



**LONDON THAMES GATEWAY DEVELOPMENT CORPORATION**

**PLANNING COMMITTEE MEETING: 9th August 2007**

**Planning Application for LTGDC's Determination**

**Report of the Director of Planning**

**CASE NUMBER:** LTGDC-06-157-PP      **DATE MADE VALID:** 13/12/2006

**APPLICATION NO:** 06/01251/OUT      **TARGET DATE:** 14/03/2007

<b>APPLICANT:</b>	Redrow Regeneration (Barking) Ltd
<b>AGENT:</b>	Hepher Dixon
<b>PROPOSAL:</b>	Application to develop land at Town Square, Clockhouse Avenue, 10-26 Ripple Road and Axe Street, Barking without complying with conditions 2 and 4 attached to planning permission having reference 02/00653/OUT dated 22 December 2003 and the reserved matters approval given thereafter having reference LTGDC/2007/PC26 (Borough reference number 06/01249/REM) such conditions relating to the timing of the submission of reserved matters and public car parking provision.
<b>LOCATION:</b>	Town Square, Clockhouse Avenue/Ripple Road/Axe Street, Barking

**1. SUMMARY**

1.1 This is an application by Redrow Regeneration (Barking) Ltd to carry out the redevelopment of the Town Square area in Barking without complying with 2 conditions on the outline planning permission relating to the time that the reserved matters can be submitted and the need to reprovide 50 public car parking spaces within the development. The application is considered to be acceptable in principle subject to the conclusion of a new Section 106 agreement to replace the existing agreement

incorporating a financial contribution to allow the reprovision of the public car parking spaces elsewhere in the town centre, as well as carrying forward all of the provisions in the current S106 agreement for the Town Square development.

## **2. SITE AND PROPOSAL**

### **2.1 Description of Site & Surroundings**

2.11 The site is located in the centre of Barking Town Centre adjacent to the Town Hall, the site is described in both the report on the outline permission and in the more recent report for the reserved matters approval for phase 2 of the development (appended to this report at appendix 2 and 3 respectively) and is therefore not repeated here.

### **2.2 Description of Proposal**

2.21 A description of the proposal in the outline planning application is contained within the report attached at appendix 2 and is therefore not repeated in this report. Phase 1 of the development is already completed and includes the Barking Lifelong Learning Centre, with residential accommodation above. The reserved matters approval for phase 2 was that granted on 21<sup>st</sup> June 2006 following consideration by this committee on and completion of the S106 agreement. The proposal is described in detail in that report, which is attached at appendix 3.

2.22 This application is made under Section 73 of the Town and Country Planning Act 1990 and seeks to carry out the approved development without complying with conditions 2 and 4 of the outline permission such conditions relating to the timing of the submission of reserved matters and public car parking provision.

2.23 Condition 2 states :

“Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission.”

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by S.51 of the Planning and Compulsory Purchase Act 2004).”

2.24 This is a standard condition to ensure that developments are implemented in a timely manner and do not create uncertainty in the longer term. There is no requirement for this condition now as all reserved matters have been submitted.

2.25 If permission is granted under Section 73 to allow the development of land without complying with one or more conditions on the outline permission the new permission is effectively a fresh grant of outline permission for the development. Accordingly it is necessary to repeat all the conditions on the original approval. There is, however, no longer a need for condition 2 as reserved matters approvals have now been granted in respect of all parts of the site (see section 4) and it could not be legally imposed to extend the period in which such applications could be submitted.

2.26 Condition 4 states:

“A minimum of 50 spaces in the proposed car park shall be reserved for public car parking. The allocation of the remaining spaces between the various component uses of the scheme shall be agreed with the Local Planning Authority prior to the commencement of use of the car park and thereafter the spaces shall only used for the agreed purpose.

Reason:

In the interests of maintaining an adequate amount of public car parking within the Town Centre.”

2.27 The outline planning application proposals included the redevelopment of a 50 space public car park in Clockhouse Avenue and, in the interests of maintaining the vitality and viability of Barking Town Centre, it was considered that an equivalent amount of public car parking should be reprovided within the scheme. The outline application indicated that a building in Axe Street would be the site of a 4 level car park accommodating 141 parking spaces (50 of which would be available to the public).

2.28 The reserved matters approval granted on 21<sup>st</sup> June 2006 included a building in Axe Street incorporating a basement car park providing 50 public spaces. However, a further full application has been received, which is considered elsewhere on this agenda, for the erection of a similar building on the same site but excluding the public car park.

2.29 The applications taken together therefore propose to remove the provision of public car parking from within this development, and instead provide a commuted sum which could be used for the reprovion of car parking elsewhere in the town centre.

2.29 The proposal is considered to comprise a Schedule 2 development under the provisions of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as it comprises an “urban development project” where the area of the development exceeds 0.5 hectare. In these circumstances the Local Planning Authority are required to adopt an opinion (a screening opinion) as to whether an Environmental Impact Statement (an EIA) is required to be submitted. A screening opinion was issued by the Borough on the original outline application which concluded that the proposals would not be likely to have significant effects on the environment. A further screening exercise has been carried out on this application which has come to the same conclusion. As such it has been determined that an EIA is not required for this application.

### **3. MAIN ISSUES**

1. Principle of the loss of on site public car parking spaces.

### **4. RELEVANT SITE HISTORY**

07/00576/FUL - Erection of 8 storey building comprising 40 residential units (18 one-bedroom flats, 4 two-bedroom flats and 18 three-bedroom flats) with associated landscaping and car parking – Land at Axe Street, Barking. Pending.

06/01250/REM – Duplicate application to 06/01249/REM. This application is being held

in abeyance and should be withdrawn shortly.

06/01249/REM - Submission for approval of reserved matters: siting, design and external appearance, means of access and landscaping for Phase 2 of mixed use development for Barking Town Square including five blocks with commercial floorspace of 4505 sq metres (Use Classes A1 (shops), A2 (financial and professional services), A3 (restaurants and cafes), A4 (drinking establishments), B1 (business), ) and 272 residential units and an extensive public realm area together with parking and servicing areas including 50 public car parking spaces. Approved 21.06.07.

06/00231/REM – Revised application for approval of reserved matters: siting, design, external appearance, means of access and landscaping of initial stage (Barking Life Long Learning Centre and Garden Housing) of mixed use development for Barking Town Square (replacement of previous approval 04/00770/REM, increasing number of dwellings from 206 to 246). Approved 05.06.06.

04/00770/REM - Revised application for approval of reserved matters: Design of Initial Stage (Barking Life Long Learning Centre and Garden Housing) of mixed use development for Barking Town Square. Approved 17.02.05.

03/01001/REM - Application for approval of reserved matters: (Siting and means of access to whole development/design of initial stage) - Mixed use development to provide new residential, office and retail uses together with refurbishment and extension to existing library to form Life Long Learning Centre and ancillary car parking and servicing. Approved 02.03.04.

02/00653/OUT - Outline application: Mixed use development to provide new residential, office, retail and leisure uses together with refurbishment and extension to existing library to form life Long Learning Centre together with ancillary car parking and servicing. Approved 22.12.03

## **5. CONSULTATIONS/NOTIFICATIONS**

a) Greater London Authority

No reply received. Unless a response is received by the time that this application is due to be determined stating that the Mayor is content for the planning authority to grant permission, the application will need to be referred back to the Mayor for his direction.

b) Environment Agency

No objections in regard to the proposed drainage and surface water system.

c) English Heritage – (Buildings)

No comments.

d) English Heritage (Archaeology)/London Fire and Emergency Planning Authority/London City Airport/Thames Water Utilities/ Metropolitan Police Service - Crime Prevention Design Advisor/EDF Energy

No comments received.

### **LBBB Internal Consultees**

<p>e) Environmental Protection/Area Regeneration/Access Officer/Traffic and Road Safety/Environmental Sustainability No comments received.</p>	
<p><b>6. APPLICATION PUBLICITY</b></p>	
<p><b>6.1 Site Notice Expiry:</b></p>	<p><b>30/01/2007</b> <b>(Readvertisement)16/07/2007</b></p>
<p><b>6.2 Press Notice Expiry:</b></p>	<p><b>18/07/2007</b></p>
<p><b>6.3 Neighbour Notification:</b> No direct neighbour notification carried out.</p>	
<p><b>7. REPRESENTATIONS</b></p>	
<p>None received.</p>	
<p><b>8. RELEVANT PLANNING POLICY</b></p>	
<p><b>8.1 Planning Policy Guidance</b></p> <p>PPS1 - Delivering Sustainable Development PPG3 - Housing PPS6 - Planning for Town Centres PPG13 - Transport PPS22 - Renewable Energy PPG15 – Planning and the Historic Environment PPG16 Archaeology and Planning PPG24 – Planning and Noise</p>	
<p><b>8.2 The London Plan (Feb 2004)</b></p> <p>2A.1 Sustainability Criteria 2A.5 Town Centres 3A.1 Increasing London's Supply of Housing 3A.2 Borough Housing Targets 3A.4 Housing Choice 3A.5 Large Residential Developments 3A.7 Affordable Housing Targets 3D.1 Supporting Town Centres 4A.7 Energy Efficiency and Renewable Energy 4A.8 Energy Assessment 4A.9 Providing for Renewable Energy 4B.1 Design Principles for a Compact City 4B.2 Promoting World-Class Architecture and Design 4B.3 Maximising the Potential of Sites 4B.4 Enhancing the Quality of the Public Realm 4B.5 Creating an Inclusive Environment</p>	

### **8.3 LB BARKING AND DAGENHAM UDP**

- H.1 Housing Supply
- H.4 Low Cost Housing
- H.6 Housing for People with Disabilities
- H.13 New Residential Development
- H.14 Environmental Requirements
- H.15 Residential Amenity
- H.16 Internal Design
- H.17 Car Parking
- Strategic policy H (Barking Town Centre)
- BTC.1 Town Centre
- BTC.12 Environmental Improvements
- BTC.13 Design
- BTC.21 Town Square Site
- BTC.22 Central Library
- BTC.24 Site of 87 Axe Street
- DE.1 Urban Design
- DE.6 Safety and Security
- DE.7 High Buildings
- DE.16 Hard Landscape
- DE.34 Locally Listed Buildings
- DE.36 Development on Sites of Archaeological Importance
- G.32 Litter and Flytipping
- G.36 Noise and Vibration
- G.40 Energy
- G.46 New Developments (Nature Conservation)
- C.15 Access
- T.19 Provision for Cycling
- T.32 Service Areas

### **8.4 Other Relevant Planning Policies & SPG's**

Interim Parking Standards January 2002  
Barking Town Centre Interim Planning Guidance 2004 (IPG).

### **9. ASSESSMENT OF MAIN ISSUES**

9.11 As discussed in paragraph 2.25 the removal of condition 2 is a legal and procedural matter. It is not possible to alter the time for submission of reserved matters, and the time on the original condition has passed. The description of development makes reference to the latest reserved matters approval, and there is no further submission of reserved matters necessary. No objections are raised to the grant of outline permission without this condition.

9.12 With regard to condition 4 which requires the reprovision of 50 spaces of public car parking within the scheme, the applicant states that the spaces have been taken out to reflect the increased importance of providing additional housing and the need to make the scheme viable and deliverable. It also states that the scheme involves a

relatively small amount of commercial floorspace which would not be likely to impose significant demands on public car parking spaces.

9.13 However, major town centres such as Barking must provide a certain level of public car parking in order to stay competitive and in recognition that not all journeys will be undertaken by public transport. PPG 13 alludes to this by stating that “a balance needs to be struck between encouraging new investment to town centres by providing adequate levels of parking, and potentially increasing traffic congestion caused by too many cars”.

9.14 Recent guidance contained within the IPG for Barking Town Centre states “A number of car parks will be closed while the town centre is being regenerated. With the expected regeneration over the next five years, the existing amount of car parking will present long-term car-parking problems if it is not increased by 6% to 10% by 2020. This may affect the future viability of Barking Town Centre unless more parking is provided. Due to lack of space in the town centre, it is likely that a multi-storey car park will be needed.”

9.15 With regard to public car parking within Barking Town Centre, the car park at Axe Street has recently closed to allow the construction of 93 flats resulting in the loss of 110 car parking spaces. Similarly, construction has also begun on a new child and family health centre together with 22 flats on the Town Hall car park site involving the loss of 100 spaces. Finally construction has recently commenced on a Foyer in the former car park in Wakering Road resulting in the loss of a further 57 spaces. Accordingly there has been a total loss of 317 public parking spaces within the Town Centre including the 50 spaces which would be lost to make way for the Town Square development, if the car parking were not reprovided on site. To compensate for some of the spaces lost recently, work has recently completed on the provision of on-street pay and display parking spaces along St Pauls Road and Abbey Road (45 spaces) and additional marked bays have been provided in George Street (17 spaces), William Street (14 spaces), London Road (10 spaces), Linton Road (10 spaces) and at Town Quay (3 spaces) which have provided 99 new spaces in total. A temporary 85 space car park has also recently been constructed on the site of 1-8 Wellington Street and 45-65 Axe Street, Barking.

9.16 In the longer term the temporary car park at Wellington Street/Axe Street has been identified in the Barking Town Centre Movement Strategy and the Axe Street Master Plan as the possible site for a new 350 space multi-storey car park to meet the growing needs of the Town Centre.

9.17 In the context of proposals to provide a multi storey car park on land in close proximity to the application site, it is considered that the loss of the basement car park within the proposed Axe Street building is acceptable subject to a contribution toward the off site provision of spaces, in lieu. Although the car park would have provided useful public parking spaces there were unresolved issues (dealt with by condition on the reserved matters approval, requiring submission of further details) concerning the detailed design of the car park and residential amenity including the need to make the car park clearly legible to car park users. Moreover, it would make sense to rationalise the car parking arrangements for the Town Centre and concentrate on the construction of one large new multi-storey car park on a site nearby rather than have a proliferation of smaller car parks.

9.18 The Interim Planning Guidance for Barking Town Centre provides a formula for a financial contribution in lieu when public car parking spaces are lost. This states that the Council will seek £15,000 plus 10% for every parking space lost. This would equate to £825,000 in this instance. The developers have stated that such a sum would make the scheme financially unviable. As a result of negotiation with the applicant, a figure of £550,000 has been agreed, which acknowledges the need for the development to remain viable whilst providing a realistic sum to go towards off site provision of car parking. This sum will be secured through the S106 agreement, and whilst it is expected that this sum will, alongside other funding sources, be utilised towards the construction of the multi storey car park on Axe Street, the S106 agreement will allow this sum to be used for the provision of off street public car parking spaces within Barking Town Centre, to allow for further options to be considered should the multi storey proposal not go ahead.

## **10. CONCLUSION AND REASONS FOR APPROVAL**

10.1 In conclusion it is considered that the redevelopment of Town Square provides for a mix of retail, office, civic, educational and residential uses which have the potential to significantly add to the attraction of the town centre. The scheme, including the provision of substantial areas of public space, is well designed, will improve the urban fabric and provide a further highly visible sign of confidence in the town centre which will act as a catalyst for attracting further development.

10.2 The loss of the public parking spaces is considered to be acceptable subject to the payment of the agreed sum of £550,000 in lieu of on site provision.

### **RECOMMENDATION:**

**That the application be delegated to the Director of Planning to approve subject to:**

**(1) any direction from the Mayor of London or the Secretary of State for Communities and Local Government (the application involves a departure from the development plan and comprises land belonging to a planning authority) ; and**

**(2) the conditions listed below and the completion of a S106 agreement to replace the existing agreement for Town Square including the agreed financial contribution of £550,000 towards the off site provision of public car parking spaces, and all of the requirements of the current S106 which the new agreement will replace.**

### **Conditions & Reasons:**

1) Approval of the details of the siting, design and external appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority, and the development shall not be carried out except in accordance with the details so approved.

Reason:

The application is in outline only, and these details remain to be submitted and approved.

2) The development permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason:

To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by S.51 of the Planning and Compulsory Purchase Act 2004).

3) A minimum of 5% of the agreed car parking spaces shall be reserved for disabled users with blue badges in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. The allocated spaces shall be carefully positioned and designed in accordance with BS 8300.

Reason:

To ensure and promote easier access for disabled persons to the development and Town Centre.

4) The approved development shall make provision for cycle/motorcycle parking in accordance with a scheme that shall have been submitted to and approved by the Local Planning Authority.

Reason:

In the interests of promoting alternative modes of travel other than the private car in order to minimise polluting emissions.

5) All parts of the development, including the car park and all external circulation areas shall be designed to be accessible to people with disabilities in accordance with details submitted to and approved by the Local Planning Authority.

Reason:

In the interests of providing easier access within the development to people with disabilities.

6) There shall be no amplified noise from any Class A3 or D2 uses audible in neighbouring residential properties from midnight till 8.00 am.

Reason:

To prevent the use causing any undue disturbance to occupants of neighbouring properties at unreasonable hours.

7) No external construction works, deliveries, external running of plant and equipment or internal works audible outside the site boundary shall take place on the site other than between the hours of 0800 to 1800 on Monday to Friday and 0800 to 1300 on Saturday or on Sundays, Public or Bank Holidays without the prior written permission of the Local Planning Authority.

Reason:

To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours and in accordance with Policy G.36 of the Unitary Development Plan.

8) No development shall take place until a scheme for the storage and disposal of waste and refuse (including vehicular access thereto) has been submitted to and approved by the Local Planning Authority. This scheme shall be implemented and operational prior to the first occupation of the part of the development to which it relates and shall thereafter be retained as such.

Reason:

To provide satisfactory refuse storage provision in the interests of public health and to protect the appearance of the development.

9) No part of the development shall be occupied until details of a scheme to screen the Axe Street electricity sub-station have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the Courtyard housing.

Reason:

In the interests of the visual amenity of the area.

10) The development shall not be commenced until a written scheme and programme of archaeological investigation has been submitted to and approved by the Local Planning Authority, and the development shall not be carried out except consistently with and in conformity with such approved scheme and programme.

Reason:

To safeguard the heritage of the Borough by providing an adequate opportunity to investigate and excavate archaeological remains on the site before development is carried out in accordance with Policy DE36 & 37 of the Unitary Development Plan.

11) No development approved by this permission shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to the Local Planning Authority for approval:

a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the Local Planning Authority prior to investigations commencing on site.

b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the Local Planning Authority. No remediation works shall commence on site until the Local Planning Authority have approved the

strategy. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To prevent pollution of the water environment and in order to quantify any hazards already existing on the site in accordance with Policy G28 of the Unitary Development Plan.

12) No building hereby permitted shall be occupied until a green travel plan has been submitted to and approved by the Local Planning Authority. The green travel plan should outline proposals to minimise car-borne trips and encourage the use of public transport, and, once approved, should thereafter be retained and reviewed.

Reason:

To encourage the use of alternatives to the private car as a means of accessing the site in the interests of sustainability and minimising polluting emissions.

13) Before the development hereby approved is commenced a survey of existing noise levels, details of which shall be agreed with the Local Planning Authority shall be carried out and where necessary, based on the results of this survey, details of the methods to protect future occupiers from existing noise levels should be submitted to and agreed by the Local Planning Authority.

Reason:

In order to ascertain which Noise Exposure Category the site falls into and to safeguard the amenities of the future occupiers of the development in accordance with the requirements of Policy S8 of the Unitary Development Plan.


**CASE OFFICER:** Sara Purvis

**Appendix 1: Site Location Plan**

**Appendix 2: Report to Committee on Outline Planning Application**

**Appendix 3: Report to Committee on Reserved Matters Application for Phase 2**