

29 October 2014

## Convoys Wharf, Deptford

in the London Borough of Lewisham

planning application no. DC/13/83358

### Planning consent

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

### Strategic issue

There is a need to extend the time period for completion of the section 106 legal agreement.

### Recommendation

That the Mayor extends the time period for the completion of the section 106 legal agreement (i.e. the period after which the Assistant Director - Planning or Executive Director of Development, Enterprise and Environment has delegated authority to refuse permission if the section 106 legal agreement is not completed) to 28 November 2014.

### Context

- 1 On 31 March 2014 the Mayor of London, acting as local planning authority, resolved to grant conditional planning permission in respect of Lewisham planning application DC/13/83358 subject to the prior completion of a section 106 legal agreement.
- 2 The Mayor also gave delegated authority for the Assistant Director - Planning and Executive Director of Development, Enterprise and Environment to refuse planning permission if the section 106 legal agreement had not been completed by 30 June 2014. Further to this, the Mayor agreed on 25 June 2014, 27 August 2014 and 24 September 2014 to subsequent extension of the section 106 conclusion period. The current extension runs until 31 October 2014.
- 3 Following a constructive process of negotiation on drafting, and various technical meetings related to affordable housing review mechanism design, the section 106 agreement is now substantially agreed. Nevertheless, there remain a number of points outstanding between Lewisham Council and the applicant. To resolve these, and to bring the overall process to conclusion, GLA officers are undertaking a process of arbitration. This process effectively comprises the submission of position statements by the Council and the applicant on all disputed points, so that GLA officers may consider these, and determine the form of drafting which should be incorporated within the agreement.
- 4 Both Lewisham Council planning officers and the applicant project team acknowledge that GLA officer adjudication is required in order to reach a resolution on the disputed parts of drafting, and to enable the agreement to be finalised and executed. GLA officers seek to allow a two week period for conclusion of the arbitration process, subsequent clause revision, and finalisation of the section 106 agreement drafting.

5 Having regard to the above, and the applicant's requirement for a two-week circulation and execution period, GLA officers propose a one-month extension to the programme. Accordingly it is recommended that the section 106 completion process is extended until 28 November 2014.

### **Legal considerations**

6 Under the arrangements set out in Article 7 of the Order and the powers conferred by Section 2A of the Town and Country Planning Act 1990 the Mayor is acting as the Local Planning Authority for the purposes of determining this planning application.

### **Financial considerations**

7 The applicant has agreed to reimburse the GLA and TfL for legal costs associated with the preparation and completion of the section 106 agreement.

### **Conclusion**

8 Given a need for additional time in order to conclude negotiations and execute the agreement, it is necessary to extend the time period for completion of the section 106 legal agreement.

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### ***Decision record***

**Extension to 28 November 2014 agreed**

**Signed:**

A handwritten signature in black ink, appearing to be 'Colin Wilson', written over a horizontal line.

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