

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE DEVELOPMENT COMMITTEE****HELD AT 6.30 P.M. ON THURSDAY, 14 NOVEMBER 2019****COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Abdul Mukit MBE (Chair)

Councillor Dan Tomlinson (Vice-Chair) (Up to and including Item 5.1 and as Registered Speaker for Item 5.2 only)

Councillor John Pierce

Councillor Dipa Das

Councillor Leema Qureshi

Councillor Kevin Brady (Substitute for Councillor Dan Tomlinson – Item 5.2 only)

Councillor Rajib Ahmed (Substitute for Councillor Mufeedah Bustin)

Other Councillors Present:

Councillor Ehtasham Haque (As registered speaker for Item 5.1 only)

Councillor Shah Ameen (As registered speaker for Item 5.1 only)

Councillor Rachel Blake (As registered speaker for Item 5.2 only)

Officers Present:

Solomon Agutu – (Interim Team Leader Planning, Legal Services, Governance)

Jerry Bell – (Area Planning Manager (East), Planning Services, Place)

Katie Cooke – (Planning Officer, Development and Renewal)

Christina Gawne – (Team Leader East, secondment)

Gareth Gwynne – (Area Planning Manager (West), Planning Services, Place)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Rajib Ahmed declared a non-pecuniary interest in respect of item 5.1 stating that he had received representations from the applicant and objectors, that he knew some objectors and may know a member of the applicant's team, and that he had visited the Whitechapel Bell Foundry during his time as Speaker of the Council.

Councillors Ehtasham Haque and Shah Ameen (in attendance as registered speakers against the application) both declared non-pecuniary interests in respect of item 5.1 stating that they had campaigned against the application.

2. MINUTES OF THE PREVIOUS MEETING(S)The Committee **RESOLVED**

That the unrestricted minutes of the meeting of the Committee held on 10 October 2019 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:

- The procedure for hearing objections and meeting guidance be noted.
- In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes be delegated to the Corporate Director, Place along the broad lines indicated at the meeting; and
- 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 be delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

4. DEFERRED ITEMS

There were no deferred items.

5. PLANNING APPLICATIONS FOR DECISION

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)

The Legal adviser notified committee that there had been a written request copied to all Members of the Committee to postpone the meeting. The Legal Adviser read a letter from the Monitoring Officer explaining why the request could not be agreed.

An update report was tabled.

Jerry Bell introduced the application for 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.

Mr Bell reminded the Committee that this report comprised two applications: one for planning permission and one for listed building consent.

Christina Gawne (Planning Services) presented the report describing the nature of the site and the surrounding area, and the outcome of the consultation, resulting in the receipt by the Council of 802 representations of which 8 were supporting comments; 782 were objecting comments and 5 were no position comments. Ms Gawne advised the Council had also received 2 objecting petitions: one containing 274 signatures and one containing 2278 signatures. Ms Gawne summarised the points raised by both those supporting and objecting to the application (including the 2 petitions).

Ms Gawne briefly summarised officers' assessment of the option to pursue a Compulsory Purchase Order (CPO) of the site, as this had been raised during the consultation. Officers conclude the site does not meet the tests for a CPO.

Ms Gawne briefly summarised the results of the assessments relating to:

- Land use;
- Affordable workspace, public access and education;
- New hotel design;
- Heritage, including archaeological assessments;
- Neighbour amenity;
- Transport;
- Environment; and
- Planning obligations.

Officers considered that the applications complied with the NPPF, the adopted Development Plan and emerging plan policy and so permission should be granted.

The Chair invited the registered speakers to address the Committee.

Mr Adam Lowe informed the Committee that he was addressing it on behalf of the UK Historic Buildings Preservation Trust (UKHBPT). Mr Lowe informed the Committee that the Trust had developed an alternative vision for the site which it believed was more appropriate than the application in front of the Committee. Mr Lowe summarised that alternative vision, including the additional benefits the Trust believed it would bring to the site, the local area and Borough residents.

Ms Sufia Alam addressed the Committee. Ms Alam felt the proposed development would undermine community pride in the local area. She asked the developer to work in partnership with the local community to develop an alternative planning application that would protect and restore community pride.

Councillor Ehtasham Haque addressed the Committee. Councillor Haque felt the proposed application presented substantial harm to the site which was not justified by the proposed benefits. He felt a working bell foundry could exist

alongside a new hotel, confined to the rear (non-listed) section only. He commended the alternative vision for the site as proposed by UKHBPT.

Councillor Shah Ameen addressed the Committee. Councillor Ameen told the Committee that he felt the proposed development damaged heritage, and delivered no benefits to the site or to local residents. He believed that there was greater potential for the site and that an alternative proposal, such as that proposed by UKHBPT, could provide more benefits.

Mr Will Burgess addressed the Committee on behalf of the applicant. Mr Burgess told the Committee that the applicant had worked closely with the former Whitechapel Bell Foundry Limited owners in developing their proposal. The applicant had conducted a wide-ranging consultation. The proposal included substantial public access provision. Mr Burgess summarised the proposed uses of the listed building area of the site and the benefits the applicant felt it would bring to the local area, including art provision and workspaces, apprenticeships and access to historical features. Mr Burgess stressed at the hotel was to be entirely located in the non-listed section of the site.

Ms Kelly Ryder addressed the Committee on behalf of the applicant. Ms Ryder informed the Committee that the application had been amended substantially to respond to the concerns raised by officers and by the public following extensive consultation. Ms Ryder stressed that the proposed development represented the best way to protect the site, which otherwise would be vulnerable to deterioration/disrepair and or alternative uses within the same use class. The proposals for the listed part of the site would reflect the heritage uses, including the founding of Whitechapel bells by the Whitechapel Bell Foundry Ltd. The benefits proposed as part of the application, including those to be secured through financial contributions, are extensive and go beyond the Council's policy requirements. Ms Ryder added that Historic England had agreed that the proposals provide appropriate heritage protection and asked the Committee to note that there had been no objections regarding impact on neighbouring properties.

Questions to Officers

In response to questions from the Committee, officers:

- Officers advised that Historic England support the proposals, agree with the assessment of 'less than substantial harm' and consider the proposals are a conservation led approach.
- Provided further details on their assessment regarding optimal viable use.
- Provided further detail on alternative permitted land uses under the existing B2 classification. It was noted that there is no specific bell-making land use classification.
- Provided further detail of the affordable workspace and apprenticeship opportunities proposed to be secured through the Section 106 agreement.
- Provided further detail on the proposed public access arrangements and heritage strategy.

- Provided detail to support their assessment that harm to the site as a result of the development is less than substantial.
- Provided guidance to the Committee on the appropriate level of consideration it could give to:
 - the alternative proposals put forward by UKHBPT.
 - proposals for Whitechapel Bell-making on the site as part of the application.

Questions to Objectors

In response to questions from the Committee, objectors:

- Explained that they feel the application presents substantial harm to the site which cannot be mitigated under the current proposals.
- Provided further detail to support their assessment of substantial harm.
- Provided additional detail regarding the UKHBPT alternative proposals. Officers also provided additional detail of their meetings and discussions with UKHBPT. Officers expressed concern regarding the deliverability of the proposals. They noted that a business plan had been provided by UKHBPT, but felt it lacked sufficient detail. A full planning application had not been submitted by the Trust.

Questions to Applicants team

In response to questions from the Committee, the applicant's representatives:

- Provided further detail to support their assessment that harm to the site as a result of the development is less than substantial.
- Provided further detail on past and current arrangements for public access to the site.

On a vote of 3 in favour 3 against, with the Chair exercising a **casting** vote in favour, the Committee **RESOLVED**:

1. That subject to any direction by the Mayor of London, conditional planning permission and listed building consent is **GRANTED** subject to the prior completion of a legal agreement to secure the planning obligations set out in paragraphs 8.2 and 8.3 of the report.
2. That the Corporate Director of Place is delegated the power to negotiate the legal agreement. 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.
3. That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the matters set out in paragraph 8.5 of the report.

For the avoidance of doubt the planning officer asked the Committee to confirm that their vote was for both Planning Consent as well as Listed Building Consent. This was agreed.

5.2 William Brinson Centre, 3-5 Arnold Road, London, E3 4NT (PA/16/02789)

At this point in the meeting, Councillor Dan Tomlinson left the meeting and was replaced by Councillor Kevin Brady.

An update report was tabled.

Jerry Bell introduced the application for 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. Mr Bell provided a summary of the history of the application, including the events that led up to the Judicial Review and the quashing of the Committee's previous decision to approve. Solomon Agutu, the Committee's legal advisor, provided further details of the Judicial Review. Messrs Bell and Agutu stressed that the application before the Committee was unchanged from that previously considered.

Katie Cooke (Planning Services) presented the report describing the nature of the site and the surrounding area, public transport connectivity and the outcome of the consultation, resulting in the receipt by the Council of 42 individual letters of objection; 4 petitions against (with a total of 311 signatures) and 1 letter of support. Ms Cooke summarised the key issues raised in consultation responses.

Ms Cooke briefly summarised the results of the assessments relating to:

- Land use;
- Heritage (including conservation areas);
- Highways;
- Daylight and sunlight (supported by Mr Gareth Owens);

Ms Cooke then highlighted selected planning obligations to be secured by Condition.

Officers considered that the application, complied with policy so should be granted.

The Chair invited the registered speakers to address the Committee.

Melanie Rainbird addressed the Committee. Ms Rainbird advised that the residents of the nearby Tomlins Grove properties have concerns over sunlight and daylight issues arising from the development:

- Residents have commissioned independent expert advice on the Council's daylight and sunlight assessment. The expert advice has yet to be produced and their request to defer the application until the advice is ready was refused.
- Neighbouring properties would be severely affected and losses are above those in BRE guidelines and should be considered against policy.
- Documents supplied by objectors were included in the report for the previous, September 2019 Development Committee (when the

application was deferred) but excluded from the report for tonight's meeting.

- The proposed building is out of scale with the local area. Residents would like to see revised proposals with a lower height, to lessen loss of daylight.
- Residents feel the decision should be deferred until their concerns have been fully considered.

Alistair Baker addressed the Committee. Mr Baker told the Committee he believed this application was contrary to Council policy in three main areas: height, density and amenity play space for children. Mr Baker provided further detail to support this assertion, including extracts from the London Plan, the Local Plan, and English Heritage. Regarding the height of the proposed development, Mr Baker stated that claims in the officer's report of nearby 10 storey neighbouring buildings are factually incorrect.

Councillor Dan Tomlinson addressed the Committee. Councillor Tomlinson:

- Expressed concerns with the street scene of Arnold Road at present and asked that if the Committee were minded to approve the application, it ensure that appropriate conditions were put in place to improve the street scene before residents can move in.
- Expressed concerns with the height of the building and daylight sunlight losses which he felt were outside of guidelines. He urged the Committee to consider whether this loss amounted to unacceptable material loss.
- Asked the Committee to note that daylight/sunlight experts had questioned the accuracy of some information in the officer's report.
- Asked the Committee to consider the risks of challenge to a decision to approve and encouraged it to defer the matter if it felt the information before it was unsatisfactory.

Councillor Rachel Blake, Deputy Mayor and Cabinet Member for Planning, Air Quality and Tackling Poverty, addressed the Committee on behalf of the applicant. Councillor Blake:

- Stressed that the scale of housing need in Tower Hamlets is severe and justified the scale of the proposed development.
- Encouraged the Committee to ask detailed questions regarding daylight and sunlight analysis.

Yasmin Ali, Principal Project Manager, addressed the Committee on behalf of the applicant. Ms Ali:

- Provided details of the different accommodation types and how the proposal would help to meet the Council's ambition to increase the supply of housing.
- Summarised a range of additional benefits arising from the development, beyond the supply of housing.
- Outlined plans to deliver improvements in the Arnold Road street scene, including those proposed to be secured through planning conditions.

Aiden Cosgrove, Daylight and Sunlight Consultant, addressed the Committee on behalf of the applicant. Mr Cosgrove provided further detail on the daylight and sunlight assessment and offered advice to the Committee on the appropriate interpretation of the Building Research Establishment (BRE) guidelines. Mr Cosgrove advised the Committee that, whilst analysis suggests the application contains a high level of adherence to guidelines, a degree of flexibility is appropriate when applying them.

Dorian Crone, Heritage and Design Consultant, addressed the Committee on behalf of the applicant. Mr Crone provided further details relating to the heritage assessment of the existing site, including separation from local conservation areas. Mr Crone concluded that the impact on heritage is considered minimal, to positive, compared to existing site.

Questions to Officers

In response to questions from the Committee, officers:

- Provided guidance on ways of interpreting the BRE daylight sunlight guidance and explained how the technical assessment might translate into actual experience of those affected. Officers stressed that the Committee must decide whether the application presents an unacceptable material deterioration to daylight and sunlight levels.
- Explained the rationale for inclusion of a gated element (including door entry system) in the design.
- Provided further detail on the technicalities which prevent the ability of the Committee to require a Section 106 agreement on the development and how this would be mitigated by the imposition of conditions.
- Provided further detail of the assessment of open space provision and how the proximity of nearby open spaces factored into this assessment.
- Explained they were satisfied that consultation on the application had been undertaken in accordance with the Council's Statement of Community Involvement.
- Provided further detail to support their assessment of the appropriateness of the building design and appearance.

Questions to Objectors

In response to questions from the Committee, objectors:

- Expressed concern that errors had been found in the daylight and sunlight assessment previously considered by the Committee on this application and stressed that, without independent analysis, the Committee could not be certain that the revised assessments did not also contain errors.
- Questioned why improvements to the street scene of Arnold Road had yet to be realised by the Council, despite the application being first proposed several years ago.

Questions to Applicants team

In response to questions from the Committee, the applicant's representatives:

- Provided rationale for the proposed height of the building. The applicant explained that they feel the proposed height provides the optimisation of the site without adversely impacting neighbours.
- Provided an update on actions to date to improve the street scene of Arnold Road, including discussions with the Council's Public Realm Team and neighbouring commercial businesses.
- Provided a brief summary of the scale of housing need in the borough and why they felt the application represented a welcome step toward meeting that demand.

On a vote of 6 in favour none against, the Committee **RESOLVED**:

1. That subject to any direction by the Mayor of London, conditional planning permission is **GRANTED** subject to the planning conditions and informatives set out in paragraphs 8.2 to 8.5 of the report.

6. OTHER PLANNING MATTERS

There were no other planning matters.

The meeting ended at 9.45 p.m.

Chair, Councillor Abdul Mukit MBE
Development Committee