
London Thames Gateway Development Corporation

Planning Committee Meeting

Thursday 10 September 2009, 6pm

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

Present: Cllr Conor McAuley (Chair)
Malcolm Chumbley
Alan Clark
Cllr Mick McCarthy
Richard Turner
Dru Vesty – arrived during Item 1

In Attendance: John Allen (Director of Planning)
Peter Minoletti (Planning Development Manager)
Stephen Allen (Planning Development Officer)
Amanda Reid (Planning Development Officer)
Angela Flanagan (Committee Clerk)
Nigel Hewitson (Norton Rose)
Peter Purvis (Norton Rose)

1. Apologies, Announcements and Declarations of Interest

- 1.1 Apologies were received from Neil Deely and Sylvie Pierce.
- 1.2 The Chair welcomed Malcolm Chumbley as a new member of the Planning Committee.
- 1.3 The Chair suggested that the order of the agenda be changed as Item 3, 2 Broadway Chambers, had a commercially sensitive report as well as confidential legal advice which would necessitate the public leaving the room to enable Members to discuss in a closed session.
- 1.4 Dru Vesty arrived for the meeting.
- 1.5 It was agreed that Item 3, 2 Broadway Chambers, would be moved to the end of the agenda.

2. Minutes of Planning Committee Meeting 13 August 2009

(LTGDC/09/PC38)

- 2.1 John Allen drew Members attention to the revised draft minutes of the Planning Committee Meeting held on 13 August 2009. He advised that following the draft minutes being published on the Corporation's website, the Health and Safety Executive and the Applicant had requested that amendments be made to the draft minutes. The Corporation's Officers had considered the suggested amendments and upon reflection had concluded that some of the suggested amendments should be made to ensure the accuracy of the minutes. The amendments were highlighted by track changes.
- 2.2 Dru Vesty referred to her comment on paragraph 4.12 and asked for "*particularly from English Heritage and CABE*" to be inserted after "*and listened to the comments made*".
- 2.3 The Committee **AGREED**, subject to the above amendments, the revised minutes of the Planning Committee Meeting of 13 August 2009.

3. Veolia Rainham Landfill Site, Coldharbour Lane, Rainham

Item 4 on the Agenda (LTGDC/09/PC40)

- 3.1 Cllr Mark Stewart from the London Borough of Havering spoke against the application. Cllr Stewart said his objection was on two grounds – health and visual impact. He said that if the application was approved it would be a health disaster for Rainham residents who would suffer from increased odour emissions from the Veolia Landfill Site. The odour would, he said, increase by 370%. He stated that there had not been any independent analysis of the Environmental Statement provided by the Applicant. Cllr Stewart referred to a recent visit by GLA Member Roger Evans indicating that the visit had become a Question and Answer session on the odour issue. With regards to the visual impact, Cllr Stewart stressed that Rainham residents' views are currently decimated by the site and this would only be made worse by the proposed increase in height to the proposed pre-settlement contours.
- 3.2 Cllr David Leaf (representative for Belvedere Ward) from the London Borough of Bexley spoke against the application. He was also objecting on behalf of his colleague, Cllr Bernard Clewes, the representative for Erith Ward. Cllr Leaf said that the odour issue would also impact the residents of north Bexley. The 370% increase in odour would mean four times more odour for the residents living near to the riverside in Erith. He added that he considers it a national matter as well and had requested the Secretary of State to call in the application. Cllr Leaf felt the application was not compliant with PPS23 "Planning and Pollution Control". He made the point that, if this application were approved, the residents of Bexley would receive the "planning pain but no planning gain".

- 3.3 Mr John O'Sullivan from Veolia Limited (the Applicant), spoke in favour of the application. He told the Committee that the application was necessary because of the success of recycling, which had meant an increase in degradable material, resulting in greater settlement than had been expected. As a result, without additional material being allowed to be deposited, the planned contours could not be achieved. This in turn would, make the eventual restoration and after care of the site difficult. He also said the viability of the site for its eventual proposed public open space use could be affected if these revisions are not carried out. There was a need to increase the height to the pre-settlement contours to ensure the site can facilitate the 'Wildspace' conservation park when it is eventually handed over. Mr O'Sullivan added that the site would be closed by 2018 and this time period had always been their commitment and had not changed.
- 3.4 Mr Nicholas Walker, also from Veolia Limited, spoke in favour of the application. He addressed the objectors' concerns regarding odour. He pointed out that Veolia had not received any complaints on odour emissions in the past. The proposed revisions to the pre- and post-settlement contours would result in an increase in odour. This increase seems large due to the current low level of odour emission. He acknowledged that previous estimates had been incorrect on past applications, but explained as technology had advanced they are now able to use computer models to provide more accurate analysis. Mr Walker extended an invite to the objectors and others to visit a sister site which runs a similar operation and had not received any complaints regarding odour emissions.
- 3.5 Dru Vesty asked Mr Walker about the objectors' concerns on odour emissions. Mr Walker replied that there are currently very low odour emissions from the landfill site. The 370% increase would be a result of the restoration process.
- 3.6 Dru Vesty asked how long the restoration process would take. Mr Walker responded that it would not be a daily process. It would be 3 hours twice a week for several years.
- 3.7 Peter Minoletti introduced the report. The application sought to revise the agreed pre- and post-settlement contours in order to facilitate the early delivery of visitor facilities associated with the proposed 'Wildspace' conservation park and to allow the continuation of deliveries of waste material by road after 2012. The application arose from the changing nature of waste deposited in the landfill brought about by such factors as the emphasis on recycling. This has meant that a greater proportion of degradable material was received by the landfill site, resulting in a greater rate of settlement than was originally envisaged.
- 3.8 An Addendum Report was tabled at the meeting. The Addendum report provided details of further representations received from the Environment Agency and their request for an additional condition on flood defence. The report also detailed changes to some of the conditions.

- 3.9 Conor McAuley referred to one of the objector's reference to PPS23. Peter Minoletti confirmed the planning policy was an essential piece of guidance, but that the Applicant's environmental statement shows how they had dealt with it.
- 3.10 The Committee, by unanimous vote, **AGREED** to delegate authority to the Director of Planning to grant full planning permission subject to the conditions outlined in section 12 of the main report and the amendments detailed in the Addendum report together with any amendments or additions that he considers necessary, subject to:
- 3.10.1 The completion of a Section 106 legal agreement between the Corporation, the Borough and the Applicant covering Heads of Terms set out in section 1.5 of the main report;
- 3.10.2 Referral to the Mayor of London for his Stage 2 determination and any direction.

4. Consultation Response – Emerging Planning Policy in the Lower Lea Valley: Hackney Core Strategy Proposed Submission Document

Item 5 on the Agenda (LTGDC/09/PC41)

- 4.1 Peter Minoletti introduced the report which summarised the Corporation's proposed response to the London Borough of Hackney's Core Strategy (Proposed Submission Document).
- 4.2 Peter Minoletti drew Members attention to section 5 of the report which detailed the Corporation's suggested response to the London Borough of Hackney.
- 4.3 The Committee **NOTED** the contents of the report and **AGREED** to the comments in the report as forming the Corporation's formal response on the document.

5. LATE ITEM - Report Concerning Appeal Decision: KICC Proposals for Beam Reach 5, Rainham, LB Havering

Item 6 on the Agenda (LTGDC/09/PC42)

- 5.1 Peter Minoletti introduced the report which provided Members with an update on the appeal decision regarding proposals by Kingsway International Christian Centre (KICC) and the London Development Agency (LDA) for part of the Beam Reach 5 site in Rainham. Following the Committee's decision to refuse the application at its meeting on 14 February 2008, the applicant appealed and a three week inquiry was held in March 2009. The Secretary of State recovered the appeal for his own determination, and it was dismissed on 2 September 2009, with the Secretary of State supporting the Inspector's recommendations.

- 5.2 Richard Turner asked if there was anything the Committee could do to assist in identifying a suitable site for KICC needs. Peter Minoletti advised that he understood that the LDA still had an obligation to assist KICC with relocating to a suitable site as a consequence of CPO action which required KICC to vacate from the Olympic Park and that LTGDC officers were working with other agencies in this regard.
- 5.3 John Allen added that the Olympic Legacy SPG Group had recently been set up to look at the land available for use in the Olympics area and to produce a Legacy Planning Guidance document.
- 5.4 Dru Vesty referred to paragraph 3.2 of the report and asked if the site could be anywhere outside of the Olympics area. Peter Minoletti responded that the LDA were not looking outside of their own portfolio at the time Beam Ream was selected, but that it was likely there would be discussions over the next 6 months.
- 5.5 The Committee thanked the officers involved for the excellent work they did in respect of the appeal.

6. 2 Broadway Chambers, Broadway, Stratford, E15

Item 3 on the Agenda (LTGDC/09/PC39)

- 6.1 Mr Stephen Brown from GVA Grimley (the agent for the Applicant) spoke in favour of the application. He said that there had been significant discussions between GVA Grimley and the Corporation's Officers since their application had been deferred by the Committee at its 9 July 2009 meeting. Mr Brown detailed the Applicant's revised offer in relation to S106 and affordable housing. The revised offer (option 1) provided for an additional commuted payment equivalent to an additional 17 units of social rented accommodation (equivalent to 5% of the total) to be provided off site. This offer could be increased by an additional 5 units (1.5%) if the sum required for the Planning Obligations Community Benefits Strategy payment were decreased further. He added that viability is complicated as it is a challenge guessing the financial market.
- 6.2 Malcolm Chumbley queried the deliverability of the development. He asked if the Applicant owned the site and about the finance for the proposal. Mr Brown confirmed the Applicant did own the site and that funding was in place. He added that the expectation was that, if the application was approved, then the applicant would be able to commence building work within the next 12 months.
- 6.3 Malcolm Chumbley questioned the build period. Mr Brown advised this would be 3 years.
- 6.4 Malcolm Chumbley also asked what increase on residential sales value would the Applicant need to achieve in order to provide 35% affordable housing. Mr Brown responded that this would be "unachievable".

- 6.5 John Allen introduced the report, which detailed the final offers made by the Applicant on affordable housing and Planning Obligations Community Benefits Strategy payments. The application had been deferred by the Committee at its 9 July 2009 meeting to enable the Corporation's Officers and the Applicant to continue discussions in respect of increasing the offers on affordable housing and the Corporation's Planning Obligations Community Benefit Strategy. An Addendum report was tabled at the meeting, which provided details of the London Borough of Newham's maintained objection to the proposal. A letter from Mr Stephen Brown of GVA Grimley confirming their revised offer was also distributed to Members at the Applicant's request.
- 6.6 It was noted that there were two confidential matters – the commercially sensitive report and legal advice – which the Committee would need to consider in a closed session.
- 6.7 Richard Turner queried if the trigger level/threshold for payments towards The Strategy/S106 was still to be agreed. Amanda Reid advised Members that figures were detailed in the confidential yellow report and had been agreed with the Applicant.
- 6.8 Conor McAuley reminded Members that, due to the commercially sensitive information in the confidential report, that this aspect would be discussed during a closed session.
- 6.9 Malcolm Chumbley added that, whilst he had noted that the trigger figure had been agreed, he too thought this was not entirely clear from the report.
- 6.10 Richard Turner asked if the figure was agreed. Amanda Reid advised it was agreed and referred to Mr Stephen Brown of GVA Grimley to reconfirm. Mr Brown confirmed that figure was agreed.
- 6.11 Conor McAuley had concerns that the percentage of affordable housing was still too low. Whilst he noted it had increased since the application had been deferred by the Committee at its 9 July 2009 meeting, he queried if it was sufficient. He also queried the development's viability.
- 6.12 John Allen and Nigel Hewitson reminded Members that viability was capable of being considered a material consideration in the consideration of this application. John Allen suggested that the Committee consider the confidential legal advice before going any further.
- 6.13 The meeting was adjourned to enable the Committee to discuss commercially sensitive information and confidential legal advice. *[See separate confidential minute available to Committee members and LTGDC officers only.]*

6.14 The Committee resolved to **REFUSE** the application for the following reason:

The development fails to provide an adequate contribution towards the overall provision of affordable housing in the Borough and, in offering only intermediate housing with no social rented provision on site, fails to provide for a mixed and balanced community contrary to Policies S20 and H15 of the London Borough of Newham Unitary Development Plan (adopted June 2001 and saved from 27th September 2007 by direction from the Secretary of State) and Policies 3A.9 and 3A.10 of the London Plan (published February 2008) and London Plan Supplementary Planning Guidance 'Housing' (published November 2005).

The meeting concluded at 7.08pm.

Date of next meeting:

Thursday 8 October 2009, 6pm

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