

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 6.30 P.M. ON THURSDAY, 23 SEPTEMBER 2021

**COUNCIL CHAMBER - TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

Councillor Abdul Mukit MBE (Vice-Chair)
Councillor Sabina Akhtar (5.1 only)
Councillor Kahar Chowdhury
Councillor David Edgar
Councillor Rabina Khan
Councillor Tarik Khan (4.1 only)
Councillor Val Whitehead

Apologies:

Councillor Kevin Brady

Officers Present:

Jerry Bell	– (Area Planning Manager (East), Planning Services, Place)
Siddhartha Jha	– (Principal Planning Lawyer, Legal Services, Governance)
Jack Leafe (online)	– (Principal Viability Officer, Place)
Matthew Pullen (online)	– (Infrastructure Planning Manager)
Max Smith	– (Development Management – West Team, Planning, Place)
Joshim Uddin	– (Development Viability Manager - Tower Hamlets Viability)
Rikki Weir	– (Principal Planning Officer, Planning Services, Place)
Zoe Folley	– (Democratic Services Officer, Committees, Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS

Councillors declared interests as follows:

Item 4.1 Asda – Crossharbour District Centre, 151 East Ferry Road, London, E14 3BT (PA/19/02534)

- Councillor Kahar Chowdhury, a non DPI interest – as he had received further representations.
- Councillor Chowdhury also declared that he had met the applicant at a recent event for the 50th Anniversary of the Independence of Bangladesh. This had not influenced his judgement on the application and he could retain an open mind.
- In addition, following Councillor Chowdhury's recent appointment as Cabinet with the Public Realm and Social Inclusion portfolio, he advised that he had not been involved in leading any Executive decision making which impacts on the applications. Therefore he did not consider he had a conflict of interest. He could consider the applications with an open mind.
- Councillor Abdul Mukit MBE, a non DPI interest. This was on the grounds of previous contact with the applicant's representatives who is a prominent member of community. This had not influenced his decision and he could consider the application was an open mind.
- Committee Councillors also declared non DPI interests. This was on the grounds that they had been invited to attend a recent fundraising/awards event, involving the applicant and had been invited to submit nomination for awards. This had not influenced their decision and they considered that they could consider the application was an open mind.

Item 5.1, North Quay, Aspen Way, London, E14 (PA/20/01421 and PA/20/01412)

- Councillor Tarik Khan, a DPI interest on the grounds of his employment. He left the meeting for the duration of the consideration on the application.
- Councillors Sabina Akhtar, David Edgar and Abdul Mukit MBE, a non DPI interest. This was on the grounds of previous contact with the representatives of the Canary Wharf Group as community figures. This had not influenced their decision and they could consider the application with an open mind.
- Councillor Rabina Khan a non DPI interest. This was on the grounds that she had attend an event with the Canary Wharf Group. This had not influenced her decision and she could consider the application was an open mind.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

1. That the unrestricted minutes of the meeting of the Committee held on 23rd August 2021 be agreed as a correct record and signed by the Chair.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee **RESOLVED** that:

1. The procedure for hearing objections and meeting guidance be noted.
2. In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes be delegated to the Corporate Director, Place along the broad lines indicated at the meeting; and
3. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Place be delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

4. DEFERRED ITEMS

Councillor Kahar Chowdhury (Chair)

4.1 Asda – Crossharbour District Centre, 151 East Ferry Road, London, E14 3BT (PA/19/02534)

Update report was tabled

Jerry Bell introduced the application for a hybrid planning application (part detailed, part outline) for the demolition of existing buildings and the comprehensive, mixed-use, re-development of the site, comprising a maximum of 218,991sqm (GEA) of floorspace.

This application for planning permission was considered by the Strategic Development Committee on 9th June 2021.

The application was deferred by members to request that officers further consider the proposal in relation to

- fire safety measures,
- sunlight and daylight assessments,

- water pressure,
- affordable housing compared with a previous planning permission,
- and the mix of town centre uses.

The Committee also requested an additional site visit for members to further consider the relationship with Friars Mead. This took place on 13th September 2021.

Rikki Weir provided a brief overview of the scheme, describing the application site and the key features of the scheme.

The application has been updated with additional information relating to the Committee's reasons for deferral as set out in the report.

Focusing on the reasons for deferral, Members noted an update on the following issues, as set out in the report.

- The fire safety issues. The London Fire and Emergency Planning Authority and the Greater London Authority (GLA) considered that the submitted fire safety information complied with the relevant policy and the requirements.
- The sunlight and daylight impacts on Friars Mead/ concerns about the adequacy of the assessment. It was noted that BRE have confirmed that the information available to Members (in the Environmental Statement, the applicant's supplementary report and BRE's independent review) is sufficient to enable members to fully assess daylight and sunlight impacts. The BRE confirm that properties in Friars Mead would have windows which would experience minor impacts or minor to moderate adverse daylight impacts. However, these properties would generally continue to receive satisfactory levels of sunlight.
- The water pressure issues. It was noted that the Council had held a meeting with Thames Water and they have provided reassurances regarding the plans to increase the capacity of the network to accommodate local development. They had also confirmed that for Waste Water, there would be enough Foul Water sewerage network infrastructure capacity and Surface Water network infrastructure capacity for both the Detailed and Outline components of the application. Thames Water also have a legal obligation to provide a minimum level of water pressure. There would also be pre-commencements conditions to ensure that the development would be planned in such a way to address the water needs of the development.
- Concerns about the level of affordable housing compared to the previous 2014 permission. It was confirmed that, as set out in the update report, on 17th September 2021 the applicant had agreed to provide 10 additional affordable homes, increasing the proportion from 25% to 27% from the previous committee. Overall, it was considered that the maximum reasonable amount of affordable housing had been secured as confirmed by LBTH viability team. The proposed 27% was in excess of the 16.5% that was considered to be the maximum

reasonable provision when the application was initially submitted in 2019. It was also noted that the previous, expired 2014 consent scheme did not secure the 35% affordable housing but 31% and that the current scheme would provide additional benefits secured for the Borough. These included additional financial contributions and a new primary school.

- The standard of the affordable housing would be high and would be located around the site in good locations.
- Regarding the Town Centre Uses, changes had been made to the plans with the introduction of the D2 uses (assembly and leisure uses) and the restriction on B1 flexible commercial floor space,

In addition amendments had been made to the application to:

- abandon the tunnelling works beneath Mudchute Park in relation to the sewage works.
- alter the proposed access route to Mudchute Park, ensuring that some trees and a hedgerow in the Park would not be removed.
- To provide additional electric charging points for the commercial car parking spaces.
- To include a target within the s106 for 40% of ASDA workforce to be local

The scheme would deliver a wide range of public benefits which were noted, and a lengthy set of planning obligations. The Officers recommendation remained to grant permission

In response to the presentation, the Committee asked a number of questions about the following issues:

- The decision to provide D2 uses and place restrictions on B1 flexible commercial floor space. Officers were satisfied that this should address the concerns and that the proposal should provide a mixed range of town centre uses.
- It was confirmed that 30% of the flexible commercial space (A1-A4, B1 and D2) would be offered as affordable at a 30% discount to small, local businesses and the D2 space could accommodate leisure uses. The Committee discussed how the details of this would be secured, particularly in respect of securing opportunities for local small businesses. It was noted that the details of this would be secured in the s106, and this could include for an example, a definition of a small business. The applicant could also be encouraged to use best endeavours to secure this. Contributions had also been secured for local employment which were noted.
- The proposal to provide additional affordable housing and the phasing plans. Officers confirmed the proposed tenure split of the affordable housing. The units included large family housing. The proposals complied with policy and was a key benefit of the scheme. Further reassurances were also provided that the housing would be tenure blind and located throughout the development.

- In terms of the timeline, it was envisaged that the development should take about nine years to build, with the delivery of the affordable housing split between the three phases. An overview of these plans was noted
- The Committee also heard from the Council's Viability officer, Jack Leafé about the assessment and the operation of the viability review mechanism.
- That land reserved in the s106 potentially for a school site. The s106 only safeguarded the land for a school. However, it was open to the Council to decide how this should be taken forward, as detailed in the report
- The impact on Mudchute Park. Reassurances were provided about the measures to mitigate the impact through for example providing like for like replacements of green spaces and uplift in biodiversity benefits as detailed in the report. This should mitigate the short term impacts on the park. In terms of the longer term impact, Officers, working with the Mudchute Park, had secured financial contributions for mitigation and after 10 years the costs of this should also eventually be offset and met by the additional Council Tax revenue from the development.
- The concerns about the loss of trees, particularly during the construction phase. The Committee received further details about the changes to the access route to Mudchute Park. The daylight and the sunlight assessments would have taken into account the position in relation to the trees.
- The Water pressures issues. Officers further explained the outcome of the meeting with Thames Water to consider their plans to upgrade the network as set out in update report.
- The infrastructure impacts. It was confirmed that contributions had been secured for improvements to the transport network. TfL have also confirmed that they are satisfied that the planned phasing of the scheme should help to align with their planned DLR capacity improvements.
- In response to further questions, the Committee heard from Matthew Pullen (Infrastructure Planning Manager) regarding the planned capacity enhancements to the DLR network so that it could accommodate more passengers.

On a unanimous vote in favour the Committee **RESOLVED:**

1. That, subject to any direction by the Mayor of London, planning permission is **GRANTED** at Asda –Crossharbour District Centre, 151 East Ferry Road, London, E14 3BT for the following development
 - A hybrid planning application (part detailed, part outline) for the demolition of existing buildings and the comprehensive, mixed-use, re-development of the site, comprising a maximum of 218,991sqm (GEA) of floorspace.

- Full details are submitted for 526 residential units (Class C3), flexible commercial floorspace, including a new foodstore (17,087sqm GIA - A1-A4/B1/D2), a primary school (D1), community uses (D1), public bus parking and a site wide basement, with associated uses as part of the development including car parking (up to 410 spaces), cycle parking, and an energy centre. Building heights would range between a maximum of 17.4m AOD (3 storeys above ground level) and 60m AOD (15 storeys above ground level). Creation of new vehicular and pedestrian access and public realm works, including all ground floor hard and soft landscaping and other works incidental to the proposals, including a programme of interim works (which include a temporary multi-storey car park with 349 car parking spaces and a temporary access lobby to the retail foodstore).
 - Outline permission (with layout, scale, appearance and landscaping at upper levels being reserved) is sought for up to 111,137sqm GEA above podium level, comprising of between 1217 and 1446 residential units (C3), with associated private and communal podium amenity and landscaping, within four buildings with maximum heights ranging between up to 45.850m (AOD)/12 storeys and up to 115.50m (AOD)/32 storeys.
 - [The application is accompanied by an Environmental Statement]
2. Subject to the prior completion of a legal agreement to secure the planning obligations in the Committee report dated 9th June 2021, the additional conditions/ obligations within the report dated 23rd September 2021 (regarding the matters set out below) and the update report
- (a)
- minimum 10% of flexible commercial floorspace to be employment and assembly and leisure uses (former B1/D2 use classes)
 - maximum 20% of flexible commercial floorspace to be employment and assembly and leisure uses (former B1/D2 use classes) with maximum 999sqm employment (former class B1 use class) floorspace
 - noise and ventilation details to be submitted for D2 use class
- (b)
- updated planning obligations to require reasonable endeavours to employ 40% local workers (to be defined) within the replacement Asda hypermarket.
3. That the Corporate Director of Place is delegated the power to negotiate the legal agreement. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.

4. That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the matters set out in the Committee report dated 9th June 2021 and 23rd September 2021 including the clarifications in the update report

5. PLANNING APPLICATIONS FOR DECISION

Councillor Abdul Mukit MBE (Chair)

5.1 North Quay, Aspen Way, London, E14 (PA/20/01421 and PA/20/01412)

Update report was tabled

Jerry Bell introduced the application for outline planning permission (all matters reserved) for the redevelopment of the North Quay site for mixed use.

Max Smith presented the report, explaining the site and the surrounds, including images of the extant permission. The application was in outline and would be controlled by a number of documents.

The Committee noted the following:

- That the proposed complied with the aims in the North Quay site allocation, for an employment led scheme. That officers raised no objections to the proposed night time uses and the casino.
- An overview of the parameter plans and the indicative scheme showing how the development may look.
- That public consultation had been carried out resulting in the receipt of 30 representations in objection, 6 neither in support or objection and 7 in support. The issues raised were noted.
- Details of the various land use options, including a summary of the residential option.
- Under the residential housing option, the scheme could provide 30% housing affordable. The viability of this option had been tested. It was found that the maximum level of affordable housing that could be provided had been secured. Should student accommodation or co – living space may form part of the scheme – the scheme would deliver 35% of these units, through on site or off site provision.
- It was recommended that a condition be secured to secure a minimum level of residential floor space subject to the caveat, requested by the applicant, allowing this to be waived if a substantial amount of Life science floor space was brought forward.
- That the development would deliver a range of public benefits. These include substantial contributions to employment and affordable workspace
- Other key benefits of the scheme included public realm improvements. These included: new access routes and public open space.

- The application is generally acceptable from a transport perspective, providing a high density car-free scheme with disabled access parking.
- It would also provide improvements to permeability. These included additional pedestrian and cycling routes through the site - along with improvements to Poplar footbridge as sought in the Site Allocation, as well as a dockside pedestrian route.
- Whilst there would be some impact on the Grade II* Listed St. Matthias Church, any harm caused would be less than substantial and would be outweighed by the public benefits of the scheme. Any harm can be addressed through detailed design at the reserved matters stage.
- In daylight/sunlight terms, there would be major impacts on a number of residential properties under the maximum parameters. It is likely that the final design, would result in a lesser impact as evidenced by the assessment of the Indicative Scheme.
- The Council would retain considerable influence at reserved matters stage to ensure that the ultimate development would be of sufficient quality, regardless of which development scenario is pursued.

Given the merits of the scheme and the public benefits, the development complied with policy and Officers were recommending that it was granted planning permission and listed building consent.

The Chair invited the following registered speakers to address the Committee:

Barry Carpenter spoke in objections raising concerns about the development in relation to:

- Fire safety issues due to the height and the adequacy of the evacuation plans. This was because the site was hemmed in.
- Aircraft safety given sites close proximity to the London City Airport.
- That the development was too tall and that the height needs to be reduced to make it more acceptable.

Howard Dawber and Jason Syrett spoke in support of the scheme. They drew attention to the following:

- The applicant had met with objectors and were happy to continue to talk to the speaker to answer questions/respond to any issues.
- That the Fire Authority and the City Airport had raised no concerns and the applicant would continue to engage with them.
- That the applicant had worked hard to provide a high quality development and to provide robust plans that would inform the final plans. The plans would improve and reconnect the site to the docks and the wider area, would be a high sustainable development, energy efficient and would provide green space. It would enable the CW Group to bring forward the next generation of businesses.

In response to the presentation, the Committee asked a number of questions about the following points:

- The arrangements for ensuring certain aspects of the scheme were delivered at an earlier stage, such as the necessary infrastructure. Officers advised that this would be managed through the s106 agreement. In discussing this the applicant provided examples of how each phase of the scheme could be delivered.
- As this was an outline planning consent, Members requested that the reserved matters application would be submitted to the Committee for it to decide. The Council's Constitution provided for this.
- It was confirmed that the proposal sought to significantly improve public access to the area and provide cycling routes. The applicant provided an overview of the key benefits. These included the enhancements to the cycle routes along Aspen Way with the addition of soft landscaping to improve its appearance. The development would open up the site, creating links to the Poplar footbridge. The plans sought to make the site as welcoming as possible to the public and residents of the north and south of the site.
- That the applicant had carried out community consultation over a number of months as set out in their Statement of Community Involvement.
- That in response to the Council's Consultation 30 objections were received. The applicant had worked hard to understand and mitigate any concerns especially the impact on those most affected. The applicant underlined their commitment to continue to work with the residents. In response to further questions, the applicant was mindful of the issues raised by residents as set out in the Committee report (about CCTV mitigation measures etc) and undertook to take these on board at the reserved matters stage.
- The ecology and biodiversity improvements. The applicant advised that they had carried out a lot of work on the wider estate to provide such enhancements. Such improvements would be a key feature of this development. Details of these proposed benefits were noted including the provision of green roofs, and the fish wall.
- The discussions about the provisions of life science space, as a primary use of the site.
- The height of the scheme. The applicant noted that the height of the proposed buildings varied, and there were a number of potential building heights. The tallest element in any scenarios would sit below 1 Canada Square.
- The works to the Banana Wall (Grade 1 Listed). Officers outlined the plans for the wall. Officers considered that the impact would be neutral and the appearance of the wall would be consistent with that of the rest of the dock wall.
- The proposals to provide 30% affordable housing given the policy targets. Clarification was also sought on the maximum housing parameters. It was confirmed that the applicant had taken a commercial decision to provide 30% affordable housing. The Council's Viability Team had reviewed this offer and had concluded that this could reasonable be secured. Viability Review mechanism would also be

included in the s106, to secure more affordable housing if values increased. The Committee heard from Jack Leafe, the Council's Viability Officer about the assessment. Overall Officers felt that these outline plans in respect of the housing, were acceptable.

- The viability of the two other options had not been tested (student accommodation or co – living space). Concerns had been expressed about these options.
- That some of the over 12 play space may need to be provided off site – similar to other schemes. (under the maximum housing option). It was felt that this could be supported – given that the proposed site was within walking distance of the development and that it would provide a public benefit. The quality of the play space may be affected if it all of which was to provided on site.
- In relation to the sunlight and daylight assessment, Officers provide further details of the assessment. A number of properties would experience a loss of light – based on the worst case scenario, and the results were in general better than the previously approved scheme. The existing levels of sunlight and daylight were high as the site was currently vacant, so that the impacts were relative. The properties affected would still continue to receive an acceptable level of light. Such impacts were to be expected given the scale of the development and the expectations in the site allocation for a tall building on this site. It was hoped that this could be mitigated at the reserved matters stage.
- The impact on the Grade II* Listed St. Matthias Church, from the indicative plans would be limited, but it was emphasised that it was anticipated that this could be resolved at the reserved matters stage. Changes had been made to the scheme to minimise the impacts.
- In terms of the safety issues raised by the objector, officers had carried out the necessary due diligence check and had no concerns about the safety issues. The applicant also underlined their commitment to continue to work with the relevant authorities on the plans.
- Contributions had been secured to provide local employment which were noted. The CWG worked closely with local colleagues, universities and businesses to facilitate training and to help people in work. Through such initiatives, they proactively worked to fulfil these obligations.

On a unanimous vote the Committee **RESOLVED**:

1. That, subject to any direction by the Mayor of London, planning permission and listed building consent is **GRANTED** at North Quay, Aspen Way, London, E14 for the following development

Application for OUTLINE (Ref PA/20/01421) planning permission (all matters reserved) for the redevelopment of the North Quay site for mixed use comprising:

- Demolition of existing buildings and structures;
- Erection of buildings and construction of basements;
- The following uses:
 - Business floorspace (B1)

- Hotel/Serviced Apartments (C1)
 - Residential (C3)
 - Co-Living (C4/Sui Generis)
 - Student Housing (Sui Generis)
 - Retail (A1-A5)
 - Community and Leisure (D1 and D2)
 - Other Sui Generis Uses
- Associated infrastructure, including a new deck over part of the existing dock;
 - Creation of streets, open spaces, hard and soft landscaping and public realm;
 - Creation of new vehicular accesses and associated works to Aspen Way, Upper Bank Street, Hertsmere Road and underneath Delta Junction;
 - Connections to the Aspen Way Footbridge and Crossrail Place (Canary Wharf Crossrail Station);
 - Car, motorcycle, bicycle parking spaces, servicing;
 - Utilities including energy centres and electricity substation(s); and
 - Other minor works incidental to the proposed development.

LISTED BUILDING APPLICATION (Ref: PA/20/01412) Stabilisation of listed quay wall and associated/remedial works, as well as demolition/removal of the false quay in connection with the erection of a mixed-use development.

2. subject to the prior completion of a legal agreement to secure the planning obligations set out in the Committee report dated 23rd September 2021.
3. the conditions listed in the report dated 23rd September 2021 and the clarifications in the update report.

The meeting ended at 9:45

Chair,
Strategic Development Committee