

Planning Committee Report Update

London Thames Gateway Development Corporation

Planning Application LTGDC-08-053-FUL

Dovers Corner, Rainham, Essex

Report of the Director of Planning

1. Introduction

1.1 At the meeting of the Committee on the 11th June 2010, Members resolved to adopt a position in the Public Inquiry regarding the proposals by Weston Homes at Dovers Corner, Rainham. This position was that had the appeal against non-determination not been made by Weston Homes, the Corporation would have approved the application subject to conditions and a section 106 legal agreement. This update is intended to clarify to Members the decision making process with respect to the Community Infrastructure Levy Regulations which came into force on the 6th April 2010.

2 Implications under Regulations 122

2.1 In coming to their recommendation to Committee, officers were satisfied that community benefits under the proposed section 106 agreement meet the statutory tests prescribed in regulation 122 of the Community Infrastructure Levy Regulations 2010 in that they are:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

2.2 The report indicated that, in the particular circumstances of this case, the Community Benefit Planning Obligations Strategy monies would be spent on infrastructure projects in the vicinity of the development. A list of such projects (community benefits) is being drawn up and will be presented to the Inquiry to ensure that the tests under regulation 122 are met in terms of their relationship with the development. Members are requested to agree to delegate the preparation of the list to the Director of Planning.

Meeting: 08 July 2010
Agenda Item: 5
Report No: LTGDC/10/PC35

2.3 Members are also requested to confirm that in making their decision, they were satisfied that, on the above basis, that the statutory tests prescribed under regulation 122 were met enabling the payments for community benefits to be taken into account as a reason for granting planning permission, had the appeal not been lodged.

CASE OFFICER: Stephen Allen

Date: 30 June 2010