

# **PPA Agreement between the London Legacy Development Corporation and Stratford Garden Property Limited**

*Site Address: Land off Angel Lane, Stratford City*

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## 1.0 Background and Purpose

The purpose of this Planning Performance Agreement (PPA) is to provide a project management framework and to promote an open and collaborative relationship between the applicant and the LPA with an agreed set of tasks, timescales and commitment to meeting costs. In the event that circumstances change or timetabled dates require alteration, a review and agreed amendment to the programme will be sought.

This Planning Performance Agreement (the "PPA") relates to the submission of a planning application for a new entertainment venue at land off Angel Lane, Stratford City.

An associated application for Advertisement Consent will be submitted alongside the planning application.

## 2.0 Site and Development Proposal Description

The application site is within the Stratford Metropolitan Centre, and is adjacent to Westfield Stratford City Shopping Centre. The proposals comprise the following:

The construction of a multi-use entertainment and leisure building with an illuminated external display encompassing a range of uses including a small venue/nightclub, retail and restaurants (Sui Generis)

### 2.1 Key LPA Contact Details

- Anthony Hollingsworth – Director of Planning Policy and Decisions
- Catherine Smyth - Planning Development Manager (Planning Policy & Decisions Team)
- Daniel Davies - Principal Planner (Planning Policy and Decisions Team)

### 2.2 Key Applicant Contact Details

- Jayne McGivern – Stratford Garden Property Limited
- Chris Goddard, Director, DP9
- Chris Gascoigne, Director, DP9
- Joe Stockton, Senior Planner, DP9

## General Principles

1.1 The objective of this PPA is one of co-operation and consistency throughout the negotiation and determination of the Planning Application to provide a degree of certainty for the intended outcomes and to improve the quality of the Development and of the planning decision.

1.2 The Parties agree to be governed at all times by the following principles:

- **Principle 1:** To work together as a team and in good faith, and to respect each other's interests and confidentiality.
- **Principle 2:** To commit and provide promptly information to support and manage the planning application process.
- **Principle 3:** To be transparent and consistent at all times between all parties so that outcomes are anticipated, defined and understood.
- **Principle 4:** To provide effective involvement and consultation with the surrounding community, statutory and other stakeholders, and any individual or group with a legitimate interest.

- **Principle 5:** To reach agreement on milestones which will remain fixed unless agreed otherwise.
- **Principle 6:** To identify and involve specialist consultees and advisors where appropriate.

### **3.0 Key planning policy documents**

3.1 The relevant policies and guidance documents applicable to the applications are:

#### **National Policy and Guidance**

3.2 The following national policy and guidance are of particular relevance to the Application:

- 3.2.1 National Planning Policy Framework (August 2018)
- 3.2.2 National Planning Practice Guidance

#### **Strategic and Local Policy**

3.3 The Adopted policies currently comprise:

- 3.3.1 The London Plan (2016)
- 3.3.2 LLDC Local Plan (2015)

3.4 The Emerging policies comprise;

- 3.4.1 The Draft London Plan (2017)

### **4.0 Pre-application Discussions**

The timetable will be reviewed between both parties and amended as necessary to take account of any relevant unforeseen matters that might arise.

#### **Pre-application Meetings**

6<sup>th</sup> March 2018 – w/c 24<sup>th</sup> September 2018 – Weekly Pre-application Meetings (refer to Appendix 1 – Preapplication Meeting Schedule).

Up to four Pre-application meetings will be attended by lawyers acting for the Applicant, LLDC, Newham and (if required) Transport for London in order to discuss and agree outline heads of terms for a section 106 agreement prior to submission of the planning application.

Meetings will also be held with Newham Council to discuss and co-ordinate the interface between the planning application and the Applicant's premises licence application for the proposed venue, to ensure that any conditions are consistent and not duplicative.

#### **LLDC Committee Briefings**

26<sup>th</sup> March 2018 – Initial LLDC Committee Briefing Meeting

24<sup>th</sup> July 2018 – Second LLDC Committee Briefing Meeting

September/October – LLDC Committee Briefing Meeting

#### **Public Consultation**

May/June 2018 - Initial Public Consultation

September 2018 – Follow up Public Consultation

### **LLDC Quality Review Panel**

12 July 2018 – LLDC Quality Review Panel

September 2018 – Second LLDC Quality Review Panel

### **EIA Scoping Process**

w/c 6<sup>th</sup> August 2018 – Submission of EIA Scoping Report

w/c 10<sup>th</sup> September 2018 – Receipt of EIA Scoping Opinion

## **5.0 Application Costs**

The applicant commits to cover the reasonable costs of the LPA associated with the assessment of the development proposals during pre-application stage and during the determination of the Planning Application, in addition to the planning application fee and legal costs associated with any s106 agreement.

### London Legacy Development Corporation Pre-Application Costs

1. The Applicant commits to cover the LPA's reasonable costs associated with the pre-application programme of £232,000 (including VAT). This will include the provision of sufficient resources dedicated to the Planning Application to enable the programme at Section 4.0 to be achieved. The LPA will commit to attending weekly pre-application meetings through to the submission of the applications, as set out in Section 4.0. Written pre-application advice will be provided at the request of the Applicant, within 2 weeks from the receipt of this request.
2. The Applicant commits to producing notes of all pre-and post-submission meetings with the LPA and will circulate draft notes for agreement following each meeting.
3. The figures provided above are indicative only and the LPA shall provide the Applicant with details of the proposed costs and consultant, to agree, prior to the appointment of each consultant.
4. The LLDC and Stratford Gardens Ltd agree that the sums above shall be paid instalments as follows:
  - 25% up signing of this PPA (£58,000)
  - 25% upon submission of the planning application
  - 25% upon conclusion of the first round of public consultation
  - 25% or whatever remains outstanding prior to the publication of the planning committee report

## **6.0 Form and Content of the Application**

The application will be submitted w/c 15<sup>th</sup> October 2018

Based on the emerging proposals the Applicant will agree with LLDC the application content. Please refer to the attached list of proposed application documents.

LLDC will notify the Applicant (through pre-application meetings with the Development Manager) if any additional documents will be required in support of the application.

The Applicant will provide 2 hard copies of all application documents to the LLDC 2 CD and 1 memory stick copies for consultation purposes and uploading onto the Local Planning Authority website. – additional copies maybe requested by the Case Officer, including additional disks for consultation purposes.

The London Legacy Development Corporation list of planning application requirements can be found on the website using the following link:-  
<http://www.londonlegacy.co.uk/media/Validation-List-February-2013.pdf>

Please refer to the attached list of proposed application documents.

Documents to be uploaded onto the LPA's website should be in segments no larger than 5MB and should be provided via the Planning Portal.

## 7.0 Planning application submission date and draft post submission programme

### Project Programme Timetable

The timetable will be reviewed between both parties and amended as necessary to take account of any relevant unforeseen matters that might arise.

| Date                              | Formal Application Phase   |
|-----------------------------------|--|
| w/c 15 <sup>th</sup> October 2018 | Submit Planning Application (and Advert Consent application)                     |
| w/c 22 <sup>nd</sup> October 2018 | Validation   |
| November 2018 – February 2019     | Fortnightly Post Submission Progress Meetings                                    |
| December 2018 – January 2019      | Weekly Legal Meetings to negotiate and finalise draft section 106 agreement      |
| w/c 28 <sup>th</sup> January 2019 | Draft conditions and section 106 agreement agreed                                |
| w/c 28 <sup>th</sup> January 2019 | Committee Report Finalised   |
| February 2019                     | Planning Decisions Committee (PDC) unless otherwise agreed (with LPA/Applicant). |
| w/c 4 <sup>th</sup> March 2019    | Complete s106 Agreement  |
| w/c 11 <sup>th</sup> March 2019   | Commence GLA Stage 2 process   |
| w/c 25 <sup>th</sup> March 2019   | Issue Decision Notices   |

## 8.0 Nature of Agreement

Nothing in this Agreement shall fetter or restrict the LPA in the exercise of its powers or duties under any enactment, statutory instrument, regulation, order, or power for the time being in force.

The LPA enters into this Agreement on the basis that it is without prejudice to its determination of the planning application and nothing in this Agreement is intended to commit to the delivery of an approval of the Planning Application.

Nothing in this agreement shall restrict or inhibit the Applicant from exercising its right or appeal under Section 78 of the Town and Country Planning Act 1990 in respect of a refusal of the planning application, or non-determination of the application if determination does not keep within the agreed timetable set out in this PPA or any subsequent amended date as agreed with the applicant or applicant representatives.

## 9.0 Freedom of Information

The Applicant may identify clearly any information submitted to the LPA which it considers should not be disclosed in response to any request received by any public authority pursuant to either the Freedom of Information Act 2000 and/or the Environmental Information Regulations 2004.

If requested by the LPA the Applicant will set out in full the reasons why the Applicant considers that such information should not be disclosed and in doing so specify the exemption or exception the Applicant considers is applicable and the way in which the exemption or exception and/or public interest should be applied.

The LPA agrees that if it receives a request from a third party for disclosure of information not in the public domain submitted by the Applicant (or any of its consultant or legal team) the LPA will advise the Applicant in relation to the request for disclosure before issuing a response to the request and if the Applicant responds take account of any comments and recommendations the Applicant may have.

Without prejudice to any statutory requirement on the LPA to disclose information, the LPA agrees that all information and documents marked as commercially sensitive by the Applicant and which are not otherwise readily available to the public and provided by the Applicant to the LPA as part of the pre or post application discussions or submissions are provided to the LPA under an obligation of confidence.

## 10.0 Agreement

The London Legacy Development Corporation and Stratford Garden Property Limited (the Applicant) agree to the content of this Planning Performance Agreement.

### London Legacy Development Corporation

Name: .....Anthony Hollingsworth.....  
Signature: A. Hollingsworth  
Position: Director of Planning Policy and Decisions  
.....  
On Behalf Of: LLDC .....  
Date: 20.08.18

### Stratford Garden Property Limited

Name: .. Jayne McGovern.....  
Signature: Jayne McGovern  
Position: EVP DEVELOPMENT AND CONSTRUCTION  
On Behalf Of: Stratford Garden Property Limited  
Date: 20.08.18

## 11.0 Appendices

### Planning Deliverables

#### Planning Application

The planning deliverables for the Planning Application will be as follows:

- Application Form, Ownership Certificate and Notices
  - CIL Additional Information Form
  - Site Location Plan (1:1250)
  - Existing Site Plan
  - Proposed Elevations, Sections and Floor Plans
  - Proposed Landscaping Plans
  - Design and Access Statement
  - Planning Statement
  - Outline heads of terms for section 106 agreement
  - Equality Impact Statement
  - Economic/Demand Assessment
  - Statement of Convergence
  - Statement of Community Involvement
  - Traffic and Transport, including:
    - Transport Assessment
    - Draft Event Day Travel Plan
    - Draft Non-Event Day Travel Plan
    - Draft Event Management Plan
    - Draft Construction Logistics Plan
    - Draft Delivery and Servicing Plan
  - Archaeological Desk Based Assessment
  - Flood Risk Assessment and Drainage Strategy
  - Foul Sewage and Utilities Assessment
  - Operational Waste Management Strategy
  - Ground Conditions and Contamination Report (including Geotechnical surveys)
  - Ecology and Biodiversity Report
  - Energy Strategy
  - Sustainability Statement
  - Ventilation/Extraction Statement
  - Aviation Impact Assessment
- 
- Environmental Statement, containing the following chapters

ES Volume 1: Main ES: comprising several non-technical and technical chapters:

- Chapter 1: Introduction and EIA Methodology
- Chapter 2: Alternatives & Design Evolution

- Chapter 3: The Proposed Development;
- Chapter 4: Construction;
- Chapter 5: Socio-Economics and Health;
- Chapter 6: Highways, Transport and Movement;
- Chapter 7: Wind Microclimate;
- Chapter 8: Daylight, Sunlight and Overshadowing;
- Chapter 9: Light Pollution and Solar Glare;
- Chapter 10: Air Quality;
- Chapter 11: Noise and Vibration;
- Chapter 12: Effect Interactions;
- Chapter 13: Mitigation and Monitoring Schedule;
- Chapter 14: Likely Significant Effects and Conclusions; and
- Chapter 15: Glossary and Abbreviations.

ES Volume 2: Heritage, Townscape and Visual Impact Assessment – a separate built heritage, townscape and visual impact assessment (HTVIA) document that will be accompanied by a full set of views and verified images, as agreed with LLDC as part of this EIA Scoping Process.

ES Volume 3: Appendices – comprises background data, technical reports, tables, figures and surveys.

ES Non-Technical Summary (NTS) - this will be a separate document providing a concise description of the Proposed Development, the alternatives considered, any identified mitigation measures and the residual likely significant environmental and socio-economic effects.

### **Advert Consent application**

The planning deliverables for the Advert Consent application will be as follows:

- Application Form, Ownership Certificate and Notices
- Site Location Plan
- Existing Site Plan
- Proposed Site Plan
- Proposed Elevations
- Design and Access Statement
- Planning Statement (including 'code of conduct' regarding the main principles for displaying adverts).
- Safety report (to demonstrate road, rail, air safety)
- Lighting Assessment (to assess amenity)
- Heritage/Townscape Assessment (to assess amenity)

## **Appendix 1 – Pre-application Meeting Schedule**

