

CABINET

25 January 2011

REPORT OF THE CABINET MEMBER FOR REGENERATION

Title: Local Development Framework – Adoption of Barking Town Centre Area Action Plan Development Plan Document	For Decision
<p>Summary:</p> <p>The Barking Town Centre Area Action Plan (the AAP) Development Plan Document (DPD) is focused on delivering the Local Development Framework Core Strategy which the Assembly adopted on 21 July 2010. The purpose of the Barking Town Centre AAP is to resolve the land use implications of the Core Strategy within the action plan area and provide town centre specific policies in line with the strategic policies set out in the Core Strategy.</p> <p>Following a successful examination in public and, prior to this, three stages of consultation, the Barking Town Centre Area Action Plan has been finalised and is ready to be adopted by the Council.</p> <p>The Barking Town Centre Area Action Plan has been circulated to all Members under separate cover.</p> <p>Wards Affected: Abbey</p>	
<p>Recommendation(s)</p> <p>The Cabinet is asked to recommend to the Assembly the adoption of the Barking and Dagenham Local Development Framework Barking Town Centre Area Action Plan Development Plan Document.</p>	
<p>Reason(s)</p> <p>To help deliver all the Community Plan priorities for Barking Town Centre.</p>	
<p>Comments of the Chief Financial Officer</p> <p>This report asks the Cabinet to note the various changes made to the Barking Town Centre Area Action Plan following the consultation and inspection process, and to approve its final adoption.</p> <p>In terms of its content, the Plan is site-specific to Barking Town Centre, but is consistent with the borough's approved overarching Core Strategy. Some of the proposals in the Plan specify increased standards and conditions for new developments, for example in respect of sustainable design. These new standards, as well as any additional capital costs associated with meeting them, would need to be met by all future developers and Housing Associations (as well the Council, where applicable). This may potentially have future implications around the cost of Council developments (such as schools), Section 106 receipts, and land values</p>	

where the Council wants to dispose of its own land or property.

In terms of the direct / imminent costs of adopting the Plan, there will be minor incidental costs associated with printing and advertising, which will be funded by existing Regeneration and Economic Development budgets.

Comments of the Legal Partner

The Local Development Framework (LDF) regime was introduced by the Planning and Compulsory Purchase Act 2004 (the "2004 Act"). It replaces the Unitary Development Plan (UDP). The process is set out in secondary legislation, namely the Town and Country Planning (Local Development) (England) Regulations 2004. The Regulations were amended in June 2008 by the Town and Country Planning (Local Development) (England) (amendment) Regulations 2008

The Local Authorities (Functions and Responsibilities) (Amendment) (No 2) (England) Regulations 2004 states that adoption of LDF documents is not a Cabinet function, so the resolution to adopt LDF documents under section 23 of the Act must be made by the Assembly.

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1. Background

1.1 The Barking Town Centre Area Action Plan has been through three stages of consultation: issues and options; preferred options and pre-submission.

- Issues and Options. The Cabinet approved the Barking Town Centre Area Action Plan Issues and Options document 12 June 2007 and consultation was undertaken on it during July and August 2007. The feedback received informed the development of the Preferred Options Report.
- Preferred Options. The Cabinet approved the Barking Town Centre Area Action Plan Preferred Options report 20 May 2008 and consultation was undertaken on it during July and August 2008. The document was revised to address the feedback received.
- Pre-Submission. The Cabinet and Assembly approved the Pre-Submission Barking Town Centre Area Action Plan on 19 May 2009 and 16 September 2009 respectively for a six week consultation and for submission to the Secretary of State.

1.2 Following this consultation, a hearing was conducted by an independent Inspector to determine whether or not the Barking Town Centre AAP was “sound” and “legally compliant”. The Inspector issued his report on 29 September 2010 confirming the Barking Town Centre AAP meets this criteria subject to a number of changes being made to the document. The majority of the changes are minor in nature, however, a few significant changes are required and summarised below. Officers consider that with one exception, which is detailed below, these changes strengthen the Barking Town Centre Area Action Plan.

- Removal of reference to Core Strategy Policy CC1: Affordable Housing. This 50% target was found to be unjustified in the Examination of the Core Strategy in 2009. As such, there was a need to remove the reference to the target in the BTCAAP.
- Inclusion of text to reflect the need to safeguard land for the implementation of the East London Transit Line (ELT) and the Barking to Royal Docks Bus Corridor, thus bringing it into line with the Core Strategy.
- Clarification that developer contributions should take account of viability. This amendment brings the Barking Town Centre AAP in line with the Core Strategy.
- Specifying a need to consider the impact of new bridges on the management of the River Roding tidal defences and the ecology of the River.
- Removal of the identification of AAP sites which are considered potentially suitable to provide a reduced percentage of family homes (30%, not 40%). This is to be determined through the Core Strategy on a site by site basis which makes clear that on major housing developments between 30 % to 40% of new homes in Barking Town Centre should be family sized.
- Improving and strengthening the tall buildings and heritage and conservation policies bringing them in line with advice given in the CABE/ English Heritage ‘Guidance on Tall Buildings’ (2007). In addition, the Plan now contains greater detail on the appropriate location and scale of tall buildings on particular sites. It also refers 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.

1.3 The Inspector has recommended the removal of references within the Plan to the Abbey Retail Park as a required location for the provision of a new three form primary school. Whilst the Inspector accepted that the supporting evidence to the Barking Town Centre AAP had established a need for an additional primary school, he found that it had not been demonstrated that the Abbey Retail Park was the only available location in the town centre. The Inspector’s Report advises the need for further, more comprehensive, evidence-based research to corroborate the Council’s earlier findings that the only and best solution is the provision of a new school within the Abbey Retail Park redevelopment. The Inspector’s Report accepts a need for a new primary school on the Gascoigne Estate and that there was a requirement to bring back into use the Westbury Centre as a primary school.

2. Proposal

- 2.1 The Cabinet is being asked to support the Barking Town Centre Area Action Plan (as amended following the examination in public which took place in May 2010 and in accordance with the Inspector's Report received by the Council on 29 September 2010) and to recommend its adoption to the Assembly.

3. Financial Issues

- 3.1 The minor costs of adopting the Barking Town Centre AAP (BTCAAP) will be met from within the existing Regeneration and Economic Development Division budget.
- 3.2 The site allocations in the BTCAAP determine what potential uses will be allowed on development sites and will, therefore, have financial implications for land owners and prospective developers. In addition, the policies set out criteria for the allocated sites which are consistent with policies approved in the Council's adopted Core Strategy. These will also have financial implications for landowners and developers.

4. Legal Issues

- 4.1 The Planning and Compulsory Purchase Act 2004 (the 'Act') required the Council to replace its Unitary Development Plan (UDP) with a Local Development Framework (LDF).
- 4.2 The Local Authorities (Functions and Responsibilities) (Amendment) (No 2) (England) Regulations 2004 states that adoption of LDF documents is not a Cabinet function, so the resolution to adopt BTCAAP is a key LDF Development Plan document must be carried out by the Assembly.

5. Other Implications

Further implications of adopting the BTCAAP are set out below.

Staffing Issues

- 5.1 The adoption of the BTCAAP will incur no additional burden to Council staff. Indeed, the Plan is a key tool in assisting Development Management Officers when considering planning applications in the Town Centre.

Customer Impact

- 5.2 In line with the Council's adopted Statement of Community Involvement (June 2007) the BTCAAP has been through three key stages of consultation; the Issues and Options consultation between July – August 2007, the Preferred Options between June and August 2008 and the Pre-Submission consultation between June and July 2009. The Council consulted the following groups, the Faith Forum, Forum for the Elderly, Lesbian, Gay, Bisexual and Transgender Forum, Refugee Forum, Tenants Federation, the Barking and Dagenham Youth Forum, the Equality and Disability Forum, Age Concern, the Citizens Panel and the Abbey and Gascoigne Ward neighbourhood management meetings. A Breakfast Briefing for local businesses was also organised jointly with the Chamber of Commerce in July 2008. .

- 5.3 Full details of consultees, those who responded, comments raised, and how comments made are reflected in the document, are set out in a Consultation Statement which is publicly available on the Council's website. This statement was reported to Councillors when the Cabinet agreed the pre-submission version of the Barking Town Centre Area Action Plan DPD on 19 May 2009. In finding the BTCAAP legally compliant the Inspector judged that the Council met its legal requirement to comply with the arrangements set out in its Statement of Community Involvement (June 2007).
- 5.4 In preparing the BTCAAP officers have needed to have a thorough understanding of the current and forecast population profile of the borough and this was established in preparing the baseline for the Sustainability Appraisal for the AAP, together with the baseline for the Sustainability Appraisal for its parent document the Core Strategy.
- 5.5 Officers are confident that having undertaken comprehensive consultation and undertaken a thorough Sustainability Appraisal that the BTCAAP policies can help deliver the spatial requirements of the Core Strategy whilst also responding to the needs of the borough's current and future residents.

Safeguarding Children

- 5.6 A key task in the preparation of the BTC AAP is the consideration of land use requirements up to the year 2025, including the social infrastructure requirements to support the anticipated increase in housing and population growth. In terms of school provision the BTCAAP makes provision for a new primary school on the Gascoigne Estate and sets out the requirement for the Westbury Centre to be brought back into use as a primary school. In addition, there is a need for an additional primary school in the Plan area. As detailed under Section 2 of this report, officers will conduct further work to confirm which site is the most suitable location for the provision of a new primary school in Barking Town Centre.

Health Issues

- 5.7 The identification of land use requirements for health facilities, up to the year 2025, has emerged through close working with NHS Barking and Dagenham and with regard to the Barking and Dagenham Joint Strategic Needs Assessment. There are no allocations for new health facilities in the Plan area.

Crime and Disorder Issues

- 5.8 Section 17 of the Crime and Disorder Act 1998 places a responsibility on councils to consider the crime and disorder implications of any proposals. The BTCAAP reflects policies and approaches aimed at contributing towards reducing crime and the fear of crime. The impact of all policies in relation to contributing towards reducing crime and the fear of crime has been appraised as part of the Sustainability Appraisal process.

Property / Asset Issues

- 5.9 All development proposals will need to be in line with the BTCAAP and, therefore, the Plan will have an impact on the future use of the Council's Property and Assets where the need for planning permission is involved. In general, the BTCAAP and the Core Strategy set higher standards for new developments compared to the previous Unitary Development Plan (1995). This will therefore impact on the cost of new development.

6. Options appraisal

- 6.1 The Council could choose not to adopt the Barking Town Centre AAP DPD. However, the Cabinet previously approved the AAP on 19 May 2009, and Officers consider that the changes made during the examination as summarised in the report strengthen it.

7. Background Papers Used in the Preparation of the Report:

- Planning and Compulsory Purchase Act 2004
- The Town and Country Planning (Local Development) (England) Regulations 2004.
- Cabinet Report, 12 June 2007, Local Development Framework: Approval for Consultation of the Issues and Options Report of the Barking Town Centre Area Action Plan (Minute 15 – 12/06/07)
- Cabinet Report, 20 May 2008, Local Development Framework: Approval for Consultation of the Preferred Options Report of the Barking Town Centre Area Action Plan (Minute 3 – 20/05/08)
- Cabinet Report, 19 May 2009, Local Development Framework – Submission of the Barking Town Centre Area Action Plan Document (Minute 3 – 19/05/09)
- Pre-submission Barking Town Centre Area Action Plan DPD, LBBD, June 2009
- Inspector's Report on the Barking Town Centre Area Action Plan DPD, Planning Inspectorate, September 2010
- Sustainability Appraisal of the Core Strategy DPD, June 2008
- Sustainability Appraisal of the Barking Town Centre Area Action Plan DPD, June 2009

8. List of appendices:

Revised Barking Town Centre Area Action Plan Document – circulated under separate cover to all Councillors.