



Minutes

London Thames Gateway Development Corporation

Planning Committee Meeting

Thursday 11 June 2009, 6pm

Old Town Hall Stratford, 29 The Broadway, Stratford, E15 4BQ

Present: Dru Vesty (Vice Chair)
Alan Clark
Cllr Mick McCarthy
Sylvie Pierce
Richard Turner

In Attendance: John Allen (Director of Planning)
Peter Minoletti (Planning Development Manager)
Adele Williamson (Planning Development Officer)
Amanda Reid (Planning Development Officer)
Amanda Peck (Planning Development Officer)
Angela Flanagan (Committee Clerk)
Nigel Hewitson (Norton Rose)
Steve Peirson (Consultant to LTGDC) – Item 3

1. Apologies, Announcements and Declarations of Interest

- 1.1 Apologies were received from Conor McAuley. In Councillor McAuley's absence Dru Vesty took the chair for the meeting.
- 1.2 There were no declarations of interest.

2. Minutes of Planning Committee Meeting 14 May 2009

LTGDC/09/PC23

- 2.1 The Committee **AGREED** the minutes of the Planning Committee Meeting of 14 May 2009. There were no matters arising.

3. Lee Tunnel & Beckton STW, Jenkins Lane, East Ham

LTGDC/09/PC24

- 3.1 Mr David Percival spoke against the application. He said there was an international, European, national and London-wide demand for a reduction in CO² emissions. He proposed that separate storm systems (rather than

the current combined foul and storm water system) should be used instead of the proposed transfer tunnel by Thames Water, as this would mean there would be less pumping and CO² emissions and the flooding of buildings would stop. He said Thames Water's proposal was a big expansion and would be expensive. He added that he thought that the Environmental Impact Assessment carried out by Thames Water had not met statutory requirements.

- 3.2 Andrew Gosling from Thames Water (the applicant) spoke in favour of the application. He referred Members to Thames Water's detailed response to the Corporation which had been included in the Officer's report and said this answered Mr Percival's points. He added that the proposal suggested by Mr Percival would be costly and would take many years to implement causing considerable traffic disruption and was therefore not practical. Also the planning application submitted is for new infrastructure to deal with a specific local problem namely the overflow from Abbey Mills and would also provide capacity for future population growth.
- 3.3 Sylvie Pierce asked Mr Gosling to explain exactly what is proposed and also respond to Mr Percival's comment that the Environmental Impact Assessment had not met statutory requirements. Mr Gosling explained that the proposed waste water storage and transfer tunnel is needed to deal with the overflow from the Abbey Mills Pumping Station. The transfer tunnel would take the overflow to Beckton Sewage Treatment Works to be treated and, once treated, discharged into the Thames. He added that he considered that the Environmental Statement submitted was complete and had considered the options.
- 3.4 Mick McCarthy asked what measures Thames Water are taking to resolve the odour issue at Beckton. Mr Gosling responded that Thames Water take this issue seriously and are investing money to improve the existing infrastructure, as well as introducing a programme to reduce the odour by 40% by the end of the year. He added that they will also be looking to reduce it by another 5% after that with the current application.
- 3.5 Mick McCarthy asked if total elimination of the odour was possible. Mr Gosling replied "no", that he did not think there would ever be total elimination.
- 3.6 John Allen introduced the report and tabled an addendum report. Thames Water Utilities Limited had applied for planning permission for three full applications (one to each of LTGDC, Newham LBC and the Olympic Delivery Authority for the elements of the scheme within each Authority's jurisdiction) which together provide for the construction of a waste water storage and transfer tunnel (known as the Lee Tunnel) between Abbey Mills Pumping Station and Beckton Sewage Treatment Works (STW) and the construction of an extension to the Beckton STW. The bulk of the proposals fell to LTGDC to decide. Newham LBC had already agreed the Newham and ODA applications at their meeting on 3rd June 2009 subject to conditions and S106 terms as set out in the LTGDC officer report.

- 3.7 John Allen reminded Members that they can only consider the proposed planning application currently before them and not the different proposal suggested by Mr Percival. He added that the Corporation was satisfied with the Environmental Statement submitted by Thames Water. He advised that comments had been received from the London Borough of Barking and Dagenham and these were generally supportive, although concern was expressed about odour issues. He explained that the application arose from a decision taken by Government in March 2007 to support the Thames Tideway project as a solution to the problem of the discharge of raw stormwater sewage in to the River Thames and the River Lea. He referred to European Law which requires improved standards for the treatment of waste water. He also referred to Thames Water's submitted business plan for 2010-15 which included a request to OFWAT for the power to raise funding for odour amelioration works at the existing sewage treatment works to improve the odour impact locally.
- 3.8 Steve Peirson, Consultant to LTGDC on odour impacts, explained briefly that he has been involved with the London Borough of Newham previously looking at the odour issue at Beckton STW. He reported that he had been commissioned by LTGDC and the London Borough of Newham to look at Thames Water's odour assessment. He advised that the extension will result in a slight improvement to the odour impacts of the Sewage Treatment Works and that there would be no detriment to the environment. He said that previous odour problems at the STW were often caused by the incidents arising from breakdowns or inadequate maintenance of equipment e.g. the incinerator breaking down. He thought the planning conditions relating to odour were rigorous, would help prevent such incidents in future, and to be commended. He added that the odour assessments suggested that Barking Riverside would not be exposed to more odour than other areas. The odour impact for Barking Riverside will be between 1½ and 3 odour units per cubic metre, and therefore significantly lower than in some other areas which may be exposed to levels of between 10 – 15 odour units.
- 3.9 Richard Turner asked to what extent a condition can achieve a reduction in the odour and how confident was Steve Peirson that the smell would reduce. Steve Peirson answered that he thought the conditions would produce a greater improvement than the odour assessment suggests. He said that even if the odour impact could be reduced by half this reduction would not necessarily be perceived as "half as smelly", although the smell should occur less often. He added that if Thames Water's bid to OFWAT for funding to cover some or all of the existing primary settlement tanks is successful then there would be a substantial improvement.
- 3.10 Richard Turner queried what the Planning Committee and the Corporation can do to impress upon OFWAT the need for funding for odour improvements. John Allen advised that the Corporation is continuously pursuing all avenues to ensure their full support for any plans to reduce odour is relayed to OFWAT.

- 3.11 Sylvie Pierce indicated her support for the OFWAT bid, and asked to what extent the Corporation can ensure the management regime ensures failures do not happen. She also asked if the Corporation can ask Thames Water to hold a public forum at a future date so that residents can raise any concerns. Nigel Hewitson advised that the odour issue is mainly controlled via planning conditions as these are more susceptible to enforcement. The odour conditions seek to ensure that Thames Water's Environmental Impact Assessment's (EIA) predicted odour levels are achieved by requiring the mitigation measures stated in the EIA to be necessary are actually provided and maintained. The conditions require an initial Odour Management Plan (OMP) to be approved by the Local Planning Authority. Attached to the Odour Management Plan will be a number of individual protocols on individual aspects of odour control and process control. The OMP could be amended in the future, but any changes to the protocols will need to be approved in writing by the Local Planning Authority (LPA). The development cannot be brought into operation until the OMP and the Protocols are agreed with the LPAs. The conditions ensure good management and reduction in odour. He added that the legal position is that the LPAs are entitled to ensure that there is no worsening of the current situation but could not require significant improvement of the odour environment and therefore cannot require the covering of the existing primary settlement tanks. The new lamella tanks to be provided as part of the development will be covered. John Allen also added that Thames Water would be asked to consider holding a public forum.
- 3.12 Mick McCarthy queried the legal position for maintenance and odour failures. Nigel Hewitson advised that the protocols cover maintenance issues. As an example he cited the protocol covering sludge depth. The depth of sludge in a tank has an impact on frequency of breakdowns. The sludge depth protocol, by limiting the depth of sludge that can be stored in any open primary settlement tank should ensure breakdowns of scrapers are less frequent and also addressed quicker than they have been in the past.
- 3.13 Alan Clark expressed concern about the possible weakness of a S106 Agreement for the various pathways around the site to be opened for use by the public. He referred to the London Borough of Newham's S106 Agreement from 1993 with Thames Water to open pathways and these have never been opened. Sylvie Pierce asked if the pathways and environmental issues could be conditioned. Nigel Hewitson advised that it was less a case of the S106 agreement being weak, and more a case that, for whatever reason, the London Borough of Newham had not enforced their S106 Agreement and therefore the pathways had remained closed. He was confident that the S106 agreement to be entered into would be enforceable. There is a priority to ensure the footpaths are opened, though this would initially be short term as they will need to close during the construction works to ensure the public's safety and also as access is required for barges to take away the tunnel arisings.

- 3.14 Adele Williamson referred Members' to Section 12.2 – S106 Agreement Heads of Terms – in her report, specifically items 1 to 7 which relate to the Landscape and Ecology Masterplan and the various proposed pathways around the Beckton STW site. She also advised that while the wording of the S106 has not yet been finalised it is suggested that interested organisations, such as Design for London, the Environment Agency and Natural England, be consulted during the preparation of the final Landscape and Ecology Masterplan and that Thames Water consider any representations received.
- 3.15 Alan Clark asked if a condition could be imposed limiting the timescales for the closure of the pathways during the construction works. Nigel Hewitson advised that the timescale was dealt with in broad terms in the Heads of Terms but if the Committee's wish was that the paths should be opened at the earliest possible moment, he would take that as an instruction to seek to secure that in the coming negotiations on the detail of the agreement with TWUL. He added that the applicants were present and had clearly heard the Committee's wishes on that point.
- 3.16 Sylvie Pierce had concerns about the impact of the new development on the listed buildings at Abbey Mills. She also thought it important that the local community receive some benefits and asked if there would be any environmental/community enhancements. John Allen responded that English Heritage had been consulted on the impact to the listed buildings and were satisfied. He also assured the Committee that the opening of the pathways would be pursued through the S106 Agreement. Nigel Hewitson added that the main works at Abbey Mills would not be visible from the listed Pumping Station A.
- 3.17 The Committee, by unanimous vote, **AGREED** that the application be delegated to the Director of Planning to approve subject to:
- 1) any direction from the Mayor of London, and
 - 2) any direction from the Government Office for London (GOL), and
 - 3) the conditions listed in Section 15 of the report LTGDC/09/PC24 (with any amendment that might be necessary up to the issue of the decision), and
 - 4) the completion of a S106 Agreement as detailed in Section 12 of report.

4. **Barking Riverside, Barking Reach, Renwick Road, Barking**

LTGDC/09/PC25

- 4.1 Peter Minoletti introduced the report relating to the following four applications –

- Application 1 Strategic infrastructure – Details have been provided for condition 17 (riverside and wetland buffer zone) and condition 35 (strategic infrastructure and servicing) for the entire site.
 - Application 2 General conditions – Details have been provided for condition 28 and 40 (affordable housing strategy) for the entire site; 36 (code of construction management) for stages 1 and 2 only; and 42 (local employment strategy) for the entire site.
 - Application 3 Sub framework plans – Conditions 33 and 34 allow for sub framework plans to be submitted for the four spatial stages of the development and set out the matters to be addressed in these. Details have been provided for stages 1 and 2.
 - Application 4 Reserved matters – Conditions 44 and 45 set out the reserved matters details to be addressed. Details have been provided for stages 1 and 2.
- 4.2 An addendum report was tabled at the meeting, which provided details of an amendment to an informative as well as a new informative for Application 3 as requested by Transport for London.
- 4.3 Mick McCarthy asked if the applications had gone to the London Borough of Barking and Dagenham's Development Control meeting. Peter Minoletti advised they were due to consider the applications on 15th June 2009.
- 4.4 Sylvie Pierce questioned what arrangements were planned for the management and maintenance of the development. Peter Minoletti replied that the applicant would manage and maintain the site initially until such time as a management facility (The Community Development Trust) could be funded. It was anticipated that funding would come via the service charges.
- 4.5 Sylvie Pierce asked about the ecology of the riverside. Peter Minoletti answered that the riverside is safeguarded and the potential flooding problem is being dealt with by the applicant, Barking Riverside Ltd.
- 4.6 Richard Turner queried if the DLR Extension was essential for the success of the site. Peter Minoletti advised that there are continuing discussions on the DLR extension and assured the Committee that the London Borough of Barking and Dagenham, the local MP and the Corporation's Chief Executive were all strongly lobbying for the DLR extension. He added that if the DLR extension does not go ahead then the number of homes on the site could not exceed 4,000.
- 4.7 Sylvie Pierce referred to the plans and drawings that had been provided with the report. Peter Minoletti responded that the pictures were for illustrative purposes only and were indicative of what the site is expected to look like once completed. He added that final materials were still to be provided.
- 4.8 Dru Vesty raised a query concerning the car parking provision. She noted that one space per dwelling had been allocated but she was concerned

that some families may have two cars and if the DLR extension did not go ahead, how would the potential overflow of cars be handled. Peter Minoletti advised that in the early stages prior to the DLR extension going ahead then land is allocated for extra car parking spaces.

4.9 The Committee, by unanimous vote, **AGREED** to give delegated authority to the Director of Planning to approve, add or delete conditions to Applications 1, 2, 3 and 4, taking account of:

- 1) comments made at the LBB Development Control Board on 15th June 2009 in response to the LBB Planning Officer report;
- 2) additional detailed comments from statutory consultees (in particular TfL and the Environment Agency) in response to ongoing discussions with the applicant and add or vary conditions as necessary; and
- 3) consultee comments received as a result of the additional regulation 19 information received and advertised in the local press.

5. **Canning Town Roundabout, Barking Road, Canning Town**

LTGDC/09/PC26

- 5.1 Mr Kemp, a resident of Rathbone Street, spoke against the application. He feared that Rathbone Street would turn into a slip road for heavy traffic coming off the A13 and was concerned that this would adversely affect residents. He said that residents would not be able to park on their street and that those with off street parking, would have to reverse out onto what would become a main road. He added that he had lived in Rathbone Street for many years and it has been a quiet street, but if it were turned into a slip road it was likely there would be safety issues for local children who play on the street and health implications for those with asthma due to the increase in emissions from the delivery lorries and other heavy duty vans which would use the road.
- 5.2 Mr John Couch spoke on behalf of the applicant, the London Borough of Newham, in favour of the application. He acknowledged that sometimes a scheme such as the Canning Town Roundabout can have adverse aspects. However, though Rathbone Street would have an increased traffic flow, this would be from local traffic and not from the A13. He added that the London Borough of Newham has no intention of stopping residents' off street parking facilities, only to change the street from a cul-de-sac to a through route.
- 5.3 Richard Turner asked Mr Couch if he could indicate what the current traffic flow is on Rathbone Street and what it is expected to increase to should the scheme be approved. Mr Couch replied that at the moment it is 100 vehicles per hour max and it is anticipated this could increase to approximately 300 vehicles per hour.

- 5.4 Richard Turner also asked what types of vehicles are anticipated to use Rathbone Street. Mr Couch replied that it would be a mix but it is anticipated that 8-10% would be commercial vehicles.
- 5.5 Peter Minoletti introduced the report relating to an application by the London Borough of Newham for full planning permission for the construction of a traffic signalised junction to replace the existing roundabout beneath the A13 Flyover at Canning Town, together with associated works on nearby roads to provide replacement access to and from the A13.
- 5.6 Peter Minoletti advised Members' that the principle of removing the roundabout was to improve the movement of pedestrians and cyclists in the area and the setting for the Town Centre proposal. He referred to Mr Kemp's comment about large delivery vehicles using Rathbone Street and indicated that for the Town Centre proposals it may well be possible to agree dedicated routes for their deliveries with retailers to ensure Rathbone Street is not used to a great extent.
- 5.7 Alan Clark referred to the last sentence on page 8 of the report – cladding to the flyover, as indicated in some of the artists' pictures, will not be permitted because it will interfere with accessibility to the structure. Peter Minoletti advised that the drawings presented to Committee were only indicative and any details finally agreed would not prejudice accessibility.
- 5.8 Sylvie Pierce was concerned that there was no proposed landscaping for the development. Peter Minoletti replied that there is limited potential for soft landscaping and much would be high quality hard landscaping.
- 5.9 Dru Vesty mentioned the potential new development on the west side of Rathbone Street and asked whether there was any potential there to ensure improved landscape to help counteract the impact on residents. Peter Minoletti indicated that the other sites were still in the early stages but it was a valid point and would be examined.
- 5.10 The Committee requested that landscape improvements be examined thoroughly for all future developments in Canning Town.
- 5.11 The Committee, by unanimous vote, **AGREED** to grant delegated authority to the Director of Planning to grant planning permission subject to the draft conditions and informatives as set out in Section 12 of the report (LTGDC/09/PC26), together with any amendments or additions that he considers necessary.

6. **2 Broadway Chambers, Broadway, Stratford**

LTGDC/09/PC27

- 6.1 Mr John Shimmen, of Westfield, and Mr Simon Slatford, of RPS Planning, spoke against the application on behalf of their client, Stratford City Developments Limited. Their client had concerns that the proposed development could prejudice the redevelopment of the adjacent land,

formerly part of the Stratford Island Site. There was also concern about the height and density of the proposed development as well as the lack of affordable housing and amenity space. They added that the London Borough of Newham had recommended refusal of the application

- 6.2 Sylvie Pierce asked about their concern for affordable housing and amenity space. Mr Shimmen answered that they were concerned that the level of proposed housing was low and that the Stratford City development has a higher level of affordable housing. Mr Slatford added that they felt that there was a shortfall of public open space and that they considered the development did not accord with local policies.
- 6.3 Ms Lorraine Hughes spoke in favour of the application on behalf of the applicant, GVA Grimley. She said that the towers would be a bookend to the High Street, and that the London Borough of Newham does not now oppose the development. She added that their design approach has been rigorous and has the support of CABE and Newham's Design Review Panel. She added that the public realm has also been well designed.
- 6.4 Peter Minoletti acknowledged that Stratford Island was a site which needed more thought as nothing had been resolved via the emerging masterplan/AAPs. He added that whilst London Borough of Newham had objected to the low percentage of affordable housing for the development, they were now supportive of the overall design and scale of the development including amenity space. Their objections referred to by Mr Slatford were to an earlier design.
- 6.5 Peter Minoletti introduced the tabled addendum report which as well as detailing further representations received, was also recommending that the application be deferred pending further negotiations for the provision of affordable housing and the Corporation's Planning Obligations Community Benefit Strategy. He added that the Corporation and the applicant/developer were in discussions to resolve the issues and there had been an acceptance that whilst the affordable housing element might need to be increased, this will have to be considered against any S106 strategy contributions. If formal confirmation has been received in time it is hoped the application would be at July's Planning Committee Meeting.
- 6.6 Sylvie Pierce asked if the quality of the display materials provided could be of a better quality. Peter Minoletti responded that a full presentation, including a model, will be provided when the application next comes before the Planning Committee.
- 6.7 Richard Turner asked if more information could be provided on the logistics of construction and how this will be managed. He also asked about the servicing plan. Peter Minoletti answered that there is a large servicing yard on site which will continue to exist.
- 6.8 Dru Vesty suggested that servicing plans be displayed when the application next comes to the Planning committee meeting.

- 6.9 The Committee, by unanimous vote, **AGREED** to DEFER the planning application to enable negotiations to continue with the applicant.

The meeting concluded at 7.23pm.

Date of next meeting:

Thursday 9 July 2009, 6pm

Old Town Hall Stratford, 29 The Broadway, Stratford E15 4BQ

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