**Barking and Dagenham Council**  
**Development Control Board**  
**Date:** 6 February 2017

<table>
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<tr>
<th>Application No.</th>
<th>16/00131/OUT</th>
<th>Ward: Thames</th>
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<tbody>
<tr>
<td><strong>Reason for Referral to DCB as set out in Part 2, Chapter 9 of the Council Constitution</strong></td>
<td>The application is a strategic development which is of a scale and importance that should be determined at DCB.</td>
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<td><strong>Address:</strong></td>
<td>Barking Riverside, Renwick Road, Barking</td>
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<tr>
<td><strong>Development:</strong></td>
<td>Application for variation of all conditions following grant of planning permission 08/00887/FUL for the redevelopment of the site known as Barking Riverside.</td>
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<td><strong>Applicant:</strong></td>
<td>Barking Riverside Ltd (BRL)</td>
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**Summary**

This report asks members to agree two revisions to the outline permission they granted for Barking Riverside (ref 16/00131/OUT) on 27 July 2016.

The first is to amend the draft Section 106 Heads of Terms to introduce more flexibility to the delivery of the A13 (Renwick Road) scheme in the light of current progress with the replacement of the Lodge Avenue flyover and the A13 Riverside Tunnel and in the interests of ensuring an optimal scheme is delivered which meets the Council’s objectives.

The second is to allow for the revised Outline Planning Permission to be issued subject to the completion of the new Section 106 agreement and for the Deed of Variation to updated thereafter.

This is because the existing Section 106 legal agreement contains many obligations which apply to Stage 1 only but it also contains obligations which have been updated in the new Section 106 legal agreement and therefore it is necessary to remove these to avoid duplication. This is not a straightforward task and is likely to take several months.

This would enable work on the revised Outline Planning Permission to proceed (e.g. this will allow Barking Riverside Limited to submit the District Centre sub framework plan and the Site Wide Infrastructure Plan in March 2017 to the Council) whilst the Deed of Variation is worked on in parallel.

**Recommendation**

That the Development Control Board agree to change the permission it granted for 16/00131/OUT as follows:

- Update the Draft Section 106 Heads of Terms as set out in Appendix 1 to the report to 27 July 2016 Development Control Board to introduce more flexibility to the delivery of the A13 (Renwick Road) Scheme as follows:

  No more than 2500 homes to be occupied before payment of the A13
scheme contribution and 4000 before scheme open to the public. If at 2500 homes TfL confirm it cannot fund and undertake the works so that the scheme is open to the public by 4000 homes than in accordance with the evidence submitted by TfL a new limit of occupations will be agreed along with any necessary interim measures to enable the continued occupation of homes in accordance with the submitted phasing scheme and land disposal programme.

- Remove the requirement to grant permission for subject to the completion of a Deed of Variation to the existing legal agreement.

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<tr>
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<th>Title: Acting Head of Regeneration and Planning (Planning)</th>
<th>Contact Details: Tel: 020 82273929 E-mail: <a href="mailto:daniel.pope@lbld.gov.uk">daniel.pope@lbld.gov.uk</a></th>
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1. Introduction

1.1 Planning permission was granted in August 2007 for outline planning permission for Barking Riverside (ref 08/00887/FUL). On 27 July 2016 Development Control Board (DCB) agreed changes to this outline permission (16/00131/OUT). This was necessary to take account of the fact that the original scheme was designed around the DLR extension not the London Overground extension. A new Section 106 agreement is being prepared to secure the Heads of Terms set out in Appendix 1 to the DCB report which was agreed on 27 July. It is expected this will be complete in February 2017.

1.2 This report updates the committee on two issues which have arisen since 27 July and which require changes to the decision that was made by DCB.

- Update the Heads of Terms set out in Appendix 1 to the report to 27 July Development Control Board to introduce more flexibility to the delivery of the A13 Renwick Road Scheme
- Remove the requirement to grant permission subject to the completion of a Deed of Variation to the existing legal agreement

2. The A13 (Renwick Road) scheme

2.1 The draft Section 106 Heads of Terms in the report to 27 July DCB included the obligation that no more than 2500 homes to be occupied before payment of A13 (Renwick Road) scheme contribution and 4000 before scheme open to the public. It also set out that the A13 (Renwick Road) scheme must:

- Be compatible with removal of the Renwick Road flyover
- Not prejudice the Riverside Tunnel
- Provide sufficient capacity to deal with the traffic generated by 10,800 homes but achieve the mode share set out in the Transport Strategy and S106
• Provide a north south link across the A13 to allow the proposed EL4 bus route and pedestrians and cyclists to get across the A13 and connect Barking Riverside with the rest of the Borough north of the A13

2.2 The delivery of the A13 (Renwick Road) scheme is complex. Improvements to the Renwick Road/A13 junction are necessary before 4000 homes are built to provide sufficient capacity to deal with the extra demand from these new homes. They are also necessary to provide a north south bus link across the A13 as set out in the Barking Riverside Bus Strategy.

2.3 However, DCB also agreed that the design of the A13 (Renwick Road) scheme must be compatible with the removal of the Renwick Road flyover and the potential A13 Riverside Tunnel.

2.4 The Council has been working in partnership with Transport for London on plans for the A13 Riverside Tunnel. This culminated in Transport for London submitting an outline business plan to the Treasury in February 2016.

2.5 In response to the Treasury’s positive feedback Transport for London has done more work on the detailed business case for the tunnel and the Council has been working to secure developer interest in this project.

2.6 The A13 is managed by Transport for London through a Design Build Finance Operate contract. This runs to 2030 and has delivered a number of improvements to the A13 since its inception including the Movers Lane underpass and the elevated A13 east of the Goresbrook Junction. The last improvement to be made under this contract is the like for like replacement of the Lodge Avenue flyover which RMS is contractually obliged to deliver by 2025.

2.7 The Council is concerned that the like for like replacement of the Lodge Avenue flyover is not compatible with the A13 Riverside Tunnel and also not the best solution for addressing this pinch point and improving traffic flow in this location particularly out of London. Therefore, the Council’s preferred option is for the flyover to be removed not replaced.

2.8 Since the decision on the flyover is inextricably linked with the Riverside Tunnel, Transport for London has agreed with RMS to delay the decision on the future of the Renwick Road flyover until summer 2017 by which time the deliverability of the tunnel will be clearer.

2.9 Until the future of the Renwick Road flyover and the A13 tunnel is clear it is not possible for Transport for London to settle on a preferred option for the A13 (Renwick Road) scheme. Therefore, Transport for London at this moment in time cannot provide sufficient confidence to BRL and the Council that the scheme will be open to the public before 4000 homes are occupied.

2.10 In response to this uncertainty officers recommend that some flexibility is built in to the S106 so it does not act as a brake on the delivery of new homes at Barking Riverside and gives Transport for London sufficient time to implement an optimal scheme which meets the objectives agreed by DCB on 27 July. Therefore, officers recommended a revised Heads of Terms for the A13 scheme as follows:
Existing wording agreed by 27 July DCB

- BRL to pay £5.4m contribution to A13 scheme, balance to be funded by TfL; and TfL to commit to its delivery

- No more than 2500 homes to be occupied before payment of the A13 scheme contribution and 4000 before scheme open to the public.

Recommended revised wording

- BRL to pay £5.4m contribution to A13 scheme, balance to be funded by TfL; and TfL to commit to its delivery

- No more than 2500 homes to be occupied before payment of the A13 scheme contribution and 4000 before scheme open to the public. If at 2500 homes TfL confirm it cannot fund and undertake the works so that the scheme is open to the public by 4000 homes than in accordance with the evidence submitted by TfL a new limit of occupations will be agreed along with any necessary interim measures to enable the continued occupation of homes in accordance with the submitted phasing scheme and land disposal programme.

2.15 The deed of variation to the existing Barking Riverside outline planning permission

2.16 The decision of 27 July 2016 DCB to grant permission was subject to:

- No direction from the Mayor of London
- The completion of a Deed of Variation to the existing legal agreement
- A new Section 106 legal agreement to secure the heads of terms outlined in the report
- Payment of the Local Planning Authority’s professional and legal fees associated with completion of the Deed of Variation and new Legal S106 agreement; and
- And the conditions set out in the report with any amendments that might be necessary up to the issue of the decision notice

2.17 No direction was received from the Mayor of London and as already outlined good progress has been made on the Section 106 which, subject to DCB agreeing the recommendation to revise the A13 (Renwick Road) obligation, should be complete in February. This means that the only impediment to issuing the decision for Barking Riverside will be the completion of a Deed of Variation to the existing Section 106 legal agreement for the existing outline planning permission.

2.18 There is therefore a need to separate the resolution of 27 July 2016 to allow for the revised Outline Planning Permission to be issued subject to the completion of the new legal Section 106 agreement and for the Deed of Variation to updated thereafter.

2.19 This is because the existing Section 106 legal agreement contains many obligations which apply to Stage 1 only but it also contains obligations which have been updated in the new Section 106 legal agreement and therefore it is necessary to remove
these to avoid duplication. This is not a straightforward task and is likely to take several months.

2.20 In addition, there is merit in "de-coupling" the existing Section 106 legal agreement from the new Section 106 legal agreement as the existing Section 106 legal agreement will be varied by a deed of variation that will only relate to what has been built already and the new Section 106 legal agreement will apply to the rest of the land. The work on the revised Outline Planning Permission can therefore proceed (e.g. this will allow Barking Riverside Limited to submit the District Centre sub framework plan and the Site Wide Infrastructure Plan in March 2017 to the Council) whilst the Deed of Variation is worked on in parallel.

2.21 Therefore, to avoid delay in issuing the decision for the revised Outline Planning Permission officers recommend that permission is not subject to a Deed of Variation to the existing legal agreement but rather that this is completed separately.