

Addendum Planning Committee Report

London Thames Gateway Development Corporation

Planning Application LTGDC-10-102-FUL Addendum Report

Report of the Director of Planning

1. Summary

- 1.1 This is an Officer's addendum to the report regarding an application by Spen Hill Developments Limited and is tabled as item number 4 for consideration by the Planning Committee Members. It seeks to update Members regarding matters relating to the application.

2. Representations

- 2.1 Environment Agency - LTGDC has not yet received representations from the Environment Agency. Officers would wish to consider any representation that the Agency make before finalising the list of draft conditions. The Agency was notified of the further information relating to the Ecology Chapter of the ES. The consultation period will expire on 22nd November 2010.
- 2.2 Should the Planning Committee resolve to grant planning permission, officers would not wish to issue a decision notice until any Environment Agency representations have been received and considered, the Mayor of London has considered the Stage II referral and the S106 has been completed.
- 2.3 If agreed by the Planning Committee, the officer recommendation at section 10.7 of the main officer report would allow the Director of Planning delegated authority to amend or add conditions he considers necessary. This would allow for any suggested conditions or informatives by the Agency to be included on any decision notice to grant planning permission that is issued by LTGDC.
- 2.4 London Riverside BID – The BID advised LB Havering (email dated 05 August 2010) that they are currently looking at various projects to improve the BID area, in particular a carriageway lighting scheme in Marsh Way, and a soil erosion scheme at the Fairview Industrial park. The Council was also asked whether, on the back of the Tesco planning application, monies could be provided via a S106 agreement to assist the BID to continue. Further, the BID wrote to LTGDC stating that Marsh Way is a borough road which, if there is an existing un metered electricity supply [yet unknown] would require a budget of £35k to provide a carriageway lighting

scheme. The BID asked that consideration be given to provide that scheme with funding from the proposed Tesco Regional Distribution Centre at Beam Reach 5.

- 2.5 In response to the BID's request for monies to assist it to continue, the LDA confirmed that the LDA and GLA are supporters of BIDs and continue to provide grant funding to a partnership board that assists with the establishment of BIDs. However, it is felt that BID Companies should be sustainable and not rely on further grant funding towards their renewal since, during their lifetime, they should generally have gained the support of their members to the extent needed to fund a renewal ballot, and should have planned for the cost of the ballot as part of their business plan. On this basis, we [LDA] would not support the suggestion from London Riverside BID.
- 2.6 In response to the request for consideration of funding towards a carriageway lighting scheme LTGDC officers visited Marsh Way at night. The part of Marsh Way that will be used by the Tesco development that extends between the A13 / Marsh Way junction, north to the A1306 is well lit. The part of Marsh Way extending south from the A13 / Marsh Way junction past CEME towards Creek Way is not lit. The CEME planning permission (P0096.01) included a condition which stated:

Off site highway improvements:

(a) Before commencement of the development a scheme showing off site highway work shall be submitted to and approved in writing by the Local Planning Authority. Such works to include provision for safe and convenient pedestrian and cycle travel in Marsh Way and lighting of the junction of Marsh Way and the main access to the site.

(b) No buildings of the development shall be occupied before the completion of the approved scheme of off site highway works.

Reason: In the interests of highway safety and to reduce reliance on the motor car for travel to the site.

- 2.7 The above condition has not been satisfied and LTGDC officers would not seek to impose a condition that transfers CEME's responsibility to Spen Hill Developments Ltd. In considering the tests contained in Circular 11/95 a condition like the one imposed on CEME is not considered necessary as it is not needed to justify the grant of this planning application. As a matter of policy, a condition ought not be imposed unless there is a definite need for it. The southern part of Marsh Way is unlikely to be used by any visitor to Beam Reach 5 and has no relevance to the planning application. Paragraph 20 of the Circular states that a condition must fairly and reasonably relate to the development to be permitted. Lighting of the southern part of Marsh Way is not considered to relate to the proposals.
- 2.8 In considering whether monies could be secured through S106 as suggested by the BID, LTGDC officers have considered the provisions of The Community Infrastructure Levy Regulations 2010 and Circular 05/05. The conclusion is that the lighting of the southern part of Marsh Way: (i) is not necessary to make the Tesco proposals acceptable in planning terms; (ii) does not directly relate to the

development and (iii) is not fairly and reasonably related in scale and kind to the development proposals. As such, whilst fully supporting the need for lighting of that carriageway, a request that the subject development provides for lighting to the southern part of Marsh Way is believed to be unreasonable.

- 2.9 London Borough of Havering - LTGDC received a letter from the London Borough of Havering dated 29th October 2010, not 20th as stated at section 5.14 of the main officer report.

3. Additional Condition

- 3.1 Although draft condition number 2 for both applications at sections 11.2 and 11.3 of the main officer report requires the development to be constructed in accordance with the Environmental Mitigation Masterplan and Detailed Landscape Design Sheets, officers wish to add a condition stating that any plants or trees that die or are removed, damaged or diseased within a period of FIVE years from the substantial completion of the development shall be replaced to the satisfaction of the Local Planning Authority in the next planting season with others of a similar size and species. This is to ensure a satisfactory environmental standard is provided in accordance with London Plan policies 3D.14 and 4B.1 and Havering policies DC59 and DC60.

4. LTGDC officer conclusion

- 3.1 LTGDC officers have carefully considered the points noted in this addendum and do not consider that it raises any new issues that affect the recommendation to grant planning permission as stated at sections 10.7 and 10.8 of the main officer report.

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

Date: 11 November 2010