

Barking Riverside planning application – 04/01230/OUT

S.106 Agreement signed 7 August 2007

Summary of main planning obligations

1. Housing

Number of bedrooms

at least 30% of units to have 3 or more bedrooms;

at least 40% of social rented housing to have 3 or more bedrooms.

Affordable Housing Parameters

41% of habitable rooms on-site will be affordable housing;

minimum of 25% of habitable rooms within Stages 1 and 2 will be affordable housing;

minimum of 15% of habitable rooms within Stages 3 and 4 will be affordable housing;

minimum of 50% of affordable housing within each stage shall be social rented housing;

31% of intermediate housing accessible to households with income not exceeding the average for the Borough;

31% of intermediate housing made available to households in the Borough;

31% of social rented housing made available to households in the Borough.

Affordable Housing Specification

affordable housing constructed in accordance with access strategy;

affordable housing constructed to Lifetime Homes Standards;

affordable housing constructed to Housing Corporation Development standards;

10% of affordable housing in each plot to be fully wheelchair accessible;

affordable housing externally indistinguishable from market housing.

Timing

not more than 75% of market housing on a plot can be occupied until:
80% of affordable housing in that plot has been completed;

not more than 99% of market housing on a plot can be occupied until:
100% of affordable housing in that plot has been completed.

2. Local Centres

Neighbourhood Brief

London Borough of Barking and Dagenham (LBBD), London Thames Gateway Development Corporation (LTGDC) and Barking Riverside Limited (BRL) to work together in producing a Neighbourhood Brief establishing space requirements for community uses.

Overall Floorspace

total floorspace for all centre uses (excluding school sites) shall not exceed 65,600 sq.m.

Timing of Provision

Stage 1

not more than 1,000 units in Stage 1 shall be occupied until:

- a place of worship;
- a Police facility;
- a Children's Centre;
- a community facility;
- public toilets / baby changing facilities;
- a convenience shop;
- a health facility;
- 250 sq.m. floorspace building for temporary use by Barking Riverside Community Development Trust (BRCDT) / site management etc

have been provided in the centre for Stage 1 in accordance with relevant approved Sub-Framework Plans.

Stage 2

following completion of the temporary secondary school no more than 500 units in Stage 2 shall be occupied until:

- a place of worship;
- a Police facility;
- a Children's Centre;
- a community facility;
- public toilets / baby changing facilities;
- a convenience shop;
- 250 sq.m. floorspace building for permanent use by BRCDT / site management etc;
- a health facility;
- a temporary library;

have been provided in the centre for Stage 2 in accordance with the relevant approved Sub-Framework Plans.

Stage 3

no more than 900 units in Stage 3 will be occupied until:

- a place of worship;
- a Police facility;
- a Children's Centre;
- a community facility;
- public toilets / baby changing facilities;
- a convenience shop;

have been provided in the centre for Stage 3 in accordance with the relevant approved Sub-Framework Plans.

Stage 4

No more than 900 units in Stage 4 will be occupied until:

- a place of worship;
- a Police facility;
- a Children's Centre;
- a community facility;
- public toilets / baby changing facilities;
- a convenience shop;

have been provided in the centre for Stage 4 in accordance with the relevant approved Sub-Framework Plans.

3. Transport

Transport Strategy Steering Group

Prior to implementation a Transport Strategy Steering Group will be established.

Transport Strategy

Measures recommended by the Transport Strategy shall be adopted.

Travel Co-Coordinator

A Travel Co-Coordinator shall be appointed for the lifetime of the development.

Review / Update of the Transport Strategy

The Transport Strategy shall be updated to take account of the Annual Monitoring report.

The Transport Strategy shall be updated at the submission of Sub-Framework Plan documents for each Stage.

Ongoing Monitoring and Review

Prior to the occupation of the 500th dwelling and on each subsequent anniversary an annual monitoring report shall be prepared.

Transport Delivery Framework

To be updated on each anniversary of the S.106 Agreement.

Sustainable Transport Fund

To be established to include monies from parking charges, grants, sponsorship etc.

The fund shall be used to implement Transport Strategy Sustainability Measures.

Docklands Light Railway Extension

Docklands Light Railway Limited (DLRL) intends to promote and procure the Docklands Light Railway (DLR) extension.

DLRL and BRL will enter into a DLR Land and Works Agreement.

BRL / LTGDC / LBBD confirm their support for the DLR extension.

No more than 1,500 dwellings shall be occupied before an order made under the Transport and Works Act authorising the construction and operation of the DLR extension has come into force.

No more than 4,000 dwellings shall be occupied before the DLR extension is operational.

East London Transit (ELT) and buses

The alignment of ELT is safeguarded through the site.

Following the occupation of 100 dwellings on-site subsequent dwellings can only be occupied if a public transport service from a bus stop or DLR station is available within 400 metres of that unit.

The ELT route shall be finished:

- through the western quarter to the local centre prior to the occupation of 1,500 dwellings on the site;
- through the eastern quarter prior to the occupation of 3,200 dwellings on the site;
- through the whole site prior to the occupation of 6,000 dwellings.

BRL shall pay Transport for London (TFL) £100,000 on the occupation of the first dwelling.

BRL shall pay TFL £2,000 on the occupation of the 51st dwelling and on the first occupation of subsequent dwellings until a total of £10.8 million has been paid.

A13 / Renwick Road Works

No more than 99 dwellings shall be occupied until BRL has:

- Entered into the Initial A13 Works Section 278 Agreement with TFL;
- Provided TFL with a Highways Bond for the Initial A13 Works; and
- Finished the Initial A13 Works.

No more than 2,499 dwellings shall be occupied until BRL has either paid TFL the A13 Contribution (£5.4 million) or finished the Interim A13 works.

No more than 3,999 dwellings shall be occupied until the A13 Scheme is finished.

On-site Highway Works

On submission of each Sub-Framework Plan BRL will indicate all roads in that Stage to be offered to LBBD for adoption and include detailed specifications etc.

For adopted roads an agreed commuted sum shall be paid to LBBD.

Choats Road

BRL and LBBD will promote the stopping up of Choats Road at the appropriate time.

Off-site Highway Works

Prior to the occupation of 500 dwellings improvements to the Lodge Avenue / Woodward Road junction shall be completed.

Prior to the occupation of 1,500 dwellings improvements to the Renwick Road / Choats Road junction, Renwick Road / Bastable Avenue junction and River Road bus land works shall be completed.

Prior to the occupation of 2,000 dwellings improvements to the River Road / Thames Road junction shall be completed.

Prior to the occupation of 5,000 dwellings Renwick Road / Thames Road bus priority measures shall be completed and an appraisal of potential junction improvements to the River Road / Bastable Avenue junction shall be completed.

Riverside Walkway

Prior to the occupation of 500 / 4,000 / 7,000 and 10,000 dwellings on site appropriate sections of the riverside walkway and 'T' jetty shall be completed.

Pedestrian and Cycle Provision

A phased network of pedestrian and cycle routes shall be provided across the site.

Public Footpath no. 47

The phased stopping-up and diversion of footpath no. 47 shall be agreed by the Council and promoted by all parties.

Parking

A Parking Strategy shall be submitted prior to the occupation of the first dwelling and reviewed thereafter.

Parking charges on unadopted roads shall be placed in the Sustainable Transport Fund.

Parking charges on adopted roads shall be placed in the Sustainable Transport Fund minus the cost of collecting the charges.

Car parking for all uses on-site shall be capped at the following levels:

prior to the occupation of 1,500 dwellings no more than 1,600 parking spaces shall be provided including 1,481 spaces for dwellings;

prior to the occupation of 4,000 dwellings no more than 4,350 parking spaces shall be provided including 3,964 spaces for dwellings;

prior to the occupation of 10,800 dwellings no more than 8,700 parking spaces shall be provided including 7,548 spaces for dwellings.

Use of the River

The feasibility of using river transport shall form part of the Transport Strategy review.

Intelligent Transport Systems

To be provided if recommended by the Transport Strategy Steering Group.

Travel Plans

A Sustainable Travel Plan and Occupier Travel Plan shall be submitted, approved, implemented and monitored.

4. Education

Education Delivery Implementation Plan

An Education Delivery Implementation Plan shall be submitted and reviewed in light of the number of completed dwellings on-site and pupil numbers.

Timing of School Provision

Prior to the occupation of 500 dwellings construction on the first primary school will have commenced.

The second primary school site shall be reserved and when the Education Delivery Implementation Plan indicates a Second Primary School trigger shall be set. No dwellings shall be occupied beyond the Second Primary School Trigger until the second primary school has been completed.

The third primary school site shall be reserved and when the Education Delivery Implementation Plan indicates a Third Primary School Trigger shall be set. No dwellings shall be occupied beyond the Third Primary School Trigger until the third primary school has been completed.

The fourth primary school site shall be reserved and when the Education Delivery Implementation Plan indicates a Fourth Primary School Trigger shall be set. No dwellings shall be occupied beyond the Fourth Primary School Trigger until the fourth primary school has been completed.

Prior to the occupation of 1,500 dwellings a temporary secondary school shall be completed.

The permanent secondary school site shall be reserved and when the Education Delivery Implementation Plan indicates a Secondary School Trigger shall be set. No dwellings beyond the Secondary School trigger until the secondary school has been completed.

Location of Schools

Prior to the submission of each Sub-Framework Plan for each Stage the site for each schools within that stage shall be agreed between parties.

Size of Schools

The size of the schools, up to a maximum of 3-form entry for each of the primary schools, 4-form entry for the temporary secondary school and 8-form entry for the secondary school, shall be submitted to and approved by the Council.

Temporary Secondary School / Second Primary School

The temporary secondary school shall be capable of conversion for use as the second primary school.

Children's Centres

The Initial Design Brief for the Centre of each Stage shall include a Children's Centre if required by the Education Delivery Implementation Plan.

School Sports Grounds

BRL will grant a lease for the sports grounds attached to the schools to the Leisure Trust or the BRCDT. Pitches / courts within the sports grounds will be made available for use by residents of the development when not needed by the schools.

Construction of the Schools

The Council and BRL will work together to secure the procurement of each of the schools prior to the relevant trigger for provision of that school.

5. Access

Barking Riverside Access Forum (BRAAF)

Before submission of the first Sub-Framework Plan documents members shall be nominated for the formation of the BRAAF.

Access Strategy and Stage Level Access Statements

BRAAF shall be consulted on the progress of Sub-framework Plan Documents.

The BRAF shall be consulted on the updated Access Strategy and Stage Level Access Statements.

Plot Level Access Statements

The BRAF shall be consulted on draft Plot Level Access Statements prior to the submission of reserved matters.

Residential Units Standards

All residential units will be constructed to Lifetime Homes Standards.

10% of all residential units shall be wheelchair accessible.

6. Barking Riverside Community Development Trust (BRCDT)

Formation of the Shadow BRCDT

The Shadow BRCDT shall be approved and formed prior to the implementation of the development.

Formation of the Full BRCDT

The Full BRCDT shall be formed prior to the submission of the first Sub-Framework Plan document.

Adoption

On submission of each Sub-Framework Plan BRL will:

- offer all open space for adoption by the Council;

- offer all roads in that Stage for adoption by the Council;

- any roads and open space not adopted by the Council will be owned by BRL until transferred to the Full BRCDT

- BRL and the Council will investigate the creation of a Leisure Trust and transfer formal open space to this Trust.

Submission of Strategies and the BRCDT Business Plan

Prior to the approval of each set of Sub-Framework Plan Documents BRL will submit for approval:

- the BRCDT Stage Business Plan and Strategy;

- a proposal for the amount of BRCDT Forward Fund for that Stage;

- the Community Development Strategy; and

the updated BRCDT Master Business Plan and Strategy.

Funding

On implementation of each Stage up until the BRCDT Break Even Point BRL will pay monthly sums for the BRCDT Forward Fund for that Stage.

The lease for each residential unit will include provision that each time the unit is transferred a percentage of the sale price is paid to the BRCDT fund for maintenance of non-adopted open space and roads.

Service Charge and Transfer of Share Certificate on Sale

Leases granted on the site will include provision for payment of elements of the service charge to the BRCDT.

BRCDT's Rights, Duties and Responsibilities

BRCDT will, inter-alia:

- hold and maintain open space, non-adopted highway, non-adopted play areas, jetties and walkways;

- collect the service charges;

- ensure the maintenance of buildings within its control;

- contribute to the funding of street warden service.

Shopmobility

If a need is demonstrated BRCDT will contribute towards a shopmobility service.

7. Open Space and Leisure

Landscape and Ecology

Prior to implementation on each stage BRL shall submit for approval:

- a Landscape and Ecology Management Plan; and

- a Landscape and Ecology Design Guide.

Open Space Delivery Plan

BRL shall apply the Play, Sport and Recreation Strategy, the management and open space elements of the Urban Design Guidelines, the Landscape and Ecology Management Plan and the Landscape and Ecology Design Code when designing the open space.

BRL shall submit for approval before implementation the draft Open Space Delivery Plan for each Stage.

The Open Space Delivery Plan shall provide for whole areas of open space to be made available prior to occupation of residential units adjacent to them.

Laying Out of Open Space

BRL shall provide the open space in accordance with the approved Open Space Delivery Plan and following completion offer to transfer the open space to the Council or the BRCDT or the Leisure Trust.

Access to Open Space

Following completion of an area of open space public access will be allowed on a permissive basis.

Temporary Suspension of Access

BRL may temporarily suspend access to areas of open space:

- to enable construction, repair or renewal of open space;
- where there is a health and safety risk to the general public; and
- to avoid disturbance to protected wildlife, geological or archaeological features.

Permanent Cessation of Access

BRL may permanently prevent access to open space where necessary in connection with renewal, redevelopment, modification or demolition of part of the development provided that:

- similar sized open space is made available;
- the Council has approved the permanent closure.

Highway Laws

Where public rights of way pass through open space the temporary or permanent cessation of access shall not override the provisions of any statute or common law.

Ripple Nature Reserve

BRL shall:

- submit details of the Nature Reserve for approval;
- lay out the Nature reserve in accordance with the approved Open Space Delivery Plan;

procure the maintenance of the Reserve whether it is adopted by the Council or transferred to BRCDT.

Ecology Centre

Prior to the occupation of 1,500 dwellings the contract for the construction of the Ecology Centre shall be let.

Prior to the occupation of 2,000 dwellings the Ecology Centre shall be completed.

Leisure Centre and Waterside Development

Prior to the earlier of:

occupation of 6,000 dwellings; or

submission of Sub-Framework Plan documents for Stage 4

BRL shall complete a leisure needs survey.

BRL and the Council agree that there shall be a Leisure Facilities and Waterside Development on Stage 4 comprising 6,300 sq.m. which will incorporate a 25m swimming pool of up to 8 lanes.

The location of the Leisure Centre and Waterside Development shall be agreed through the Open Space Delivery Plan for Stage 4.

BRL shall identify a management partner for the Leisure Centre.

Prior to the earlier of:

occupation of 7,000 dwellings; or

occupation of the first dwelling in Stage 4

BRL shall provide the build space capable of housing the Leisure Centre.

Safeguarding of land for undergrounding of pylons

BRL shall maintain the area of open space identified on the pylon plan in a manner so as to allow the undergrounding or removal of overhead power lines.

Interim Landscape Management

BRL shall submit for approval an Interim Landscaping Management Plan for each Stage prior to the implementation of that Stage.

Play, Sport and Recreation Strategy

BRL will review the Play, Sport and Recreation Strategy and submit an updated version for approval as each set of Sub-Framework Plan Documents are submitted.

Play Space

Prior to the occupation of 500 dwellings BRL shall provide:

- 4 play rooms;
- 1 play station;
- 1 mini-soccer pitch (0.35 Ha) on the First Primary School site;
- 1 multi-use games area (0.12Ha) on the First Primary School site;
- 1 all-weather pitch (1 Ha);
- 2 tennis courts of 0.06 Ha each; and
- 1 activity park including skate park and BMX.

Prior to the occupation of 1,500 dwellings BRL will provide:

- 4 play rooms;
- 1 play station;
- 1 mini-soccer pitch (0.35Ha) on the Second Primary School site;
- 1 multi-use games area (0.12 Ha) on the Second Primary School Site;
- 2 junior football pitches of 0.82 Ha each;
- 2 tennis courts of 0.06 Ha each at Diamond Park;
- 1 bowling green (0.15 Ha) at Diamond Park;
- 2 linear activity areas; and
- 1 country park.

Prior to the occupation of 4,000 dwellings BRL will provide;

- 7 play rooms;
- 1 play port at Jetty Square;
- 2 junior football pitches of 0.82 Ha each on the Secondary School site;
- 1 multi-use games area (0.12 Ha) on the Secondary school site;
- 1 senior football pitch (0.9 Ha) on the Secondary School site;
- 1 cricket pitch of (1 Ha) on the Secondary School site;

- 1 senior football pitch (0.9 Ha);
- 2 multi-use games areas each 0.12 Ha;
- 2 mini-soccer pitches (each 0.35 Ha);
- 1 junior football pitch (0.82 Ha);
- 1 activity park including skate park and multi-use games area at Eye Square;
- 2 tennis courts (0.06 Ha) each; and
- 1 country park.

Prior to the occupation of 7,000 dwellings BRL will provide:

- 8 play rooms;
- 3 play stations;
- 3 tennis courts (each 0.06 Ha);
- 2 multi-use games areas (each 0.12 ha).

Riverside Park

Prior to the occupation of the first dwelling BRL will complete the Riverside Park in accordance with the Play, Sport and Recreation strategy and make it available to the public.

8. Local Employment

Construction Opportunities

From the commencement of construction on the first residential unit until the completion of the development BRL shall set aside adequate temporary accommodation for construction and skills training.

Employment Strategy

No more than 2,000, 4,000, 6,000, 8,000 and 10,000 dwellings shall be occupied until BRL has submitted an updated Employment Strategy at each of these stages for approval.

Plot Developers

The lease from BRL to plot developers shall include an obligation requiring the plot developers to:

- use reasonable endeavours to ensure that 25% of the construction weeks are accessible to local residents;

notify the Council's skills, learning and enterprise team when vacancies arise and allow 5 working days before issuing other advertisements;

include advertisements in the local press when advertisements for vacancies are issued;

offer work experience placements to trainees from colleges in the Borough;

endeavour to establish an apprentice scheme.

Ongoing Employment Opportunities

BRL shall fund the salary of a Local Employment and Business Coordinator through the construction of the development.

9. Design and Art

Design Panel and Design Codes

BRL shall set up the Design Panel prior to formulating the first set of Sub-Framework Plan documents.

BRL shall consult with the Design Panel when design teams are appointed to progress each set of Sub-Framework Plans with particular regard to the Design Codes.

Roles of the Design Panel

The Design Panel is to:

provide coordinated advice on draft Sub-Framework Plan documents;

participate in judging competitions to design buildings;

advise on design issues as the development progresses.

Art Strategy and Implementation

BRL shall engage the services of an artist to influence the development of design for the public realm and to develop an arts strategy for each Stage.

BRL shall submit an art strategy for approval at the same time as each set of Sub-Framework plan documents.

10. Energy and Sustainability

Energy Panel

BRL shall set up an Energy Panel to advise on delivery of the Implementation Plan.

Implementation Plan

BRL shall submit for approval the Implementation Plan.

Delivery of Energy

BRL shall invite the Energy Panel to participate in the selection of the company to deliver the Implementation Plan.

BRL shall not allow not allow occupation until the Implementation Plan has been put into practice.

BRL shall provide an independent consultants report prior to the occupation of 2,000, 4,000, 6,000, 8,000 and 10,000 dwellings detailing how the Implementation Plan is being put into place.

Targets

BRL will ensure that:

there is a 30% reduction in carbon emissions in Stage 1 compared to:

the average target emissions rate under Building Regulations 2006 for the residential units; and

the average target emissions rate under Building Regulations 2006 for the non-residential units.

In complying with the 30% reduction a carbon reduction of at least 20% will be achieved through the use of renewables in Stage 1.

there is a 50% reduction in carbon emissions in Stage 2 compared to:

the average target emissions rate under Building Regulations 2006 for the residential units; and

the average target emissions rate under Building Regulations 2006 for the non-residential units;

In complying with the 50% reduction a carbon reduction of at least 20% will be achieved through the use of renewables in Stage 2.

there is a 50% reduction in carbon emissions in Stage 3 compared to:

the average target emissions rate under Building Regulations 2006 for the residential units; and

the average target emissions rate under Building Regulations 2006 for the non-residential units.

In complying with the 50% reduction a carbon reduction of at least 20% will be achieved through the use of renewables in Stage 3.

there is a 80% reduction in carbon emissions in stage 4 compared to:

the average target emissions rate under Building Regulations 2006 for the residential units; and

the average target emissions rate under Building Regulations 2006 for the non-residential units.

In complying with the 80% reduction a carbon reduction of at least 30% will be achieved through the use of renewables in Stage 4.

Sustainability Benchmark Tool

No more than 2,000, 4,000, 6,000, 8,000 and 10,000 dwellings shall be occupied until in each case BRL has completed a review of the Sustainability Benchmark Tool.

Sustainability Benchmark Certificates

Each plot developer is required to submit a Sustainability Benchmarking Framework Form prior to the submission of reserved matters to determine whether the proposed development on the plot will achieve the minimum score on the Sustainability Benchmarking Tool.

BRL will require that plot developers do not submit reserved matters applications except with a Sustainability Benchmark Certificate.

No development shall be implemented until a Sustainability Benchmark Certificate has been provided to the Council.

Compliance

Prior to the occupation of 200 completed units on each plot a qualified inspector shall inspect a minimum of 5% of the units.

None of the inspected units shall be occupied until a compliance certificate has been provided, or the minimum Sustainability Benchmarking Tool score has been achieved, or the relevant carbon offset payment has been made to the BRCDT.

11. Waste

BRL shall submit a Waste Implementation Plan for approval in accordance with the Waste Strategy for each Stage.

No development on a Stage shall be implemented until the Stage Waste Implementation Plan has been approved.

A yearly report on the implementation and success of the Waste Implementation Plan shall be produced.

The Waste Strategy and Waste Implementation Plan shall be implemented when building out the development.

Plot developers shall only submit reserved matters which reflect the approved Waste Implementation Plan.