

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 6.30 P.M. ON THURSDAY, 20 SEPTEMBER 2018

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor John Pierce (Chair)
Councillor Abdul Mukit MBE (Vice-Chair)
Councillor Dan Tomlinson
Councillor Dipa Das
Councillor Kevin Brady
Councillor Val Whitehead
Councillor Zenith Rahman
Councillor Rabina Khan

Other Councillors Present:

None

Apologies:

None

Officers Present:

Adam Armstrong	– (Arboriculture Officer)
Paul Buckenham	– (Development Manager, Planning Services, Place)
Jane Jin	– (Team Leader, Planning Services, Place)
Amanda Helliwell	– (Legal Services, Governance)
Gareth Gwynne	– (Team Leader, Planning Services, Place)
Vicki Lambert	– (Conservation Officer, Development Design and Conservation)
Victoria Olonisaye-Collins	– (Planning Officer, Place)
Jen Pepper	– (Affordable Housing Programme Manager, Place)
Zoe Folley	– (Committee Officer, Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

There were no declarations of disclosable interests.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Strategic Development Committee held on 24th July 2018 be agreed as a correct record and signed by the Chair.

3. 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, 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 Development Committee and the meeting guidance.

Change in the running order for the meeting.

With the permission of the Chair, the running order for the meeting was varied to hear the Officer presentation first following by the presentations by the registered speakers in objection and support. The Chair advised that the Council were considering changing the running along the lines indicated above to facilitate the consideration of applications and in the interests of fairness. Change the running order in this way for this meeting would enable there to be a review of its effectiveness before any changes were made to the Council's Development Procedure Rules.

4. DEFERRED ITEMS

None

5. PLANNING APPLICATIONS FOR DECISION

5.1 Former London Chest Hospital, Bonner Road, London, E2 9JX (PA/16/03342 and PA/16/03343)

Update report tabled.

Paul Buckenham (Planning Services) introduced the planning and listed building application for the demolition of all existing buildings on-site (excluding main hospital building and sanitation tower) to redevelop the site to provide 291 residential units and 428sqm non-residential institution space and associated works.

Officer's presentation

Gareth Gwynne, (Planning Services), presented the report describing the existing use of the site and the characteristics of the surrounding Conservation Area. He gave a comprehensive presentation on the key features of the application.

It was noted that the scheme had attracted a great deal of public interest. Concerns had been raised about the amenity impact, the harm to the hospital building and the setting of the Conservation Area and the impact on the Mulberry Tree, amongst other matters.

In land use terms, the principle of a residential led development on the site could be supported. The NHS had advised that the primary care provision has been accommodated elsewhere. The new residential units would be of a high quality and the child play space met the policy requirements. The application proposed 35% affordable housing by habitable room. The viability of the proposals had been independently assessed. Officers were satisfied that scheme was providing the maximum amount of affordable housing that could be supported. The impact on amenity in terms of daylight and sunlight to neighbouring properties were not considered to be of a magnitude to warrant the refusal of the application.

The application had been amended to reduce the height and massing of the proposed buildings to minimise their impact. There would be set backs in the design and increased spaces between the buildings to mitigate the impact from the height. The plans would allow the public to enjoy better views of the former hospital building. The St James's - the - less Church and Vicarage would retain their land mark status.

Regarding the heritage impact, it was noted that the development would result in the removal of and replacement of the current roof, the loss of the south

wing, and internal alterations to the former hospital building. It would also involve the demolition of the nurses accommodation, which, whilst not listed, contributed to the setting of the former hospital building and the Conservation Area. However, the proposal would also involve improvements to a number of elements of the heritage importance across the site.

As a result of the changes, Officers considered that the application would result in 'less than substantial harm' to the significance of the Grade II listed Hospital Building and the character and appearance of the Victoria Park Conservation Area. Officers considered that on balance, the scale of the public benefits which the scheme would deliver would outweigh the less than substantial harm to the heritage assets.

There would be a loss of trees, but there would also be a tree planting and landscaping strategy to provide new trees and other benefits. On balance, Officers considered that the merits of the proposals in this respect would offset the loss of the trees.

Regarding the Mulberry Tree, it was noted that its proposed relocation had attracted a great deal of public interest. The tree was of precarious health and there was uncertainty about its age. However given its cultural and historic significance, Officers considered that it merited "veteran tree" status. On balance, Officers considered that the proposals with regard to the Mulberry Tree met the relevant tests in policy. Many of the public benefits of the scheme would not be realised if the tree was not re-located. The detailed tree management plan would support its relocation. Public access to the Mulberry tree would be enhanced.

Planning obligations had been secured and these were noted.

In view of the merits of the application, officers considered that it should be granted permission.

Objector's case.

Tom Ridge, Steve Westlake (Chair of the Parkview Estate Tenants and Residents Association) and Chris Key (local resident) addressed the committee.

Concern was expressed about: the harm to the hospital building given the loss of the roof structure and south wing building given its historic significance. There had been a lack of consideration given to buildings true worth and the harm to the building and the setting of the Conservation area as required by the NPPF policy. Historic England had ignored the evidence provided by the objectors that the roof had not been that badly damaged during WW2. The roof was unique and had many historic features including an historic heating and ventilation system. It would be replaced by a fake roof. The demolition of these features would result in the loss of a third of the hospital building listed in 2013. Mr Ridge referred to the representations he had submitted and the nature of the concerns raised.

It was also pointed out that the local community objected to the proposals.

Concerns were also expressed about the excessive density of the proposal, particularly along St James Avenue and the height of the buildings in relation to the surrounding area. The applicant's images of the proposals were misleading particularly the images of the eight storey building. The proposal would dwarf the hospital building, destroy the built and natural environment, overshadow neighbouring properties and block light. It would also destroy trees and would put undue pressure on local services. Concern was also expressed about the level of affordable housing given the London Plan targets in respect of affordable housing.

Concern was also expressed about the letter from the applicant's team to the Council's Head of Planning regarding possible changes to the affordable housing should the application go to appeal. As a result of this letter, the application could not possibly be assessed impartially.

Applicant's case.

Jermaine Browne, Chris Miele, (Applicant's Heritage specialist) and Richard Curtis (Applicant's Tree specialist) addressed the meeting in support of the application. Jermaine Browne reported that he was a former employee of the Council but had had no involvement with the application whilst working for the Council. The Committee were advised that the applicant was a leading developer and had a lot of experience in respect of developments involving listed buildings. The applicant was committed to delivering the application at the earliest stage.

The proposal would strike the right balance between protecting the heritage assets, protecting the Mulberry Tree whilst delivering new housing and affordable housing. The Mulberry Tree would be placed on the front lawn of the site in a prominent position and the public would have access to it. The design, height and massing of the development would respond well to the former hospital building and be in keeping with the setting of the Conservation Area.

There had been substantial amendments to the application to address concerns. The proposals would deliver a number of public benefits including a significant amount of good quality housing including affordable housing.

The building and the site was generally in a poor state of repair and the roof had been damaged and was of a limited value. Bringing the building back into use would inevitably require alterations to the building to meet modern standards. The proposal would retain its special features and deliver a range of heritage benefits as set out in the Committee report. There would be a strategy to ensure that the Mulberry Tree would be carefully relocated by experts in this field using a bespoke methodology. This strategy was explained in some detail.

Questions to Officers.

In response to questions about the net increase in trees and the quality of the new trees, it was noted that the replacement trees would be of a good quality, and a better quality than some of the trees they were to replace. A number of the new trees would be semi mature trees and 'high impact trees'. Evidence had been submitted by the applicant to show that such trees could be planted at the site.

In response to further questions about the relocation of the Mulberry Tree, Adam Armstrong (Arboriculture Officer) provided assurances about the proposed relocation of the Mulberry Tree in view of the tree relocation strategy. Officers were of the view that if relocated, the historic value of the tree would be maintained and that there would be not a significant loss of habitat. It was also noted that whilst there was a possibility that the tree would not survive the move, there was a much higher chance that it would survive.

It was also clarified that the new policies in paragraph 175 of the NPPF relating to the loss of veteran trees would not wholly apply to this application, given the tree would not be lost as a result of the proposed development, but would be re-located under a very detailed and carefully considered technical re-location strategy. Officers also considered that the public benefits of the application would warrant the relocation. Therefore, Officers considered that the proposals complied with the requirements in the NPPF with regard to the protection of trees. It was also pointed out that retaining the tree in its current location would require substantial changes to the application and would impact on the viability of the scheme.

It was also explained that there were special circumstances to allow the consideration of the re-location of the mulberry tree, because if left in its current location, that would have a fundamental impact on the redevelopment of the northern part of the site.

In response to further questions, it was reported that it was not uncommon for applicants to adopt a different position on the affordable housing at the appeal stage. The Committee must consider the application on its own merits. The potential for an appeal if permission were refused, had not influenced the officer assessment and recommendation. Officers also responded to questions about the amount of New Homes Bonus that would be secured and the management of the social housing.

Regarding the impact on key elements of the former hospital building, Vicki Lambert (Conservation Officer, Development Design and Conservation) provided further guidance on the heritage assessment. She emphasised that whilst elements of the building would be lost, the special interest and historic significance of the building would be maintained and improved. It was a fine balance, but Officers and Historic England considered that the harm to the

heritage assets would be 'less than substantial' as defined in the NPPF given that most of the building would be retained and the measures to restore the historic features of the building. Officers also gave some examples of what would constitute substantial harm to a heritage asset. As stated in the report, there would be an obligation requiring that there be a watching brief to preserve and maintain the historic features in the main hospital building.

Regarding the daylight and the sunlight report, a representative of the company who had carried out the independent assessment reported on the findings. They advised that whilst the proposals would have an adverse impact on properties, (notable Roseberry House and Sankey House), the units mostly effected already had design features (such as over-hanging balconies) that already restricted sunlight and daylight levels to these properties. Should these constraints not exist, the impacts to these properties would not be so great.

In response to questions about the applicant's consultation, it was reported that Officers had previously had concerns about their Statement of Community Involvement and had raised these at pre-application stage. The Council had carried out a consultation on the application in accordance with the statutory requirements.

In response to questions about the affordable housing, it was noted that there would be separate cores for the affordable and private housing for management reasons, but the design quality of the blocks would be of the same high standard, irrespective of the tenure of housing.

In response to questions, officers confirmed that all of the wheelchair housing being proposed would be eligible for "project 120" – a Council initiative that is to link families in the most acute need of wheelchair housing with developments that are coming forward.

In relation to public access through the site, it was reported that the scheme would provide public access to the front of the building during the daytime and for safety and security reasons. Whilst good permeability is a policy objective, it was considered appropriate that the access to the private amenity space and child play space be restricted. Changes had been made to the proposals to break up the impact of the development on St James Avenue and generally enhance the visually permeability of the site, providing increased opportunities to view the main elevations from the public realm.

It was also noted that whilst the applicant could seek grant funding from the Greater London Authority for further affordable housing, although no weight should be placed on this as there was no guarantee this would be awarded at this stage. The application should be considered on its merits.

Regarding the height of the proposal, Officers considered that the development would be in keeping with the setting of the Conservation Area and that there was an opportunity for a taller building at the corner of the site. Changes had been made to the application to reduce the height of the

proposal. Officers had viewed the applicant's approach to capturing views of the proposal in relation to the surrounding area and considered the methodology was acceptable.

Questions to the objectors.

Regarding the relocation of the Mulberry Tree, the objectors drew attention to its historic significance. It provided a living memorial to those who had lost their lives from the bombing of the site in WW2 and was associated with Bishop Bonner as set out in the objectors representations. It was not only the loss of the tree that was concerning but the removal of the tree from its historic and natural habitat. The NPPF stated that exceptional circumstances should exist to justify the loss of an historic tree, such as the provision of transport infrastructure. It was felt that the public benefits of this application did not justify this so it contravened this policy.

In response to further questions, they also clarified their concerns about the letter to the Head of Planning Services about possible changes to the level of affordable housing. The letter stated that it was a one off offer and would be withdrawn if the application went to appeal. This had been revealed by a Freedom of Information request.

In response to questions about the harm to the hospital building, it was emphasised that the NPPF required that great weight must be placed on the conservation of the former hospital building and the setting of the Conservation Area. It was clear that the roof was not badly damaged in the WW2.

In response to further questions, it was noted that the scale and massing of the development was a key concern for objectors. These concerns had been ignored for the sake of providing affordable housing. The objectors felt that the images that the developer had shown during the consultation were misleading in terms of the height of the building. The building would be too high for the surrounding area

Questions to the Applicant

Responding to questions regarding the Mulberry Tree, the applicant's tree specialist provided assurances about the relocation plans and the experience of the specialist company that would relocate the tree. It was noted that the tree specialists had successfully moved two other Mulberry trees and had relocated similar trees. In response to further questions from the Committee, the Applicant's tree specialist felt confident that the tree would survive the move given the proposed bespoke relocation strategy. There was no reason to believe that there would be a deterioration in its health.

In terms of the permeability of the site, the speakers stated that it was important to strike the right balance between providing public access to the site, protecting child play space and preventing ASB on the site. It was considered that the development met these aims. It was noted that parts of

the development would be gated, but the front lawn would be open to the public. In response to further questions about it this, it was noted that there would be no through access through the development.

In response to further questions about the quality of the affordable housing, the speakers reported that the proposal strove to be tenure blind. The affordable housing would be of a high quality and a number of the units would have views of Victoria Park for example and have good levels of light. The representatives also provided assurances about the proposed management arrangements for the housing, highlighting in particular that the 'first choice' housing provider had a good track record of housing management. The developer also had a good track record in delivering projects. The developer had every intention of delivering the application as soon as possible.

Regarding the removal of the nurses accommodation, the speakers confirmed that they were of limited value compared with the other buildings on site. Given this and the merits of removing these building (in terms of the provision of additional housing and amenity space), it was decided that these buildings should be removed. Retaining the buildings would negatively affect the number of dwellings and the quantum of amenity space that could be provided.

On a vote of 4 in favour 3 against and 1 abstention, the Committee **RESOLVED:**

1. That subject to any direction by the London Mayor, Planning permission is **GRANTED** at Former London Chest Hospital, Bonner Road, London, E2 9JX for the demolition of all existing buildings on-site (excluding main hospital building and sanitation tower) to redevelop the site to provide 291 residential units (Use Class C3) and 428sqm non-residential institution space (Use Class D1) with the new residential units located within an enlarged main hospital building and within the erection of three new buildings (rising to a maximum of 8 storeys with associated works to built heritage, selected removal of TPO trees, plus new tree planting and landscaping works, provision of 9 disabled car parking spaces and other works incidental to the development.
2. The prior completion of a legal agreement to secure the obligations set out in the Committee report subject to the changes in the update report.
3. That the Corporate Director for Place is delegated power to negotiate the legal agreement indicated above acting within delegated authority. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.
4. That the Corporate Director for Place is delegated power to impose conditions and informatives on the planning permission to secure the

matters set out in the Committee report subject to the changes in the update report:

5. That listed building consent is **GRANTED** at Former London Chest Hospital, Bonner Road, London, E2 9JX for works to main hospital building including; demolition of south wing and other extensions to the rear of the main building, extension across the rear of main building, removal of existing roof structure to the main building and erection of new roof, including removal and replacement of existing chimneys to roof, removal and replacement of roof dormers, alterations to the building including the removal and replacement of all windows, various internal alterations, and associated works of repair across main building; demolition of all other ancillary buildings on site; and repair and reinstatement placement where necessary of site boundary railings subject to the conditions set out in the Committee report.

5.2 Barratt Industrial Estate, 20-22 Gillender Street, London (PA/18/00528 & PA/18/00520)

Update report tabled.

Paul Buckenham (Planning Services) introduced the planning and listed building application for the demolition of the existing buildings, with the exception of 21-22 Gillender Street (Magnolia House), and redevelopment of the site to provide 307 residential units with works to remedial works to Grade II listed wall.

Victoria Olonisaye-Collins (Planning Services) presented the report, describing the site and the surrounding area. It was considered that in land use terms, the mix use residential development could be considered acceptable given the proposed re - provision of employment floor space in the Local Industrial Location. Officers consider that the substantial public benefits outweigh the less than substantial harm to heritage assets and on balance, the application is therefore acceptable in design terms. It was also noted that the proposals would deliver good quality affordable housing, was acceptable in amenity terms. The proposal would not have an adverse impact upon the local highway. Overall, given the merits of the application, Officers were recommending that it be granted permission.

In response to questions, Officers clarified that the outcome of the consultation and that the representations in objection had been addressed in the Committee report. It was also note that the applicant had carried out their own consultation involving public meetings. There would be measures to mitigate any air quality issues and the Council's air quality team considered that the proposed mitigation measures were acceptable. Furthermore, the design of the scheme should help mitigate this. It was confirmed that fire sprinklers would be fitted.

In response to further questions, it was noted that there had been contact with the developers for the nearby schemes regarding the opening up of the

northern part of the pathway and this remained an aspiration of the various parties involved. In addition, there would be an obligation to secure public access routes and areas of public realm on site including the maintenance of these area.

In response to further questions, Officers confirmed that there would be shortfall of over 12 play space. However, Officers considered that this would be acceptable given that the combined total amount for all age groups would exceed the policy requirements. There would be an overprovision of under 0-11 year old play space.

Careful consideration had been given to the concerns from Historic England about the impact from the height of the building. Given the public benefits of the application, Officers were of the view that this would outweigh any harm caused by the application.

Officers also responded to questions about the accessible housing. Officers also explained that the Committee could place weight on the full amount of affordable housing in this case, because the grant funding from the GLA process was at an advanced stage and has been committed to this scheme, subject to planning permission. .

On a unanimous vote, the Committee **RESOLVED:**

1. That subject to any direction by the London Mayor, Planning permission be **GRANTED** at Barratt Industrial Estate, 20-22 Gillender Street, London for the Demolition of the existing buildings, with the exception of 21-22 Gillender Street (Magnolia House), and redevelopment of the site to provide 307 residential units (Use Class C3), 1,815 sq m of commercial floorspace (Use Class B1) and 100 sq m of flexible commercial/retail floorspace (Use Class A1/A3/B1) within three buildings of 8 storeys (42.9m AOD), 17 storeys (67.0m AOD) and 20 storeys (78.5m AOD) with public and private amenity spaces, together with disabled car parking, cycle parking and associated landscaping. (PA/18/00528) subject to:
2. The prior completion of a legal agreement to secure the obligations set out in the report subject to the inclusion of the additional planning obligations in the update report.
3. That the Corporate Director for Place is delegated power to negotiate the legal agreement indicated above acting within delegated authority. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.
4. That the Corporate Director for Place is delegated power to impose conditions and informatives on the planning permission to secure the matters set out in the Committee report and in the update report.

5. That listed building consent be GRANTED at Barratt Industrial Estate, 20-22 Gillender Street, London for remedial works to Grade II listed wall that forms the north wall of the Dowgate Wharf P B Burgoyne and Company Limited Warehouse (List Entry UID: 1065050) in association with redevelopment of the site at 20 -22 Gillender Street for demolition of the existing buildings, with the exception of 21-22 Gillender Street (Magnolia House), and redevelopment of the site to provide 307 residential units (Use Class C3), 1,815 sq m of commercial floorspace (Use Class B1) and 100 sq m of flexible commercial/retail floorspace (Use Class A1/A3/B1) within three buildings of 9 storeys (42.9m AOD), 17 storeys (67.0m AOD) and 20 storeys (78.5m AOD) with public and private amenity spaces, together with disabled car parking, cycle parking and associated landscaping subject to the conditions set out in the Committee report.

6. OTHER PLANNING MATTERS

None

The meeting ended at 10.00 p.m.

Chair, Councillor John Pierce
Strategic Development Committee