

## Minutes

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### London Thames Gateway Development Corporation

#### Planning Committee Meeting

Thursday 10 March 2011, 6pm

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

**Present:** Cllr Conor McAuley (Chair)  
Dru Vesty (Deputy Chair)  
Alan Clark  
Sylvie Pierce  
Richard Turner

**In Attendance:** John Allen (Director of Planning)  
Peter Minoletti (Planning Development Manager)  
Adele Lawrence (Planning Development Officer)  
Amanda Reid (Planning Development Officer)  
Will Steadman (Planning Development Officer)  
Nigel Hewitson (Norton Rose)  
Angela Flanagan (Committee Clerk)

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#### 1. Apologies, Announcements and Declarations of Interest

- 1.1 Apologies were received from Malcolm Chumbley, Neil Deely and Cllr Mick McCarthy.
- 1.2 The Chair declared a non-pecuniary interest in Item 8, as the London Borough of Newham's Executive member for Regeneration and Strategic Planning. It was agreed that the Deputy Chair, Dru Vesty, would chair the meeting for this item.
- 1.3 There were no other declarations of interest.
- 1.4 The Chair advised that two confidential Addendum Reports had been tabled, which provided confidential legal advice relating to Items 3 and 4. It was agreed that the Committee would adjourn to discuss the reports before Item 8, to enable Cllr Conor McAuley to participate before departing the meeting.

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## 2. Minutes of the Planning Committee Meeting 26 January 2011

*LTGDC/11/PC07*

- 2.1 It was noted that the London Borough of Newham's Strategic Development Committee had been incorrectly referred to as Development Control Committee in paragraph 4.1.
- 2.2 The Committee **AGREED** the minutes of the Planning Committee Meeting on 26 January 2011. There were no other matters arising.

## 3. Land adjacent to Jenkins Lane, Barking, London IG11 *LTGDC/11/PC08*

- 3.1 Peter Minoletti introduced the revised outline application, made jointly by the Corporation and Keir Ventures Limited. The Committee had resolved to grant outline planning permission for a similar scheme in September 2010. The revised application included a new joint applicant and proposed three car showrooms (as opposed to in the previously-approved scheme). A revised Environmental Statement has been submitted by the applicants and assessed as acceptable. An addendum report was tabled which updated members on recommended changes to the planning obligation requirements and certain conditions.
- 3.2 Richard Turner sought assurance that the access arrangements to the proposed showrooms for 16.5m articulated lorries would be sufficient. The officer confirmed that full turning circles would be provided.
- 3.3 The Committee **AGREED** to delegate authority to the Director of Planning or duly authorised officer to decide upon a suitable mechanism to ensure the execution and submission of a s106 agreement to secure the matters set out in the addendum to the report and **GRANT** outline planning permission subject to the draft conditions and informatives listed at section 11 in the main report and amended by the addendum report; together with any amendments or additions that he considers necessary.
- 3.4 The Committee confirmed that they had taken into account the environmental information as required by Regulation 3 (2) of the Town and County Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and that they were satisfied that the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 were met in relation to the agreed S106 contributions.

## 4. Creative Industries Quarter, 62-96 Abbey Road, Barking, IG11 7BT

*LTGDC/11/PC09*

- 4.1 Peter Minoletti Introduced this item, an application by BY Developments to provide three buildings ranging from 8 to 15 storeys to provide 272 flats, creative industries, commercial and community floorspace and associated parking and amenity areas to create a Creative Industries Quarter at Abbey Road, Barking. He stated that the development would be delivered in two phases, the first phase on the land owned by the Corporation and

comprising 100% private flats plus the majority of the commercial/potential community space. The second phase, which BY are not obliged to deliver, would provide some affordable housing, dependent on the availability of housing grant, as part of a private development within two buildings plus the remainder of the commercial space and a riverside walkway and play area. He referred to significant negotiations that had taken place concerning the S106 Heads of Terms, particularly with regard to the compliance with the Corporation's Planning Obligations Community Benefit Strategy, given that the first phase is 100% private housing and there is no commitment to deliver Phase 2. An Addendum report was tabled which confirmed the recommended approach to adequately comply with the Strategy. The scheme was also stated to be supported by the LB of Barking and Dagenham subject to various conditions and the completion of a S106 Heads of Terms which had been captured in the recommendations.

- 4.2 Dru Vesty raised an issue concerning the lack of amenity space for over half the proposed flats in Phase 1, noting that 45 flats out of 70 would not have access to a private balcony. She stated that she thought this was contrary to planning policy as set out in the Mayor of London's Housing Design Guide. She requested that balconies be provided for all flats. The officer responded that a detailed financial appraisal had been undertaken and the view taken that the overall benefits of the scheme as set out in the officers report outweighed the lack of balconies on some of the flats. Furthermore, it was possible that a reduction in S106 funding would be sought by the applicant to ensure balconies were provided to the flats.
- 4.3 Sylvie Pierce had concerns that the application watered down the previously approved application to deliver a 'creative industries quarter'. She expressed concern about how the amount of creative and commercial floorspace had been reduced to accommodate refuse collection and the storage of bicycles, that the 'Creative Square' was dominated by a hard landscaped car park and that there was no commitment to build phase 2 and the remainder of the public amenity space. The officer concurred that the first phase incorporated hard landscaping and that the riverside walkway and children's play space would be provided with the second phase. He added that it was the view of the Corporation's Director of Development that the second phase would proceed following the delivery of Phase 1 and the completion of the Granary refurbishment and extension. He stated that the design of the 'Creative Square' was challenging and that a balance had to be struck between the commercial requirement to provide car parking for the Granary and the Malthouse and the design improvements and cost savings associated with removing the previously approved podium. In relation to the concern expressed about the need to ensure no further reduction in the creative space provided, officers agreed to seek the inclusion of a clause in the S106 agreement to secure the early provision of a recognised creative space management organisation.

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- 4.4 The Committee **AGREED** to give delegated authority to the Director of Planning to **GRANT** planning permission subject to:
- a) Any direction from the Mayor of London to refuse planning permission;
  - b) The planning conditions set out at section 12 of the main report;
  - c) Agreeing a satisfactory mechanism to ensure the submission of a S106 Agreement securing the Heads of Terms set out in the Addendum Report (LTGDC/11/PC09).
  - d) The introduction of private balconies to all units within Phase 1, subject to understanding the additional cost implications on scheme viability and the ability to comply with the Planning Obligations Community Benefit Strategy;
  - e) Consideration of whether there could be a reduction in the number of car parking spaces within the Creative Square so as to provide more dedicated events/work space for creative industries;
  - f) An amendment to proposed S106 Head of Term 7 of the Addendum Report to require the appointment of an experienced creative industry operator to market the commercial floorspace within block A for creative industry uses.

**5. Pura Foods Ltd, Leamouth Peninsula North, Orchard Place, London E14** *LTGDC/11/PC10*

- 5.1 Peter Minoletti introduced the main report and supplementary addendum report including detailed responses to objections from LB Tower Hamlets, for a major scheme on the Leamouth Peninsula. The scheme was a hybrid application with detailed approval sought for phase one of the development and outline consent for phase two. The proposals were for revisions to an extant permission granted in 2007.
- 5.2 Cllr Conor McAuley noted that the revised bridge over the River Lea connecting the development to Canning Town relied upon access through Canning Town Station and asked what guarantee Transport for London (TfL) had given that they would allow such access. The officer advised that there had been extensive discussions with TfL, in which operational needs had been confirmed and an agreement in principle has been given, although details need to be resolved.
- 5.3 Richard Turner requested that the wording for Condition 57 be amended to request that the Delivery and Servicing Plan be submitted prior to the commencement of any works. The officer confirmed this would be done.
- 5.4 The Committee **AGREED** to delegate to the Director of Planning to **APPROVE** subject to:
- a) Any direction from the Mayor of London;

- b) Confirmation from the PLA that the Outline Risk Assessment relating to the bridge, including mitigation measures, is satisfactory , and
  - c) Confirmation from the EA that their outstanding concerns have been addressed, and
  - d) The conditions listed at section 12 of the main report and the above proposed amendment to Condition 57 (with any amendments that might be necessary up to the issue of decision), and
  - e) Delegation to the Director of Planning of the completion of a S106 Agreement securing the Heads of Term set out at 9.19.12 of the main report.
- 5.5 The Committee confirmed that they had taken into account the environmental information as required by Regulation 3 (2) of the Town and County Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and that they were satisfied that the tests in Regulation 122 of the Community Infrastructure Levy Regulations 2010 were met in relation to the agreed S106 contributions.

**6. Report on Appeal Decision: Dovers Corner Industrial Estate, Rainham**  
*LTGDC/11/PC11*

- 6.1 Peter Minoletti introduced this item, which provided an update on the outcome of a Public Inquiry to consider an appeal by Weston Homes Housing Ltd against the failure of the Corporation to determine the application to develop the Dovers Corner site for housing and commercial uses. Members were reminded that at its meeting on 8 July 2010, the Committee had resolved that had the appeal not been made, they would have granted permission for the scheme subject to conditions and the completion of a s106 agreement.
- 6.2 The Secretary of State for Communities and Local Government's decision on the appeal had now been received. The Secretary of State agreed with the Inquiry Inspector's recommendation that planning permission should be granted. It was noted that the Secretary of State had endorsed the Inspector's view that the s106 requirements, including those for payment of the Corporation's Planning Obligations Community benefit Strategy were sound and complied with Reg 122 Community Infrastructure Levy Regulations 2010.
- 6.3 The committee **NOTED** the contents of the report.

**7. Report on the Application to the High Court for a Judicial Review of the planning permission for the Tesco Scheme at Bromley by Bow**  
*LTGDC/11/PC12*

- 7.1 Peter Minoletti introduced the report which detailed the outcome of a hearing to decide whether permission should be given to Trad Scaffolding to bring judicial review proceedings in the High Court challenging the grant

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of planning permission by the Corporation for the Tesco Redevelopment proposals for Bromley by Bow. Permission was refused and costs awarded to the Corporation. The period for Trad Scaffolding to appeal against the decision had now expired and no notice of an appeal had been published.

7.2 The Committee praised officers and the Corporation's lawyers for their hard work and the subsequent successful outcome.

7.3 The Committee **NOTED** the contents of the report.

7.4 The meeting was adjourned to enable the Committee to discuss confidential legal advice. *[See separate confidential minute available to Committee members and LTGDC officers only.]*

**8. Emerging Planning Policy in the Lower Lea Valley: Newham Core Strategy – Submission Document** LTGDC/11/PC13

8.1 Cllr Conor McAuley left the meeting. Dru Vesty took the chair.

8.2 Peter Minoletti introduced the report which set out the Corporation's proposed response to the London Borough of Newham's Core Strategy as proposed for submission and examination at a public hearing.

8.3 Dru Vesty noted that there was a suggested increase of Strategic Industrial Land (SIL) allocation in Beckton and asked if the Corporation was supportive of this. Peter Minoletti responded that given the relocation of businesses from the Olympics area to the former National Grid site and that the Borough's housing targets could be met at other locations, on balance "yes" the Corporation was comfortable with the allocation.

8.4 The Committee **NOTED** the contents of the report and **AGREED** that the proposed response would form the Corporation's formal response to the consultation document.

The meeting concluded at 6.50pm.

**Date of next meeting:**

Thursday 14 July 2011, 6pm

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