

## CABINET

8 June 2010

## REPORT OF CORPORATE DIRECTOR OF FINANCE AND COMMERCIAL SERVICES

<b>Title:</b> Return of Planning Powers from London Thames Gateway Development Corporation (LTGDC) to LBBD	<b>For Decision</b>
<p><b>Summary</b></p> <p>In June 2009 Communities and Local Government Department (CLG) invited comments on the future of the London Thames Gateway Development Corporation (LTGDC) as part of its Quinquennial Review of the Urban Development Corporations.</p> <p>The Council responded to this consultation that it would like its planning powers returned to avoid the duplication and delays that characterise the current system and also to increase local accountability. However, the Council supported the option of the LTGDC maintaining its regeneration delivery role provided it was working to an agreed set of priorities with its partners.</p> <p>The Council now understands that there is the possibility that its planning powers could be returned by 1 October 2010, which is the next common commencement date or at the next opportunity after that which is 1 April 2011. Before this can happen the support of the Council is required.</p> <p>Officers are confident that the return of planning powers will result in more effective and efficient decision making and a better service for customers and will give Members a greater say in decision making on key planning applications increasing democratic accountability.</p> <p><b>Wards Affected:</b> Abbey, Gascoigne, Thames, River</p>	
<p><b>Recommendation(s)</b></p> <p>The Cabinet is asked to recommend to the Assembly that the Council agrees to the return of planning powers from London Thames Gateway Development Corporation (LTGDC) to LBBD</p>	
<p><b>Reason(s)</b></p> <p>To help deliver the Community Plan priority “Fair and respectful: A stronger and more cohesive borough so that it is a place where all people get along, and of which all residents feel proud.”</p>	
<p><b>Implications</b></p> <p><b>Financial</b></p> <p>The Council understands that under the terms of the transfer of planning powers a member of staff may be transferred from the LTGDC to the Council under TUPE arrangements. Due to substantial savings on staff elsewhere in the Division funding for</p>	

this post can be met from within the existing Regeneration and Economic Development Budget.

The LTGDC currently operate a standard charge for residential development of £6,000 per dwelling to be spent on infrastructure priorities in London Riverside. This is secured through a Section 106 planning agreement for each scheme. The Council intends to adopt this system for use across all qualifying developments throughout the borough. This will be formalised within a forthcoming Supplementary Planning Document.

### **Legal**

This matter has to be referred to the Assembly as planning matters are not an Executive Function by virtue of the Local Authorities (Functions and Responsibilities) Regulations 2000 No 2853.

The London Thames Gateway Development Corporation Order transferred the Local Planning Authority powers and duties to the Development Corporation for a number of specified development activities relating to strategic and larger developments. The proposal is to restore these functions to the Council. Revisions will need to be made to the LTGDC Order 2005 and Mayor of London Order 2008 to enable planning powers to be transferred from the LTGDC to LBBD. The Council understands that the Government would issue revised legislation for its standard 12 week consultation period.

Paragraph 1.12 of Section I of Part C of the Council's constitution would need to be deleted if the planning powers are returned.

### **Contractual**

No specific implications

### **Risk Management**

Risk	Probability	Impact	Priority	Action
Extra work associated with LTGDC application results in worse customer service and outcomes	Low	High	Low	<ul style="list-style-type: none"><li>• Monitor performance against NI 157</li><li>• Monitor customer satisfaction ratings and act on feedback</li></ul>

### **Staffing**

The Council understands that a member of staff may be transferred from the LTGDC to the Council under TUPE arrangements. The Council's Development Management Team currently comprises a manager and seven members of staff two of which deal mainly with LTGDC planning applications. It is considered that the additional member of staff would enable the current standard of customer service and level of performance to be maintained.

### **Customer Impact**

The Council's Development Management Service currently provides a high quality, value for money service to its customers.

- Customer satisfaction surveys

The Council conducts a rolling customer satisfaction survey for applicants. This shows

consistently high levels of customer satisfaction with the Council's Development Management service. Any constructive comments are acted upon.

- NI 157

The Council performs consistently well against this key planning applications process indicator.

It is considered that the additional member of staff would enable the current standard of customer service and level of performance to be maintained.

In line with best practice the Council will continue with the practice of the LTGDC in using Planning Performance Agreements where necessary.

The impact on equalities is likely to be neutral in that this recommendation seeks to return powers which were originally with the Council. Benefits include:

- Currently the LTGDC Planning Committee consists of eight members none of whom are from a BME background. Whilst the future composition of the Council's Development Control Board was not known at the time of writing this report it will consist of 22 Councillors and therefore is likely to have a more diverse membership.
- The Council's Development Control Board meet in the Town Hall, Barking, which is more accessible for the borough's residents than Stratford Town Hall where the LTGDC Planning Committee currently meet.
- The return of planning powers will increase democratic accountability as it will give Barking and Dagenham members a greater say in decision making.

### **Safeguarding Children**

No implications

### **Crime and Disorder**

All planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise irrespective of who determines them. In saying that it is fair to say that the Council may be able to exert more influence on those schemes it is responsible for determining to ensure Crime and Disorder issues are addressed.

### **Property / Assets**

No implications

### **Options appraisal**

The alternative option is for the planning powers to remain with the LTGDC, however, this will only mean that the duplication and delays that characterise the current system will remain and the opportunity is lost to increase local accountability in decision making.

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<b>Report Author:</b> Daniel Pope	<b>Title:</b> Development Planning Group Manager	<b>Contact Details:</b> Tel: 020 8227 3929 Fax: 020 8227 3490 E-mail: daniel.pope@lbbd.gov.uk

## 1. Report detail

- 1.1 In June 2009 the Communities and Local Government Department (CLG) invited comments on the future of the London Thames Gateway Development Corporation (LTGDC) as part of its Quinquennial Review of the Urban Development Corporations.
- 1.2 The Council responds to this consultation was that it would like its development management powers returned to avoid the duplication and delays that characterise the current system and also to increase local accountability. The Council also pointed out that in these difficult economic times we need to look very seriously at the most efficient way of delivering a development management service and that would be to restore powers to the boroughs. However, the Council supported the option of the LTGDC maintaining its regeneration delivery role; provided it was working with partners to an agreed set of priorities.
- 1.3 The Council now understands that there is the possibility that its development management powers could be returned by 1 October 2010, which is the next common commencement date, or failing this at the next opportunity which is 1 April 2011. Before this can happen the support of the Council is required.
- 1.4 Officers are confident that the return of development management powers will result in more effective and efficient decision making and a better service for customers.
- 1.5 The London Thames Gateway Development Corporation (LTGDC) was established on 26 June 2004, its Board appointed on 1 November 2004, and it became fully operational when planning powers were transferred to it in October 2005. In its response to the consultation on establishing a UDC, the Government said that LTGDC should initially be established for ten years, with full review after five years. The LTGDC operates in two non-contiguous parts of East London: the Lower Lea Valley and London Riverside. It is important to clarify it was only the development control powers (now called development management) that were transferred from LBBD to the LTGDC. Plan making powers remained with LBBD.
- 1.6 The London Thames Gateway Development Corporation determines strategic planning applications directly relevant to its purpose. These are defined in the London Thames Gateway Development Order as applications for 50 or more homes, more than 2,500 square metres of business floor space, buildings above 25 metres in height; development of one hectare or more, proposals involving mineral extraction, waste management plus various transport related developments. The boundary of the LTGDC is provided in **Appendix 1**. Basically it covers the area south of the A1306 / A13 and also Barking Town Centre and therefore includes:
  - Dagenham Dock
  - Ford's Dagenham Estate
  - South Dagenham
  - Barking Riverside
  - Scrattons Farm
  - Thames View
  - River Road / Creekmouth employment area
  - Rippleside Commercial area
  - Barking Town Centre, including the Gascoigne Estate

1.7 The table below compares the current process with the new process once the planning powers are returned. Inevitably the new system is more streamlined.

<b>Current process</b>	<b>New process</b>
<ul style="list-style-type: none"> <li>Applicant contacts LBBB / LTGDC to arrange pre-app meeting</li> </ul>	<ul style="list-style-type: none"> <li>Applicant contacts LBBB to arrange pre-app meeting</li> </ul>
<ul style="list-style-type: none"> <li>LBBB / LTGDC arrange pre-app meeting. Pre app meetings generally take place at South Quay or in the Borough. On major schemes there are often a number of pre app meetings.</li> </ul>	<ul style="list-style-type: none"> <li>LBBB arrange pre-app meeting in Barking. On major schemes there are often a number of pre app meetings.</li> </ul>
<ul style="list-style-type: none"> <li>LBBB writes advice letter, LTGDC comment on this, and final letter is sent to applicant summarising the outcome of the meeting</li> </ul>	<ul style="list-style-type: none"> <li>LBBB writes advice letter, and letter is sent to applicant summarising the outcome of the meeting</li> </ul>
<ul style="list-style-type: none"> <li>LBBB receive fee for this advice.</li> </ul>	<ul style="list-style-type: none"> <li>LBBB receive fee for this advice</li> </ul>
<ul style="list-style-type: none"> <li>Applicant submits planning application to LBBB. LBBB sends copies of application to LTGDC and GLA (where relevant). Planning fee sent to LTGDC by applicant and then returned to LBBB</li> </ul>	<ul style="list-style-type: none"> <li>Applicant submits planning application to LBBB. LBBB sends copies of application to GLA (where relevant). Planning fee paid to Borough directly by applicant</li> </ul>
<ul style="list-style-type: none"> <li>LTGDC usually prepares a Planning Performance Agreement setting out in agreement with the applicant and the Council the timetable for reaching a decision and the key milestones along the way.</li> </ul>	<ul style="list-style-type: none"> <li>LBBB usually prepares a Planning Performance Agreement setting out in agreement with the applicant the timetable for reaching a decision and the key milestones along the way.</li> </ul>
<ul style="list-style-type: none"> <li>LBBB organises consultation</li> </ul>	<ul style="list-style-type: none"> <li>LBBB organises consultation</li> </ul>
<ul style="list-style-type: none"> <li>LBBB sends consultation responses to the LTGDC</li> </ul>	<ul style="list-style-type: none"> <li>LBBB writes planning report</li> </ul>
<ul style="list-style-type: none"> <li>LBBB writes planning report</li> </ul>	<ul style="list-style-type: none"> <li>LBBB presents report to its Development Control Board</li> </ul>
<ul style="list-style-type: none"> <li>LTGDC prepare planning report using LBBB as its basis</li> </ul>	<ul style="list-style-type: none"> <li>LBBB issue decision</li> </ul>
<ul style="list-style-type: none"> <li>LBBB presents report to its Development Control Board</li> </ul>	<ul style="list-style-type: none"> <li>LBBB consult GLA and Government Office for London (GOL) post committee</li> </ul>
<ul style="list-style-type: none"> <li>Development Control Board recommendation and comments are minuted and a letter sent to LTGDC detailing this</li> </ul>	<ul style="list-style-type: none"> <li>LBBB lead on and administer Section 106 negotiations</li> </ul>
<ul style="list-style-type: none"> <li>LTGDC present report to their Planning Committee and LBBB comments taken into account as a material consideration.</li> </ul>	
<ul style="list-style-type: none"> <li>LTGDC issue decision</li> </ul>	
<ul style="list-style-type: none"> <li>LTGDC consult GLA and GOL post committee</li> </ul>	
<ul style="list-style-type: none"> <li>LTGDC lead on and administer Section 106 process but consult LBBB during negotiations.</li> </ul>	

- 1.8 Before the LTGDC was instituted the Council dealt effectively with major applications in the current LTGDC area, including the outline application for 10,800 homes at Barking Riverside and the award winning Barking Town Centre Town Square development.

### **Mayor of London's planning powers**

- 1.9 Currently the Mayor of London's power to take over and determine an application does not apply to planning applications that fall within the geographic area of the London Thames Gateway Development Corporation. This is because the LTGDC was expressly established to deal with the strategic planning for this area. It is likely the Mayor's powers would be extended to the current LTGDC area if the planning powers are returned so that they were the same across the Borough.

### **Implications for Development Control Board (DCB)**

- 1.10 Currently the Council's DCB consists of 22 Councillors. The return of planning powers should not require any changes to the operation of the DCB. The Board already receives and comments on those applications which are determined by the LTGDC. Therefore there is no need to make any special arrangements in this regard. The Planning Advisory Service has said they can provide tailored training to members of the Development Control Board as part of the transfer of powers if necessary.

## **2 Links to Corporate and other Plans and Strategies**

- 2.1 The return of planning powers will help deliver the Community Plan priority "Fair and respectful: A stronger and more cohesive borough so that it is a place where all people get along, and of which all residents feel proud."
- 2.2 The return of planning powers will also give Members a greater say in ensuring the policies and proposals of the Council's Local Development Framework are implemented when planning applications are determined.

## **3. Consultees**

- 3.1 The following were consulted in the preparation of this report:

Councillor McCarthy Cabinet Member Regeneration  
Tracie Evans, Corporate Director, Finance and Commercial Services  
Jeremy Grint, Divisional Director, Regeneration and Economic Development  
Lee Russell, Group Manager Resources and Budgeting Team  
Yinka Owa, Legal Partner Procurement, Property and Planning  
Martin Rayson, Head of HR  
Vivienne Cooling, Group Manager Marketing and Communication  
Dave Mansfield, Development Management Manager  
Sue Lees, Divisional Director Asset Management and Capital Delivery  
Mike Freeman, Group Manager Schools Estate  
Darren Henaghan, Divisional Director Environmental and Enforcement Services  
Anne Bristow, Corporate Director of Adult and Community Services

#### **4. Background Papers Used in the Preparation of the Report:**

- Mayor of London Order 2008.
- London Thames Gateway Development Corporation Order 2005.
- Urban Development Corporations' Quinquennial Review, CLG. 2009
- Executive Report and Minute 149, 10 October 2005. Re: London Thames Gateway (Urban) Development Corporation: Proposed Planning Service Agreement.

#### **5. List of Appendices**

**Appendix 1 – UDC Boundary**