

PLANNING COMMITTEE MEETING: 12 August 2010

PLANNING APPLICATION FOR DETERMINATION BY THE LTGDC

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.

1. INTRODUCTION

- 1.1 The purpose of this addendum report is to advise members of the changes that have been made to the planning application for Fresh Wharf Estate in Barking since it was originally considered by members at the LTGDC Planning Committee on 13 August 2009.

2. BACKGROUND

- 2.1 In October 2008, Countryside Properties (London and Thames Gateway) Ltd and Fresh Wharf Developments Ltd submitted a planning application for:

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 3,015 sqm); Class C3 (Dwellings) up to 1,102 dwellings (up to 112,622 sqm); and Class D1 (Non-residential Institutions) (up to 1,525 sqm); all in buildings ranging in height between 5 and 24 storeys; erection of a 4 metre high landscaped acoustic bund 'Green Screen'; provision of 485 residential car parking spaces and 30 visitor car parking spaces; provision of 113 motorcycle parking spaces and 1,196 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.

- 2.2 At the LTGDC Planning Committee on 13 August 2009, Members agreed to defer consideration of the application to enable the applicants to provide more details on the relationship between the height of the proposed buildings and the landscaping, as well as more information on the materials they propose to use. Members previously considered an Officer report and associated addendum report, which are both appended to this report for ease of reference.
- 2.3 The applicant has spent a considerable period of time revising the scheme to address the concerns of Members, as well as making further improvements to the scheme. In doing so, they have employed the services of two different architectural firms, Jestico Whiles Architects and Glenn Howells Architects.

3. CURRENT PROPOSAL

- 3.1 As a result of the revisions to the scheme, the description of development has been amended to read:

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.

- 3.2 The key changes revolve around the reduction in total unit numbers; a reduction in commercial floorspace; an increase in community floorspace; a reduction in block heights; re-design and re-modelling of blocks incorporating the removal of central Block F; adjustments to the location of the eastern blocks to move them closer to the river; the potential to increase the number of family units; an increase in open space and courtyard private amenity space; additional ecological terracing along the River Roding; alterations to the access road to provide a loop road around the Central Park area; and a reduction in car parking and cycle parking spaces (in line with the reduction in unit numbers).

4. CONSULTATIONS / NOTIFICATIONS

- 4.1 The application was re-advertised by way of three site notices and a press notice in The News. The site notice expired on 18 June 2010 and the press notice expired on 3 July 2010.
- 4.2 Those neighbours who responded to the previous round of consultation on the application were re-consulted on the additional information on 17 June 2010 and no comments have been received.
- 4.3 All statutory/non-statutory consultees were re-consulted on 26 May 2010. The following responses have been received:

Greater London Authority (GLA)

A revised Stage 1 report is expected to go to the Mayor on 4 August 2010 which is after this report goes to print.

The Mayor's comments on the revised proposals will be reported in an addendum report.

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Environment Agency

The Environment Agency (EA) is satisfied with the supplementary submission dated May 2010 and has no objections to the application. The EA has recommended that a number of conditions be included on any planning permission granted.

The conditions recommended by the EA have been included in the proposed conditions for this application.

Port of London Authority

No comments to make on the amendments.

Essex & Suffolk Water

No objections but would need to reinforce its existing network to be able to serve the development.

English Heritage (Archaeology)

Re-iterated the need for an archaeological monitoring condition.

A condition is proposed.

London Fire & Emergency Planning Authority (Water Supply)

Re-iterated the need for private fire hydrants within the development.

Natural England

Natural England made a number of further points which have been forwarded to the applicant for their information. In addition, the Local Planning Authority should ensure that the recommendations outlined in the previous response are secured.

The recommendations previously made have been conditioned where relevant.

Thames Water

Re-iterated comments made in previous response.

Commission for Architecture and the Built Environment (CABE)

Summary

The time spent and the amount of design work undertaken to develop this masterplan demonstrates considerable commitment. The amended scheme marks a step change in design thinking from the original submission which, if maintained, has the potential to deliver a successful new neighbourhood for Barking. We think the reduced quantum and revised diagram should result in a scheme that sits more comfortably in its context. The Fresh Wharf site appears to be an appropriate location for a tall building. However, we maintain that a detailed planning application should be submitted for this element of the scheme. We are also not convinced of the need for Block H and I to act as gateway buildings to the site and find these a confused mix of typologies. We support the removal of the central block (F) from the development. We welcome the level of supporting information concerning apartment layouts, which should form the starting point for the design of the individual buildings at the reserved matters applications.

We support the revised hierarchy of public and private spaces now proposed. We would ask that clear parameters for the open spaces are provided in the outline submission to ensure an attractive and high quality environment will be delivered for residents and the wider public. The Local Authority should also assure itself that the development will benefit from strong connections to the surrounding area.

Block Typologies

We find the overall composition of blocks more successfully resolved than that proposed in the scheme as originally submitted. The range of block typologies is generally well tailored to their particular environments and they help frame a hierarchy of routes and spaces across the site. For example, the sinuous form of Block A/B works well to define the Northern Square. The development has a stronger connection to the water as a consequence of moving the riverside blocks closer to its edge and the opening up of views of the waterside from within the site. The courtyard blocks facing the North Circular Road offer a promising response to the challenging environment of this road. However, their quality as a living environment relies on delivering the dual aspect apartment arrangement suggested in the supporting

illustrative material.

The revised heights to both the riverside blocks and those facing the North Circular have found a comfortable resolution. However, we think the justification for the thirteen storey blocks (H and I) is weak and should be reconsidered. In our view, the need to create bookends to the site as a counterpoint to the tall building to the north has not been demonstrated. As shown in the proposed view from the riverside walkway they will appear particularly dominant and ungainly in the townscape and draw attention away from the tall building proposed to the north of the site. Further, the combination of slab block and courtyard block as a typology will be hard to resolve architecturally at the reserved matters stage.

Tall Building

All tall building proposals should have sound policy backing from the Local Authority. We feel that the adoption of strategic guidance on tall buildings is imperative to guide forthcoming proposals from an early stage. Notwithstanding, the principle of a tall building in this location appears sound. The siting of the tower works well in terms of acting as a marker for future developments expected in this area. The revised site plan also produces a more convincing relationship between the building and its context. In particular, we welcome the realignment of the pedestrian bridge to the west through Block A/B so that it lands directly into the public square facing the tower.

CABE and English Heritage's *Guidance on Tall Buildings* states that proposals for tall buildings should be considered as full planning applications. The guidance also states that "tall buildings should be of excellent architectural quality in full cognisance of their likely impact on the immediate surroundings and the wider environment."

Although the additional illustrative material submitted in support of the tall building is welcomed, in order for the Local Authority to fully assess the design quality in terms of the relationship of the tower with the ground plane, the scale and proportion of its form, its external appearance and the quality of the internal accommodation, we think that a detailed application should be submitted for this element of the scheme. This should include an analysis to justify the exact height of the tower. We think this is particularly critical in this case given the building's unusual shape and plan form, which warrants a level of testing that only a detailed application can provide.

Public Realm and Connections

We understand that there is no fixed timescale for the delivery of the

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new pedestrian bridge across the River Roding. Therefore, the Local Authority should assure itself that alternative routes to the site are sufficient to ensure this new neighbourhood is well connected to its surroundings. For example, the re-aligned bridge link into the site through Block A/B should be conditioned to guarantee 24-hour access for the public and to ensure it will be attractive and safe to use day and night.

The amended application makes a clear distinction between the private and public realm within the development and the illustrative details provided for landscape show a potentially well-functioning environment for residents and the wider public. For example, one can envisage an attractive and lively river frontage emerging. However, we would ask that the outline application set as a parameter the environmental quality and social nature of this frontage and all key open spaces within the development to guide their detailed design at the reserved matters stage.

LBBD Children's Services – Integrated Family Services

No further comments to make.

LBBD Housing Strategy

No further comments to make.

LBBD Waste and Recycling Team

Unable to locate details of refuse provision.

The refuse storage will be located within the basement area of the proposed blocks. The basement areas will also provide for car parking, cycle parking, storage, and plant rooms. It is considered that the details of refuse collection can be secured by way of condition in consultation with the Waste and Recycling Team (see proposed Conditions 23 (f) and 37).

LBBD Climate Change

No further comments to make in respect of the Energy Statement. Provision should also be made for electric charging points.

A condition relating to electric charging points is proposed.

LBBD Transport Development Management

Public Transport Accessibility Level (PTAL)

Further to our previous comments, which still remain relevant to the amended proposal, there are concerns that the Public Transport Accessibility Level (PTAL) at this location is inadequate.

Although it is proposed that access to public transport will be improved by diverting two existing bus routes through the site, this will only slightly increase the PTAL level.

The application was originally submitted when Transport for London were planning to build the East London Transit 2 route which would have involved a bridge being constructed at the southern end of the site for the purpose of a new transit route. This would have made a considerable improvement to the PTAL rating across the site. However, it is understood that this is unlikely to go ahead in the near future, particularly now that a decision has been made that the funding for ELT2 is no longer available. Without the necessary investment into ELT2 or a similar scheme the impact on the accessibility to this site remains low and the connections to the existing public transport network remain very poor. The size and density of this type of development will require significant improvement to public transport access and additional services made available to support the full build-out of this development.

Proposed Layout

The development layout appears to have been designed in order to allow in the future the construction of a transit route at the southern end.

Transport for London (TfL) requires a temporary routing of buses through the site prior to the commencement of the development. This will consist of a through route for the two-way operation of buses from Jenkins Lane to London Road using the existing road located in the west area of the site. It is understood that this is to be provided in accordance with relevant TfL guidance for roads used as public transport routes and will remain open for public transport vehicles and free from obstruction throughout the construction period. LBBD would be supportive of this but we would also request that consultation and approval from the Local Highway Authority be sought. In addition, the design, construction, and maintenance should be to adoptable standards subject to approval by the Highway Authority in consultation with TfL.

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It should be noted that the access which is to be used for the diversion of the bus routes onto the new central spinal road within the development passes under a building built over the internal highway. If bus services are to be routed along this road, the developer will be required to obtain a licence from either the Local Highway Authority, should they wish for the road to be adopted, or from Transport for London to run a bus service over a private highway depending on what is the most appropriate and acceptable to the Highway Authority or TfL.

Parking

The proposed residential parking levels (for private vehicles, disabled users and cyclists) seem to be within the required standards. Further clarification of provisions for non-residential users is required with a parking strategy for the site, surrounding streets and car club measures.

A condition is proposed requiring full parking details to be submitted.

Travel Plan

A comprehensive Travel Plan will be required for business and residential developments and be in accordance with TfL's guidance.

A condition is proposed requiring the submission of a Travel Plan.

Additional Comments

The proposed dedicated cycle facilities, infrastructure and promotion of walking are welcomed. Further assessment of the detailed proposals will be required before these matters can be agreed.

It should be noted that route details for the Combined Heat and Power service network should be provided or any other private services, as these will be subject to approval should they cross any public highway. However, these networks would not be permitted to be placed along any public highway or any highway intended to be adopted.

Delivery and Servicing and Construction Logistics Plans are required prior to any construction and should be drafted in accordance with TfL's guidance. *(Conditions are proposed).*

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Previously, no major issues were raised regarding trip generation / junction assessment work but it is stated within the Environmental Statement Addendum Volume 2 Chapter 12: Transport and Access “the impact of additional traffic on the surrounding highway network is generally negligible. Close to the site, where increase in traffic flows of 5% or more may be experienced, all junctions continue to operate satisfactorily and with spare capacity.” Whilst we acknowledge that the size of the development has decreased, we consider that due to the size, density and location of the development, the short term build out could create a situation whereby traffic flows may be greater than the estimated 5% without quantifying how much more, it is felt that the impact may be detrimental to the capacity of the local highway network and has the potential to continue over an unreasonable period of time until other sustainable transport modes are more accessible and available.

Since the original application, the Council has procured a VISSIM model validated by TfL for Barking Town Centre that will provide transport modelling to aid an overview of junction assessments for these types of developments. We would recommend that a contribution of £35,000 be secured in an S106 agreement to enable further assessment of the local network to be undertaken during the build out of the development. This would allow the Local Highway Authority to monitor the impact at local junctions, monitor the predicted trip generations and to audit the proposed mitigation measures at different stages of the development so they can then be reviewed.

LBB Development Control Board

The application was reviewed by the LBB Development Control Board on 26 July 2010. LBB Officers have advised that Members raised no objections to the new proposals and that the main comment that was made was to emphasise the importance of ensuring new linkages/connections over the River Roding are provided to help improve the sites permeability with the town centre. At the date of writing this report, the minutes of the Development Control Board meeting were not available. If any further comments of substance are contained in the minutes then these will be reported in an addendum report.

5. RELEVANT PLANNING POLICY

National Planning Policy

PPS1 - Delivering Sustainable Development
PPS – Planning and Climate Change – Supplement to PPS1
PPS3 – Housing
PPS4 – Planning for Sustainable Economic Growth
PPS5 – Planning for the Historic Environment
PPS9 - Biodiversity and Geological Conservation
PPG13 - Transport
PPS22 - Renewable Energy
PPS23 - Planning and Pollution Control
PPG24 - Planning and Noise
PPS25 - Development and Flood Risk

The London Plan Consolidated with Alterations (adopted February 2008)

Policy 2A.1 - Sustainability Criteria
Policy 2A.7 - Areas for Regeneration
Policy 2A.8 - Town Centres
Policy 3A.1 - Increasing London's Supply of Housing
Policy 3A.2 - Borough Housing Targets
Policy 3A.3 - Maximising the Potential of Sites
Policy 3A.5 - Housing Choice
Policy 3A.6 - Quality of New Housing Provision
Policy 3A.7 - Large Residential Developments
Policy 3A.8 - Definition of Affordable Housing
Policy 3A.9 - Affordable Housing Targets
Policy 3A.10 - Negotiating Affordable Housing in Individual Private Residential and Mixed-Use Schemes
Policy 3A.18 - Protection and Enhancement of Social Infrastructure and Community Facilities
Policy 3C.1 - Integrating Transport and Development
Policy 3C.2 - Matching Development to Transport Capacity
Policy 3C.3 - Sustainable Transport in London
Policy 3C.4 - Land for Transport
Policy 3C.20 - Improving Conditions for Buses
Policy 3C.21 - Improving Conditions for Walking
Policy 3C.22 - Improving Conditions for Cycling
Policy 3C.23 - Parking Strategy
Policy 3C.24 - Parking in Town Centres
Policy 3D.1 - Supporting Town Centres
Policy 3D.2 - Town Centre Development
Policy 3D.8 - Realising the Value of Open Space and Green Infrastructure

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Policy 3D.13 - Children and Young People's Play and Informal Recreation Strategies
Policy 3D.14 - Biodiversity and Nature Conservation
Policy 4A.1 - Tackling Climate Change
Policy 4A.2 - Mitigating Climate Change
Policy 4A.3 - Sustainable Design and Construction
Policy 4A.4 - Energy Assessment
Policy 4A.5 - Provision of Heating and Cooling Networks
Policy 4A.6 - Decentralised Energy: Heating, Cooling and Power
Policy 4A.7 - Renewable Energy
Policy 4A.9 - Adaptation to Climate Change
Policy 4A.10 - Overheating
Policy 4A.11 - Living Roofs and Walls
Policy 4A.12 - Flooding
Policy 4A.13 - Flood Risk Management
Policy 4A.14 - Sustainable Drainage
Policy 4A.16 - Water Supplies and Resources
Policy 4A.17 - Water Quality
Policy 4A.18 - Water and Sewerage Infrastructure
Policy 4A.19 - Improving Air Quality
Policy 4A.20 - Reducing Noise and Enhancing Soundscapes
Policy 4A.33 - Bringing Contaminated Land Into Beneficial Use
Policy 4B.1 - Design Principles for a Compact City
Policy 4B.2 - Promoting World-Class Architecture and Design
Policy 4B.3 - Enhancing the Quality of the Public Realm
Policy 4B.5 - Creating an Inclusive Environment
Policy 4B.6 - Safety, Security and Fire Prevention and Protection
Policy 4B.8 - Respect Local Context and Communities
Policy 4B.9 - Tall Buildings - Location
Policy 4B.10 - Large-scale Buildings - Design and Impact
Policy 4B.11 - London's Built Heritage
Policy 4B.12 - Heritage Conservation
Policy 4B.13 - Historic Conservation-led Regeneration
Policy 4B.15 - Archaeology
Policy 4C.1 - The Strategic Importance of the Blue Ribbon Network
Policy 4C.2 - Context for Sustainable Growth
Policy 4C.3 - The Natural Value of the Blue Ribbon Network
Policy 4C.4 - Natural Landscape
Policy 4C.6 - Sustainable Growth Priorities for the Blue Ribbon Network
Policy 4C.8 - Freight Uses on the Blue Ribbon Network
Policy 4C.10 - Increasing Sport and Leisure Use on the Blue Ribbon Network
Policy 4C.11 - Increasing Access Alongside and to the Blue Ribbon Network
Policy 4C.12 - Support Facilities and Activities in the Blue Ribbon Network
Policy 4C.13 - Mooring Facilities on the Blue Ribbon Network
Policy 4C.14 - Structures Over and Into the Blue Ribbon Network

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Policy 4C.15 – Safety On and Near to the Blue Ribbon Network
Policy 5C.1 – The Strategic Priorities for North East London

London Borough of Barking and Dagenham UDP (1996 and saved from the 27th September 2007 in accordance with the direction from the Secretary of State)

Policy H8 - Dwelling Mix
Policy H14 - Environmental Requirements
Policy H15 - Residential Amenity
Policy H16 - Internal Design
Policy H18 - Amenity Open Space
Policy H19 - Noise Attenuation
Policy E1 - Employment Development Within Employment Areas
Policy E12 - Upper Roding Valley Area Riverside Walk
Policy S8 - Food and Drink Uses
Policy BTC1 - Town Centre
Policy BTC12 - Environmental Improvement
Policy G28 - Contaminated Land
Policy G32 - Litter and Flytipping
Policy G33 - Flooding
Policy G34 - Flooding
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 G49 - Works to Water Courses
Policy G67 - Footpaths/Rights of Way/Green Chains
Policy DE1 - Urban Design
Policy DE2 - Micro Climate
Policy DE3 - Nature Conservation and the Built Environment
Policy DE6 - Safety and Security
Policy DE7- High Buildings
Policy DE9 - Energy Conservation
Policy DE16 - Hard Landscape
Policy DE17 - Soft Landscape
Policy DE28 - Development Adjacent to Conservation Areas
Policy DE33 - Setting of Listed Buildings
Policy DE36 - Development on Sites of Archaeological Significance
Policy DE37 - Protection of Archaeological Sites
Policy C2 - Premises for Facilities for the Community
Policy C5 - Facilities Incorporated in New Developments
Policy C9 - Provision of Childcare Facilities
Policy C15 - Access
Policy C16 - Safety and Security
Policy C17 - Planning Obligations/Community Benefit

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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 T32 - Service Areas

London Borough of Barking and Dagenham Local Development Framework (LDF) Core Strategy (July 2010)

Policy CM1 - General Principles for Development
Policy CM2 - Managing Housing Growth
Policy CM4 - Strategic Transport Links
Policy CR1 - Climate Change and Environmental Management
Policy CR2 - Preserving and Enhancing the Natural Environment
Policy CR4 - Flood Management
Policy CC1 - Affordable Housing
Policy CC2 - Family Housing
Policy CC3 - Social Infrastructure to meet Community Needs
Policy CC4 - Achieving Community Benefits through Developer Contributions
Policy CE1 - Vibrant and Prosperous Town Centres
Policy CE3 - Safeguarding and Release of Employment Land
Policy CP2 - Protecting and Promoting our Historic Environment
Policy CP3 - High Quality Built Environment

London Borough of Barking and Dagenham Local Development Framework (LDF) 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 BR13 - Noise Mitigation
Policy BR14 - Air Quality
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 - Development in Town Centres

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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 BP9 - Riverside Development
Policy BP10 - Housing Density
Policy BP11 - Urban Design

Other Relevant Planning Policies and Supplementary Planning Guidance

- Barking Town Centre Area Action Plan (AAP) Pre-Submission Report (June 2009)

The Barking Town Centre Area Action Plan was examined by an Inspector in May 2010 and as a result there has been further consultation recently on the tall buildings policy in the Area Action Plan.

Following examination, proposed changes to Policy BTC17 – Tall Buildings and Policy BTCSSA 2 – Fresh Wharf Estate, amongst others, have been consulted on. The Inspector is expected to give his final view on the proposed changes in September 2010.

The following text is proposed in respect of Policy BTCSSA 2 – Fresh Wharf Estate:

The Fresh Wharf site enjoys an extensive frontage onto the River Roding. A tall building at the northern end of the site would create an attractive landmark and act as a catalyst for regeneration, enabling a visual connection between the riverside and the Town Centre and signposting this important historical entrance to the town. The provision of a tall building to the northern end of the site would unlock this currently under-realised location and act as a focal point, drawing people to the nearby heritage assets. Any development should preserve or enhance the settings of listed and locally listed buildings on the River Roding. It must also preserve or enhance the setting of both Abbey Road Riverside and Abbey and Barking Town Centre Conservation Areas.

- Barking Town Centre AAP Urban Design Guidance SPD (Consultation Draft June 2009)
- CABE & English Heritage “Guidance on Tall Buildings” (July 2007)

Mayor of London SPGs:

- Housing (November 2005)
- Accessible London: Achieving an Inclusive Environment (April 2004)
- Sustainable Design and Construction (May 2006)
- Providing for Children and Young People's Play and Informal Recreation (March 2008)

6. ASSESSMENT OF MAIN ISSUES

6.1 Density

- 6.1.1 The quantum of residential development has been reduced from a maximum of 1,102 units to a maximum of 950 units.
- 6.1.2 Table 3A.2 of the London Plan identifies density ranges of 50-110 units per hectare for a central site with a public transport accessibility level (PTAL) of 0-1 and 100-240 units per hectare for a site with a PTAL of 2-3. The existing PTAL levels range from Level 3 at the northern tip of the site, to Level 2 in the centre (approximately 40% of the site area), to Level 1 at the southern end of the site (approximately 50% of the site area).
- 6.1.3 The gross area of the site is 4.92 hectares (ha) based on the red line boundary and 4.4 ha based on a net site area (excluding the red line boundary that dissects the River Roding). The total number of residential units proposed is 950 and therefore based on a net site area the density equates to a maximum of 215 units per hectare.
- 6.1.4 In addition to the PTAL assessment, it is acknowledged that the site is within walking distance of Barking Town Centre and Barking Railway Station (for example, PTAL calculations adopt a maximum distance of 640 metres to a bus stop and 960 metres to a railway station for inclusion, no acknowledgement is made of facilities outside this distance). From the northern tip of the site, Barking Station is some 933 metres away, and from the southern tip of the site, Barking Station is some 1287 metres away. In reality, however, it is reasonable to assume that people would walk the additional distance to Barking Station and this is acknowledged.
- 6.1.5 Accordingly, the proposed density now sits more comfortably within the levels indicated within the density matrix for a site within a central setting and with a PTAL rating of 2 to 3 (i.e. 100-240 units per hectare).

6.2 Scale, Height and Massing

- 6.2.1 A significant amount of work has been undertaken by the applicant to provide the further information sought by Members and to make further improvements to the scheme. The main changes revolve around the removal of the central Block F, the increased width of the proposed courtyard gardens to the west of the site, relocation of the eastern blocks closer to the river, and changes to building heights.
- 6.2.2 The original underlying design principles of the scheme remain the same and are based on an 'arc and park' concept. The 'arc' element comprises the central spine road that serves the development, and the 'park' element comprises the open space created in the centre of the site, along with the northern and southern public squares which are located adjacent to the proposed commercial and community uses respectively. The built form is primarily located around the perimeter of the site.

Removal of Block F

- 6.2.3 The centrally located Block F has been removed which helps to provide a larger central core of public open space and helps to reinforce the 'arc and park' principles of perimeter blocks with a central core of open space. The removal of the block also reduces the density of the development. The community uses proposed on the ground floor of this block have been relocated to the south-eastern blocks.

Tall Building

- 6.2.4 The tall building (Block C) is proposed to be 22-storeys in height (previously a range of between 22 and 24 storeys was proposed). Members previous concerns revolved around the lack of detail that had been provided given the outline nature of the application. Members previously expressed the need to ensure a high quality design was proposed, including the external treatment of the building, its proportions, and how the building meets the ground and terminates at the top, as well as the need to ensure a high quality of internal accommodation is provided.
- 6.2.5 In this regard, the drawings indicate that the external appearance has been designed so that the frame of the tower would have double ceiling height proportions and glazing and would be subtly divided into a top, middle, and bottom. The consequence of this is that the tower appears elegant, simple and unfussy. The architect has stated that the quality of the detailing and the use of high quality durable

materials such as aluminium and glass will be critical in ensuring the overall quality of the building and ease of maintenance.

- 6.2.6 The ground floor commercial use would address the river edge and the public northern square. Above this, indicative layout plans detail five residential units per floor. The triangular shape of the building allows for a combination of private balconies and winter gardens to be provided.
- 6.2.7 The submitted detail is considered to provide the comfort and clarity required to ensure that this building, which represents a landmark building within the Fresh Wharf redevelopment, will be of a high architectural quality. It is considered that this level of detail, plus the acknowledged need for high quality materials, which would be controlled by condition, are sufficient to address the concerns of CABE.

Height Reduction

- 6.2.8 There have been reductions in height across the development. The table below outlines the previous and now proposed minimum and maximum heights.

BLOCK	PREVIOUS MINIMUM HEIGHT	PREVIOUS MAXIMUM HEIGHT	PROPOSED MINIMUM HEIGHT	PROPOSED MAXIMUM HEIGHT
A	9	10	7	9
B	6	7	7	9
C	22	24	22	22
D	9	10	D1 – 7 D2 - 7	D1 – 8 D2 - 8
E	9	10	7	8
F	5	6	Removed	Removed
G	9	10	G1 – 6 G2 – 3	G1 – 9 G2 - 3
H	13	14	13	13
I	13	14	13	13
J1	7	8	5	8
J2	9	10	8	9
K1	7	8	5	8
K2	9	10	8	9
L	7	8	5	8

- 6.2.9 Overall, the reductions in height are supported. In particular, the reduction in height of the eastern blocks (Blocks D1, D2, and E) closest to the River Roding is welcome, along with the provision of

double height ground and first floor levels and recessed top floors which help in providing diversity and interest in block design, as well as reducing the scale and massing of the blocks.

- 6.2.10 Blocks H and I have been reduced by a storey height and will form the second highest tall buildings within the development at 13-storeys. These blocks have been designed to provide a gateway into the southern part of the development, with the remainder of the blocks now ranging from 3 to 9-storeys in height. CABE advised that they think that the justification for the height of Blocks H and I is weak and that the height of those blocks should be reconsidered.
- 6.2.11 The Corporation requested that the applicant review the design of Blocks H and I with the suggestion that the framing around the top two storeys be removed so that the top two storeys blend into the skyline better. The applicant has responded to this request as follows:

“In respect of the location and positioning of Blocks H and I we note that CABE are not convinced by the location of these blocks. We believe that these form an important Southern Gateway to the scheme and mark the entrance into the site from the Barking/Royal Docks Transit route and the industrial uses to the south of the Fresh Wharf site including those that are being promoted by the Corporation at Jenkins Lane. These buildings contribute to the provision of a variety of building heights across the scheme and we feel they establish a dialogue between the tall building to the north of the Central Park together with the taller building element (circa 15 storeys) proposed for the Cultural Industries Quarter site on the opposite side of the River Roding.

We have also considered adjusting the framing that is shown in the illustrative images of the project that are included in the Design and Access Statement. As our planning application is an outline planning application these images are designed to provide a feel as to our intentions in respect of the style and nature of the development we are proposing for the Fresh Wharf site and the detailed appearance of the buildings will be subject to Reserved Matters Planning Approval. Our team is confident that they can successfully deal with both the relationship of these buildings and their interface with the sky. We would therefore be happy to accept a suitable planning condition if this remains a concern to the LTGDC.”

- 6.2.12 In order to ensure that this matter regarding Blocks H and I is considered further at the detailed design stage, a condition is proposed accordingly.
- 6.2.13 It is acknowledged that there is a general reduction in height site-wide and on balance, the overall scale and height of the development

is significantly improved and supported.

Remodelling

- 6.2.14 All of the proposed blocks have had some form of re-modelling, re-design, and general refinement.
- 6.2.15 Blocks A and B have been merged to form a single block which has been well considered and thought out. The curved nature of this building makes it attractive and visually interesting, the interactive commercial uses at ground floor level (when combined with that offered by the ground floor of Block C) will help populate the northern square and provide a hard edge to the boundary of the development and highway network behind.
- 6.2.16 Block C has been moved closer to the River Roding and has been marginally re-aligned to improve its relationship and interaction with the northern square. The block remains of a triangular design but the flank facing onto the northern square has a slight curve to it which replaces the more rigid lines of the previous design. The alterations to this block along with Blocks A and B help to provide a more structured and defined northern square.
- 6.2.17 In the case of the blocks along the eastern side of the site (formerly Blocks D and E), these have been broken up into a series of three blocks (now Blocks D1, D2 and E) and have been moved closer to the River Roding. The set back of buildings from the River Roding is now 11 metres instead of 16 metres as previously proposed and the application maintains the proposed riverside walk. As a result of the movement of these blocks eastwards, the central park space has been enlarged further. The plans detail each unit benefiting from balconies with the ground and first floor levels designed to read as a double storey height which provide split level apartments in respect of Blocks D1 and D2, and commercial space in respect of Block E. In addition, the top floor of the blocks has been recessed to help reduce its mass. The reduction and break up of these eastern blocks facing the River Roding is also considered to improve the relationship with the historic environment.
- 6.2.18 The blocks in the south-eastern corner (formerly Blocks G and H) have been split into three blocks (now Blocks G1, G2 and H). A small row of terrace houses have been added (Block G2) to provide a hard edge to the existing road and complete this perimeter block. The lower floors of Blocks G1 and H provide a mix of commercial and community space which would link with the proposed southern square.
- 6.2.19 Block I has been reduced in width, attached to Block J1, and turned

90° so that this block forms both a continuous frontage along the southern road and wraps around the edge of the new spine road through the development. Blocks H and I will form the entrance point into the southern side of the development.

- 6.2.20 In respect of the blocks along the western boundary (Blocks J1, J2, K1, K2 and L) the changes are more minor. The size of the courtyards on these western blocks has been increased in width to provide additional useable amenity space. The alterations result in an increased separation distance between blocks of 30 metres, whereas previously this distance was 19 metres.
- 6.2.21 On balance, the changes in respect of the height and design of blocks are a well considered response to what is a challenging environment and are generally supported.

6.3 Access Arrangements

- 6.3.1 A primary vehicular route circles the perimeter of the central park space linking Fresh Wharf Road with Muirhead Quay to the south and potentially, the future Barking to Royal Docks bus route over the River Roding (formerly known as the East London Transit 2 bridge). This route would be restricted so that only buses would be able to run the full length of it and use the southern gateway to the site. Private motor vehicles would be restricted to the central spine road loop around the central park.
- 6.3.2 Two proposed bus stops are provided on this primary route - for buses travelling south the stop would be located adjacent to Block E and for buses travelling north the stop would be adjacent to Blocks J2 and K2.
- 6.3.3 A pedestrian and cycle route is proposed adjacent to the River Roding, known as the 'riverside walk'. This would be approximately 5 metres wide (which would allow for maintenance and emergency services access) and would cross the proposed Barking to Royal Docks bus route at grade.
- 6.3.4 To the north of the site, the existing A406 pedestrian bridge would be reconfigured to include both a spiral staircase down to the west of Block A/B as well as providing a bridge link through Block A/B to land in the northern square of the development.
- 6.3.5 The existing Fresh Wharf Road would be retained and widened to facilitate on-street visitor car parking and a series of pedestrian/cycle links traverse the site.
- 6.3.6 In respect of car parking, the number of car parking spaces proposed

has been reduced in line with the revised unit numbers so that 418 car parking spaces are now proposed. The overall level of car parking provision remains at 0.44 spaces per unit. Of the total spaces provided, 10% will be for use by people with disabilities and will be provided adjacent to the main pedestrian access points in the car parks.

- 6.3.7 The residential parking spaces will be provided in two semi-basement car parks below the main podium area. Access to the main car park will be provided from the existing Fresh Wharf Road to the west of the site. This car park will provide approximately 94% of the total residential parking spaces. The remainder of the basement parking spaces will be accessed from the central spine road.
- 6.3.8 It is currently anticipated that 16 No. parallel parking spaces (including 4 No. disabled spaces) will be provided alongside the central spine road. Of these spaces, it is anticipated that 3 No. will be allocated for a car club on the site. Although not specifically designated for visitor parking, the remaining 13 No. spaces will be available to people using the community facilities and potentially for those residents on the site. In addition, a further 5 No. spaces will be provided on Fresh Wharf Road to the west of the site.
- 6.3.9 In respect of connectivity, there has been little certainty in the past that linkages such as the pedestrian bridge and public transport bridge over the River Roding would be built as it is not within the developer's gift to provide them. Since the application was considered by committee in August 2009, a Compulsory Purchase Order (CPO) has been made by the LTGDC to safeguard a public transport corridor on the eastern side of the River Roding. In addition, Transport for London (TfL) has granted a technical approval for the bridge design. If implemented, this would significantly improve linkages to the town centre and would help to reduce the strain on Highbridge Road as the sole entrance point from the town centre into the development. The CPO gives greater comfort that the formation of a bridge over the River Roding will happen in the future and helps in alleviating concerns over the lack of linkages and movement options into the town centre. Furthermore, there are continuing discussions about a future pedestrian/cycle bridge over the River Roding which would land in the proposed southern square of the Fresh Wharf development.
- 6.3.10 Overall, whilst there remain no guarantees that linkages to the development will be improved in the short term, there is clear evidence that detailed work has been undertaken to provide additional connections in the future.

6.4 Energy and Sustainability Matters

- 6.4.1 There has been no change to the environmental sustainability credentials of the scheme.
- 6.4.2 The development proposes enhanced U values for external walls, ground floor, roofs and windows, low energy light fittings and mechanical ventilation with heat recovery (MVHR), a Combined Heat and Power (CHP) system on site, and renewable energy (in the form of photovoltaic panels (PV's) and a Ground Source Heat Pump (GSHP)) which generate some 22% reduction in carbon dioxide emissions, along with the provision of green and brown roofs on a number of the blocks which, as well as providing opportunities for biodiversity, also help in energy efficiency, heating and cooling. In addition the development would be future proofed to allow connection to the proposed community heating network which will increase this carbon emissions saving to 29%. As, and when, the development is connected to the community heating network, the CHP system would no longer be used.
- 6.4.3 The application continues to propose a Code for Sustainable Homes Level 3 rating. The applicant has advised that it is economically unviable for them to achieve a Code Level 4 rating. However, it should be noted that the proposed score of 66% is at the top end for Code Level 3 development (with the cut off for Level 4 at 68%). In addition, the application does achieve a 44% improvement of the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) which is one of the mandatory requirements for Code Level 4 development (Code Level 3 development requires only a 25% DER over TER). In light of this, it is not considered that the failure to achieve Code Level 4 forms the basis of a defensible reason for refusal of the application.
- 6.4.4 In terms of the requirement for the development to achieve 10% renewable energy, the proposal falls short and provides only 6.2%. However, this is not considered to be critical to the scheme bearing in mind the overall carbon savings of 29% once the scheme is connected to the community heating network.

6.5 Affordable Housing

- 6.5.1 There are no changes proposed to the mechanism for securing affordable housing. The amount of affordable housing will be between 10% and 35% of the total. The exact amount of affordable housing would be determined by financial appraisal on a phase by phase basis and would be linked to the performance of the private housing market.

6.5.2 Given the likely time periods for construction (circa 10-15 years) and the current economic climate, these types of flexible arrangement are becoming more commonplace on large scale sites and it is considered a pragmatic approach to ensuring the maximum reasonable amount of affordable housing provision is made, in accordance with GLA policy.

6.6 Family Accommodation

6.6.1 The amount of family accommodation (3+ bedrooms) proposed by the applicant is a minimum of 21% and a maximum of 29%. The table below shows the previously proposed unit mix and the currently proposed unit mix.

Unit Size	Previously Proposed	Currently Proposed (maximum family housing)	Currently Proposed (minimum family housing)
1 bed	412 units (37%)	238 units (25%)	380 units (40%)
2 bed	457 units (41.5%)	428 units (45%)	371 units (39%)
3 bed	175 units (16%)	250 units (26%)	166 units (17.5%)
4 bed	58 units (5%)	32 units (3%)	33 units (3.5%)
Total	1,102 units	948 units	950 units

6.6.2 The above table illustrates that there is the potential to increase the number of family housing units to respond to future market and housing needs.

6.6.3 Whilst the 30% family housing target has not been met, on a best case scenario the scheme would achieve 29% family accommodation. On balance, it is considered that the proposed housing unit mix is acceptable

6.7 Habitable Floor Area

6.7.1 One of the concerns previously identified by Members was that based on typical floor plans, a number of units were failing to satisfy

minimum internal floorspace policies. As the application is in outline form, there are no detailed floor plan layouts, only typical floor plans that could be accommodated within the envelope of the blocks.

- 6.7.2 Revised typical floor plans have been submitted with a statement advising that all units either equal or exceed the minimum requirements of the emerging London Plan Housing Design Guide.
- 6.7.3 The Borough Wide Development Policies Pre-Submission Report sets out a range of emerging policies including internal floorspace for new residential development. The typical floor plans have been assessed against these new standards.
- 6.7.4 All of the typical floor plans exceed the Council's emerging internal floorspace policy which is supported. One of the unit types, being the bedroom size of Block J1/J2 Type 4 is marginally deficient by 0.5 metres, however, in this case, both the cooking, eating, and living (CEL) area and storage space provided is in excess of the required standard and so this is not considered to be critical. Some of the units do not provide dedicated storage space, however, in those cases, storage space is identified either within the CEL or bedroom areas or, where none is physically identified, the excess space over the minimum floorspace requirements could be utilised. In any event, the shortfalls in storage space are not critical and ultimately are considered a decision for the individual occupier.
- 6.7.5 As previously stated, all of the units meet or exceed the Council's emerging internal floorspace policy which is considered the most important factor. In light of this, it is considered that the applicant has satisfactorily demonstrated that the development can also comply with the Council's floorspace policy.
- 6.7.6 It is recommended that a condition be included on any planning permission granted that all of the residential units must satisfy the minimum internal space standards as set out in the emerging London Housing Design Guide.

6.8 Sunlight, Daylight & Noise

Sunlight & Daylight

- 6.8.1 As the scheme is in an outline format, a full and accurate sunlight and daylight assessment of the proposed dwellings cannot be completed at this stage. However, analysis and modelling work has been undertaken as part of the overshadowing chapter within the Environmental Statement (ES). This modelling can be used to help predict what levels of sunlight and daylight the proposed units are likely to achieve. The ES concludes that the majority of residential

units within the development are expected to receive good levels of sunlight and daylight.

- 6.8.2 The Corporation's daylight consultants reviewed the previous scheme and advised that careful consideration should be given to levels of compliance with the British Standard. They suggested identifying a figure that would be acceptable which could possibly be incorporated into the conditions of any approval. In terms of what may be done at the detailed design stage, this includes maximising functional room size, using increased window sizes, and using light coloured finishes within the units. Some of these will however need to be balanced with other detailed design concerns e.g. larger areas of glazing may lead to overheating of homes.
- 6.8.3 Whilst setting a level of compliance is difficult as all the beneficial aspects of the scheme need to be balanced with any low levels of daylight availability, it is nevertheless considered that a figure can be agreed with the applicant and this can act as a benchmark to assess sunlight and daylight availability for the proposed new units.
- 6.8.4 The ES advises that there would be some reduction in daylight and sunlight levels experienced by properties immediately on the eastern side of the River Roding but these are limited to ground and first floor units, which, in the majority of cases, are already shaded by projecting balconies above and are in excess of 50 metres from the nearest proposed blocks. In this regard, it is proposed that the S106 Agreement will secure the use of reasonable endeavours to optimise the design of the buildings to achieve appropriate daylighting targets.
- 6.8.5 Within the external environment, the ES advises that the large areas of public realm and play space within the development will receive good levels of sunlight and would remain unaffected by permanent overshadowing. Some 84% of private gardens will also achieve good or excellent levels of sunlight. A small number of private gardens (approximately 22 gardens) on the western side of the site will not receive adequate levels of sunlight, but this is compensated for by the large amount of high quality public, play and semi-private space provided site-wide.
- 6.8.6 On balance, given the site's urban setting and high density nature, these types of separation distances for tall buildings and corresponding levels of sunlight and daylight are widely accepted as appropriate.

Noise

- 6.8.7 The existing site suffers from significant levels of noise associated with the adjacent A406. The application proposes comprehensive

measures to reduce background noise levels to an acceptable standard. These measures include incorporating a set back of the western façade of the development from the A406 which will also provide an attenuation effect and act as a noise buffer for the rest of the development, the maximisation of dual aspect units with the habitable rooms located on the quiet façade of the blocks facing the A406, and the provision of winter gardens, acoustic glazing and ventilation systems. In addition, glazed acoustic screens and a 4 metre high acoustic bund are also proposed.

6.8.8 The Council's Environmental Health noise team raised concerns about the background noise levels residents may experience but noted that the acoustic screen and bunding should help to limit noise entering the site. The noise team have suggested a number of conditions relating to sound insulation be imposed if the application is approved.

6.8.9 The revised scheme has been reviewed by the Corporation's noise consultant. He commented on the revisions as follows:

- *The effectiveness of the blocks along the western edge of the proposed development as a noise barrier has been improved by joining Blocks A and B together. This has reduced noise levels at what was the south-east façade of Block A.*
- *Care will need to be taken that the façade of the three bed flats at the north end of Block A/B will provide adequate sound attenuation as these flats are not protected by the "acoustic buffer zone" which applies to the remainder of the 2 bedroom flats in this block.*
- *LTGDC should satisfy itself that it will be acceptable to naturally ventilate bedrooms from the "acoustic buffer zone" (otherwise a mechanical form of ventilation will be required for all the units in Block A/B).*
- *Habitable rooms in Block A/B (7 storeys) can ventilate naturally from the quieter east façade of this block, albeit this will be immediately above the traffic entrance into the development.*
- *The layout of Block C has improved, with the concept of a glazed acoustic atrium protecting most of the units. Two units on each of the upper floors of this block will have a high noise level façade and this façade will need to be designed to provide an adequate degree of sound insulation, with natural ventilation being taken from the quieter facades.*
- *Care will need to be taken at detailed design stage to acoustically isolate service lifts from adjacent habitable rooms. The current indicative layout shows that some blocks have service lift shafts*

immediately adjacent to bedroom and lounge areas. Whilst this may be unavoidable, care should be taken to ensure that the lift shaft is effectively isolated from adjoining habitable rooms.

- *Noise levels in external amenity areas are generally satisfactory and in some cases have improved with the current design iteration.*
- *The concept of introducing four triplex units in a block under each of the two glazed screens along the western boundary will require care to be taken to ensure that adequate façade sound insulation is provided, particularly at first floor level which is not shown to benefit from the protection of any form of acoustical buffer. LTGDC should be satisfied that adequate arrangements can be made for natural ventilation to the first and second floor of these units from the adjoining winter garden and enclosed balcony spaces, and also to the upper bedrooms in the adjoining duplex units.*
- *No indicative layouts have been shown for Blocks J1 (6 storeys) and G2 (3 storeys) by the developer. Ideally these layouts should be reviewed to assess the adequacy of the acoustic separation from high noise levels on its south façade.*
- *No indicative layouts have been provided for Blocks H and I, both of which experience relatively high noise levels on their south and west facades. The developer should be asked whether it is still the intention to introduce the concept of a glazed screen to acoustically protect some or all of these facades.*
- *The uppermost floor of Block J2 will experience high noise levels at its south-west corner. It is envisaged that some additional protection could be provided by a glazed perimeter screen around the roof garden edge, for example.*
- *No indicative layout has been provided for the new Block L (5 storeys). This has a high noise level northern façade at ground and first floor levels due to noise break-in through the main site entrance. The layout should ideally avoid habitable rooms or entrance ways on this northern façade.*
- *A mistake in the previous noise plots and ES Chapter 13 has been identified by Environ, with the result that the maximum noise levels incident on Block D1 are now some 11 dB higher than previously computed. This may now mean that seven bedrooms in Block D1 will need to be fitted with mechanical ventilation.*
- *The revised road layout in the Central Park area will bring buses within 2 metres of the east-facing facades of Blocks K2 and J2. This could give rise to an unacceptable noise impact in bedrooms*

on the easterly façades of these blocks and the developer should be asked to undertake a noise impact assessment of internal road traffic noise particularly on these blocks, to include maximum levels of noise and the potential impact on sleep disturbance.

- *The proposed phasing of the development will give rise to an increase in predicted noise levels of 15 – 20 dB on some parts of Blocks K1 and K2 between Phase 1 built and the fully developed scheme. From acoustical considerations it would be preferable to have a revised phasing arrangement to ensure that the “noise barrier” block on the western and southern edges is complete before developing internal blocks. If this is not practicable or commercially viable, the developer should be prepared to accept non-occupancy of certain Phase 1 units until adequate noise protection is provided by the Phase 2 development, or sound attenuated mechanical ventilation will need to be provided for those units which are affected in this way.*
- *The developer should be asked to provide noise level plots for the Phase 2 to Phase 3 scenario to see whether the absence of the Phase 4 blocks on the southern boundary has any significant effect on Blocks D2 and E in particular.*
- *A new noise condition has been formulated to better define the requirements for an alternative form of ventilation when external noise levels reach a defined level. Three of the previous noise conditions have been left unchanged, with a modification to the remaining condition.*

6.8.10 Whilst the noise consultant's comments are extensive, they are on issues of detail rather than principle for certain blocks with the ability to impose conditions to address them.

6.8.11 In summary, it is considered that the scheme reacts well to the constraints of the site and is anticipated to achieve a better than reasonable internal and external environment in respect of noise. The numbers of dwellings exposed to very high noise levels are minimised and all public and private areas of amenity space are acoustically screened from road traffic by either the blocks or high level acoustic screens. A number of conditions have been proposed to ensure that a suitable noise environment is provided.

6.9 Impacts on Nearby Conservation Areas, Listed Buildings, and Archaeology

6.9.1 The revised scheme has been reviewed by the Corporation's heritage consultant. He commented on the revisions as follows:

Under Policy HE9.5 of PPS5, Local Planning Authorities are required where an element of a conservation area does not positively contribute to its significance, to take into account the desirability of enhancing or better revealing the significance of the area through development of that element. The Government advises that this should be seen as part of the process of place-making.

At Policy HE10.2 of PPS5 Local Planning Authorities are required to identify opportunities for changes in the setting of heritage assets to enhance or better reveal the significance of those assets. They are told that taking such opportunities should be seen as a public benefit and part of the process of place-making.

As existing, the Fresh Wharf Estate does not positively contribute to the significance and setting of the heritage assets around the site. The Estate comprises a number of low, squat industrial sheds which are of little architectural or historic interest. The redevelopment of the site represents an opportunity to enhance the setting of the heritage assets, and provide a public benefit through place-making as referred to in PPS5.

In addition, it should be noted that the Abbey Road Riverside Conservation Area is identified as being 'At Risk' in the 2009 London Heritage At Risk Register published by English Heritage. As a consequence any adjacent development which brings about regeneration is likely to have benefits for the long term future of the Conservation Area, particularly if the two were linked via a pedestrian bridge.

The proposed development would affect the setting of the heritage assets around the site in the following ways:

- *In longer views from and across Abbey Green in the Abbey and Barking Town Centre Conservation Area, including the setting of the Parish Church of St Margaret, the Curfew Tower, and the remains of Barking Abbey and Old Churchyard Walls*
- *In longer views from the London Road bridge to the north*
- *In longer views from the edge of the River Roding to the south*
- *In shorter views from the vicinity of the Old Granary and Mill Pond in the Abbey and Barking Town Centre Conservation Area*
- *In shorter views across the Abbey Road Riverside Conservation Area from Abbey Road*

Elements of the proposed development would clearly be visible in the distance across Abbey Green, in some areas partially screened by the trees which are present in this open space. However, given the reduced scale and form of the proposals, particularly Block C, which is a more elegant 22-storey structure when compared to the "slab" like structure previously proposed, I believe that the new

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development would provide an acceptable backdrop to Abbey Green, and that Block C would be a visual focal point linking the town centre to the new development across the open space.

In the longer views from the London Road bridge to the north and from the edge of the River Roding to the south, the proposed development would be seen adjacent to the Old Granary and Mill Pool, and the Abbey Road Riverside Conservation Area, respectively. In my view the proposed new buildings are appropriately broken up into smaller elements so as not to have an overbearing impact on the heritage assets. They have also been reduced in height and brought nearer to the riverside which is appropriate in this context. In addition the new buildings facing the Abbey Road Riverside Conservation Area reflect the industrial character of the historic Malthouse and Granary structures.

This would also be the case in the shorter views to the south from the Mill Pond, where the Abbey Road Riverside Conservation Area and the new development would be seen in the same view on the east and west sides of the River Roding respectively. In other views across the Mill Pond, Block C would be particularly prominent. However, the scale and form of this building have been improved since the 2008 submission and I believe that it is now acceptable against the openness of the Mill Pond. In addition, the new activity introduced by the cafés and restaurants proposed at ground floor level in the Northern Square Character Area would add vitality and new uses to the Mill Pond, which would regenerate and enhance the Conservation Area. Finally, the sinuous Block A/B has a very distinctive form and it would shield the development and the area to the west of the Mill Pond from the harmful effects of the A406 North Circular Road.

Although the new development would be visible from Abbey Road in the backdrop to existing views of the Abbey Road Riverside Conservation Area, as long as high quality architecture is adopted I do not believe that any harm would be caused to this built-up urban area. The southern riverside square, the retail uses and public open space that are to be created and the potential to link these to the Cultural Industries Quarter currently being created in the Abbey Road Riverside Conservation Area, could bring about significant regenerative benefits to this "At Risk" conservation area.

Clearly when detailed matters are considered appropriate facing materials and elevational treatment will be required to ensure that the proposed buildings are acceptable in the setting of the heritage assets around the development site. The existing Fresh Wharf Estate is of little architectural or historic interest, consisting of a range of industrial sheds which are harmful to the setting of the heritage assets. The site represents an opportunity for place-shaping, as

encouraged by PPS5. I believe that this is achieved by the proposals, which introduce high quality contemporary architecture and activity to the setting of the heritage assets, shield the heritage assets from the harmful effects of the A406 North Circular Road, open up pedestrian access to the riverside, and provide new public views to the Old Granary, Mill Pond, and the Abbey Road Riverside Conservation Area.

I would therefore recommend approval of the planning application because of the benefits it would bring to the to the heritage assets in the locality (N.B. – subject to appropriate facing materials and elevational treatment to ensure that the proposed buildings are acceptable in the setting of the heritage assets around the development site).

- 6.9.2 On the basis of the heritage consultant's comments, it is considered that the proposed development will make a positive contribution to the surrounding historic environment.

6.10 Section 106 / Planning Obligations

- 6.10.1 The Heads of Term for this application were previously detailed in Sections 9.16 and 11 of the 13 August 2009 committee report (copy attached to this report). Further updates were set out in the addendum report of 13 August 2009 (copy attached to this report).

- 6.10.2 The Heads of Terms remain as previously proposed, with one further addition proposed as set out below:

A contribution of £35,000 towards transport modelling for Barking Town Centre to enable a comprehensive assessment of the impacts of major developments on the road network in and around the Town Centre area.

- 6.10.3 This additional modest sum would address LBB's concerns expressed in Section 4 of this report. It can be treated as an offset when monies under the Corporation's S106 Strategy are provided.

7. CONCLUSION

- 7.1 In summary, the applicant has undertaken significant revisions to the scheme which are considered to have addressed the majority of points identified previously by Members.

- 7.2 The revised scheme represents a significant improvement over the previous scheme in a number of key areas principally around height, design, scale and massing, density, the potential to increase the

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amount of family accommodation, and habitable floor area requirements.

7.3 It is therefore recommended that planning permission be granted subject to conditions and a Section 106 legal agreement.

8. RECOMMENDATION

That authority be delegated to the Director of Planning to APPROVE the application subject to:

- (1) any direction from the Mayor of London, and
- (2) the conditions listed below (with any amendment that might be necessary up to the issue of the decision), and
- (3) further discussions with TfL with a view to agreeing, where possible, acceptable financial arrangements for transport provisions in the S106 agreement; and
- (4) the completion of a S106 Agreement securing the following Heads of Term:

Heads of Term:

1. Subject to viability testing, the provision of up to 35% affordable housing on the following terms:
 - (a) with an absolute minimum of 5% affordable housing in each phase;
 - (b) with an absolute minimum of 10% affordable housing in the completed development;
 - (c) a tenure mix of 70/30 social rented/intermediate; and
 - (d) the types of housing to reflect the housing type/size described in the environmental statement.

2. The payment of contributions in accordance with the Planning Obligations Community Benefit Strategy as follows:
 - (a) a Discounted Standard Charge of £6,000 per unit of which roughly half will be paid by way of in kind works; and
 - (b) subject to viability testing, a Deferred Standard Charge up to

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£28,800 per unit.

3. The agreement and implementation of a scheme securing the delivery and maintenance of public spaces and landscaping, including the river walk.
4. The agreement and implementation of a scheme securing the delivery and maintenance of the community facilities.
5. The making available of land/rights and appropriate provisions for access/maintenance to:
 - (a) allow for bridges to be constructed and maintained across the river;
 - (b) provide a transport corridor for the east-west transit link;
 - (c) provide a route within the site for the use of buses;
 - (d) allow for the widening of the Jenkins Lane bus route; and
 - (e) incidental land required for HGV access/passage associated with the provision of the east-west transit link.
6. Providing for the adoption or long term maintenance of appropriate routes.
7. The agreement of an approach to the temporary and future long term management of moorings, including during construction of bridges.
8. The agreement of a scheme for facilitating linkages to any district heating system.
9. The provision and implementation of a scheme securing the proposed sustainability measures.
10. The use of reasonable endeavours to optimise the design of the buildings to achieve appropriate daylighting targets.
11. The removal of the existing advertisement hoardings from the A406

boundary of the site.

12. A local labour scheme.
13. Use of local contractors in the supply of goods and services.
14. A contribution of £35,000 towards transport modelling for Barking Town Centre to enable a comprehensive assessment of the impacts of major developments on the road network in and around the Town Centre area.

If Members resolve that planning permission be granted that the Committee confirms that in their decision they have taken the environmental information into account as required by Regulation 3 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 and 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 above.

Following the issue of the decision a statement be placed on the London Borough of Barking and Dagenham's Statutory Register confirming that the main reasons and considerations on which the Committee decision was based were those set out in this Officer's report to the Committee as required by Regulation 21 (1) (c) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

9. CONDITIONS

Note to Committee: *These conditions will be reviewed when the proposed planning agreement is being finalised to ensure that there is no duplication or conflict, and the final conditions may be edited accordingly.*

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

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

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

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

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

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

4. All works are to be completed in accordance with the following information / Drawing Numbers:

2336-PL-101 Rev P01 – Red Line Boundary
2336-PL-102 Rev P01 – Demolition Plan
2336-PL-103 Rev P01 – Land Use
2336-PL-104 Rev P01– Car Parking Locations/Access
2336-PL-105 Rev P01 – Access and Movement
2336-PL-106 Rev P01 – Landscape
2336-PL-107 Rev P01 – Scale and Massing
2336-PL-108 Rev P01 – Urban Framework
2336-PL-109 Rev P01 – Illustrative Masterplan Including Indicative Landscape Layout
2336-PL-110 Rev P01 – Illustrative Phasing Plan
Fresh Wharf Masterplan – Design and Access Statement – Addendum (May 2010)

No further drawings apply, unless otherwise approved in writing by the Local Planning Authority.

Reasons: To ensure that the development is undertaken in accordance with the approved drawings, and to protect the local amenity with regard to Policy 4B.1 of the London Plan (2008). The development is acceptable on the basis of the particulars contained within the application and this condition seeks to ensure the development is undertaken in strict accordance with those details as approved.

5. Prior to the commencement of development a scheme for the provision and management of an 11 metre buffer zone alongside the Roding shall be submitted to and agreed in writing by the Local Planning Authority. The buffer zone will include the 1072 metres square of reedbed shelves, which will be set at a level that gets inundated by the high tide on a regular basis. Buildings will be set back to allow for an 11 metre buffer zone (measured from the top of

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bank), with the exception of Building G and the road bridge to the far south of the red line boundary. There should be no other structure within this 11 metre buffer zone other than fencing and lighting. The scheme shall include:

- Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term.
- Details of any footpaths, fencing, lighting etc.

The approved scheme shall be implemented to the satisfaction of the Local Planning Authority.

Reasons: Development that encroaches on the buffer zone, shades and has light spill effects on the River Roding has a potentially severe impact on its ecological value. This is contrary to Government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. The River Roding is a Site of Nature Conservation Importance and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

6. No development in any phase of development approved by this permission shall be commenced until a detailed scheme for the provision and maintenance of the living roofs to be provided within that phase has been submitted to and approved in writing by the Local Planning Authority, and implemented to the satisfaction of the Local Planning Authority. The roofs shall comprise at least 50% native species, not including *Sedum* species, seeded with an annual wildflower mix or local seed source.

Reasons: To protect and enhance the biodiversity of the site and contribute towards sustainable drainage. It is recommended that a substrate layer is 7cm deep or more to increase biodiversity and improve the capacity for water attenuation.

7. Prior to commencement of development a scheme for the sheet piling that shall be faced with timber fendering along 200 metres of the site should be submitted to and approved in writing by the Local Planning Authority. The back pans between the timber cladding and river wall shall be filled to create planters, which will accumulate over time. Shelving shall be planted with locally native aquatic plants, of UK genetic stock or left to colonise naturally. This work shall be completed before occupation of the new development. The timber must not contain any added chemicals likely to leach into the surrounding water. As part of the scheme the height of the fendering should be agreed and a maintenance plan submitted. The approved maintenance plan shall be implemented to the satisfaction of the Local Planning Authority.

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Reasons: To enhance the ecology of the bank by creating a vertical bank habitat. Timber provides valuable wildlife habitat because of the crevices and cracks it creates when rotting. Creating vertical banks will increase the ecological diversity of the river, which has a heavily urbanised river corridor and limited habitat. Saltmarsh plants and algae grow best between MHWS and MHWN peaking at MHW, so this is the best position for attachment.

8. External artificial lighting within 11 metres of the Roding bank top (bank top is defined as the point at which the bank meets normal land levels) shall be directed away from the watercourse and shall be focused with cowlings.

Reasons: To minimise light spill from the new development into the watercourse or adjacent river corridor habitat. Artificial lighting disrupts the natural diurnal rhythms of a range of wildlife using and inhabiting the river and its corridor habitat. The corridor adjacent to a watercourse provides important habitat for the terrestrial life stages of many aquatic insects. The river channel with its wider corridor should be considered an 'intrinsically dark area' and treated as recommended under the Institute of Lighting Engineers 'Guidance Notes for the Reduction of Light Pollution'.

9. Following completion of Phase 1 of the development (which includes works to the river wall) there shall be no storage of materials related to the development within 8 metres of the watercourse along the entire length of the site. This area must be suitably marked and protected during development and there shall be no access within the area during development. There shall be no fires, dumping or tracking of machinery within this area during development.

Reasons: To reduce the impact of the proposed development on the river buffer zone and the movement of wildlife along the river corridor. Buffer zones along watercourses should be undisturbed and maintained for wildlife.

10. No development shall commence until an operational management plan for any proposed moorings is submitted to the Local Planning Authority. This should include details of the location of the moorings, the number reserved for both temporary and permanent moorings, the duration which a visitor can stay on a mooring, and monitoring to ensure that the agreed percentage remains available for visitor moorings in perpetuity.

Reasons: To protect the character of the area and minimise the impact of the new mooring and associated infrastructure on this stretch of the River Roding. Piers, pontoons, jetties or similar structures must be designed so that they cause minimal shading of the foreshore. Structures should have an absolute minimum physical impact/footprint. Where new structures encroach into the river channel, a hydraulic study may be necessary to assess impacts on flow patterns, erosion and deposition within the river channel.

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11. Prior to the commencement of development of any phase of development a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens) included in that phase, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

The scheme shall include the following elements:

- Details of the new reedbed terraces.
- Details of the extent and type of new planting. All planting within the 11 metre buffer zone shall be of locally native plant species only, of UK genetic origin.
- Details of maintenance regimes.

Reasons: To ensure the protection of wildlife and supporting habitat and secure opportunities for the enhancement of the nature conservation value of the site in line with national planning policy. Use of locally native plants in landscaping is essential to benefit local wildlife and to help maintain the region's natural balance of flora. Native insects, birds and other animals cannot survive without the food and shelter that native plants provide - introduced plants usually offer little to our native wildlife. This is in line with PPS9 and Article 10 of the Habitats Directive.

12. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reasons: To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.

13. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) compiled by Environ and dated September 2008 (Project Reference Number 62-C13507), also Chapter 10 of the Environmental Statement Addendum Volume 2 and 3, and the following mitigation measures detailed within the FRA:

- Replacement of the river wall adjacent to the site (Section 2.8, page 4).
- Adopted design flood level of 5.05 metres AOD (Section 3.9, page 8).
- Minimum finished floor level of 6.3 metres AOD for residential development (Section 3.14, page 9).
- Minimum finished floor level 5.7 metres AOD for commercial development (Section 3.14, page 9).
- Car park entrance threshold levels above 5.05 metres AOD (Section 3.15, page 9).
- Manual or automatic flood defence barriers provided at entrances below the design level of 5.05 metres AOD (Section 3.16, page 9).
- Emergency Evacuation Plan provided (Section 3.16, page 9 and Section 3.23, page 10).
- All buildings will have a primary or secondary pedestrian access point above 5.05 metres AOD (Sections 3.18 and 3.19, page 9).
- The maximum total discharge rate for surface water run-off from the site post-development will be 34.2 litres per second (l/s) comprising 19.2 l/s to the River Roding and 15 l/s to the Thames Water surface water sewer system (Sections 4.7 and 4.8, page 12).

Reasons: To reduce the risk and impact of flooding to the proposed development, future occupants and third parties. To ensure the structural integrity of the proposed flood defences, and to ensure safe access and egress from and to the site.

14. Details of site drainage shall be submitted to and approved in writing by the Local Planning Authority. Further to this, no soakaways shall be constructed in contaminated ground.

Reasons: To prevent pollution of groundwater.

15. The development hereby approved shall not be commenced unless the method for piling foundations has been submitted to and approved in writing by the Local Planning Authority. The piling shall thereafter be undertaken only in accordance with the approved details.

Reasons: The site is contaminated/potentially contaminated and piling could lead to the contamination of groundwater in the underlying aquifer.

16. Ground source heat pump (GSHP) systems (referred to as Energy Piles GSHP in the Energy Statement) using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

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Reasons: To ensure that the construction and function of GSHP's pose a low risk of contamination to controlled waters.

17. No development in any phase of the development approved by this permission shall be commenced until:

- (a) The relevant part of the application site has been subjected to a detailed scheme for the investigation and recording of contamination and a report has been submitted to and approved in writing by the Local Planning Authority.
- (b) Detailed proposals in line with current best practice for the removal, containment or otherwise rendering harmless such contamination in the relevant part of the site (the "Contamination Proposals") have been submitted to and approved in writing by the Local Planning Authority.
- (c) For each part of the development, contamination proposals relevant to that part (or any part that would be affected by the development) shall be carried out either before or during such development, as appropriate.
- (d) If during development works any contamination should be encountered which was not previously identified and is derived from a different source and/or of a different type to those included in the "Contamination Proposals" then revised "Contamination Proposals" shall be submitted to the Local Planning Authority.
- (e) If during development work site contaminants are found in areas previously expected to be clean, then their remediation shall be carried out in line with the agreed "Contamination Proposals".

Reasons: To prevent pollution of the water environment.

18. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reasons: To prevent pollution of the water environment.

19. Prior to occupation of any phase of the permitted development (or other such time as agreed in writing with the Local Planning Authority), a verification

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report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reasons: To protect controlled waters.

20. In respect of each phase of the development no development shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme for investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority for that phase. The development shall only take place in accordance with the detailed scheme pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reasons: Significant archaeological remains may survive on the site. The Local Planning Authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the guidance and model condition set out in PPG16.

21. For each phase of development no development shall commence until the applicant has provided to the Local Planning Authority for approval a Certified Code for Sustainable Homes Pre-Assessment for that phase that achieves at least a 'Level 3' rating. The approved scheme shall then be implemented in accordance with these details. Prior to occupation of the first unit in the development a Post Construction Review or audit or other verification process agreed with the Local Planning Authority will be provided confirming that the certified pre-assessment rating of at least a Level 3 score has been achieved.

Reasons: To ensure that the proposed residential units are designed in an environmentally sustainable manner and in accordance with Policies 2A.1 and 4A.3 of the London Plan (2008).

22. The development of each phase of the development shall not be commenced until details of all boundary fences, walls, railings and gates proposed in that phase have been submitted to and approved in writing by the Local Planning Authority and no phase of the development shall be occupied until the approved fences and walls for that phase have been provided. The

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approved fences and walls shall be retained unless the Local Planning Authority gives prior written approval to their removal.

Reasons: To ensure the satisfactory means of enclosure for the proposed development in the interests of the visual amenity of the area, in accordance with Policy 4B.1 of the London Plan (2008), Policy DE1 of the London Borough of Barking and Dagenham Unitary Development Plan (1996 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State), and Policy BP11 of the London Borough of Barking and Dagenham Borough Wide Development Policies Pre-Submission Report (2008).

23. No development shall commence in any phase of the development until a detailed access statement has been submitted to and approved in writing by the Local Planning Authority in respect of that phase and the development of each phase must be carried out in accordance with the approved details. The statement shall include:

- (a) details of means of access and egress of buildings, including details of entry systems;
- (b) way-finding systems (signage);
- (c) locations of and details of the lifts, and forecourts to the lifts, including their sizes and specifications; 'calling options'; height of buttons; details of the maintenance and 'rapid repair' scheme; details of alternative routes in cases of breakdown and appropriate directional signage;
- (d) details of the wheelchair accessible residential units, including floor plans and specifications of the interior;
- (e) details of the Lifetime Homes specifications to be implemented;
- (f) details of access to bin storage and any post boxes where applicable;
- (g) details of colour and contrast of fixtures and fittings, and colour and contrast of signage.

The approved scheme must be implemented prior to occupation of the development, unless otherwise agreed in writing by the Local Planning Authority and maintained thereafter.

Reasons: To ensure safe and convenient access and to ensure that accessible housing is provided in accordance with Policy 3A.4 of the London Plan (2008) and Policy BC2 of the London Borough of Barking and Dagenham's Borough Wide Development Policies Pre-Submission Report (2008).

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24. No development of any phase of the development shall commence until full details of the private amenity space, by way of balconies, terraces, gardens, and roof terraces to be provided within that phase, has been submitted to and approved in writing by the Local Planning Authority and the development must be carried out in accordance with the approved details.

Reasons: To ensure an adequate amount of amenity space for the future residents of the development in accordance with Policy H15 of the London Borough of Barking and Dagenham Unitary Development Plan (1996 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policy BP5 of the London Borough of Barking and Dagenham Borough Wide Development Policies Pre Submission Report (2008).

25. No development in any phase of the development shall commence until full details of the layout of the car and motorcycle parking spaces, including provision for electrical car charging points, and their allocation to individual uses within that phase has been submitted to and approved in writing by the Local Planning Authority. The development must not be occupied other than in accordance with the approved details. No fewer than 20% of the car parking spaces within the development shall be fitted with charging infrastructure.

Reasons: To ensure that car parking is not overprovided and to reduce the impact of the development on the public highway, in accordance with Annex 4 of the London Plan (2008) and Policy BR9 of the London Borough of Barking and Dagenham Borough Wide Development Policies Pre-Submission Report (2008).

26. No development in any phase of the development shall commence until full details of the internal layout of the residential units within that phase have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details. All the residential units must satisfy the minimum internal space standards as set out in the emerging London Housing Design Guide, published by the GLA.

Reasons: To ensure a satisfactory standard of residential accommodation and to accord with the emerging London Housing Design Guide.

27. No development in any phase of the development shall commence until a scheme showing the proposed details of the external lighting scheme, including any lighting of the buildings within that phase, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the occupation of the development and maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

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Reasons: In order to safeguard the appearance of the development and in the interests of amenity, in accordance with Policy 4B.1 of the London Plan (2008), Policy DE1 of the London Borough of Barking and Dagenham Unitary Development Plan (1996 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State), and Policy BP11 of the London Borough of Barking and Dagenham Borough Wide Development Policies Pre-Submission Report (2008).

28. No development in any phase of the development shall commence until details of the proposed unit sizes for the A1, A2, A3, A4, A5 and D1 uses within that phase have been submitted to and approved in writing by the Local Planning Authority. Details should include the means of ventilation for the extraction and dispersal of cooking smells and other fumes for the non-residential uses of the development, including details of the extraction, ventilation and filtration equipment and any other external plant or machinery (including ventilation units and air intake louvres).

The approved details shall be implemented prior to the occupation of the development and maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reasons: In order to ensure that the retail and community uses are ancillary to the development, to safeguard the amenity of the occupiers of adjoining properties by preventing noise disturbance and to ensure a satisfactory appearance in accordance with Policies 4A.20 and 4B.1 of the London Plan (2008), and Policy BP8 of the London Borough of Barking and Dagenham Borough Wide Development Policies Pre-Submission Report (2008).

29. No development in any phase of the development shall commence until details of all proposed directional signage within that phase of the development have been submitted to and approved in writing by the Local Planning Authority and once approved shall be implemented prior to the occupation of the building/part of the development to which it relates and maintained thereafter.

Reasons: In the interests of ensuring a legible and accessible environment and in the interests of the appearance of the development in accordance with Policies 4B.1 and 4B.5 of the London Plan (2008).

30. No development in any phase of the development shall commence until full details of cycle parking within that phase, including its location and the means of secure storage proposed, and allocation of it, have been submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be provided prior to the occupation of the development, and shall be retained thereafter, and used for no other purpose.

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Reasons: In order to encourage the use of cycling as a sustainable mode of transport, in accordance with Policies 3C.3 and 3C.22 of the London Plan (2008) and Policy BR10 of the London Borough of Barking and Dagenham Borough Wide Development Policies Pre-Submission Report (2008).

31. A biodiversity and ecological management plan for the development, including long term ecological objectives such as the provision of naturalisation of the river bank, reed beds, bird and bat boxes, shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is occupied.

The approved plan shall be maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reasons: To protect and conserve the natural features, ecology, and character of the area and ensure their long term sustainability through appropriate site management in accordance with Policies 3D.14, 4C.1 and 4C.3 of the London Plan (2008) and Policy CR2 of the London Borough of Barking and Dagenham Core Strategy Policies Pre-Submission Report (2008).

32. No development in any phase of the development shall commence until detailed drawings showing the following in respect of that phase have been submitted to and approved in writing by the Local Planning Authority:

- (a) access through the site during works and upon completion of works in relation to any phasing, including the connections with any completed phases, and connections to the surrounding area and its networks of cycle paths and footpaths; and
- (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 only be implemented in line with the approved details and shall be maintained thereafter.

Reasons: To ensure that adequate access to the completed phases of the development is provided, in line with Policies 2A.1, 3C.21, 3C.22 and 4B.1 of the London Plan (2008).

33. The development of each phase shall not be occupied until details of any proposed communal roof gardens within the relevant phase, including details of access to them has been submitted to and approved in writing by the Local Planning Authority and the communal roof gardens shall be provided in accordance with the approved details and shall be available for use prior to occupation of the development. The communal roof gardens shall be

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maintained as such, and shall not be used for any other purpose.

Reasons: To safeguard the appearance of the development and ensure residents have access to adequate amenity space, in accordance with Policy 4B.1 of the London Plan (2008), Policy H15 of the London Borough of Barking and Dagenham Unitary Development Plan (1996 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policy BP5 of the London Borough of Barking and Dagenham Borough Wide Development Policies Pre-Submission Report (2008).

34. No development shall commence until a security management scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of how the development meets the requirements of "Secured by Design" and shall provide details of security management measures including location of CCTV, and concierge services, door entry systems and car park security. The development shall be carried out in accordance with the approved scheme and maintained thereafter.

Reasons: In order to provide a safe and secure development in accordance with Policy BC7 of the London Borough of Barking and Dagenham Borough Wide Development Policies Pre-Submission Report (2008).

35. No development shall commence until a Construction Environmental Management Plan (CEMP) incorporating details of construction traffic management, waste management, use of river to transport materials, sourcing of materials, locations and means of storage of materials within the site, craneage and scaffolding height, and timing of noisy operations has been submitted to and approved in writing by the Local Planning Authority. Once approved this plan shall be adhered to throughout the construction period of the development.

Reasons: In the interests of ensuring sustainable construction practices and to accord with Policy 2A.1 of the London Plan (2008) and Policy BR15 of the London Borough of Barking and Dagenham Borough Wide Development Policies Pre-Submission Report (2008).

36. No development shall commence until an Environmental Code has been submitted to and approved in writing by the Local Planning Authority, in respect of such matters as are likely to cause nuisance to adjoining occupiers. Details should include any demolition, ground works (including decontamination), construction and access to the site, hours of operation, noise, dust, smoke, road cleaning, odour control, wheel washing, and any other matters relevant to this particular site. The approved Environmental Code shall be adhered to for the duration of the construction works.

Reasons: To ensure that the construction phases do not prejudice the

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amenity of neighbouring occupiers and to accord with Policies BR15 and BP8 of the London Borough of Barking and Dagenham Borough Wide Development Policies Pre-Submission Report (2008).

37. No development in any phase of the development shall commence until a scheme for the storage and disposal of refuse proposed within that phase has been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented prior to the occupation of the development and maintained thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reasons: To protect the amenity of future occupiers and adjoining occupiers in accordance with Policies 4A.3 and 4B.1 of the London Plan (2008) and Policy BR15 of the London Borough of Barking and Dagenham Borough Wide Development Policies Pre-Submission Report (2008).

38. Prior to commencement, a detailed specification of the proposed works to the river wall shall be submitted to and approved in writing by the Local Planning Authority. All works to the river wall should be undertaken outside the sensitive fish spawning period (April – May).

Reasons: To ensure the replacement river wall is built to an acceptable standard and to ensure no works are undertaken within the fish spawning period in accordance with Policy BR4 of the London Borough of Barking and Dagenham Borough Wide Development Policies Pre-Submission Report (2008).

39. The development shall not be occupied until details of riparian life saving equipment, to include grab chains, access ladders and life buoys along the river edge have been submitted to and approved in writing by the Local Planning Authority. Such equipment shall be to a standard recommended in the 1991 Hayes Report on the Inquiry into River Safety. Once approved the equipment shall be provided in accordance with the approved details prior to the occupation of any part of the development and maintained thereafter.

Reasons: In the interests of public safety.

40. No development in any phase of the development shall be commenced until a scheme showing those areas to be hard landscaped and the details of that hard landscaping to be provided within that phase have been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be carried out prior to the occupation of the development and thereafter permanently retained.

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Reasons: To ensure the development is satisfactorily landscaped in order to improve the visual appearance of the area, in accordance with Policy 4B.1 of the London Plan (2008), Policy DE1 of the London Borough of Barking and Dagenham Unitary Development Plan (1996 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State), and Policy BP11 of the London Borough of Barking and Dagenham Borough Wide Development Policies Pre-Submission Report (2008).

41. The development shall be built out in accordance with the submitted Phasing Plan 2336-PL-110 Rev P01 unless otherwise agreed in writing with the Local Planning Authority. References to a phase or phases within these conditions shall be construed accordingly.

Reasons: To ensure an appropriate phasing of the development that protects future residential occupiers in accordance with Policy BP8 of the London Borough of Barking and Dagenham Borough Wide Development Policies Pre-Submission Report (2008).

42. No development shall commence until detailed specifications of the proposed 'Green Screen' acoustic bund and glazed acoustic screens are submitted to and approved in writing by the Local Planning Authority. Thereafter, these measures shall be implemented, maintained and retained.

Reasons: To ensure an appropriate treatment to the A406 boundary to protect future residential occupiers in accordance with Policy BP8 of the London Borough of Barking and Dagenham Borough Wide Development Policies Pre-Submission Report (2008).

43. Prior to the commencement of any works on site, details of a bat survey and action to protect any bats shall be submitted to and approved in writing by the Local Planning Authority. Any action as approved shall be implemented prior to commencement of any works.

Reasons: To ensure that protected species are surveyed and mitigation measures proposed in accordance with Policy CR2 of the London Borough of Barking and Dagenham Core Strategy Pre-Submission Report (2008).

44. Prior to commencement, a full energy strategy will be provided, which will give details of the Energy Efficient measures, on top of part L compliance, to be undertaken for the development and this will provide a baseline of Carbon emissions for the completed scheme. The strategy will provide details on the Combined Heat and Power system which will provide heat and power for all units across the site (residential and Commercial), and how it will link into the wider aspirations of the Barking Community Heating Network following the technical guidelines set out by the London Borough of Barking and

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Dagenham. The Strategy will also give details of electrical generating renewable energy systems which will generate 10% of the predicted total carbon emissions for the development. If the development cannot achieve this target, then the short fall (to achieve the 10%) could be contributed through an additional S106 financial contribution.

The programme for their provision shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be implemented in accordance with the agreed programme and shall be maintained unless otherwise agreed in writing. These measures will also be monitored by the Local Planning Authority to ensure that targets are achieved.

Reasons: To promote the use of energy efficient and renewable energy technologies in accordance with Policies 4A.6 and 4A.7 of the London Plan (2008) and Policy BR2 of the London Borough of Barking and Dagenham Borough Wide Development Policies Pre-Submission Report (2008).

45. The development shall not be occupied until there has been submitted to and approved in writing by the Local Planning Authority a Travel Plan for the site, which shall include a car parking management plan to minimise car-borne travel, car club, car parking on and off site effectively and encourage walking, cycling and the use of public transport. The approved Travel Plan shall be funded, implemented, reviewed and monitored in accordance with the approved scheme.

Reasons: In order to encourage the use of sustainable transport and to comply with Policy BR10 of the London Borough of Barking and Dagenham Borough Wide Development Policies Pre-Submission Report (2008).

46. All construction and demolition works shall take place within the following hours:

- Monday to Friday: 8am – 6pm
- Saturday: 8am – 1pm
- No noisy work to take place on Sundays or Public Holidays.

Reasons: To ensure that the works from the proposed application does not prejudice the amenities of the neighbouring properties and the general locality in accordance with Policy G36 of the London Borough of Barking and Dagenham Unitary Development Plan (1996 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State).

47. All noisy works (i.e. shop fittings and refurbishments) to take place within the commercial units shall be restricted to within the following hours:

- Monday to Friday: 8am – 6pm

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- Saturday: 8am – 1pm
- No noisy work shall take place on Sundays or Bank Holidays.

Reasons: To ensure that the proposed commercial units do not prejudice the amenities of the adjoining residential units and the general locality in accordance with Policy G36 of the London Borough of Barking and Dagenham Unitary Development Plan (1996 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State).

48. Any amplified music played within the commercial units shall be restricted to between:

- Monday to Saturday: 10am – 11pm
- Sunday and Bank Holidays: 11am – 11pm.

Reasons: To ensure that the proposed commercial units do not prejudice the amenities of the adjoining residential units and the general locality in accordance with Policy G36 of the London Borough of Barking and Dagenham Unitary Development Plan (1996 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policy BP8 of the London Borough of Barking and Dagenham Borough Wide Development Policies Pre-Submission Report (2008).

49. No phase of the development hereby permitted shall commence until methods for testing air quality and detailing any proposed mitigation measures to minimise exposure to air pollution have been submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed methods shall be implemented in accordance with the approved details.

Reasons: In the interests of the health and well-being of the future occupants of the site and neighbouring residents and in accordance with Policy G39 of the London Borough of Barking and Dagenham Unitary Development Plan (1996 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State), and Policy BP8 of the Borough Wide Development Policies Pre-Submission Report (2008).

50. No satellite dishes may be installed on the exterior of any of the approved blocks, with the exception of a roof mounted dish providing a communal system available to each resident of the block unless otherwise agreed in writing by the Local Planning Authority.

Reasons: In order to prevent clutter and harm to visual amenity and to accord with Policy DE1 of the London Borough of Barking and Dagenham Unitary Development Plan (1996 and saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policy BP11 of the London Borough of Barking and Dagenham Borough Wide Development

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Policies Pre-Submission Report (2008).

51. No development shall commence until samples and full particulars of all of the external materials proposed have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reasons: To safeguard the appearance of the development and in accordance with Policy 4B.1 (Design Principles for a Compact City) of the London Plan (2008) and Policy DE1 (Urban Design) of the London Borough of Barking and Dagenham Unitary Development Plan (1996 and saved from 27th September 2007 in accordance with the direction from the Secretary of State).

52. No development shall commence until a feasibility study has been carried out to assess the potential for moving freight by water during the construction cycle (waste and bulk materials) and following occupation of the development (biomass, waste and recyclates). The study shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works on the development and any recommendations shall be implemented to the satisfaction of the Local Planning Authority.

Reasons: To encourage the use of the inland waterways for transporting waste and bulk materials in accordance with Policies 3C.25 (Freight Strategy) and 4C.8 (Freight Uses on the Blue Ribbon Network) of the London Plan (2008).

53. All residential units hereby approved are to comply with Lifetime Homes standards as defined in the Joseph Rowntree Foundation publication "Achieving Part M and Lifetime Home standards" and the joint collaboration of JRF, Mayor of London, GML Architects and Habinteg HA in the publication "Lifetime Homes" as referred to in the GLA Accessible London SPG (Appendix 4).

Reasons: To ensure that accessible housing is provided in accordance with Policy 3A.5 (Housing Choice) of the London Plan (2008).

54. No fewer than 10% of the total number of residential units within the development hereby approved 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 unless otherwise agreed in writing by the Local Planning Authority.

Reasons: To ensure that accessible housing is provided in accordance with Policy 3A.5 (Housing Choice) of the London Plan (2008).

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55. No development in any phase of the development shall take place until details of the vehicular access and servicing arrangements to be provided within that phase, including tracking plans indicating that vehicles may enter and leave the servicing area, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the approved servicing area and vehicular access have been implemented.

Reasons: To ensure that satisfactory provision is made for vehicles servicing the site in the interests of highway safety, and in accordance with Policy T32 of the London Borough of Barking and Dagenham Unitary Development Plan (1996 and saved from 27th September 2007 in accordance with the direction from the Secretary of State).

56. Before the completion of 90% of the residential units in Phase 2 of the development a north-south central spine road as shown on Drawing Number 2336-PL-105 Rev P01 will be provided to allow buses to serve the heart of the site. The road will be constructed and maintained to adoptable standards in accordance with relevant TfL guidance for roads used as public transport routes and will remain open for public transport vehicles, and free from obstruction throughout the construction period.

Reasons: To secure provision of a public transport route through the site.

57. Details of bus stops and related bus infrastructure within the site shall be submitted to the Local Planning Authority for approval in writing, in consultation with TfL.

Reasons: In the interests of highway safety.

58. No development of Blocks A, B or L shall commence until the detailed design for modification works to the existing footbridge over the A406 at the northern end of the site, including a scheme for carrying out the works, and for the ongoing maintenance and management of the modified bridge have been submitted to and approved in writing by the Local Planning Authority. The modification works shall be carried out in accordance with the approved design and works scheme and Blocks A, B or L will not be occupied until the works are complete and the modified bridge is open and available for use by the public. The bridge will be managed and maintained thereafter in accordance with the approved scheme.

Reasons: In the interests of highway and pedestrian safety.

59. The development shall not commence until a Construction Logistics Plan developed in accordance with TfL guidance has been submitted to, and

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approved in writing by the Local Planning Authority.

Reasons: To ensure the transport impact of the construction phase is reduced as far as possible, to promote the use of sustainable modes of transport to the site during the construction phase, and to ensure construction operations are carried out in a safe manner with due regard for the optimum operation of the highway network.

60. The detailed design shall ensure that the total noise level in any bedroom, at any location no closer than 1 metre from any room surface or ventilation system, shall not exceed 35 dB L_{Aeq} (23.00 – 07.00) with the windows to the bedroom shut. The total noise shall be considered to be that from external intrusive noise with any passive vents fully open and the noise from the operation of any installed mechanical ventilation system, up to a flow rate of 31 litres/s.

Reasons: To ensure that the proposed dwellings are adequately protected from noise and to accord with Policy 4A.20 of the London Plan (2008) and Policy BP8 of the London Borough of Barking and Dagenham Borough Wide Development Policies Pre-Submission Report (2008).

61. The detailed design shall ensure that the total noise level in any other habitable room at any location no closer than 1 metre from any room surface or ventilation system, shall not exceed 40 dB L_{Aeq} (07.00 – 23.00) with the windows to the habitable room shut. The total noise shall be considered to be that from external intrusive noise with any passive vents fully open and the noise from the operation of any installed mechanical ventilation system, up to a flow rate of 31 litres/s.

Reasons: To ensure that the proposed dwellings are adequately protected from noise and to accord with Policy 4A.20 of the London Plan (2008) and Policy BP8 of the London Borough of Barking and Dagenham Borough Wide Development Policies Pre-Submission Report (2008).

62. The detailed design shall ensure that all units in Blocks K1 and K2 which have openable windows in habitable rooms exposed to noise levels exceeding 50 dB L_{Aeq} (23:00 to 07:00) due to lack of screening from Phase 1 only development, and where adequate natural ventilation cannot be obtained from an alternative façade with noise levels equal to or less than this, shall be provided with an alternative form of sound attenuated ventilation to meet the requirements of Condition 60, or these units are not occupied until Phase 2 is complete. A similar requirement shall apply to all other units similarly affected by the phasing sequence adopted for the development.

Reasons: To ensure that the proposed dwellings are adequately protected from noise and to accord with Policy 4A.20 of the London Plan (2008) and

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Policy BP8 of the London Borough of Barking and Dagenham Borough Wide Development Policies Pre-Submission Report (2008).

63. Prior to the commencement of each phase of the development a method statement for demonstrating the compliance of that phase of the development with the required noise conditions shall be submitted to and approved in writing by the Local Planning Authority.

The approved method statement shall be implemented and shall be adhered to thereafter, unless otherwise agreed in writing by the Local Planning Authority.

Reasons: To ensure that the proposed dwellings are adequately protected from noise and to accord with Policy 4A.20 of the London Plan (2008) and Policy BP8 of the London Borough of Barking and Dagenham Borough Wide Development Policies Pre-Submission Report (2008).

64. Prior to the commencement of development a vibration survey shall be undertaken at representative locations across the site, including at the nearest façade location to the A406, to determine the degree to which special precautions against vibration may need to be taken into account in the detailed design of the proposed development.

Reasons: To ensure that the proposed dwellings are adequately protected from vibration.

65. The detailed design shall ensure that all units, where external noise levels adjacent to an openable window of a habitable room are predicted to exceed 50 dB L_{Aeq} (23:00 – 07:00), shall be provided with an alternative sound attenuated form of ventilation, to the approval of the Local Planning Authority, such that the requirements of Condition 60 can be achieved, unless adequate natural ventilation to that habitable room can be provided through a window in a façade with noise levels of 50 dB L_{Aeq} (23:00 – 07:00) or less.

Reasons: To ensure that the proposed dwellings are adequately protected from noise and to accord with Policy 4A.20 of the London Plan (2008) and Policy BP8 of the London Borough of Barking and Dagenham Borough Wide Development Policies Pre-Submission Report (2008).

66. The proposed building heights shown on the Fresh Wharf masterplan illustrated on Page 15 of the Design and Access Statement Addendum Report dated May 2010 shall be considered as maximum building heights, unless otherwise agreed in writing with the Local Planning Authority.

Reasons: To ensure that the development is undertaken in accordance with the approved drawings and with regard to Policy 4B.1 of the London Plan

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(2008).

67. The applicant is required to reconsider the design of the top two storeys in the detailed design of Blocks H and I to reduce the visual impact of the height of the blocks, and so help to deliver an overall acceptable appearance for the development. The applicant shall consult with the Local Planning Authority on the design of Blocks H and I prior to submission of the details and take into account any comments made by the Local Planning Authority.

Reasons: To safeguard the appearance of the development and in accordance with Policy 4B.1 (Design Principles for a Compact City) of the London Plan (2008) and Policy DE1 (Urban Design) of the London Borough of Barking and Dagenham Unitary Development Plan (1996 and saved from 27th September 2007 in accordance with the direction from the Secretary of State).

INFORMATIVES:

1. English Heritage (GLAAS)

The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage guidelines.

2. London City Airport

In the event that during construction, craneage or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to separate consultation with London City Airport. It is also advised that the attention of crane operators be brought to the British Standard Code of Practice for the safe use of cranes, British Standard Institute 7121: Part 1: 1989 (as amended).

3. Port of London Authority

As the applicant is aware, all works that extend over the mean high water level of the river require the benefit of a Port of London Authority (PLA) River Works Licence. There are elements of the development such as the works to the river wall, the reed bed planting and the timber fendering which will need to be licensed. Additionally, it should be noted that the existing river works licence does not allow for the mooring of vessels at the site for residential purposes. The applicant is advised to contact the PLA's Licensing Officer, Polly Kearsey on 01474 562267 to discuss this matter further.

4. Environment Agency

SUDs

The sections regarding drainage in the Environmental Statement do not explicitly rule out the use of infiltration SUDs. The Environment Agency would be happy for infiltration drainage to be incorporated, provided it is demonstrated to pose a low risk of contamination to controlled waters. On this site, it is likely that remediation would be necessary to accommodate this requirement.

Piling

The Environment Agency welcome the proposed CFA piling and that care will be taken so that the piles do not form a contaminant pathway. Section 9.42 of the Environmental Statement doesn't seem to consider the effects of smearing during pile construction as driven piles, in particular, can push shallow contamination downwards, potentially causing pollution of aquifers beneath. The piling method should be designed to limit this effect. Condition 15 must include any piled bridge footings.

Flood Risk

Under the Water Resources Act 1991 and the Thames Region Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any works or structures in, over, under or within 16.0 metres of the top of the bank or landward side of a tidal flood defence on any tidal 'main river'. This is irrespective of any planning permission granted.

Groundwater Conditions

Phasing:

We would have no concerns if the groundwater conditions (Conditions 14-19 listed above) were applied separately to each phase of development. We do require that aspects of the conditions relating to controlled waters (e.g. monitoring) consider the whole site as well as individual phases, due to the nature of groundwater. We understand the drainage schemes for each phase are interdependent and a phased approach for this may not be feasible.

Condition 17:

We accept that (a) has been partly satisfied. Section 9.38 suggests installing an impermeable barrier to prevent potentially contaminated groundwater

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seeping through the river wall and polluting the Roding. This technique can only have limited success as the groundwater will divert around the barrier and flow into the Roding further south or north of the development site, possibly picking up further contamination along this pathway. Additionally, it has the potential to cause groundwater to mounding behind the barrier. Consequently, the positive and negative effects of an impermeable river wall must be carefully considered. Treatment of the source of contamination is preferable to interrupting the pathway as site conditions may change in future - creating or restoring pathways - and any residual contamination would need to be reassessed.

At this stage, we cannot agree that 'no groundwater remediation is necessary' (Section 9.34). We will review this once more information is available and the Controlled Waters Risk Assessment has been updated to current best practice, as per Section 9.7. We agree in principal with the 'design measures' (Section 9.36) and with the general approach of re-evaluating the construction measures and residual impacts for each phase (Sections 9.37, 9.45 and 9.46). We do require that controlled waters are considered over the whole site as well as in individual phases, due to the nature of groundwater.

Land Contamination

Please follow the risk management framework provided in CLR11, 'Model Procedures for the Management of Land Contamination', when dealing with land affected by contamination and refer to our Guidance on 'Requirements for Land Contamination Reports' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Planning Authority can advise on risk to other receptors, e.g. human health.

Please refer to our website at www.environment-agency.gov.uk for more information.

Waste

The recovery, treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires a Waste Management Licence or Pollution Prevention and Control permit.

Treatment of contaminated soil by mobile plant requires a mobile treatment licence. Soil may be re-used on-site as part of a soil recovery operation by registering a waste management licence exemption with the Environment Agency or by obtaining a Waste Management Licence.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

It is recommended that developers should refer to our:

- remediation position statements outlining its regulatory position on remediation processes.
- guidance on the Definition of Waste: developing greenfield and brownfield sites for assisting those involved with construction work in deciding whether or not they are handling waste.
- website at www.environment-agency.gov.uk for further guidance.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Waste Management Licensing Regulations 1994 (as amended)
- Pollution Prevention and Control Regulations (England and Wales) 2000
- Landfill (England and Wales) Regulations 2002.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed off site operations is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

Pollution Prevention

Vehicle loading or unloading bays and storage areas involving chemicals, refuse or other polluting matter should not discharge to the surface water system. Such areas should be surrounded by suitable liquid tight bunded compounds to prevent drainage from these areas discharging into the surface water system.

Effluent from these areas should be discharged to the foul sewer if available subject to the approval of Thames Water Utilities or its sewerage agent. No solid matter should be stored within 10 metres of the banks of a watercourse. No sewage or trade effluent should be discharged to the surface water drainage system.

No vehicle wash waters, steam cleaning effluent or pressure wash effluent should be connected to the surface water system. Areas with greater than 50 car parking spaces or where vehicles are maintained should have an oil interceptor in place within the surface water drainage system.

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Contamination

Although the site has been investigated, the made ground is highly heterogeneous and any unsuspected contamination of a nature not covered by the "contamination proposals" (refer Condition 18) must be investigated and appropriately addressed, in a manner agreed by the Local Planning Authority.

5. London Fire Brigade

Consideration has been given to the provision of water supply for fire fighting purposes and 7 private fire hydrants will be required. The applicant is advised to contact London Fire Brigade to discuss their locations.

6. Essex & Suffolk Water

Essex & Suffolk Water has mains within the vicinity of the proposed development and cannot accept any buildings or structures within 3 metres either side of the mains, which is protected by easement. The applicant is advised to contact Essex & Suffolk Water to discuss their requirements.

7. EDF Energy Networks

The applicant is advised to contact EDF Energy regarding the transfer chamber that exists on the site.

8. London Fire & Emergency Planning Authority

Access for emergency vehicles should comply with the content of Approved Document B of the Building Regulations Section 16 Vehicle Access.

CASE OFFICER: Adele Williamson

Appendix 1: Parameter Drawings

Appendix 2: Illustrative Masterplans and Phasing Plan

Appendix 3: Previous committee report and addendum report dated 13 August 2009

Note: *A separate document containing extracts from the Design and Access Statement Addendum (May 2010) has been circulated to Members only.*