

OLYMPIC DELIVERY AUTHORITY

ODA PLANNING COMMITTEE

SUBJECT: MINUTES OF 37th COMMITTEE MEETING

Held on 13 January 2009 at 18.00

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

Present:

Lorraine Baldry	Chairman
David Taylor	Deputy Chairman

Local Authority Members:

Cllr Rofique Ahmed	LB Tower Hamlets
Cllr Conor McAuley	LB Newham
Cllr Geoff Taylor	LB Hackney
Cllr Terry Wheeler	LB Waltham Forest

Independent Members:

Mike Appleton
Celia Carrington
William Hodgson
Janice Morphet
Dru Vesty

Officers in attendance:

Vivienne Ramsey	ODA, Head of Development Control
Anthony Hollingsworth	ODA, Chief Planner Development Control, Planning Decisions Team
Richard Griffiths	ODA, Legal adviser, Planning Decisions Team, (Pinsent Masons)
Allan Ledden	ODA, Legal adviser, Planning Decisions Team, (Pinsent Masons)
Vanessa Brand	ODA, Committee Secretary

**1. APOLOGIES
(AGENDA ITEM 1)**

1.1. All Members were present.

2. UPDATES, ORDER OF BUSINESS, AND REQUESTS TO SPEAK (AGENDA ITEM 2)

- 2.1. There was no Update.
- 2.2. The order of business was unchanged.
- 2.3. There were no requests to speak

3. DECLARATIONS OF INTEREST (AGENDA ITEM 3)

- 3.1. The Secretary read the following statement:

Members of this Planning Committee need to declare personal interests relevant to the agenda at the beginning of each meeting of the Planning Committee.

'Members will see that the paper for Item 3 which has been circulated lists interests which they have declared which appear to be personal interests relating to Item 5.

'Would Members please confirm that the declarations of personal interests listed in the paper for Item 3 are correct; and state if there are any other interests you wish to declare?

'Personal interests are prejudicial if a reasonable member of the public with knowledge of the relevant facts would conclude that the nature of your personal interest is such that your judgement of the public interest is likely to be affected. If, by virtue of your personal interest you have been involved in decisions about these proposals, you may have a prejudicial interest. In that circumstance you would need to leave the meeting during the consideration of that item. In light of the agenda before you this evening, please state whether or not any of the interests declared are prejudicial interests?'

Members confirmed that the personal interests read out were correct and the following additional personal interests were declared:

Janice Morphet declared that her daughter works for Stratford City Developments Ltd's legal advisers but was not involved in the Stratford development.

David Taylor declared that he employs a partner of the legal advisers to Stratford City Developments Ltd, but in projects unrelated to the Stratford development.

None of these personal interests were considered prejudicial.

4. MINUTES AND MATTERS ARISING (AGENDA ITEM 4)

- 4.1. The Committee

AGREED the Minutes of the 36th Planning Committee Meeting.

PLANNING APPLICATIONS

5. STRATFORD CITY SPLIT SECTION 106 AGREEMENT (AGENDA ITEM 5)

5.1. The Head of Development Control and a legal adviser gave a presentation to the Committee who considered the report. The proposal related to the S106 Agreement covering the outline planning permission for the development of the Stratford rail lands originally granted in February 2005. It was now proposed to amend further the revised S106 Agreement which had been signed in November 2007 when the S73 planning applications were granted. The changes fell into three categories:

5.1.1. splitting the obligations following a series of land transfers in July 2008 so that the relevant obligations fell either to Stratford City Developments Ltd for zone 1, or to London and Continental Railways Ltd and Batchpath Ltd, Raisemedialtd Ltd, and Macropaint Ltd for zones 2-7, or to all parties where appropriate.

5.1.2. varying specific obligations as negotiated by the beneficiary, the London Borough of Newham

5.1.3. variation to the obligations in respect of the residential units in zone 1.

5.2. Members noted that in respect of the split of the obligations relating to zones 2 to 7 the parties had obligations only for the land in which they had an interest and were not bound jointly and severally. Batchpath Ltd, Raisemedialtd Ltd, and Macropaint Ltd were all wholly owned subsidiaries of the ODA, which would be wound up after the Games. The Department for Culture, Media and Sport would provide a letter of comfort confirming that any obligations would be passed to a successor body, but it was also proposed that a bond could be required at any time after 1 January 2012 to ensure that the obligations were covered. It was considered that a bond could be obtained at that time.

5.3. Members noted that in respect of the second category (Para 5.1.2) specific sums of money had been negotiated to allow the London Borough of Newham to provide most of the appropriate required facilities itself. These amounts, some of which would be paid upfront on completion of the S106 Agreement, were not indexed. The expenditure would be monitored and reported to the Committee and the cost of monitoring was to be covered by the terms of the S106 Agreement.

5.4. Members also noted that the proposed changes to the trigger for the provision of small business space would provide a reasonable test of the market for that space and ensure that it was developed when needed

5.5. Members noted that in respect of the third category (Para 5.1.3) the change which would permit the residential land in zone 1 to be developed later, reflected the changed circumstances since the original permission was granted. In 2005 the local planning authority wished to ensure that there was a mixed development balancing retail and residential. Following the success of the bid for the London 2012 Games, the provision of the Olympic Village to the north had ensured that residential development would take place at the same time as the retail development. The delay in developing the residential land in

zone 1 due to the changed economic circumstances and the loss of the residential developer, was therefore of less concern. Members noted that Stratford City Developments Ltd as developer of the retail units in zone 1 nevertheless stood to benefit from the development and that the obligations imposed had been reduced. Although the obligations would be subject to review taking account of the current financial circumstances, they considered that the S106 Agreement must also include obligations to treat the land dedicated to residential development in an appropriate manner for the interim period before its development, and that elevations exposed to public view because of the delayed residential development should be appropriately designed.

- 5.6. Members also noted officers' explanation of the recommendation to amend the trigger for the One Stop Primary Care Centre to take account of the altered phasing of the residential development. They noted that the Head of Development Control expected to resolve this satisfactorily and sought Committee authority to agree an amendment.
- 5.7. There being no further questions the Chairman moved to a vote and the Planning Committee RESOLVED unanimously that:

the Committee

- 1.1.1 **APPROVED** the proposals and granted the Head of Development Control authority to, in accordance with the terms specified in the report:
- (a) agreed to the split of the Section 106 Agreement dated 13 November 2007 between Zone 1 and Zones 2-7;
 - (b) agreed to the alteration/change of the obligations relating to the Town Centre Link Extension, Carpenter's Estate Bridge, the Practical Training Land, the Library, the Employment Enterprise and Training Bureau, Small Business Space and the Community Institution / Place of Worship;
 - (c) agreed to the provision of a Retail Training Fund;
 - (d) agreed to the alteration of the Grampian obligation for delivery of the Zone 1 residential units by replacing the obligation with a requirement to implement a residential marketing strategy which will be kept under review and modified as appropriate to make it more effective in relation to delivery of the residential component within Zone 1
 - (e) agreed to the amendment of the trigger for the One Stop Primary Care Centre to 60% or such alternative to the reduction of the 60% trigger that is satisfactory to the Head of Development Control; and
 - (f) agreed to the right to call upon a bond for specified obligations (instead of joint and several liability) in the Zones 2-7 agreement,

on such terms as considered acceptable by the Head of Development Control in order to secure a mixed use community at the Stratford City Development following the satisfactory conclusion of negotiations between the planning authority, the London Borough of Newham and the respective developers for Zone 1 and Zones 2-7, but subject to the inclusion of terms requiring the appropriate treatment of the residential land in zone 1 for the duration of the interim period prior to the residential development taking place and also the appropriate treatment of elevations of adjacent buildings which were exposed to public view during the interim period.

**6. ANY OTHER BUSINESS
(AGENDA ITEM 8)**

There being no other business the meeting closed at 6.50 pm

Signature 

Date 25/3/2009

Chair

