

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**

**HELD AT 6.30 P.M. ON THURSDAY, 25 OCTOBER 2018**

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

**Members Present:**

Councillor John Pierce (Chair)  
Councillor Dan Tomlinson  
Councillor Dipa Das  
Councillor Kevin Brady  
Councillor Val Whitehead  
Councillor Zenith Rahman  
Councillor Marc Francis (Substitute for Councillor Abdul Mukit MBE)

**Other Councillors Present:**

Councillor James King

**Apologies:**

Councillor Abdul Mukit MBE  
Councillor Rabina Khan

**Officers Present:**

Solomon Agutu	(Interim Team Leader Planning, Legal Services, Governance)
Jerry Bell	(Area Planning Manager (East), Planning Services, Place)
Graham Harrington	(Principal Planning Officer, Place)
Piotr Lanoszka	(Team Leader, Planning Services, Place)
Zoe Folley	(Committee Officer, Governance)

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

Councillor Marc Francis declared a non disclosable personal interest in agenda item 82 West India Dock Road, E14 8DJ (PA/18/01203). This was on the basis that he had sat on the Committee on two previous occasions (13th July 2017 and 2nd February 2010 meetings) where proposals for the site were considered. Councillor Francis also reported that whilst he had not received representations, there was extensive lobbying on the 2017 application and representations were made by a person who became a donor for the Labour Party in the local election.

## 2. MINUTES OF THE PREVIOUS MEETING(S)

Update report tabled for this item

The Committee **RESOLVED**

1. That the minutes of the meeting of the Strategic Development Committee held on 20<sup>th</sup> September 2018 be agreed as a correct record and signed by the Chair subject to the following amendment to minute item 5.1 Former London Chest Hospital, Bonner Road, London, E2 9JX (PA/16/03342 and PA/16/03343) as detailed in bold below:

Questions to Officers (paragraph 3)

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.**

2. That the Strategic Development Committee notes the content of the update report regarding ward Councillors representations in respect of the London Chest Hospital application and, confirms that there is no requirement to revisit the Committee's resolution of 20 September 2018 and that the contents of the update report for this item be recorded appended to the minutes.

## 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.

#### **4. DEFERRED ITEMS**

There were none.

#### **5. PLANNING APPLICATIONS FOR DECISION**

##### **5.1 82 West India Dock Road, E14 8DJ (PA/18/01203)**

Update report tabled.

Jerry Bell (Planning Services) introduced the planning application for the erection of a part 7-storey, part 28-storey and part 30-storey building comprising a hotel use, residential use and flexible retail and community floorspace other associated works.

##### Officer's presentation

Graham Harrington (Planning Services) presented the report describing the site location and the character of the surrounding area.

The Committee noted the planning history for the site including the scheme approved in 2010 for a hotel led scheme. They also noted details of the scheme refused by the Committee in July 2017 for a part hotel/residential scheme and the reasons for this. It was noted that the site was not within the Conservation Area but there were a number of listed buildings in the area.

The Committee noted the key differences between the proposal and the refused scheme in terms of the height, design, scale and massing amongst other issues.

The Committee noted the key features of the application including: the two uses, the proposed layout, the servicing plans, the communal amenity space and play space. The Committee noted details of the elevations, the wider landscaping master plan and the public realm works that covered adjoining areas of land.

Consultation had been undertaken resulting in a number of representations in support and objection. The principle grounds of support and objection were noted as set out in the Committee report

It was noted that the proposed land use would be appropriate for the site location and was consistent with policy for the area. The proposals would generate a number of new jobs. In terms of housing, the level of affordable housing equated to 35.2% of the proposed housing (by habitable room) and was policy compliant. The proposed housing mix was noted. Sufficient child play space would be provided on site to accommodate the number of children expected to occupy the development. The plans would also deliver the required amount of communal open space and play space for the site.

Officers considered that the impact on occupiers of neighbouring homes would broadly be acceptable. There would be some daylight and sunlight impacts to properties at Cayman Court and Compass Point. However, the assessment showed that the windows to the rooms mostly effected were mainly bedrooms and the separations distances were reasonable.

The proposal would be of a good quality design, with variations in the design, height scale and form to fit in with the area. Details of the materials submitted at this stage would be secured by condition.

There had been a thorough assessment of the impact of the proposal on heritage assets and the impact on views as detailed in the Heritage Assessment in the Environmental Statement. Overall, Officers considered that the impact on the Conservation Area and listed buildings would be acceptable and met the tests in policy. Officers considered that the level of harm to heritage assets would be less than substantial and the public benefits would outweigh this harm. In considering this point, the Committee noted verified views of the application from the surrounding area compared to the refused scheme. Officers also felt that the micro climate impact would be acceptable.

Highways and Transport matters were considered acceptable, including the access and servicing arrangements, capacity issues on the public transport network, the cycling plans and the net loss of car parking space. There were conditions to manage construction traffic.

Officers were recommending that the application was granted planning permission.

The Chair then invited registered speakers to address the Committee.

#### Objectors presentation

Inti Van Ritchie (local resident) and Helen Kenney, (Vice Chair of the Limehouse Community Forum) spoke in objection to the development. Concerns were expressed about: the excessive height, scale and massing of the development in relation to the surrounding area. There was no precedence for a building of this scale in this area. The concerns with the refused application in respect of these issues had not been addressed. The development would be of a poor quality design given the choice of and location of the material. The Council's Conservation and Design Advisory Panel (CADAP) had expressed concerns about the impact of the proposal.

The glazing would have a detrimental effect on the setting of the Conservation Area. It would also negatively impact on the setting of the St Anne's Church and block views of the flag. The proposals would overshadow neighbouring properties and result in a greater loss of sunlight and daylight to neighbouring properties. The poor results could not be mitigated by the design of the proposal.

Concerns were also expressed about increased traffic congestion on local roads from the proposal and the adequacy of the wider landscaping plans. It was also considered that there was no guarantee that the CIL contributions would be spent on local projects and that there would be employment opportunities for residents.

Councillor James King spoke in objection to the application. He advised that he was speaking on behalf of the local residents who had signed the petition opposing the development. He expressed concern about the provision of an excessively tall building at this site without adequate community benefits. This would set a dangerous precedent in the area and the Borough. The proposals should be reviewed to provide a more suitable development.

#### Applicant's presentation

Rachel Haugh who was a resident of Tower Hamlets and also part of the applicant's team, spoke in support of the development. She considered that the development would transform the site and deliver a number of improvements. The developer had considered the Committee's concerns with the refused application, who had not objected to the land use. The applicant had made a number of changes to the application to address the concerns, as detailed in the Committee report, in relation to its size, height, design to better respond to the local area and address any micro climate issues. There would be a range of public benefits including: the provision of high quality housing to address the pressing housing need in the Borough. The proposals had a strong level of local support. All of occupants of the development would have access to the facilities. There would also be to landscaping improvements, and CIL contributions.

Nessa Abdin, who as a local resident and football coach, also addressed the Committee in support of the application. He considered that the plans would deliver a range of training and employment opportunities for local people that would have a huge positive impact.

#### Officers responses to Member Questions

In response to questions about the number of wheel chair accessible units, it was reported that 7 of the residential units would be wheelchair user dwellings. It was also noted that 3 on street Blue Badge parking bays were proposed. Transport for London had made comments about the provision of such spaces and the applicant had stated that additional spaces could be provided if needed.

Regarding the sunlight and daylight assessment, it was confirmed that the assessment had been independently assessed in accordance with the Council's practices and policies, and the results were set out in the Committee report. It was confirmed that some properties at Cayman Court and Compass Point would experience moderate adverse impacts. No properties should experience such impacts further afield. The impacts were not that unusual for a proposal in an urban setting.

In relation to the quality of the child play space, it was confirmed that it was normal practice to reserve details of the play space to enable the plans to be considered in more detail. Officers were however satisfied with the initial plans in terms of the quality and the quantum of the play space on site. As a result, Officers did not consider that there was any need for the provision of pocket parks in the public realm (as proposed as part of the 2017) application. There would be significant public realm and soft landscaping improvements.

In response to further questions, it was confirmed that all of the residents would be able to access the gym (as well as the communal open space and play space). The Council would also work with the applicant to maximise the number of local jobs for residents.

In response to questions about the appropriateness of the height, it was noted that the Mayor of London's comments were generally supportive in terms of the height, layout and massing of the application as set out in the report. Officers were however mindful of the issues regarding the height, but were of the view the plans were acceptable in this respect given amongst other issues: the site being within the London Plan Isle of Dogs Opportunity Area and its proximity to the Westferry DLR station. The development would play a key part in providing a landmark building for the station. It would also provide an opportunity to secure contributions that could enhance the West India Dock Road/Westferry Junction.

In response to questions about the CIL funding, the Committee noted legal advice regarding whether or not the funding could be allocated in the local area

In terms of the affordable housing, the scheme was a Mayor of London's fast track scheme, on the basis that the level of affordable housing exceeded 35% by habitable rooms required by the Mayor of London's Viability SPG . Such schemes would be subject to an early review, in the event that the agreed level of affordable housing was not made within two years of the planning permission being granted.

Regarding the 2017 application, Officers confirmed that they had drawn comparisons with the scheme including the differences in the amount of affordable housing due to the changes in the number of residential units. Officers considered that the issues with the previous scheme had been overcome and the proposals complied with policy.

A Member commented that the amount of affordable housing referred to in the refused scheme (paragraph 6.12, 8th bullet point) was incorrect. The figure should be 40.2%. Graham Harrington apologised for error, but stressed that that this did not affect the Committee's consideration of the application before it.

Officers were also mindful of the air quality issues, given the proximity of the site to a busy road. To minimise such impacts, it was proposed that the residential accommodation be located on the first floor upwards, and that mechanical ventilation was introduced at the lower floors of the proposed development.

In response to further questions, it was noted that the site comprised a mixture of public highway land and housing land and that land ownership issues were not a material consideration.

#### Objectors responses

Regarding the sunlight and daylight impacts, an objector considered that a number of properties would be significantly affected. The Officers report underestimated the impacts. It was also reiterated that the height conflicted with the policy for the site in the London Plan and the Local Plan. The development would set an unwanted precedent for this type of development in residential areas elsewhere.

#### Applicant's responses

In response to questions, the applicant's agent provided reassurances about the design of the proposal. The plans had been purposely designed to match the local context and the materials would act like a screen for the residential properties to minimise any environmental impacts. It was felt that the micro climate issues had been adequately mitigated and there were no issues in this regard now.

On a vote of 5 in favour, 2 against and 0 abstentions, the Committee **RESOLVED:**

1. That subject to any direction by the London Mayor, Planning permission is **GRANTED** at 82 West India Dock Road, E14 8DJ for the erection of a part 7-storey, part 28-storey and part 30-storey building comprising 15,639 sq.m (GIA) hotel (Use Class C1) floorspace (consisting of 400 bedrooms), 8,537 sq.m (GIA) residential (Use Class C3) floorspace (consisting of a total of 66 homes; comprising 30 x 1 bed, 28 x 2 bed and 8 x 3 bed homes) and 71 sq.m (GIA) flexible retail and community floorspace (Use Class A1/D1), creation of a new 'left turn only' vehicular access from West India Dock Road, hard and soft landscape improvements to the adjacent areas of highway and public realm and other associated works (PA/18/01203) SUBJECT to

2. The prior completion of a legal agreement to secure the planning obligations set out in the Committee report, subject to the changes to the planning obligations set out in paragraphs 1.1 and 1.2 of 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 to the conditions set out in paragraphs 1.3 of the update report.

The meeting ended at 8.25 p.m.

Chair, Councillor John Pierce  
Strategic Development Committee

**LONDON BOROUGH OF TOWER HAMLETS  
25<sup>th</sup> OCTOBER 2018 STRATEGIC DEVELOPMENT COMMITTEE**

**UPDATE REPORT OF DIVISIONAL DIRECTOR OF PLANNING AND  
BUILDING CONTROL**

<b>Agenda item no</b>	<b>Reference no</b>	<b>Location</b>	<b>Proposal / Title</b>
n/a	PA/16/0334 2  PA/16/0334 3	<b>Former London Chest Hospital, Bonner Road, London, E2 9JX</b>	Planning and listed building consent applications for 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.

**1. BACKGROUND**

- 1.1 On 20 September 2018, the Strategic Development Committee considered a report in respect of planning and listed building consent applications for the redevelopment of the London Chest Hospital.
- 1.2 The section of the report dealing with Local Representation said that 412 individual written representations were received on the planning and listed building consent applications. 386 of these were letters of objection pertaining to the planning application, 3 were letters of support to the planning application and 23 were letters of objection relating to the listed building consent application.
- 1.3 The report also confirmed the petitions that had been received including on-going on-line petitions, the number of signatures and the issues raised.
- 1.4 The report listed 29 matters on which objections had been raised.
- 1.5 The SDC resolved to grant planning permission and listed building consent, subject to the outcome of the Stage 2 Mayor of London referral and the prior completion of a Section 106 legal agreement.

## 2. REPRESENTATIONS FROM WARD COUNCILLORS

- 2.1 Following the meeting a concern has been raised that the report did not distinguish who had made the objections and whether any were from ward Councillors.
- 2.2 A review of the case file shows that the overall number of objections reported included representations received from Councillor Eve McQuillan for herself and on behalf of Councillors Sirajul Islam, Gabriela Salva McCallan, Mohammed Ahbab Hossain and Tarik Khan (Bethnal Green and St Peter's Ward councillors).
- 2.3 The representations from the councillors raised the following issues:
- **The Lack of affordable housing:** The amount of affordable housing has increased from 28% to 30%. However, given the borough's acute housing need, this is not enough. 30% is well below the Mayor of London's target of 50% affordable housing, and well below the level set by the Tower Hamlets Local Plan Policy SP02 which requires 35% - 50%.
  - **The height and density of the proposed buildings:** The buildings will still reach 6 and 8 storeys, far higher than the neighbouring buildings which reach 4 storeys at their highest. The revised plans have not reduced the height of the buildings and will cause harm to the existing community.
  - **Loss of trees:** The plans propose the removal of 28 trees along St James' Avenue. There will be an environment impact, effect on air quality and losing the trees will dramatically change the character of St James' Avenue. Removal of the Mulberry Tree is likely to risk its survival. The
  - tree is part of the heritage of the area, and is thought to date back to the Tudor period.
  - **The impact on the Victoria Park Conservation Area and destruction of heritage:** The high, dense blocks would deprive the landmark listed hospital building of its open landscaped space, which would also affect the open character and setting of Victoria Park Conservation Area.
  - Ward Councillors did not object to the site being used for housing in principle and recognised the borough's acute housing need. However, any development on this site must not harm the existing community and must be inclusive.

- 2.4 An additional representation from Cllr McQuillan raised concern about the lack of consultation on the changes to increase the amount of affordable housing and the viability assessment was not made public.

### **3. ADVICE**

- 3.1 All of the planning issues raised by the ward Councillors were included in the 20 September report and dealt with in the assessment of the application. The applicant's viability report is a public document on the planning register.
- 3.2 Whilst there is no prescribed format for the structure of reports to planning committees, it has been custom and practice in Tower Hamlets to note the issues raised by councillors, separately to those raised by residents or members of the public. Due to an oversight, this did not happen in this case. The committee report was published five clear days before the meeting in accordance with the constitution and it is regrettable that this oversight by officers had not been spotted by the ward councillors before the meeting.
- 3.3 This report has been prepared to ensure that the objections and representations made by the councillors on behalf of their communities, becomes a matter of public record.
- 3.4 As no new material considerations or further planning issues have been raised in the omitted representations, this does not affect the decision made on the application.

### **4. RECOMMENDATION**

That the Strategic Development Committee notes the content of this report, confirms that there is no requirement to revisit the resolution of the SD Committee on 20 September 2018 and this is recorded appended to the minutes.