



Report to the London Borough of Barking and Dagenham

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an Inspector appointed by the Secretary of State
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PLANNING AND COMPULSORY PURCHASE ACT 2004

SECTION 20

REPORT ON THE EXAMINATION INTO THE LONDON BOROUGH OF BARKING AND DAGENHAM BARKING TOWN CENTRE AREA ACTION PLAN DEVELOPMENT PLAN DOCUMENT

Document submitted for examination on 2 October 2009

Examination hearings held between 20 April and 14 May 2010

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ABBREVIATIONS USED IN THE REPORT AND SCHEDULES

AMR	Annual Monitoring Report
APC	Advertised Proposed Changes
CS	Core Strategy
DPD	Development Plan Document
EA	Environment Agency
En.	Endorsed Changes
Ess.	Essential Changes
FPC	Further Proposed Changes (arising from the Issues and Questions Paper)
GLA	Greater London Authority
GOL	Government Office for London
HIS	Housing Implementation Strategy
KRA	Key Regeneration Areas (Barking Riverside, Barking Town Centre & South Dagenham)
LBBDD	London Borough of Barking & Dagenham
LDF	Local Development Framework
LDS	Local Development Scheme
LP	The London Plan: Spatial Development Strategy for Greater London: Consolidated with Alterations since 2004 (2008)
LTGDC	London Thames Gateway Development Corporation
PC	Proposed Changes
PHM	Pre-Hearing Meeting
PPG	Planning Policy Guidance
PPS	Planning Policy Statement
SCI	Statement of Community Involvement
SFRA	Strategic Flood Risk Assessment
SPD	Supplementary Planning Document
BTCAAP	Barking Town Centre Area Action Plan
HPC	Proposed Changes (arising from the hearings)

Non-Technical Summary

This report concludes that the Barking Town Centre Area Action Plan Development Plan Document provides an appropriate basis for the planning of Barking Town Centre over the next 15 years. The Council has sufficient evidence to support the strategy and can show that it has a reasonable chance of being delivered.

A number of changes are needed to meet legal and statutory requirements. The main changes can be summarised as follows:

- **Legal compliance.** Incorporate list of superseded saved policies.
- **Conformity with the Barking and Dagenham Core Strategy.** Revise text to reflect Core Strategy (CS) objectives; make the vision and objectives more specific to the area; explain the basis of the 6,000 homes; delete references to CS affordable housing policy; safeguard land for transport infrastructure schemes; and include references to scheme viability.
- **Evidence base – Topics.** Clarify future retail provision; explain the third River Roding pedestrian bridge; remove percentage targets for family housing; revise policies relating to tall buildings and identify key views.
- **Evidence base – Specific Sites.** Delete the proposed primary school from the Abbey Retail Park.
- **Appropriateness.** Clarify how public consultation & sustainability appraisal has informed the DPD.
- **Consistency with national and regional policy.** Explain the role of the Supplementary Planning Documents; refer to the requirement to employ sustainable drainage systems; and include reference to the results of the Council's Sequential & Exception Tests.
- **Monitoring and Implementation.** Identify indicators and targets to be used to measure performance and group policies under relevant objectives.

All but one of the changes recommended in this report are based on proposals put forward by the Council in response to points raised and suggestions discussed during the public examination. The changes do not alter the thrust of the Council's overall strategy.

Introduction and Summary of Overall Conclusions

- 1.1 Under the terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004, the purpose of the independent examination of a DPD is to determine:
 - (a) whether it satisfies the legal requirements of s19 and s24(1) of the 2004 Act, the regulations under s17(7), and any regulations under s36 relating to the preparation of the document.
 - (b) whether it is sound.
- 1.2 This report contains my assessment of the London Borough of Barking and Dagenham Barking Town Centre Area Action Plan Development Plan Document (BTCAAP) in terms of the above matters, along with my recommendations and the reasons for them, as required by s20(7) of the 2004 Act.
- 1.3 I am satisfied that the BTCAAP meets the legal requirements of the Act and Regulations, subject to the changes recommended below.
- 1.4 My role is also to consider the soundness of the submitted BTCAAP against the advice set out in paragraphs 4.51- 4.52 of Planning Policy Statement 12 (PPS12), namely that it is justified, effective and consistent with national policy. In line with national policy, the starting point for the examination is the assumption that the local authority has submitted what it considers to be a sound BTCAAP. It is evident from my report that I find the BTCAAP to be sound subject to the inclusion of various proposed changes, essentially put forward by the Council.
- 1.5 The BTCAAP was submitted to the Secretary of State for examination on Friday, 2 October 2009. The submission version of the BTCAAP was identical to the pre-submission version. In order to address issues raised by representors at the pre-submission stage, including those made by the GOL, GLA, EA, various landowners and other interested parties, the Council produced a Schedule of Advertised Proposed Changes to the submitted BTCAAP in February 2010. This, together with the Sustainability Appraisal of the Advertised Proposed Changes to the submitted BTCAAP, were advertised and made available for comment between 5 February and 5 March 2010. In my report the Advertised Proposed Changes are referenced APC.
- 1.6 The representations received on these Proposed Changes, together with the representations made at the pre-submission stage, were taken into account during the examination.
- 1.7 At the Pre-Hearing Meeting held on 9 March 2010 I circulated an Issues and Questions paper on the BTCAAP to guide discussion at the hearings. In response the Council prepared a number of Topic Papers which contained a number of Further Proposed Changes to the submission BTCAAP. These changes are referenced FPC and are contained in a separate schedule. Arising from the discussions at the

hearings Hearing Proposed Changes were also produced by the Council. These changes are referenced HPC and again contained in a separate schedule. The FPCs and HPCs have not been advertised as they involve variations to previous advertised changes to the submitted BTCAAP and/or concern matters that do not prejudice interested parties.

- 1.8 The proposed post-hearing changes related to Tall Buildings & Key Views were made available for public comment for a four-week period in June/July 2010. These in turn were then the subject of some more proposed changes which are contained in the Council's document 'Schedule of Proposed Changes to reflect the Post-Hearing Consultation on the Barking Town Centre Area Action Plan: Tall Buildings.'
- 1.9 All the proposed changes to the submitted BTCAAP are found in four schedules attached to my report. The proposed changes in Schedules 1, 2 & 4 are put forward by the Council. The only change that I recommend is that contained in Schedule 3 which relates to the deletion of the proposed primary school at the Abbey Retail Park site.
- **Schedule 1 (Essential Changes - Proposed by the Council and Recommended by the Inspector).** This consists of changes proposed by the Council that I consider are essential in order to amend the document in the light of the legal requirements and/or to make the document sound in accordance with PPS12. They are referenced **Ess.** [reference no] both in the schedule and my report. The four appendices are: **Appendix 1: Monitoring Framework; Appendix 2: List of saved UDP policies superseded by BTCAAP policies; Appendix 3: Extent of the Tesco site; and Appendix 4: Extent of Town Quay.**
 - **Schedule 2 (Essential Changes relating to tall buildings and key views - Proposed by the Council and Recommended by the Inspector).** This consists of changes proposed by the Council relating to tall buildings and key views that I consider are essential in order to make the document sound in accordance with PPS12. Schedule 2 consists of the 'Schedule of Post-Hearing Changes to the Barking Town Centre Area Action Plan: Tall Buildings' and the 'Addendum' to this document, as amended by the contents of the Council's document 'Schedule of Proposed Changes to reflect the Post-Hearing Consultation on the Barking Town Centre Area Action Plan: Tall Buildings.'
 - **Schedule 3 (Essential Change – Proposed and Recommended by the Inspector).** This only includes the change (i.e. **Ess.A**) relating to the deletion of the proposed primary school at the Abbey Retail Park site on the basis that the current evidence base does not justify such an allocation and this element of the DPD is, therefore, unsound.

- **Schedule 4 (Council's Endorsed Changes).** These changes have been drawn up by the Council and are designed to improve clarity, reflect recent developments, add flexibility, improve focus or correct errors. As the endorsed changes are not required to address soundness issues I have not dealt with them in detail in my report. Notwithstanding this I believe their inclusion is required to ensure that the BTCAAP is clear, up-to-date, coherent and easily understood.

1.10 **My overall conclusion is that the Barking Town Centre Area Action Plan DPD meets the legal requirements and is sound, provided it is changed in the ways specified. The essential changes required are set out in detail in Schedules 1, 2 and 3.**

1.11 The report firstly considers the legal requirements, and then deals with the relevant matters and issues related to soundness considered during the examination.

LEGAL REQUIREMENTS	
Local Development Scheme (LDS)	The BTCAAP is referred to in the latest version (March 2008) of the Council's LDS. The preparation of the BTCAAP met the timescales set out in the LDS up to the Pre-Submission stage. The Submission to the Secretary of State in October 2010 was 5 months later than planned and this has meant the rest of the timetable has slipped. In all other respects the BTCAAP accords with the LDS and consequently this legal requirement has been met.
Statement of Community Involvement (SCI) and relevant regulations	The Council's SCI was adopted in August 2007. It is evident from the documents submitted that the Council has sought to meet the requirements for engagement of the community.
Sustainability Appraisal (SA)	Adequate SA has been carried out at various stages and is appropriately detailed.
Conformity with the London Plan (LP)	The Greater London Authority confirmed by letter of 12 March 2010 that the BTCAAP, taking account of the advertised proposed changes, is in general conformity with the LP.
Conformity with the Core Strategy (CS)	The issue of whether the BTCAAP is in conformity with the CS is dealt with in Section 2 of this report. Suffice to say here that the BTCAAP conforms to the CS subject to the inclusion of a number of essential changes proposed by the Council.
Community Strategy	Satisfactory regard has been paid to the Community Strategy for Barking & Dagenham.
Publicity	The BTCAAP complies with the 2004 Regulations as regards satisfactory publicity.
Superseded saved policies	Although a list of superseded saved policies was submitted alongside the BTCAAP it was not included in the DPD. This is contrary to Regulation 13(5) of the 2004 (Local Development) Regulations. However the Council's proposed change, Ess.52 , rectifies this and specifies that a list of saved UDP policies superseded by BTCAAP policies be included in the DPD as Appendix 1. This change ensures compliance with the regulations.

2 Consideration of Soundness

- 2.1 The main issues are: whether the Barking Town Centre Area Action Plan DPD is in conformity with the strategy and provisions of the Barking and Dagenham Core Strategy; whether the policies and proposals in the BTCAAP are supported by a robust, credible and up-to-date evidence base, are the most appropriate in all the circumstances and are consistent with national and regional policy; and whether the BTCAAP is deliverable, flexible and capable of being monitored.

Issue 1 – Conformity with the Barking and Dagenham Core Strategy

General

- 2.2 The Barking and Dagenham Core Strategy recognises that the regeneration and enhancement of Barking Town Centre is crucial to the future of the Borough and the successful fulfilment of the development of the Thames Gateway. The town centre is identified in the CS both as a Key Regeneration Area, where a large number of homes should be accommodated, and as a major centre worthy of protection and enhancement.
- 2.3 The Barking Town Centre Area Action Plan contains detailed policies and proposals to secure the delivery of this overall strategy. A range of housing sites are allocated across the town centre to provide in the order of 6000 new dwellings. The need for additional shopping floor space in the town centre is recognised and sites identified. At the same time measures are to be put in place to protect the health of the main shopping streets. Other policies seek to enhance the town centre with: better public transport facilities; improved provision for pedestrians and cyclists; sufficient car parking; increased employment opportunities; the protection of heritage assets and open spaces; the sensitive location of tall buildings and the protection of key views; and the provision of a high-quality public realm.
- 2.4 Consequently I find that the general direction of the BTCAAP to be in line with the CS. However there are a number of detailed issues that require attention to ensure conformity.

Core Strategy Objectives

- 2.5 In my report on the CS I found that the strategic objectives in the submitted document were not locally distinctive. As a result the Council, through its proposed changes to the CS, revised the objectives to ensure that they were more specific to the Borough. However Chapter 3 of the submitted BTCAAP includes the original objectives from the submitted CS rather than the revisions. The Council's proposed change, **Ess.3**, addresses this point.

BTCAAP Vision and Objectives

- 2.6 I consider that the Vision and Objectives for the BTCAAP set out in Chapter 5 of the submitted DPD are too general and not sufficiently focussed on the Borough or the CS. As a result there is some uncertainty about what is being sought and how progress is to be measured. As a result it would be difficult to assess whether the BTCAAP is being successfully delivered in all respects. In answer to this concern the Council has prepared proposed change, **Ess.7**, which succeeds in making the BTCAAP Vision and Objectives more specific to the area and facilitates monitoring.

Housing Provision

- 2.7 The CS includes a Housing Implementation Strategy (HIS). This provides for over 19,000 dwellings in the period to 2025, as against a strategic requirement for 17,800 dwellings. The CS anticipates in the order of 6,000 homes will be provided in the area covered by the BTCAAP.
- 2.8 Paragraph 4.38 of the submitted BTCAAP indicates that the plan makes provision for 6000 additional dwellings. However there is little explicit explanation in the BTCAAP as to how this figure is derived, other than by reference to the HIS and the associated housing trajectory. Furthermore the town centre housing sites identified in the BTCAAP and the HIS when added together only amount to about 5,000 dwellings. However this matter was clarified during the examination when the housing provision figures implicit in the BTCAAP were set out in more detail by the Council.
- 2.9 In particular this work highlighted that planning permission existed or planning applications had been submitted for over 500 further homes. In addition it was explained that if housing development were to proceed on the site of the existing Tesco site on London Road, as favoured by the Council, then there would be the potential for a total of 1,400 new homes across the Tesco and Abbey Retail Park sites. This was 400 dwellings more than allowed for in the HIS. When all these figures are added together it is evident that the BTCAAP makes provision for in the order of 6,000 dwellings and as such accords with the Core Strategy and the Housing Implementation Strategy. I believe that the Council's proposed change **Ess.14** needs to be included in the BTCAAP to explain how the figure of 6,000 dwellings is derived and how this sits with the overall provision figure set out in the Core Strategy.
- 2.10 The Council's proposed change, **Ess.15**, is required to ensure that the requirement for an additional 6,000 in the town centre refers to the correct CS policy (i.e. Policy CM2; Managing Housing Growth instead of Policy CC1: Affordable Housing).

Affordable housing

- 2.11 I found that the overall target for affordable housing in the CS, and the associated social rented/intermediate split, was not justified by the evidence submitted. As a result I recommended that the affordable housing policy was removed from the CS.
- 2.12 In the light of this there is a need to delete the affordable housing references in the BTCAAP that refer to this policy. The Council's proposed changes, **Ess.16**, **Ess.17** and **Ess.18**, would bring the BTCAAP into line with the CS in this regard.

Public Transport Network

- 2.13 The levels of growth envisaged in the CS are dependent on substantial investment in new and improved strategic transport links. The critical importance of improvements to the transport network, including the development of the East London Transit (ELT) and the Barking to Royal Docks Bus Corridor, is highlighted in the CS. At present the text of Policy BTC7: Improving Public Transport does not ensure that land will be safeguarded for the implementation of these schemes. The Council's proposed changes, **Ess.8** and **Ess.41**, endeavour to do this.

Developer Contributions

- 2.14 Policy BTC23 (Developer Contributions) lists the local priorities for developer contributions in respect of planning applications. However as submitted there is no recognition in the policy of the need to take account of scheme viability. This is in conflict with CS Policy CC4 which makes it clear that economic viability will be a factor that will be taken into account in determining developer contributions. The Council's proposed change **Ess.25** is designed to rectify this and bring the BTCAAP into line with the CS. The Council's proposed change, **Ess.49**, makes it clear that the tariff based system operated by the London Thames Gateway Development Corporation also takes viability into account on a case by case basis.

Conclusion on Issue 1

- 2.15 I conclude, therefore, that subject to the inclusion of the changes specified above in bold the Barking Town Centre Action Area Plan DPD is in conformity with the Barking and Dagenham Core Strategy and therefore meets the legal tests in this regard.

Issue 2 – Whether the policies and proposals in the BTCAAP are supported by a robust, credible and up-to-date evidence base, are the most appropriate in all the circumstances, and are consistent with national and regional policy

Evidence base – General

- 2.16 The BTCAAP consists of a comprehensive package of policies and proposals designed to guide the future development of Barking Town Centre. In addition to general policies, dealing with such matters as housing, retail development, employment, movement, design and heritage, there are detailed site specific policies where significant change is envisaged. As a result I am confident that the BTCAAP, in accordance with paragraph 5.4 of PPS12, will deliver planned growth areas, stimulate regeneration, protect areas particularly sensitive to change, resolve conflicting objectives in areas subject to development pressures, and focus the delivery of area based regeneration schemes.
- 2.17 It is clear to me that both the general policies and the site specific proposals listed in the BTCAAP are for the most part supported by a robust, credible and up-to-date evidence base. In drawing up the DPD the Council has had regard, amongst other things, to a comprehensive set of well-researched documents. Having studied these documents I am confident that they constitute the strong evidence base that is required by PPS12.

Evidence base – Topics

Additional shopping provision

- 2.18 Chapter 4 of the submitted BTCAAP provides a brief summary of the current situation with regard to existing shopping provision in the town centre and the opportunity that exists to provide additional retail floorspace. However this section does not explain the Council's overall approach to satisfying this additional requirement or set out recent developments. Consequently there is a lack of clarity as to the current situation and what is intended. The inclusion of the Council's proposed changes, **Ess.4, Ess.5, and Ess.6**, will rectify this and make it clear that additional retail floorspace in the period to 2016 is to be provided at London Road/North Street (BTCSSA1), Vicarage Field (BTCSSA10), Barking Station (BTCSSA3) and possibly at the Abbey Retail Park (BTCSSA7) where favourable consideration would be given to a relocated and larger Tesco store.
- 2.19 During the examination the owners of the Abbey Retail Park raised the question of the type of retail uses that would be acceptable on the site if the Tesco relocation or a housing-led scheme did not materialise. However there are no specific policies relating to this in the submitted BTCAAP, nor was it a matter raised at the pre-submission stage. Furthermore it has not been subject to the

proper procedures of community involvement and sustainability appraisal. In view of this I believe it would be inappropriate for me to deal with this issue in my report.

- 2.20 The reasoned justification to Policy BTC1 (Additional Shopping Floorspace) indicates that the need for additional shopping floorspace in the town centre beyond 2016 will be kept under review. I consider this to be a reasonable way forward given the amount of additional retail growth planned in the next few years and the likely significant increase in population.

Retail boundaries

- 2.21 In my report on the examination into the CS I indicated that the appropriate place for the detailed examination of the retail boundaries in the town centre is within the BTCAAP. During the examination of the BTCAAP I considered the alignment of the primary and secondary frontages and the town centre boundary having regard to the material submitted and various site visits. Having undertaken this exercise I am confident that the detailed alignment of these boundaries has been thoroughly examined, is justified by the evidence base, and in line with the objectives of the relevant policies.

Traffic calming

- 2.22 Policies BTC8 (Traffic Management /Abbey Road Home Zone) and BTC10 (Pedestrian Movement) as submitted are, amongst other things, concerned with the introduction of traffic calming measures to deter traffic using Abbey Road, St Paul's Road and Gascoigne Road. Such measures would prevent unnecessary traffic using these roads, improve pedestrian linkages between the town centre and the Gascoigne Estate, and make for better environmental conditions. Although such a scheme is to be welcomed there is a need to ensure that such measures will not have a negative effect on other roads users, including buses. The Council's proposed changes, **Ess.9 and Ess.10**, would amend these policies to ensure that other road users' needs are taken into account. The Council's proposed change **Ess.35** which relates to the design requirements for Policy BTCSSA6: The Gascoigne Estate is of similar intent.

Pedestrian bridges across the River Roding

- 2.23 In my view it is important to ensure that as sites to the west of the River Roding are developed consideration is given to improving pedestrian links with the town centre. To this end Policy BTC10 (Pedestrian Movement) of the submitted BTCAAP seeks the provision of three additional pedestrian crossings over the river. The proposed crossings are: on the bridge that carries the Barking to Royal Docks Bus Corridor (Policy BTC7); a pedestrian footbridge connecting the Fresh Wharf Estate (BTCSSA2) and the

Cultural/Creative Industries Quarter (BTCSSA9); and a link between the existing Tesco site and the Abbey Retail Park (BTCSSA7).

- 2.24 At present, however, Policy BTC10 is not consistent with the supporting text to Policy BTCSSA7. Policy BTCSSA7 makes it clear that the Council will only require the provision of the northern-most bridge between the Tesco site and the Abbey Retail Park if these two sites are developed together as part of one comprehensive scheme or two separate but linked schemes. The Council's proposed change **Ess. 11** will address this discrepancy.
- 2.25 In addition Policy BTC10 at present does not refer to the requirement for transport assessments to be carried out to demonstrate the need for the additional pedestrian linkages. Nor is there mention of the importance of assessing the impacts of the proposed bridges on the management of the River Roding tidal defences and the ecology of the river. The Council's proposed change **Ess. 12** will rectify these omissions.

Family Housing

- 2.26 Policy CC1 (Family Housing) of the CS recognises that the general requirement for the provision of a minimum of 40% family housing on major housing developments will be dependent on the nature of the site and the surroundings. Within the policy it is also recognised that the 40% target may be hard to achieve on certain town centre sites but the BTCAAP will identify those sites where the 40% target is to be met. The policy goes on to state that on other sites within the town centre a lower target of 30% would be applicable.
- 2.27 The submitted BTCAAP identifies a number of sites where the 30% target is considered appropriate (BTCSSA1; London Road/North Street, BTCSSA2: Fresh Wharf Estate, BTCSSA4: King William Quarter, BTCSSA7: Abbey Retail Park, BTCSSA9: Cultural/Creative Industries Quarter, BTCSSA10: Vicarage Field and BTCSSA11: A13 Frontage around Gascoigne Road and King Edward Road).
- 2.28 In my view insufficient evidence has been put forward by the Council to justify the approach taken on these sites to the provision of family housing. The main factor that appears to have led to the 30% target on these sites is the anticipated high density and the likely large number of flats. To my mind other considerations, such as need, proximity to services, facilities and open space, the nature of the surroundings, and site development costs, could also have an impact on the amount of family housing that is justified.
- 2.29 I believe that CS Policy CC1 allows for the consideration of such factors and is sufficiently flexible to ensure that they are given appropriate weight in determining the amount of family housing on a particular site, having regard to the targets of 40% and 30%. Consequently I consider that percentage targets for family housing should be removed from the sites specified above and reliance

placed on CS Policy CC1 in determining the proportion of family housing on these sites.

- 2.30 The Council has accepted the need for these revisions and its proposed changes, **Ess.27, Ess.29, Ess.33, Ess.38, Ess.42, Ess.45 and Ess.47**, would resolve this issue.

Tall buildings (Policy BTC17) / Key Views (Policy BTC19) / Site Specific Allocations (Chapter 7)

- 2.31 I consider that there are a number of problems relating to the treatment of tall buildings and key views within the submitted BTCAAP that throws into doubt the soundness of this part of the DPD. In summary they are:
- Lack of clarity as to the overall strategy and vision for the location of tall buildings in the town centre.
 - The failure to refer to the key views within, and of, the Conservation Areas identified within the Abbey and Barking Town Centre Conservation Appraisal and the Abbey Road Riverside Conservation Appraisal.
 - The departure, without appropriate justification, from the advice in the CABE/English Heritage 'Guidance on Tall Buildings' (2007) as to the definition of tall buildings.
 - The absence of sufficient detail relating to the location and scale of tall buildings on particular sites.
 - Incomplete list of considerations to be taken into account in assessing proposed tall buildings on sites, including the lack of a reference to the evaluation criteria set out in the CABE/English Heritage 'Guidance on Tall Buildings' (2007).
- 2.32 The Council accepted that because of these shortcomings substantial changes were required to the BTCAAP, in particular to Policy BTC17, Policy BTC19 and to various site specific allocations in Chapter 7. As a result the Council produced the 'Schedule of Post-Hearing Changes to the Barking Town Centre Area Action Plan: Tall Buildings' and an 'Addendum' to this document. These were made available for public comment for a four-week period in June/July 2010. Subsequent to this and in response to the representations received the Council drew up the document 'Schedule of Proposed Changes to reflect the Post-Hearing Consultation on the Barking Town Centre Area Action Plan: Tall Buildings.'
- 2.33 I believe that the incorporation of the Council's proposed changes as set out in this Schedule and Addendum, and amended by the further changes in the 'Schedule of Proposed Changes to reflect the Post-Hearing Consultation on the Barking Town Centre Area Action Plan: Tall Buildings' satisfactorily address my concerns as regards

tall buildings and key views and are essential to make the plan sound. Consequently I recommend the proposed changes set out in these documents for inclusion in the BTCAAP.

- 2.34 Concerns have been raised during the consultation period as regards the key views identified, and the guidance relating to the location of tall buildings on the Abbey Retail Park and on the Barking Station concourse. In my view there is adequate justification for these particular changes. The key views are taken from the Abbey and Barking Town Centre Conservation Appraisal and the Abbey Road Riverside Conservation Appraisal and consequently worthy of protection. The identification of the northern part of the Abbey Retail Park as being suitable for a tall building derives from one of the main elements of the plan's overall strategy and vision for the location of tall buildings in the town centre, namely the marking of the River Roding Gateways. A tall building on or immediately adjacent to the station concourse would not be acceptable as it would damage the setting of the listed station building.

Sustainable energy

- 2.35 Policy BTC22 (Sustainable Energy) of the submitted BTCAAP provides support for, and facilitates, the provision of underground pipes and other related infrastructure to implement the proposed district heating network as part of the London Thames Gateway Heat Network. It is evident that the submitted text needs updating to reflect recent developments. I also consider that in order to ensure soundness specific references to policies in the Borough Wide Development Policies DPD (BWDPDPD) need to be deleted as the examination of the BWDPDPD is not yet complete. Finally the reasoned justification as it relates to connection to the district network needs to be more flexible. Rather than insisting on connections to the network it should be made clear that the Council will work with developers to ensure that heating systems within developments are technically compatible with the wider community heating plans. The Council's proposed changes, **Ess.23 and Ess.24**, are designed to address these matters. Notwithstanding this I do not consider that the wording of Policy BTC22, as amended, rules out developers exploring and advancing other solutions that are designed to reduce the carbon emissions of new development.

Evidence base – specific sites

BTCSA1: London Road/North Street

- 2.36 Policy BTCSA1 of the submitted DPD provides detailed guidance on the redevelopment of the London Road/North Street site and includes a list of design requirements. However there is no mention in this list of the need to ensure that there are no unacceptable

impacts on bus operations or journey times. The Council intend to address this omission with its proposed change **Ess.26**.

BTCSSA3: Barking Station

- 2.37 Policy BTCSSA3, as amended by the changes recommended in my report, provides guidance on the redevelopment of sizeable areas of land around Barking Station and makes it clear that more detailed guidance will be provided in the Barking Station Interchange Masterplan SPD. In essence the DPD identifies the favoured uses on the site, indicative capacities and design requirements, whilst the SPD will refine this and provide details of the phasing, funding and implementation.
- 2.38 In my view this is a sensible approach to the redevelopment of the Station Quarter. I believe that it would not be helpful at this stage, given the need to pursue a comprehensive and unified approach to the area, to sub-divide the area into parts and make specific land allocations. Such an approach could well lead to piecemeal development and prejudice the implementation of comprehensive and worthwhile redevelopment. Notwithstanding this the approval of planning applications on specific sites within the Station Quarter may be acceptable provided the scheme would not negatively impact on the area or its comprehensive development.

BTCSSA7: The Abbey Retail Park

- 2.39 It is evident from the material presented by the Council that there will be a considerable increase in the number of primary school aged children living in Barking Town Centre over the plan period. In order to address this need the Council intends to provide a new primary school on the Gascoigne Estate and bring back into use the Westbury Centre as a primary school. However it is estimated that even with this additional provision there would still be a significant shortfall of primary school places in the town centre by 2024/25.
- 2.40 As a result the Council consider that an additional 2/3 form entry primary school will be required in the town centre. In order to address this need the Council's proposes that a new three-form entry primary school is located on the Abbey Retail Park as part of its redevelopment (Policy BTCSSA7).
- 2.41 On the basis of the evidence before me I accept that there is likely to be a need for additional primary school places within Barking Town Centre in addition to those that will be provided on the Gascoigne Estate and at the Westbury Centre. Clearly the Council has to plan for this and identify how this need can be met. However in my judgement the Council has not demonstrated in its submissions that a new primary school on the Abbey Retail Park is the only or best solution. In particular its study 'Provision of Additional Primary School Places within the Barking Town Centre

Area Action Plan Area: School Site Search' is open to criticism on several counts.

- 2.42 This study is based on the assumption that a site of at least 1.6 ha is necessary to accommodate the required school. However from other information provided there are several examples of the provision of schools in dense urban areas on smaller sites, where there is existing outdoor play space nearby. Although the Council has accepted this it has not re-visited the study which discounts sites of less than 1.6ha. Consequently there is a real possibility that not all possible sites, including Council owned land, have been identified and examined. I am also concerned that insufficient analysis has taken place as to the provision of additional places by way of extensions to existing schools. Although there are a number of primary schools in the local area, several have not been included in the study. Furthermore the reasons given for discounting certain schools have not been explained in any detail. As a result I believe further work needs to be done to demonstrate that no other suitable sites are available and that the only and best solution is the provision of a new school within the Abbey Retail Park re-development.
- 2.43 It is evident that a housing-led scheme on the Abbey Retail Park would not in itself generate a need for a new primary school on the site. As a result I do not consider that the Policy BTCSSA7 requirement for a primary school sits comfortably with Circular 05/05 advice which indicates that obligations should be fairly and reasonably related in scale and kind.
- 2.44 For these reasons I find that part of Policy BTCSSA7 which relates to the requirement for a new primary school to be unsound. I recommend, therefore, that proposed change **Ess.A** (i.e. the deletion of the proposed primary school), as set out in the attached **Schedule 3** is required to make the plan sound. **Ess.A** also includes consequential changes to Policies BTC1, BTC8 and BTC15 to remove reference to the allocation of the school at the Abbey Retail Park.
- 2.45 I recognise that further work may reaffirm the findings of the Council's original study and identify the Abbey Retail Park site as the only and best solution for the provision of a primary school. In such an instance it would be for the Council to secure the land at the Abbey Retail Park for educational use through negotiation or other appropriate channels.
- 2.46 Although the Tesco site is referred to a number of times in Policy BTCSSA7, and elsewhere in the plan, it is not identified on the Inset Proposals Map. The Council's proposed change **Ess.53** will rectify this.

BTCSSA10: Vicarage Field

- 2.47 Policy BTCSSA10 of the submitted DPD provides detailed guidance on the extension and improvement of the Vicarage Field shopping centre and includes a list of design requirements. However there is no mention in this list of the need to ensure that the scheme preserves or enhances the setting of the nearby listed St Margaret's Vicarage (Cosco House) or the Abbey and Barking Town Centre Conservation Area. The Council intend to address this omission with its proposed change **Ess.44**.

Town Quay

- 2.48 Although Policy BTC5 (Leisure Uses and the Evening Economy) refers to Town Quay it is not identified in the submitted DPD or on the Inset Proposals Map. The Council's proposed change **Ess.54** will ensure that the extent of the Town Quay is defined on the Inset Proposals Map.

Appropriateness

- 2.49 In drawing up the CS the Council considered various alternative strategies for locating development across the Borough. The solution selected by the Council, which I endorsed in my report on the CS, was that the development needs of the Borough should be met on previously developed land within the existing urban area of the Borough and on the Key Regeneration Areas, including Barking Town Centre. Consequently I find that the policies and proposals in the BTCAAP are consistent with the direction of the CS and appropriate in the circumstances.
- 2.50 Chapter 1 of the submitted BTCAAP, however, does not explain in detail how public consultation and sustainability appraisal has informed the formulation of the policies and proposals. Consequently at present there is a lack of justification as to the way that the BTCAAP has developed and the options selected. The Council has recognised this and its proposed change, **Ess.1**, clearly sets out the consultations and sustainability appraisal that have been carried out at various stages to inform the submission document.

Consistency with national and regional policy

Supplementary Planning Documents

- 2.51 PPS12 makes it clear that a planning authority may prepare Supplementary Planning Documents (SPD) to provide greater detail on the policies in its DPDs. In paragraph 2.9 of the submitted BTCAAP the Council explains its intention to prepare three SPDs of particular relevance to the Town Centre. The Community Benefits SPD is already explained and justified in Policy CC4 of the Core Strategy. However with regard to the two other SPDs, the Barking Station Interchange Masterplan SPD and the Barking Town Centre

Urban Design Guidance SPD, there is little explanation in the submitted BTCAAP as to their purpose or content. The Council's proposed change, **Ess.2**, rectifies this and makes it clear the role they will perform in guiding development within the town centre.

Site Allocations

2.52 In my CS report I found that the CS, when read in its entirety, provides a clear spatial vision and strategy for the LBBDD that is in accordance with national guidance and the London Plan. In particular the CS identifies the major housing and employment sites that need to be developed, together with the associated transport infrastructure and flood mitigation measures required, if the envisaged regeneration of this part of the Thames Gateway is to be achieved. The BTCAAP seeks to provide further detail on these matters. Consequently the sites identified for development in the BTCAAP are consistent with national and regional policy.

Flood Risk

2.53 Both Planning Policy Statement 25: Development and Flood Risk (PPS25) and the London Plan indicate that DPDs should include policies that specify the use of Sustainable Drainage Systems [SUDS] in dealing with surface water drainage. There are site allocations in the submitted BTCAAP where no mention is made of this requirement. Consequently this omission means that the BTCAAP is not in line with national and regional policy relating to surface water drainage.

2.54 In order to rectify this matter the Council has prepared proposed changes (**Ess.30, Ess.32 & Ess.40**) specifying that sustainable urban drainage techniques should be used to minimise surface water run off and improve water quality. The sites covered are BTCSSA3 – Barking Station, BTCSSA4 – King William Quarter and BTCSSA8 – Abbey Green. The incorporation of these proposed changes would address my concerns about the soundness of this part of the BTCAAP. I note the Environment Agency supports these changes.

2.55 PPS25 also makes it clear that in allocating land within Flood Zones 2 and 3 in DPDs there is a requirement for sequential testing to demonstrate that there are no reasonably available sites in the area with a lower probability of flooding that would be appropriate for the development. Although part of the evidence base for the submitted BTCAAP was the Council's Sequential and Exception Tests of the Barking Town Centre Area Action Plan the findings of this document were not reflected in the text as regards Policies BTCSSA6 – Gascoigne Estate, BTCSSA7 – Abbey Retail Park, BTCSSA9 – Cultural/Creative Industries Quarter and BTCSSA11 – A13 Frontage. The Council's proposed changes, **Ess.37, Ess.39, Ess.43 and Ess.48** rectify this by referring to the sequential testing that has been carried out and that each site meets parts a)

and b) of the Exceptions Test. These proposed changes require inclusion to ensure that the BTCAAP accords with national guidance. I note the Environment Agency supports these changes.

- 2.56 PPS25 specifies that a Flood Risk Assessment of a site must demonstrate that the development will be safe, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. In the submitted BTCAAP as regards Policies BTCSSA2 – Fresh Wharf Estate, BTCSSA6 – Gascoigne Estate and BTCSSA11 – A13 Frontage reference is made to 'not increase the risk' rather than 'reduce the risk.' The Council's proposed changes **Ess.28**, **Ess.36** and **Ess.46**, endeavour to address this point.

Car parking

- 2.57 At present there are in the order of 1,400 spaces in public car parks in the Town Centre, about 166 spaces fewer than existed in 2003. The Council, through Policy BTC12 (Off-Street Public Car Parking), is seeking to return to the 2003 level by providing a total of 1,600 spaces. This is on the basis of survey work that demonstrates that by 2024 there will be a peak demand for 1,586 spaces during the week and 1,300 on Saturdays.
- 2.58 I consider that the Council's approach to the provision of off-street public parking in Barking Town Centre is reasonable and well-founded. Its policy of restricting provision to that which existed in 2003, coupled with the emphasis on improvements to public transport inherent in the DPD, is well-balanced and in line with government and regional advice. In reaching this view I am particularly mindful that Planning Policy Statement 4: Planning for Sustainable Economic Growth (PPS4) indicates that there should be adequate levels of good quality secure parking in town centres to encourage investment and maintain their vitality and viability. In my opinion without an adequate level of provision in Barking Town Centre over the plan period shoppers may well choose to visit other nearby centres where public off-street parking is readily available.

Cycle parking

- 2.59 One of the purposes of Policy BTC11 (Cycling Facilities) is the provision of covered and secure bicycle parking facilities at Barking Station, in the Town Centre and as part of major new developments. However at present there is no reference in the submitted DPD to the standards that should guide such provision. Annex 4 of The London Plan makes it clear that Transport for London has adopted cycle parking standards for its own schemes and these should form the basis for standards in DPDs. The Council's proposed change, **Ess.13**, would ensure compliance with these standards.

River Roding

- 2.60 Policy BTC21 (Riverside Development and Informal Leisure) emphasises the value of the River Roding and its banks for informal leisure. However no mention is made of the need to involve the Port of London Authority, the statutory navigation authority south of the Mill Pond, in drawing up proposals or the importance of the conservancy of the river. These omissions are addressed in the Council's proposed change **Ess.22**.

Conclusion on Issue 2

- 2.61 I conclude, therefore, subject to the inclusion of the changes specified above the policies and proposals in the DPD are founded on a robust and credible evidence base, are the most appropriate in all the circumstances, and are consistent with national and regional policy.

Issue 3. Whether the BTCAAP is deliverable, flexible and capable of being monitored

Monitoring & Implementation

- 2.62 The BTCAAP is clear as to the organisations and bodies that will be involved in the implementation of the various policies and proposals. Furthermore it identifies key dependencies and likely timescales. However the monitoring framework in Schedule 1 to Chapter 8 only contains indicators against which policies are to be assessed and does not identify specific targets. Instead BTCAAP paragraph 8.11 specifies that targets for each of the indicators will be developed in the Council's Annual Monitoring Report (AMR).
- 2.63 Paragraph 4.47 of PPS12 makes it clear, however, that the role of the AMR is to monitor targets that have already been set out in the relevant DPD. Although it is accepted that the Annual Monitoring Report will be the vehicle by which progress is measured it is important to identify those indicators and targets that will be assessed within the BTCAAP. Furthermore as there is no reference to the plan's objectives it will also be difficult to gauge how effective the policies are in meeting these objectives and whether they should be revised.
- 2.64 The Council's proposed changes, **Ess.50 and Ess.51**, will remedy these deficiencies. These changes explain in detail the main indicators and targets that will be used to assess the delivery of the policies and proposals in the BTCAAP. Furthermore the objectives for each group of policies are included within the monitoring framework so that effectiveness can be measured.

Flexibility

Barking Code

- 2.65 Policy BTC18 (Public Realm) of the submitted BTCAAP indicates that within the Town Centre the materials and methods specified in the Council's Barking Code will be consistently used for public realm improvements. In my view the use of a carefully selected palette of materials, products and finishes in the town centre is likely to improve the quality of the public spaces and make for a pleasing and unified environment. However I recognise that there is a need for some flexibility as too rigid an application of such an approach may stifle innovative and novel approaches. The Council has accepted the need for some flexibility in the application of the Barking Code and this is reflected in its proposed change **Ess.19**.

Provision of open space and play areas

- 2.66 Policy BTC20 (Parks, open spaces, play areas and tree planting) of the submitted BTCAAP requires major housing developments to provide adequate open spaces and play areas to serve the needs of the new communities that are created. As written the policy could be interpreted as meaning that only on-site provision is acceptable. I do not believe, however, that on-site provision will be the only or the most appropriate solution in certain cases. For instance there may be opportunities for developers to contribute to the improvement of existing nearby spaces or indeed create new spaces off-site. Consequently there is a need to ensure that the policy is flexible enough to accommodate such eventualities. The Council has accepted the need for this and the inclusion of its proposed change, **Ess.21**, will address this concern.

Conclusion on Issue 3

- 2.67 I conclude, therefore, subject to the inclusion of the changes specified above the DPD is deliverable, flexible and capable of being monitored.

3 Endorsed Changes

- 3.1 The Council wishes to make a number of minor changes to the submitted BTCAAP in order to clarify, correct and update various parts of the text. Although these changes do not address key aspects of soundness, I endorse them on a general basis for inclusion in the BTCAAP in the interests of clarity and accuracy. These endorsed changes are shown in the attached **Schedule 4: Endorsed Changes**.

4 OVERALL CONCLUSION AND RECOMMENDATION

- 4.1 I have considered all the other points made in the representations and during the examination, including all of the changes suggested

by the Council and listed in their schedules of changes, and those put forward by others, but I find no justification for recommending any further essential changes to the Barking Town Centre Area Action Plan DPD other than those in **Schedules 1, 2 & 3** of this report.

- 4.2 I conclude that, with the essential changes I recommend in **Schedule 1 (Essential Changes - Proposed by the Council and Recommended by the Inspector), Schedule 2 (Essential Changes relating to tall buildings and key views - Proposed by the Council and Recommended by the Inspector), and Schedule 3 (Essential Change – Proposed and Recommended by the Inspector)**, the Barking and Dagenham Town Centre Area Action Plan Development Plan Document satisfies the requirements of s20(5) of the 2004 Act and is sound in terms of PPS12. For the avoidance of doubt, I also endorse the Council's proposed minor changes set out in Schedule 4: Minor Changes.

Christopher Anstey

Inspector

This report is accompanied by four separate Schedules referenced 1, 2, 3 and 4.