

17 February 2020

Crown House and Linton Road Car Park, Barking

in the London Borough of Barking and Dagenham

planning application no. 18/01972/FUL

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 Crown House building and phased redevelopment of the site to provide 396 residential units and 430 sqm of flexible commercial floorspace (facilitating A1, A2, A3, B1, D1 and D2 uses) within two buildings (a part 9, 10, 16, 20 storey building and a part 10, 25, 29 storey building), associated highway works, servicing facilities, cycle parking, disabled car parking and public realm improvements.

The applicant

The applicant is **Lightquote Ltd** and the **London Borough of Barking & Dagenham** and the architect is **Carey Jones Chapman Tolcher**.

Key dates

Stage I report: 28 January 2019

Committee meeting: 18 March 2019

Strategic issues

Principle of development: The residential-led redevelopment of the site within the London Riverside Opportunity Area is strongly supported.

Affordable Housing: 43% affordable housing is compliant with the Fast Track Route (blended threshold), and an early stage review has been secured in the s106 agreement.

Urban design and heritage: The proposals are of a high design quality with good residential quality. The proposal would cause less than substantial harm to the significance of the Abbey and Barking Town Conservation Area. The public benefits of the scheme, principally affordable housing, outweighs the identified harm

Issues relating to **Environment, Inclusive Design, Flood Risk** and **Transport** resolved and relevant conditions and Section 106 obligations secured.

The Council's decision

In this instance, Barking and Dagenham Council has resolved to grant 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 that he is to be the local planning authority.

Context

1 On 20 November 2018, 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 Categories 1A, 1B and 1C(c) of the Schedule to the Order 2008:

- *1A.1 “Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.”*
- *1B.1(c) “Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings outside Central London and with a total floorspace of more than 15,000 square metres.”*
- *1C.1(c) “Development which comprises or includes the erection of a building more than 30 metres high and is outside the City of London.”*

2 On 28 January 2019, the Mayor considered planning report GLA/4664/01, and subsequently advised Barking and Dagenham Council that the application did not fully comply with the London Plan and the draft London Plan; however, the possible remedies set out in paragraph 99 of the above-mentioned report could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, further information has been provided in response to the Mayor’s concerns (see below). On 18 March 2019, Barking and Dagenham Council decided that it was minded to grant permission, and following the drafting of the section 106 agreement, on 4 February 2020 the Council advised the Mayor of this resolution. 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 issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application. The Mayor has until 18 February 2020 to notify the Council of his decision and to issue any direction. The Mayor’s decision on this case, and the reasons, will be made available on the GLA’s website www.london.gov.uk.

Consultation stage issues summary

4 At consultation stage, Barking and Dagenham Council was advised that the application did not yet fully comply with the London Plan and the draft London Plan, with the strategic issues set out below:

- **Land use:** The principle of the residential-led use of on the site is supported.
- **Affordable housing:** Additional information should be submitted to demonstrate that the blended threshold of 42% affordable housing by

habitable room for the site as a whole (Building A and B) is reached without the inclusion of public subsidy, in order for the scheme to be eligible for the Fast Track Route. If public subsidy is being used to support this offer, then the scheme must follow the viability tested route, and viability information must be submitted, which will be robustly scrutinised by GLA officers. Early stage and (if the viability tested route is followed), late stage viability reviews must be applied.

- **Urban design and heritage:** The overall approach generally supported, some additional information is requested regarding the site tying in with the emerging context; on balance the residential quality is acceptable subject to further clarification on daylight penetration and further justification for single aspect units need addressing.
- **Inclusive design:** The layout of the 1 bedroom 2 person accessible units in Building A (affordable) needs to be reviewed.
- **Transport:** Car-free supported but insufficient number of blue badge parking spaces for building A; s106 contribution required for pedestrian and cycling improvements; impact on Barking station needs to be established and the best planning and financial mitigation measures to be agreed and resolved prior to Stage II referral to the Mayor; bus stop accessibility audit should be completed; CLP, DSP and TP required.
- **Flood risk, drainage, and water:** The approach to flood risk management is compliant. The surface water drainage strategy does not give appropriate regard to the drainage hierarchy and greenfield runoff rate. Additional SuDS maintenance information required. Water harvesting and reuse should be integrated with the surface water drainage system to provide a dual benefit.
- **Climate change:** Approach is generally supported. Some additional information is required. S106 agreement will be required for district heat network connection. Single energy centre and network required for each building.

Application update

5 Since consultation stage, GLA officers have engaged in discussions with the applicant, the Council and TfL officers with a view to addressing the above matters. Furthermore, as part of the Barking and Dagenham's draft decision on the case, various planning conditions and obligations have been secured. An update against the issues raised at consultation stage is set out below.

6 Following the committee decision on 18 March 2019, further amendments to the elevations of the scheme were submitted to Barking and Dagenham Council. These amendments have been considered and a recommendation to approve under delegated authority, subject to any direction the Mayor may issue, has been submitted.

7 Since consultation stage, the Government published the revised National Planning Policy Framework in February 2019 and the Mayor published The London Plan Intend to Publish Version (December 2019), which must be taken into account on the basis explained within the NPPF.

Principle of development

8 As at consultation stage, the principle of a residential development delivering 396 new homes, of which the 227 dwellings would be Build to Rent housing, within the London Riverside Opportunity Area and the Barking Town Centre Housing Zone remains strongly supported in accordance with Policies 2.13 and 3.3 of the London Plan, as well as Policies SD1 and H1 of the intend to publish London Plan

Affordable Housing

9 At consultation stage, it was established that as the proposed development is coming forward on both public and private land, a blended approach to establish the affordable housing threshold to meet the Fast Track Route is appropriate. The blended threshold in this case was established to be 42%.

10 The proposed development provides 43% affordable housing by habitable room as set out in the table below:

Unit type	Market Housing (BtR)		Discount Market Rent		London Living Rent		Intermediate (shared ownership)		Total			
	Unit	Hab room	Unit	Hab room	Unit	Hab room	Unit	Hab room	Unit	Hab room	unit mix	
One bed	95	190	24	48	16	32	40	80	175	350	44%	
Two bed	132	396	16	48	39	117	16	48	203	609	51%	
Three bed			16	64	2	8			18	72	5%	
Total	227	586	56	160	57	157	56	128	396	1,031		
			169 units (42% by unit)									
			445 hab rooms (43% by hab room)									

11 Policy H11 of the Intend to Publish London Plan (and Policy 3.8 of the London Plan) recognises the contribution of Build to Rent in addressing housing needs and increasing delivery, as well as the distinct economics of this tenure. The Build to Rent units have been secured with a robust covenant, clawback mechanism, and management standards, in line with the Mayor's Affordable Housing and Viability SPG and the Intend to Publish London Plan, and the affordable units are secured in perpetuity.

12 The affordable housing provision has a tenure split of 33% shared ownership, 33% London Living Rent and 34% Discount Market rent. The section 106 agreement secures the shared ownership units as affordable to a range of incomes below the

upper limit of £90,000 per annum. The Discount Market Rent homes will be eligible to households at a range of incomes below £60,000. London Living Rent housing is secured as eligible to households on incomes up to £60,000. Housing costs for all affordable housing (inclusive of rent and service charges) is capped at 40% of net household income. This is supported in accordance with the Mayor's SPG and the Intend to Publish London Plan and the London Plan Annual Monitoring Report.

13 As the scheme is to be delivered in part by Be First, which is entirely owned by Barking and Dagenham Council, the affordable housing offer has been secured unconditionally with no reference to grant. As the affordable housing provision meets the 42% blended threshold, a late stage review is not required. An early stage review is secured in the section 106 agreement.

Urban design

14 At Stage 1, GLA officers supported the height, massing and layout of the proposals, subject to the assessment of the scheme's impact on heritage assets as set out below. The development would deliver a high standard of residential quality and high architectural quality. No amendments have been incorporated with regard to the layout and overall architectural quality of the scheme, which remains supported.

15 Further detail was sought at stage 1 in relation to residential quality, and particularly the access to adequate daylight and sunlight levels. The applicant has provided additional evidence demonstrating good levels of sunlight penetration to single aspect rooms and details demonstrating the number of dual aspect dwellings has been maximised through the design evolution. Suitable conditions on materials and detailing will ensure that a high quality building will be delivered. The proposal therefore accords with the design policies set out in the London Plan and the Mayor's Intend to Publish London Plan.

Heritage

16 As established at stage 1, given the existing buildings on the site and the emerging developments comprising tall buildings in the locality, officers consider the proposals would preserve the existing significance of the conservation area and affected listed buildings by being sympathetic to their form, scale, materials and architectural detail in accordance with London Plan Policy 7.8 and Policy HC1 of the Intend to Publish London Plan.

Inclusive Design

17 Following amendments to the internal layout of the 1 bedroom 2 person accessible dwellings within Block A, the proposals are now broadly compliant with London Plan Policy 3.8 and Policy D5 of the Intend to Publish London Plan.

Environment

Energy

18 At Stage 1, the applicant was requested to explore additional measures to reduce the carbon emissions of the proposals and provide confirmation of connection to the Barking Town Centre District Heating Network. The applicant has provided

further information on energy efficiency measures to be implemented to reduce the overall energy demand of the development. Connection to the Barking Town Centre District Heat Network, for both sites, has been secured in the legal agreements. A financial contribution has been secured through the legal agreements to be ring fenced to secure delivery of carbon dioxide savings elsewhere in the borough. The proposals are therefore acceptable in accordance with Policy 5.2 of the London Plan and Policy SI2 of the Intend to Publish London Plan.

Flood Risk

19 Outstanding matters in relation to flood risk identified during the consultation phase have been satisfactorily addressed and the application is in accordance with the sustainability policies of the London Plan and the Intend to Publish London Plan.

Transport

20 The scheme remains 'car free' and this is strongly supported in accordance with Policies 6.13 of the London Plan and T6 of the intend to publish London Plan. At consultation stage, the applicant was required to identify appropriate additional on-street provision for blue badge parking to enable the development to ensure that 3% of dwellings benefit from a blue badge bay parking space. A condition has been secured requiring the applicant to set out how additional blue badge car parking space be provided, to meet additional demand, as part of the highway re-alignment works.

21 The legal agreements secure the alterations to nearby bus stops, should they be deemed necessary following the Council or TfL's review of the submitted Bus Stop Accessibility Audit.

22 A delivery and servicing plan, construction logistics plan and travel plan are secured by conditions of approval. Furthermore; public realm improvement works, including walking, cycling and highway improvements and wayfinding signage have been secured in the legal agreements

23 At stage 1, work on Barking station feasibility was highlighted along with a request that the impact of this development was established. Since then, TfL continues to work with the Council and other stakeholders to develop station designs and a funding mechanism. The Council therefore consider it premature to secure a contribution at this stage. This is acknowledged and accepted. The impact of this development is also modest with 119 two way trips in the AM peak and 81 in the PM. With the overall scale of planned growth in Barking Town centre, section 106 contributions and borough CIL should be harnessed to ensure the timely delivery of this project.

24 All transport matters identified during the consultation phase are considered, on balance, to have been satisfactorily addressed and the application is in accordance with the transport policies of the London Plan and the intend to publish London Plan.

Response to consultation

25 In addition to inviting comments from statutory consultees and publishing all the relevant documents on the Council's planning register, Barking and Dagenham Council carried out public consultation with local residents and businesses. The Council publicised the application by notifying neighbouring addresses, placing site notices and publishing notices in the local press. A total of 10 responses were received (including representations on post committee decision amendments to the elevations) in objection to the proposals. A further objection was submitted directly to the GLA. The reasons for objection are summarised below:

- Excessive scale and height for the local context
- Increased traffic and impact of local road network
- The development would place unbearable strain on public transport
- Inappropriateness of high rise development due to health, safety, social and environmental concerns
- Loss of Town Centre Car Park
- Objection to loss of Crown House on heritage grounds
- The proposal would hinder the development potential of nearby and neighbouring sites
- The proposal would adversely impact on amenity of neighbouring residents and commercial businesses
- Safety concerns regarding basement construction
- Construction Environmental Management and Construction Logistics issues are not resolved
- Lack of affordable housing and a lack of social rent accommodation

26 The following statutory consultees and local amenity groups have responded to consultation as follows:

- **Environment Agency:** No objections
- **London City Airport:** No objection, subject to condition on erection of cranes and scaffolding
- **Historic England:** The proposals cause less than substantial harm to the Abby and Barking Town Conservation Area
- **Thames Water:** No objection subject to conditions regarding safeguarding of sewerage infrastructure
- **Historic England (Archaeology):** No objection subject to conditions requiring further archaeological investigation
- **Natural England:** Objection on the basis of potential harm to Epping Forest Special Area of Conservation.
- **London Fire and Emergency Planning Authority:** Responded to advise on fire safety requirements

27 Issues raised by objectors have been considered in this report, the Mayor's Stage 1 report, the Council's committee report and addendum of 18 March 2019 and the council's delegated report of 25 October 2019. The Council has proposed various planning obligations and conditions in response. Having had regard to these, GLA officers are satisfied that the statutory and non-statutory responses to the public consultation process do not raise any material planning issues of strategic importance that have not already been considered in this report, or consultation stage report GLA/4664/01.

Draft Section 106 agreement

28 The draft section 106 agreement includes the following provisions:

- Early Stage viability review
- Provision of affordable housing as set out above comprising 43% (made up of 33% shared ownership, 33% London Living Rent and 34% Discount Market rent)
- Private Rented Sector Housing secured for a minimum of 15 years, Marketing and Management strategies to be submitted, Clawback mechanism in the event of a covenant break
- Travel Plans
- Enhancements to the public realm and highway in the vicinity of the site, including pedestrian and cycling enhancements and any traffic management measures
- Restriction on residential parking permits
- Wayfinding enhancements
- 24 access to new public realm
- Improvements to Bus Stop Accessibility (if deemed necessary)
- Provision of accessible units.
- Provision of a car club bay, car club membership and driving credit
- Employment and Construction Training
- Commitment to connect to District Heating Network within 5 years
- Carbon Offset contribution (to be calculated)

Article 7: Direction that the Mayor is to be the local planning authority

29 Under Article 7 of the Order, the Mayor could take over this application provided the tests set out in that Article are met. In this instance, the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at consultation stage, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

30 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. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application. The Mayor may also leave the decision to the local authority. In deciding whether to direct 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. In deciding whether to direct that the Mayor is to be the local planning authority, the Mayor must have regard to the matters set out in Article 7(3). If the Mayor issues a direction, he must set out his reasons in the direction.

Financial considerations

31 Should the Mayor direct refusal, he would be a principal party at any subsequent appeal hearing or public inquiry. National Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

32 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.

33 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).

Conclusion

34 The strategic issues raised at consultation stage regarding affordable housing, design, inclusive design, transport, flood risk and climate change have been appropriately addressed, and conditions and section 106 obligations secured, and as such, the application complies with the London Plan and the London Plan – Intend to Publish version. There are no sound reasons for the Mayor to intervene in this case.

for further information, contact GLA Planning Unit (Development Management Team):

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