

Addendum Planning Committee Report

London Thames Gateway Development Corporation

Planning Application LTGDC-07-149-FUL Addendum Report

Report of the Director of Planning

1. Summary

- 1.1 This is an Officer's addendum to a report which considers an application by Kingsway International Christian Centre (KICC) and the London Development Agency (LDA) and is tabled as item number 3 for consideration by London Thames Gateway Development Corporation Committee Members. It seeks to correct inaccuracies found in the main report and to update Members regarding information / correspondence that has been received since that report was completed.

2. Correction of inaccuracies

- 2.1 Page 1; 5th bullet point; after D2 – there should be a close bracket ')'.
2.2 Pages 18 and 19 – Incorrect reference to circular 1/97, which has been superseded by circular 05/05 Planning Obligations and states that:

A planning obligation must be:

- (i) relevant to planning;
 - (ii) necessary to make the proposed development acceptable in planning terms;
 - (iii) directly related to the proposed development;
 - (iv) fairly and reasonably related in scale and kind to the proposed development; and
 - (v) reasonable in all other respects.
- 2.3 Page 34; Paragraph beginning, "The growth of KICC from having 300 to 1200...." – should say 12000 not 1200.
2.4 Page 56; paragraph 15.15; penultimate sentence – should say, "Parking in Abbey Road and CEME can not be guaranteed".

3. Further representations received

- 3.1 Letters of objection from both the local Liberal and Labour parties, endorsed by the Adamsgate Action Group. A copy of the letters is attached to this report at Appendix 1.
- 3.2 Thirty-six letters of objection from local businesses, received on 7th February 2008, with a covering letter from The Adamsgate Action Group. Thirty-four of those letters used pro forma text. A copy of one of the pro forma letters is attached to this addendum at Appendix 2. The reasons for their objections and extracts from their letters are summarised as follows:
- Major concerns regarding the impact of traffic on the Beam Reach estate – (Rainham Scaffolding Co. Ltd.);
 - “Having moved from another site in Rainham, we sought excellent access, good road conditions and above all somewhere which enabled us to stay local. We have extreme concerns for our business and our employees who travel to our site each day, we are genuinely shocked at the scale of the proposal and the negative impact it will create within the local community which by all accounts will not benefit at all in the form of job creation” – (Rainham Scaffolding Co. Ltd.);
 - “I employ local people who have to travel to sites throughout Essex and London not only to work but also to deliver goods. I have built up a very good business based not only on the standard of our work but also on a reliable service getting goods and workmen to sites on time. If planning permission is granted I would have no choice but to look to relocate outside the area and also to employ people whose travel would not be affected” – (Bowmite Services Limited);
- 3.3 Letter dated 7 February 2008 from the Head of Planning Decisions at the GLA enclosing a revised report to the Chief Executive of the GLA and setting out his conclusions. This is attached at Appendix 3.
- 3.4 Comments of the applicants on the officers’ report to this Committee. These are attached with officers’ comments highlighted at Appendix 4.
- 3.5 A revised set of Heads of Terms being an offer of planning obligations by the applicant to be secured by an agreement under S106 of the Town and Country Planning Act 1990 should Members decide to grant planning permission pursuant to the application before them. This is attached at Appendix 5. Discussions on these Heads of Terms were conducted ‘without prejudice’ to any decision that the Committee might make on the application.

GLA Report

- 3.6. The report to the Chief Executive revisited the areas of site-selection and transport. In relation to site-selection the Chief Executive is now satisfied that from a strategic perspective there are no other sites that would meet the Church's special requirements. He considers this to be a material consideration in the determination of this application.
- 3.7. The letter and its enclosure report progress in relation to a draft Transport Management Plan to be secured by a s106 agreement and conditions proposed for the A13/Marsh Way junction. It is reported that concerns remain in relation to formal bus stands on Abbey Road, the need for traffic orders to secure them and management of parking in the vicinity of the site.
- 3.8 Other comments and the comments of TfL are reported.
- 3.9 The letter records the view of the Chief Executive as reported in Officers' report to this committee, namely that the London Plan fully supports the provision of new community facilities and social infrastructure to help ensure that the spatial needs of London's diverse population can be properly met through planning, thereby helping counter discrimination and disadvantage. The proposal could help to meet these needs and provide a range of employment opportunities in an area of relatively high unemployment.
- 3.10 The conclusions of the Chief Executive refer to the London Plan. Members' attention is drawn to the Report of Officers which points out that other policy documents do not accord with the London Plan policy - indeed there are inconsistent policies within the London Plan. Officers consider that the site-specific policies are to be supported over the policy to which the Chief Executive refers. Furthermore that provision of "a range of employment opportunities" as represented by the proposal is not sufficient as to justify permission.

Offer of Agreement Pursuant to s106 Town and Country Planning Act 1990

- 3.11 The applicants have proposed the following elements. Officers comments in relation to some elements are set out below in addition to the proposals:
- A contribution of £150,000 to upgrade bus route 174 so as to serve the site on Sundays as well as other unspecified contributions to public transport. *Whilst it is noted that this contribution would be made, additional information about further offers would be required. Members should more weight to the contribution to bus route 174 which is intended to operate as partial mitigation for the transport impacts of the proposal.*
 - A £5,000 contribution for clearways on bus stops on Marsh Way.

- A travel plan. *Officers are concerned that certain elements of the travel plan may not be practicable and enforceable in practice. Legal advice has been received that elements of the travel plan governing on-site parking provision for high occupancy vehicles and parking restriction enforcement off-site would be difficult to enforce even if operable in practice. Essentially, the Corporation would be being asked to take the Applicants at their word. This is not normally sufficient. Whilst the principle and aspirations of the travel plan are welcomed, absent details of its operation as a planning obligation these elements can only be given little weight.*
- Shuttle Bus Service. *The shuttle bus service would be necessary and would have to be secured by this means. However, before this could be given full weight, solutions would be needed to the issues of set down areas in Barking and lay-over areas.*
- Temporary Auditorium/Phasing. *The applicant has proposed a means of implementing the development so that a temporary facility could be established on site then replaced with the permanent buildings. this is broadly acceptable in the view of officers.*
- Community Liaison Officer. *A community liaison officer is proposed who will be employed for at least five years (after which the planning obligation would cease).*
- Local policing infrastructure. *The principle of a contribution is agreed. The police have suggested a contribution based upon an overall requirement in this area of £4.4M. Officers consider that a 5% contribution - £220,000 - is reasonable and proportionate having regard to the scale of the proposal and the nature of the use. This amount is under discussion.*
- Public use of facilities. *The Applicant would be prepared to offer public access to the Gym, Crèche and meeting rooms on site, agreeing a proposal for charges with the Corporation. This obligation is designed to secure the community benefits referred to in the principal Officers report. Officers refer to their views on the subject in that document.*
- Restrictions on External Events. *It is proposed that the number and frequency of external events would be limited as well as the number of attendees.*
- Contributions to footways and cycleways. *The Applicants and the Corporation are discussing the amount of such a contribution.*
- Controlled Parking Measures.
- Local Commitment Scheme
- New Station Contribution. *The applicant has offered a contribution of a sum to be agreed.*
- Renewables strategy.

3.12 The Applicants solicitor has commented that it had provided heads of terms during 2007. Officers and legal advisors provided comments in meetings on this subject. At the time of writing the main Officers' Report on this application *revised* heads of terms were awaited. It will be noted that notwithstanding that the subject matter of a s106 Agreement has been identified, its terms, the amounts of some contributions and the enforceability remain to be determined.

Date: 13 February 2008

Appendix 1: Letters from Local Liberal and Labour Parties

Appendix 2: Example of pro forma letter of objection from businesses

Appendix 3: Revised GLA Stage One report and covering letter

Appendix 4: Comments from applicants on officers' Committee report and officers' responses

Appendix 5: Proposed Heads of Terms for S106