

PLANNING COMMITTEE MEETING: THURSDAY 13 MAY 2010

S106 PLANNING OBLIGATIONS MONITORING 2009/10

REPORT BY THE DIRECTOR OF PLANNING

1. Purpose of this Report

- 1.1. This report provides an annual update on all the Section 106 agreements (S106) that the Development Corporation has agreed and signed. It covers three main areas:
 - Details of all S106 agreements agreed and signed in the previous financial year (2009/010) (see Appendix 1)
 - Details of all the financial contributions negotiated to date including pooled funds for the Lower Lea Valley and London Riverside (see Appendix 2)
 - A summary table of the funds received by the Development Corporation pursuant to these agreements and an update on the allocation of these resources (see Appendix 3)
- 1.2 In summary, LTGDC has signed 14 S106 agreements this financial year and has negotiated more than £50m to date via the tariff for strategic infrastructure, in addition to £33m for other specific benefits and has received more than £4m in contributions.

2. Decision Required

That Planning Committee **NOTE** the contents of this report

3. Background

- 3.1. LTGDC Board approved the Planning Obligations Community Benefit Strategy (the Strategy) on 3rd March 2008. Part of the Strategy is to provide regular monitoring reports on the community benefits and financial contributions negotiated and received through the strategy. Quarterly reports outline all S106s agreed by Committee and signed in the previous quarter and the annual review provides a full financial summary. The last annual monitoring report on S106 agreements was presented to Planning Committee and Board in May 2009, at the end of the previous financial year.
- 3.2. A monitoring system has been set up through the Corporation's planning software, DC Gateway, to ensure that monies and in kind contributions due through s106 agreements are identified, received, spent, and that the Development Corporation fulfils the obligations it has entered into.
- 3.3. The Strategy was reviewed in autumn-winter 2009 and the results of this review and associated consultation are the subject of a separate report.
- 3.4. The Development Corporation has established Management Groups and Developer & Landowner Liaison Groups for the Lower Lea Valley (LLV) and London Riverside (LR). These groups assist in determining how any pooled

financial contributions are best utilised and how the Strategy should be reviewed.

- 3.5. Prior to the Strategy being adopted, the Development Corporation negotiated S106 contributions, both financial and in-kind works, relating to specific areas such as environmental improvements and transport works. The attached S106 reports therefore cover both the specific financial contributions assigned to certain projects as well as the pooled funds secured via the standard charge.

4. Details of S106 agreements agreed and signed in the previous financial year (2009/10)

- 4.1 The following tables summarize S106 agreements agreed and signed in the previous financial year 2009/10. For further details of the clauses contained within these agreements, please see the reports at Appendix 1.

4.2 Pending S106 agreements in 2009/10 (Resolution to grant permission)

Case No	Address	Description of Development	Committee Date
LTGDC-09-004-FUL	Devon Wharf, Leven Road, Tower Hamlets, London, E14 0LL	Redevelopment of site comprising the erection of a six and eleven storey building to provide 7 affordable B1 units and 68 residential units together with 12 car parking spaces, riverside walkway and public forecourt.	14/05/09
LTGDC-08-172-FUL	Veolia Rainham Landfill Site Coldharbour Lane, Rainham	Proposed re-contouring of landfill site through controlled landfill involving continuation of road-borne waste imports until 2018 (as well as river-borne imports, as previously approved) to achieve appropriate restoration scheme and associated visitor facilities.	10/09/09
LTGDC-09-044-FUL	Vicarage Field Shopping Centre Station Parade Barking Essex	mixed use scheme for 229 residential units (Class C3) ranging from 3 to 27 storeys in height, 1333 sq.m of shopping, financial and professional services, restaurants and cafes (Classes A1, A2 and A3),	10/12/09
LTGDC-09-067-FUL	Part Of Market Site East Street And London Road Barking Essex IG11 8AL	Erection of 6 storey plus plant Skills Centre building, comprising 3,711m2 (GIA) Educational and training floorspace (Use Class D1) with 507m2(GIA) of retail (A1) /restaurant and cafe (A3) use at ground floor level . Alterations and extensions to barking Methodist Church (D1) and the provision of 2bed residential unit	10/12/09
LTGDC-09-088-FUL	Garage 206 - 214 High Street Stratford London E15 2JA	Redevelopment of site for A1, A2, A3, A4, B1 and D2 (gymnasium use) total 1,596sqm, provision of 147 residential units in 26 storey building with basement car park.	11/02/10

LTGDC-09-100-FUL	Kwik Fit Euro Ltd 1 - 4 Park Lane Stratford London E15 2JG	Erection of a part 9, part 11 storey, 188 bedroom budget hotel with ground floor restaurant, 1 disabled parking space, 8 motorcycle parking spaces, 12 bicycle spaces and ancillary development.	11/02/10
LTGDC-08-16 5-OUT	Rathbone Market, Barking Road, Canning Town, East London E16	Outline planning permission for up to 60,600m2 comprising retail (A1, A2, A3, A4 and A5), offices (B1), residential (C3) and market, parking for residential and market traders and associated highway infrastructure, public realm works and provision of open space	30/03/10

4.3 Signed S106 agreements in 2009/10

Case No	Address	Description of Development	Committee Date	Date Signed
LTGDC 08-175-FUL	Barking Riverside Barking Reach Renwick Road Barking Essex	Section 73 application to vary conditions 4, 5, 8, 11, 17 and 38 attached to Outline Planning Permission granted on 7th August 2007 ref 04/01230 for Barking Riverside Development The approval effectively granted a new planning consent. As such the S106 agreement (from outline 04/01230) has been varied to ensure that it is binding on this new planning consent. The same S106 Legal Agreement has been rolled forward to this S73 planning approval.	14/05/09	10/06/09
LTGDC-09-021-FUL	Easter Park, Beam Reach 8A, Ferry Lane, Rainham	Removal of the condition 21 attached to planning permission dated 19th January 2009		06/07/09
LTGDC-08-16 0-FUL	Creative Industries Quarter, 62-96 Abbey Road, Barking, Essex	Mixed use development including 218 residential units, bridge over River Roding, creation of new public square, conversion of Granary building, retail, business premises, crèche, restaurant/café/bar, associated landscaping and parking. (CIQ - Cultural Industries Quarter)	14/05/09	15/09/09
LTGDC-08-060-FUL	Riverside Sewage Treatment Works, Ferry Lane North, Rainham, Essex	Blower house incorporating motor control centre building and transformer bay		24/09/09
LTGDC-08-120-FUL	60 Portree Street And Lanrick House, Lanrick Road, London	Clearance of site and erection of part 2-8 storey mixed use buildings to provide new commercial floorspace together with 64 new homes together with refurbishment of 60 Portree street	13/08/09	23/09/09

LTGDC-08-094-FUL	Riverside Sewage Treatment Works	New sewage sludge advanced digestion facility	09/07/09	30/10/09
LTGDC-06-154-PP	Chloride Automotive Batteries, Chequers Lane 'Ravensbourne'	Development of 8 no. units for Class B1(c) (light industrial), B2 (general industrial) and B8 (warehousing) use totalling 30,116 sqm (Thames Gateway Park Phase 3)	09/08/07	16/11/09
LTGDC-09-019-FUL	Site of 223-231 High Street, Stratford, London E15	Application for amendments to full planning approval reference 06/00634/LTGDC 173 residential units and 946m2 of commercial space (A1, A2, A3, B1, D1 & D2)	08/10/09	27/11/09
LTGDC-08-095-FUL	Beckton Sewage Treatment Works Abbey Mills Pumping Station	The Lee Tunnel & Beckton STW extension scheme	11/06/09	01/12/09
LTGDC-08-111-FUL	Beam Reach Business Park 5 Unit 7 Marsh Way Rainham	Extension to western side of existing building to accommodate new press automated stacking and loading equipment. Retrospective canopy to existing entrance and amended access off Consul Avenue		18/12/09
LTGDC-09-081-FUL	2 Broadway Chambers, Broadway, Stratford	Demolition of existing building and erection of two buildings of Ground plus 35 Storeys and Ground plus 10 Storeys for a Residential led mixed-use development comprising 342 Residential Units (Class C3) (And a contribution towards off-site Affordable Housing), 1,040 Square Meters of Commercial floor space (Class B1), 694.5 Square Meters of Retail floor space (Class A1-A4) and 124 Square Meters of Leisure floor space (Class D2)	10/12/09	23/12/09
LTGDC-08-170-FUL	Former site of the Lintons, Linton Road, Barking, Essex	Erection of part 4 / part 20 storey building comprising offices (4,856m2) (Class B1), cafe (Class A3), and 96 one and two bedroom flats (Class C3) together with a three storey building to provide six 4-bedroom terrace houses	12/03/09	20/01/10
LTGDC-09-058-FUL	Former site of the Lintons, Linton Road, Barking, Essex	Residential development comprising of 14 No. 4-bedroom houses and 17 No. 3-bedroom houses	12/11/09	03/02/10
LTGDC-07-147-FUL	Albert House 236 - 252 High Street	Erection of a part 17, part 7/8 storey building comprising 113 residential units (50% affordable), 1833m ² of commercial	10/01/08	18/03/10

	Stratford London E15 2SA	floorspace (A1, A2, A3 and B1) 24 basement car parking spaces and associated amenity areas, bin storage and cycle parking		
--	--------------------------------	--	--	--

5. S106 Agreements with Funds Received

5.1 The table at Appendix 3 provides a summary of the agreements where the Development Corporation is in receipt of S106 funds and the projects that are benefitting from the S106 funding.

5.2 In relation to pooled funds, an expenditure process has been established, whereby LTGDC officers review the projects outlined in the Public Sector Investment Plan (PSIP) and liaise with borough stakeholders to identify the proposed priority infrastructure projects that support the growth in the LLV/LR areas and that can be delivered over the next 3 years. Project allocation options are considered in relation to the evaluation framework (outlined below) and then discussed with LTGDC Executive, the LLV/LR Management Group and the Developer and Landowner Liaison Group, and the views of these forums are reported to the LTGDC Board for final approval of the decision. All S106 agreements state that tariff contributions should be spent in line with projects identified in the PSIP. In relation to determining priority projects for expenditure, a grading/evaluation framework has been established for assessing project suitability for funding:

- Inclusion in PSIP - expenditure of contributions needs to comply with the terms of the agreement from which it originates, which states that the contribution should be spent in accordance with the PSIP
- Proximity of project to scheme that provided contribution - if a project is in close proximity to the development site from which the contribution originated, this should be given a positive weighting
- Likelihood of project to come forwards within the next 3 years - if a project is programmed for delivery in the immediate future, this should be recognised and be given a positive weighting
- Overall cost / match funding from other sources - if a project is to be part-funded from other sources, which will enable the implementation of a more strategic scheme, this should be given a positive weighting
- Contributing to a local area vision - if a project contributes to a shared vision for the future of the area, incorporated in related planning policy documents, this should be given a positive weighting

6. Financial details S106 agreements negotiated and agreed to date

6.1 The database report at Appendix 2 provides a financial summary of the negotiated benefits, including contributions to the LLV and LR pooled funds.

6.2 The summaries below provide details of the financial contributions negotiated via the standard charges into the pooled fund (from signed and pending S106 agreements). It should be noted that since contributions are only payable after

commencement, not all these contributions will necessarily be received if the developments are not implemented.

Pooled Contributions - Lower Lea Valley (LLV)

Case No	Address	Status	Discounted Standard Charge	Contribution Received / Allocation
LTGDC-06-060 -FUL	'Pura' Foods Ltd, Orchard Place, Leamouth	Signed	£11, 254,987	
LTGDC-07-092-FUL	Station House, Station Street, Stratford, London E15 1AP	Pending	£1,950,000	
LTGDC-07-133-FUL	160-188 High Street, Stratford, London	Signed	£480,000	
LTGDC-07-134-FUL	150 High Street Stratford London E15	Signed	£6,550,000	£1,712,866
LTGDC-07-139-OUT	Minoco Wharf North Woolwich Road Silvertown	Signed	£22,809,998	
LTGDC-07-147-FUL	Albert House 236 - 252 High Street Stratford London E15	Signed	£560,000	£140,000
LTGDC-08-120-FUL	60 Portree Street And Lanrick House, Lanrick Road, London	Signed	£360,000	£90,000
LTGDC-08-165-OUT	Rathbone Market, Barking Road, Canning Town	Pending	£1,039,500	
LTGDC-09-004-FUL	Devon Wharf, Leven Road, Tower Hamlets, London,	Pending	£660,000	
LTGDC-09-081-FUL	2 Broadway Chambers, Broadway, Stratford	Signed	£1,026,000	
LTGDC-09-088-FUL	Garage 206 - 214 High Street Stratford London E15 2JA	Pending	£1,470,000	
			£48,160,485	£1,942,866

Pooled Contributions – London Riverside (LR)

Case No	Address	Status	Discounted Standard Charge	Contribution Received / Allocation
LTGDC-07-295-FUL	Former 'Lintons' site, Linton Road, Barking (LEGI)	Signed	£420,000	
LTGDC-08-160-FUL	Creative Industries Quarter, 62-96 Abbey Road, Barking, Essex	Signed	£218,000	

LTGDC-08-170-FUL	Former 'Lintons' site, Linton Road, Barking, Essex.	Signed	£612,000	
LTGDC-09-044-FUL	Vicarage Field Shopping Centre Station Parade Barking Essex	Pending	£1,350,000	
			£2,600,000	

Other Financial Contributions

6.3 Prior to the development of the Strategy, the Development Corporation negotiated S106 contributions relating to specific areas such as environmental improvements and transport works. These are summarised below. Please see Appendix 2 for a breakdown of these contributions.

Other Financial Contributions Negotiated - Lower Lea Valley (LLV)

£19,867,054

Other Financial Contributions Negotiated - London Riverside (LR)

£13,577,950

Total Other Financial Contributions Negotiated =

£ 33,445,004

7. Next steps

A quarterly S106 monitoring report will be presented to the Planning Committee in summer 2010, to provide a report on S106 agreements agreed and signed in Q1 2010/11. The next annual monitoring report will be presented to the Planning Committee at the end of the next financial year in May 2011.

Date: April 2010

APPENDIX 1:

Details of all S106 agreements agreed and signed in the previous financial year 2009/10

APPENDIX 2:

Summary of financial contributions and pooled funds for the Lower Lea Valley and London Riverside

APPENDIX 3:

Summary of contributions received by LTGDC