

STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 21 DECEMBER 2016

DECISIONS ON PLANNING APPLICATIONS

During the meeting the Committee agreed to vary the order of business. To aid clarity, the Decision Sheet is presented in the order that the items originally appeared on the agenda.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Marc Francis declared an interest in agenda item 4.1 Sainsbury Foodstore, 1 Cambridge Heath Road, London, E1 (PA/15/00837) as he had received representations from interested parties, was a former resident of the Collingwood Estate and had served as a Board Member on the Tower Hamlets Homes Board at the same time as, Iain Lawson, one of the registered speakers in objection. However he emphasised that he had not spoken to Mr Lawson or the Collingwood Tenants Residents Association about the application.

2. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee **RESOLVED** 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, Development and Renewal 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, Development and Renewal 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 Development Committee and the meeting guidance.

3. DEFERRED ITEMS

3.1 Former Castle Wharf Esso Petrol Station, Leamouth Road, London, E14 0JG (PA/16/01763/A1)

Update report tabled.

Councillor Marc Francis proposed that an additional pre commencement condition be added to the application requiring that a traffic safety audit be carried out. On a vote of 4 in favour 2 against and 0 abstentions this was agreed.

Prior to taking the decision on the application itself, the Committee received advice from the legal advisor about the appeal that had been lodged by the applicant against non - determination due to contractual reasons. The update report stated that due to this, the decision making powers had been transferred to the Planning Inspectorate and if the appeal was subsequently withdrawn, the decision making powers would return back to the Council.

The legal advisor reported that this point needed to be qualified. In normal circumstance where an appeal had been validated by the Planning Inspectorate and was withdrawn before the Inspector had made a determination, it would mean that the application had been finally disposed of. However in this case it was understood that while the appeal had been acknowledged, it had not been validated. Therefore it was uncertain whether a withdrawal of it would mean that the application was finally disposed of or if the Council could recover decision making jurisdiction for it because the appeal was not validated (albeit had been acknowledged) by the Planning Inspectorate.

In view of this advice, the Committee were invited to accept two resolutions. Firstly, to decide how they would have determined the application should they have had the power to do so. Secondly, to accept a second recommendation allowing for the Officers to issue the decision, acting in accordance with the Committee's resolution, in the event that the Council is capable of recovering decision making powers for the application following a withdrawal of the appeal.

On a vote of 4 in favour, 2 against and 0 abstentions, the Committee **RESOLVED:**

1. That should the Council have the power to determine the application that the Committee would have been minded to **GRANT** the planning application at the Former Castle Wharf Esso Petrol Station, Leamouth Road, London, E14 0JG for the Redevelopment of the former Service Station site with a residential led mixed use development, comprising residential units, together with 295 sqm of D1 floorspace, 81 sqm of flexible non-residential floorspace (Use Classes A1, A2, A3, B1, D1 and D2), 36 sqm café floorspace (Use Class A3), set across two main buildings including a 24 storey tower with stepped blocks of 20, 17, 11 and 8 storeys, linked by a 2 storey podium at ground level, with a

single basement level, landscaping and associated amenities.
(PA/16/01763/A1) subject to:

2. Any direction by the London Mayor
3. The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the planning obligations set out in the Committee report.
4. That the Corporate Director, Development & Renewal is delegated authority to negotiate and approve the legal agreement indicated above.
5. That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out in the Committee report and a further pre commencement condition requiring the submission of a highway safety audit.
6. Any other conditions considered necessary by the Corporate Director Development & Renewal.

On a vote of 4 in favour, 2 against and 0 abstentions, the Committee **RESOLVED:**

7. That should legal advice determine that the Council is able to recover decision making powers for the application, following a withdrawal of the appeal against non determination, that Officers be delegated to issue the decision acting in accordance with the Committee's resolution.

4. PLANNING APPLICATIONS FOR DECISION

4.1 Sainsbury Foodstore, 1 Cambridge Heath Road, London, E1 (PA/15/00837)

Update report tabled.

Councillor Marc Francis moved that an additional reasons for refusal be added to the recommendations relating to the sunlight and day light impact on properties in: Albion Yard, Blackwood House, Collingwood House, Grindall House, Kempton Court and 1-6 Key Court. On a vote of 7 in favour, 0 against and 0 abstentions this was agreed,

On a vote of 7 in favour of the Officers recommendation, 0 against and 0 abstentions the Committee **RESOLVED:**

That the planning permission be **REFUSED** at Sainsbury Foodstore, 1 Cambridge Heath Road, London, E1 for the:

Demolition of the existing store and decked car park to allow for a replacement Sainsbury's store (Use Class A1) of 5,766 sqm (net sales area), (11,208 sqm GIA to include a Use Class D1 'explore learning ' facility (118 sqm GIA), 871 sqm (GIA) of flexible retail/office/community floorspace (Use Class A1, A2, A3, B1 and D1) and 559 residential units (Use Class C3) arranged in 8 buildings, including a 28 storey tower (101.375m (AOD)), an energy centre and plant (2,509 sqm (GIA)) is proposed at basement level with 240 'retail' car parking spaces and 40 disabled car parking spaces for use by the proposed residential units. 2 additional disabled parking bays are proposed at ground floor level at Merceron Street. The creation of an east-west public realm route from Cambridge Heath Road to Brady Street, including further public realm provision and associated highway works to Brady Street, Merceron Street, Darling Row, Collingwood Street and Cambridge Heath Road. (PA/15/00837) for the following reasons as set out in the Committee report subject to any direction by the Mayor of London

1. The proposed development would cause substantial harm to the significance of the Grade I Listed Trinity Green Almshouses, by reason of the introduction of Building 1 which impacts adversely upon the setting of this historic, low scale courtyard arranged set of buildings.

As such, the proposal fails to provide a sustainable form of development in accordance with paragraphs 17, 56 and 61 of the NPPF and fail to be consistent with the guidance set out in Chapter 12 of the NPPF in respect to conservation and enhancement of the historic environment. The proposal is also contrary to policies 7.4, 7.5, 7.6 and 7.7 and 7.8 of the London Plan (2016), SP10 and SP12 of the Tower Hamlets Core Strategy (2010) and policies, DM24, DM26 and DM27 of the Tower Hamlets Managing Development Document (2013).

2. The proposed development would cause significant, albeit less than substantial, harm to the character and appearance of the Stepney Green Conservation Area, by reason of the height, scale and mass of the proposed development and its impact upon local townscape views from Mile End Road.

As such, the proposal fails to provide a sustainable form of development in accordance with paragraphs 17, 56 and 61 of the NPPF and fail to be consistent with the guidance set out in Chapter 12 of the NPPF in respect to conservation and enhancement of the historic environment. The proposal is also contrary to policies 7.4, 7.5, 7.6 and 7.7 and 7.8 of the London Plan (2016), SP10 and SP12 of the Tower Hamlets Core Strategy (2010) and policies, DM24, DM26 and DM27 of the Tower Hamlets Managing Development Document (2013).

3. The proposed development would cause significant, albeit less than substantial, harm to the setting and appearance of the Grade II listed Albion Brewery Entrance Building, together with the Whitechapel Market Conservation Area, by reason of the adverse and visually overbearing imposition of the development upon townscape views of Albion Yard Brewery from Whitechapel Road.

As such, the proposal fails to provide a sustainable form of development in accordance with paragraphs 17, 56 and 61 of the NPPF and fail to be consistent with the guidance set out in Chapter 12 of the NPPF in respect to conservation and enhancement of the historic environment. The proposal is also contrary to policies 7.4, 7.5, 7.6 and 7.7 and 7.8 of the London Plan (2016), SP10 and SP12 of the Tower Hamlets Core Strategy (2010) and policies, DM24, DM26 and DM27 of the Tower Hamlets Managing Development Document (2013).

4. In the absence of a legal agreement to secure financial and non-financial contributions including affordable housing, street market enhancements, highway works, land allocated for Transport for London bike station, employment, skills, training and enterprise, and energy, the development fails to maximise the delivery of affordable housing and fails to mitigate its impact on highways, local retail sector, local services, amenities and infrastructure. This would be contrary to the requirements of Policies SP01, SP02, SP09, SP12, and SP13 of the LBTH Core Strategy, Policy DM1, DM3, DM20, DM21 of the LBTH Managing Development Document and Policies 2.15, 3.11, 3.12, 4.7, 6.3 and 8.2 of the London Plan and the LBTH Planning Obligations SPD 2016.
5. Concerns about the sunlight and daylight impacts on properties in Albion Yard, Blackwood House, Collingwood House, Grindall House, Kempton Court and 1-6 Key Court.

WILL TUCKLEY, CHIEF EXECUTIVE

(Please note that the wording in this document may not reflect the final wording used in the minutes.)