.

Climate change adaptation

Overview of proposals

86 The applicant has broadly followed the energy hierarchy, and provided sufficient information to understand the proposals as a whole. Further revisions and information are required however to verify the carbon dioxide savings.

Energy efficiency standards

87 A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include low energy lighting.

88 The risk of overheating in the dwellings will be minimised through overhangs, shading from balconies and designing for cross ventilation. The applicant has stated that dynamic thermal modelling in line with the CIBSE TM52 methodology will be carried out at the reserved matters stage - this should be secured by condition. The applicant should particularly consider how best to mitigate any restrictions posed by, for example, local air quality/noise issues, ground floor apartments and single aspect units. In the overheating study provided with each reserved matters application, it should also be demonstrated how the demand for cooling will be minimised in the non-domestic building.

89 The development is estimated to achieve a reduction of 1200 tonnes per annum (8%) in regulated carbon dioxide (CO₂) emissions compared to a 2013 Building Regulations compliant development. Sample SAP calculation worksheets (both DER and TER sheets) and BRUKL sheets including efficiency measures alone, are required to support the savings claimed.

District heating

90 The applicant has carried out an investigation and there are no existing or planned district heating networks within the vicinity of the proposed development. However, the applicant has determined that the site is situated within a district heating opportunity area. The site was proposed to connect to waste heat from Barking Power station. However, this facility is now closed and therefore connection is not possible. The applicant has, however, acknowledged that the scheme could eventually be connected to the proposed Barking Town Centre heat network.

91 The applicant has acknowledged the potential of the site becoming a catalyst for an area wide network and has investigated the potential for providing heat to external developments, which is welcomed. As outlined in the latest GLA energy assessment guidance, large-scale developments which have this potential, must investigate the feasibility of including additional space within the energy centre and capacity within the site heat network to supply heat to nearby developments and/or existing buildings (where applicable). The applicant should therefore contact the local borough energy officer to discuss the potential for including additional provisions within the energy centre, including additional space, to facilitate the development of a heat network in the area or connection to the Barking Town Centre network.

92 The applicant is proposing to install a site heat network, and has provided an indicative route of the network linking all buildings. The applicant should confirm that all residential units and non-domestic building uses will be connected to the site heat network. The network will be supplied from a single energy centre, which will be 620 sq.m in size and located in Phase 2. The energy centre footprint area appears small compared to the size of the generation plant proposed.

As outlined above the applicant should investigate the feasibility of including additional space to facilitate a future network expansion.

93 The applicant is proposing a number of temporary energy centres with gas boilers for Phase 1. The applicant should provide further information on the temporary energy centres, including area, estimated boiler size and whether they will be included as part of the final site wide heat network. Further information should also be provided relating to the phasing schedule (timing and quantum of development in each phase) and rational for the location of the energy centre in order to justify the temporary energy centre approach.

Combined heat and power (CHP)

94 The applicant is proposing to install a 5000 kWth gas fired CHP unit as the lead heat source for the site heat network. The CHP is sized to provide the domestic hot water load, as well as a proportion of the space heating. A reduction in regulated CO₂ emissions of 4200 tonnes per annum (27%) will be achieved through this second part of the energy hierarchy.

Renewable energy technologies

95 The applicant is currently predicting that the CO₂ emissions target of London Plan Policy 5.2 will be met without the requirement for renewable energy. However, the applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install photovoltaic (PV) panels should additional carbon savings be required following detailed modelling. The installation of solar PV would be strongly supported to maximise carbon savings on site and comply with Policy 5.7.

Overall carbon savings

96 A reduction of 5400 tonnes of CO₂ per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected, equivalent to an overall saving of 35%.

97 The carbon dioxide savings exceed the target set within Policy 5.2 of the London Plan. However, the comments above should be addressed before compliance with London Plan energy policy can be verified.

Transport

Transport strategy

98 As part of the 2009 outline planning permission, a transport strategy and associated delivery framework was produced and secured through the section 106 agreement. The strategy aimed to promote the delivery and use of sustainable transport at Barking Riverside, and provided a framework for implementing, managing and monitoring the various transport projects and initiatives across the masterplan. These documents will need to be updated to reflect the revised masterplan and changes to proposed transport provision, and include an updated governance structure. The transport strategy should also set ambitious mode share targets for sustainable travel, in order to reduce the need to travel by car and reduce the impact on the A13, and to encourage residents and visitors to walk, cycle and travel by public transport. A draft strategy is currently being discussed with the Council and applicant and the final version will need to be secured through the section 106 agreement and reviewed at each SFP stage.

Traffic modelling and highway impact

99 TfL has worked very closely with the applicant on the strategic traffic modelling. The assessment is consistent with the work undertaken for the Overground Rail Link in the application material, and is therefore satisfactory. The local junction modelling is also acceptable.

100 The assessment assumes that the Steel Approach improvement scheme will be in place in 2021, and TfL is currently developing proposals in more detail. This will provide a new road link between Renwick Road and the A13, via the existing Steel Approach Road, Ripple Road and Lodge Avenue. A contribution of £5.4m (index linked) was secured through the previous section 106 agreement for A13 improvements. As a minimum this amount will need to be secured through the revised agreement, as the proposed highway solution is in response to the development proposals and therefore an appropriate developer contribution is a reasonable request.

101 Whilst the modelling indicates that the impact on the A13 itself would be manageable, it does identify significant increases in traffic on the River Road and Choats Manor Way approaches to the A13 junctions (in addition to Renwick Road). The transport strategy will need to identify measures to mitigate these impacts, which could include ambitious mode share targets for public transport, traffic management measures, other sustainable travel initiatives and highway improvements where necessary.

102 TfL has also provided comments on the operation and capacity of some of the local junctions within the site and requests further discussions with the applicants.

Buses

103 The provision of high quality, high frequency bus services at Barking Riverside is a key element of the masterplan, and will complement the introduction of the ORL. The bus network strategy has been updated to reflect the change from the DLR to the ORL, with a bus only corridor being provided along the previous alignment of the DLR (the Esplanade). The illustrative bus network set out in the TA has been developed in conjunction with TfL and is therefore supported.

104 As indicated in the TA, a contribution towards these bus service enhancements will need to be secured through the section 106 agreement. The existing agreement includes a contribution of £10.8m and at least this amount will need to be secured through the revised agreement, if the bus network that is essential to support this development is to be delivered. It is understood that this is also subject to the outcome of the ongoing viability assessment.

105 All residential units will need to be within 400 metres of a bus stop, as agreed for the 2009 outline planning permission. The provision of bus stops, stands and turning facilities required to deliver the bus service enhancements will need to be secured through the section 106 agreement.

106 TfL has also raised some detailed comments on the proposed highway layout in relation to buses, and these should be addressed through the masterplan and at the appropriate SFP stage.

Car parking

107 The proposed level of car parking is in line with the 2009 permission, with a proposed maximum ratio of one space per dwelling for the first 4,000 units, then a maximum of 0.7 spaces per unit for the completed development. This results in a maximum of 7,560 spaces for the residential use. Up to 1,000 spaces for non-residential uses are proposed. The proposed level of car parking is acceptable from a strategic perspective.

108 TfL supports the commitment in the transport assessment to submit a car parking management plan. This should cover both residential and commercial spaces, and set out proposed levels of blue badge and electric vehicle charging point provision in line with London Plan standards. Given the current issues with car parking in Stage 1 of the development, management and enforcement will need to be significantly improved to ensure that similar problems are avoided in future phases. This should include consideration of a controlled parking zone throughout the site.

Cycle parking

109 TfL supports the commitment in the TA to provide cycle parking in line with minimum standard set out in the London Plan. This should apply to all land uses and include appropriate levels of visitor parking. In order to encourage cycling, showers, lockers and on-site changing facilities should also be provided for staff. These should all be secured by condition and further details should be provided at each SFP stage. Further details on cycle parking design can be found in the TfL London Cycling Design Standards (LCDS).

Street hierarchy and typologies

110 TfL has provided detailed comments to the applicant and the Council on the proposed street hierarchy and typologies. These relate to street widths, bus priority and stop provision, pedestrian footways and crossings, cycling provision, on-street car parking and the aspiration for a 20mph speed limit throughout the site. Some of these will need to be addressed and safeguarded through the masterplan, but others can be dealt with at the appropriate SFP stage.

Local junction layouts

111 TfL has sent detailed comments to the applicant and the Council about the junction layouts within the site. These relate to bus priority, cycling and pedestrian provision and will need to be addressed in the masterplan or at the appropriate SFP stage.

Use of the river

112 Given the location of the site and the existing infrastructure, the use of the river for freight should be maximised during construction. TfL is also currently investigating the potential for passenger services to the site and is keen to discuss this further with the applicant.

113 The commitment to investigate the feasibility of river freight during construction through the construction logistics plan is welcome, and this should include targets for maximising the amount of material transported by river, if it is found to be workable. A commitment to implement passenger services should also be secured through the section 106 agreement, if it is feasible.

Taxis

114 The TA states that facilities for taxis and private hire vehicles will be provided at Barking Riverside station. Taxi provision to serve the retail and leisure facilities elsewhere on the site could also be required depending on the potential demand, and this should be reviewed at each SFP stage.

Deliveries and servicing, construction logistics and travel planning

115 The proposal to submit updated delivery and servicing, construction logistics and travel plans is welcome. These should all be in line with TfL guidance and be secured through the section 106 agreement or by condition. They should also be reviewed at each SFP stage in order to ensure that measures are appropriate and follow the most recent best practice.

Local planning authority's position

116 The applicant has been engaged in extensive pre-application discussion with Barking and Dagenham Council over the last two years, and it is understood that the Council broadly support the proposals.

Legal considerations

117 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

118 There are no financial considerations at this stage.

Conclusion

119 London Plan policies on **land use principles, housing, urban design, inclusive access, energy, and transport** are relevant to this application. The application complies with the majority of these policies and is broadly supported but some further information is needed in order to fully comply with the London Plan. The potential remedies to issues of non-compliance are set out below:

- **Land use principles:** The site has been designated as a major regeneration and housing/employment site in both strategic and local policies for a number of years. The principle of the development has already been established by the earlier and extant outline consents, of which the latter 2009 consent has been partly implemented. The principle of the development and mix of uses proposed is therefore strongly supported.
- **Housing, affordable housing:** At this stage the target mix of units is welcomed, and the affordable housing principles are welcomed. However, further information is needed on the minimum and maximums levels to be provided in each phase, and mechanisms allowed for any off-site solutions. GLA officers will continue to be involved in affordable housing discussions and viability meetings throughout the course of the application to ensure London Plan Policies are complied with in respect of maximum reasonable.
- **Design, density, residential quality, playspace, inclusive design:** The parameters for density, height, access and connectivity are based on the earlier outline consent remain supported. The urban design principles underlying the indicative masterplan create character areas and hubs of town centre and civic activity to enliven the masterplan. The grid-based layout is simple and maximises legibility and permeability, ensuring the masterplan area will be walkable, navigable and maximises connections to the riverfront, district centre and other character zones of activity. Matters of playspace and inclusive

design are broadly acceptable at this stage but will be subject to further scrutiny at the detailed stage.

- **Inclusive access:** General expectations are outlined for considerations at the next stage.
- **Flooding:** The risks of tidal and fluvial flooding are low due to existing tidal flood defences. A condition is proposed to ensure surface water run-off is managed.
- **Ecology:** The measures proposed in the biodiversity strategy have been designed to ensure that key ecological receptors are adequately considered at the detailed design stage for each relevant phase of site development, when each sub-framework plan is brought forward, and this is acceptable at this stage.
- **Energy:** A reduction of 5400 tonnes of CO₂ per year in regulated emissions compared to a 2013 Building Regulations compliant development is expected, equivalent to an overall saving of 35%. The carbon dioxide savings exceed the target set within Policy 5.2 of the London Plan. However, further information is required in order to verify the expected savings and ensure compliance with the London Plan.
- **Transport:** Whilst TfL supports the development, further information is required to ensure the impacts of the development are appropriately mitigated. Further information and discussions is required on: highway impact and mitigation, car and cycle parking, buses, river usage, and construction impacts and logistics. Other matters, such as street hierarchies will require further discussion at SFP stage.

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