
London Thames Gateway Development Corporation

EXTRAORDINARY Planning Committee Meeting

Wednesday, 30th March 2010, 6pm

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

Present: Sylvie Pierce (Chair)
Cllr Guy Nicholson
Malcolm Chumbley
Alan Clark
Neil Deely
Richard Turner

In Attendance: John Allen – Director of Planning
Amanda Reid – Planning Development Officer
Steve Oakes – Director of Development
Andrew Atkins – Senior Development Manager
Nigel Hewitson – Norton Rose
Teresa Willoughby – Committee Clerk

1. Apologies, Announcements and Declarations of Interest

1.1 Apologies were received from Cllr Conor McAuley, Dru Vesty, and Cllr Mick McCarthy. A report on Community Infrastructure Levy (CIL) Regulations in Relation to LTGDC Planning Obligations Community Benefits Strategy (POCBS) and Tariff was tabled at the meeting. An Addendum to the Part II of Report LTGDC/10/PC14 - Planning Application LTGDC-08-165-OUT (Commercially Sensitive) was also tabled at the meeting.

2. Rathbone Market, Barking Road, Canning Town *LTGDC/10/PC14*

2.1 Peter Minoletti introduced the report to the Committee and described the background. The Committee had previously resolved to grant conditional permission subject to an s106 agreement for a hybrid scheme for a high density residential-led development at Rathbone Market. The s106 was to accord with the provisions of the Corporation's Planning Obligations Community Benefit Strategy. The application was submitted by English Cities Fund (ECF).

- 2.2 Although negotiations have continued on finalising the s106, the changing economic climate and availability of grant monies has meant that the current offer is significantly different from what would normally be required under the strategy. Details of the proposal were outlined in Section 3 of the report with further financial details provided under part 2 and in the tabled addendum (both Commercially Sensitive).
- 2.3 The discounted standard charge and deferred standard charge have been the subject of detailed negotiations and rigorous financial and legal assessments. Steve Oakes, Director of Development for LTGDC and Andrew Atkins, Senior Development Manager were both present at the meeting to assist on the financial aspects of the scheme.
- 2.4 Members were asked to agree to the granting of planning permission subject to the revised terms of the s106 and amendments to certain conditions as set out at Appendix 2 of the report with the final agreement of the details of the s106 to be delegated to the Director of Planning.
- 2.5 The Chair asked the Committee if they had any questions regarding the report and the changes to the s106 agreement. Neil Deely asked if the final selection of materials for the facades could be reviewed by the Committee. Peter Minoletti responded that the details can be brought back to the Members. Amanda Reid noted that reserved matters also included landscaping and the details can be brought back to Committee if requested. Neil Deely added that given the level of public funding, there should be a high level of scrutiny for the project. Duncan Cumberland, on behalf of the applicants, was asked to comment on this and he noted that the Kick-start due-diligence would require detailed scrutiny of matters such as the type of materials. Peter Minoletti suggested CABE could be closely involved in commenting on the materials. As CABE are to be involved, members were happy for the details not to be brought back to Committee.
- 2.6 Richard Turner drew the Committee's attention to item 4.10 on page 7 with reference to negative economic growth and commented that the statement seemed excessively pessimistic now that we are experiencing growth in the housing sector of the economy and that we should be seen to be more positive.
- 2.7 The Chair asked how proceeding with the recommendation as drafted would benefit the developers. Duncan Cumberland responded that the applicants had spent considerable funds on the project already with considerable work in progress and the proposals as now before the Committee should allow Phase 1 of the development to proceed with the intention to proceed in a few years time to Phases 2 and 3.
- 2.8 Sylvie Pierce reminded members that due to the commercially sensitive information contained in Part 2 of the report, that this aspect would be discussed during a closed session.

- 2.9 The meeting was adjourned at 6:30pm to enable the Committee to discuss the commercially sensitive information. *[See separate confidential minute available to Committee Members and LTGDC Officers only.]*
- 2.10 The open meeting resumed at 6:40pm. The Chair proposed a resolution to amend the recommendation to include:
- Assurance that officers, when considering the details of the external appearance and landscaping of the proposals, would pay full regard to the need to ensure high quality design.
 - A requirement that the long stop date for final payment of outstanding contributions in accordance with the s106 legal agreement would be five years from commencement rather than seven years in respect of Phase I only.
 - Assurance that the normal priority for meeting s106 planning obligations would take precedence over any other charges on the development.
- 2.11 The Committee, by unanimous vote, **RESOLVED** to grant full planning permission in respect of Plot 1 only and Outline planning permission in respect of the whole site subject to the completion of a legal agreement under s106 of the Town and Country Planning Act 1990 (as amended) and to the amendments set out at 2.10 above and to delegate authority to the Director of Planning to grant planning permission subject to the conditions and informatives as appended to the officer report dated 30 March 2010, together with any amendments or additions that he considers necessary. It is noted that there is no requirement to consult the Mayor of London.

3. Community Infrastructure Levy (CIL) and Impact on POCBS Report *LTGDC/10/PC15 (tabled)*

- 3.1 Peter Minoletti introduced the report and gave the background to the Community Infrastructure Levy (CIL) which the government had been proposing for some time. This will likely replace the use of s106 agreements/tariffs to deliver infrastructure associated with large scale developments, although there are likely to be some residual section 106 requirements including obligations relating to affordable housing. The CIL Regulations come into effect on 6th April 2010, although it is not anticipated that boroughs will be able to charge CIL for at least a year and there will be a transition period for the phasing out of tariffs of up to four years. It was noted that future applications that come to Committee will need to have clear supporting information in order to pass the legal tests for planning obligations.
- 3.2 It was noted that existing resolutions to grant permission needed to be reviewed to ensure planning obligations satisfy the new statutory tests. Details of those schemes were outlined in Section 5 of the report. The advice of officers that each of the proposed planning obligations met the statutory tests was noted and that this meant that the planning obligations

could therefore be taken into account in deciding to grant planning permission. It was noted that on this basis it was proposed that permissions would be issued.

- 3.3 The Chair asked if the Committee had any questions about the levy. In response to a question, Nigel Hewitson commented that the regulations are only enabling so far as the promotion of CIL is concerned and that local authorities have to adopt them but that the changes in relation to the operation of planning obligations apply automatically. In response to Alan Clark, John Allen confirmed that the LTGDC is not a CIL charging authority as it has no plan-making powers, but had raised this issue during consultation on CIL.
- 3.4 The Committee **AGREED** the contents of the report and that they were content with officers' advice that the planning obligations described in existing resolutions to grant permission could be taken into account. The Committee **CONFIRMED** that the relevant planning permissions could be issued upon completion of the outstanding issues.

The meeting concluded at 7:00pm

Date of next meeting:

Proposed Date: 21 April 2010, 6pm (changed from 8 April due to proposed train strike)

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