

Meeting: 10th December 2009
Agenda Item: 3
Report No: LTGDC/09/PC54



Addendum Planning Committee Report

London Thames Gateway Development Corporation

Planning Application LTGDC-09-081-FUL Addendum Report

Report of the Director of Planning

1. Summary

1.1 This addendum report updates Item 3 on the agenda, which considers an application by MCRP (No. 1) LLP. It covers:

- additional correspondence that has been received since the main officer report was published; and
- the proposed amendment of one of the conditions as drafted in the main officer report.

2. Further representations received

2.1 London Borough of Newham have provided a formal consultation response dated 3rd December 2009, which states that the application was considered together with an update by Newham's Development Control Committee on the 2nd December 2009. Newham object to the application on the basis of the unacceptable level of affordable housing and recommend that the LTGDC refuse to grant planning permission for the following reason:

The proposed development would provide an inadequate amount of affordable housing that fails to meet housing needs and achieve a mixed and balanced community, contrary to Policy S20 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27/09/2007 by direction from the Secretary of State), Policies 3A.9 and 3A.10 of the London Plan (February 2008: Consolidated with Alterations Since 2004) and the London Plan Housing SPG (Nov 2005).

2.2 A copy of Newham's representation is appended to this addendum at Appendix 1. Newham's officer report and officer update are available to view on Newham's web site.

2.3 LTGDC officers have considered Newham's representation. No new issues are raised in the letter that have not already been considered in LTGDC's assessment of the application. Officers maintain that planning permission should be granted for the reasons listed in the main officer report.

3. Proposed amendment of draft condition number 10

- 3.1 Officers and the Applicant agree that the provision of CCTV coverage on site can be dealt with by condition as opposed to a clause in the Section 106 agreement. It is therefore suggested that the words, 'and CCTV coverage', be included in draft condition number 10 to read as follows:

*No part of the development shall be occupied until full details of all proposed external lighting **and CCTV coverage** have been submitted to and approved in writing by the Local Planning Authority. Details shall include appearance and technical details and specifications, intensity, orientation and screening of lamps, siting, and the means of construction and layout of cabling. The approved scheme is to be completed prior to the first occupation of the development and shall be permanently maintained thereafter.*

Reasons: In the interest of design quality, residential amenity, public safety and highway safety and with regard to Policies EQ19, EQ30, EQ38 and EQ45 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policies 3A.3, 4B.1, 4B.2, 4B.10, 4B.11, 4B.12 and 4B.13 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

4. Officer Recommendation

- 4.1 The LTGDC officer recommendation remains unchanged (as set out at section 9.4 of the main officer report), with the exception of the minor amendment to draft condition 10 as detailed above.

CASE OFFICER: Amanda Reid for John Allen, Director of Planning

Appendix 1: Letter from London Borough of Newham dated 3rd December 2009



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London
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Clive Dutton

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Ref: 09/01612/LTGDC

Date: 03 December 2009

Dear Amanda,

RE: 09/01612/LTGDC
Site: 2 Broadway, Stratford, London, E15

This letter represents the Council's formal consultation response regarding the above mentioned application for planning permission.

The application was presented to the Council's Development Control Committee on the 2nd of December 2009. Please find attached the Council's Committee Report and Committee Update. The Development Control Committee endorsed the recommendation as detailed in the report.

In summary, the Council acknowledges that the proposed affordable housing/S106 offer has improved in relation to the previous application. We accept that based on current market conditions the scheme is unviable. However, the levels of affordable housing (on site and commuted sum) and S106 contribution proposed in this application remain low. We are concerned that the proposed development relies heavily on the proposed S106 overage clause to potentially deliver the levels of affordable housing and other S106 contributions necessary to meet policy expectations. This leads to uncertainty about the ability of the development to meet housing needs, to fully mitigate the impacts of this significant development and ultimately to be justified in relation to policy requirements.

The Council also questions the appropriateness of a design concept which excludes on-site social rented housing but also has a development cost which restricts the availability of funding towards reasonable delivery of off-site social rent housing. In this respect we are not confident that the development would deliver the maximum amount of affordable housing reasonable in relation to the quantum of development proposed and the potential of the site.

When making a decision regarding the application the LTGDC need to weigh up the relevant planning issues. Although the Council supports the design quality of the development and the aspiration for a high quality fit-out, we do not consider that the planning benefits of the development outweigh the significant shortcomings in relation of affordable housing policy expectations.

As a consequence of the above matters the Council objects to the application on the basis of the unacceptable level of affordable housing and recommends that the LTGDC should refuse planning permission for the reason set out below.

Reason for Refusal:

1. The proposed development would provide an inadequate amount of affordable housing that fails to meet housing needs and achieve a mixed and balanced community, contrary to Policy S20 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27/09/2007 by direction from the Secretary of State), Policies 3A.9 and 3A.10 of the London Plan (Feb 2008: Consolidated with Alterations Since 2004) and the London Plan Housing SPG (Nov 2005).

If, against the Council's recommendation, the LTGDC resolves to grant planning permission, the Council requests that the Borough Planning Officer be consulted by the LTGDC regarding the LTGDC's proposed conditions and full S106 Heads of Terms before a decision is issued.

In particular (in the event that planning permission is granted) the Council considers it important that additional contributions apportioned to off-site affordable housing received through the S106 overage clause should not be capped at the equivalent of a total affordable housing provision of 20% (or 65% of the 'Trigger 1' payment). Instead the cap should be to achieve a total affordable housing provision of 35% to reflect the Borough's housing needs. Please note that the inclusion of such a clause would not fully address the Council's in principle objection as set out in this letter.

The Council requests that the Members of the LTGDC Planning Committee are updated regarding the Council's representations, as set out in this letter and detailed in the Council's Committee Report and Committee Update

Yours sincerely,



Chris Gascoigne

Development Control
Interim Service Unit Manager – Major Sites

cc
Lorraine Hughes – GVA Grimley
David Watkinson – GLA