TOWER HAMLETS LOCAL PLAN: MAIN MODIFICATIONS
REPRESENTATIONS ON BEHALF OF SAINSBURY’S SUPERMARKETS LTD

Introduction

1. We act on behalf of Sainsbury’s Supermarket Limited (“Sainsbury’s”) in relation to the existing Sainsbury’s Store at Cambridge Heath Road, Whitechapel (“the Site”). We submitted representations to the Regulation 19 Draft Local Plan and participated in the Local Plan Examination during September/October 2018.

2. As you will be aware, Sainsbury’s are the freehold owners of the Site which is the subject of a Planning Appeal (Ref: E5900/W/17/3190685), currently being considered by the Secretary of State. As such, Sainsbury’s are well placed to provide comment on the emerging Local Plan given their existing and ongoing interest in the area.

3. The representations set out at the Regulation 19 stage and expanded upon at the Examination covered a number of policies, but focused mainly on the tall buildings and density policies as well as the Tall Buildings Study. Our representations also sought a specific site allocation for the site within the City Fringe Opportunity Area which would reflect the aspirations set out in the adopted Whitechapel Vision Supplementary Planning Document (SPD).

4. Issues surrounding the potential allocation of the site have been the subject of separate correspondence between ourselves and the Inspector and we do not revisit them here. However, Sainsbury’s remain of the view that the conduct of the Examination denied them a fair opportunity to participate on issues raised in representations and evidence and as a result has prejudiced the full consideration of the soundness of the emerging Local Plan. This is a fundamental issue both of fairness of procedure and, for the purposes of paragraph 5.31 of the Procedural Practice guidance, consideration of soundness. We reserve our position on this point until the Inspector provides her report.

5. Against this background, we set out our comments on the Main Modifications overleaf.
Representations

MM6: Policy D.DH6: Tall Buildings

6. The robustness of the Tall Buildings Study as an evidence base document and the detailed wording of Policy D.DH6 relating to tall buildings was discussed at length at the Examination and a number of amendments were ‘verbally’ agreed by LBTH. Unfortunately, a number of these amendments have not been carried forward into the Main Modifications.

7. Part 1 of the policy applies to add developments with tall buildings and sets out a number of criteria (a. to l.) against which proposals would be considered. We set out below our comments in relation to the specific criteria:

a. No comments.

b. At the Examination the requirement for tall buildings to ‘achieve exceptional architecture quality’ was discussed at length, with the Council agreeing to amend the wording. No changes are proposed as part of MM6. The word ‘exceptional’ should be replaced with ‘a high’, to ensure that proposals are deliverable.

c. The proposed amendment to replace ‘valued’ with ‘designated’ is supported in line with our previous representations.

d. No comments.

e. At the Examination it was agreed that additional clarity would be provided on what was meant by ‘prejudicing further development potential of adjacent/neighbouring sites’ and the specific requirements this should include (for example separation distances). However, no change is proposed by MM6. This should be addressed.

f. No comments.

g. At the Examination it was agreed that public safety and evacuation routes would be covered by Building Regulations and should therefore be deleted.

h. No comments.

i. No comments.

j. The suggested modification is supported.

k. The suggested modification is supported.

l. No comments.
8. In relation to Part 3 of the Policy which covers tall building proposals outside of the Tall Buildings Zone, it was agreed at the Examination that criteria a. should also include ‘Housing Zones’ as these also fall under areas of intensification in the London Plan. Further criterion b. as drafted is considered to be unduly onerous and requires additional flexibility. We therefore suggest the insertion of the words ‘seek to’ address deficiencies in the provision of strategic infrastructure.

9. On the basis of the above, and unless the suggested (and agreed amendments) are made, the Policy is not sound as it is not positively prepared, not justified and would not be effective in achieving local and strategic plan outcomes, nor is it consistent with the NPPF.

Next Steps

10. We trust these additional comments will be taken into consideration in finalising the document and we wish to be kept informed of the progress of the Local Plan. If you require any further information in the meantime, please do not hesitate to contact [redacted] at this office. Otherwise please direct all correspondence regarding this Site to the aforementioned.
RESPONSE FORM
CONSULTATION ON THE PROPOSED MAIN MODIFICATIONS TO THE TOWER HAMLETS LOCAL PLAN

Please use this form if you wish to comment on the main modifications.

This form has two parts:

Part A – Personal details
Part B – Your representations

If your comments relate to more than one main modification, you will need to complete part B of this form for each representation.

Please make your representation using the response form and refer to the accompanying guidance notes before completing it.

A schedule of the main modifications to the Local Plan and associated documents can be found on our website at www.towerhamlets.gov.uk/local plan. Hard copies can also be obtained from the town hall (Mulberry Place, Clove Crescent, E14 2BG) and the borough’s libraries and idea stores.

We can only accept representations that refer to a change detailed in the main modifications schedule. Please do not repeat or re-submit previous representations on the Local Plan as these have already been considered as part of the examination process.

We want to know whether you think the main modifications are sound and/or legally compliant (as defined in the accompanying guidance note).

Comments can also be made on:

- the addendum to the Integrated Impact Assessment (which investigates the potential impacts of the main modifications against a range of social, economic and environmental objectives); and
- the proposed changes to the Policies Map (as a consequence of the main modifications set out in the schedule).

All forms must be returned to us no later than 5pm on 9 May 2019, either via:

- email (localplan@towerhamlets.gov.uk) or
- post (FREEPOST, Main Modification Consultation, Strategic Planning, London Borough of Tower Hamlets, PO BOX 55739, London, E14 1BY).

Please note: the consultation on the main modifications has now been extended two extra days (9 May) to take account of the Easter bank holidays on Friday 19 April 2019 and Monday 22 April 2019.
Unfortunately, we cannot accept late responses.

Your comments (once registered) will be made publicly available online at the end of the consultation period. However, your personal details (apart from your name or the organisation you represent) will not be disclosed.

If you wish to provide more than one representation, please only fill in part A once. For each representation, please complete an individual copy of part B.

Data protection statement
The information collected will be processed in accordance with the Data Protection Act 1998. Information provided in this form will not be kept confidential. Copies of representations will be made available for public inspection, and cannot be treated as confidential. They will also be available to view on our website once the consultation period has closed.

Part A – Personal details

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<tr>
<th>1. Personal details</th>
<th>2. Agent’s details (if applicable)</th>
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<td>Job title (where relevant)</td>
<td>Partner</td>
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<tr>
<td>Organisation (where relevant)</td>
<td>Sainsbury’s Supermarkets Ltd C/o Agent</td>
</tr>
<tr>
<td>Address line 1</td>
<td>7 Soho Square</td>
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<td>Address line 2</td>
<td>London</td>
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**Notification of subsequent stages of the Local Plan**

3. Please specify whether you wish to be notified of any of the following:

<table>
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<th>Yes</th>
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<td>Publication of the inspector’s recommendations (final report)</td>
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<td>Adoption of the Local Plan</td>
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Part B - Your representations

This section will need to be completed for each representation you make.

Please note – comments are restricted to the proposed main modifications only and should not relate to any other aspect (e.g. site or policy) of the Tower Hamlets Local Plan.

Comments can also be made on the proposed changes to the Policies Map (as a consequence of the main modifications set out in the schedule). The Policies Map illustrates the policies and proposals of the Local Plan.

The main modifications have also been subject to an independent appraisal (known as the Integrated Impact Assessment). The results are set out in the addendum to the Integrated Impact Assessment.

4. To which main modification to the submitted Local Plan does this representation relate?

<table>
<thead>
<tr>
<th>Main modification reference</th>
<th>MM6: Policy D.DH6: Tall Buildings</th>
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5. Please provide comments below on the main modifications to the submitted Local Plan. Please be as precise as possible. Do you consider this main modification to be sound? Is the main modification legally compliant?

Please see attached letter

6. Please set out what change(s) you consider necessary to make the main modification sound. It will be helpful if you are able to put forward suggested revised wording for any policy or text. Please be as precise as possible.

Please see attached letter
7. Declaration:

I/we understand that all comments submitted will be considered in line with this consultation, and that my comments will be made publicly available and may be identifiable to my name / organisation.

Signed: 

Dated: 09/05/2019