



Minutes

London Thames Gateway Development Corporation

Planning Committee Meeting

Thursday 9 July 2009, 6pm

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

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

In Attendance: John Allen (Director of Planning)
Peter Minoletti (Planning Development Manager)
Adele Williamson (Planning Development Officer)
Amanda Reid (Planning Development Officer)
Angela Flanagan (Committee Clerk)
Julian Plescia (Norton Rose)

1. Apologies, Announcements and Declarations of Interest

- 1.1 There were no apologies.
- 1.2 There were no declarations of interest.
- 1.3 It was agreed to move Item 6, Broadway Chambers, to Item 4 on the agenda.

2. Minutes of Planning Committee Meeting 11 June 2009

LTGDC/09/PC28

- 2.1 The Committee **AGREED** the minutes of the Planning Committee Meeting of 11 June 2009.
- 2.2 Sylvie Pierce referred to her request (paragraph 3.11) that the Corporation ask Thames Water to hold a public forum at a future date, and asked if the Corporation's Planning Officers' could follow this request up formally, perhaps by letter, and keep the Committee informed. John Allen replied

that Sylvie Pierce's request had been noted and that a letter would be sent to Thames Water.

3. Riverside Sewage Treatment Works, Ferry Lane North, Off Lamson Road, Rainham LTGDC/09/PC29

- 3.1 Peter Minoletti introduced the report. He advised Members that the application had been considered previously by the Committee in February 2009. The Committee had approved the application subject to any direction from the Mayor of London and the completion of a S106 Agreement. However, the Applicant, Thames Water Utilities Limited, has now requested that the odour conditions to be imposed on the Riverside STW application be reviewed in light of the Lee Tunnel and Beckton Sewage Treatment Works application that was approved by Members' at the Planning Committee meeting on 11 June 2009.
- 3.2 The Lee Tunnel and Beckton STW application proposed a set of odour conditions focussed around the submission and approval of an Odour Management Plan (OMP) and various agreed detailed protocols to ensure that odour emissions are controlled and in accordance with those projected in the Odour Impact Assessment submitted by the Applicant. The revised odour conditions for Riverside STW adopt a similar principle.
- 3.3 An addendum report was tabled at the meeting, which provided details of a suggested change to Condition 28, primary settlement tank sludge depth monitoring, as suggested by the Corporation's odour consultant, as well as a change to one of the Heads of Terms in the S106 Agreement.
- 3.4 The combination of changes to the conditions and the S106 Heads of Terms since the Committee on 12 February 2009 has resulted in the need for the application to be reconsidered.
- 3.5 Sylvie Pierce asked if the revised conditions would result in better odour management for the facility. Peter Minoletti replied that the proposal the Committee had approved in February was acceptable, but the revised conditions would result in improved odour management.
- 3.6 Sylvie Pierce referred to the Officer's February 2009 report (Appendix 1) which had indicated the GLA had been dissatisfied with the design of the buildings and asked if that issue had been resolved. She also asked if the Corporation could request that Thames Water hold a public forum meeting for local residents. Peter Minoletti confirmed that the GLA were now satisfied with the design of the buildings, and that the request for a public forum would be taken up with Thames Water.
- 3.7 Richard Turner questioned why Thames Water was revising the arrangements given that they had already been granted permission in February 2009. He sought assurance that the revised arrangement was as good as the previous one. Peter Minoletti advised that the same consultant had been retained to look at both the Beckton STW and the Riverside STW applications. Beckton STW is a larger facility and the

odour issue is therefore a bigger problem. It was considered that adopting a similar principle as Beckton STW would ensure that odour concerns at Riverside STW would be met as much as possible too.

- 3.8 Richard Turner sought assurance that the revised conditions would not be cause for concern for those that had objected to the original application. Peter Minoletti replied that the revised conditions are as good as before if not better and assured Members' that the Corporation's Consultant had reviewed all the conditions.
- 3.9 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) the full list of conditions as listed in section 7 of report LTGDC/09/PC29 with a further revised Condition 28 as set out in the addendum report (with any amendment that might be necessary up to the issue of the decision), and
 - 3) the completion of a S106 Agreement
 - a) To secure land for a potential future footpath open to the public along the eastern boundary of the site from 'Ferry Lane North', south through to the A13; and
 - b) To secure a contribution of £10,000 towards a local employment scheme such as Job Net or an equivalent; and
 - c) To ensure recruitment is sought through Job Net or a similar scheme; and
 - d) To ensure Thames Water keep their business case for the management and reduction of odour at Riverside STW under review; to require regular meetings between Thames Water and the authorities in order to discuss and consult with the authorities on odour performance at the STW (including any OMP/Protocol Audits, any complaints that have been received and Thames Water's response to those complaints) and the potential for further funding to be sought by Thames Water for the management and reduction of odour at the STW, including works to enable the Primary Settlement Tanks to operate with shallower depths of sludge; to require Thames Water to apply for such funding in its next business plan if funding can be sought in light of odour performance and Ofwat Guidelines and requirements; and to implement the works for which any such funding is secured.
 - e) Provisions for Thames Water Utilities Limited to pay for experts to approve the OMP and Protocols, and any amendments thereto initiated by them, and for an annual audit.

4. **2 Broadway Chambers, Broadway, Stratford (Item 6 on the agenda)**

LTGDC/09/PC32

- 4.1 Chris Bearman of Allies and Morrison, spoke on behalf of the Applicant, MCRP (No.1) LLP, in favour of the application. He highlighted some key issues of the proposal, including:
- the scheme linking the historic town centre and the Olympic zone;
 - the site being considered suitable for their scheme by CABE;
 - their aim to create an attractive and popular townscape, and;
 - their belief that their proposal was refined and elegant and would add to the success of the new emerging Stratford.
- 4.2 Sylvie Pierce asked if they had produced a detailed ground floor plan. She had concerns about how the building works/sits on the ground and how it would fit in with future development as at the moment it sat next to a slab block. Mr Bearman confirmed they did have a ground floor plan (which had been distributed to Members at the meeting) and responded that as part of their proposal they would create new public space which they hoped would evolve over time. He added that they had given a lot of thought and detail to the canopies and how the cafés would be able to spill out on to the public realm.
- 4.3 Conor McAuley noted that the Applicants' 10% affordable housing allocation was dependent on a public subsidy and asked what the Applicants' position would be if they did not receive the public subsidy. Mr Bearman referred to colleagues and answered that if they did not receive the grant then the scheme would need to be reviewed with the Corporation.
- 4.4 Peter Minoletti introduced the addendum report which updated Members' on the proposed provision of affordable housing and financial contributions in the context of the Corporation's Planning Obligations Community Benefit Strategy as well as additional information/correspondence received since the application was deferred by Members on 11 June 2009, including the representations received from the London Borough of Newham dated 11 June 2009. He added that the London Borough Newham was satisfied with the height and size of the development.
- 4.5 A Members' Update note was tabled at the meeting, which detailed further representations received by the Corporation from RPS on behalf of Stratford City Development Limited, including the Corporation's Officer's response.
- 4.6 Conor McAuley referred to the London Borough of Newham's 11 June letter to the Corporation which had indicated the Council's objection to the application on the basis of the unacceptable level of affordable housing and their recommendation that the Corporation refuse the application. Peter Minoletti responded that whilst the Corporation's policy is to aim to maximise affordable housing on development sites as much as possible, subject to the economic appraisal, it also has to balance between policy

documents and what is financially viable given the current financial climate. The development was also not conducive to family housing. Officers did not therefore consider that refusal of permission on those grounds would be justified.

- 4.7 Mick McCarthy expressed his concern about the low level of social housing and his expectation that there would be more provision on a development of this size. He added that there is a need for 1 and 2 bed flats as part of the affordable housing offer. Peter Minoletti explained that there is a possibility for sums to be secured via the section 106 agreement which could go towards affordable housing if realised sales values exceed those set out in the financial appraisal.
- 4.8 Sylvie Pierce was concerned that the scheme would not be financially viable given its dependency on a grant for the affordable housing provision. She asked for more information in relation to the 'clawback'. Peter Minoletti replied that there could be an option to capture funding towards an increased level of affordable housing if higher sales values trigger payments.
- 4.9 Richard Turner made the point that it is important to negotiate sales/value threshold and appreciated it was difficult in the current economic climate. John Allen responded that the proposal could be further considered by officers and presented to Members at next month's meeting, reiterating Peter Minoletti's point regarding the potential to 'clawback' monies for affordable housing.
- 4.10 Conor McAuley emphasised the fact that the S106 was also of concern in LB Newham's letter in addition to the issue of affordable housing. John Allen explained that there is scope for further negotiations to see if the overall offer could be improved.
- 4.11 Conor McAuley suggested that Members' should either refuse or defer to enable the Applicant to revise their offer.
- 4.12 Dru Vesty pointed out that if Members' were minded to refuse they would effectively be undermining the independent financial advice provided to the Corporation.
- 4.13 The Committee, by unanimous vote, **AGREED to DEFER** consideration of the application to enable discussion between LTGDC and the Applicant in respect of affordable housing and LTGDC's Planning Obligations Community Benefit Strategy. Members stated that they expect an increase in the percentage of affordable housing being offered.

5. Consultation Response: Use of Planning Obligations in the Funding of Crossrail (proposed London Plan alterations) (Item 4 on the agenda)

LTGDC/09/PC30

- 5.1 John Allen introduced the report which provided a suggested consultation response for the Corporation to the Mayor of London's formal review of the use of planning obligations in the funding of Crossrail, a twelve week public consultation exercise on his proposed alterations to the London and accompanying draft supplementary planning guidance (SPG).

5.2 The Committee **NOTED** the contents of the report and **AGREED** to the comments in the report forming the Corporation's formal response to the document.

6. Consultation Response: London Borough of Barking and Dagenham Consultation on their LDF Documents (*Item 5 on the agenda*)

LTGDC/09/PC31

6.1 John Allen introduced the report which provided a suggested response for the Corporation to the London Borough of Barking and Dagenham's (LBBB) three consultation documents – Site Specific Allocations, Barking Town Centre AAP and Barking Town Centre Urban Design Guidance SPD. He reminded Members that the Corporation has comment on earlier documents (details listed in Appendices 1, 2 & 3).

6.2 Dru Vesty referred to page 14 of the report (Issue 3: Edge of Town Retailing) which detailed the Corporation's previous comments on the AAP and noted that the LBBB had rejected the Corporation's suggestion that Option 1 was the best option for the Abbey Retail Park. John Allen responded that Officers were satisfied that the right position had now been reached.

6.3 Dru Vesty also referred to page 17 of the report (Issue 13: Affordable Housing) and asked why the Corporation were disagreeing with the LBBB's view. John Allen replied that this was an historic comment and related to the Issues and Options Consultation.

6.4 Dru Vesty asked if the level of affordable housing was known. John Allen indicated that the LBBB split between intermediate and affordable housing was specifically proposed to be different in the AAP area from elsewhere and the Corporation's Officers were content with that.

6.5 The Committee **NOTED** the contents of the report and **AGREED** to the comments in the report forming the Corporation's formal response to the document.

The meeting concluded at 6.41pm.

Date of next meeting:

Thursday 13 August 2009, 6pm

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