

## LONDON BOROUGH OF TOWER HAMLETS

### STRATEGIC DEVELOPMENT COMMITTEE

21<sup>st</sup> December 2016

#### UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

| Agenda item no | Reference no | Location  | Proposal / Title   |
|----------------|--------------|---|--|
| 3.1            | PA/16/01763  | Former Castle Wharf Esso Petrol Station, Leamouth Road, E14 | Redevelopment of the former Service Station site with a residential-led mixed use development, comprising 338 residential units, together with 376 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 |

#### 1.0 APPEAL AGAINST NON-DETERMINATION

- 1.1 Due to contractual reasons in order to keep Galliards Home's interest in the site alive an appeal against non-determination has been submitted to the planning inspectorate.
- 1.2 The effect of this is that the Committee's resolution would essentially be the decision that the Council "would have made had it been able to" because jurisdiction over the application has now transferred to Plan Inspectorate
- 1.3 However, legal advice is that if the appeal is subsequently withdrawn, jurisdiction returns to the Council and we could continue to determine the application as the local planning authority.
- 1.4 As such, the committee is invited to accept a second resolution to allow a decision to be issued under delegated powers in a scenario where the appeal is withdrawn.

#### 2.0 ADDITIONAL REPRESENTATIONS

- 2.1 An additional representation has been sent to members from Cllr Wood as an update to the verbal objection on the night of the original committee.
- 2.2 Cllr Wood has advised that nothing has really changed from his original position to justify such a dense development on this site.
- 2.3 In response to the update report, Cllr Wood has commented that the analysis presented to members fails to take into account cumulative impacts from a number of consented developments including
  - London City Island 1,706 apartments
  - Hercules Wharf 804 apartments

- Providence Tower 484 apartments
- Blackwall Reach 1,500 apartments
- Poplar Business Park 392 apartments
- Helix 414 apartments
- development in Poplar, Coldharbour and Aberfeldy
- growth adjacent to the site in Newham

2.4 Whilst the points made are material planning considerations, officers advise this links back to how infrastructure is planned and managed. The key infrastructure providers (e.g. Local Education Authority and Clinical Care Group) have not objected to the application. As such, if permission was to be granted and development was to go ahead CIL would be paid and that would contribute to the provision of infrastructure.

2.5 Cllr Wood has also commented on the travel distances to schools and health facilities, this is a matter of judgement for members based on their understanding of the local area. There is no restriction within the local plan on how far facilities should be from local resident.

### **3.0 RECOMMENDATION**

3.1 Officers' original recommendation to **GRANT** planning permission remains unchanged.

3.2 In a scenario where the appeal is withdrawn officers are delegated to issue decision acting in accordance with the committee's resolution.

| Agenda item no | Reference no | Location               | Proposal / Title  |
|----------------|--------------|------------------------|---|
| 4.1            | PA/15/00837  | 1 Cambridge Heath Road | 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. |

## 2.0 ADDITIONAL REPRESENTATION

- 1.1 Three individual additional representations have been received. The additional representations are objecting to the scheme in respect of adverse impacts to the Trinity Green Almshouses, the developer not adequately addressing the EIA Regulations, the lack of 35% affordable housing, the provision of affordable housing set at 80% of market rate and impacts over service charges under the s106 provision.
- 1.2 A representation has been received from SAVE Britain's Heritage amenity society. They strongly object to the scheme, sharing the concerns of other local and national heritage bodies, in respect of the proposed schemes resultant substantial harm to the setting of the Trinity Green listed Almshouses and surrounding heritage assets. SAVE Britain consider the proposed public benefits could be delivered in a much less harmful scheme, and they encourage that such an approach is adopted by the applicant.
- 1.3 A joint objection letter has been received from Cllrs Amy Whitelock Gibbs and Sirajul Islam of Bethnal Green Ward and Cllr Clare Harrison from St Peter's Ward drawing the Committee Members attention to the considerable objection this application has received including thousands from local residents [in form of an electronic petition] and expert organisations such as Historic England and East End Preservation Society.

Concerns raised are in relation to

- 1) **Height and Scale**  
Whitechapel and surrounding area is made up relatively low rise estates and streets.
- 2) **Impacts on Trinity Green**
- 3) **Impact on Collingwood Estate,**  
Including loss of daylight, overshadowing and road capacity of Darling Row with entrance to supermarket car park
- 4) **Lack of affordable Housing**

### **3.0 Planning Obligations and Financial Considerations – CIL**

- 3.1 Since the publication of the committee report, the CIL liability has been further reviewed following receipt of revised CIL Information from the applicant. The LBTH CIL liability is estimated at £4,120,186 and the London Mayor's CIL estimated at £6,549,247 as opposed to £3,184,126 LBTH CIL estimate in Paragraph 27.6 of the Report and the Mayor of London CIL estimated at £1,731,031

### **3.0 Corrections**

- Paragraph 11.18 should refer to Building 1 being 28 storey, not 20 storey
- Paragraph 12.29 should read "mature plane trees of the street and delete not waste
- Paragraph 15.16 should refer to 9% of the residential cycle parking stands being Sheffield stands and 91% double stackers (as opposed to the % figures reported the other way around).

### **4.0 RECOMMENDATION**

- 4.1 Officers' original recommendation to REFUSE planning permission remains unchanged