### Strategic planning application stage II referral


### The proposal

The demolition of existing buildings and construction of new 9,544 sq.m superstore (Class A1) and a 372 sq.m self-contained retail pod (Class A1-A3) and 419 car parking spaces, together with new vehicular access and associated highway works, improvements to river bank, landscaping and other ancillary works.

### The applicant

The applicant is **ICENI Projects Limited** and the agent is **RPS Planning and Development Ltd**.

### Strategic issues

The principle of Sainsbury’s food store on the site is on balance viewed as acceptable as assurance has been provided in relation to **retail sequential test** and **impact on town centre vitality, viability and investment**. Additional issues have also been resolved in relation to **urban design & access/inclusive design; sustainable energy** and **flood risk**; and **transport**. **Whilst discussion are on going that the food store** will form part of a mixed use development as defined by Barking Town Centre AAP.

### The Council’s decision

In this instance Barking & Dagenham Council has resolved to agree a dual recommendation resolving to grant permission but giving delegated authority for officers to refuse permission if the Section 106 agreement is not signed within a specified date.

### Recommendation

That Barking & 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 or direct that he is to be the local planning authority.
**Context**

1. On 3 October 2013 the Mayor of London received documents from Barking & 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 Category 1B and 3F of the Schedule to the Order 2008:

“1B: 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:

(c) Outside Central London and with a total floorspace of more than 15,000 square metres.”

“3F: Development for a use, other than residential use, which includes the provision of more than 200 car parking spaces in connection with that use.”

2. On 13 November 2013 the Mayor considered planning report D&P/2416a/01, and subsequently advised Barking & Dagenham Council that the application did not comply with the London Plan, for the reasons set out in paragraph 96 of the above-mentioned report; but that the possible remedies set out in that paragraph 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. On 6 October 2014 Barking & Dagenham Council agreed a dual recommendation resolving to grant permission but giving delegated authority for officers to refuse permission if the Section 106 agreement is not signed within a specified date and on 8 October 2014 it advised 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, direct Barking & Dagenham Council under Article 6 to refuse the application or issue a direction to Barking & Dagenham Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 5 November 2014 to notify the Council of his decision and to issue any direction.

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 Barking & Dagenham Council was advised that the application did not comply with the London Plan, for the reasons set out in paragraph 96 of the above-mentioned report; but that the possible remedies set out in that paragraph could address these deficiencies:

- **Principle of development**: the principle of a superstore on the site is dependent on the resolution of issues relating to the sequential test and the retail impact assessment.

- **Retail**: (i) **sequential test** - The sequential test has investigated a wide variety of sites and this is welcome. It is requested that Barking and Dagenham Council provides its own local assessment of site options within the borough and furthermore engage with Newham Council on sites within the catchment area. This is to provide a clear guide on each of the sequential sites rejected by the applicant and aid the strategic assessment of the development proposals. Specific attention should be given to the assessment of Vicarage Field Shopping Centre.

(ii) **Test of scale** – There are no issues with the scale of development
(iii) Assessment of impact - the assessment of impact has been undertaken which establishes cumulative impacts including other extant retail consents and those that can be attributable to the Sainsbury’s’ store and the retail pod and this is welcome. Barking and Dagenham Council should undertake a review of the findings of the retail impact assessment on its retail centres and engage with Newham Council in completing this assessment of other centres in the defined retail catchment. This should specifically focus on the vitality and viability of Barking, Dagenham Heathway and East Beckton and the impact on investment within those centres. Specific attention should be given to the potential adverse impact on the redevelopment proposal for the Vicarage Field shopping Centre within Barking town centre.

- **Urban design:** The applicant should detail how it intends to improve connection to Barking Town centre through Abbey Green and demonstrate how these linkages would be enhanced, together with a commitment to secure the enhancement of the River Roding pedestrian linkages.

- **Energy:** As the application was received by the GLA after the 1 October 2013, the 40% beyond 2010 BR target applies. The carbon dioxide savings fall short of the targets within Policy 5.2 of the London Plan. The applicant should consider the scope for additional measures aimed at achieving further reductions. If the scope for additional measures is constrained, in liaison with the borough the developer should ensure the short fall in carbon dioxide reductions, equivalent to 39 tonnes of carbon dioxide per annum, is met off-site.

- **Flood risk:** The approach to surface water discharge is not compliant with London Plan policy 5.13 and the Sustainable Design and Construction SPG which requires a minimum of 50% reduction in surface water discharge. Given the nature of the proposals and the location adjacent to the River Roding, this site should readily be able to achieve a greenfield run-off rate, accepting that surface water can be discharged directly to the River.

- **Transport:** The trip generation assessment should be revisited and the results of the VISSIM modelling and further modelling provided. These will enable TfL to assess whether there will be an impact on the highway and/or public transport capacity or operations, and whether any mitigation will be necessary. The scheme should be revised to bring down the amount of car parking in line within London Plan standards, with Blue Badge parking, EVCPs and cycle parking and facilities all provided in line with standards. A full PERS audit and assessment of local cycling routes and bus stops should be completed and improvements secured through a legal agreement.

**Principle of development**

6 At stage 1 GLA officers were of the opinion that the development proposals raised strategic concerns in the strategic policy context set by London Plan retail policy, the London Riverside OAPF and Barking AAP policy. Nonetheless it was accepted that a case could be made for a food store development subject to a thorough review of the sequential test and retail impact assessment as required by London Plan policy and the NPPF; the development proposals could be shown to integrate with Barking town centre and bring wider environmental benefit; and the scheme could be brought forward in context of a comprehensive approach to the remainder of the Abbey Road retail park development site.

7 As set out in the following sections of this report the retail tests have been thoroughly investigated by Barking Council; improvements to linkages to Barking town centre and the wider environment have been secured by s106 contributions and clarification has been provided on the redevelopment of the remaining area of the Abbey Road Retail Park site and this is being secured in a planning agreement. This additional information, analysis and securing of funding to deliver
environmental improvements is of sufficient weight to on balance support the case for retail
development on the Abbey Road Retail Park site

Retail

Retail impact and sequential site assessment

8 At stage 1 concerns were raised in relation to retail impact and the sequential assessment
and it was requested that the findings of both these London Plan policy tests be further
investigated by the borough and that the applicant provide additional information and analysis to
justify its proposals for a Sainsbury’s food store.

9 As requested post stage 1 the applicant has undertaken further work to justify its proposals
and Barking & Dagenham Council has completed a thorough analysis of the retail case for
development which is supported by an independent assessment of the applicant’s retail impact
assessment and sequential tests. Specifically as required in the stage 1 report the case for a
potential sequentially preferable site at Vicarage Field Shopping Centre located in Barking town
centre has been thoroughly assessed.

Barking & Dagenham Council independent report

10 Due to the complexities of the application in relation to both retail impact and sequential
test Barking & Dagenham Council commissioned Nathaniel Lichfield & Partners to produce a report
Abbey Retail Park, Barking- updated critique of retail assessment (25 September 2014). This
provides an independent evaluation of the applicant’s retail impact assessment report, the
sequential test and advice on objections that challenge the application. The independent
consultant also provided further advice and commentary to issues raised by objectors to the
scheme.

11 Although there were some differences in the approach to retail impact modelling and
degree of impact on some centres, the critique supports the applicant’s retail modelling conclusion
that there will not be significant adverse impacts on town centres within the retail catchment area
measured at both five and ten years as per NPPF guidance. This is because the store will draw
trade from a relatively wide area and the impact will be dispersed amongst a number of shopping
destinations with the greatest impact on out of centre retail destinations that are not protected by
the NPPF.

12 To mitigate against any possible immediate or future adverse impacts of the Sainsbury’s
store on Barking town centre a condition is proposed that a maximum net sales area including
checkouts of 5,575 sq.m.net of which not more than 3,624 sq.m. convenience and 1,951 sq.m.
comparison goods. This condition has been adopted by Barking & Dagenham Council.

Sequential assessment

13 The critique also provides an evaluation of the applicant’s sequential assessment and
whether it can be demonstrated that the food store cannot be accommodated in a sequentially
preferable locations allowing for flexibility of format. The applicant sequential assessment
considered sites in Barking, East Ham and Ilford. This area of search was determined by the size of
store (4,500 sq.m gross) proposed by the applicant and the report accepted that this is material
consideration in determining if a site is suitable, viable or deliverable.
Table 1: sequential assessment sites and locations

<table>
<thead>
<tr>
<th>Site</th>
<th>Sequential</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vicarage Field Shopping Centre</td>
<td>In-centre</td>
<td>Barking</td>
</tr>
<tr>
<td>London Road/North Street</td>
<td>In-centre</td>
<td>Barking</td>
</tr>
<tr>
<td>Barking Station masterplan area</td>
<td>In-centre</td>
<td>Barking</td>
</tr>
<tr>
<td>Vacant units within Barking town centre shopping area</td>
<td>In-centre</td>
<td>Barking</td>
</tr>
<tr>
<td>Gascoigne Estate</td>
<td>Edge of Centre</td>
<td>Barking</td>
</tr>
<tr>
<td>William Street Quarter</td>
<td>In-centre</td>
<td>Barking</td>
</tr>
</tbody>
</table>

14 The independent report assessed the sequential test on the basis of ability to accommodate the Sainsbury’s store and concludes that none would be suitable or available to accommodate the proposed food store or a smaller store of 4,500 sq.m gross. On the sites with the greatest potential the report states:

- Barking Station: could in capacity terms accommodate the proposed food store or a smaller store of 4,500 sq.m gross, the site area requires site assembly due to multiple ownership/occupants and is therefore not viable or available.

- Vicarage Field Shopping Centre: would not be able to accommodate the proposed food store. The site is discussed in detail in the following text.

- ASDA unit, Vicarage Field Shopping Centre: the relocation of the ASDA food store to London Road/north Street will result in a 1,860 sq.m. unit becoming available in a reasonable period of time. It was conceded by the applicant that this unit could accommodate the proposed standalone retail pod, but not the Sainsbury’s food store.

- Gascoigne Estate, a planning application has been submitted for a residential led mixed use development.

15 As result of the findings of the independent report in relation to the ASDA unit in the Vicarage Field Shopping Centre and discussions between Barking & Dagenham Council. The applicant the applicant agreed to delete the retail pod from the scheme and reduce the overall retail floorspace of the scheme.

**Lagmar (Barking) Ltd objection**

16 Lagmar (Barking) Ltd is the owner of the Vicarage Field Shopping Centre and has objected to the findings Barking & Dagenham Council’s independent review because an insufficient attempt had been made to evaluate its proposals for Vicarage Field. Principally its objections relate to the validity of the sequential test and insufficient consideration has been given to impact on investment in town centres.

17 Lagmar has argued that Vicarage Field offers a potential suitable, available and deliverable alternative site to the edge of centre Abbey Retail Park because it has a sequentially preferable location in the town centre of Barking. To support this argument it has developed a concept plan demonstrating how a similar sized store to the proposed Sainsbury’s food store could be accommodated on the shopping centre site and has set out the case for defending its concept to issues raised by the applicant and Barking & Dagenham Council. The arguments presented defending the robustness of the concept plan are:
• Lagmar confirmed that it can be demonstrated that Vicarage Field could accommodate the Sainsbury’s Store;

• The site is in the town centre and offers opportunity for prominent advertising and wayfinding to make visible to potential shoppers;

• Although car parking is on a separate level the food store would be accessible by travelator and this adopted food store format has been used throughout the UK;

• The location would allow for more easily achievable linked trips to other shops in Barking town centre;

• Highway impact would be minimal (although no transport impact assessment has so far been evolved).

• The layout allows for unhindered servicing of the food store equal to that proposed at abbey Road Retail Park

18 Langmar (Barking) Ltd has advised Barking & Dagenham Council that it was willing to enter into discussions with any large food store operators, but would be unwilling to put in a speculative application in without a retailer involved as each operator has its own requirements. The company maintain that proposals are deliverable and due to recent refinancing are able to come forward with development proposals.

Applicant’s rebuttal

19 In response to the issues raised by Lagmar (Barking) Ltd the applicant has provided a rebuttal in relation to the suitability, viability or deliverability of the shopping centre site, its arguments are summarised as:

• It does not consider Vicarage Field Shopping Centre site suitable, available and deliverable in context of the Supreme Court decision Tesco Stores Limited v Dundee Council (Scotland) 2012 UKSC 13. Which affirmed the meaning of the word suitable (as per NPPF) means “suitable for the development proposed by the applicant not an alternative scheme which might be proposed by the local planning authority or a third party”.

• The proposed form of development presented by Lagmar (Barking) Ltd in its concept plan would not attract a food led retail tenant as the design has a number of operational constraints, these are principally: poor store visibility; long customer journeys from basement to store level; compromised access from the highway and peak hour congestion; conflict and congestion due to vehicular circulation from the street to customer parking; poor customer experience due to trolley storage and retrieval; and inadequate service yard.

• ASDA is relocating from Vicarage Field Shopping Centre despite redevelopment proposals dating from 2006 that included store expansion. No other food retailer has come forward to occupy the site since ASDA relocation plans were made public.

• Lagmar misunderstand the fundamental principle of the sequential test that simply being situated within a town centre does not in itself make it preferable. In context of owning the site since 2006 it has done little to improve the centre through progressing the proposal, whilst the applicant has undertaken a comprehensive consultation exercising in evolving the proposals for Abbey Road Retail Park. Furthermore the developing of a concept plan as a reaction to the applicant’s proposals does not merit being defined as a sequentially preferable scheme.
The Barking & Dagenham Council committee reported has noted but dismissed the objections and arguments raised by Lagmar (Barking) Ltd and refer to a three way discussion and negotiation process between the Council, its independent consultant and Lagmar. The reasons for rejecting the case for Vicarage Field Shopping Centre being sequential preferable site are:

- In context of Vicarage Field Shopping Centre site being suitable, the judgement of the Supreme Court in Tesco Stores Limited v Dundee Council (Scotland) 2012 UKSC 13 and judgement of the Administrative Court in Zurich Assurance Ltd v North Lincolnshire Council 2012 EWHC 3708 – that for any sequentially preferable site to be considered to be suitable it must be considered suitable by the applicant. The applicant/ Sainsbury’s have confirmed that the site is unsuitable for the proposed development, as per the Dundee case the alternative Lagmar proposal must take place in “the real world in which developers seek to operate not in some artificial world in which they have no interest in doing so.” Lagmar has confirmed ASDA, Tesco and Morrisons have shown no interest in its site, which leaves Sainsbury’s, the retail client for the Abbey Retail Park site, who has confirmed in writing it is not interested in the site as an alternative.

- In relation to Vicarage Field being available for a food store development of the size proposed the Secretary of States decision at Rushden Lakes (APP/G2815/V/12/2190175) confirms this as a key test. Langmar has confirmed that the site will not be available until September 2015 and is not available now. Furthermore its proposals require a number of units to be consolidated and a planning application submitted/ approved, neither of these requirements have so far been progressed. As Lagmar has no retail operator on board and Sainsbury’s has confirmed they are not interested in Vicarage Field it cannot be considered a viable alternative. This reflects the need for a “real world view” as affirmed by the Dundee and Lincolnshire cases.

- The drawings presented for the Langmar concept plan do not demonstrate a realistic or likely development opportunity. In line with the interpretation of the sequential test set out in Rushden Lakes (APP/G2815/V/12/2190175) this is not considered suitable or viable for the development proposals. It is considered unrealistic that this development would come forward or that Sainsbury’s would seek to locate within Vicarage Field and the opportunity to attract a major food operator to Barking would be lost. The centre is considered to be more suitable for a non-food retail/leisure use scheme.

- In accordance with the Dundee case the sequential test should be applied to the proposal rather than requiring consolidation or met in a different way in sequentially preferable location. The Langmar plans illustrate a similar net sales area but a gross store size that is around 84% of the proposed development. Sainsbury’s has confirmed by letter the unsuitability of the alternative scheme to meet its store requirements.

- The Vicarage Field Shopping Centre site already benefits from a planning permission granted in March 2011 for a residential led mixed-use scheme including additional retail space. Langmar has to date shown no intention to implement this permission. In contrast no formal pre-application discussions regarding the alternative scheme have been forthcoming. The new plans have only come forward in response to the Abbey Retail Park scheme, which is insufficient to demonstrate as being suitable, available and deliverable.
Assessment of impact

21 The committee report reiterates the advice from its consultant report that the retail modelling demonstrates that there will not be significant adverse impacts on town centres (notably Barking, Dagenham Heathway and East Beckton) within the retail catchment area measured at both five and ten years as per NPPF guidance. This is because the store will draw trade from a relatively wide area and the impact will be dispersed amongst a number of shopping destinations with the greatest impact on out of centre retail destinations that are not protected by the NPPF.

Evaluation of arguments

Sequential assessment

22 As requested at stage 1, specific attention has been given by Barking and Dagenham Council to the assessment of the in centre Vicarage Field Shopping Centre as a potentially sequentially preferable site to Abbey Road Retail Park. In addition an assessment has been completed of the applicant’s sequential assessment meeting the broader requirements of stage 1.

23 Lagmar (Barking) Ltd has objected to the Abbey Road Retail Park and through its agent have set out a number of arguments why the Barking town centre site at Vicarage Field offers a sequentially preferable site as supported by NPPF policy and PPG planning for town centres practice guidance. To support its arguments in have developed a concept plan of how a large retail food store could be accommodated in a redevelopment of the shopping centre site. In response the applicant has provided a detailed rebuttal to Langmar’s objections and Barking and Dagenham Council has sought independent consultant advice to review the arguments and provide guidance. The independent advice and applicant’s evidence are reflected in the Barking & Dagenham Council committee report that rejects Vicarage Field Shopping Centre as a potentially sequentially preferable site.

24 It is officer opinion that the arguments against Vicarage Field Shopping Centre as a potentially sequentially preferable site are of substantial weight as they relate to recent legal decisions and case law that provide a clear guide in relation to the test of a sequential site being suitable, available and deliverable. The main issue is that no formal planning application process has been commenced for the alternative scheme and GLA has had no formal approach in relation to pre-application discussions or submission on a new scheme of Vicarage Field Shopping Centre replacing the consented scheme.

25 The concept plan itself does raise a number of concerns in relation to design quality, the residential design proposals in the retail led mixed use scheme raise a number of issues because they are based on single long corridors, with a number of single aspect flats facing the railway line and there is a lack of multiple cores to accommodate wheel chair units or amenity/play space provision. In terms of transport policy a number of issues would need to be resolved in relation to London Plan policy in relation to car/cycle parking/ EVCPs capacity and how residential/retail/commercial access needs can be accommodated. The lack of detail in the concept plan mean the scheme would require substantial work through the pre-application discussions and application process. A process that has not commenced and therefore no fixed timescale of the scheme delivery can be clearly established, although Langmar indicate possible quick delivery of the scheme, this appears optimistic given the need to evolve an agreed scheme, complete demolition, decant existing tenants and build the new proposed retail led mixed use development (available/deliverable).

26 The existing consent for a mixed use scheme for the Vicarage Field Shopping Centre has remained undelivered despite an extant consent, it is a concern that the new proposals have only come to being once the Abbey Road Retail Park proposals had been substantially progressed through the formal planning process. Furthermore, Langmar from discussion with Barking & Dagenham Council has confirmed it would not progress a large food store led scheme on a
speculative basis and have to date found no potential occupier. This raises strong issues on whether its scheme would be deliverable.

27 Finally, Sainsbury’s the occupier of the Abbey Road Retail Park food store has indicated that the alternative site would not accommodate its needs, because it will not fully achieve the floor area requirements or meet commercial operational needs (suitable) and have no intention to discuss potential occupancy of any Vicarage Field Shopping Centre proposals evolved by Langmar. Although, it is accepted that Sainsbury’s is influenced by its long term investment in evolving the Abbey Road proposals, the issue remains that Langmar do not have a signed up occupier for its alternative scheme - ASDA is in the process of relocating within Barking town centre, Tesco occupy an out centre site opposite the proposed scheme and the final big four retailer, Morrison’s, has not expressed interest in the scheme.

Assessment of impact

28 At stage 1 it was further requested that Barking and Dagenham Council thoroughly investigate the finding of the applicant’s retail impact assessment (RIA) and demonstrate that Newham Council has provided a response to the impact on its centres. This evaluation has been completed through the Abbey Retail Park, Barking- updated critique of retail assessment and the Council’s own opinion of potential impacts. It is evident that there are differences of opinion on the level trade draw impacts, but these are not substantive enough to be defined as severe adverse as defined by the NPPF on the centres of Barking, Dagenham Heathway and East Beckton or specifically the ASDA store development in Barking town centre.

29 As set out in the response to consultation section of this report Newham Council has raised some concerns with the foods store application but RIA shows the impacts are greatest on out of centre stores in the borough not protect by NPPF or London plan policy. Where concern has been raised in relation to a potential negative impact on the Sainsbury ‘s in East Ham, Sainsbury’s has provided assurance about its commitment.

Conclusion

30 It is GLA officers opinion that although the Vicarage Field Shopping Centre could offer a potentially sequentially preferable site, the case for the alternative site at Vicarage Road Shopping Centre is not supported by sufficient robust evidence to recommend refusal of the Abbey Road Retail Park scheme on the basis of the sequential test. This is because there are clear concerns over the site being suitable, available and deliverable.

31 The stage 1 requirement that the applicant’s retail impact assessment be thoroughly investigated by Barking and Dagenham Council has been responded to in full and the evidence presented. Although there are differences of opinion with the applicant on the degree of retail impact on the strategic town centre network, with increases in the estimates of trade diversion identified in the Abbey Retail Park, Barking- updated critique of retail assessment report. This increase in trade diversion is insufficient to be assessed as being significantly adverse and the degree of impact on investment in town centres is unlikely to prevent the delivery of the on-going opening of the new larger ASDA store in Barking town centre or the operation of the existing market.

32 It is therefore officer opinion that on balance the retail proposals for Abbey Road Retail Park are acceptable in context of London Plan retail planning policy.

Urban design

33 At stage 1 the design was viewed as reasonable in context of the store format design and that a number of issues raised at pre-application had been resolved in relation to placing the proposals in context of the redevelopment of the wider context of the applicants land holding on
the northern edge of Abbey Green. It was however requested the applicant demonstrate a commitment to improving connections the Barking Town centre through Abbey Green and the opening up of the River Roding to pedestrian users.

34 The committee report has provided further assurance on the redevelopment of the wider context of the applicants land holding on the northern edge of Abbey Green by indicating that Barking & Dagenham Council has commenced discussions on options for the site redevelopment and through a draft planning performance agreement and this is welcome. It also provides details on the improvement of linkages to Barking town centre and River Roding securing public realm design quality by condition and funding through the s106. This aspect of the application is therefore compliant with the London Plan.

**Sustainable energy**

35 At stage 1 the energy strategy carbon dioxide savings fell short of the targets within Policy 5.2 of the London Plan of 40% carbon savings, it is accepted that given the delay in registering the application the 25% carbon will be applied (pre October 2013). Since stage 1 the applicant has submitted a revised energy strategy, which has responded in full to the issues raised and this aspect the application is now compliant with the London Plan.

**Flood risk**

36 At stage 1 the applicant was requested to ensure that prior to any Stage 2 referral the proposals are amended to include greenfield run-off rates and such a requirement should be secured by an appropriate planning condition. Since stage 1 the applicant has provided this information and flood risk measures are subject to condition requiring the submission of a detailed drainage strategy.

**Transport**

37 Due to the relatively large scale of the development proposal, at Stage 1a number of transport issues were raised, these issues predominantly related to car parking and local highway impact.

38 Since stage 1 all transport issues have been satisfactorily resolved and contributions will be paid to Barking & Dagenham and a Section 278 Agreement will be secured towards highways impacts and public realm improvements around the site. Although the car parking provision is still in excess of maximum possible London Plan standards by 31 spaces, the applicant has justified the over provision of parking because there will be a loss of 12 on-street parking spaces due to the proposed highway works associated with this site, and the need to increase town centre parking. TfL considers that on balance this is acceptable.

39 Blue Badge parking, EVCPs and cycle parking and the provision of a Construction Logistics Plan (CLP) have all been secured by condition and this is welcome.

**Response to consultation**

40 Barking & Dagenham Council consulted 283 occupants of neighbouring properties as well as statutory and non-statutory organisations. The Council as a result of the wider consultation process received a total of five objection letters.

**Charfleets**

41 Charfleets operate Barking market and object to the proposals on the grounds that the food store would impact on the attractiveness of Barking town centre traders by reducing the
number of shoppers and because of its edge of centre location will not generate linked trips; that sequentially it should be located in the town centre and the new ASDA store will meet any existing need.

42 The issues relating to the sequential test and retail impact have been investigated earlier in the report and it is accepted that Barking & Dagenham Council committee report and its independent retail assessment critique provide assurance that the impact of the Sainsbury’s store will not be significantly adverse.

Lagmar (Barking) Ltd

43 Representation dealt with in detail in earlier text.

ASDA

44 ASDA is moving to a new larger food in Barking form Abbey Field Shopping Centre. It objects to the Abbey Retail Park proposals on grounds of retail planning policy, sequential test and retail impact.

45 The issues relating to the sequential test and retail impact have been investigated earlier in the report and it is accepted that Barking & Dagenham Council committee report and its independent retail assessment critique provide assurance that the impact of the Sainsbury’s store will not be significantly adverse.

Countryside Properties/Fresh Wharf Estates

46 Generally supports proposals but raises issues in relation to lack of frontage along the River Roding, car park design lacks security, quality of northern elevation as gateway feature to Barking and transport impacts.

47 It is officer opinion that the provision of the walkway and related landscaping on the River Roding significantly enhances the gateway to Barking.

Resident representation

48 A local resident representation raised the issue of impact on existing car parking and congestion. This issue is of a local nature and have been addressed in the Council’s Committee report.

Statutory organisations

49 Representations were also received from the following statutory organisations and bodies:

- **Environment Agency**: No objection.

- **English Heritage (archaeology)**: Requested that field investigation works should be completed and this is secured by condition.

- **English Heritage (archaeology)**: Concerns raised in relation to design and the historic setting of the historic landscape in terms of layout, scale and massing.

- **London Fire & Emergency Planning Authority**: No objection.

- **London Borough of Newham**: Raised concerns regarding impact on East Ham (3.5%) and East Beckton (8.4%) town centres. In East Ham the key convenience anchor is Sainsbury’s
and in East Beckton the superstores fall outside the town centre but is a significant local employer and not adequately accounted for in terms of impact.

The committee report states that Sainsbury’s has advised Newham Council that it remains committed to East Ham and the stores in East Beckton are out of centre and therefore not protected by London Plan policy.

- **Thames Water**: No objection.

The objections raised have been responded to in this report, the stage 1 report and the Council’s committee report.

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

Under Article 7 of the Order the Mayor could take over this application provided the policy 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 stage 1, therefore there is no sound planning reason for the Mayor to take over this application.

**Legal considerations**

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 and any connected application. 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. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction. The Mayor must also have regard to Government Guidance set when deciding whether or not to issue a direction under Articles 6 or 7.

**Financial considerations**

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

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 and this unreasonable behaviour has directly caused another party to incur unnecessary or wasted expense. 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.

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

Having regard to the details of the application, the newly submitted information regarding retail impact and sequential site assessment, urban design/access, sustainable energy, flood risk, transport and the matters set out in the Council’s committee report and representations received, the application is considered on balance to be acceptable in strategic planning terms.

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planning report D&P/2416A/01

13 November 2013

Abbey Road Retail Park

in the London Borough of Barking and Dagenham

planning application no. 13/00852/FUL

<table>
<thead>
<tr>
<th>Strategic planning application stage 1 referral</th>
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<table>
<thead>
<tr>
<th>The proposal</th>
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</thead>
<tbody>
<tr>
<td>The demolition of existing buildings and construction of new 9,544 sq.m superstore (Class A1) and a 372 sq.m self-contained retail pod (Class A1-A3) and 419 car parking spaces, together with new vehicular access and associated highway works, improvements to river bank, landscaping and other ancillary works.</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>The applicant</th>
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<tbody>
<tr>
<td>The applicant is ICENI Projects Limited and the agent is RPS Planning and Development Ltd.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Strategic issues</th>
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<tr>
<td>The principle of superstore on the site as part of a mixed use development as defined by Barking Town Centre AAP may be acceptable subject to providing further assurance in relation to the retail sequential test and impact on town centre vitality, viability and investment.</td>
</tr>
<tr>
<td>There are further outstanding issues to resolve in relation to urban design &amp; access/inclusive design; sustainable energy and flood risk; and transport.</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Recommendation</th>
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<tbody>
<tr>
<td>That Barking &amp; Dagenham Council be advised that the application does not comply with the London Plan, for the reasons set out in paragraph 96 of this report.</td>
</tr>
</tbody>
</table>
Context

1 On 3 October 2013 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. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 13 November 2013 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor’s use in deciding what decision to make.

2 The application is referable under Category 1B and 3F of the Schedule to the Order 2008:

“1B: 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:

(c) Outside Central London and with a total floorspace of more than 15,000 square metres.”

“3F: 1. Development for a use, other than residential use, which includes the provision of more than 200 car parking spaces in connection with that use.”

3 Once Barking and Dagenham Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

4 The Mayor of London’s statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 The site is located on the western side of Abbey Road and comprises a number of retail warehouses units and associated surface car parking which is on the on the edge of Barking Town Centre. The surrounding area is mixed, comprising residential, retail and other commercial and employment uses along with the Abbey Green open space. The site falls within the Barking Town Centre Area Action Plan (AAP) and is identified in the London Riverside OAPF.

6 The site is approximately 700 metres away from Barking station and is served by stops for three bus routes nearby on London Road across Abbey Green open space. The site has a high public transport accessibility level (PTAL) of 6a on a scale of 1-6, where 6 is the highest.

7 The nearest part of the Transport for London Road Network is the A406 some 250m away along London Road, which itself is part of the Strategic Road Network (SRN).

Details of the proposal

8 The proposals are for the demolition of existing buildings and construction of a new 9,544 sq.m gross superstore (Class A1), 372 sq.m self-contained retail pod (Class A1-A3) and provision of 419 car parking spaces, together with new vehicular access and associated highway works, improvements to river bank, landscaping and other ancillary works. Development features of the scheme include:

• A retail store on a podium above ground floor car park
• An entrance defined by a glazed atrium with travellator facing onto Abbey Green
• A separate retail pod adjoining the superstore under its canopy.
• Car parking and service entrance off Abbey Road to the south of the store
• Creation of a new link to the River Roding from Abbey Green on the southern edge of the development.
• Creation of a riverside walkway along the River Roding from London Road with naturalised riverbank.

9 The proposals are for a full application of a mixed use scheme that involves the demolition of all existing buildings and redevelopment of site to provide:

Case history

10 The application has been subject of a GLA pre-application meeting and a report was issued on 24 May 2013 (D&P 2416A/JA Pre-app).

Strategic planning issues and relevant policies and guidance

11 The relevant issues and corresponding policies are as follows:

• Mix of uses  
  London Plan

• Retail/town centre uses  
  London Plan; draft Town Centres SPG

• Regeneration  
  London Plan; the Mayor’s Economic Development Strategy

• Urban design  
  London Plan; Shaping Neighbourhoods: Character and Context, draft SPG; Housing SPG; London Housing Design Guide; Shaping Neighbourhoods: Play and Informal Recreation SPG

• Transport  
  London Plan; the Mayor’s Transport Strategy; Land for Industry and Transport SPG

• Crossrail  
  London Plan; Mayoral Community Infrastructure Levy; Crossrail SPG

• Parking  
  London Plan; the Mayor’s Transport Strategy

• Access  
  London Plan; Accessible London: achieving an inclusive environment SPG; Planning and Access for Disabled People: a good practice guide (ODPM)

• Equal opportunities  
  London Plan; Planning for Equality and Diversity in London SPG; Equal Life Chances for All (Mayor’s Equalities Framework); Equalities Act 2010

• Sustainable development  
  London Plan; Sustainable Design and Construction SPG; Mayor’s Climate Change Adaptation Strategy; Mayor’s Climate Change Mitigation and Energy Strategy; Mayor’s Water Strategy

12 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the July 2010 Barking & Dagenham Core Strategy and the 2011 London Plan.

13 The following are also relevant material considerations:


• The Barking & Dagenham Site Specific Allocations document (December 2010)/Barking Town Centre Area Action Plan (February 2011).

• GLA: Town Centres Draft Supplementary Planning Guidance (January 2013).
Principle of development

14 The applicant proposal is for an edge of town centre Sainsbury’s supermarket of 5,575 sq.m gross (5,575 sq.m. net) and a 420 sq.m. self-contained retail pod. The site is currently occupied by a former office/warehouse unit and 3 retail warehouse units. These units currently have a quantum of comparison floorspace but figures are not given in documentation and the applicant is requested to provide this missing information.

15 In assessing the principle of development London Plan policy 2.15 (Town Centres), policy 4.7 (retail & town centre development), policy 4.8 (supporting a successful & diverse retail) and the GLA Town Centres Draft Supplementary Planning Guidance all provide guidance for edge of centre retail proposals. This detailed London wide strategic guidance is supportive of the NPPF and specifically the section on “Ensuring the vitality and viability of town centres”.

16 The proposed supermarket development is located in an edge centre location and the site is part of a larger development block forming Abbey Retail Park that is under the ownership of the applicant. It is separated from the town centre by Abbey Green where on the opposite side key primary shopping streets of Barking town centre terminate. Given this context London Plan policy 2.15 (town centres) provides a clear strategic guide to assessing proposals that will result in an expansion of a town centre:

C Development proposals in town centres should conform with policies 4.7 and 4.8 and:

a sustain and enhance the vitality and viability of the centre
b accommodate economic and/or housing growth through intensification and selective expansion in appropriate locations
c support and enhance the competitiveness, quality and diversity of town centre retail, leisure, arts and cultural, other consumer services and public services
d be in scale with the centre
e promote access by public transport, walking and cycling
f promote safety, security and lifetime neighbourhoods
g contribute towards an enhanced environment, urban greening, public realm and links to green infrastructure
h reduce delivery, servicing and road user conflict.

17 The London Riverside Opportunity Area Framework consultation draft (December 2011) where the area strategy aims for the expansion of the residential district west and south of Barking Town Centre and an intensification of retail uses is encouraged. The OAPF states:

“Barking town centre is the major centre with the highest levels of public transport accessibility and connectivity to the rest of the Opportunity Area. Strengthening its town centre functions is paramount to the success of London Riverside as a whole and its regeneration is key to the delivery of a large number of the new homes and new jobs in London Riverside Opportunity Area.”

18 The OAPF specifically identifies Abbey Retail Park as a key developments site and also recognises the site area is identified in the GLA SHLAA as a potential residential site. In terms of retail hierarchy it is recognised that Barking town centre is the primary focus within the
opportunity area and while it is anticipated that retail and ancillary uses will also come forward in other existing and emerging centres, the main focus for retail development should be within this major centre in the opportunity area.

Barking Town Centre AAP seeks a mixed use redevelopment of the Abbey Retail Park including a residential, ancillary retail (cafes, restaurants and bars) and supermarket. The supermarket however is linked to redevelopment of the existing Tesco site on Highbridge Road and the provision of a new a supermarket should occur with redevelopment of this existing retail floorspace with the AAP in paragraph 7.7.6 stating:

“The Council acknowledges the potential benefits of an approach to this site involving a reduction in the number of homes on the site but including the replacement the existing Tesco store at the junction of London Road and A406 with a larger store of some 7,500 sq.m. (net) on Abbey retail Park. This however would only be acceptable as part of a single or linked development of both sites which ensures that the existing Tesco site is used for residential development.”

Both London Plan Riverside OAPF and Barking Town Centre AAP seek strategic improvements to Barking town centre through development that integrates and strengthens the town centre structure. The applicant since the pre-application stage has undertaken further work establishing how the development proposals will integrate with the total land holding on the northern edge of Abbey Green under its ownership. This helps to address concerns raised in relation to the London Plan Riverside OAPF of a need for a considered holistic approach to the site planning and this is welcome.

The development of the site for a new superstore has according to the applicants planning statement been accepted in principle by Barking and Dagenham Council, subject to the findings of the sequential test and retail impact assessment.

The development of a supermarket on the Abbey Road Retail Park site is established in the Barking Town Centre AAP, but this specifically states that this is dependent on the Tesco store on Highbridge Road relocating to the applicant site. This is not being achieved by the application proposal – with Tesco choosing to remain in its present location and no residential development coming forward to replace the store. The applicant has stated in its planning statement that it held discussions with Tesco supermarkets on relocation, but these failed to have a positive conclusion and the applicant decided to pursue an application with an alternative retailer Sainsbury’s.

As Tesco are not relocating the proposal would not be compliant with the AAP policy as housing could not be guaranteed to come forward on the Tesco site as envisaged by the AAP. Nonetheless a case could be made for a store subject to the findings of the sequential test and retail impact assessment as required by London Plan policy and the NPPF. As set out in the following section there are a number of issues that need to be investigated before the proposal can be viewed as acceptable in terms of London Plan policy.

Retail

Sainsbury’s supermarket proposals

The application proposals are for a 9,544 sq.m gross Sainsbury’s superstore (Class A1) and 372 sq.m self-contained retail pod (Class A1-A3). The overall floorspace split for the superstore between comparison and convenience floorspace is split as 65% (convenience) to 35% (comparison).

NPPF and London Plan policy
The national planning policy guidance for retail, leisure and entertainment, offices, arts, culture and tourism and other main town centre uses is provided by the National Planning Policy Framework (NPPF). In relation to edge of centre retail proposals, such as being proposed on the Abbey Road retail park, the NPPF states:

(Paragraph 24) Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

(Paragraph 26) When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and

- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

(Paragraph 27) Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above factors, it should be refused.

26 The NPPF has replaced PPS4 but it is generally accepted that PPS 4 Practice Guidance Planning for town centres – Practice guidance on need, impact and sequential approach remains a material planning consideration in assessing retail and leisure applications.

27 London Plan Policy 4.7 retail and town centre development reflects the guidance and policy requirements of the NPPF and sets out the key tests by which the retail and leisure components of this application are assessed, this policy states:

B In taking planning decisions on proposed retail and town centre development, the following principles should be applied:

a the scale of retail, commercial, culture and leisure development should be related to the size, role and function of a town centre and its catchment;

b retail, commercial, culture and leisure development should be focused on sites within town centres, or if no in-centre sites are available, on sites on the edges of centres that are, or can be, well integrated with the existing centre and public transport;

c proposals for new, or extensions to existing, edge or out of centre development will be subject to an assessment of impact.
28 These tests are further supported by guidance in policy 4.8B supporting a successful and diverse retail sector which places emphasis on bringing forward new convenience and comparison floorspace in appropriate locations that meet identified need but not damaging the existing retail network of centres. In addition guidance set out London Plan policy 2.15C town centres sets out supportive guidance to maintaining and promoting town centres town centre through encouraging growth.

29 Finally of relevance to this application is London Plan Policy 2.7 Outer London: economy this states that boroughs should be “f) identifying and bringing capacity in and around town centres with good public transport accessibility to accommodate leisure, retail and civic needs and higher density housing”.

Evidence on retail hierarchy, demand and capacity

30 The applicant has defined the retail catchment of the proposed Sainsbury’s superstore to include district and local retail centres within Barking and Dagenham and Newham (table 1) and therefore the retail proposals will have cross boundary impacts. The retail catchment identified is acceptable.

Table 1: Retail centres within retail proposals catchment

<table>
<thead>
<tr>
<th>Centre</th>
<th>Borough</th>
<th>Classification</th>
<th>London Plan Policy direction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barking</td>
<td>Barking and Dagenham</td>
<td>Major</td>
<td>Medium/regeneration</td>
</tr>
<tr>
<td>Ilford</td>
<td>Redbridge</td>
<td>Metropolitan</td>
<td>Medium</td>
</tr>
<tr>
<td>Dagenham</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heathway</td>
<td>Barking and Dagenham</td>
<td>District</td>
<td>Medium/regeneration</td>
</tr>
<tr>
<td>Chadwell</td>
<td>Heath</td>
<td>District</td>
<td>Medium</td>
</tr>
<tr>
<td>Heath</td>
<td>Barking and Dagenham</td>
<td>District</td>
<td>Medium</td>
</tr>
<tr>
<td>Green Lane</td>
<td>Barking and Dagenham</td>
<td>District</td>
<td>Medium/regeneration</td>
</tr>
<tr>
<td>Beckton/East Beckton</td>
<td>Newham</td>
<td>District</td>
<td>Medium/regeneration</td>
</tr>
<tr>
<td>East Ham</td>
<td>Newham</td>
<td>Major</td>
<td>Medium/regeneration</td>
</tr>
</tbody>
</table>

31 The London Plan identifies all the district retail centres in table A2.1 town centre classification and broad future directions. All the centres are identified as having medium future growth potential, which include centres with moderate demand for retail, leisure or office floorspace and with physical and public transport capacity to accommodate it.

Barking and Dagenham retail policy: retail hierarchy & need

32 At the Barking and Dagenham borough level Barking is identified in the Local Plan as a Major centre at top tier of the retail hierarchy. The defined centre hierarchy further consists of the district centres of Dagenham Heathway, Chadwell Heath and Green Lane.

33 The Barking Town Centre Retail study update 2009 identified that there is an opportunity to consolidate and improve retail in the town centre by improving the retail offer. It concludes from projected levels of consumer spending in the catchment area that here is potential to accommodate up to 9,000 sq.m. of additional shopping floorspace with the town centre up to 2016. Sites that are identified for this floorspace include London Road/North Street (ASDA scheme underdevelopment), expansion of Vicarage Fields and new floorspace within the Station Masterplan area. The Abbey Retail Park/Tesco redevelopment is also mentioned as an outside primary shopping area development option.
Assessment of need

34 The demonstration of need is required to inform both the sequential test and impact assessment. The applicant has provided new data through its own household survey and retail impact assessment and this is welcome.

Test of scale

35 The London town centre health check report (December 2009) sets out the average floorspace use by type of town centre (table 3), this gives an indication of a centre’s role and function.

Table 3: Average London Town Centre Network

<table>
<thead>
<tr>
<th>Classification</th>
<th>Comparison Goods (sq.m.)</th>
<th>Convenience Goods (sq.m.)</th>
<th>Service retail (Sq.m.)</th>
<th>Leisure (Sq.m.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>International</td>
<td>535,294</td>
<td>28,467</td>
<td>39,635</td>
<td>273,015</td>
</tr>
<tr>
<td>Metropolitan</td>
<td>104,104</td>
<td>13,147</td>
<td>7,768</td>
<td>28,280</td>
</tr>
<tr>
<td>Major</td>
<td>29,909</td>
<td>10,984</td>
<td>6,798</td>
<td>17,361</td>
</tr>
<tr>
<td>District</td>
<td>9,455</td>
<td>5,213</td>
<td>3,566</td>
<td>6,695</td>
</tr>
</tbody>
</table>

36 In this instance there are no issues with the scale of proposed development in context of Barking as a major centre.

Retail centre health checks

37 The applicant has completed a health check of retail centres within the defined catchment of the proposal and this has covering the major centres of Barking (Barking and Dagenham) and East Ham (Newham). The applicant is requested to provide health checks for the other district centres in the catchment area to give a full understanding of impact on existing retail health and investment. This is because there are evident impact issues that need a thorough consideration.

38 The level of detail in the health checks for Barking and East Ham is of an acceptable detail. The data provided is up to date and yield and rental levels showing trends since 2008 has been provided which is important to assess centre health over time and this shows an improving situation since 2008.

39 Data on vacancy rates shows that both Barking and East Ham vacancy rates are substantially below the national level, although no trend data is provided to show whether this situation is improving or worsening. This further analysis would aid assessment of impact.

40 Barking and Dagenham Council is requested to provide feedback on the retail health check provided and furthermore inform Newham Council of the findings of this aspect of the assessment due to potential impact issues arising in centres within that borough. Particular focus should be placed on investment, vacancy rates, rent/yields and the potential reduction in centre footfall.

Sequential test

41 The applicant has completed a sequential test as required under London Plan policy 4.7B. The extent of site options (table 5) explored in Barking and Dagenham and Newham appears
comprehensive and the level of detail on each site is reasonable and this aspect of the assessment is welcome.

42 The applicant has chosen to assess each of the sequential sites on the basis of its capacity to accommodate a superstore of 9,544 sq.m. gross based on the format proposed and this accepted in this instance.

Table 4: Sequential site assessment

<table>
<thead>
<tr>
<th>Site</th>
<th>Sequential Location</th>
<th>Applicant reason for rejection</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vicarage Field Shopping Centre</td>
<td>In-centre Barking</td>
<td>None of units are of suitable size</td>
</tr>
<tr>
<td>London Road/North Street</td>
<td>In-centre Barking</td>
<td>Site unavailable</td>
</tr>
<tr>
<td>Barking Station masterplan area</td>
<td>In-centre Barking</td>
<td>Site not immediately available</td>
</tr>
<tr>
<td>Vacant units within Barking town centre shopping area</td>
<td>In-centre Barking</td>
<td>Units are too small</td>
</tr>
<tr>
<td>Gascoigne Estate</td>
<td>Edge of Centre Barking</td>
<td>Part of estate renewable programme</td>
</tr>
<tr>
<td>William Street Quarter</td>
<td>In-centre Barking</td>
<td>Planning granted for residential use</td>
</tr>
<tr>
<td>Fresh Wharf Estate</td>
<td>Out of centre Barking</td>
<td>Site is out of centre</td>
</tr>
<tr>
<td>Ax Street/Abbey Sports Centre</td>
<td>Barking</td>
<td>Planning granted for sports centre</td>
</tr>
<tr>
<td>Abbey Green</td>
<td>Edge of centre Barking</td>
<td>Site of listed structure</td>
</tr>
<tr>
<td>Cultural industrial quarter</td>
<td>Out of centre Barking</td>
<td>Planning permission already granted for mix use.</td>
</tr>
<tr>
<td>Vicarage Field</td>
<td>Edge of centre Barking</td>
<td>Planning permission already granted for mix use and site too small.</td>
</tr>
<tr>
<td>A13 Gascoigne Centre/ King Edward Street</td>
<td>Out of centre Barking</td>
<td>Site is out of centre and unsuitable shape.</td>
</tr>
<tr>
<td>Former Barclays Bank Unit, Ripple Road</td>
<td>In-centre Barking</td>
<td>Unit is too small</td>
</tr>
<tr>
<td>Vacant units at Clockhouse, East Street</td>
<td>In-centre Barking</td>
<td>None of units are of suitable size</td>
</tr>
<tr>
<td>Barking station vacant unit</td>
<td>In-centre Barking</td>
<td>Unit is too small</td>
</tr>
<tr>
<td>Land West of High Street North between Barking Road and Pilgrims Way</td>
<td>In-centre East Ham</td>
<td>Land assembly of separate sites and not immediately available</td>
</tr>
<tr>
<td>Redbridge Enterprise and Ilford Retail Park</td>
<td>In-centre Ilford</td>
<td>Not immediately available</td>
</tr>
</tbody>
</table>

43 Practice guidance on need, impact and the sequential approach specifically relating to completing and assessing sequential tests states:

“...In determining the appropriate area of search for an application, including whether it is appropriate to consider sites within or on the edge of established centres, it will be relevant to consider the scale and form of development proposed. For example, some proposals will serve a purely localised need (e.g. ‘local’ foodstores) whereas others are likely to serve a materially wider catchment area. In these circumstances, it will be relevant to consider whether the proposal is of an
appropriate scale to the proposed location or whether need can be met within an existing higher order centre”.

44  The sequential site assessment concludes that none of the sites identified in Barking and Dagenham, Newham and Redbridge are available, suitable or viable and that the only site to fulfil the site development requirements is at Abbey Road business park. In reference to Town Centres draft SPG paragraph 3.1.3:

“In applying the sequential approach in policy 4.7Bb for strategic referrals, the Mayor will draw in particular on borough’s local knowledge of development sites in determining whether they are available, suitable or viable for development.”

45  It is requested that Barking and Dagenham Council provide its own local assessment of site options within the borough and furthermore engage with Newham Council and Redbridge Council on sites within the catchment area. This is to provide a clear guide on each of the sequential sites rejected by the applicant and aid the strategic assessment of the development proposals and whether a sequential preferable site can be identified - GLA officers are aware of specific concerns raised in relation to Vicarage Field Shopping Centre located in Barking Town Centre being available, suitable and viable.

Assessment of impact

46  The applicant has completed an assessment of impact on retail centres within the development catchment and this provides a breakdown of impacts by centre of both the cumulative (store proposal and other extant consents) and the additional impact attributable to the Sainsbury’s store alone (table 6). This scenario modelling is welcome as the GLA Town Centres draft SPG paragraph 3.4.1 states:

“when considering the appropriate scale of development in town centres (London Plan policy 4.7Ba) boroughs should take into account a number of factors including:

- The role and function of the town centres (as classified in London Plan Annexe 2, Table A2.1 or, for neighbourhood and local centres in borough local plans)…. Authorities should also note that changes in the role and function of a centre will be subject to capacity analysis and assessment of impact.

- The importance of respecting local context and character by responding sensitively to different local circumstances (London Plan policy 7.4)

- Transport capacity, traffic and congestion and

- The need and potential for town centre regeneration (policy 2.14/annexe 2).”

47  The accumulative impact for Barking (9.61), Dagenham Heathway (18.7%), Beckton/East Beckton (12.57%) appear substantial but can partly be explained by the existing impacts of extant planning consents (Sanofi and Former B&Q site). However it is requested that Barking and Dagenham Council discuss with Newham Council the additional impact of Sainsbury’s proposals on the cumulative impact on the vitality and viability East Beckton district centre and whether this raises any concern. Furthermore the Council should confirm that the cumulative impact on Barking (major centre) and Dagenham Heathway (district centre) raise no concern in relation to the vitality and viability of those centres and specifically impact on planned investment that could damage town centre investment. Specific attention should be given to the potential adverse impact on the redevelopment proposal for the Vicarage Field shopping Centre within Barking town centre.
Table (5): Retail impact on catchment retail centres (accumulative)

<table>
<thead>
<tr>
<th>Centre</th>
<th>Borough</th>
<th>Classification</th>
<th>Impact 2016 (%)</th>
<th>Impact 2023 (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barking</td>
<td>Barking and Dagenham</td>
<td>Major</td>
<td>9.61</td>
<td>9.51</td>
</tr>
<tr>
<td>Ilford</td>
<td>Redbridge</td>
<td>Metropolitan</td>
<td>6.66</td>
<td>6.5</td>
</tr>
<tr>
<td>Dagenham Heathway</td>
<td>Barking and Dagenham</td>
<td>District</td>
<td>18.70</td>
<td>18.83</td>
</tr>
<tr>
<td>Chadwell Heath</td>
<td>Barking and Dagenham</td>
<td>District</td>
<td>0.70</td>
<td>0.65</td>
</tr>
<tr>
<td>Green Lane</td>
<td>Newham</td>
<td>District</td>
<td>3.01</td>
<td>2.96</td>
</tr>
<tr>
<td>Beckton/East Beckton</td>
<td>Newham</td>
<td>District</td>
<td>12.57</td>
<td>12.62</td>
</tr>
<tr>
<td>East Ham</td>
<td>Newham</td>
<td>Major</td>
<td>3.49</td>
<td>3.48</td>
</tr>
<tr>
<td>Other local centres</td>
<td></td>
<td></td>
<td>3.65</td>
<td>3.42</td>
</tr>
</tbody>
</table>

48 The impact modelling scenario based on that attributable to the Sainsbury’s store alone demonstrates that the likely impact on centres range from the negligible through low (Barking and Ilford) to moderate (Beckton/East Beckton). The latter relating to Beckton/East Beckton as previously stated should be a subject of discussion between Barking and Dagenham and Newham Councils.

Table 6: Retail impact on catchment retail centres (Sainsbury’s store alone)

<table>
<thead>
<tr>
<th>Centre</th>
<th>Borough</th>
<th>Classification</th>
<th>Impact 2016</th>
<th>Impact 2023</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barking</td>
<td>Barking and Dagenham</td>
<td>Major</td>
<td>4.51</td>
<td>4.38</td>
</tr>
<tr>
<td>Ilford</td>
<td>Redbridge</td>
<td>Metropolitan</td>
<td>4.06</td>
<td>3.94</td>
</tr>
<tr>
<td>Dagenham Heathway</td>
<td>Barking and Dagenham</td>
<td>District</td>
<td>0.70</td>
<td>0.70</td>
</tr>
<tr>
<td>Chadwell Heath</td>
<td>Barking and Dagenham</td>
<td>District</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Green Lane</td>
<td>Newham</td>
<td>District</td>
<td>0.00</td>
<td>0.00</td>
</tr>
<tr>
<td>Beckton/East Beckton</td>
<td>Newham</td>
<td>District</td>
<td>8.40</td>
<td>8.37</td>
</tr>
<tr>
<td>East Ham</td>
<td>Newham</td>
<td>Major</td>
<td>0.35</td>
<td>0.34</td>
</tr>
<tr>
<td>Other local centres</td>
<td></td>
<td></td>
<td>0.00</td>
<td>0.00</td>
</tr>
</tbody>
</table>

**Regeneration impact**

49 The development proposal will have potential regeneration benefits of creating a projected 450 jobs (gross) of which 150 (33%) are full time and 300 part time. This equates to full time equivalent of 323 jobs. In context of the borough regeneration needs this is an important issue in considering the application.

**Urban design**

50 The development proposes the construction of a 100 x100 metre retail shed raised seven metres above a 400 space car park.

51 At pre-application stage concerns were raised that the store proposals were being brought forward without consideration of the future development of the applicants land holding on the
northern edge of Abbey Green. The applicant has since provided illustrative masterplan options to accompany the application proposals within the red line plan and this is welcome as they demonstrate that some attempt is being made to integrate the Sainsbury’s store with potential later development phases. They in particular place into context the new route down to the riverside and how surrounding development will contribute to its quality.

52 The inclusion of the riverside link from Abbey Green has been worked up from the indicative material provided at the pre-application stage and is now within the red line plan of the application and the general approach is supported – the applicant however is requested that a section (as for the riverbank edge) be provided to secure the design quality of the route. The inclusion of routes and its design quality should be secured by condition. It is further requested the applicant indicate how it intends to improve connection to the Barking Town centre through Abbey Green as the proposals are for an edge of centre scheme and should according to retail policy demonstrate how linkages are to be achieved or enhanced.

53 At the pre-application stage concern was raised that the store proposals lack ground floor activation and had open car park areas facing London Road. The applicant has since revised the scheme and introduced further treatment at ground floor level in the form of a history panel wall and a Barking sign that highlights the entrance gateway into the town. These improvements at ground floor level are welcome, but it is disappointing active uses could not be brought down from podium level (staff rooms and back of house functions).

54 The change from concrete panels to stone veneer cladding is welcome and enhances the overall quality of the building finish.

55 At the pre-application stage the access to the riverside from London Road was identified as a welcome feature of the development proposals, but concern was raised in relation to the western elevation treatment and its relationship to the riverside. It is officers view that this elevation would be further enhanced visually by treatment to the ramp by introduction of a living wall. This would enhance the view and setting of the riverside and further breakdown the elevation building mass. The commitment to both design and build a naturalised river bank to River Roding edge through close engagement with the Environment Agency is welcome and the design approach is supported.

56 In context of the comments made in relation to flood risk it is requested the applicant look at inclusion of a green/brown roof where structurally feasible. The inclusion of such a feature would also further break up the massing of the proposals which especially be beneficial to the River Roding viewpoint and contribute to the reduction of surface water run-off.

Inclusive Design/Access

Design and access Statement

57 The Design and Access Statement submitted with the planning application should demonstrate how the principles of inclusive design, including the specific access needs of disabled people, have been integrated from the outset into the design of the proposed development and how inclusion will be maintained and managed. There is a questionnaire on the GLA’s web site which the applicant could usefully use to ensure that the Design and Access Statement covers all relevant aspects of inclusive design, see http://www.london.gov.uk/priorities/planning/strategic-planning-applications/preplanning-application-meeting-service

Consultation and access consultant
The applicant should confirm whether an access consultant has had input into the design proposals and whether it has consulted with the local authority access officer, the local access group and any local organisations of disabled people.

Town Centre accessible facilities

As the scheme is considered to be within the town centre, consideration should be given to how disabled people can access the new food store from the town centre. There is a Shopmobility scheme in the Vicarage Fields Shopping Centre so some feasibility work should be undertaken to assess whether it is appropriate and possible to extend this facility to enable disabled and older shoppers to access the new store as part of a shopping trip to Barking town centre.

The applicant should confirm whether ‘Changing Places’ WC which provides accessible WC facilities for people with profound and multiple disabilities are included in the scheme.

Public realm

An access audit should be undertaken of all the pedestrian routes to the new store including through Abbey Green, along the Roding River walkway, and along adjacent roads connecting to the station and the town centre. The audit should identify any barriers to disabled people and should make recommendations as to how any barriers are to be removed or altered to ensure that the routes are fully accessible to disabled people. Given the distances involved seating at regular intervals would greatly assist in creating an accessible link to the town centre. Seating (with arms and backrests) in the atrium area and the external piazza area outside the store entrance will be welcomed by disabled and older people.

The improvements to the pedestrian crossing facilities across Abbey Road are welcomed – the detailed design should ensure full provision for disabled people including suitable dropped kerbs, tactile paving and audible and tactile signals.

Parking

The provision of 23 Blue Badge bays laid out to conform to the recommendations of BS 8300:2009 is welcome. However, the BS recommends that at, as well as 6% of the total capacity, a further 4% of larger bays are provided at the outset to enable an increase in designated Blue Badge bays in the future if required, making a total of 43 larger bays out of the proposed total of 427, 6% (26) of which should be marked out as Blue Badge bays from the outset. At least some of the Blue Badge bays should be located where the headroom on the route from the entrance of the car park to the parking bays is at least 2.6m to ensure provision for disabled people who use high top vehicles (that accommodate hoisting equipment). Taxi and community transport drop off facilities should also be provided.

Store Design

Consideration should be given to the window cill height in the café and colleague area to enable views out when seated this is particularly important for wheelchair users.

Sustainable energy

The applicant has broadly followed the energy hierarchy to reduce carbon dioxide (CO2) emissions. Although sufficient information has been provided to understand the proposals as a whole, further revisions and information is required before the proposals can be considered acceptable and the carbon dioxide savings verified.
A range of passive design features and demand reduction measures are proposed to reduce the CO2 emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum backstop values required by building regulations. Other features include energy efficient lighting and enhanced controls. The applicant is also proposing to recover waste heat from the superstore’s refrigeration system as a heat source for a heat pump supplying the development’s heating requirements. The demand for cooling will be minimised through shading features.

The development is estimated to achieve a reduction of 54 tonnes per annum (23%) in regulated CO2 emissions compared to a 2010 Building Regulations compliant development, as shown in the table below. This level of savings from energy efficiency is considered high. Given the high percentage savings the applicant should check the suggested savings and provide further explanation of how this level of savings has been achieved.

The applicant has carried out an investigation and there are no existing district heating networks within the vicinity of the proposed development. However, plans for a new network serving Barking Town Centre have been identified in various documents produced by the borough. The applicant has, therefore, provided a commitment to ensuring that the development is designed to allow future connection to a district heating network should one become available.

The applicant has investigated the feasibility of CHP. However, due the intermittent and peaky nature of the heat load, CHP is not proposed. This is accepted in this instance.

The applicant has investigated the feasibility of a range of renewable energy technologies. The heat pump system (see comments in the energy efficiency section above) will also use the ground as a heat source. A reduction in regulated CO2 emissions of 11 tonnes per annum (5%) is envisaged through this third element of the energy hierarchy (see table below).

Based on the energy assessment submitted the residual CO2 emissions after each stage of the energy hierarchy result in a reduction of 65 tonnes of CO2 per year in regulated emissions compared to a 2010 Building Regulations compliant development is expected, equivalent to an overall saving of 27%.

As the application was received by the GLA after the 1st October 2013, the 40% beyond 2010 BR target applies. The CO2 savings fall short of the targets within Policy 5.2 of the London Plan. The applicant should consider the scope for additional measures aimed at achieving further reductions. If the scope for additional measures is constrained, in liaison with the borough the developer should ensure the short fall in CO2 reductions, equivalent to 39 tonnes of CO2 per annum, is met off-site.

**Flood risk**

**Flood Risk**

A Flood Risk Assessment has been undertaken by Wardell Armstrong, this confirms that the site is within Flood Zone 1. As such the principle of the development is acceptable in flood risk terms.

**Surface Water Run-off**

The flood risk assessment states that the site will reduce surface water discharge by 20% through the use of permeable paving and other SUDS features to be specified at a more detailed stage. The flood risk assessment also states that residual surface water may be discharged via ground, to River Roding or to the local combined sewer.
This approach is not compliant with London Plan policy 5.13 and the Sustainable Design and Construction SPG which requires a minimum of 50% reduction in surface water discharge. Given the nature of the proposals and the location adjacent to the River Roding, this site should readily be able to achieve a greenfield run-off rate, accepting that surface water can be discharged directly to the River.

The applicant should give further consideration to this aspect of the proposals prior to any Stage 2 referral to the Mayor and the specified surface water management measures should be secured using an appropriate planning condition. This could include the use of green roofs where structurally feasible.

**Transport**

**Trip generation**

TfL has concerns about the trip generation assessment in particular (but not only) there is an absence of modal split data. The assessment should be revisited accordingly which will then enable identification of any necessary mitigation.

**Highway Impact**

To accurately assess the impact of development on the strategic road network/transport for London road network (SRN/TLRN) and bus operations and any necessary mitigation measures, TfL would expect to see the output from the VISSIM model referred to in the Transport Assessment (TA). Modelling should also be undertaken to show the impact of the development upon the roundabout below the A406 and slip roads. In addition clarification is requested on the scope and details of the “localised impact” of development on the local highway network mentioned in the TA.

**Vehicular access**

The proposed vehicular access arrangements for this development are considered to be acceptable at a strategic level to TfL, however the borough as highway authority should assess local impacts. To achieve the necessary design quality of the proposed western pedestrian route between Abbey Green and the River Roding there will need to be careful treatment of the proposed car park and servicing ramp access adjoining. Consideration should also be given to pedestrian and cycle links between the store and the town centre and more generally the walk/cycle catchment for the store and potential conflict with the vehicular access.

**Parking**

A total of 419 car parking spaces are proposed, significantly in excess of the applicable London Plan standard of between 243 – 369 spaces for the superstore and retail pods combined. TfL requests that the scheme is revised to bring the amount of car parking provision in line with London Plan standards, and justified with reference to trip generation and parking accumulation.

As noted above the number of Blue Badge spaces should be in line with London Plan standards. The number of Electric Vehicle Charging Points (EVCPs) complies with London Plan policy and should remain so in any revised scheme.

The proposal for 54 cycle spaces falls below London Plan standards which require a minimum of 73 spaces and therefore provision should be increased accordingly. Showers, lockers and changing facilities should be provided to encourage staff to cycle to work.
Blue Badge parking, EVCPs and cycle parking and facilities should all be secured by condition.

**Travel Planning**

The staff travel plan has failed the ATTrBuTe assessment as there is no baseline modal split. The results from a store of similar size and characteristics should be included at this stage to be updated once the initial staff survey has been undertaken. The travel plan measures should be secured through a section 106 agreement.

**Walking, Cycling and Bus Stops**

TfL requests that a full pedestrian (PERS) audit (including way finding, quality of the public realm and links to the town centre, bus stops and the walking catchment for the development and the access audit referred to above) and a similar assessment of local cycling routes undertaken prior to determination of the application. Nearby bus stops should be assessed against TfL’s Bus Stop Accessibility Guidance.

Any necessary improvements identified should be agreed between the applicant and Barking and Dagenham Council in consultation with TfL, and secured through section 106 and section 278 agreements.

**Construction, deliveries and servicing**

A Construction Logistics Plan (CLP) and a Delivery and Servicing Plan (DSP) should be secured by condition.

The scheme should be revised to bring down the amount of car parking in line within London Plan standards, with Blue Badge parking, EVCPs and cycle parking and facilities all provided in line with standards. A full PERS audit and assessment of local cycling routes and bus stops should be completed and improvements secured through a legal agreement.

**Community Infrastructure Levy**

The Mayor has introduced a London-wide Community Infrastructure Levy (CIL) to help implement the London Plan, particularly policies 6.5 and 8.3. The Mayoral CIL formally came into effect on 1 April 2012, and it will be paid on commencement of most new development in Greater London that was granted planning permission on or after that date. The Mayor’s CIL will contribute towards the funding of Crossrail.

The Mayor has arranged boroughs into three charging bands. The rate for Barking and Dagenham Council is £20/sq.m. The required CIL should be confirmed by the applicant and council once the components of the development or phase thereof have themselves been finalised. See the 2010 regulations: [http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents](http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents) as amended by the 2011 regulations: [http://www.legislation.gov.uk/uksi/2011/987/made](http://www.legislation.gov.uk/uksi/2011/987/made)

London borough councils are also able to introduce CIL charges which are payable in addition to the Mayor’s CIL. Barking and Dagenham Council has yet to adopt a scheme. See the council’s website for more details.

**Local planning authority’s position**
Not known at this time.

Legal considerations

Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view.

Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application and any connected application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor’s statement and comments.

Financial considerations

There are no financial considerations at this stage.

Conclusion

London Plan policies on retail, urban design, access & inclusive design, sustainable energy, flood risk and transport are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- **Principle of development**: the principle of a superstore on the site is dependent on the resolution of issues relating to the sequential test and the retail impact assessment.

- **Retail (i) sequential test** - The approach adopted for the sequential test has investigated a wide variety of sites and this is welcome. It is requested that Barking and Dagenham Council provides its own local assessment of site options within the borough and furthermore engage with Newham Council on sites within the catchment area. This is to provide a clear guide on each of the sequential sites rejected by the applicant and aid the strategic assessment of the development proposals. Specific attention should be given to the assessment of Vicarage Field Shopping Centre.

(ii) **Test of scale** – There are no issues with the scale of development

(iii) **Assessment of impact** - the assessment of impact has been undertaken which establishes cumulative including other extant retail consents and those that can be attributable to the Sainsbury’s’ store and the retail pod and this is welcome. Barking and Dagenham Council should undertake a review of the findings of the retail impact assessment on its retail centres and engage with Newham Council in completing this assessment of other centres in the defined retail catchment. This should specifically focus on the vitality and viability of Barking, Dagenham Heathway and East Beckton and the impact on investment within those centres. Specific attention should be given to the potential adverse impact on the redevelopment proposal for the Vicarage Field shopping Centre within Barking town centre.
• **Energy:** As the application was received by the GLA after the 1st October 2013, the 40% beyond 2010 BR target applies. The carbon dioxide savings fall short of the targets within Policy 5.2 of the London Plan. The applicant should consider the scope for additional measures aimed at achieving further reductions. If the scope for additional measures is constrained, in liaison with the borough the developer should ensure the short fall in carbon dioxide reductions, equivalent to 39 tonnes of carbon dioxide per annum, is met off-site.

• **Flood risk:** The approach to surface water discharge is not compliant with London Plan policy 5.13 and the Sustainable Design and Construction SPG which requires a minimum of 50% reduction in surface water discharge. Given the nature of the proposals and the location adjacent to the River Roding, this site should readily be able to achieve a greenfield run-off rate, accepting that surface water can be discharged directly to the River.

• **Transport:** The trip generation assessment should be revisited and the results of the VISSIM modelling and further modelling provided. These will enable TfL to assess whether there will be an impact on the highway and/or public transport capacity or operations, and whether any mitigation will be necessary. The scheme should be revised to bring down the amount of car parking in line within London Plan standards, with Blue Badge parking, EVCPs and cycle parking and facilities all provided in line with standards. A full PERS audit and assessment of local cycling routes and bus stops should be completed and improvements secured through a legal agreement.

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