

## Application for Planning Permission

**Reference** PA/19/02534

**Site** Asda – Crossharbour District Centre, 151 East Ferry Road, London, E14 3BT

**Ward** Blackwall and Cubitt Town

**Proposal** 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]

**Summary Recommendation** Grant planning permission with conditions and planning obligations

**Applicant** Ashbourne Beech Limited and Asda Stores

**Architect/ agent** CZWG/ DP9

**Case Officer** Rikki Weir

## Key dates

- Application registered as valid on 06/01/2020
  - Consultation (including Environmental Impact Assessment (EIA)) on 07/01/2020
  - EIA Regulation 25 re-consultation on 01/06/2020
  - Re-consultation in relation to amendments on 08/02/2021
  - EIA Regulation 25 re-consultation on 22/01/2021
  - EIA Regulation 25 re-consultation on 10/03/2021
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## 1. BACKGROUND

- 1.1 This application for planning permission was considered by the Strategic Development Planning Committee on 9<sup>th</sup> June 2021. A copy of the original report is appended.
- 1.2 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.
- 1.3 The Committee also requested an additional site visit for members to further consider the relationship with Friars Mead.
- 1.4 The application has been updated with additional information relating to the Committee's reasons for deferral, comprising:
  - ES Statement of Conformity by Waterman dated 07/2021
  - Daylight / Sunlight Objector Letter Review by GIA dated 19/07/2021
  - Review of Daylight / Sunlight Modelling Comments from the BRE by GIA dated 02/09/2021
  - Review of Extra Daylight, Sunlight and Overshadowing Reports by BRE dated 03/09/2021
  - Affordable Housing Materials and Distribution by CZWG dated 09/07/2021
  - Friars Mead Boundary Clarification by CZWG dated 13/08/2021
  - Infrastructure Impact Assessment by DP9 dated 16/08/2021
  - Mudchute Footpath Tree Assessment by Martha Stewart Partners dated 18/08/2021
  - Mudchute Park Link Revisions by CZWG dated 27/08/2021
  - Fire Statement Section 1 Sitewide by Zeta Services dated 02/07/2021
  - Fire Statement Section 2 Asda Retail Store Car Park by Zeta Services dated 02/07/2021
  - Fire Statement Section 3 Residential Blocks by Zeta Services dated 02/07/2021
- 1.5 Further consultation with relevant bodies has been carried out and is summarised in this report.

## 2. CONSULTATION RESPONSES

- 2.1 Below is a summary of the consultation responses received from both internal and external consultees following the additional information and amendments received.

- 2.2 It should be noted that whilst the below provides a summary of the responses received, officers have had regard to the full submissions when assessing the proposed development.

### **Internal Responses**

#### **LBTH Heritage and Design**

- 2.3 Comments related to supplementary information analysing the location of affordable housing are incorporated in the main body of the report.

#### **LBTH Housing**

- 2.4 Affordable units will be distributed right across the scheme. They are not solely in Block A. In fact the vast majority of the affordable will be in Blocks J and L. So there will be affordable at the front, middle and back of the site. We feel this works positively in terms of delivering a mixed community. Within the detailed element, Blocks A (Rented), B (Intermediate) and C (Market) will all be accessed from the play street and all 3 blocks will have access to the shared gardens. So all the buildings will be accessed from the same street and all buildings will have access to the same amenity. We feel that this is a positive thing. The fact that the Block A duplex's were originally going to be for market sale and that we were able to get them for the rented is also a positive. We will not get these types of family units elsewhere on the site.

#### **LBTH Growth and Economic Development (Town Centre Team)**

- 2.5 The proposed additional conditions will help achieve a more diverse and balanced offer in Crossharbour and enable it to be a functioning town centre.

#### **LBTH Policy**

- 2.6 Comments related to the introduction of leisure and assembly (D2 use class) uses within the flexible commercial floorspace along with the proportion of office (B1 use class) floorspace are incorporated in the main body of the report.

#### **LBTH Environmental Impact Assessment Officer**

- 2.8 A Statement of Conformity (SoC) has been submitted in relation to the provision of D2 uses being introduced to the proposal. In summary this is considered to be acceptable, subject to conditions to limit the D2 uses to 20% of the flexible commercial floorspace. It is considered that the introduction of D2 use would not result in likely significant effects or alter the likely significant effects of the proposed development in relation to the Environmental Statement.

#### **LBTH Biodiversity**

- 2.9 Proposed amended location of the improved access to Mudchute Park is acceptable. This would no longer impact on trees or the hedge to the Mudchute Park boundary.

#### **LBTH Arboriculture**

- 2.10 Proposed amended location of the improved access to Mudchute Park is acceptable. This would no longer impact on trees or the hedge to the Mudchute Park boundary.

#### **LBTH Viability**

2.11 The viability has been tested and agreed by external consultants to be the maximum viable level. The main reasons why the affordable housing is a lower % than last time round are: additional £35m of financial obligations (primarily CIL); the school being on site; build cost inflation which is impactful here given that there are a lot of substantial costs (site prep, new store, etc.) and that these are largely up-front with revenue (sales of the flats), a number of years into the project.

### **LBTH Infrastructure**

2.12 Comments relating to a submitted Infrastructure Impact Assessment are incorporated in the main body of this report.

### **External Responses**

#### **Thames Water**

2.13 Subject to approval, for detailed component, conditions required to secure; foul water drainage capacity including development and infrastructure phasing plan and completion of wastewater network upgrades; piling method statement; water infrastructure network upgrades including development and infrastructure phasing plan. No objection with regard to surface water network infrastructure capacity.

2.14 Subject to approval, for Outline component, conditions required to secure; water infrastructure network upgrades including development and infrastructure phasing plan; piling method statement; foul water drainage capacity including development and infrastructure phasing plan and completion of wastewater network upgrades; surface water drainage capacity including development and infrastructure phasing plan and completion of wastewater network upgrades.

#### **Greater London Authority (GLA)**

2.15 Subject to approval, it is agreed that the submitted fire statements for the Detailed component are acceptable and a condition would be added to ensure that the development must be carried out in accordance. In line with draft GLA guidance, for the Outline component, updated fire statements would be required to be submitted at Reserved Matters stages.

2.16 With regard to the school site, which is part of the Detailed component, this building would be a separate plot to the remainder of the development. It is understood that the school building may be delivered to a different form to those shown in plans; therefore it is agreed that a fire statement would need to be submitted prior to commencement of development on the school site.

#### **Transport for London (TfL)**

2.17 With regard to the proposal to provide all (100%) residential and 30% of commercial car parking spaces with active electric vehicle charging, this is supported. Following clarification requested, the applicant has confirmed that 9.1% of the commercial active electric vehicle charging facilities would be rapid charging.

### **3. CONSIDERATION OF THE COMMITTEE'S REASONS FOR DEFERAL**

3.1 The following section of the report looks at each of the issues raised by committee members in more detail. The key issues raised by members to defer the application were as follows:

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

#### **Fire safety**

3.2 Concerns were raised at the previous committee meeting about comments submitted by the London Fire and Emergency Planning Authority (LFEPA) and the GLA. The LFEPA initially commented that *'pump appliance access and water supplies for the fire service were not specifically addressed in the supplied documentation.'* It is confirmed that indicative locations for the current and proposed hydrant locations together with their relationship to estimated appliance parking locations with respect to building access points are included within the Sitewide Planning Fire Statement.

3.3 The LFEPA further initially commented that *'the Commissioner strongly recommends that sprinklers are considered for new developments.'* It is confirmed within the Sitewide Planning Fire Statement that; all apartments in all blocks throughout the development will be fitted with a BS9251:2014 Category 2 residential sprinkler system; a BS EN 12845:2015 sprinkler system will be installed to all areas of the commercial / retail units to an Ordinary Hazard Group OH3 standard; the carpark will have BS EN 12845 Ordinary Hazard Group OH2 sprinkler system installed; the loading bay, and access road will have a minimum BS EN 12845 Ordinary Hazard Group OH2 sprinkler system; i.e. sprinklers will be provided throughout the development.

3.4 The GLA initially concluded that *'fire statements for the Detailed and Outline components, and details of fire evacuation lifts, should be secured by condition, subject to approval, in order to ensure that the development fully meets the requirements of policy D12.'* Following amendments and clarifications, the GLA are now satisfied with the fire statement provided for the Detailed component. For the Outline component, updated fire statements would be required to be submitted at Reserved Matters stages. Furthermore, for the school site, it is agreed that a fire statement would be required to be submitted, prior to commencement of development for the school site.

3.5 In conclusion, it is considered that the fire safety information provided for the application complies with policy D12 of the London Plan.

#### **Daylight and sunlight**

- 3.6 Concerns were raised at the previous committee meeting about comments from a public speaker about a daylight and sunlight assessment undertaken by a Friars Mead resident which supposedly had not been taken into account. Furthermore it was intimated that the scheme's daylight and sunlight assessment had not been carried out properly as a site visit to every neighbouring property had not been undertaken.
- 3.7 After liaising with the public speaker, a daylight and sunlight letter from Right to Light Consulting (dated 02/03/2020) has been recovered from neighbour representations already taken into account. This letter is a 2-page summary of daylight and sunlight conclusions in relation to Friars Mead properties and is not a substantive daylight and sunlight assessment as previously stated.
- 3.8 In accordance with supporting text of policy D.DH8, planning daylight and sunlight assessments are carried out in accordance with 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2011)' by Dr Paul Littlefair of the Building Research Establishment (BRE), often referred to as the 'BRE handbook.' As part of the application assessment process, the Council appointed Dr Paul Littlefair of BRE as an independent consultant to assess whether the applicant's daylight and sunlight assessment had been carried out in accordance with the BRE handbook.
- 3.9 In response to the 2-page summary from Right to Light Consulting, BRE have provided a further clarification letter, which will be summarised below. The Right to Light letter focuses mainly on impacts to 33-39 Friars Mead, pointing out that 23 of 31 windows would not meet the BRE guidance for vertical sky component (VSC daylight). According to the applicant's room allocations, these 23 windows light 10 rooms, 2 of which have other unaffected windows. Of the remaining 8 rooms, 6 are bedrooms which have overhanging eaves above them. These bedrooms have lower VSCs and higher relative reductions because of the eaves above them. The data shows that the bedroom windows would meet the VSC guidelines if the eaves were not present. 1 bedroom would also not meet the NSL daylight guidelines without the eaves in place.
- 3.10 With regard to 33-39 Friars Mead, there would also be losses of light to 2 living rooms, but the VSC with the new development in place would be in the 25-26% range, not far below the recommended 27%. One of the living rooms would have a large impact on its NSL daylight. BRE classified the loss of daylight impact to 33-39 Friars Mead overall as minor-moderate adverse in comparison to the applicant's consultant which classified it as moderate adverse.
- 3.11 The Right to Light letter also mentioned loss of sunlight to dwellings in Friars Mead being an issue. Nearly all of the affected rooms would be bedrooms, for which the BRE handbook states loss of sunlight is less important than living rooms. Nevertheless the sunlight received by these rooms is limited by the eaves above them, without which they would retain enough sunlight to meet the guidelines. There would be losses of winter sunlight marginally outside the guidelines to 1 other room in each of 9-15 and 33-39 Friars Mead. This would count as a minor adverse impact.
- 3.12 BRE confirm that it would be unreasonable to expect the applicant's consultant to visit all affected properties to measure internal layouts. This is not routinely done – knowledge of internal layouts only affects the NSL daylight results and not VSC. BRE further confirm that it would be unreasonable to expect the applicant's consultant to give their daylight model to Right of Light Consulting, given that the daylight and sunlight

assessment already supplied plans, 3D models and window maps of Friars Mead properties, which should be enough information to check the results. BRE further state that Right to Light are not a part of the planning process and do not be taken into account by the Local Planning Authority in reaching its decision.

- 3.13 In summary, BRE conclude that new development would have significant daylight and, to a lesser extent, sunlight impacts on Friars Mead and a range of properties. This significant impact can be framed in the context of any impact greater than a 20% reduction being noticeable and therefore significant. Significant impacts are quantified as minor adverse (20.1-30%), moderate adverse (30.1-40%) or major adverse (more than 40%). BRE confirm that the information available 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. Overall BRE conclude that daylight impacts would be minor adverse to 9-15, 17-23, 25-31, 57-71, 8-12, 14-20 and 22-28 Friars Mead, and minor-moderate adverse to 33-39, 41-47 and 49-55 Friars Mead.
- 3.14 Following a request at the previous committee meeting, on Monday 13 September, an additional committee site visit took place (attended by 6 members along with officers). Members viewed the site in relation to the Friars Mead boundary and made their way through Mudchute Park and around Friars Mead itself in order to fully assess the proposals alongside neighbouring relationships.
- 3.15 In conclusion, it is considered that the proposed development is in accordance with policies D.DH8 of the Tower Hamlets Local Plan 2031 (2020) and D3 of the London Plan (2021).

### **Water pressure**

- 3.16 Concerns were raised at the previous committee about comments raised by Thames Water. Thames Water commented that they *'identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal,'* and that they *'identified an inability of the existing FOUL WATER network infrastructure to accommodate the needs of this development proposal,'* and that *'with the information provided Thames Water has been unable to determine the waste water infrastructure needs of this application. Thames Water has contacted the developer in an attempt to obtain this information and agree a position for SURFACE WATER drainage, but have been unable to do so.'*
- 3.17 Following the previous committee meeting, officers have sought clarifications from Thames Water including attending a joint meeting. Following clarifications with the applicant, Thames Water have split their comments to correspond to Detailed and Outline components of the application. After reviewing the latest submissions, Thames Water have removed their requirement for a surface water drainage condition for the Detailed component.
- 3.18 Further to the above, Thames Water have provided a position statement on the issue of water pressure generally on the Isle of Dogs. They state that *'Thames Water are aware of previous low water pressure concerns on the Isle of Dogs and attended a Housing Scrutiny Sub Committee in April 2019 to respond to these and other concerns'*

about the impact of further growth and the infrastructure needs associated with it.’ The minutes for this meeting detailed how Thames Water had responded to problems identified with water pressure by providing repairs and improvements.

3.19 Furthermore, Thames Water’s position statement concluded that they are ‘fully aware of the potential growth in the Isle of Dogs area and have carried out an assessment on this growth against the capacity of our network. Following this assessment, a proposed strategic solution has been identified to reinforce our network. The intention is that this work will be instigated in this AMP period (AMP7 2020-2025) to support the growth identified in the assessment. To address known low pressure issues, Thames Water operations have identified and removed restrictions which have created better flows. As an average Thames Water are providing pressure of 15m head at the point where it leaves Thames Water’s pipes.’

3.20 Ultimately, all water utility companies, such as Thames Water, have a general legal duty under Section 106 of the Water Industry Act (1991) to provide developers with the right to connect to a public sewer regardless of capacity issues. The proposed pre-commencement of development conditions, as listed in the Thames Water consultee response, would ensure that development would be planned and phased appropriately to address the water needs of the development.

3.21 In conclusion, it is considered that the water information provided for the application complies with policy D.ES6 of the Tower Hamlets Local Plan 2031 (2020).

### **Affordable housing**

3.22 Concerns were raised at the previous committee meeting with regard to the proportion of affordable housing (25%) compared to the previous 2014 consent (31%). Below (including Figure 1) the affordable housing circumstances of the current scheme and 2014 scheme are analysed accordingly.

	<b>2014 consent</b>	<b>Current application</b>
Affordable housing proportion	31%	25%
Number of market homes (max)	626	1602
Number of affordable homes	224	370
Affordable rented/intermediate tenure	68/32	65/35
Other benefits provided	Asda hypermarket;	Asda hypermarket;



	Community centre; Bus interchange	Community centre; Bus interchange; Primary school
Financial contributions secured	£6,634,085	£41,746,347

*Figure 1: Affordable housing comparison with 2014 consent*

3.23 A comparison of affordable housing provision, benefits provided and financial contributions secured between the 2014 consent and the current application are shown in Figure 1. LBTH Viability have confirmed that the 25% offer is the maximum reasonable provision. This provision has been tested by the GLA and independent consultants and verified as the maximum reasonable provision. Further technical details can be found in the original committee report and background documents.

3.24 Further to the above, the main differences with the 2014 consent are that; the current scheme delivers a new primary school (notwithstanding that the school site would likely benefit from CIL-in-kind relief); the current scheme has secured an extra £35m in financial contributions which would be additionally beneficial to the borough; LBTH Viability have further outlined how build cost inflation since 2014 has been impactful given that there are a lot of substantial costs (site prep, new store, etc.) and that these are largely up-front, with revenue (sales of the flats) a number of years into the project.

3.25 Further to the above, it should be noted that the 2014 scheme also did not meet the Council's 35% policy target but was considered to be acceptable on the basis of financial viability and the maximum reasonable amount of affordable housing being secured, using the same rationale that the current scheme has in arriving at the 25% figure. Overall, the affordable housing provision is considered to contribute to an acceptable suite of public benefits provided by the proposed development. It should also be taken into consideration that if the affordable rented/intermediate tenure split was supported to be amended to be more in favour of intermediate housing, then the scheme could more easily be able to meet the 35% affordable housing proportion policy target, although it would move away from the current 65/35 split and further from the 70/30 tenure split policy target.

3.26 Whilst not a reason for deferral, at the previous committee meeting, a ward councillor stated that the affordable housing would be segregated from private housing on the site and that it would be built using lower quality materials. Figure 2 below shows the locations of different housing tenures along with their external facing materials.

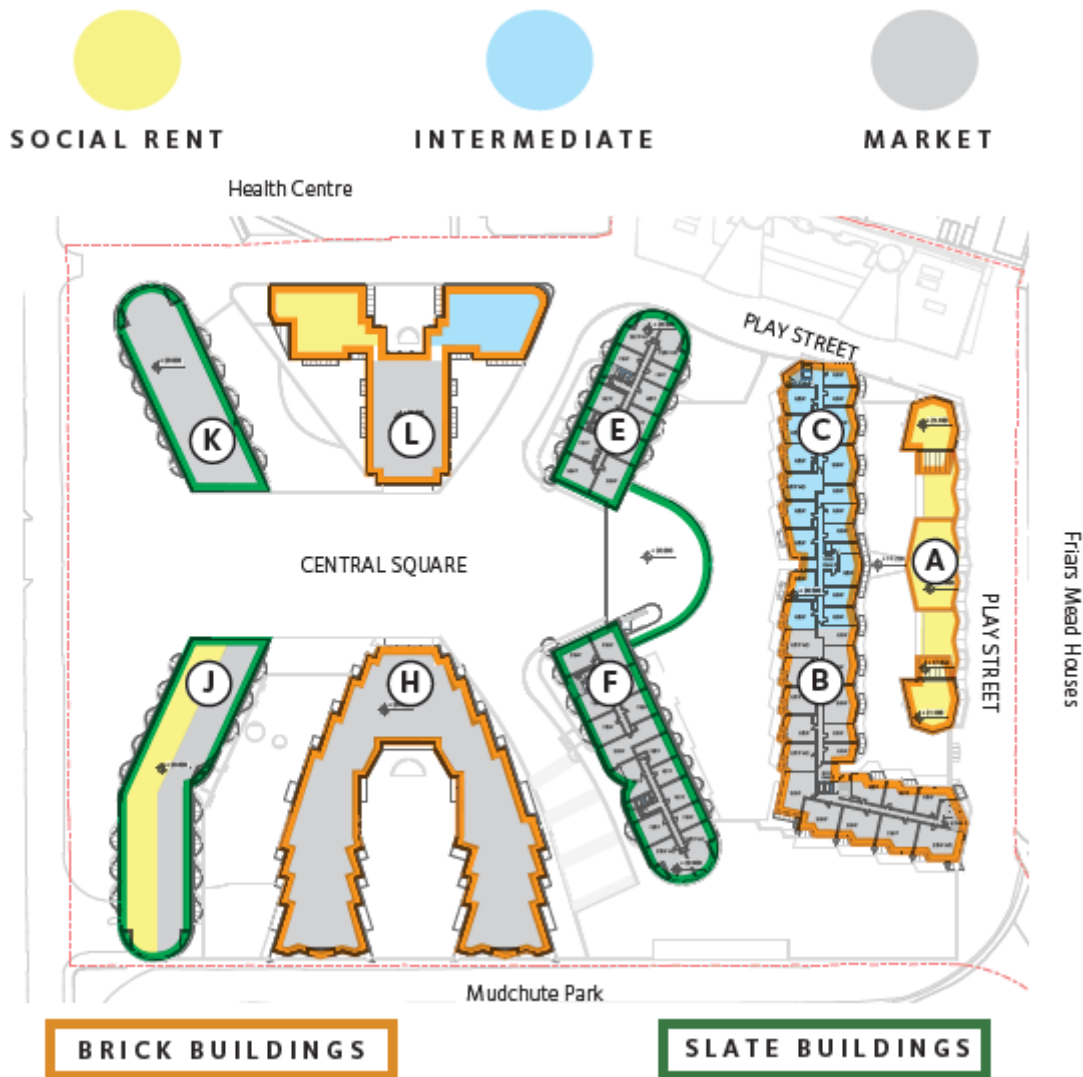


Figure 2: Housing locations and materials

3.27 Figure 2 above demonstrates that affordable rented housing is balanced around the site alongside market and intermediate housing. External facing materials used for each tenure are also mixed and there is no difference in quality around the site between different tenures. Building A (affordable rented) is a low rise terrace comprising dwellings with front gardens at ground level unique to the site along with direct access to a Play Street, beneficial to the family homes located here. Building A includes dwellings at upper floor levels and this block also has access to podium level communal amenity and play spaces shared with Buildings B, C, E and F which are market and intermediate tenure.

3.28 Building B (market) also has an entrance on the Play Street that Building A opens out to at ground level. LBTH Housing and LBTH Design have confirmed that they are satisfied with the location and quality of affordable homes. In conclusion, the affordable housing is considered to be in accordance with policies S.H1 and D.H3 of the Tower Hamlets Local Plan 2031 (2020).

- 3.29 The relationship between Friars Mead and the proposed development has been clarified. It has been assured that all Friars Mead residents would be able to access a gate at the side boundary wall for direct egress to the site.
- 3.30 In conclusion, it is considered that the affordable housing provision for the application complies with policies S.H1 and D.H2 of the Tower Hamlets Local Plan 2031 (2020).

### **Town centre uses**

- 3.31 Concerns were raised at the previous committee meeting with regard to the mix of town centre uses in light of initial consultee comments. The flexible commercial floorspace consisted of 7,232sqm of A1-A4 and B1 use classes including a mix of units smaller than 100sqm. This was in addition to the residential (C3 use class) units, hypermarket (A1 use class), primary school (D1 use class) and community hub (D1 use class).
- 3.32 Initially concerns were raised by the LBTH Policy and LBTH Regeneration teams in relation to the initial town centre uses offer not being diverse or balanced enough. However following discussions with the applicant, the previous committee report detailed a more balanced town centre offer which included; 30% of the flexible commercial floorspace to be offered at 30% discount of market rates in perpetuity; A3/A4 (café/restaurant/drinking establishment) uses to be limited to 40% of the flexible commercial floorspace; and a minimum 10% B1 (office) uses within the flexible commercial floorspace. This was considered by officers to address concerns with the town centre uses offer not being diverse or balanced enough.
- 3.33 Following the previous committee meeting and concerns raised by members, officers have sought to secure further improvements and clarification with regard to the town centre uses proposed. The D2 (assembly and leisure) use class has been added to the flexible commercial town centre uses mix. D2 uses include cinemas, music and concert halls, bingo and dance halls (but not night clubs), swimming baths, skating rinks, gymnasiums or areas for indoor or outdoor sports and recreations (except for motor sports, or where firearms are used).
- 3.34 Concerns were raised by members that the 10% minimum office (B1) provision could result in office uses dominating the town centre. Officers consider that the minimum 10% of B1 uses should be amended so that the flexible commercial floorspace of the town centre would provide a minimum 10% B1/D2 uses. It is considered that this would help to ensure a diverse and balanced town centre offer.
- 3.35 Due to the range of diverse uses included within the D2 class and in order to ensure that office and assembly/leisure uses would not dominate the town centre, it is considered that there should also be a condition, subject to approval, to ensure that there would be a maximum 20% B1 uses.
- 3.36 For the purposes of the 1 September 2020 new use class order amendments, it is considered to be pertinent for the specified use class restriction conditions to also be worded to restrict the new use classes. For B1 use class restriction conditions, this would also be worded to restrict to new use class E(g). For D2 use class restriction conditions,

this would also be worded to restrict to new use classes E(d) and F2(c-d) and sui generis for cinemas, concert halls, bingo halls and dance halls. For A3 use class restriction conditions, this would also be worded to restrict to new use class E(b). For A4 use class restriction conditions, this would also be worded to restrict to new use class sui generis, for drinking establishments. It is considered that the above restrictions would be necessary to ensure a diverse and balanced town centre offer. A condition on ventilation and noise insulation would also be required for D2 uses to ensure they do not adversely impact on local amenity.

- 3.37 There is a clear policy objective to support District Centres as *'vibrant hubs containing a wide range of shops, services and employment.'* There is also a clear policy on food and drink uses and the impact a disproportionate provision can have on the vitality and viability of town centres. Members raised concerns about a number of impacts from this development, and part of the reason for the deferral is for greater clarity and certainty on some of the proposed benefits. In this context, the amended town centre uses will help achieve a more diverse and balanced offer and provide some more certainty.
- 3.38 As supported in updated consultee responses from LBTH Policy, LBTH Town Centres and LBTH EIA Officer, it is considered that the proposed town centre uses and supporting conditions would achieve a more diverse and balanced offer in Crossharbour and enable it to be a functioning town centre in accordance with policies S.TC1 D.TC2 and D.TC5 of the Tower Hamlets Local Plan 2031 (2020).

### **Other matters**

- 3.39 At the previous committee meeting, the applicant offered that a minimum target of 40% of the Asda workforce would be employed locally. Subject to approval, this target would be secured within the s106 legal agreement. At the previous committee meeting, a public speaker representing the existing pharmacy on the site made it known that they would like their pharmacy to continue in the proposed development. Whilst it is not a planning matter, the applicant has confirmed that commercial terms have been agreed with the applicant for this to take place.
- 3.40 An Infrastructure Impact Assessment (IIA) has been provided in accordance with the Isle of Dogs Neighbourhood Plan policy D1 in relation to proposed density. LBTH Infrastructure have assessed the IIA in terms of the infrastructure requirements, impacts and provisions of the site and have deemed this to be acceptable. It is considered that the IIA does broadly what it needs to in terms of setting out the infrastructure requirements of the site and how they are being addressed through conditions, s106, CIL or the statutory obligations of third parties. Given the proposed development is already providing a wide range of infrastructure such as a new district centre, school, community hub etc, it is accepted that additional infrastructure requirements would not be necessary.
- 3.41 At the previous committee, the proposal included 20% of residential car parking spaces to be provided with active electric charging facilities with passive provision for the remainder, in accordance with London Plan policy T6.1. The applicant has now amended the electric vehicle charging provision to provide all (100%) residential car parking (60 disabled persons spaces) with active electric vehicle charging. This increase in provision is strongly supported, in accordance with London Plan policy T6.1.

3.42 At the previous committee, the proposal included 15% of commercial car parking spaces to be provided with active electric charging facilities with passive provision for the remainder, in accordance with London Plan policy T6.3 which does not set a specific target. The applicant has now amended the electric vehicle charging provision to provide 30% of commercial car parking spaces (105 spaces) with active electric vehicle charging with passive provision for the remainder. Furthermore, the applicant has committed to provide 9.1% (30 spaces) of the commercial car parking spaces as rapid charging. This increase in provision is strongly supported, in accordance with London Plan policy T6.3.

3.43 At the previous committee, clarification was sought from a member on trees to be removed from the Mudchute Park boundary with the application site. The applicant has subsequently confirmed that 8 trees and 1 hedgerow were to be removed in order to facilitate the improved pedestrian access to Mudchute Park at the south-east of the application site. Officers have subsequently secured an amendment to the pedestrian access route, which would ensure that no trees or hedgerows within Mudchute Park would be removed. Furthermore in relation to the proposed Barnfield Sewer diversion, the applicant has clarified that this would not impact on trees in Mudchute Park as the works would be tunnelled beneath.

#### **4. RECOMMENDATION**

4.1 The issues raised at the previous committee meeting have been considered and are addressed in this report. In light of our consideration, officers do not wish to change their original recommendation to GRANT planning permission, subject to the conditions outlined in the original report the obligations within the S106 agreement as detailed in the original report and subject to

(a) additional conditions within this report in relation to

- 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.