

3 March 2016

**16-48 Cambridge Road, Barking, IG11 8NW****in the London Borough of Barking and Dagenham****planning application no. 15/01252/FULL****Strategic planning application stage II referral**

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

**The proposal**

Demolition of existing building and redevelopment of site to provide 274 residential units within four interlinked buildings (10, 16, 26 and 19 storeys), with ancillary car and cycle parking, refuse storage areas and plant space; together with 485 square metres of flexible commercial floorspace (Classes A1, A2, A3, A4, B1, D1, D2), landscaping including roof gardens, and other associated works.

**The applicant**

The applicant is **Swan Housing Association** and the architect is **Studio Egret West**.

**Strategic issues**

The **principle** of a **mixed use development** within **Barking Town Centre** and the **London Riverside Opportunity Area** is strongly supported. The **height, massing** and **residential layout** is supported, and **inclusive access** principles are acceptable.

Further information has been provided as requested at consultation stage in relation to **affordable housing, density** and **playspace**, which are now acceptable.

Other strategic issues raised at consultation stage in relation to **energy** and **transport** have been addressed, sufficient for the scheme to comply with the policies of the London Plan.

**The Council's decision**

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

**Recommendation**

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

**Context**

1 On 18 September 2015 the Mayor of London received documents from Barking and Dagenham Council notifying him of a planning application of potential strategic importance to

develop the above site for the above uses. This was referred to the Mayor under the following category of the Schedule to the Order 2008:

- Category 1A: *“Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats”.*
- Category 1C: *“Development which comprises or includes the erection of a building that is more than 30 metres high outside the City of London”.*

2 On 27 October 2015 the Mayor considered planning report D&P/3682/01, and subsequently advised Barking and Dagenham Council that whilst the principle of the development was acceptable and the design and height broadly supported, in order to ensure full compliance with the relevant policies of the London Plan, further information was required on a number of matters outlined below. These issues were summarised in paragraph 75 of that report. A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site and its history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.

3 On 7 December 2015 Barking and Dagenham Council decided that it was minded to grant planning permission and on 12 February 2016 it notified the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged or direct the Council under Article 6 to refuse the application.

4 The decision on this case, and the reasons will be made available on the GLA’s website [www.london.gov.uk](http://www.london.gov.uk).

## **Update**

5 At the consultation stage, the proposals were broadly supported, although to ensure full compliance with the relevant policies of the London Plan, further information was required in respect of the affordable housing, ground floor layout, inclusive access, energy and transport. These outstanding issues are addressed in turn below:

### Affordable housing

6 At initial consultation stage, it was noted that the scheme included 49 shared ownership units, which equated to just less than 18% of the total unit numbers. These would be delivered direct to the market, together with the private units, and managed by Swan. At consultation stage, it was noted that this mono-tenure approach to affordable housing was acceptable, due to the Council’s and the GLA’s aspirations to rebalance the community to Barking Town Centre where there is currently a high presence of social rent, in accordance with the draft interim Housing SPG, the London Riverside OAPF and the Housing Zone allocation. The applicant’s financial viability appraisal submitted in order to demonstrate maximum reasonable in accordance with London Plan policies however, stated that the scheme was technically unviable with this level of affordable housing (although it stated that this was also the case with a wholly private scheme). However, GLA officers questioned the methodology used, as it appeared that the Market Value approach had been applied and there didn’t appear to be any regard to development plan policies and other material considerations as required, relying only on comparable land transaction in the vicinity. GLA officers therefore requested the applicant to carry out a further appraisal based on EUV+ methodology, and for this to be independently verified by the Council or its appointed consultant to confirm whether the toolkit methodology and inputs were reasonable.

7 The Council’s appointed consultant, BNP Paribas has assessed the applicant’s financial appraisal. As GLA officers report at stage one, it concludes that it doesn’t agree with the methodology applied to calculate the benchmark land value. However, the majority of the other

inputs and values are reasonable, and it concludes that regardless of the opinion on BLV methodology, the development generates a negative land value and therefore any additional affordable housing would render the scheme further unviable. The Council has accepted this position, and this is acceptable to GLA officers.

8 There are no outstanding issues relating to affordable housing.

#### Residential mix

9 At consultation stage, whilst the residential mix was broadly supported, further information was requested on the location of affordable units, to ensure a mixed and balanced community.

10 No plan has been provided showing the location of these units, but the applicant has confirmed that they will be located on the lower levels of the western tower. GLA officers encourage the applicant to consider pepper-potting the units through both of the towers to help create a mixed and balanced community, if the opportunity arises through the process of discharging conditions.

11 There are no outstanding issues relating to residential quality.

#### Density

12 The consultation report noted that the density of the scheme was 913 units per hectare or approximately 2,506 habitable rooms per hectare, which was noted as being broadly acceptable in this OA and town centre location. The applicant was however asked to confirm that this figure had been calculated based on the formula for a mixed use development as set out in the draft interim Housing SPG.

13 The applicant has confirmed that the net residential site area is 98% of the site and therefore the density figure would only be marginally higher than that quoted in the earlier report.

14 There are no outstanding issues related to density.

#### Playspace

15 At consultation stage, GLA officers requested confirmation on the quantum of playspace proposed within the scheme to ensure that it met the requirements of London Plan Policy 3.6 and the Mayor's Play and Informal Recreation SPG.

16 The scheme includes 206 sq.m of door-stop play for the under-five's which exceeds the requirement for the child yield of 145 sq.m. A condition has been included to secure finer details of the landscaping.

17 There are no outstanding issues relating to playspace.

#### Urban design

18 As noted in paragraph 46 of the consultation report, the architect did not take the opportunity to revisit the layout of the ground in order to address the issue of the large extent of inactive frontage for servicing/plat/car park access fronting Cambridge Road. At stage one, GLA expressed disappointment that this part of the scheme had not been improved, and again urged the applicant to improve the ground floor layout to reduce the extent of inactive frontage.

19 In response, the refuse storage area has been rotated which results in the creation of an additional 9 sq.m of frontage that it is suggested be occupied by a kiosk or glazed frontage that could be used as a display/exhibition space on the front elevation. GLA officers are not convinced that this gallery space will be successful in this location. Officers also agree with the applicant's

comment that small retail units are unlikely to succeed in this location being away from the main pedestrian footfall to the station, and considering the high vacancy rates for retail units in the town centre. It is for these reasons that GLA officers did not ask for retail units on the front and instead had asked the applicant to revisit the layout of plant rooms, refuse stores and cycle parking to make better use of the “back” elevation onto the station that is more suited to plant and servicing uses, and bring forward the more active uses like cycle parking. Whilst it is disappointing that this element of scheme has not been improved, the development is broadly well designed and will significantly enhance the town centre.

20 As noted above, a detailed landscaping strategy will be secured via condition which can further enhance the street scape on this part of Cambridge Road.

### Energy

21 At consultation stage, the broad energy strategy was welcomed and the indicative carbon savings exceeded the London Plan requirement of 35% beyond 2013 Building Regulations (48% expected). Further information was however requested in order to verify the carbon savings claimed, on matters such as overheating and cooling demand, DER/TER/BRUKL sheets, floor plan of the energy centre and further information on the CHP system.

22 On the outstanding matters, dynamic thermal modelling has not been carried out, although the Council has agreed to attach an additional condition to the decision notice requiring this to be submitted for approval in consultation with the GLA. DER/TER sheets have been provided and whilst some clarification has been provided on the CHP system, the CHP efficiency used in the modelling appears to be based on the net fuel input of gas rather than the gross values that should be used for Part L modelling. The carbon emission figures reported are therefore higher than would be the case if the correct efficiencies had been used. Whilst the carbon emission savings reported are potentially higher it is expected that the CO<sub>2</sub> savings will still be above the 35% target of Policy 5.2. A condition is already included requiring monthly demand profiles for heating, cooling and electrical loads to be submitted to the Council in consultation with the GLA to ensure the carbon reduction targets are monitored.

23 There are no outstanding issues relating to energy subject to the additional condition.

### Transport comments

24 Due to the high PTAL and car-free nature of the development (other than disabled parking), at consultation stage, TfL raised limited transport issues, namely:

- The number of cycle parking spaces should be in accordance with cycle parking standards as set out in the London Plan 2015;
- Staff showers, lockers and on-site changing facilities should also be provided. Cycle facilities should be secured by condition;
- Conditions to secure a construction logistics plan (CLP) and delivery and servicing plan (DSP).

25 Cycle facilities will be provided and will be shown on an updated drawing to be secured via condition, to comply with the London Plan 2015 standards. Electric vehicle charging point provision and blue badge parking should also be provided in accordance with London Plan standards. This has been secured by condition however the size of the blue badge parking spaces has not been clarified as requested to accord to London Plan standards. A car parking management plan, construction logistics plan and delivery and servicing plan have been secured as requested at consultation stage.

26 Additionally, future residents will be restricted from obtaining parking permits for any controlled parking zone (CPZ) by the section 106 agreement, which TfL supports. TfL also supports

enhancements to the public realm within and adjoining the application site along Cambridge Road. A scheme of highway works associated with the development will be agreed between the developer and Barking and Dagenham Council, secured by condition.

27 Overall, whilst TfL is disappointed that the applicant has not clarified the quantum of cycle parking and the size of the blue badge parking spaces to be provided prior to determination, TfL is satisfied that the proposal broadly accords with London Plan transport policies.

## Response to consultation

28 Barking and Dagenham Council's committee report confirms that the application was advertised by way of neighbour notification letters to 466 addresses within the vicinity of the site, five site notices and a press notice. As a result of statutory consultation, the committee report confirms that one representation was received with the following matters raised:

- Increased congestion and pollution.
- Loss of sunlight/daylight.
- Too many flats in the town centre.
- Harm to character.
- Noise and disturbance.

29 In relation to the objections raised, matters relating to residential amenity (daylight) and noise/disturbance are not in this instance, matters of strategic importance and have been assessed by the Council within its committee report. Matters relating to design and character, unit mix and transport have been dealt with in this and the previous report where they affect strategic policies and the Council's committee report, and the scheme has been found to be acceptable and in accordance with the London Plan.

30 Other statutory consultees responded as follows:

- **Historic England:** No objection subject to condition relating to archaeological investigation.
- **London Fire and Emergency Planning Authority (LFEPA):** No objection.
- **London City Airport:** No safeguarding objection subject to conditions relating to construction equipment and further consultation.
- **London Underground:** No objection.
- **Network Rail:** General comments regarding the development not encroaching onto NR land both during and after construction, and other points regarding safety, operation and integrity of infrastructure.
- **HS1:** No objection subject to conditions requiring further detail on foundation design, site investigations, site layout, demolition, excavation etc.
- **C2C:** No response.
- **Essex and Suffolk Water:** No objection.
- **Thames Water:** General advice provided.
- **Natural England:** No comment.

- **National Grid:** No response.
- **UK Power Networks:** No response.

## Legal considerations

31 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice.

## Financial considerations

32 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance emphasises that parties usually pay their own expenses arising from an appeal.

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

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

## Conclusion

35 Having regard to the details of the application, the matters set out in the Council's committee report, draft heads of terms for the section 106 legal agreement, and draft decision notice, the scheme is acceptable in strategic planning terms. It will deliver a high-quality mixed use development and assist in delivering the objectives of the London Riverside Opportunity Area Planning Framework. The proposal has a well thought-out design and layout, and necessary measures have secured to mitigate any impacts caused.

36 Strategic planning matters raised at stage one in relation to the ground floor layout, affordable housing, density, playspace, energy and transport have been addressed and the scheme is in accordance with the London Plan.

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