

PLANNING COMMITTEE MEETING: 12 August 2010

PLANNING APPLICATION FOR DETERMINATION BY THE LTGDC

FURTHER ADDENDUM REPORT OF THE DIRECTOR OF PLANNING

UDC CASE NUMBER:	LTGDC-08-153-OUT	DATE MADE VALID:	29/10/2008
APPLICATION NUMBER:	08/01325/OUT/LBBD	TARGET DATE:	Subject to a PPA

APPLICANT:	Countryside Properties (London and Thames Gateway) Ltd and Fresh Wharf Developments Ltd
AGENT:	Gerald Eve
PROPOSAL:	Outline planning application for Class A1 (Shops) and/or Class A2 (Financial and Professional Services) and/or Class A3 (Restaurants and Cafes) and/or Class A4 (Drinking Establishments) and/or Class A5 (Hot Food Takeaways) (up to 1,987 sqm); Class C3 (Dwellings) up to 950 dwellings (up to 88,606 sqm); and Class D1 (Non-residential Institution) (up to 1,616 sqm); all in buildings ranging in height between 6 and 22 storeys; erection of a 4 metre high landscaped acoustic bund 'Green Screen'; provision of up to 418 residential car parking spaces and 16 visitor and car club car parking spaces; provision of up to 113 motorcycle parking spaces and associated bicycle parking spaces; open space and landscaping including riverside walk; highways and transport works; works to river wall; demolition; engineering operations; moorings; together with all associated and ancillary works.
LOCATION:	Fresh Wharf Estate, Fresh Wharf Road, Barking, Essex IG11 7BG.

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1. GLA STAGE 1 REPORT

On 4 August 2010 the Mayor considered a Stage 1 Report on the revised Fresh Wharf scheme.

This addendum report sets out a summary of the comments contained within the GLA Stage 1 Report together with summarised responses taken from a lengthy response note provided by the applicants.

It is clear that there is no 'in principle' objection by the GLA to the development and that a number of specific improvements (e.g. re-design and re-modelling of blocks incorporating the removal of central block F) to the submitted proposals compared with the original submission have been acknowledged and welcomed by the GLA.

There remain some outstanding matters (e.g. provision of further information relating to children's play space and energy matters, and S106 contribution requests from TfL) set out in the GLA Stage 1 Report. The applicant has prepared a response to the points raised in the GLA Stage 1 Report and this was copied to the GLA, LTGDC, and LBBB on 9 August 2010. The GLA is considering this response.

Other matters (e.g. design, density, and noise) are not considered to raise issues which should lead the LTGDC to refuse planning permission.

It will be for the GLA to decide when they make their Stage 2 decision, should the committee accept the officer's recommendation at this meeting, whether they wish to direct refusal of the application for any of their concerns that remain.

The main issues raised in the GLA Stage 1 Report are set out below with the applicant's response / LTGDC officer's comments shown in blue text.

Housing Mix

The indicative mix retains a high proportion of one and two bed units. It is important that an adequate proportion of affordable family units are provided at each phase.

The applicant has responded that the indicative unit mix more closely accords with the target set out in Core Strategy Policy CC2 (family housing) and provides for additional family housing to be provided while allowing flexibility to take account of market adjustments as and when they occur.

The applicant has responded that due to the design of the scheme and RSL Management arrangements it may not be possible to provide significant proportions of family housing within each phase.

Affordable Housing

No justification is given for the maximum 35% affordable housing provision proposed across the scheme. No indication of a tenure mix is suggested which is considered unacceptable for a scheme of this scale.

The applicant has responded that the overall amount of affordable housing to be provided on this site has been the subject of extensive discussions with officers from the LTGDC, LBBD, and GLA. These discussions have examined innovative phasing mechanisms to ensure that the maximum reasonable amount of affordable housing will be provided on site.

The applicant has confirmed that the 35% upper limit is not proposed to restrict the overall delivery of affordable housing but simply to recognise the upper limit on the proportion of affordable housing that it will in fact be possible to deliver.

The applicant has responded that it has been assumed that a mix of 70% social rent to 30% intermediate will be achieved. The affordable tenure mix is to accord with the wider tenure mix for the development.

Density

The proposed density is considered to be acceptable.

Design

The proposed design is now considered acceptable subject to the quality being maintained in subsequent detailed applications.

Condition 4 includes reference to the Design and Access Statement Addendum which will ensure that the subsequent detailed applications reflect the high quality design set out therein.

Water, Floodrisk and Blue Ribbon Issues

As stated previously, the scheme does not propose capturing rainwater for non-potable use which is considered unacceptable. The approach to river related use is still unacceptable, as is the approach to using river transport for bulk movement of waste and construction materials.

The applicant has responded as follows:

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Use of grey water recycling is a preferred, but not essential, standard within the Mayor's SPG on Sustainable Design and Construction.

Reference is given to the promotion of rainwater harvesting for non potable uses within the proposed draft London Plan which is subject to an Examination in Public.

The application is in outline form and detailed design decisions on water saving opportunities have not yet been taken at this stage. Nonetheless a number of opportunities for introducing water saving features have been identified including the potential to use grey water recycling and rain water capture within the community buildings, use of water efficient taps, lavatories, baths, and other appliances to ensure that the average water use on the development will meet or be lower than both the Mayor of London's target of 110 litres per head, per day and that it will meet Code 3 of the Code for Sustainable Homes requirements.

The Waterspace Strategy dated October 2008 is still relevant to the application. This noted the existing use of the river for recreational activities by the Barking Canoe Club for four days a week throughout spring and summer. The Canoe Club is based at the south of the site on the east bank of the River Roding. The proposed development will also provide enhanced mooring facilities for residents and visitors. The provision of mooring facilities was identified as a priority in consultations with both the London Borough of Barking and Dagenham and with local residents. The replacement mooring facilities will provide electricity, water, sewerage, telecoms and telephone to boats moored by the side of the site. This will provide activity and interest along the riverside and enhance the visual appearance of the river. Boats will be subject to licensing requirements by the owners of the site and will be required to, for example, ensure that vessels moored are kept in good physical and visual condition, so that they can make a positive contribution to the appearance of the area. The proposed mooring facilities will make an important contribution to the supply of residential moorings in areas of London with an identified deficit. Furthermore the riverside walk which will run through the site will provide access to the river where none currently exists. The quality of water based recreation opportunities will therefore be enhanced, whilst not unnecessarily duplicating facilities which are already close by to the site.

The applicant has recognised in both the Waterspace Strategy (paragraph 3.4) and the construction section of the Environmental Statement (paragraph 5.30) the River Roding's potential for the use of bulk import or export of materials. The feasibility of using the River Roding will depend on the phase of the construction programme, the types of material being imported or exported, and the ability to source the material necessary from suppliers based at existing wharves. However this is something the applicant is willing to consider, and the LTGDC has proposed a condition (Condition 52) requiring the completion of a feasibility study prior to the commencement of the development and the implementation of its recommendations which it considers satisfactorily

addresses this topic.

Children's Play Space

The applicant has yet to demonstrate if the proposal will provide sufficient play space for the potential child yield.

The applicant has responded as follows:

The level of child play space provided substantially exceeds the 10sqm per child benchmark set out in the Mayor's SPG on child play space even on the highest child yielding scheme (high proportion of family housing with 35% affordable housing), and even after the portion of space forming private residential gardens is discounted from the provision for under fives.

This is set out in Table 1 below.

Age Bracket	Child Yield (max)	Total Space Provision (sqm)	Space per child (sqm)
0-4	178	677 (+ 3,331 private gardens)	4 (22)
5-11	119	2,589	22
12-16	56	4,089	73
Total	353	7,355 (10,676 inc. gardens)	21 (30)

Table 1

The SPG notes at paragraph 4.39 that provision of private gardens can be offset against the play space requirement for under fives. Table 1 indicates that the 10sqm per child benchmark is achieved for all age ranges and for the total overall anticipated child yield, even when private garden space is discounted from the provision for under fives.

Climate Change Mitigation

The applicant is requested to provide further information as identified in the Stage 1 Report, as outlined below:

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The applicant should confirm that all buildings and heat users, including the commercial areas, are connected into a site wide heat network, served from a single energy centre.

Further analysis on the size of CHP to be adopted needs to be provided, based around heat demand load profiles for the site. Information is also required in relation to the choice of CHP technology.

Further information in relation to how the development will be future proofed in order to connect into the emerging heat networks needs to be provided.

The percentage savings from renewable energy needs to be expressed in relation to the emissions after the implementation of CHP.

The applicant has responded as follows:

This further information has already been provided to the GLA in a letter dated 12th June 2009 as part of our response to the Stage 1 report.

This addresses the following issues:

- A site wide plan indicating the proposed energy centre location and distribution strategy. The principles of this remain the same for the amended scheme. All building users will be connected to the site wide distribution network.*
- Further analysis of the heat load profile for the development.*
- Details of the size, nature and type of CHP engine to be provided.*

Section 1.4 of the Energy Statement uses the Clean, Lean, Green Hierarchy and explains that the reduction from the CHP and energy efficient baseline are 6.16% using electrical generating PV's.

In respect of the Ground Source Heat Pump (GSHP), advice has been obtained that this is appropriate for the site, although if this is not provided then the commercial spaces would be connected to the site wide district heating network.

LBBB have subsequently requested a planning condition requiring a new Energy Strategy to be provided (see proposed Planning Condition 44).

Noise

The approach to noise is acceptable.

The LTGDC has proposed Conditions 60-65 relating to noise.

Access

The proposals remain unacceptable. The scheme should ensure that a fully inclusive landscape design is provided, that all flats will meet Lifetime Homes standards, and that blue badge parking provision is appropriate.

The applicant has responded as follows:

Our approach to access has not changed and is set out within the Access Statement produced by Aedas Access Consultancy dated 03/10/2008.

This includes constructing all homes to Lifetime Homes specifications and providing 10% wheelchair accessible homes.

Various Planning Conditions are proposed by the LTGDC. Conditions 23 (Detailed Access Statement), 53 (Lifetime Homes standards), and 54 (10% Wheelchair Adaptable Units) are applicable.

Details of the landscaping and public realm will be provided in the reserved matters applications for each phase and will be subject to consultation with the Local Authority Access Officer and Access Group. The public realm will be designed to facilitate step-free access for the ambulant disabled and wheelchair users, as set out in Section 9 of the 2008 Access Statement.

Transport and Parking

The proposals are considered unacceptable. The applicant should address the comments in the main body of the Stage 1 Report, including contributions towards highway monitoring, bus capacity and upgraded pedestrian facilities. The Stage 1 Report states:

TfL initially responded to this application in November 2008 at pre-application stage, and subsequently, in December 2008 through the GLA Stage 1 planning report at submission stage. Whilst several of the issues raised previously at Stage 1 have been satisfactorily addressed by the applicant, some are still outstanding and need therefore to be clarified or agreed.

Given the quantum of development is reduced from the 2008 proposals and the remaining low level of car parking provision proposed on site, an addendum to the original Transport Assessment (TA), taking into account the previous transport comments made by TfL, the changes to the transport network and setting out the applicant's commitment in terms of public transport provision and off site measures, should be produced. This would assist in clarifying the latest position in relation to the site's likely transport impact and address the outstanding TfL's issues previously raised with the proposals.

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The applicant has responded that the suggestion of an addendum TA is not appropriate. The TA currently assesses a larger development quantum i.e. a worse case and this forms the basis of TfL's funding requests. A reassessment of this work is likely to reduce these funding needs given the reduction in unit numbers.

To enable the delivery of a sustainable development and in line with London Plan Policy 3C.1 (Integrating transport and development) and 3C.3 (Sustainable transport in London), it is considered critical that measures be provided for improving accessibility to the site. Whilst the overall package of transport measures will have to be agreed in detail with TfL, significant S106 contributions towards public transport, as well as walking and cycling, are however required to address this.

The applicant has responded that as part of the proposed Section 106 package the development will make a contribution to the LTGDC's Planning Obligations tariff of £6,000 per unit. It will therefore be for the LTGDC to decide, in consultation with TfL, how these monies are subsequently spent.

Highway

Over the last year, LTGDC, LBBB and TfL have developed a VISSIM highway model for Barking Town Centre, which now supersedes some of the previous work undertaken in the original TA for some of the junctions.

TfL's view is that rather than requiring a new assessment at this stage, the developer should contribute towards extending this model to include Fresh Wharf, in order to assist in the monitoring and phased delivery of this site alongside the wider regeneration of the town centre. A contribution of £50,000 is therefore requested for this and should be secured by condition and/or as part of the section 106 agreement. Should this application be granted planning permission, the developer and their representatives are however reminded that this does not discharge the requirements under the Traffic Management Act 2004. Formal notifications and approval may be needed for both the permanent highway scheme and any temporary highway works required during the construction phase of the development.

The applicant has been in discussion with the LTGDC regarding the requested contribution towards the VISSIM Highway Model for Barking Town Centre. The applicant has agreed to pay a sum of £35,000 as requested by LBBB highways for this work which will be paid upon the Grant of an Outline Planning Permission. The LTGDC has agreed that this can be offset against the Planning Obligations payments.

Public Transport

Although the two bus services within the acceptable walking distance of the site are not explicitly identified, TfL assumes these are routes 325 and 366 that are expected to operate via the Jenkins Lane – Highbridge Road bus link to the west of the site from late 2010 or early 2011. Only these routes should be taken into account for the purposes of the analysis, as the other routes the applicant identifies “within a reasonable walking distance” are not within TfL’s guidelines for planning bus services. Although this has previously been raised with the applicant, it is disappointing this does not seem to have been incorporated and as such, TfL remains in disagreement with the accessibility level identified for the site and the spare capacity assumed by the applicant on the existing local bus network.

The impact of the development proposals on the bus network should therefore be re-evaluated, with an assumption that all additional bus trips are assigned to routes 325 or 366 only. Given that Route 366 provides links to Barking Town Centre and the Royal Docks, which have been identified in various local studies as key destinations in the area, both in their own right and for access to rail services (Tube, National Rail, Overground and DLR), it is therefore anticipated that the majority of new trips would be specifically assigned to route 366. In addition, given the distance of rail services from the development, it should be assumed that many trips assigned to rail will be using local bus services to access the stations and as such a proportion of these should be added to the bus demands, in addition to rail trips.

The applicant has responded as follows:

Bus routes 325 and 366 are expected to operate via the Jenkins Lane / Highbridge Road bus link once diverted from their present route. Although we note that TfL is in disagreement with the accessibility level identified for the site the Mayor has considered that the overall density of development proposed is nonetheless acceptable at paragraph 28 of the Stage 1 Report. As has previously been set out, PTAL ratings are only one method of assessing the overall accessibility of the site and it is not considered appropriate to completely exclude other transport modes from consideration when they fall just outside the walk times required by the PTAL methodology. In particular given the importance of Barking Station as a transport mode it is likely that residents of Fresh Wharf will make use of the station despite the fact it is just outside of the walk time isochrone used in the PTAL methodology.

Subsequently, the trip generation analysis remains unacceptable. In line with London Plan Policy 3C.20 TfL would request that public transport improvement measures include running additional bus services and increasing bus frequency.

The applicant has responded as follows:

The Trip Generating Analysis has been updated in Chapter 12 of the Environmental Statement Addendum to assess the transport implications of the revisions. This concludes that the potential impacts of the scheme have not changed as a result of the amendments and that the information provided in the original Environmental Statement on potential impacts and mitigation remain valid. In particular, the additional effect on route 366 was considered in the Environmental Statement Addendum and it was concluded that, even taking into account the particular attraction of this route for trips to Barking Town Centre and Barking Station, it would not have a significant impact on this route as it typically operates at or below 60% of planning capacity throughout the day and that it could therefore accommodate additional patronage. The extent to which the bus service contribution is 'ring fenced' from the total contributions to LTGDC's Planning Obligations tariff is a matter for negotiation between LTGDC and TfL.

TfL would expect to see a contribution to be secured towards enhancing capacity on local bus services to ensure capacity meets demand. Examples of service changes include frequency increases on existing bus services in their current form, extending other services into the area, or other changes such as contributing towards a public transport service (existing or new) via the proposed Roding crossing. Although a contribution of £1.2million was previously requested, there have been increases in bus operating costs and the move to secure 5 years, rather than 3, of pump-priming period for bus services is now envisaged. TfL would therefore seek a £2.2m contribution to fund two additional buses (vehicles as opposed to buses-per-hour) over this period.

TfL would expect the bus service contribution to be treated as a site-specific offset to the general tariff contribution or alternatively an index linked sum of £2.2 million from the tariff to be ring-fenced for this purpose. The payments could be secured from the applicant on a phased basis. As part of finalising the section 106 agreement, further discussions will need to take place to draw up a Sponsored Route Agreement between LTGDC and TfL that sets out how payments relate to service improvements.

The recommendation at Section 8 of the committee report provides for further discussions with TfL with a view to agreeing, where possible, acceptable financial arrangements for transport provisions in the Section 106 Agreement.

Design and Access

The bus routeing through the site and potential transit routeing across the River

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Roding, (which in practice could be used by any bus that may be planned to use this alignment) are generally acceptable and welcomed. Given that the provision of a bridge over the River Roding connecting to the Creative Industries Quarter (CIQ) site is still seen as a key measure contributing towards increasing the site's accessibility via Abbey Road, TfL therefore welcomes the design proposals' provision of a public transport link along the southern boundary of the site connecting to Jenkins Lane and allowing for the above bridge to be provided.

In line with London Plan Policy 3C.4 (Land for transport) and consultation draft replacement London Plan Policy 6.2 (Providing public transport capacity and safeguarding land for transport), TfL subsequently requests that the necessary land to enable this public transport link be safeguarded and be made available to TfL at no cost, as well as that contributions towards its construction and operation, be secured through a S106. This should enhance the link via Handtrough Creek and accommodate two-way bus/transit movements as well as cyclists and pedestrian flows. The design of the public transport link will have to be agreed with TfL to ensure that it will accommodate sustainable transport modes.

The applicant has responded as follows:

We note that TfL recognise and welcome that the proposed development will provide a public transport link along the southern boundary of the site which could connect to Jenkins Lane. As part of the Section 106 package the necessary land to enable this public transport link is to be made available to TfL at no cost as and when it is decided to construct this bridge.

Again, it is a matter of negotiation between TfL and the LTGDC on whether funds from the development's contribution to LTGDC's Planning Obligations tariff should be used in the construction and operation of this link.

Ideally, a two-way routeing through the site should be provided for simplicity. However if not possible, pedestrian routes through the site should link directly to bus stops and be easy to understand.

If the bus stops are located on the one-way sections of the design, provision should be made for other vehicles to pass alongside a bus in a stop in case of vehicle breakdowns. Detailed design will need to be tracked with a 12m vehicle to enable buses and HGVs to circulate the road network within the development.

There is also a need for a dialogue with the Local Highway Authority on whether these routes would be adopted. Whilst TfL's preference would be for the routes that will be used by buses to be adopted public highway, alternatively agreement with London Buses will be sought to ensure access at all times.

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Although the bus stop locations appear appropriate, these would need to be considered further with TfL and other relevant parties to determine their exact locations. TfL would require the developer to provide locations for accessible bus stops within the site and on the transit / Roding crossing corridor, and to fund the standardised infrastructure, including stops and shelters.

The site plan shows the existing fencing and advertising boards on the Fresh Wharf site alongside the A406 North Circular. Maintenance vehicles are exiting and stopping on the verge of the A406 to change adverts causing potential safety problems. The arrangement of the access to the advertising boards needs to be revised to occur from the private road.

The Heads of Terms require the removal of the existing advertisement hoardings from the A406 boundary of the site.

Car Parking

The amount of car parking has been proportionally reduced to the new number of residential units, keeping a ratio of 0.44 spaces per unit, which is accepted. The draft consultation London Plan Policy 6.13 Parking and Table 6.1 proposes 20% of active provision for electric vehicle charging and 20% passive provision. This should be addressed as part of the design and secured by condition and / or Section 106 agreement.

Condition 25 requires no fewer than 20% of the car parking spaces within the development to be fitted with charging infrastructure.

Walking and Cycling

The application outlines that many residents will walk to Barking station. Details of improvements to walking and cycling routes to Barking town centre should be addressed within the section 106 agreement and reflected in the Travel Plan to include provision for Abbey Road pedestrian facility upgrade subject to highway authority approval. An allowance of up to £50,000 should therefore be made for this as part of the discussions on the tariff.

The applicant has responded as follows:

TfL's suggestion of allowing for up to £50,000 within the Section 106 Agreement for improvements to walking and cycling routes to Barking Town Centre is again a matter of discussion between TfL and the LTGDC.

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A Pedestrian Environmental Review System (PERS) audit of the western approach to the A406 footbridge, previously requested by TfL, has been undertaken however it did not include specific recommendations, which is disappointing. Given that the footpath and embankment are within the TLRN boundary, TfL would expect that a firm commitment and appropriate trigger to their improvements be set out in Section 106 although implementation and cost would be subject to a section 278 agreement between the applicant and TfL.

It is proposed in the application to make changes to the A406 footbridge eastern approach. TfL is supportive of the principal of improving the bridge and links to it for pedestrians. Any changes to structures would however be subject to further planning and highway authority approvals and licenses.

The applicant has responded as follows:

With regard to the improvements to the western footpath and embankment of the A406 footbridge we are again unclear as to how these meet the statutory tests set out in Regulation 122 as the proposed development is unlikely to give rise to substantial increases in use of this part of the footbridge by residents of the site, who are more likely to walk to the east than to the west.

Construction and Servicing

A construction logistics plan and a delivery service plan should be provided to minimise the impact of vehicles on the road network and should include the following:

- *booking systems*
- *consolidated or re-timed trips*
- *secure, off-street loading and drop-off facilities*
- *mode-shift from road to rail*
- *using operators committed to best practice, demonstrated by membership of TfL's Freight Operator Recognition Scheme (FORS), or similar*

TfL suggests that an investigation into developing a construction consolidation centre for this and neighbouring sites should be developed as well as maximising use of the river to move bulk materials.

Condition 55 requires details of the vehicular access and servicing arrangements and Condition 59 requires a Construction Logistics Plan to be submitted.

The applicant has also responded as follows:

A Construction Logistics Plan will be included within the Construction and

Environmental Management Plan required by Condition 35 as set out in the LTGDC's committee report. This is specifically required to incorporate details for construction traffic management.

Travel Plan

TfL commented on the revised travel plan in June 2009, a new travel plan has not been produced in support of this application. All TfL previous concerns therefore remain. A comprehensive travel plan should be secured through the section 106 agreement setting out the objectives, interim mode split targets, proposed measures, monitoring and enforcement as set out in the draft travel plan framework. At this stage the section 106 Heads of Terms should state that a site-wide travel plan will be secured in accordance with TfL guidance on residential travel plans. The travel plan should incorporate a car parking management plan to include the operation of visitor spaces, car club facilities and the allocation of residential parking, together with proposals for charging and enforcement. There is a need for a traffic monitoring strategy alongside the travel plan, which should make use of the extended VISSIM model as outlined above. Consideration should be given to using income from charging for parking spaces to fund travel plan measures

The applicant has responded as follows:

TfL's comments regarding the revised travel plan submitted in June 2009 are noted. The applicant considers this is a robust and comprehensive plan that will reduce the need to travel generated by the proposed development. Notwithstanding this however, Condition 45 does require the submission and approval of a new travel plan prior to the occupation of the development. This is specifically required to include a car parking management plan as sought by TfL.

Conclusion

In summary, TfL requires further information on trip generation and subsequent investigation of the likely impact of the site on the capacity and accessibility of the bus network, and has proposed a funding contribution for mitigation measures.

2. S106 AGREEMENT

With respect to the proposed contribution of £35,000 towards transport modelling for Barking Town Centre, as referred to at paragraphs 6.10.2 and 6.10.3 of the committee report, the applicant has agreed to pay this contribution on the following terms which the LTGDC considers acceptable in

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principle:

- Payment of £35,000 upon the grant of a satisfactory Outline Planning Consent.
- To be offset when monies under the LTGDC's S106 Strategy are provided.
- The LTGDC will account to the applicant for its expenditure after a period of 6 months from the grant of Outline Planning Consent.
- If after 8 months from the date of grant of Outline Planning Consent the money has not been spent, or if the modelling costs less than £35,000, then the balance is to be refunded to the applicant. Should this happen then it would no longer be an offset.

3. CONSERVATION AREAS

A map showing the boundaries of the Abbey and Barking Town Centre Conservation Area and the Abbey Road Riverside Conservation Area is attached to this report for reference purposes.

CASE OFFICER: Adele Williamson

Appendix 1: Map showing Conservation Areas

London Borough of Barking and Dagenham Conservation Areas

Key

-  Parks and Open Spaces
-  Borough Boundary
-  Abbey Road Riverside Conservation Area
-  Revised Abbey & Barking Town Centre Conservation Area

