

PLANNING COMMITTEE MEETING: 10th March 2011

**PLANNING APPLICATION FOR DETERMINATION BY THE LTGDC
REPORT OF THE DIRECTOR OF PLANNING**

UDC CASE NUMBER:	LTGDC-10-179-FUL	DATE MADE VALID:	29/11/2010
APPLICATION NUMBER:	10/01038/FUL	TARGET DATE:	TBC

APPLICANT:	BY Development Ltd.
AGENT:	N/A
PROPOSAL:	Demolition of existing buildings and redevelopment of the site to include the erection of three buildings (Blocks A, B, C and D) ranging from 8-15 storeys to comprise 269 residential units, flexible creative industries/commercial/community floorspace (Use Classes A1, A2, A3, A4, B1, D1, D2), energy centre, car parking and motorcycle parking spaces to be provided at grade and within a basement beneath blocks C and D, cycle spaces, landscaping of private and communal amenity space and other associated works.
LOCATION:	Creative Industries Quarter, 62-96 Abbey Road, Barking, IG11 7BT.

1. SUMMARY

1.1 On 26 November 2010, BY Development Ltd submitted a planning application to redevelop 62-96 Abbey Road by demolishing the existing buildings and redeveloping the site with three buildings ranging from 8-15 storeys comprising 269 residential units and flexible commercial floorspace within Use Classes A1, A2, A3, A4, B1, B2, D1, D2, energy centre, car parking and motorcycle parking spaces and associated landscaping. The application is referable to the Mayor of London.

1.2 The application was revised on 4 February 2011 to address design quality, flood risk, housing tenure and mix, sustainability and transport issues. This resulted in an increase in the number of residential units from 269 to 272 and a reduction in the amount of flexible commercial space.

1.3 The application site is divided into different land ownerships. The Corporation, in its capacity as Regeneration Agency, purchased a significant part of the application site and land adjacent between 2006 and 2009, including the Malthouse and Granary buildings and the former Fishing Smack, Barford Chemicals and Smith Bailey Anderson sites. To acquire the remaining land interests (RS Foods and Wigzell Engineering), the Corporation resolved to make a Compulsory Purchase Order (CPO). A CPO Inquiry

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

was held in May and September 2010 and the CPO was confirmed by the Secretary of State on 25 January 2011.

1.4 BY Developments Ltd is the trading name of Bouygues Development and the Corporation's preferred development partner to purchase and redevelop the assembled site. It is understood that BY Developments Ltd will construct the development before its sale to a housebuilder. The application constitutes a revision to the application submitted by the Corporation, in its capacity as Regeneration Agency, and granted planning permission on 15 September 2009 by the Corporation, in its capacity as Local Planning Authority. The application boundary does not include the Malthouse, Granary and Granary extension.

1.5 The Granary and Granary extension (Barford Chemicals) was sold by the Corporation to Roof Holdings Ltd. Roof Holdings Ltd. are currently refurbishing and extending the Granary before occupation later this year. The Malthouse provides creative accommodation managed by SPACE.

1.6 The application site is located 400m to the west of Barking Town Centre and 1,000m from Barking Station. The site is bounded by Abbey Road and the Gascoigne Estate to the east, the River Roding to the west, the existing Gladedale and proposed Battery Wharf residential developments to the south and the Abbey Road Business Park (Sharleston Wharf) to the north. The site contains the Abbey Road Riverside Conservation Area. The Malthouse and Granary are locally listed buildings located within the Abbey Road Riverside Conservation Area (see appendix 1).

1.7 The application proposes redevelopment in two phases to provide:

- Residential (C3) (18,770m² or 272 units);
- Flexible commercial floorspace (A1, A2, A3, A4, B1, D1, D2) (1,386m²);
- 105 car parking spaces comprising 61 residential spaces (including 4 car club spaces) and 44 commercial spaces;
- A bridge approach road to facilitate the future bridging of the River Roding for buses, pedestrians and cyclists;
- Vehicle, pedestrian and cycle access from Abbey Road;
- Public realm, public open space and private amenity space.

1.8 The principle of redeveloping the site with a mixed use development, comprising housing and flexible commercial floorspace, is consistent with the adopted Unitary Development Plan, emerging Local Development Framework and the London Plan on the basis that a proportion of the flexible commercial floorspace is appropriately safeguarded for creative accommodation through a S106 Agreement. LTGDC and LBBDD have promoted a Creative Industry Quarter, focused on the historic Malthouse and Granary buildings, for some time and it is a clear policy objective within the LBBDD Local Development Framework.

1.9 The application proposes a height, scale and form of development that responds appropriately to its context. Development blocks located within the Conservation Area adopt a siting and massing that preserves and enhances the character and appearance of the Malthouse and Granary and provides successful frontage and enclosure to the Creative Square, Granary Central Space, Bridge Approach Road, Riverside Walk, Abbey Road and the Gascoigne Estate. Development blocks located outside the Conservation Area adopt a siting and massing that responds to its riverside setting, the

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

bridge approach road and its junction with Abbey Road without harming the character and appearance of the Conservation Area.

The application proposes a housing density that reconciles the site's public transport accessibility, proximity to a major town centre and the standard of townscape and residential environment created.

1.10 The application proposes 21% affordable housing on a habitable room basis and 44:56 split between social rented and intermediate housing. While this is below the London Plan and LBBB target of 50% affordable housing on a 70:30 split between social rented and intermediate housing, the applicant has submitted a Development Appraisal to justify the maximum reasonable amount of affordable housing the scheme can provide. The affordable housing is located entirely within Phase 2. The Corporation has independently reviewed and verified the Development Appraisal on the basis that in the event that only Phase 1 is implemented and no social housing grant is secured, S106 POCBS contributions are ring fenced to support the delivery of 20% affordable housing within Phase 2. On the basis that the level of affordable housing is considered acceptable given scheme viability, the likely non-availability of public subsidy and the range of planning and regeneration benefits secured.

1.11 The application proposes a housing mix skewed towards the provision of one and two bedroom units. While this constitutes a departure from policy, it is not considered to justify a defensible reason for refusal given scheme viability, the unsuitability of the site for family housing, the overall standard of residential development proposed and the range of planning and regeneration benefits secured.

1.12 The application will reduce the daylight conditions currently enjoyed by rooms within the adjacent Gladedale housing development. While the resulting daylight conditions fall below the Building Research Establishment (BRE) target, this is not considered to justify a defensible reason for refusal given that the siting and elevation design of the existing building, that 21 of the 24 affected rooms are bedrooms, and 3 of the 14 affected flats are dual aspect, that the proposed development establishes an acceptable height and massing relationship to its context and that the BRE guidelines are not intended to be applied rigidly. Furthermore, the application has a lesser impact than previously approved scheme.

1.13 While 16% of the residential units are without access to private amenity space, this is not considered to justify a defensible reason for refusal when taking into account the large unit sizes, access to high quality public realm within the site and proximity to existing amenity space at Abbey Green and the range of planning and regeneration benefits secured.

1.14 The applicant has submitted a Viability Report that assesses scheme viability on a phased basis to reflect the position that the applicant is under no obligation to acquire the Phase 2 land and deliver the overall scheme. As Phase 1 includes no affordable housing and provides no Works in Kind, it is recommended that the scheme contribute the full Discounted Standard Charge of £6,000 per unit. The applicant has offered £1,000 per unit towards the Discounted Standard Charge. As Phase 2 is proposed to provide affordable housing and the Bridge Approach Road as Works in Kind, it is recommended that a reduced Discounted Standard Charge of £1,000 per unit applies. As the applicant has not currently secured social housing grant, and the provision of affordable housing within Phase 2 thus renders the phase unviable, it is recommended that a proportion of any Phase 1 Deferred Charge is ring fenced to increase the

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

prospects of delivering affordable housing. On this basis the application is considered to satisfy the requirements of the Planning Obligations Community Benefit Strategy and affordable housing policy.

1.15 The design quality of the proposed buildings and public realm; the preservation and enhancement of the setting of the Abbey Road Riverside Conservation Area; the provision of creative accommodation; the safeguarding of land required to facilitate public transport improvements through the site and across the River Roding; and the creation of public access within and through the site and along the River Roding constitute significant planning benefits within a genuinely mixed use development. The planning benefits are considered to outweigh policy departures relating to housing unit and tenure mix, private amenity space and residential amenity impacts.

1.16 The application is recommended for approval subject to any direction from the Mayor of London, the planning conditions set out in section 12.0 of this report and a Section 106 Agreement securing the Heads of Terms set out in section 11.1 of this report.

2. SITE AND PROPOSAL

2.1 Description of Site & Surroundings

2.1.1 The application site is located 400m to the west of Barking Town Centre and 1,000m from Barking Station (see appendix 1). The site measures 1.1 hectares.

2.1.2 The site is bounded by Abbey Road and the Gascoigne Estate to the east, the River Roding to the west, the existing Gladedale and proposed Battery Wharf residential developments to the south and the Abbey Road Business Park (Sharleston Wharf) to the north (see appendix 2). The Freshwharf estate is located on the opposite side of the River Roding. The Corporation has resolved to grant planning permission to redevelop the Freshwharf estate subject to the completion of a S106 Agreement currently being negotiated.

2.1.3 The northern two-thirds of the site are located within the Abbey Road Riverside Conservation Area. The Conservation Area was designated in 1995 following advice from English Heritage that the site accommodated buildings of great historical importance to the former role of Barking as a leading fishing port in the 19th Century. None of the buildings within the Conservation Area are statutorily listed.

2.1.4 The Conservation Area accommodates the locally listed 2 storey Malthouse (1866) and the remains of its 2 storey extension (1896), the 5 storey Granary (1866) and Granary Annex and the single storey Barford Chemicals building (referred to by LBBD as accommodating the remains of an icehouse). The Malthouse has already been restored and refurbished by works undertaken by LBBD and the Corporation. The Granary building is being restored and extended by Roof Holdings Ltd. The Barford Chemicals building is derelict and vacant.

2.1.5 The Conservation Area previously accommodated the locally listed Malthouse extension and the Fishing Smack Public House. The Fishing Smack Public House has been demolished and only the Abbey Road elevation and some supporting side walls remain of the Malthouse extension following LBBD granting Conservation Area Consent for their partial demolition in 2006 and 2008 (see appendix 3).

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

2.1.6 The remainder of the site currently accommodates a two storey pitched roof warehouse (RS Foods) and single storey pitched roof warehouse (Smith Bailey Anderson) to the south of Barford Chemicals. A two storey pitched roof warehouse (Wigzell Engineering) adjoins RS Foods.

2.1.7 The land accommodating the Malthouse, the Granary, the former Fishing Smack Public House, Barford Chemicals and Smith Bailey Anderson is owned by the Corporation. RS Foods and Wigzell Engineering sites are being compulsorily purchased by the Corporation.

2.1.8 A part 2, 3, 4 and 7 storey residential block (Gladedale) is located adjacent to the south west boundary of the site. The internal layout results in windows to 21 bedrooms and 3 living rooms directly overlooking the application site. The bedroom windows are all located at high level and the living room windows are oriented towards the River Roding to avoid potential overlooking and privacy issues. The site (Battery Wharf) adjacent to the south east corner of the site benefits from planning permission granted by the Corporation in March 2008. The scheme proposes two 7 storey residential blocks and is set back from the boundary by a minimum of between 20m and 25m.

2.1.9 The Abbey Road Business Park (Sharleston Wharf) is located north of the application site and accommodates 2 storey industrial units located adjacent to the site boundary sited on an east-west axis.

2.1.10 The Gascoigne Estate is located beyond Abbey Road to the east of the site. 2 and 4 storey residential blocks are located opposite the site of the Malthouse and a 2 storey block is located opposite the site of the Smith Bailey Anderson warehouse. These housing blocks are located perpendicular to Abbey Road with their elevations being either blank or incorporating windows to what appear to be non-habitable rooms. Private gardens, which can be overlooked from the Abbey Road footway, run parallel to Abbey Road and parking and communal landscaped areas lie opposite the remainder of the site frontage.

2.1.11 The site has an existing PTAL (Public Transport Accessibility Level) of 2 generated by bus routes that can be accessed on Gascoigne Road and within the town centre. While Barking Station is accessible on foot, the PTAL methodology omits the National Rail and London Underground it is served by because the site is located 40m outside the 960m catchment area. The existing PTAL would increase to 3 if these services were included in the calculation.

2.2 Description of Proposal

Overview

2.2.1 On 18 January 2008, the Corporation, as planning authority, adopted a Screening Opinion that the previously approved scheme was not "EIA development" and did not require the submission of an Environmental Statement. Despite the increase in residential units and modifications to the built form the opinion is considered to apply to the current scheme.

2.2.2 The application has been submitted for full planning permission and proposes the following:

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

- Residential (C3) (18,770m² or 272 units);
- Flexible commercial floorspace (A1, A2, A3, A4, B1, D1, D2) (1,386m²);
- 105 car parking spaces comprising 61 residential spaces (including 4 car club spaces) and 44 commercial spaces;
- A bridge approach road to facilitate the future bridging of the River Roding for buses, pedestrians and cyclists;
- Vehicle, pedestrian and cycle access from Abbey Road;
- Public realm, public open space and private amenity space.

2.2.3 The significant changes (see appendix 6) to the previously approved scheme are:

- Removal of the Malthouse and the Granary and Granary Annex from within the application boundary;
- Increase in the number of residential units from 218 to 272;
- Removal of the Creative Square podium and associated undercroft car parking;
- Increase in the height of Block A from 24.9m AOD to 25.7m AOD; a reduction in footprint; re-siting; and removal of the top floor set back;
- Increase in the storey height of Block B from 27.9m AOD to 28.3m AOD; a reduction in footprint; re-siting and removal of the top floor set back;
- Reduction in the storey height of Block C from 30.9m AOD to 30.1m AOD; the reduction in storey height along part of the bridge approach road 30.9m AOD to 6.6m AOD and an overall increase in footprint;
- Increase in the height of Block D from 45.9m AOD to 50.7m AOD;
- Reduction in the residential floor to ceiling heights from 2.5m to 2.35m to accommodate additional floors of residential accommodation within Blocks A, B, C and D;
- Increase in the overall number of single aspect flats from 40% to 45;
- Reduction in the amount of creative industry floorspace from 1,604m² provided with block A and B to a commitment to market 492m² within block A for 12 months;
- An increase in the amount of dedicated flexible commercial floorspace from 46m² (A1) within block A and 123m² (D1 creche) within block D to 894m² (A1, A2, A3, A4, B1, D1, D2) within Blocks B, C and D;
- Increase in the number of 1 bedroom units and corresponding reduction in the number of family sized units;
- Reduction in the amount of affordable housing from 35% to 20% subject to the availability of housing grant;

2.2.4 These modifications reflect the changing market conditions, the availability of housing grant and the removal of significant cost items associated with the previously approved scheme.

New Buildings and Spaces

2.2.5 The scheme proposes three new development blocks (see appendices 4, 5, 7

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

and 8 8) and a series of public spaces referred to as the Creative Square, Granary Central Space, Riverside Walk and bridge approach road. The Bridge Approach Road facilitates future bridging of the River Roding to improve the bus network or busway transit.

2.2.6 Block A is an 8 storey mixed use linear block oriented on a north-south axis fronting Abbey Road and the Creative Square. Block A accommodates 492m² of flexible commercial floorspace at ground floor and 70 private residential units. The flexible commercial floorspace will be designed, constructed, fitted out and marketed, for a period of 12 months, as accommodation for creative industries. In the event that the creative accommodation is not let within the marketing period, the applicant may market the space for alternative commercial uses.

2.2.7 Block B is a smaller footprint block that is 9 storeys fronting Abbey Road and the bridge approach road fronting the Creative Square. Block B accommodates 408m² of ground floor flexible commercial floorspace and 64 private residential units.

2.2.8 Block C is a part 10 and part 2 storey block fronting Abbey Road and the bridge approach road and accommodates 56 affordable housing units, including 3 town houses and a 68m² flexible commercial unit.

2.2.9 Block D is a 15 storey tower oriented towards the River Roding that accommodates 418m² of ground floor flexible commercial floorspace and 82 private residential units. Blocks C and D will be served by an undercroft car park accessed from Abbey Road. Blocks C and D enclose a semi private garden and children's play area.

2.2.10 The Creative Square is enclosed by the Malthouse, Granary and Block A and accessed directly from Abbey Road. Pedestrian and vehicular access is achieved at the north east corner of the site adjacent to block A. Pedestrian access is provided opposite the Granary between Blocks A and B. The Creative Square is designed to accommodate 37 car parking spaces for use by Roof Holdings Ltd. and tenants of the Malthouse and flexible commercial accommodation. The Creative Square is designed as a shared space capable of operating both as a car park and events space.

2.2.11 The Granary Central Space is enclosed by the gable ends of Blocks A and B and the Granary and provides the start of a route through the site to the Riverside Walk. Ground floor activity within blocks A and B is expected to occupy this space during the day. The Riverside Walk connects with the existing riverside path that continues south of the site. While cars will pass through the Granary Central Space to access the small number of car parking spaces located within the Granary extension, the space is conceived as a space within which pedestrians pass through and dwell.

2.2.12 The Bridge Approach Road provides an alternative pedestrian and cycle route to the Riverside Walk and vehicle access for servicing Block D. The Riverside Walk provides a generously proportioned space between the River Roding and Block D and accommodates areas of hard and soft landscaping and a children's play area.

2.2.13 While the application does not include the bridge structure proposed to provide bus, pedestrian and cycle crossing of the River Roding, the bridge approach road is compatible with the TfL design approved as part of the previously consented application.

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

Access and Servicing

2.2.14 Vehicular access to the site will continue to be from Abbey Road (see appendix 9). The two existing vehicular accesses to the Malthouse will be removed. New vehicular accesses to the site will be created to provide access to the Creative Square, the bridge approach road and the Block C and D undercroft car park. The access to the Creative Square, which is located at the north east corner of the site adjacent to Block A, also provides access through the Creative Square and the Granary Central Space to the car park located beneath the Granary extension. Pedestrians can access the site north east of Block A, between Blocks A and B and via the bridge approach road.

2.2.15 Loading bays are located within Abbey Road and the bridge approach road to service Blocks A, B, C and D. The Malthouse, Granary and Granary Extension will be serviced from the Central Square or the loading bays located within Abbey Road.

2.2.16 The application will provide 105 car parking spaces located within the Creative Square, beneath Blocks C and D and along the Abbey Road frontage. Residential parking will be provided at an overall ratio of 0.2 spaces per unit. 36 car parking spaces will be allocated to Blocks A and B under an interim arrangement before the undercroft car park is constructed.

Scheme Amendments

2.2.17 On 4 February 2011, the following amendments were made to address concerns raised by consultees:

- A redesign of the elevations to Blocks A, B and C to incorporate brick facades with larger window openings and deeper reveals;
- The re-siting of Block A to create a more generous space to Abbey Road and emphasise the entrance into the site between Blocks A and B and opposite the Granary;
- A redesign of the elevations to Block D that uses the same palette of materials but applies a contrasting fenestration design and improves the tower's relationship to the ground;
- A redesign of the 'link' between Block C and D to ensure its elevation reads as a continuation of the ground floor of Block D;
- A redesign of the 'link' between Block C and D to replace the commercial space with three town houses;
- A revised landscaping strategy that uses materials and planting to subdivide and improve the identity and use of the different character spaces;
- The subdivision of the ground floor of Block A for occupation by creative industry uses;
- The incorporation of children's play space within the communal garden;
- Further information relating to housing, flood risk, sustainability and parking.

3. MAIN ISSUES

3.1 The main planning issues for consideration are:

- Land Use
- Building Design
- Heritage

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

- Housing Density
- Housing Mix
- Affordable Housing
- Sunlight and Daylight
- Open Space
- Amenity Space
- Children and Young People's Play Space
- Parking, Transport and Access
- Flood Risk
- Sustainability
- Planning Obligations Community Benefit Strategy

4. RELEVANT SITE HISTORY

26.9.06 Conservation Area consent granted to demolish three storey linkage block and redundant sub-station building (ref: 06/00773/CON)

8.4.08 Conservation Area consent grant for the demolition of part of derelict Malthouse extension, Malthouse/Granary link block, Granary lean-to and single/two storey additions to Granary and former motor repair garage (ref: 08/00117/CON).

15.9.09 Planning permission granted for a mixed use development comprising 218 residential units, bridge over River Roding, creation of new public square, conversion of Granary building, retail, business premises, crèche, restaurant/café/bar, associated landscaping and car parking (ref: 08/00727/FUL).

5. CONSULTATIONS/NOTIFICATIONS

Greater London Authority (GLA)

5.1 The application is referable under category 1A, 1B and 1C of the Town and Country Planning (Mayor of London) Order 2000.

5.2 On 12 January 2011 the Mayor of London issued a Stage 1 report stating that the application does not comply with the London Plan and is unacceptable for a number of strategic planning reasons relating to housing, urban design, inclusive design, children's play space, climate change and transport. The following provides a summary of the main issues:

- The applicant should provide further detailed justification in support of the proposed housing mix. If no justification can be provided, the mix should be reconfigured to provide additional social rented accommodation. In addition further information is required regarding the delivery and phasing of the affordable housing units;

Refer to paragraphs 2.2.17 and 9.64-9.69.

- The applicant should reconsider the location of entrances at ground floor, the quantum of parking within the main square, and produce a detailed landscaping

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

and public realm strategy for the whole site. The applicant should also reconsider the use of render in the façade treatment;

Refer to paragraphs 2.2.17 and 9.25-9.41.

- The applicant should identify sufficient units which could be easily adapted into wheelchair accessible units, and demonstrate how the requirements for wheelchair accessible car parking will be met and managed in the long-term;

Refer to paragraph 9.94.

- The applicant should increase the provision of informal children's play space throughout the development as part of a wider landscaping strategy. In addition, information about existing facilities, particularly for older children, should be provided;

Refer to paragraphs 2.2.17 and 9.87-9.89.

- A minimum proportion of photovoltaic panels should be agreed and secured by condition;

Refer to condition C3.

- TfL requires that all transport related conditions and obligations associated with the previous application be retained. In addition, the applicant should increase the provision of disabled parking car and cycle parking, amend the transport assessment report and travel plan, and undertake a Pedestrian Environment Review System Audit and a Disability Discrimination Act assessment of bus stops. The provision of electric vehicle charging points, Delivery and Servicing Plan and Construction Logistics Plan should be secured by condition. TfL has submitted the same comments independently of those referred to in the Mayor's Stage 1 report.

Refer to Paragraph 11.1 and Conditions A4, F1, Q1 and Q2.

London Borough of Barking and Dagenham (LBBD)

5.3 The LBBD Development Control Board (DCB) considered the application in its capacity as a statutory consultee on 28 February 2011. The report to the DCB recommended that planning permission be granted subject to the draft S106 Heads of Terms below and, with the addition of a planning condition requiring the proposed D1 use to preclude Places of Worship, the planning conditions agreed as part of the previously approved application. The DCB approved the recommendation.

1. Phase 1 to contribute a Discounted Standard Charge of £6,000 per residential unit (index linked) in accordance with the POCBS (including long stop date and security provisions). 25% of the Discounted Standard Charge (£201,000) is payable on implementation of the development. 75% of the Discounted Standard Charge (£603,000) is payable on sale of units;
2. Phase 1 to contribute the Deferred Standard Charge ("recapture the discount") up to £30,400 per residential unit in the event that sales values exceed the baseline sales values; Unit sales for the purposes of the tariff shall be the first open market private sale of each individual unit, and in this regard bulk sales of more than 5 units will be disregarded;

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

3. Phase 2 to contribute a Discounted Standard Charge of £1,000 per residential unit (index linked) in accordance with the POCBS (including long stop date and security provisions). 25% of the Discounted Standard Charge (£34,500) is payable on implementation of the development. 75% of the Discounted Standard Charge (£103,500) is payable on sale of units;
4. Phase 2 to contribute the Deferred Standard Charge ("recapture the discount") up to £30,400 per residential unit in the event that sales values exceed the baseline sales values; Unit sales for the purposes of the tariff shall be the first open market private sale of each individual unit, and in this regard bulk sales of more than 5 units will be disregarded;
5. Make available for dedication/adoption or transfer the interim public transport corridor (eastern approach ramp) at nil cost to TfL or LBBB when either calls for the corridor to implement improvements to the local bus network or busway transit;
6. Provide up to 20% affordable housing subject to the availability of housing grant / and gap funding through phase 1 tariff recapture - a cascade mechanism to take into account the availability of housing grant and a requirement to provide an agreed percentage of affordable housing before occupation of an agreed percentage of the market housing in Phase 2;
7. To market the commercial floorspace within Block A for creative industry uses defined by the Department for Culture, Media and Sport for a period of 12 months at rents up to £12 per square foot (excluding service charge);
8. Make the public transport corridor, CIQ square and riverside walk publicly accessible at all times;
9. Contribute £5,000 towards the implementation of the Abbey Road CPZ (to be ring fenced from the POCBS);
10. Enter into a S278 to undertake the necessary highway works to Abbey Road;
11. Implement a car club scheme;
12. Provide Local Labour, Contractors, Goods and Services Initiatives;
13. Prevent future residential occupiers from applying for parking permits within the Abbey Road Controlled Parking Zone.

Refer to paragraph 11.1 and condition A7.

Commission for Architecture and the Built Environment (CABE)

5.4 On 5 January 2011 CABE stated that it was unable to support the scheme in its current form and that further work to the public space and landscape plan, the quality of the architecture and materials, the standard of residential amenity and phasing was required before planning approval is granted. The following provides a summary of the comments:

Public Space and Landscape

- Support the overall height and massing of the scheme and the density and mix of uses proposed;
- Welcome the provision of new public spaces and the ambition to facilitate the use of the Creative Square for public events;
- The scheme provides too much public space which is poorly defined and will be difficult to animate;
- Suggest further thought be given to the different types of activities that will occur in each public space and how they can be designed to reflect these activities;
- Further thought should be given to the hierarchy of the different spaces and the transition between them, which should be clear and intuitive for pedestrians and

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

vehicles;

- Consideration should be given to how the landscaping can facilitate and complement the use of each space;
- Question how the car parking will work within the Creative Square; if car parking is required within this space then this should be acknowledged in the design of the square, rather than hoping that other uses will fit around it;

Architecture

- Question whether the architecture is bold enough; it is not clear why Blocks C and D have the same material palette as Blocks A and B;
- The design of the two storey link building between Blocks C and D is uninspiring;
- The floor to ceiling height of Block D is residential in scale which does not reflect its intended commercial use;
- Support the use of brick and the simple language of the elevations, however, the use of grey render is regrettable;
- Buildings with wholly brick elevations would be more appropriate and will present a feeling of quality and solidity;

Land Use

- Too much of the ground floor plan is allocated to bin stores, cycle parking and services, restricting the amount of floorspace available for creative industry units;
- The depth of the pavement fronting Abbey Road should be more generous to enable the creative industry tenants to spill out onto it without blocking the pedestrian walkway;

Residential Amenity

- The majority of the units have deep residential floor plans and small windows and will receive limited daylight and sunlight, especially those that are north facing;
- The large number of single aspect units is a concern;
- There is little private amenity space for residents;

Phasing

- The use and arrangement of the public spaces in phase one must work well in isolation, whilst also fully integrating with phase two when this comes to fruition.

5.5 On 25 February CABE submitted additional comments on the proposed design amendments to the scheme. The following provides a summary of the key comments:

- The revised building elevations constitute a step back in the design quality of the development and concern remains about the detailed design of the public realm and landscape plan;
- Welcome the relocation of Block A to increase the width of the pavement, which creates a more defined pedestrian entrance off Abbey Road into the site and the Granary Square and helps the articulation of the two main public spaces within the scheme;
- Support the use of brick and welcome the removal of grey render but express

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

concern at the removal of the set back to the top storey, the elimination of layering from the façade and the replacement of a generally horizontal emphasis with an unmoderated verticality. The elevations would be more successful if they had more texture and richness and finer articulation.

Refer to paragraphs 2.2.17 and 9.25-9.41.

English Heritage

Historic Buildings and Areas

5.6 On 21 December 2010 English Heritage (Historic Buildings and Areas) raised the following comments:

- It is essential that the future approvals match the earlier permission in terms of architectural quality;
- Support the removal of the podium but question the future success of the 'square' if it is dominated by car parking.
- It is particularly important that landscaping details are carefully considered;
- It is essential that suitably robust conditions are attached to any permission with regards to external materials and details if they are to match the quality of the Granary extension;
- The proposed tower element is taller than previously proposed; it is essential that the impact of additional bulk is carefully considered.

Refer to paragraphs 9.42-9.49.

Archaeology

5.7 On 15 December 2010 English Heritage (Archaeology) raised no objection to the application and recommended planning conditions that require (1) an archaeological investigation prior to development and (2) the recording and historic analysis of building structure, architectural detail and archaeological evidence during implementation of the development.

Refer to condition K1.

Environment Agency (EA)

5.8 The EA raise no objection to the application and the supporting Flood Risk Assessment subject to planning conditions requiring the submission of (1) a river wall survey (2) a scheme to protect, inspect and maintain the River Roding flood defences, (3) a landscaping, landscape management and lighting plan, (4) a scheme for dealing with the risks associated with site contamination, (5) a verification report to demonstrate that site remediation has taken place, and the requirement to (6) notify the EA if contamination not previously recorded is identified (7) prevent infiltration of surface water drainage into the ground, (8) prevent piling of foundations and (9) implement only in accordance with the submitted Flood Risk Assessment.

Refer to conditions F4, I1-3, H2-3, J1-4, O1 and P1.

6. APPLICATION PUBLICITY

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

6.1 Site Notice Expiry: 21/12/2010

6.2 Press Notice Expiry: 8/1/2011

6.3 Neighbour Notification:

715 adjoining occupiers were consulted on the application, including residents of Gladedale and Gascoigne Estate and occupiers of the Abbey Road Business Park.

7. REPRESENTATIONS

7.1 One letter of support was submitted in response to the application. The following comments were made:

Individual Comment	Response to Comment
1. Support the use of the area in front of the Malthouse and adjacent to the Granary for car parking;	n/a
2. Car parking is required to support the commercial viability of the creative industries;	n/a
3. A minimum of 37 car parking spaces should be provided within the Creative Square.	n/a

8. RELEVANT PLANNING POLICY

8.1 Planning Policy Guidance

Planning Policy Statement 1	Delivering Sustainable Development
Planning Policy Statement 3	Housing
Planning Policy Statement 9	Biodiversity and Ecological Preservation
Planning Policy Guide 13	Transport
Planning Policy Guidance 15	Planning and the Historic Environment
Planning Policy Guidance 16	Planning and Archaeology
Planning Policy Statement 22	Renewable Energy
Planning Policy Guide 24	Noise
Planning Policy Statement 25	Development and Flood Risk

8.2 The London Plan (Consolidated with Alterations Since 2004 (February 2008))

2A.1	Sustainability criteria
2A.2	The spatial strategy for development
2A.5	Opportunity Areas
3A.1	Increasing London's supply of housing
3A.2	Borough housing targets
3A.3	Maximising the potential of sites
3A.5	Housing choice
3A.6	Quality of new housing provision
3A.7	Large residential developments

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

- 3A.8 Definition of affordable housing
- 3A.9 Affordable housing targets
- 3A.10 Negotiating affordable housing in individual private residential and mixed-use schemes
- 3B.1 Developing London's economy
- 3B.2 Office demand and supply
- 3B.11 Improving employment opportunities for Londoners
- 3C.1 Integrating transport and development
- 3C.2 Matching development to transport capacity
- 3C.3 Sustainable transport in London
- 3C.9 Increasing the capacity, quality and integration of public transport to meet London's needs.
- 3C.17 Tackling congestion and reducing traffic
- 3C.21 Improving conditions for walking
- 3C.22 Improving conditions for cycling
- 3C.23 Parking strategy
- 3D.1 Supporting town centres
- 3D.3 Maintaining and improving retail facilities
- 3D.8 Realising the value of open space and green infrastructure
- 3D.13 Children and young people's play and informal recreation strategy
- 3D.14 Biodiversity and nature conservation
- 4A.3 Sustainable design and construction
- 4A.5 Provision of heating and cooling networks
- 4A.6 Decentralised Energy: heating, cooling and power
- 4A.7 Renewable energy
- 4A.11 Living Roofs and Walls
- 4A.12 Flooding
- 4A.14 Reducing noise
- 4A.16 Bringing contaminated Land into Beneficial Use
- 4B.1 Design principles for a compact city
- 4B.2 Promoting world-class architecture and design
- 4B.3 Enhancing the quality of the public realm
- 4B.5 Creating an inclusive environment
- 4B.9 Tall buildings – location
- 4B.10 Large-scale buildings – design and impact
- 4B.12 Heritage Conservation
- 4B.13 Historic conservation-led regeneration
- 4B.15 Archaeology
- 4C.1 The strategic importance of the Blue Ribbon Network
- 4C.2 Context for sustainable growth
- 4C.3 The natural value of the Blue Ribbon Network
- 4C.4 Natural landscape
- 4C.11 Increasing access alongside the Blue Ribbon Network
- 4C.14 Structures over and into the Blue Ribbon Network
- 4C.16 Importance of the Thames
- 5C.1 The strategic priorities for North East London
- 5C.3 Opportunity Areas in North East London

8.3 London Borough of Barking and Dagenham Unitary Development Plan (saved from 27th September 2007 in accordance with the direction from the Secretary of State)

Policy H14 Environmental Requirements
Policy H15 Residential Amenity

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

Policy H16	Internal Design
Policy H18	Amenity Open Space
Policy H19	Noise Attenuation
Policy S8	Food and Drink Uses
Policy BTC1	Town Centre
Policy BTC12	Environmental Improvement
Policy G28	Contaminated Land
Policy G31	Waste Re-Use and Recycling
Policy G32	Litter and Fly tipping
Policy G36	Noise and Vibration
Policy G37	Light and Dust Pollution
Policy G38	Water Pollution
Policy G39	Air Pollution
Policy G46	New Developments
Policy G47	Trees in the Urban Area
Policy DE6	Safety and Security
Policy DE7	High Buildings
Policy DE9	Energy Conservation
Policy DE16	Hard Landscape
Policy DE17	Soft Landscape
Policy DE23	Proposals in Conservation Areas
Policy DE24	Acceptable Development in Conservation Areas
Policy DE25	Acceptable Development in Conservation Areas
Policy DE26	Acceptable Development in Conservation Areas
Policy DE34	Locally Listed Buildings
Policy DE36	Development on Sites of Archaeological Significance Protection
Policy DE37	of Archaeological Sites
Policy C2	Premises for Facilities for the Community
Policy C5	Facilities Incorporated in New Developments
Policy C15	Access
Policy C16	Safety and Security
Policy C17	Planning Obligations/Community Benefit
Policy T10	Land Use and Public Transport
Policy T12	Pedestrian Accessibility
Policy T17	Accessible Developments
Policy T19	Provision for Cycling
Policy T24	New Road Layout
Policy T25	Alterations to the Road Network
Policy T27	New Vehicle Accesses
Policy T32	Service Areas

8.4 London Borough of Barking and Dagenham Core Strategy (July 2010)

Policy CM1	General Principles of Development
Policy CM2	Managing Housing Growth
Policy CM3	Green Belt and Public Open Spaces
Policy CM4	Transport Links
Policy CM5	Town Centre Hierarchy
Policy CR1	Climate Change and Environmental Management
Policy CR3	Sustainable Waste Management
Policy CR4	Flood Management
Policy CC1	Family Housing
Policy CC2	Social Infrastructure to Meet Community Needs

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

Policy CC3	Achieving Community Benefits Through Developer Contributions
Policy CE1	Vibrant and Prosperous Town Centres
Policy CE2	Location of Office Development
Policy CP2	Protecting and Promoting our Historic Environment
Policy CP3	High Quality Built Environment

8.5 London Borough of Barking and Dagenham Borough Wide Development Policies Pre-Submission Report (November 2008)

Policy BR1	Environmental Building Standards
Policy BR2	Energy and On-Site Renewables
Policy BR3	Greening the Urban Environment
Policy BR4	Water Resource Management
Policy BR5	Contaminated Land
Policy BR9	Parking
Policy BR10	Sustainable Transport
Policy BR11	Walking and Cycling
Policy BR15	Sustainable Waste Management
Policy BC1	Delivering Affordable Housing
Policy BC2	Accessible and Adaptable Housing
Policy BC7	Crime Prevention
Policy BC8	Mixed Use Development
Policy BC11	Utilities
Policy BE2	Environmental Building Standards
Policy BE4	Managing the Evening Economy
Policy BE5	Offices – Design and Change of Use
Policy BP2	Conservation Areas and Listed Buildings
Policy BP3	Archaeology
Policy BP4	Tall Buildings
Policy BP5	External Amenity Space
Policy BP6	Internal Space Standards
Policy BP8	Protecting Residential Amenity
Policy BP10	Housing Density
Policy BP11	Urban Design

8.6 Barking Town Centre Area Action Plan Pre-submission Report (BTCAAP) (February 2011)

8.6.1 An Examination in Public into the BTCAAP Pre-submission Report was held between 11 and 14 May 2010. The Inspector issued his report on the 29 September 2010 confirming that the BTCAAP is sound subject to his amendments. The BTCAAP was formally adopted in January 2011.

Policy BTC5	Leisure Uses and the Evening Economy
Policy BTC7	Improving Public Transport
Policy BTC8	Traffic Management/Abbey Road Home Zone
Policy BTC10	Pedestrian Movement
Policy BTC11	Cycling Facilities
Policy BTC13	Housing Supply
Policy BTC14	Affordable Housing
Policy BTC16	Urban Design
Policy BTC17	Tall Buildings
Policy BTC18	Public Realm

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

Policy BTC19	Heritage and Historic Environment
Policy BTC20	Parks, Open Spaces, Play Areas and Tree Planting
Policy BTC21	Riverside Development and Informal Leisure
Policy BTC22	Sustainable Energy
Policy BTC23	Developer Contributions

8.6.2 The application site falls within Site Specific Allocation BTCAAP 10. The site is identified as having the capacity to accommodate 320 homes and up to 3,500m² of office, cultural and creative industries and ancillary leisure/community uses.

8.6.3 The proposed uses are:

- workshops and studios for cultural and creative industries and an element of B1 office use, provided it is associated with and ancillary to cultural and creative uses;
- cultural and creative activities with Use Class D1 such as a museum, art gallery, exhibition hall or non-residential education and training centre;
- restaurants, pub, snack bar, cafe and/or wine bar provided that they are ancillary to and do not dominate the cultural and creative uses;
- New homes.

8.6.4 The BTCAAP identifies the following design requirements:

- Is in character with the Abbey Road Riverside Conservation Area;
- Facilitates improved public transport access to the area including accommodating the route of a new public transport bridge across the River Roding for the Barking to Royal Docks Bus Corridor;
- Accommodate a new pedestrian and cycle bridge across the River Roding linking it to the Fresh Wharf site;
- Provides a new public square within the scheme, a positive frontage to the river and high quality landscaping along Abbey Road;
- Minimises any risk of pollution to the River Roding;
- Enhances the informal recreational and biodiversity value of the riverbank by sympathetic handling of the frontage to the river;
- Facilitates public access to and along the river frontage;
- Protects and enhances the historic Malthouse and Granary buildings;
- Ensures the recording of any archaeological remains, including any former ice houses;
- Includes a crèche;
- Demonstrates to the Council and the Environment Agency's satisfaction that it will not increase the risk or the potential intensity of flooding both within the scheme and in the local area;
- Meets the Environmental Building Standards and Energy requirements for a Strategic Development.

8.7 Other Relevant Planning Policy

CABE and English Heritage "Guidance on Tall Buildings" (July 2007)

8.7.1 The CABE/English Heritage Guidance on tall buildings identifies (1) relationship to context, (2) effect on the historic environment (3) effect on world heritage sites, (4) relationship to transport infrastructure, (5) architectural quality of the building, (6)

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

sustainable design and construction, (7) credibility of design, (8) contribution to public space and facilities, (9) effect on the local environment, (10) contribution made to permeability and (11) provision of a well designed environment as the criteria against which development should be assessed.

River Roding “Masterplan” (2008)

8.7.2 In 2007 the Corporation commissioned Rick Mather Architects to prepare a masterplan for land at the edge of Barking Town Centre and adjacent to the River Roding and A406. The “masterplan” is not adopted by LBBB and has no material weight but has informed the Corporation’s land assembly and development strategy and the Barking Town Centre Area Action Plan. The application site is located within the area referred to as Abbey Road and The Cultural Quarter. The masterplan identified a preferred alignment for the proposed East London Transit 2 through the site, which, significantly, is now indicatively referenced within the BTCAAP.

Abbey Road Riverside Conservation Area Appraisal (2008)

8.7.3 The Abbey Road Riverside Conservation Area was designated by LBBB on 12 June 1995 following English Heritage advice that the area contained buildings of great historical interest relating to the former role of Barking as a 19th Century fishing port and centre for brewing. The Short Blue Fishing Fleet was the largest fleet in England in the 1850s. The fishing fleet declined following the opening of the railway to Barking. This coincided with the growth of the Brewing industry.

8.7.4 While individual buildings were not considered to justify statutory listing, the group value and historic association supported the case for Conservation Area status. The buildings of note that have been locally listed by LBBB are the Granary and the Malthouse. The Fishing Smack Public House and the Malthouse Extension, both locally listed and identified as having historic and townscape importance, have now been part or fully demolished following the grant of Conservation Area Consent by LBBB. The Appraisal identifies the Malthouse and the Granary as examples of the town’s industrial riverside legacy and having the potential to play a role in the regeneration of the town centre.

8.7.5 The main views of the Conservation Area, and particularly the Malthouse and Granary, are identified as looking south across the mill pond from Town Quay and along Abbey Road as the sequence of buildings comes into view. The roofline of the Malthouse and the Granary, and its associated chimney, are identified as important townscape feature within the town centre.

8.7.6 The Appraisal refers to the construction of the first large commercial icehouses in the area and identifies the Barford Chemicals building as potentially accommodating its remains.

9. ASSESSMENT OF MAIN ISSUES

Land Use

Creative Industries Quarter

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

9.1 The principle of redeveloping the site with a mixed use development comprising housing and commercial space is established by planning policies adopted in the London Plan (2008), Unitary Development Plan (1996) (UDP) and adopted and emerging Local Development Framework (LDF) documents (2010).

9.2 The London Plan designates Barking as a Major Town Centre and locates the site within an Area of Regeneration that includes the town centre and the River Roding Valley. The site is also located within the boundary of the London Riverside Opportunity Area. Policy 5C.3 expects development within the Opportunity Area to maximise residential and non-residential densities and to contain a mix of uses.

9.3 The UDP locates the site within the Barking Town Centre and Roding Valley area. The UDP inset map locates the site within an area designated a Proposals Site within the Lower Abbey Road section of the Roding Valley. The site itself is identified as being within the Abbey Road Riverside Conservation Area and the adjacent Granary building is identified as a building of townscape interest. Policy E11 of the UDP, which has now been withdrawn, promoted redevelopment of the Proposals Site to provide mixed use development incorporating residential and/or B1 (Business) use.

9.4 The LDF Core Strategy locates the site within the Barking Town Centre key regeneration area. The Barking Town Centre Area Action Plan (BTCAAP) provides site specific policies for managing land use change. The site is located within allocated Site 10: The Cultural/Creative Industries Quarter, and identifies workshop and studios, cultural and creative activities, restaurants, bars and cafés and new housing as proposed land uses. It is noted that the Town and Country Planning (Use Classes) Order 1997 (as amended) does not include a specific category for creative and cultural industry uses. "Creative industries" are defined in the "Creative Industries Mapping Document" (2001) as "those industries which have their origin in individual creativity, skill and talent and which have a potential for wealth and job creation through the generation and exploitation of economic property" (see also paragraph 9.8 below).

9.5 The application proposes a total of 1,386m² of flexible commercial accommodation comprising 492m² of potential creative accommodation within Block A and 894m² space for either A1 (Shops), A2 (Financial and Professional Services), A3 (Restaurants and Cafes), A4 (Drinking Establishments), B1 (Business), D1 (Non-Residential Institution) or D2 occupation within Blocks B, C and D. The applicant has revised the application to include a ground floor layout for workshops and studios in Block A and has agreed that the accommodation will be constructed, fitted out and marketed to creative industry uses.

9.6 Block A will complement the space identified for creative industry accommodation within the Granary. The previously approved application required this space to be marketed for a period of at least 12 months for occupation by creative industries before any other uses. The Malthouse, which is currently owned by the Corporation, in its capacity as regeneration agency, is part vacant and part occupied by creative industries. The emerging BTAAP identifies the provision of up to 3,500m² of cultural and creative uses supported by ancillary B1 office, D1 non-residential institution such as a museum, art gallery, exhibition hall or education and training and A1, A3, A4 restaurants, pub, snack bar, cafe and/or wine bar uses provided that they are ancillary to and do not dominate the cultural and creative uses.

9.7 The Malthouse, Granary and Granary extension and proposed flexible commercial units within Blocks A, B, C and D would provide a total of 6,157m² of commercial

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

floorspace, of which 1,563m² (Malthouse) would provide creative accommodation and approximately 626m² (Granary and Block A) required to be marketed for 12 months for additional creative accommodation. In the event that the accommodation is not let to a creative industry tenant within the marketing period, the Granary would revert to an open B1 planning permission and Block A would revert to an A1, A2, A3, A4, B1, D1 and D2 planning permission. Under such circumstances, the quantum of creative accommodation within the overall development would fall significantly below that envisaged in the BTAAP and be limited to the space provided by the Malthouse. It is noted, however, that the policy refers to development providing up to 3,500m² of cultural and creative industry uses and there is an expectation that redevelopment of the Sharleston Wharf provides ground creative accommodation along the northern edge of the Creative Square.

9.8 To increase the prospects of the Block A accommodation being let to creative industry uses, it is recommended that the S106 Agreement includes a clause(s) that require it to be constructed, fitted out and marketed for a period of at least 12 months at <£12 per square foot rental levels. It is recommended that creative industries are defined as uses that fall within the definition adopted by the Department for Culture, Media and Sports. Such uses relate to or include advertising, architecture, art and antiques markets, computer and video games, crafts, design, designer fashion, film and video, music, performing arts, publishing, software, television and radio. These uses will typically fall within Use Class B1 (Business). The applicant can market this floorspace for A1, A2, A3, A4, B1, D1 and D2 uses if, following the 12 month marketing period, it has not been let to creative industry tenants.

9.9 Unlike the previously approved application, the scheme does not guarantee the long term provision of space for creative industries. The application cites scheme viability to justify this position. Should Block A be let for creative accommodation during the 12 month marketing, it is noted that any change of use (other than to B8 (Storage and Distribution where no more than 235m²) to an alternative use would require planning permission. This prevents the applicant from changing the use of the building without the need to apply for planning permission and helps address concerns about the long term viability of a creative industry quarter. It is also recommended that a planning condition be attached to any planning permission that require the submission for approval of the layout/schedule of accommodation and management arrangements of the creative and flexible commercial accommodation.

9.10 The site's proximity to Barking Town Centre, riverside location and historic setting lends itself to the provision of a mix of flexible commercial and creative accommodation and housing that combine to establish an environment for creative industries. The application is considered to be in accordance with Policies 2A.5, 3A.1, 3A.3, 3B.1 and 3B.11 of the London Plan, Policy B.T.C1 of the Unitary Development Plan, Policy CM1 of the Core Strategy and Barking Town Centre Area Action Plan Site Specific Allocation 10.

Public Transport

9.11 The application is compatible with long term proposals to construct a bus, pedestrian and cycle bridge spanning the River Roding to facilitate future improvements to the bus and/or busway transit (formerly East London Transit (ELT) 2) network. As ELT 2 has had its funding withdrawn and is no longer a Mayoral priority, the Corporation, LBBB and Transport for London have completed a study into an alternative bus corridor project that would link Barking to Royal Docks. In any event, the

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

proposed bridge has significant potential to be used by existing or new local bus services.

9.12 The bridge approach road is located within the site between Abbey Road and the River Roding and is designed to form an integral part of the linked public spaces that provide access into and through the site. The bridge span and western approach ramp was approved within the the previously consented scheme and is compatible with the proposed Freshwarf estate scheme.

9.13 The Rick Mather masterplan, commissioned by the Corporation, was used to identify an alignment and bridge crossing for the proposed ELT 2. This alignment is now identified within the draft BTCAAP and bisects the Fishing Smack Public House, Barford Chemicals, Smith Bailey Anderson, RS Foods and Wigzell Engineering sites. To facilitate its implementation, and remove the risk of the land required from being developed for alternative uses, the Corporation has acquired the Fishing Smack Public House (which benefits from an extant residential permission), Barford Chemicals and Smith Bailey Anderson sites. To acquire the remaining land interests (RS Foods and Wigzell Engineering), the Corporation resolved to make a Compulsory Purchase Order (CPO). A CPO Inquiry was held in May and September 2010 and the CPO was confirmed by the Secretary of State on 25 January 2011.

9.14 It is demonstrated at paragraphs 9.50-9.58 of this report that the proposed type and quantum of development can be accommodated without the need for improvements to be made to the existing public transport network given the site's proximity to a major town centre, accessibility of existing bus services and the acceptability of the development in terms of its design and townscape impact. On this basis, it would be unreasonable to prevent the development from being occupied prior to the implementation of any public transport improvements. The inclusion of the bridge approach ramp within the application site boundary provides part of the infrastructure required to construct the bridge crossing.

9.15 It is recommended that the S106 Agreement require the bridge approach road, which forms an integral part of the scheme design and public realm strategy, to be constructed prior to the occupation of Blocks C and D and made available for adoption or dedication or transfer at nil cost to the appropriate highway authority. The development will thus make a significant contribution to facilitating future bus or busway transit improvements. The application is considered to be in accordance with Policies 3C.1, 3C.2 3C.3, 3C.9, 3C.14 and 3C.20 of the London Plan, Policy CM4 of the Core Strategy and Policy BR10 of the Borough Wide Development Policies Pre-Submission Report and Policy BTC7 of the Barking Town Centre Area Action Plan.

Public Spaces

9.16 The application, as revised, proposes a series of public spaces that improve accessibility into and through the site and provide a setting for new development blocks and their associated uses.

9.17 The Creative Square is enclosed by the Malthouse and Granary, Block A and the existing warehouse building to the north. The previously approved podium and associated undercroft car park has been removed and replaced with a public square located at ground level. As such, the Creative Square is expected to be used as a car park, providing 37 spaces allocated to the Granary and Malthouse, and a work/event space. The applicant has submitted an amended landscape strategy that encourages flexible use through the choice and design of materials. It is recommended that a

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

condition be attached to any planning permission that requires the submission and approval of an Estate Management Plan to ensure the use of the car park does not undermine the ability to use the square for a work/events space.

9.18 The Granary Central Space forms a pedestrian entrance into and through the site to the bridge approach road and Riverside Walk. The Granary Central Space is conceived as a passive and dynamic space framed by the gable ends of Blocks A and B and the Granary. The building line of Block B projects forward of Block A to improve the legibility of the pedestrian route into and through the site.

9.19 The bridge approach road bisects the site and forms a future bus or busway transit route between Abbey Road and the River Roding. The bridge approach road is compatible with a future bridge spanning the River Roding designed by Transport for London and forming part of the previously approved planning application. Prior to the construction of the bridge an interim arrangement will comprise hard landscaping and service vehicle turning head.

9.20 The Riverside Walk provides pedestrian access to the riverfront and comprises a hard and soft landscaped area including a children's play area. The Riverside Walk connects to the existing route implemented as part of the adjacent Gladedale development.

9.21 To ensure the benefits of the public spaces are secured within the early stages of each phase, it is recommended that planning conditions be used to require the construction of the Creative Square and Granary Central Space prior to the occupation of Blocks A and B and the construction of the bridge approach road and Riverside Walk before the occupation of Blocks C and D. It is recommended that the S106 Agreement include a clause that requires the public spaces to be made publicly available at all times. The application is considered to be in accordance with Policies 4B.1, 4B.3 and 4B.5 of the London Plan, Policy DE16 of the Unitary Development Plan, Policy CP3 of the Core Strategy and Policy BTC18 of the Barking Town Centre Area Action Plan.

Phasing

9.22 The works to the Granary and construction of the Granary extension approved as part of the previous application have been implemented by Roof Holdings Ltd. and are due to be completed in 2011.

9.23 The applicant has secured an exclusivity agreement with the Corporation, in its capacity as landowner, to enter into a Development Agreement to acquire the Phase 1 land and construct Blocks A and B, the Creative Square and the Granary Central Space. It is understood that the draft Development Agreement provides the applicant an option to acquire the land required to implement Phase 2. The option expires on 31 March 2012. The applicant is therefore under no obligation to acquire the Phase 2 land and construct the remainder of the development, including the affordable housing proposed within block D, the Bridge Approach Road and Riverside Walk.

9.24 To assist the delivery of Phase 2, it is recommended that the Discounted Standard Charge in respect of Phase 2 is reduced to £1,000 per unit with the provision of the Bridge Approach Road treated as Works in Kind and that a proportion of any Deferred Charge payments secured from Phase 1 be allocated towards the provision of affordable housing instead of, or to supplement, any social housing grant.

Building Design

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

9.25 London Plan Policy 4B.1 seeks to ensure that new developments (1) respect local context, character and communities, (2) are practical and legible, (3) are attractive to look at and, where appropriate, inspire, delight and excite.

9.26 London Plan Policy 4B.9 lends support to tall buildings where they (1) create attractive landmarks enhancing London's character, (2) act as a catalyst for regeneration and (3) are acceptable in terms of design and impact on their surroundings.

9.27 London Plan Policy 4B.10 requires large scale buildings to be of the highest quality and design and in particular (1) be suited to their wider context in terms of proportion and composition and in terms of their relationship to other buildings, streets, public and private open spaces, waterways or other townscape elements, (2) be attractive city elements as viewed from all angles and where appropriate contribute to an interesting skyline, consolidating clusters within that skyline or providing key foci within views, (3) illustrate exemplary standards of sustainable construction and resource management and potential for renewable energy generating and recycling, (4) be sensitive to their impact on micro-climates in terms of wind, sun, reflection and overshadowing and (5) pay particular attention, in residential environments, to privacy, amenity and overshadowing.

9.28 UDP Policy DE10 requires waterfront development to provide access to and along the river, orientate building to the riverside, take account of long distance and local views and provide an interesting and varied roofscape. Policies DE24 and DE28 require development within and adjacent to a Conservation Area to make a positive contribution to its character and appearance in terms of scale, form and materials.

9.29 Core Strategy Policy CP3 requires all development to achieve high quality standards in relation to the design and layout of new buildings and spaces. The Borough Wide Development Policies Pre-Submission Report Policy BP4 requires tall buildings (6 or more storeys) to make a positive contribution to the character and amenity of the surrounding area. Policy BP11 requires the design of buildings and the layout of new development to have regard to their layout and function and comply with a series of urban design and sustainability principles.

9.30 The application proposes the creation of development blocks oriented around the existing historic Malthouse (3 storeys) and Granary (5 storeys) buildings and a sequence of public spaces. The development is designed to have an appropriate townscape relationship with the public spaces they create and the scale and function of Abbey Road, the Gascoigne Estate, the River Roding and the existing industrial (3 stories) and residential (part 2, 3, 4 and 7 storeys) development to the north and south.

9.31 The Creative Square is enclosed by the Malthouse and Granary buildings and the proposed development Block A. The Creative Square is well proportioned and measures approximately 30m x 45m. It forms part of a sequence of spaces that includes the Granary Central Space and extends across the Bridge Approach Road to the Riverside Walk. The extended Riverside Walk will provide direct access to a barrage that provides a pedestrian river crossing.

9.32 A significant amendment to the previously approved scheme is the removal of the Creative Square podium and its associated undercroft parking. While this will result in the provision of car parking within the Creative Square, the ground floor of the Granary

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

and the Malthouse are no longer concealed, the mouth of the car park entrance is removed from Abbey Road, the Granary Central Square setting is improved and the Creative Square and Granary Central Square enjoy improved access to and from Abbey Road. The removal of the podium has also resulted in a significant cost saving to the scheme.

9.33 The Creative Square is a publicly accessible, shared space that can be accessed by vehicles and pedestrians from Abbey Road at the north east corner of the site adjacent to Block A. The Creative Square is hard landscaped to provide work/event space for the creative accommodation surrounding the square and 37 car parking spaces. The car parking spaces will be allocated to Roof Holdings Ltd. (under the terms of their lease agreement) and occupiers of the creative accommodation and/or flexible commercial use. Roof Ltd. considers the long term viability of the creative accommodation to be dependent on the provision of car parking. The extent to which the Creative Square can fulfil its dual function will depend largely on the management of this space for use by the occupiers of the car parking spaces and the demand for events. In this instance, the advantages of removing the podium are considered to outweigh the disadvantages.

9.34 Block A is an 8 storey linear block fronting Abbey Road and the Creative Square. The ground floor accommodation consists of studios and workshops and a residential entrance and associated cycle and refuse storage. These uses provide an active frontage to Abbey Road and the Creative Square. A combination of single and dual aspect residential accommodation is located on the second to seventh floors and this accommodation provides passive surveillance of Abbey Road and the Creative square. Block A is only 800mm taller than the previously approved scheme and the floor to ceiling heights have been reduced to create an additional storey of accommodation. While Block A will block views of the Malthouse from Abbey Road, it is considered to adopt a form and scale that is appropriate to Abbey Road and preserves the character of the Conservation Area. CABE and English Heritage support the overall height and massing of the scheme.

9.35 Block B is a 9 storey linear block fronting Abbey Road located opposite the Granary and Granary Extension (5 storeys). In plan form, the building line of Block B extends beyond the building line of Block A by 1.5 metres. This emphasises the visual and physical break in the building line and the route through the site to the riverside. The southern elevation forms an edge to the bridge approach road. The ground floor accommodation consists of flexible commercial space, energy centre/substation, a residential entrance and associated cycle and refuse storage. These uses provide active edges to Abbey Road, the Granary Central Space and the bridge approach road. A combination of single and dual aspect residential units occupy the first to eighth floors. Block B is only 400mm taller than the previously approved scheme and the floor to ceiling heights have been reduced to create an additional storey of accommodation. Block B is considered to adopt a form and scale that responds appropriately to the Granary and Granary Extension. The increase in height marks the junction of Abbey Road and the bridge approach road. CABE and English Heritage support the overall height and massing of the scheme.

9.36 Block C is a residential block located outside the Conservation Area and fronting Abbey Road and the bridge approach road. The building reads as a 10 storey building to Abbey Road that reduces marginally in height as it flanks and encloses the bridge approach road as it rises towards the river. The ground floor comprises a car park access, commercial unit and residential entrance. The commercial unit and residential

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

entrance front the junction of Abbey Road and the bridge approach road. The block accommodates a combination of single and dual aspect residential units enclosing a semi private courtyard located at podium level above an undercroft car park accessed directly from Abbey Road. Any single aspects units are south facing. Block C is 800mm lower than the previously approved scheme and the floor to ceiling heights have been reduced to create an additional storey of accommodation. CABA and English Heritage support the overall height and massing of the scheme.

9.37 The detailed design of Blocks A, B, C and D has been amended to address criticisms that the predominant use of render would result in a low quality and uninspiring scheme. The buildings now incorporate brick elevations which present a feeling of quality and solidity. Blocks A, B and C are conceived as a base (workshops and studios or flexible commercial), middle and top (residential units), differentiated by the use of materials and fenestration. The elevations will be predominantly finished in brick and punctuated with 900mm and 1,350mm wide floor to ceiling height window openings with generous recesses. The ground floor accommodation is a combination of floor to ceiling height glazing and contrast brickwork. The introduction of larger window openings provides a subtle variation to the top floor residential accommodation. The elevations fronting the Creative Square and Granary Central Square are animated by steel and glass balconies. Whilst the previously approved scheme provided balconies to all units, the absence of balconies overlooking Abbey Road and existing housing is acceptable given the overall design. The elevations are honest, coherent and robust, present a visual balance and simplicity and provide a contemporary design that respects their historic context. While CABA welcome the use of brick and the removal of grey render, they consider the removal of the top floor set back, the elimination of layering from, and the unmoderated verticality, of the facades as problematic. These concerns are not considered to justify reasons for refusal on design grounds. It is unfortunate that the scheme revisions were not reviewed by the same panel members who made the recommendations on which the amendments were based.

9.38 Block D is a 15 storey block that fronts the River Roding and the bridge approach road. The block is located outside the Conservation Area boundary. The long elevation is oriented towards the River Roding and the short elevation faces the Granary and Granary Extension. The ground floor provides commercial floorspace fronting open space that forms part of the riverside walkway. Residential access to the upper floors is via a central core with flats overlooking either the River Roding or the semi-private courtyard. The block steps back from the building line established by Block C to provide access to the townhouses located adjacent to Block D, respond to the structural grid of the undercroft car park and reduce the impact of a tall building on the Granary and Granary Extension.

9.39 To reflect its distinct form, scale and height, and address CABA's concerns about the quality of architecture and material palette, Block D will adopt a different elevation design using brick and glass. The brick elevations are punctuated by an irregular pattern of floor to ceiling height window openings. The ratio of brick to glass helps to counteract the overall scale and mass of the building and to create visual balance and solidity. The architect has sought to create good proportions by offsetting the verticality of the building with the use of horizontal bands at alternate floors. The extension of this façade treatment to the ground floor helps improve the relationship with the ground plane and better reflect the scale of the ground floor flexible commercial space. While the construction of a 15 storey building in this location is contrary to the draft BTCAAP, it adopts a height, scale, massing and design that establishes an acceptable townscape relationship to the Conservation Area, minimises its amenity impact on residents of the

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

adjacent housing development and forms an integral part of a comprehensively masterplanned regeneration scheme.

9.40 While the development will adopt a significant form and scale when viewed from Abbey Road and, extend above the ridgeline of the Granary building when viewed from Town Quay, it is considered to result in townscape improvements that preserve the character and appearance of the Abbey Road Riverside Conservation Area by adequately referencing and complementing the scale, height and materiality of the Granary and Malthouse buildings. The development block siting adequately defines and encloses Abbey Road and the proposed public square, bridge approach road and riverside walkway and responds appropriately to the existing Gascoigne Estate and Gladedale housing development. The result is a development form that establishes an acceptable relationship to its context. The proposed height and massing compares with the previously approved scheme and is supported by CABE and English Heritage.

9.41 The application is considered to be in accordance with Policies DE10, DE24 and DE28 of the Unitary Development Plan, Policy CP3 of the Core Strategy, Policies BP4 and BP11 of the Borough-Wide Development Policies Pre-Submission Report and Policies 4B.1, 4B.9 and 4B.10 of the London Plan.

Built Heritage

9.42 The UDP Proposals Map identifies the Abbey Road Riverside Conservation Area as being located within the site and identifies the Granary as a building of townscape interest. The Malthouse is not identified as a building of townscape interest. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the Corporation, as planning authority, in exercising its functions in a conservation area to pay special attention to the desirability of preserving or enhancing the character and appearance of the area. Policy DE24 requires development to make a positive contribution to the character and appearance of the Conservation Area in scale, grouping and materials and Policy DE28 requires development adjacent to a conservation area to be designed to be in harmony in size, form and materials with the Conservation Area.

9.43 The Borough-Wide Development Policies Pre-Submission Report Policy BP2 seeks to preserve or enhance the special character and appearance and setting of Conservation Areas. The policy states that there will be a general presumption in favour of preserving buildings and structures (whether listed or not) which can be identified as making a positive contribution to a Conservation Area's character and appearance. Policy BTC19 of the Barking Town Centre Area Action Plan reinforces this approach.

9.44 The Abbey Road Riverside Conservation Area Appraisal identifies the Malthouse and the Granary as examples of the town's industrial riverside legacy and as having the potential to play a role in the regeneration of the town centre.

9.45 The site does not contain any statutorily listed buildings. The decision to designate the Conservation Area was justified on the basis that the area contained buildings of historic and architectural quality that, collectively, were worthy of protection. Of the five buildings - the Malthouse, Malthouse Extension, Granary, Fishing Smack Public House and the Ice House, only the Malthouse and Granary now survive substantially intact. The Fishing Smack Public House and the majority of the Maltouse Extension have been demolished following the grant of Conservation Area Consent by LBBDD.

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

9.46 The proposed new buildings have been designed to frame the remaining Malthouse and Granary rather than dominate or overshadow them. While all of the new development blocks are taller than the Malthouse and Granary, sufficient consideration has been given to their siting, scale, massing and external treatment so that, in key views, they enhance the visibility and architectural character of the Conservation Area. The limited loss of industrial fabric is outweighed by the retention, restoration and long term viability of the key buildings within the Conservation Area – the Malthouse and the Granary.

9.47 The key view looking south across the mill pond from Town Quay will be enhanced by the restoration of the key decorative architectural features by Roof Ltd to the main facades of the Granary. However, it is acknowledged that the prominence of the Granary within this view will be lost by the height of blocks C and D exceeding the ridgeline of the Granary roof.

9.48 The proposed new buildings have been designed with a height, scale and massing that relates sensitively to the key historic buildings within the conservation area. Whilst all the new buildings are taller than the Malthouse or the Granary, appropriate consideration has been given to their siting and external materials so that they enhance the visibility and setting of these historic buildings. It is noted that English Heritage, who encouraged LBBB to designate the Conservation Area, expresses support for the application.

9.49 The application is considered to be in accordance with Policies DE24 and DE28 of the Unitary Development Plan, Policy CP2 of the Core Strategy, Policy BP2 of the Borough-Wide Development Policies Pre-Submission Report, Policy BTC19 of the Barking Town Centre Area Action Plan and Policies 4B.12, 4B.13 and 4B.15 of the London Plan.

Housing Density

9.50 The application site measures 1.1 hectares. The application proposes redevelopment to provide 272 units and 725 habitable rooms resulting in a density of 247 units or 659 habitable rooms per hectare.

9.51 The site has an existing PTAL (Public Transport Accessibility Level) of 2 (where 6 is the highest) based on bus routes that can be accessed within 640m of the site. The PTAL methodology makes the assumption that, on average, people are prepared to walk 960m to access rail services. As the centre of the site is located 1050m from Barking Station, PTAL discounts the National Rail and London Underground services at Barking Station from a calculation of the site's PTAL. If these services were included within a calculation of the site's PTAL it would increase to 3. As the site is located just beyond the 960m station catchment area, it is considered reasonable to expect that prospective residents will walk across Abbey Green and through the town centre to the station.

9.52 London Plan Policy 3A.3 seeks to achieve maximum intensity of use compatible with local context, the design principles in Policy 4B.1 and with public transport capacity. Policy 3A.3 requires the Borough's LDFs to adopt the residential density ranges set out in Table 3A.2.

9.53 The proposed density of 247 units or 654 habitable rooms per hectare marginally exceeds the the density range of 300-650hr/ha recommended by the London Plan for

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

site's occupying a a central setting location with a PTAL (Public Transport Accessibility Level) of between 2 and 3. An area falling within a central setting is expected to accommodate very dense development, a mix of different uses, large building footprints and typically buildings of four to six storeys and located within 800m of a Major Centre. It is considered appropriate to give the site a central setting classification on the basis that the London Plan designates Barking a Major Town Centre and the site is located within 800m of its boundary.

9.54 Site setting and public transport accessibility are among several factors in the determination of an appropriate quantum of development. London Plan Policy 3C.1 seeks to ensure the integration of transport and development to encourage forms of development that reduce the need to travel and ensure people have convenient access to services and facilities they need.

9.55 The site adopts a development form, scale and massing that is compatible with its local context, conforms with the design principles of Policy 4B.1 and will facilitate improvements to the bus network by providing the bridge approach road within the site which is compatible with the previously approved location of a bridge spanning the River Roding.

9.56 Furthermore, the site is located within Site 10 of the LBBB draft Barking Town Centre Area Action Plan (BTCAAP). Site 10 measures 1.43 hectares and includes the Abbey Road Business Park (Sharleston Wharf). The draft BTCAAP suggests some 400 homes could be accommodated on the site. This equates to a housing density of 279 units per hectare. It is noted that the proposed density of 247 units per hectare is below that promoted in the draft BTCAAP.

9.57 The site's PTAL will increase to 4 in the event that the bus network is enhanced by diverting existing bus services or introducing new services or busway transit using the alignment and bridge crossing through the application and Freshwarf sites. The proposed housing density is considered compatible with achieving sustainable residential quality.

9.58 It is clear that more recently adopted planning documents seek to maximise redevelopment potential by encouraging appropriately designed high density housing development in appropriate locations in response to the need to meet the increased demand for housing. The application is considered to be in accordance with Policies 3A.3 and 3C.1 of the London Plan, Policy BP10 of the Borough Wide Development Policies Pre-Submission Report and Barking Town Centre Area Action Plan Site Specific Allocation 10.

Affordable Housing

9.59 London Plan Policy 3A.9 seeks 50% affordable housing based on a split between 70% social rented and 30% intermediate provision. In negotiating affordable housing Policy 3A.9 requires Boroughs to seek the maximum reasonable amount of affordable housing having regard to the need to encourage rather than restrain residential development and the individual circumstances of the site.

9.60 LBBB Local Development Framework: Core Strategy Pre Submission Report Policy CC1 requires new development to achieve a target of 50% affordable housing unless exceptional circumstances can be demonstrated, including scheme economics and the availability of public subsidy. Policy CC1 requires 70% of new affordable

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

housing to be social rented and 30% to be intermediate.

9.61 The application proposes 20% affordable housing on a habitable room basis. The application proposes a 56:44 split between intermediate shared ownership and social rented housing on the basis that the Gascoigne Estate and the surrounding area already accommodates a high proportion of social rented housing. In March 2010 the applicant was unsuccessful in its bid to the Homes and Communities Agency (HCA) to secure £11,346,000.

9.62 The applicant has submitted a Viability Report to support of the affordable housing offer. The appraisal concludes that £6,850,000 of Homes and Communities Agency (HCA) grant is required to achieve 20% affordable housing based on a 56:64 split between intermediate and social housing. The Viability Report considers the viability of a number of scenarios and concludes that without grant assistance the scheme is viable only if the affordable housing is sold on the open market and the flexible commercial accommodation is not restricted to creative industry occupation. The Corporation has appointed advisors to independently verify the Viability Report.

9.63 The application is considered to be in accordance with Policy 3A.9 of the London Plan, Policy BC1 of the Borough Wide Development Policies Pre-Submission Report and Policy BTC14 of the Barking Town Centre Area Action Plan.

Housing Mix

9.64 London Plan Policy 3A.5 requires new development to offer a range of housing sizes and types and the corresponding Housing SPG consolidates this policy objective by seeking a preferred housing mix within new development.

9.65 Policy CC2 of the Core Strategy document seeks a target of 40% family housing (3+ bedrooms) and provision of a range of accommodation types and sizes in all new development taking into account site suitability, identified housing need, density, proximity to services and the need for play and informal recreation provisions. The Policy acknowledges that not all sites will be suitable for family sized accommodation and refers to the size and form of town centre locations as being prohibitive to providing a satisfactory environment for young children. The Policy anticipates that the 40% target may be hard to achieve on certain sites identified with the BTCAAP.

9.66 The application proposes the following housing mix:

Unit Type	Private	Intermediate	Social	Total
1-bed	105	10	8	123 (45%)
2-bed	83	20	14	117 (43%)
3-bed	28	-	4	32 (12%)
Total	216 (79%)	30 (11%)	26 (10%)	272

9.67 The table shows that 88% of the development is comprised of one and two bedroom units. The proportion of family sized units is restricted to only 12% of the total number of units. In response to the Mayor of London's objection to the limited number of family sized affordable housing units, the applicant has provided three additional townhouses within Block C and states that all two bedroom flats are designed to accommodate 4 persons.

9.68 It is acknowledged that the site size and character does not lend itself to a

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

development form that can accommodate a significant amount of traditional family housing. The site constraints, including the need to retain the existing historic buildings and provide the Bridge Approach Road, require a development form and layout that is more suited to flatted accommodation and the creation of public open spaces rather than the traditional family housing typologies. The applicant has submitted a Viability Report in support of the application. This has been independently verified by the Corporation.

9.69 While the mix of housing is below that sought by London Plan and LBBB policy, it is not considered to justify a defensible reason for refusal given the overall type and standard of development and the range of planning benefits secured. On balance, the housing mix is considered acceptable. The application is considered to be in accordance with Policy 3A.5 of the London Plan and Policy CC2 of the Core Strategy.

Housing Size

9.70 The draft London Housing Design Guide recommends minimum space standards for 1 bed 2 person (50m²), 2 bed 4 person (70m²), 3 bed 5 person (86m²) and 3 bed 6 person (95m²) and minimum areas for living, dining and kitchen areas and bedrooms. It also recommends a minimum floor to ceiling height in habitable rooms of 2.5m between the finished floor level and finished ceiling level.

9.71 UDP Policy H16 requires new housing to provide adequate internal space and adopts space standards for the habitable rooms (living room, dining room and bedroom) of one (28.5m²), two (40m²) and three (49m²) bedroom accommodation. The Borough-Wide Development Policies Pre-Submission Report Policy BP6 provides internal space standards for the combined cooking, eating and living areas for different unit sizes.

9.72 All units have been designed to meet or exceed the draft London Housing Design Guide and Borough-Wide Development Policies Pre-Submission report standards irrespective of tenure. The residential floor to ceiling heights have been reduced from 2.5m in the previously approved application to 2.35m. This has been achieved by using a method of construction that enable the services to be provided within the concrete frame and motivated by the commercial requirement to increase unit numbers, particularly within Phase 1, within the previously approved building envelopes. While the proposed residential floor to ceiling height is below that recommended in the draft London Housing Design Guide, this is not considered to justify a reason for refusal given the size of units and the wider planning and regeneration benefits of the scheme.

9.73 The application is considered to be in accordance with the Policy H16 of the UDP, Policy BP6 of the Borough-Wide Development Policies Pre-Submission Report and the Draft London Housing Design Guide.

Residential Amenity

9.74 London Plan policy 4B.9 requires large scale buildings in residential environments to pay particular attention to privacy, amenity and overshadowing.

9.75 UDP Policy H14 requires new development to ensure that adequate sunlight and daylight conditions can be afforded to all existing and proposed dwellings. The Policy refers to the Building Research Establishment (BRE) criteria for assessing the sunlight

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

an daylight impact of new development on existing buildings.

9.76 The Borough Wide Development Policies Pre-Submission Report Policy BP8 requires development to ensure that there is no significant overbearing (loss of privacy) or overshadowing (loss of daylight) of neighbouring properties.

9.77 The adjacent Gladedale housing block has not been set back from the site boundary and locates windows to single aspect rooms within its north facing flank elevation. A total of 24 rooms to 14 flats receive light from windows located within this elevation. 21 of these windows serve bedrooms and 3 windows serve living rooms. The bedroom windows have been designed to minimise overlooking by incorporating high level slit openings. The 3 living room windows are orientated north west to provide views of the river and minimise overlooking of the application site. The north facing aspect and fenestration design prevent these rooms from achieving good daylight conditions. This, combined with the block siting 3m from the site boundary, places a significant constraint on the development potential of the application site.

9.78 It was determined that, despite resulting in Average Daylight Factor levels below the BRE target the impact of the previously approved scheme on the adjacent Gladedale housing block was acceptable given the siting, design and internal layout of the existing block and the requirement to apply the BRE guidelines flexibly. Any impact of increasing the height of Block D by 4.8m with the proposed development is considered to be offset by increasing the separation distance between this block and the adjacent Gladedale block, and reducing the height of block C.

9.79 While it is acknowledged that the proposed development will have an impact on the existing sunlight and daylight conditions enjoyed by some residents of the Gladedale development, it is not considered to justify a reason for refusal. The BRE guidelines make clear that the standards are not mandatory and should not be seen as an instrument of planning policy. The affected rooms will experience daylight conditions that would not be uncommon in a built-up urban environment which is already affected by poorly designed windows. 11 of the 14 affected flats are dual aspect and their primary habitable rooms, which orientate east or west, will not be impacted upon. The affected rooms – bedrooms - are considered by the BRE guidelines to have a lower expectation of sunlight and daylight than primary habitable rooms.

9.80 It was determined that, despite resulting in Vertical Sky Component levels below the BRE target, the impact of the previously approved scheme on existing housing within the Gascoigne Estate was limited to eight windows and considered acceptable. The extent of the change between existing and proposed conditions is below BRE standards but the resulting VSC was high for an urban location. Any additional impact of increasing the height of block A by 800mm and block B by 400mm and moving their footprints closer to Abbey Road is considered marginal. Block C is reduced in height by 800mm. While Blocks A, B and C are located opposite existing properties within the Gascoigne Estate whose rear gardens are parallel to Abbey Road, the concern that overlooking will compromise their privacy is insignificant given that they are directly overlooked from the Abbey Road pavement.

9.81 The application is considered to be in accordance with Policies 4B.1 and 4B.10 of the London Plan and Policies EQ19 and H14 of the Unitary Development Plan and Policy BP8 of the Borough Wide Development Policies Pre-Submission Report.

Amenity Space

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

9.82 London Plan Policy 4B.1 requires new development to promote high quality inclusive design. UDP Policy H15 seeks to ensure that adequate private amenity space is provided in all new residential development and adopts guidelines for flatted development. The policy recommends that 1 bedroom dwellings should provide 20sqm and 2+ bedroom units are expected to provide 40sqm. This would appear to relate to traditional house types. The draft London Housing Design Guide seeks a minimum of 5m² of private outdoor space for 1-2 person dwellings and an extra 1m² should be provided for each additional occupant.

9.83 The LDF Development Policies Pre-Submission Report Policy BP5 sets standards for the provision of external amenity space, defined as private and/or communal amenity space, for different units sizes. The policy requires 1 bedroom flats to provide 20sqm and 2+ bedroom flats to provide 40sqm and states that where developments in town centre locations and strategic development sites are not able to provide external amenity space, the applicant should demonstrate that suitable alternatives such as useable roof terraces, roof gardens and balconies have been incorporated wherever possible. Existing and emerging policy requires the development to provide 7,580m² of private and/or communal amenity space.

9.84 Of the 272 units proposed, 45 (16%) units will not benefit from access to external private amenity space. These units are located within blocks A and B. The associated cost saving has enabled a higher build cost specification, and the introduction of brick elevations, to be achieved. The large unit sizes, overall design quality and proximity of the site to parkland at Abbey Green are considered to outweigh the planning requirement for all units to have access to private amenity space.

9.85 The application incorporates private balconies (2.25-4.5m²), terraces (346m²) and private gardens, semi-private/communal courtyard (604m²), Creative Square (1,523m²), Granary Central Space (669m²) and Riverside Walk (1,609m²) to provide a total of approximately 5,508m² private and communal amenity space. Given the site constraints, the design quality achieved and the overall planning benefits of the scheme, the reduced level of amenity space is not considered to result in a justifiable reason for refusal.

9.86 On balance, the application is considered to be in accordance with Policy H15 of the Unitary Development Plan, Policy BP5 of the Development Policies Pre-Submission Report and Policy 4B.1 of the London Plan.

Children's Play Space

9.87 Policy 3D.13 requires housing development to make provision for play and informal recreation, based on the expected child population generated by the scheme. The London Plan Providing for Children and Young People's Play and Informal Recreation SPG sets out the policy framework for the provision of appropriate play space. The SPG recommends that new development provide 10m² of play space per child based on an assessment of age and the availability of existing facilities. The application is estimated to generate a total child yield of 53 (21 x 0-4; 20 x 5-11; 12 x 12+).

9.88 The application proposes Local Playable Space for children aged 0-11 within the Riverside Walk (104m²). The application has also been amended to confirm that that a Local Playable Space will be provided within the semi-private courtyard accessible to blocks C and D for children aged between 0-11. It is recommended that a planning condition be imposed requiring the design of this Local Playable Space to be submitted

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

to and approved by the local planning authority. It is acknowledged that other facilities for children aged between 0-11, and those aged 12+, are accessible within 800m of the site and located on the Gascoigne Estate and Abbey Green.

9.89 Although there is a deficiency in relation to the quantum of space provided on site, opportunities for play are provided at Abbey Green and within the Gascoigne Estate. The children's play space provision is considered to be in accordance with Policy 3D.13 of the London Plan and Policy BTC20 of the Barking Town Centre Area Action Plan.

Parking, Transport and Access

9.90 The existing site is accessed by vehicles, pedestrians and cyclists via Abbey Road, a single carriageway with no through route and a single point of entry and egress with St Paul's Road. LBBB is concerned about the combined effect of this cul-de-sac arrangement and increased pressure on parking created by development growth. Abbey Road currently allows unrestricted parking. LBBB advises that the introduction of a Controlled Parking Zone is being considered for the Gascoigne Estate including Abbey Road. While concern has been expressed about the condition of the road surface along Abbey Road, the applicant will be expected to enter into a S278 agreement to undertake improvement works to the footway along the site frontage, the details of which will be required to be submitted by planning condition.

9.91 The application proposes three vehicle access/egress junctions with Abbey Road. The northernmost junction provides vehicle, pedestrian and cycle access/egress to/from the Creative Square and the undercroft car parking located within the Granary extension. The southernmost junction provides vehicle and cycle access/egress to/from the undercroft car park located beneath Blocks C and D. A central junction provides a vehicle, pedestrian and cycle access/egress to/from the bridge approach road and the Riverside Walk.

9.92 The northernmost junction will be delivered as part of Phase 1. An interim parking arrangement will be implemented in advance of Phase 2 which provides 34 residential car parking spaces, allocated to the residents of Blocks A and B, on land currently owned by the Corporation and unaffected by the Compulsory Purchase Order. These car parking spaces will become incorporated within the undercroft car park beneath Blocks C and D when Phase 2 is implemented.

9.93 The southernmost junction, and the bridge approach road, will be delivered as part of Phase 2. The land on which the interim residential car parking is provided is used to construct the bridge approach road. Should Phase 2 commence in advance of any commitment to complete the bridge approach road and construct the River Roding bridge, an interim solution will involve hard landscaping that comprises an extension of the Riverside Walk and a service vehicle turning head. When the bridge approach road is extended the service vehicle turning head is retained.

9.94 The application proposes a total of 105 car parking space located within the Creative Square, within an undercroft car park beneath blocks C and D and along the Abbey Road frontage. 76 car parking spaces will be delivered in Phase 1, comprising 36 residential spaces under the interim parking arrangements (including 2 car club parking bays on Abbey Road) and 40 commercial spaces (including 20 allocated to Roof Ltd.) within the Creative Square and Granary Central Space. The construction of phase 2 will increase the number of car parking spaces to 105, comprising an additional 25 residential spaces and 7 commercial spaces located within the undercroft car park beneath blocks C and D. This will replace the interim residential car parking

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

(34) arrangements and the commercial spaces (3) within the Granary Central Space will be removed to facilitate the pedestrian route to Riverside Walk. Cycle parking is provided at a ratio of 1 space per residential unit with 57 spaces provided for the commercial premises located within the undercroft car parks and the public realm. To address the Mayor of London's concern that inadequate provision is made for wheelchair accessible car parking spaces, the applicant states that wheelchair spaces will be allocated and managed in response to need up to 24 spaces identified for potential use for residential and commercial occupiers.

9.95 LBBB is the Highway Authority and they raise no objection to the vehicle tracking for movements into, through and out of the site or the capacity of the local road network to accommodate the number of trips generated by the development.

9.96 Blocks A and B are proposed to be serviced by 2 delivery bays located on Abbey Road. The Malthouse and Granary will be serviced from within the Creative Square and Granary Central Square with access from the northernmost junction with Abbey Road. Blocks C and D. As deliveries are expected infrequently and during off peak hours this arrangement is considered compatible with the potential use of the corridor by buses or busway transit in the future. LBBB raises no objection to the proposed servicing arrangements.

9.97 The application includes a Travel Plan designed to promote sustainable travel patterns and reduce reliance on the private car. As discussions with TfL are ongoing about modal share targets, it is recommended that a planning condition requires its future submission

9.98 The application is considered to be in accordance with Policies T24, T25, T27 and T32 of the Unitary Development Plan and Policy BT8 of the Barking Town Centre Area Action Plan.

Flood Risk

9.99 Policy 4A.12 of the London Plan requires boroughs to protect the integrity of existing flood defences, whilst Policy EQ64 of the UDP states that the Council will oppose development which would adversely affect the stability and continuity of tidal defences.

9.100 Policy CR4 of the Core Strategy requires development to comply with the Sequential and Exceptions Test set out in PPS25.

9.101 Where it is not possible for development to be located in areas of lower flood risk, development may exceptionally occur in higher flood risk zones provided that it makes a positive contribution to sustainable communities, it is on developable brownfield land, a Flood Risk Assessment demonstrates that the residual risk of flooding are acceptable and can be managed and that it makes a positive contribution to reducing or managing flood risk.

9.102 The site is located within Flood Risk Zone 3. The Environment Agency raises no objection to the impact of the development on flood risk. The application is considered to be in accordance with Policy CR4 of the Core Strategy and Policy 4A.12 of the London Plan.

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

Sustainability

9.103 The London Plan and Mayor's Energy Strategy seeks a reduction in carbon emissions through the use of energy efficient technologies with 20% achieved through the use of on-site renewable energy. This approach is supported within the Local Development Framework Core Strategy and Borough Wide Development Policies Pre-Submission Report.

9.104 To reduce carbon emissions the application proposes sustainable design and construction technologies, including a highly insulated building envelope, high efficiency boiler and potential to connect to an off-site centralised heating network. The generation of heat will be provided by a site wide district heating network served by a single central energy centre located within Phase 1 but sized to serve the overall scheme. The district heating system will be served by high efficiency gas fired boilers. The heating system is designed to be compatible with the Barking District Heating Network proposed for the town centre. Photovoltaic cells are proposed to provide on-site renewable energy. The submitted Energy Strategy estimates a potential carbon saving of 5% increasing to 22% with connection to the Barking District Heating Network.

9.105 The applicant is committed towards achieving a Code for Sustainable Homes of Level 3 and BREEAM Very Good rating.

9.106 The Mayor of London and LBBB raise no objection to the proposed Energy Strategy. The application is considered to be in accordance with Policies 4A.1, 4A.2, 4A.3, 4A.5, 4A.6 and 4A.7 of the London Plan and Policy CR1 of the Core Strategy.

S106 Planning Obligations Community Benefit Strategy

9.107 The applicant has submitted a Viability Report that concludes that Phase 1 achieves a profit on cost of 23.8% and a profit on Gross Development Value (GDV) of 19.0%, Phase 2 makes a loss on cost of 13% and the overall scheme a profit on cost of 7%. Only when the affordable housing is removed from Phase 2 does the scheme achieve a profit on cost (19%) that would result in its implementation. The applicant advises that a profit on GDV of 20% is required to make the scheme viable. The Corporation has instructed an independent analysis of the Viability Report which concludes that S106 contributions should be made towards the Planning Obligations Community Benefit Strategy (POCBS) on a phased basis and that Phase 1 is capable of contributing the full Discounted Standard Charge. The advice also recommends that it is reasonable for profit to be measured on cost. This is particularly relevant given that the draft Development Agreement between the applicant and the Corporation, in its capacity as landowner, does not require the applicant to implement Phase 2.

9.108 As Phase 1 comprises 100% private housing, does not include the provision of the Bridge Approach Road and benefits from a discounted land value, it is entirely reasonable that contributions towards the POCBS be secured on a phased basis. The Viability Report demonstrates that Phase 1 can achieve a profit on cost of 20% and contribute the Discounted Standard Charge of £6,000 per unit where 25% is paid on implementation (£201,000) and the balance paid on completion of units and, in any event, prior to occupation (£603,000) with baseline sales values set at £267psf (Block A) and £264psf (Block B). To compensate for the absence of any affordable housing, and to "recapture the discount" up to £30,400 per unit, it is recommended that further S106 payments be required should realised sales value be higher than the baseline sales value. It is suggested that the scheme contribute 30p in the £1 where sales

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

values are above the baseline sales value up to the Standard Charge cap of £30,400 per unit. It is suggested that a proportion of any additional payment be ring fenced for the delivery of affordable housing in Phase 2 should social housing grant be, or not be, secured. The applicant has offered £1,000 per unit towards the Discounted Standard Charge and has not agreed to the recommended Head of Term 1.

9.109 It is acknowledged that in today's market, and without social housing grant assistance, Phase 2 would be deliverable only on the basis that no affordable housing is provided. On this basis, Phase 2 is capable of contributing a Discounted Standard Charge of £1,000 per unit where 25% is paid on implementation (£34,500) and the balance paid on the completion of units, and in any event, before occupation (103,500)) with baseline sales values set at £285psf. It is recommended that the provision of the Bridge Approach Road is treated as Works in Kind given its potential future public benefit. While the baselines sales value is higher than the applicant's (£273psf), this is considered reasonable on the basis that this phase will take an uplift from the regenerative effect of Phase 1 and many units will benefit from Riverside and Conservation Area views. To "recapture the discount" up to £30,400 per unit, further S106 payments will be required should residential sales value be achieved above £285psf using the approach described above.

9.110 It is recommended that the strategy outlined above is secured through a S106 Agreement. The Heads of Terms are set out at paragraph 11.1. On this basis, the application is considered to provide an adequate S106 contribution that facilitates the regeneration of the area and mitigates its impact on physical and social infrastructure in accordance with the Corporation's Planning Obligations Community Benefit Strategy, Policies 6A.4 and 6A.5 of the London Plan, Policy CC3 of the Core Strategy and Policy C17 Unitary Development Plan.

9.111 It is recommended that delegated authority is given to the Planning Development Manager to finalise negotiations with the applicant and completion of the S106 Agreement based on the Heads of Terms identified in paragraph 11.1.

10. CONCLUSION AND REASONS FOR APPROVAL

10.1 The proposed development constitutes a redesign of the scheme granted planning permission by the Corporation in September 2009. The proposed increase in residential units, reduction in dedicated creative accommodation, reduction in affordable housing, removal of the podium square and modifications to the block massing have been informed by changing market conditions, the unlikely availability of housing grant, the removal of significant cost items associated with the previously approved scheme and urban design improvements.

10.2 The principle of redeveloping the site with a mixed use development, comprising new housing, flexible commercial space, including studios and workshops, is considered to be in accordance with Policies 2A.5, 3A.1, 3A.3, 3B.1 and 3B.11 of the London Plan, Policy B.T.C1 of the Unitary Development Plan, Policy CM1 of the Core Strategy and Barking Town Centre Area Action Plan Site Specific Allocation 10 subject to the S106 Agreement requiring the creative accommodation to be constructed, fitted out and marketed for a period of at least 12 months at an appropriate rental level before it can be marketed for the full range of commercial uses.

10.3 The application adopts an appropriate housing density given the site's existing and

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

future public transport accessibility, proximity to a major town centre and the standard of townscape and residential environment created. The application is considered to be in accordance with Policy 3A.3 and 3C.1 of the London Plan, Policy BP10 of the Borough Wide Development Policies Pre-Submission Report and Barking Town Centre Area Action Plan Site Specific Allocation 10.

10.4 The development adopts a coherent approach to development height, scale and massing that responds adequately to the Abbey Road Riverside Conservation Area, creates an acceptable relationship to adjacent development, responds successfully to the River Roding and creates a quality environment for future residents and visitors. The application is considered to be in accordance with Policies 3A.6, 3A.7, 3C.1, 4B.1, 4B.2, 4B.3, 4B.9 and 4B.10 of the London Plan, Policies DE1, DE10, DE24 and DE28 of the Unitary Development Plan, Policy CP3 of the Core Strategy and Policies BP4 and BP11 of the Borough-Wide Development Policies Pre-Submission Report.

10.5 While the affordable housing offer is below the London Plan target of 50% affordable housing on a 70:30 split between social rented and intermediate housing, the applicant has submitted a Development Appraisal in support of the amount of affordable housing. The Corporation has independently verified the development appraisal. The level of affordable housing is considered acceptable given the scheme viability and the range of planning benefits secured. The application is considered to be in accordance with Policy 3A.9 of the London Plan, Policy BC1 of the Borough Wide Development Policies Pre-Submission Report and Policy BTC14 of the Barking Town Centre Area Action Plan.

10.6 The application proposes a housing mix that compromises predominantly one and two bedroom units. The housing mix is not considered to justify a defensible reason for refusal given the limited suitability of the site for family housing, the overall type and standard of development proposed and the range of planning benefits secured. The application is considered to be in accordance with Policy 3A.5 of the London Plan and Policy CC2 of the Core Strategy.

10.7 The application provides sufficient public open space, private and semi private/communal amenity space and children's play space given the quantum and density of housing proposed. While the application departs from planning policy by providing 16% of residential units without access to private amenity space, this is not considered to justify a defensible reason for refusal when taking into account the large unit sizes, the high standard of housing design, access to high quality public realm within the site and proximity to existing amenity space at Abbey Green. The application is considered to be in accordance with Policies 3D.13 and 4B.1 of the London Plan, Policy H15 of the Unitary Development Plan, Policy BP5 of the Development Policies Pre-Submission Report and Policy BTC20 of the Barking Town Centre Area Action Plan.

10.7 The application will reduce the daylight conditions experienced by some residents of the adjacent Gladedale housing development. While the resulting daylight conditions fall below the Building Research Establishment (BRE) target, it is not considered to justify a defensible reason for refusal given that primarily bedrooms are affected to flats located with an already north facing elevation with small window openings, the majority of affected flats are dual aspect, the proposed development establishes an acceptable height and massing relationship to the Gladedale housing development and the BRE guidelines are intended to be interpreted flexibly. The application is considered to be in accordance with Policies 4B.1 and 4B.10 of the London Plan and Policies

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

EQ19 and H14 of the Unitary Development Plan and Policy BP8 of the Borough Wide Development Policies Pre-Submission Report.

10.8 The applicant has submitted a Viability Report that assesses scheme viability on a phased basis to reflect the position that the applicant is under no obligation to acquire the Phase 2 land and deliver the overall scheme. As Phase 1 includes no affordable housing and provides no Works in Kind, it is recommended that the scheme contribute the full Discounted Standard Charge of £6,000 per unit. As Phase 2 is proposed to provide affordable housing and the Bridge Approach Road as Works in Kind, it is recommended that a reduced Discounted Standard Charge of £1,000 per unit. As the applicant has not secured social housing grant, and the provision of affordable housing within Phase 2 renders the phase unviable, it is recommended that a proportion of any Phase 1 Deferred Charge is ring fenced to increase the prospects of delivering affordable housing. On this basis the application is considered to be in accordance with Policies 6A.4 and 6A.5 of the London Plan, Policy C17 of the Unitary Development Plan, Policy CC3 of the Core Strategy and the Corporation's Planning Obligations Community Benefit Strategy.

10.9 The preservation and enhancement of the Abbey Road Riverside Conservation Area; the provision of affordable workspace and studios to establish a Creative Industries Quarter; the safeguarding of land required to facilitate public transport improvements through the site and across the River Roding; and the creation of public access within and through the site and along the River Roding constitute significant planning benefits within a genuinely mixed use development.

10.10 The concerns raised by GLA and CABE to different elements of the originally submitted application have been assessed in the context of the revisions as part of this report. Having regard to the financial appraisal and the overall varied benefits of the proposal, and the proposed S106 Heads of Terms and planning conditions, it is not considered that the objections justify refusal of planning permission.

11. RECOMMENDATION

11.1 It is recommended that Members give delegated authority to the Planning Development Manager to GRANT PLANNING PERMISSION subject to:

- A. any direction from the Mayor of London to refuse planning permission;
- B. the planning conditions set out at section 12. of the report;
- C. the submission of a S106 Agreement that is required to secure the following Heads of Terms:
 14. Phase 1 to contribute a Discounted Standard Charge of £6,000 per residential unit (index linked) in accordance with the POCBS (including long stop date and security provisions). 25% of the Discounted Standard Charge (£201,000) is payable on implementation of the development. 75% of the Discounted Standard Charge (£603,000) is payable on sale of units;
 15. Phase 1 to contribute the Deferred Standard Charge ("recapture the discount") up to £30,400 per residential unit in the event that sales values exceed the baseline sales values; Unit sales for the purposes of the tariff shall be the first open market private sale of each individual unit, and in this regard bulk sales of more than 5 units will be disregarded;
 16. Phase 2 to contribute a Discounted Standard Charge of £1,000 per residential unit (index linked) in accordance with the POCBS (including long

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

stop date and security provisions). 25% of the Discounted Standard Charge (£34,500) is payable on implementation of the development. 75% of the Discounted Standard Charge (£103,500) is payable on sale of units;

17. Phase 2 to contribute the Deferred Standard Charge (“recapture the discount”) up to £30,400 per residential unit in the event that sales values exceed the baseline sales values; Unit sales for the purposes of the tariff shall be the first open market private sale of each individual unit, and in this regard bulk sales of more than 5 units will be disregarded;
18. Make available for dedication/adoption or transfer the interim public transport corridor (eastern approach ramp) at nil cost to TfL or LBBB when either calls for the corridor to implement improvements to the local bus network or busway transit;
19. Provide up to 20% affordable housing subject to the availability of housing grant / and gap funding through phase 1 tariff recapture - a cascade mechanism to take into account the availability of housing grant and a requirement to provide an agreed percentage of affordable housing before occupation of an agreed percentage of the market housing in Phase 2;
20. To market the commercial floorspace within Block A for creative industry uses defined by the Department for Culture, Media and Sport for a period of 12 months at rents up to £12 per square foot (excluding service charge);
21. Make the public transport corridor, CIQ square and riverside walk publicly accessible at all times;
22. Contribute £5,000 towards the implementation of the Abbey Road CPZ (to be ring fenced from the POCBS);
23. Enter into a S278 to undertake the necessary highway works to Abbey Road;
24. Implement a car club scheme;
25. Provide Local Labour, Contractors, Goods and Services Initiatives;
26. Prevent future residential occupiers from applying for parking permits within the Abbey Road Controlled Parking Zone.

11.2 If Members resolve that planning permission should be granted, it is requested that they confirm that in their decision they are satisfied that the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 are met in relation to the contributions referred to in the Heads of Term.

12. CONDITIONS AND REASONS

A. Time Limits, approved drawings / documents and content of development

A1. Unless otherwise agreed in writing by the Local Planning Authority the development shall be implemented in accordance with Phasing Plan AP(0)006 prepared by Cartwright Pickard Architects, which shall comprise:

- Phase 1: Development Blocks A and B, the Creative Square, the Granary Central Square and the interim car parking arrangements;
- Phase 2: Development Blocks C and D, the Bridge Approach Road and the Riverside Walk.

Reason: To ensure that the development is constructed in accordance with the Phasing Plan and in the interest of the amenities of future occupiers of the development in accordance with Policy CP3 of the London Borough of Barking and

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

Dagenham Core Strategy (adopted July 2010) and Policies 4A.3, 4B.1, 4B.2 and 4B.3 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

A2. The development hereby permitted must be commenced not later than the expiration of THREE YEARS from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 and because of the scale and timescale of the development.

A3. The development blocks A and B shall not be occupied until completion of the Creative Square and the Granary Central Square.

Reason: To ensure that the development is constructed in accordance with the Phasing Plan and in the interest of the amenities of future occupiers of the development, in accordance with Policy CP3 of the London Borough of Barking and Dagenham Core Strategy (adopted July 2010) and Policies 4A.3, 4B.1, 4B.2 and 4B.3 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

A4. The development Blocks C and D shall not be occupied until the completion of the Riverside Walk and Bridge Approach Road.

Reason: To ensure that the development is constructed in accordance with the Phasing Plan and in the interest of the amenities of future occupiers of the development, in accordance with Policy CP3 of the London Borough of Barking and Dagenham Core Strategy (adopted July 2010) and Policies 4A.3, 4B.1, 4B.2 and 4B.3 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

A5. Save as these conditions provide otherwise or any matter is reserved for the later approval of the Local Planning Authority, all works are to be completed in accordance with the drawings referred to in the Planning Drawings (AP Series) list dated February 2011 prepared by Cartwright Pickard Architects unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the development is constructed in accordance with the approved plans and other details submitted, in accordance with Policy CP3 of the London Borough of Barking and Dagenham Core Strategy (adopted July 2010) and Policies 4A.3, 4B.1, 4B.2 and 4B.3 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

A6. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) the permitted development rights afforded by Part, 3 Class E of that Order shall not apply to any commercial unit provided within the development.

Reason: To control the mix of uses within the development in accordance with Site Specific Allocation BTCAAP 10 of the Barking Town Centre Area Action Plan (adopted February 2011).

A7. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) none of the ground floor commercial units shall be used as

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

places of worship within Class D1.

Reason: To protect the amenities of residential occupiers in accordance with Policies BR13 and BP8 of the London Borough of Barking and Dagenham Borough Wide Development Policies Pre-Submission Report.

B. External Design

B1. Works to the relevant Phase of the development hereby approved shall not commence until full details, including samples, specifications and annotated plans where appropriate, of all external materials (which for the avoidance of doubt shall also include hard landscaping) have been submitted to and approved in writing by the Local Planning Authority. The relevant Phase shall only be implemented in accordance with the approved details, to the satisfaction of the Local Planning Authority.

Reason: To ensure a satisfactory standard of external appearance in accordance with Policy CP3 of the London Borough of Barking and Dagenham Core Strategy (adopted July 2010) and Policies 4A.3, 4B.1, 4B.2, 4B.3, 4B.9 and 4B.10 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

C. Sustainability

C1. All residential units shall be constructed in accordance with the Code for Sustainable Homes Level 3 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the principles of sustainability are achieved in all new housing in accordance with Policy CR1 of the London Borough of Barking and Dagenham Core Strategy (adopted July 2010) and Policy 4A.3 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

C2. All residential units within the development shall be constructed and permanently retained in accordance with Lifetime Homes standards, as defined in the Joseph Roundtree Foundation publication "Achieving Part M and Lifetime Homes standards" and the joint collaboration of JRF, Major of London, GML Architects and Habinteg HA in the publication 'Lifetime Homes' and as referred to in the GLA Accessible London SPG (Appendix 4).

Reason: To ensure that accessible housing is providing, in accordance with Policy CP3 of the London Borough of Barking and Dagenham Core Strategy (adopted July 2010) and Policies 3A.5, 4B.1, 4B.2 and 4B.3 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

C3. Works to the relevant Phase of the development hereby approved shall not take place until the location and quantum of photovoltaic cells has been submitted and approved in writing by the Local Planning Authority. The photovoltaic cells shall be implemented in accordance with the approved details and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure the principles of sustainability are achieved in all new housing in accordance with Policy CR1 of the London Borough of Barking and Dagenham Core Strategy (adopted July 2010) and Policies 4A.1, 4A.2, 4A.3 and 4A.7 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

D. Access

D1. Unless otherwise agreed in writing by the Local Planning Authority, no fewer than 10% of the total number of residential units within the development shall be constructed to be easily adapted for residents who are wheelchair users in accordance with the publication "Wheelchair Housing Guide Second Edition" by Stephen Thorpe and Habinteg HA.

Reason: To ensure that accessible housing is providing in accordance with Policy CP3 of the London Borough of Barking and Dagenham Core Strategy (adopted July 2010) and Policies 3A.5, 4B.1, 4B.2 and 4B.3 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

D2. Works to the relevant Phase of the development hereby approved shall not commence until a Security Management Plan, including, for example, details of CCTV, concierge services, door entry systems and car park security, has been submitted to and approved in writing by the Local Planning Authority. The Security Management Plan shall be implemented in accordance with the approved details and prior to the occupation of the relevant Phase of development and permanently retained thereafter to the satisfaction of the Local Planning Authority.

Reason: In order to provide a safe and secure development, in accordance with Policy DE6 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State), Policy CP3 of the London Borough of Barking and Dagenham Core Strategy (adopted July 2010) and Policies 4B.1, 4B.2, 4B.3 and 4B.6 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

E. Open Space

E. Works to Phase 2 of the development hereby approved shall not commence until details of the semi-private courtyard and children's play areas have been submitted to and approved in writing by the Local Planning Authority. The semi-private courtyard and children's crèche play area shall be provided in accordance with the approved details and shall be available for use prior to the occupation of the building to which they relate. The semi-private courtyard and children's play area shall be maintained as such and shall not be used for any other purpose.

Reason: To ensure residents have access to adequate amenity space and to safeguard the appearance of the development in accordance with Policy H18 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State), Policy CP3 of the London Borough of Barking and Dagenham Core Strategy (adopted July 2010) and Policies 3D.14, 4A.11, 4B.1 and 4B.2 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

F. Construction

F1. Works to the relevant Phase of the development hereby approved shall not commence until a Construction Management Plan for that Phase has been submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall provide details all methods of site preparation and construction of the

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

development and include:

- a. traffic management;
- b. use of the river to transport materials;
- c. demolition and clearance;
- d. site remediation and ground works;
- e. waste management;
- f. surface water pollution control;
- g. sourcing of materials;
- h. location and type of stored materials
- i. smoke and odour control;
- j. avoidance of fires;
- k. wheel washing;
- l. noise and vibration;
- m. hours of operation;
- n. implementation and monitoring.

The Construction Management Plan shall be implemented for the entire period of the works at the site to the satisfaction of the Local Planning Authority.

Reason: In the interest of pollution and residential amenity in accordance with Policies G31, G36, G37, G38, G39, T24 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

F2. All construction compounds for the development hereby permitted shall be erected within the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to minimise noise and disturbance, in the interest of residential amenity in accordance with Policy G36 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

F3. No demolition, construction or building works shall be carried out except between the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday or at any time on bank or public holidays without the prior written approval of the Local Planning Authority, unless the works have been approved in advance under section 61 of the Control of Pollution Act 1974.

Deliveries of construction and demolition materials to and from the Site by road shall take place between 08:00 - 18:00 Monday to Friday & 08:00 - 13:00 on Saturday and at no other time except with the prior written approval of the Local Planning Authority.

Reason: In order to minimise noise and disturbance, in the interest of residential amenity in accordance with Policy G36 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

F4. No impact piling shall take place without the prior written approval of the Local

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

Planning Authority and shall only take place in accordance with the terms of any such approval.

Reason: In order to minimise noise and disturbance, in the interest of residential amenity in accordance with Policy G36 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

F5. Notwithstanding the provisions of Parts 4 and 5 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995, no part of the Site shall be used for the stationing of caravans or mobile homes or any other form of temporary residential accommodation, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To maintain planning control and in the interest of residential amenity in accordance with Policy G36 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

F6. Works to the relevant Phase of the development hereby approved shall not commence until detailed drawings showing the following have been submitted to and approved in writing by the Local Planning Authority:

- (a) public access to and through the site during works and upon completion of works in relation to the relevant Phase;
- (b) any temporary works, including any boundary treatment around later Phases.

Provisions for pedestrians shall be fully accessible to all including people with disabilities.

The development shall be implemented in accordance with the approved details and to the satisfaction of the Local Planning Authority.

Reason: In the interest of accessibility in accordance with Policy T12 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State), Policy CP3 of the London Borough of Barking and Dagenham Core Strategy (adopted July 2010) and Policies 3C.21, 3C.22, 4B.1 and 4C.11 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

F7. Prior to the commencement of the development hereby approved, details of the feasibility of, and associated strategy for, maximising the use of the River Roding for the transport of construction and waste materials to and from the site shall be submitted to and approved by the Local Planning Authority. The approved strategy shall be implemented for the entire period of the works at the site to the satisfaction of the Local Planning Authority.

Reason: To maximise the use of the river and to promote sustainable transport in accordance with Policy CM4 of the London Borough of Barking and Dagenham Core Strategy (adopted July 2010) and Policies 4A.3, 4B.1 and 4C.8 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

G. Ecology

G1. Works to the relevant phase of the development shall not commence until the results of a wildlife survey has been carried and submitted to the Local Planning Authority. The wildlife survey shall identify the presence of bats, nesting birds and reptiles and be carried out not more than 30 days before works commence by a suitably qualified body. In the event that nesting birds are identified, works shall not commence until breeding has been completed.

Reason: In the interest of impacts on biodiversity and maximising the ecological potential of the site in accordance with Policy G46 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 3D.14, 4A.3, 4B.1 and 4C.3, 4C.4 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

G2. Works to the relevant phase of the development hereby approved shall not commence until an Ecological Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Ecological Management Plan shall provide details of the location of bird and bat boxes, trees, hedges, green and brown roofs, wetland terraces, planting species and include the submission of plans, materials, specifications and data and details of the long term ecological objectives, maintenance schedules and management responsibilities. The development shall be carried out in accordance with the approved Ecological Management Plan, to the satisfaction of the Local Planning Authority

Reason: In the interest of impacts on biodiversity and maximising the ecological potential of the site, in accordance with Policy G46 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 3D.14, 4A.3, 4B.1 and 4C.3, 4C.4 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

H. Hydrology and Water Resources

H1. Works to the relevant Phase of the development hereby approved shall not commence until details of foul and surface water infrastructure and pollution prevention measures for the relevant Phase have been submitted to and approved in writing by the Local Planning Authority. Details of foul and surface water infrastructure required pursuant to this condition shall comprise:

- a. Specification of all pollution prevention measures;
- b. Flow estimates and calculations for all drainage infrastructure and details of sizing of pipes;
- c. Details of discharge points and discharge rates (including relevant calculations);
- d. Details of any proposed measures of surface water attenuation.

Where possible, all surface water drainage systems shall be designed using the principles of Sustainable Urban Drainage.

The approved drainage works and pollution prevention measures shall be implemented prior to the first occupation of the relevant Phase of development and thereafter

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

permanently maintained to the satisfaction of the Local Planning Authority.

Reason: To prevent pollution of the water environment in accordance with Policy G38 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State), Policy CR4 of the London Borough of Barking and Dagenham Core Strategy (adopted July 2010) and Policies 4A.3, 4A.14, 4A.16 and 4B.1 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

H2. No hazardous substances included in the Schedule of Planning (Hazardous Substances) Regulations 1992 shall be used, handled or stored on the site until details of such use, handling or storage have been submitted to and approved in writing by the Local Planning Authority. Such hazardous substances shall only be used, handled or stored in accordance with the approved details, to the satisfaction of the Local Planning Authority.

Reason: To prevent pollution of the water environment in accordance with Policy G30 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 3D.14, 4A.3 and 4C.3 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

H3. No infiltration of surface water drainage into the ground is permitted other than with the express written of the Local Planning Authority.

Reason: To ensure the protection of controlled waters.

I. Flood Risk

I1. The development permitted by this planning permission shall only be carried out in accordance with the flood mitigation measures approved 62-96 Abbey Road, Barking (Draft) Flood Risk Assessment (FRA) dated January 2011 (ref D135449) by URS/Scott Wilson Limited unless otherwise agreed by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. Ensuring the structural integrity of existing and proposed flood defences and reduce the impact and risk of flooding on the proposed development and future occupants in accordance with Policy CR4 of the London Borough of Barking and Dagenham Core Strategy (adopted July 2010) and Policies 4A.12 and 4A.13 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

I2. Phase 2 of the development hereby approved shall not commence until a full River Wall Survey Report, including, where required, intrusive investigative works of the existing river wall shall be submitted to and approved in writing by the Local Planning Authority. The River Wall Survey Report shall establish the following:

- the location, landward extent and condition of the buried element of the defence;
- the structural integrity and stability of the wall, including, if needed, intrusive investigation and or test of the wall and any buried element;
- movement monitoring if required during

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

construction;

- supporting structural and stability calculations to show that any proposed temporary structures, such as cranes, site offices or maintenance equipment placed close to the wall not have a detrimental impact on the stability of the wall;
- works required to bring the defences up to the life expectancy of the development (60 years for commercial and 100 years for residential) in line with current climate change expectancies, including proposals to raise levels by the requirement amount, currently 600mm, or calculations demonstrating adequacy of the existing structure for future raising.

Reason: To establish the condition of the existing and proposed river wall to both inform the assessment of needed remedial and/or replacement works and the detailed design of any construction close to the flood defence and to reduce the risk and impact of flooding on the proposed development, future occupants and third parties in order to defend the site for the lifetime of the development in accordance with in accordance with Policy CR4 of the London Borough of Barking and Dagenham Core Strategy (adopted July 2010) and Policies 4A.12 and 4A.13 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

I3. Phase 2 of the development hereby approved shall not be occupied until a scheme outline the future protection, inspection and maintenance of the River Roding flood defences has been submitted to and approved in writing by the Local Planning Authority. The protection, inspection and maintenance of the River Roding flood defences shall be implemented in accordance with the approved scheme unless agreed in writing by the Local Planning Authority.

Reason: The ensure the ongoing structural integrity of the existing River Roding flood defences thereby reducing the risk of flooding to the proposed development, future occupants and third parties in accordance with in accordance with Policy CR4 of the London Borough of Barking and Dagenham Core Strategy (adopted July 2010) and Policies 4A.12 and 4A.13 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

J. Contamination

J1. Works to the relevant Phase of the development hereby approved shall not commence until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

- adjoining land,
- ground waters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy G28 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 3D.14, 4A.3 and 4A.17 and 4A.33 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

J2. Works to the relevant Phase of the development hereby approved shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy G28 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 3D.14, 4A.3 and 4A.17 and 4A.33 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

J3. The remediation scheme approved pursuant to Condition J2 must be carried out in accordance with its terms prior to the commencement of development other than works required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced prior to the commencement of the development other than works required to carry out remediation, and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy G28 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 3D.14, 4A.3 and 4A.17 and 4A.33 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

J4. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition J1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition J2 which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared prior to the commencement of the development other than works required to carry out remediation, which is subject to the approval in writing of the Local Planning Authority in accordance with condition J3.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy G28 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 3D.14, 4A.3 and 4A.17 and 4A.33 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

K. Archaeology

K1. The development hereby approved shall not commence until a programme of archaeological work, in accordance with a written scheme for investigation that includes the recording and historic analysis of building structure, architectural details and archaeological evidence, has been submitted to and approved in writing by the Local Planning Authority. Works to the relevant phase of development shall only take place in accordance with the approved scheme. The archaeological works shall only be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: As important archaeological remains may exist on site the Local Planning Authority wishes to secure the provision of an archaeological investigation and the recording of any remains prior to commencement of development in accordance with Policies DE36 and DE37 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4B.15 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

K2 Should the remains of an icehouse be identified on either the Barford Chemicals or Wigzell Engineering sites during the archaeological investigations required by condition K1, the applicant will notify the Local Planning Authority and make such provision on site including but not limited to the erection of a commemorative plaque as the Local Planning Authority shall reasonably require to commemorate its existence.

Reason: As important archaeological remains may exist on site the Local Planning

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

Authority wishes to secure the provision of an archaeological investigation and the recording of any remains prior to commencement of development in accordance with Policies DE36 and DE37 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4B.15 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

L. Noise and Vibration

L1. Noise from construction activities shall not exceed 75dB Laeq 10 hour between 8.00 and 18.00 Monday to Friday and shall not exceed 75dB Laeq 5 hour between 8.00 and 13.00 on Saturdays, measured 1 metre from the façade of any occupied building, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity in accordance with Policy G36 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4A.3 and 4A.20 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

L2. Works to the relevant Phase of the development hereby approved shall not commence until a strategy for noise monitoring at the site perimeter during construction has been submitted to and approved in writing by the Local Planning Authority. The approved monitoring measures shall be implemented and undertaken during the demolition and construction of the relevant Phase of development, unless otherwise agreed in writing by the Local Planning Authority. As a minimum the monitoring shall meet the following requirements:

- a. Continuous monitoring of noise shall be undertaken throughout the construction phase and monitoring shall be at a minimum of 4 locations (1 permanent base station and 3 mobile stations) and the following parameters shall be measured: Laeq 1hr and LA1 1hr;
- b. Noise results shall be forwarded to the Local Planning Authority within 48 hours of being taken
- c. Construction noise will be assessed using BS5228 (control of noise from construction sites) and best practicable means will be used at all times to minimise noise and vibration from construction.

Reason: In the interests of amenity in accordance with Policy G36 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4A.3 and 4A.20 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

L3. Works to the relevant Phase of the development hereby approved shall not commence until an acoustic report of on-site plant and machinery noise has been submitted to and approved in writing by the Local Planning Authority. On-site plant and machinery shall not give rise to a BS4142 rating level greater than the background level at the nearest or worst affected property. Where it is considered impractical to meet this

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

noise standard the report shall detail mitigation measures taken to reduce noise to a minimum. The approved scheme shall be implemented prior to the occupation of the relevant Phase of the development and shall permanently retained thereafter. The developer shall certify to the Local Planning Authority that the noise mitigation measures agreed have been installed.

Reason: To protect the amenity of future residents and neighbours in accordance with Policy G36 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4A.3 and 4A.20 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

M. Air Quality

M1. The relevant Phase of the development hereby approved shall not be occupied until details of any mechanical ventilation or other plant associated with all commercial units within Use Class B1 (business), A3/A4/A5 (food and drink) and D1 (non-residential institutions) unit within the relevant Phase of development has been submitted to and approved in writing by the Local Planning Authority. Such details shall include full specifications of all filtration, deodorising systems, noise output and termination points. Where it is not possible to provide full details of systems to be fitted, details of passive provision of where such facilities are to be fitted shall be provided. Particular attention shall be given to the potential high-level discharge of kitchen extract air and/or the discharge of toxic or odoriferous extract air where a high level of discharge is usually essential. The approved ventilation equipment and/or other plant shall be installed and commissioned prior to occupation of the relevant Phase of the development and shall be permanently maintained in proper working order thereafter to the satisfaction of the Local Planning Authority.

Reason: To protect the amenity of future occupants and / or neighbours, in accordance with Policy G39 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4A.3 and 4A.20 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

N. Waste Management

N1. Works to the relevant Phase of the development hereby approved shall not commence until a Waste Management Strategy has been submitted to and approved in writing by the Local Planning Authority. The Waste Management Strategy shall include the following information:

- a. Details of the sourcing and use of sustainable construction materials;
- b. Details of the amount of construction waste to be produced and re-used on-site;
- c. Details of a strategy for minimising the production of waste both during construction and for the occupied development;
- d. Details of the provision of facilities for the storage and collection of separated wastes (including separated storage of recyclable materials),
- e. Details of an awareness programme for waste management issues for residents and tenants;
- f. Details of the proposed methods for collection and analysis of waste production and materials recovery data; and

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

- g. Details of service vehicle routing and access points for all commercial units.

The approved Waste Management Strategy shall be implemented at all times during construction and occupation of the relevant Phase, to the satisfaction of the Local Planning Authority.

Reason: To ensure that waste management issues are fully addressed in accordance with Policy G31 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4A.3, 4A.21, 4A.22 and 4A.28 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

O. Public Realm and Landscaping

O1. Works to the relevant phase of the development hereby approved shall not commence until details of hard and soft landscaping to the areas of public realm within that phase have been submitted to and approved in writing by the local planning authority. The scheme shall include details of:

- a) trees and planting;
- b) surface treatment;
- c) internal and site boundary treatment;
- d) highway design and layout and surface materials;
- e) river wall
- f) river edge treatment
- g) street furniture;
- h) public art;
- i) external lighting;
- j) signage and information boards;
- k) management and maintenance

The hard and soft landscaping shall be implemented in accordance with the approved details and thereafter permanently maintained, to the satisfaction of the Local Planning Authority.

The soft landscaping details shall be accompanied with adequate information to demonstrate:

- a. the use of suitable native and locally appropriate marginal and aquatic species planting species , which where practical shall be locally sourced;
- b. that planting shall be selected and designed to maximise the habitat available to locally important and protected species.
- c. that rivers walls, inter tidal areas and any other feature of the development located within or against the water edge shall include features that provide habitat for relevant local species associated with such a water environment.
- d. that all landscaping that is intended to be accessible shall be fully accessible and useable by disabled people, including wheelchair users, people with sight impairment and people with prams or pushchairs

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

The soft landscaping scheme shall be implemented in the first planning season following first occupation. Any plants or trees required as part of the implementation of the condition that die or are removed, damaged or diseased within a period of FIVE years from the substantial completion of the development shall be replaced to the satisfaction of the Local Planning Authority in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent for a variation.

Any trees, shrubs or grassed areas become diseased, damaged or die within the first five years from the date of planting within any part of the development shall be replaced within the next planting season, to the satisfaction of the Local Planning Authority.

Reason: In the interest of design quality, residential amenity, walking, cycling, accessibility, public safety and biodiversity in accordance with Policies DE16 and DE17 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State), Policy CP3 of the London Borough of Barking and Dagenham Core Strategy (adopted July 2010) and Policies 3C.18, 3C.21, 3C.22, 3D.14, 4B.1, 4B.2, 4B.3, 4C.11 and 4C.15 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

O2. The relevant phase of the development hereby approved shall not be occupied until details of riparian life saving equipment including grab chains, access ladders and life buoys along the river edge have been submitted to and approved in writing by the Local Planning Authority. The life saving equipment shall be to a standard recommended in the Hayes Report on the Inquiry into River Safety and provided in accordance with the approved details prior to the occupation of any part of the development.

Reason: In the interests of public safety in accordance with Policy DE16 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4B.1, 4B.2, 4B.3, 4B.6, 4C.11 and 4C.15 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

P. Lighting

P1. Works to the relevant phase of the development hereby approved shall not commence until details of the external lighting to all buildings within that phase have been submitted to and approved by the Local Planning Authority. The external lighting shall be provided in accordance with the approved details prior to the occupation of the relevant phase of development and shall thereafter be permanently maintained, to the satisfaction of the Local Planning Authority.

All external lighting shall be designed to prevent light spill into the watercourse or adjacent river corridor habitat. The specifications, location and direction of external artificial lights should be such that the lighting levels within 8m of the top of the bank of the watercourse are maintained at background levels (Lux Level of 0-2).

Reason: In the interest of visual amenity, residential amenity, highway safety and public safety in accordance with Policy G37 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State) and Policies 4B.1, 4B.2, 4B.3 and 4B.6 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

Meeting: 10 March 2011
Agenda Item: 4
Report No: LTGDC/11/PC09

Q. Transport

Q1. Works to the relevant phase of the development, where a new vehicle access is required, hereby approved shall not commence until detailed design drawings and safety audits of the highway layout and site access arrangements have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety, in accordance with Policies T24, T25 and T27 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State), Policy CP3 of the London Borough of Barking and Dagenham Core Strategy (adopted July 2010) and Policies 3C.16, 3C.18 and 4B.1 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

Q2. Works to the relevant phase of the development shall not commence until a Delivery and Servicing Plan has been submitted to and approved in writing by the Local Planning Authority. Any deliveries to and servicing the site shall only be in accordance with the approved plan.

Reason: In the interest of highway safety, in accordance with Policies T24, T25 and T27 of the London Borough of Barking and Dagenham Unitary Development Plan (adopted 1996, saved from 18th September 2007 by direction from the Secretary of State), Policy CP3 of the London Borough of Barking and Dagenham Core Strategy (adopted July 2010) and Policies 3C.16, 3C.18 and 4B.1 of the London Plan (adopted February 2008, Consolidated with Alterations Since 2004).

CASE OFFICER: Will Steadman

Appendix 1: Red Line Application Boundary
Appendix 2: Site Location Plan
Appendix 3: Existing Site Plan
Appendix 4: Proposed Layout
Appendix 5: Proposed Elevations and Sections
Appendix 6: Previously Approved Scheme v Proposed Scheme Layout and Height Comparison
Appendix 7: Phasing Plan
Appendix 8: Landscape Plan
Appendix 9: Vehicle Tracking
Appendix 10: Scheme Images