

DEVELOPMENT COMMITTEE

Thursday, 14 November 2019 at 6.30 p.m.

Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG

SUPPLEMENTAL AGENDA – UPDATE REPORTS

This meeting is open to the public to attend.

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		PAGE NUMBER(S)	WARD(S) AFFECTED
5.1	The Bell Foundry, 32-34 Whitechapel Road, 2 Fieldgate Street and land to the rear, London, E1 1EW PA/19/00008 (FPP) and PA/19/00009 (LBC)	3 - 10	Whitechape I

Proposal:

Part retention of B2 land use (foundry) and internal alterations and refurbishment of listed building to provide new workshops/workspaces (B1 land use) and cafe (A3 land use) at ground floor.

External alterations to listed building to raise roof of hayloft building and create new link building.

Demolition of unlisted 1980s building and wall to the rear. Erection of building along Plumbers Row and Fieldgate Street with hotel (C1 use) with ancillary members and guest uses in part 5, 6 and 7 storeys with x2 levels of basement, with restaurant/bar (A3/4 uses) at ground and mezzanine level and additional workspace (B1 use) on ground and first floors. Roof plant, pool, photovoltaics, waste storage, cycle parking, public realm improvements and associated works.

Note: the development descriptions for PA/19/00008 and PA/19/00009 are the same.

Recommendation:

5 .2 Grant planning permission subject to conditions and s106.
William Brinson Centre, 3-5 Arnold Road, London, E3 4NT (PA/16/02789)

11 - 14

**Bromley
North**

Proposal:

Demolition of existing building, construction of an 8 storey building and a 6 storey building to provide 62 affordable dwellings (affordable housing tenure) and 398 sq.m B1 floorspace with amenity space, access, cycle parking, landscaping and associated works

Recommendation:

Grant personal planning permission with conditions.

Agenda Item 5.1

LONDON BOROUGH OF TOWER HAMLETS

UPDATE REPORT, DEVELOPMENT COMMITTEE. 14th NOVEMBER 2019

Agenda item no	Reference no	Location	Proposal / Title
5.1	PA/19/00008 (FPP) and PA/19/00009 (LBC)	The Bell Foundry, 32-34 Whitechapel Road, 2 Fieldgate Street and land to the rear, London, E1 1EW	Part retention of B2 land use (foundry) and internal alterations and refurbishment of listed building to provide new workshops/workspaces (B1 land use) and cafe (A3 land use) at ground floor. External alterations to listed building to raise roof of hayloft building and create new link building. Demolition of unlisted 1980s building and wall to the rear. Erection of building along Plumbers Row and Fieldgate Street with hotel (C1 use) with ancillary members and guest uses in part 5, 6 and 7 storeys with x2 levels of basement, with restaurant/bar (A3/4 uses) at ground and mezzanine level and additional workspace (B1 use) on ground and first floors. Roof plant, pool, photovoltaics, waste storage, cycle parking, public realm improvements and associated works.

1.0 CORRECTIONS AND CLARIFICATIONS

- 1.1. The recommendation should state 'Grant planning permission and listed building consent subject to conditions and s106'
- 1.2. Within the key dates listed on the first page, the first consultation start date is incorrect. This should be 23/01/2019 rather than 23/10/2019.
- 1.3. Paragraphs 7.2 and 7.5 refer to the hotel providing 108 rooms. This is incorrect as the scheme proposes 103 hotel rooms. This change was required due to the site needing to be serviced on-site, as such necessary changes to the site layout and cores of buildings means that 5 rooms were omitted. As such, where the committee report references an uplift in hotel rooms, see Executive Summary and paras 7.2, 7.6, 7.7 and 7.124, this uplift is 69 rooms not 74.
- 1.4. The onsite servicing requirements also required the following floorspace changes from the originally submitted scheme:

Use	GIA (sqm)	GEA (sqm)
Restaurant/Bar (A3/A4)	1,227 (1,249)	1,370 (1,415)
Hotel including ancillary (C1)	4,539 (4,584)	4,845 (4,900)
Workspace (B1)	374 (375)	516 (515)
TOTAL	6,140 (6,208)	6,731 (6,830)

N.B. floorspace figures for uses in the Old Foundry will remain the same.

- 1.5. Paragraph 7.225 incorrectly stated that 8 cycle spaces would be provided to serve the B class uses; this is incorrect and should state 10.
- 1.6. Paragraph also incorrectly states various cycle parking figures:
 1. '*...4 short stay spaces are proposed by the hotel and restaurant entrance (within the curtilage of the proposed development...*' should refer to 6 spaces
 2. '*...16 proposed in a store situated adjacent of the entrance to the historic building...*' should refer to 17 spaces
 3. '*..An additional 20 spaces are proposed on the pavement of Fieldgate Street in front of the historic building.*' This should refer to 22 spaces.
- 1.7. Drawing list:
 1. Bicycle parking drawings 1211, 1212 & 1213 are superseded by 0312 Rev B and 0313 Rev A which are listed correctly in the schedule and were included within the reconsultation in May. As such, 1211, 1212 and 1213 can be deleted; these were already superseded on the website.
 2. Proposed Section EE (drawing no. 2804) should be Rev A, not Rev C as currently shown in the schedule. This is a minor clerical issue; the correct plan is available online.
 3. PL_0310 and PL_1208 (proposed sixth floor plans) to be deleted as superseded by other drawings.
- 1.8. The committee report incorrectly states in paragraphs 1.2, 1.6, 7.102, and 7.116 that the 1980s extension to the foundry is curtilage listed. This is incorrect as it post-dates the 1948 cut-off date for curtilage listings. For clarity sake, officers will reiterate here that the subterranean structures are curtilage listed as these pre-date the 1948 cut-off date.
- 1.9. Paragraph 7.148 states that GLAAS '*...recommended that further pre-determination fieldwork be undertaken at the site...*' The word further should be deleted.
- 1.10. Paragraph 4.12, points 8 and 25, dismisses the relevance of the UKHBPT proposals to acquire the site. Officers consider that this is correct but would like to explain this. In principle, if harm would be caused by the loss of an existing use then whether there was interest in buying the site for that use is relevant to whether the loss of the use should be allowed. Marketing requirements for the loss of employment uses would be one example, as well as a justification for substantial harm to a designated heritage asset under para 25 of the NPPF. An offer to buy the foundry could be relevant as some harm is caused by the scheme, again, as an aspect of alternatives. However, in the present case officers understand that no offer in the normal sense, with a price proposed, was made to the previous owners of the site and as UKHBPT approached the previous owners after they had already contracted to sell, so they could not accept an offer anyway. UKHBPT's interest would have been in support of their scheme which is still vague and impossible to rely upon. There is also no basis for concluding that it could lead to a better or at least as good, outcome in the short or long term.
- 1.11. Paragraph 7.28 sets out the affordable workspace offer. Officers incorrectly noted in the report that the 80% affordable workspace will be provided at no more than 70% of market rates. This should state 30% of market rates and in line with GLA rates which are £11 to £19/sqft.

2.0 ADDITIONAL REPRESENTATIONS

- 2.1 One additional support comment from an LBTH resident was received. The key points of this were:
1. Proposals are appropriate and considerate of the listed elements of the site
 2. A small bell foundry will be retained whilst the character of the building will be restored and opened up to the public.
 3. Hotel building at the rear of the site are appropriate in scale, and will bring significant employment to the local area.
 4. Nostalgia is not a valid reason to deny a development which will bring so many benefits to the local community.
- 2.2 Six additional objection comments were received (two LBTH, one Norway, two UK and one no address). The key points from these representations were:
1. There is a viable proposal put forward by the UKHBPT together with its partner, Factum Foundation, to continue to operate a full-scale working foundry. This proposal has a credible business plan, experienced management and funding available.
 2. The proposal is speculative and the inappropriate change of use for the foundry as proposed by the developer must be rejected.
 3. There is no market evidence to demonstrate that a foundry cannot continue to operate on the Whitechapel. The continuous use as a foundry is the optimum viable use.
 4. A boutique hotel with a private members club and rooftop swimming pool should be rejected.
 5. The local population, including community groups, are overwhelmingly against this proposal.
 6. The neighbouring East London Mosque was not consulted by the developer and considers the scheme proposed to be wholly inappropriate.
 7. The reinstated foundry is tokenism. The concept of a working foundry on 12% of the original foundry site placed alongside a café is simply unworkable and with considerable health and safety risks.
 8. The scheme contradicts the Council's 'Whitechapel Vision Rejuvenation Prospectus' and the GLA's 'Thames Estuary Production Corridor'
 9. There are many other buildings suitable to be hotels in the area but not this unique site.
- 2.3 A further objection was received late on 13th November from UKHBPT. The letter reiterates previous grounds for objection to the scheme and considers:
1. There are serious concerns about the officers analysis set out in the committee report in relation to the recognition of the heritage significance of the Bell Foundry. The harm to significance, to following national planning guidance regarding the tests for justification of such harm and a misrepresentation of the public benefits that when taken together result in unsafe conclusions.
 2. Officers have failed in the report to follow the proper approach to optimum viable use of the building and failed to adequately test the optimum viable use of the site and inadequately assessed the business case that accompanies the UKHBPT scheme for the Bell Foundry.

Member Representation

- 2.4 One letter of representation was also received from Councillor Puru Miah on the morning of 14th November 2019 which is in objection to the proposal. The Objection can be summarised as follows:
1. Recommends that the matter for determination should be deferred due to a) the lack of information in the officer report and following the further objection from UKHBPT b) purdah and the upcoming general election and c) awaiting a response to an FOI request from Historic England
 2. Objects to the change of use of foundry buildings and regards this as substantial harm (as defined in the NPPF)
 3. Does not consider the benefits and justification for the hotel can be used as justification to the harm done to the foundry
 4. The proposed foundry site and foundry business is the listed building and heritage asset. The developer, Historic England and the Council recognise the conversion from a living working foundry is harmful and there is no justification for this substantial harm (and would constitute heritage vandalism) due to:
 - a) the extant permission and the fact the consented hotel could be built out anyway and not on the foundry part of the site
 - b) the foundry can and must continue as a living working foundry with new management and new investment as proposed by UKHBPT
 - c) there is no evidence that this cannot happen as there has been no marketing and refusal of offers is not evident. The Councillor considers this to be a material planning consideration
 5. Considers the planning argument put forward by officers to be flawed and this is set out in the planning statement prepared by UKHBPT planning advisors
 6. The scheme proposed by UKHBPT would deliver all the hotel jobs and highly skilled artisan and contemporary jobs/apprenticeships (as has happened in Stoke)
 7. Level of public and local support for retention of a living working foundry.
 8. The applicant should be told to submit a different planning application for the non-foundry land and sell the foundry to someone who will and can continue to run this country's oldest business for the benefit of everyone.

3.0 RECOMMENDATION

- 3.1 Officer recommendation remains that planning permission AND listed building consent should be GRANTED for the reasons set out in the main report and all conditions/obligations.

LONDON BOROUGH OF TOWER HAMLETS

UPDATE REPORT, DEVELOPMENT COMMITTEE. 14th NOVEMBER 2019

Agenda item no	Reference no	Location	Proposal / Title
5.2	PA/16/02789	William Brinson Centre, 3-5 Arnold Road, London	Demolition of existing building, construction of an 8 storey building and a 6 storey building to provide 62 dwellings (affordable housing tenure) and 398 sqm B1 floorspace with amenity space, access, cycle parking, landscaping and associated works.

1.0 CLARIFICATIONS

- 1.1 Paragraph 1.176 on page 201 of the committee report, should read: *Properties 1 – 25 Tomlins Grove were tested for sunlight. The effect on sunlight to numbers 1, 2, 3, 4, 7, 8, 10, 11, 20, 21, 22, 23 and 25 Tomlins Grove is considered negligible. – 5 and 6 Tomlins Grove should not have been included in this paragraph.*
- 1.2 At paragraph 7.180, the paragraph should read “The 11 properties which do not satisfy the guidelines are addressed in Table 4 of Appendix 3.
- 1.3 The two properties below should have been included in the Summary of Sunlight results – Table 4 at page 246-247 of the committee report.

Property	Daylight Impact	Further detail
5 Tomlins Grove	Negligible to Minor Adverse	<p><i>In the DPR report, this property is classified as meeting the BRE guidelines, based on the living rooms meeting the BRE guidelines for sunlight.</i></p> <p><i>There is a Major Adverse winter sunlight reduction of 63% to the first floor bedroom, (moving from 8% WPSH to 3% WPSH). However, the annual sunlight target meets the BRE guidelines and as this is a bedroom where sunlight is less important, the local authority has classed this property as Negligible to Minor Adverse (as the reduction is large – Appendix I, paragraph I5).</i></p>
6 Tomlins Grove	Negligible to Minor Adverse	<p><i>In the DPR report, this property is classified as meeting the BRE guidelines, based on the living rooms meeting the BRE guidelines for sunlight.</i></p> <p><i>There is a Major Adverse winter sunlight reduction of 60% to the second floor bedroom, (moving from 10% WPSH to 4% WPSH). However, the annual sunlight</i></p>

		<p><i>target meets the BRE guidelines and as this is a bedroom where sunlight is less important, the local authority has classed this property as Negligible to Minor Adverse (as the reduction is large – Appendix I, paragraph I5).</i></p>
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2.0 FURTHER REPRESENTATIONS

2.1 Officers received an email from Paul Velluet on 11th November stating that the officer's report was incorrectly implying that that his report is a standalone objection unrelated to the representations submitted by residents of Tomlins Grove.

2.2 Paragraph 4.13 of the officer's report states the following:

*"In addition to the above, the Local Planning Authority (LPA) also received the following two documents which were submitted by consultants **on behalf of local residents (officer underlining)**:*

- *Heritage Report, produced by Paul Velluet; and*
- *Review of the Daylight and Sunlight Report by BRE"*

2.3 Officers acknowledged that Paul Velluet submitted a representation on behalf of residents in this point of the report and therefore all subsequent reference to Paul Velluet's representations should be read as being on behalf of residents of Tomlins Grove.

2.4 In addition to the above, on 13th November, the LPA received 3 emails from an objector from Tomlins Grove addressed to Committee Members. One of the emails included a further representation made by Paul Velluet on behalf of Tomlins Grove residents. The representation included the following issues:

- Lack of specific reference to highly relevant policies 7.4.B, 7.6.B., 7.7.C. and 7.8.D of the London Plan, 2016 and to paragraphs 127.c) and 131 of the National Planning Policy Framework,

(Officer Comment: Paragraph 6.3 of the Officer's Report, within the Design section, refers to policies 7.1-7.8 of the London Plan and the NPPF was also listed as a document which was considered.

In terms of referencing specific policies within the report, the report includes the relevant policies/documents in the Section 6 of the report, and only draws reference to some of them as and where necessary in the report.

Officers are satisfied that the proposals comply with policies 7.4B, 7.6B, 7.7C and 7.8D of the London Plan 2016 and paragraphs 127 c and 131 of the NPPF 2019 and does not change officer recommendation to grant planning permission.)

- In relation to paragraph 7.105 of the committee report which refers to cross-sectional drawings.

(Officer Comment: With respect to a request for a section through the site, this was not thought to be necessary. The site lies to the west of a substantial

railway viaduct which divides the townscape at this point and creates a natural divide between Tomlins Grove, and Arnold Road. The setting of the Tomlins Grove properties is largely appreciated from the street, or from the railway line itself, the intervisibility is not critical to the appreciation of the setting of the houses.

The site itself is set at a distance of greater than 18 metres away from the properties on Tomlins Grove. This is significantly more than the council's standard overlooking distance. The difference in scale between the houses on Tomlins Grove and the proposed development can be appreciated without the need for a section.)

- That paragraph 7.104 of the report is 'unjustified' and that 'officers have not read the report with due care (...)'

(Officer Comment: The position of officers remain unchanged to that set out in the committee report.)

- From paragraphs 7.107, 108, 109 and 125 of the committee report, it appears that officers rely heavily upon the review and rebuttal of Paul Velluet's *Report* by the applicants' Heritage Consultant and concur unreservedly with the consultant's comments rather than addressing the highly relevant and specific concerns raised in Paul Velluet's *Report* themselves.

(Officer Comment: The review and rebuttal was carried out by the applicant's heritage consultant and subsequently reviewed by the Design and Heritage Officer who agreed with the comments made.)

2.5 A further email was received by the same objector on 13th November related to 2 documents which comprise views from a property on Tomlins Grove (referred to as Document 1) and a cross section of Tomlins Grove (referred to as Document 2), the railway viaduct and Arnold Road.

- *Officer Comment: It appears that these views do not appear to be verified and limited weight should be given to them.*

3.0 RECOMMENDATION

3.1 Officer recommendation remains that planning permission should be GRANTED for the reasons set out in the main report and all conditions/obligations.

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