

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 6.40 P.M. ON WEDNESDAY, 9 JUNE 2021

COMMITTEE ROOM ONE - TOWN HALL MULBERRY PLACE

Members Present:

Councillor Kahar Chowdhury (Chair)

Councillor David Edgar
Councillor Abdul Mukit MBE
Councillor Sabina Akhtar
Councillor Tarik Khan
Councillor Val Whitehead
Councillor Rabina Khan

Other Councillors Present:

Councillor Mufeedah Bustin
Councillor Peter Golds
Councillor Ehtasham Haque
Councillor Kyrsten Perry
Councillor Mohammed Pappu
Councillor Candida Ronald

Apologies:

Councillor John Pierce

Officers Present:

Jerry Bell	– (Area Planning Manager (East), Planning Services, Place)
Paul Buckenham	– (Development Manager, Planning Services, Place)
Siddhartha Jha	– (Principal Planning Lawyer, Governance, Legal Services)
Matt Kent	– (Highways Team Leader)
Jack Leafe	– (Principal Viability Officer, Place)
Jonathan Morris	– (Growth and Infrastructure Team Leader, Planning Services, Place)
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 in agenda Asda – Crossharbour District Centre, 151 East Ferry Road, London, E14 3BT (PA/19/02534) as follows:

- Councillor Kahar Chowdhury, a non DPI interest – as had received representations.
- Councillor David Edgar, a non DPI interest as he had received representations. He also declared that a relation had property in the surrounding area. He also declared that he had watched the virtual Members briefing on the scheme held on 2nd June 2021.
- Councillor Abdul Mukit MBE, a non DPI interest. He had received representations.
- Councillor Sabina Akhtar, a non DPI interest. She had received representations. She also declared that his husband Councillor Ehtasham Haque was speaking at the meeting as a objector. However she considered that she could consider the application with an open mind
- Councillor Tarik Khan, a non DPI interest. He had received representations
- Councillor Val Whitehead, a non DPI interest. She had received representations.
- Councillor Rabina Khan, a non DPI interest. She had received representations.

2. **ELECTION OF VICE-CHAIR FOR THE COMMITTEE FOR 2021/22.**

It was proposed by Councillor Kahar Chowdhury, seconded by Councillor Sabina Akhtar and **RESOLVED:**

1. That Councillor Abdul C Mukit MBE be appointed Vice-Chair of the Development Committee for the Municipal Year 2021/2022.

3. **MINUTES OF THE PREVIOUS MEETING(S)**

The Committee **RESOLVED**

1. That the unrestricted minutes of the Strategic Development Committee held on 19th May 2021 be agreed as a correct record and signed by the Chair.

4. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Place along the broad lines indicated at the meeting; and
- 2) 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 is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.
- 3) To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee.

5. STRATEGIC DEVELOPMENT COMMITTEE TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF MEETINGS

RESOLVED:

1. To note the Strategic Development Committee's Terms of Reference, Quorum, Membership and Dates of future meetings as set out in Appendices 1, 2 and 3.

6. DEFERRED ITEMS

None

7. PLANNING APPLICATIONS FOR DECISION

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

Update reports published.

Paul Buckenham 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.

The Chair confirmed that Committee Members had recently attended a virtual briefing presentation attended by Officers and members of the developer's team and a site visit attended by Officers as set out in the Committee update report.

Rikki Weir presented the application describing the site and the surrounds and the key features of the application. He also summarised the planning history including the key differences between this new application and the previously consented schemes in terms of the provisions of housing and removal of the petrol filling station.

The Committee also were advised of the following matters:

- A summary of the outline planning permission, to be assessed at the reserved matters stage. The acceptability of which would be subject to the limitations in the control documents (Development Specification, Design Code, and Parameter Plans documents).
- An overview of the detailed component, including the layout of the proposals.
- Results of the consultation including the number of representations received in support and objection and the issues raised.
- That in land used terms, the proposals were in line with the aspirations in the Site Allocation (Crossharbour Town Centre).
- The scheme sought the removal of the Petrol Station (similar to the previous 2014 consent) due to the site's unsuitability for this, in light of the Fire Authority's comments as well as lack of policy support for its retention.
- The Island Health centre is not included in the application site boundary and that the health centre site would not be prejudiced by this development. Controlled vehicular access would be retained to the health centre car park.
- That the housing mix broadly complied with policies. 25% of which would be affordable housing. It would help meet the Council housing delivery targets, particularly important in light of the recent adverse Housing Delivery Test result. It would deliver good quality housing including wheelchair accessible housing.
- The other benefits of the scheme included the delivery of a number of interlinked public areas, improved pedestrian access, land earmarked for an education facility and a community centre, in line with the site allocation requirements.
- In terms of the design and heritage issues, the tallest buildings had been arranged in such a way to minimise their impacts on residential amenity and Mudchute Park and to fit in with the stepping down policy to Canary Wharf. It would cause less than substantial harm to heritage assets and this would be outweighed by the benefits of the development. The Committee noted views of the proposals from the surrounding area.
- The scheme had also been designed sensitively to minimise impacts on neighbourhood amenity. However the development would result in adverse impacts on sunlight/daylight to properties, particularly windows at Glengall Grove and Friars Mead. It was found that many of these impacts were due in part to existing constraints. Officers were required to balance these impacts with the public benefits.

- There would be an uplift in biodiversity enhancement. Any impact on ecology would be mitigated by conditions.
- Contributions had been secured relating to a range of matters including for highway improvements and transport network contributions

Overall given the benefits of the scheme, Officers were recommending that it should be granted planning permission.

The Chair invited the registered speakers to address the Committee,

Rebeka Bliffen and Emma Fayter, residents of Friars Mead, spoke in objection to the application. They objected on the grounds of:

- Impact on amenity due to the excessive height and scale of the development. This was in terms of: loss of sunlight and daylight, overshadowing, loss of privacy and loss of the views of the Mudchute Park. It would dominate properties and cause a sense of enclosure. This would adversely affect residents quality of life. It was much denser than the previous 2014 scheme.
- Impact on right to light at properties at Friars Mead.
- Overshadowing particularly in the afternoon when children were playing.
- The daylight and sunlight assessment was flawed, as based on inaccurate information, in relation to the layout of properties at Friars Mead amongst other things.
- The objectors had commissioned their own sunlight and daylight assessment showing that a significant percentage of properties would suffer major impacts that did not comply with BRE.
- Water supply issues.
- Harm to Mudchute Park. There was a need to preserve and provide more green spaces in the area.

The Committee asked questions of clarification of the speakers and in response it was noted by speakers that:

- The view was expressed that a condition could not solve the water pressure problems.
- No one had looked at the Friars Mead development in carrying out the sunlight and daylight assessment to identify the unique layout of the development
- Given the lack of clarity about the plans, it was unclear what the true affects would be.
- The residents also outlined the results of their own sunlight and daylight tests.

Mr Gurdev Channa addressed the Committee, drawing attention to a letter from the Britannia Pharmacy that they had circulated to the Committee. In summary, this requested that they be given the opportunity of taking up a new lease in the development with a first right of refusal. In response to the

presentation, the Committee discussed with Officers this request and were advised that in this case, it was considered inappropriate to include this request in the s106 as it did not meet the relevant tests. Instead, this was a matter for the Pharmacy to take up with the applicant as a commercial matter.

The following Councillors also spoke in objection the application:

Councillors Ehtasham Haque, Candida Ronald, Mohammed Pappu, (ward Councillors), Councillors Krysten Perry, Mufeedah Bustin and Peter Golds.

Councillor Candida Ronald declared an interest as she was a Trustee of Island Health Trust. The Island Health centre is not included in the application site boundary

Councillors Krysten Perry also declared that she had an allotment on the Mudchute Park.

They expressed concerns as follows:

- Overdevelopment of the site and pressure on infrastructure including GP surgeries, the DLR and the water supply.
- Issues raised by Thames Water needed to be addressed.
- The health assessment was flawed.
- Lack of funding for adequate health care provision and the necessary infrastructure to support the scale of the development. The promises regarding the expansion of the Island Health Care facility had not been honoured.
- Lack of consideration to the Isle of Dogs Neighbourhood Plan.
- Lack of car parking spaces – and impact on parking in the area due to parking enforcement issues.
- Loss of only Petrol Station on Isle of Dogs.
- Spoil the character of the Island.
- Amenity impacts on residents.
- Lack of social housing and housing segregation given the poor location of the main social housing block. It would be hidden away by a wall and made from different materials. The plans were not therefore tenure blind.
- The level of affordable housing to be provided was lower than the 2014 development
- The plans were vague, due to the hybrid nature of the scheme, so the true impact of the scheme was unclear. There was a huge lack of detail to make an informed assessment.
- Concerns over the overprovision of office space and insufficient retail and leisure space. Councillors questioned the value of this terms of contributing towards the creation of a new District Town Centre.
- Concerns over the proposed school, in terms of its location, the landownership issues/need for another school.
- Overshadowing of parks.

- Impact on Mudchute Park. Assurances were sought about the retention of the trees, including the canopy cover on the southern border, given the long list of valuable trees in that area. A condition was sought to preserve them.
- The improvements and work to mitigate the impact on Mudchute Park – who would maintain this and ensure its continued funding?
- Race equality issues in terms of access to health facility issues.

The Committee asked questions of clarification of the speakers and in response noted the following points:

- The Councillors further explained their concerns about the following issues - the water supply, the affordable housing, the lack of funding for infrastructure.
- There was a need for additional health facilities in the local neighbourhood, especially as this site was in an area of deprivation.
- The Councillors also highlighted their concerns about the applicant's consultation, particularly in terms of the information presented by the applicant at consultation events. It was felt they these kept changing and did not reflect what is actually proposed.
- It was also felt that the location of the school did not make sense, given the land ownership issues.
- In discussing this point, the Officers confirmed that Local Plan included a number of site allocations for education facilities. This site was one of them. The plans show an area which could be safeguarded for a school. It was open for the Council to design this. In the event this was not needed, this space could provide a community or health use.
- In addition, the Education Department had expressed an interest in exploring a potential link between the site and Cubitt Town School resulting in an expansion, subject to any outstanding issues being resolved.
- Regarding the points about lack of information, Officers confirmed that this was a hybrid scheme, and the approach to delivering this scheme was not unique, as highlighted in the presentation. The Council would notify residents of the reserved matters and should they trigger enough objection, they would be brought to the Committee. The Committee could also request this. This assessment looked at the worst case scenario in assessing the amenity impacts on the properties affected by the development.
- The report contained images and set out the key features of both the outline and the detailed components.
- Officers confirmed that the plans had been assessed against the relevant plans. The Isle of Dogs Neighbourhood Planning Forum had provided detailed comments and the issues raised had been addressed in the Committee Report.

The following Members of the applicant's team addressed the Committee:

- Sunny Desai – DP9 Planning consultants

- Piers Gough - CZWG Architects
- Abdul Haque Habib - Managing Director of the London Training Centre
- Atia Begum Jorna – Local Resident.
- Daniel Maddox - GIA – Daylight
- Andy Leahy - Bespoke – Affordable Housing.
- Andy Ward - Royal Haskoning – Transport.
- Martin Simms - Ashbourne Beech – applicant.

They highlighted the following:

- The applicant had worked hard to ensure the aspirations in the site allocation would be met.
- There had been a series of meetings with stakeholders and extensive community consultation. The merits of the plans included the delivery of significant public benefits, including
- A new ASDA store,
- Flexible commercial uses, accommodating independent providers, affordable work space aimed at start up businesses. A percentage of which would be secured as affordable workspace (30% discount for 30% of the space), to support local SMEs.
- New jobs and opportunities for local people
- The provision of a large number of new homes
- The delivery of good quality affordable housing - all would be tenure blind.
- It was proposed that the affordable units should be located in block A - , purely due to the benefits of locating family housing in this location. All tenures would have access to the shared communal space. Other tenures would also access their residences from the same pedestrianised Play Street. Affordable housing would also be located in other blocks in the development.
- This was a unique opportunity to create a District Town Centre and focal point for the community (given the key features of the scheme). It would be good for community cohesion.
- The viability of the scheme had been carefully assessed - and it was found that the maximum amount of affordable housing that could be delivered on site had been secured.
- Other benefits of the scheme were also highlighted (including the proposed school/community use, as well as the public realm and landscaping plans).
- The impact on trees had been carefully assessed. Many new trees will be planted with full details of their location and types to be secured by condition.
- The Daylight and Sunlight report submitted by the applicant had been considered and carefully assessed by experts. It found that the retained levels at Friars Mead and surrounding properties broadly complied with the policy requirements due to the separation distances. Existing constraints placed limits on the levels of sunlight and daylight some of these properties received.

- Impact on the Island Health Centre would be acceptable and not harm its future development. CIL contributions may go towards the provision of health facilities, which were in line with policy.
- The loss of the petrol station will not happen immediately; it will be retained for a number of years.
- The applicant had agreed to provide a package of transport improvements including contributions for the DLR and London buses, as well as electric charging points that exceeded policy.
- The development would be car free subject to the provision of 60 blue badge disabled spaces – 350 spaces for the ADSA supermarket and the wider District Town Centre.

The Committee asked questions of clarification of the speakers in relation the following points.

- That the affordable housing would be spread across the development to be provided in different phases of the plans.
- That any fitness and leisure facilities would be assessable to all. It was questioned by a Member if this could be secured by condition?
- That Thames Water had not objected to the scheme and the plans included a safeguarding condition ensuring that any issues be addressed before the development was occupied.
- The level of objections to the scheme. It was noted that the scheme had been carefully designed to minimise impacts, including stepping back the buildings from Friars Mead and the Mudchute Park.
- That the plans sought to secure a number of biodiversity benefits. Whilst there would be a adverse impacts during construction and with increased visitors to Mudchute, contributions had been secured to mitigate the impact on biodiversity. The applicant would accept additional conditions regarding the protection of trees.
- It was emphasised that the affordable housing would be located in the quietest part of the site. There would be no question of housing segregation given that all the accommodation would be of the same quality and the opportunities for occupants of all housing tenures to mix.
- The Applicant would agree to the wording suggested by the speaker in relation to the Britannia Pharmacy and the s106 agreement.

At this point - The Committee adjourned for 10 minutes between 9:40PM – and 9:50PM.

The Committee also asked a number of questions to Officers as summarised below:

- The plans to provide 25% affordable housing given the sale of the scheme.
- Members also questioned why the proportion of which was lower than the previous scheme given the scale of this scheme.

- The Committee heard from Jack Leafe (Principal Viability Officer, Place) regarding the viability assessment.
- The viability of the scheme had been carefully assessment. It was found that due to the costs of developing this particular site, including upfront costs, that the 35% target could not be met. Some of these costs were noted
- It was noted that the level of affordable housing was lower than the previous scheme, but this was due to a number of factors including increased costs and a slow down in house prices.
- It was confirmed that the 25% would be secured by condition. Technically the scheme could viably provide a lower percentage. The applicant may revert to this at the appeal stage. Review mechanisms had also been secured to provide more affordable housing if circumstances improved.
- More of the affordable housing would be delivered in the first phase of the scheme and there should be no difference in the quality of the private and affordable housing given the merits of the location for the affordable housing.
- The reserved matters applications would receive the same level of scrutiny as the outline application, and the approach to this scheme was consistent with other major schemes.
- It was further explained that the Thames Water issues could be dealt with by condition and by the provision of CIL contributions. This may also help address any wider net work issues.
- The Council had appointed specialist consultants to review the submitted sunlight and daylight assessment. The Committee also heard from Paul Littelfair, (a sunlight and daylight expert) who gave an overview of the sunlight and daylight impacts.
- The Committee expressed an interest in receiving further details of the objectors sunlight and daylight assessment.
- The Committee also heard from Jonathan Morris (Growth and Infrastructure Team Leader). It was noted that the NHS and Officers felt that there was sufficient floor capacity in the area to meet health care demand. As developments come forward, more capacity can be delivered. The Council were also working with the GLA and other bodies to deliver a number of interventions over the coming years.
- Fire safety issues. The applicant had carried out a lot consultation with the Fire Authority and the GLA. The GLA were satisfied with submissions, subject to conditions. Other fire safety matters would also be dealt with by building regulations.
- The proposal sought to remove the Petrol Station. An underground car park would be provided with electric charging points.
- That conditions had been secured to ensure inclusive access to the shared communal area.
- There would also be conditions to mitigate the impact of the changes to the sewer system and the impact on the Mudchute Park.

Councillor Kahar Chowdhury moved and Councillor Sabina Akhtar seconded a proposal that the consideration of the application be deferred for the

reasons set out below. On a vote of 6 in favour and 1 abstention the Committee **RESOLVED**:

That the consideration of the planning application be DEFERRED, for the following reasons:

Further information/clarification regarding the following issues:

- Fire Safety measures.
- The Sunlight and Daylight assessments.
- Issues raised by Thames Water in relation to water pressure.
- Level of affordable housing in view of the differences with the previously approved applications.
- Details of the retail and office space in terms of its contribution towards creating a District Town Centre.

A further site visit to look at the impact on neighbouring properties including Friars Mead

In accordance with Development Procedural Rules, the application was **DEFERRED** to enable Officers to prepare a supplementary report to a future meeting of the Committee.

The meeting ended at 10.50 p.m.

Chair, Councillor Kahar Chowdhury
Strategic Development Committee