

# 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

**This meeting is open to the public to attend**

**Members:**

Chair: Councillor Abdul Mukit MBE

Vice Chair : Councillor Dan Tomlinson

1 Vacancy, Councillor John Pierce, Councillor Mufeedah Bustin, Councillor Dipa Das and  
Councillor Leema Qureshi

**Substitutes:**

Councillor Sabina Akhtar, Councillor Kevin Brady and Councillor Rajib Ahmed

[The quorum for this body is 3 Members]

**Public Information.**

The deadline for registering to speak is **4pm Tuesday, 12 November 2019**

Please contact the Officer below to register. The speaking procedures are attached

The deadline for submitting material for the update report is **Noon Wednesday, 13  
November 2019**

**Contact for further enquiries:**

Joel West, Democratic Services,

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

Tel: 020 7364 4651

E-mail:

Web:<http://www.towerhamlets.gov.uk/committee>

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### **Attendance at meetings.**

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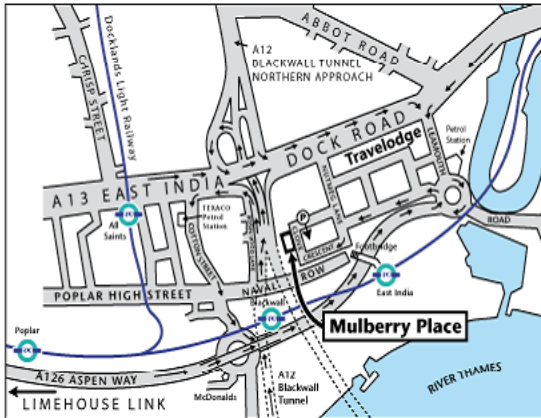
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## **APOLOGIES FOR ABSENCE**

### **1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 5 - 8)**

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

### **2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 9 - 16)**

To confirm as a correct record the minutes of the meeting of the Development Committee held on 10 October 2019.

### **3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 17 - 18)**

To RESOLVE 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 meeting guidance.

<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
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### **4. DEFERRED ITEMS**

There are no items.

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

**19 - 24**

#### **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)**

**25 - 158**

**Whitechapel**

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:

Grant planning permission subject to conditions and s106.

<b>5 .2</b>	<b>William Brinson Centre, 3-5 Arnold Road, London, E3 4NT (PA/16/02789)</b>	<b>159 - 250</b>	<b>Bromley North</b>
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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.

<b>6.</b>	<b>OTHER PLANNING MATTERS</b>	<b>251 - 252</b>
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There are none.

**Next Meeting of the Development Committee**  
To be confirmed.

## **DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER**

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

### **Interests and Disclosable Pecuniary Interests (DPIs)**

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

### **Effect of a Disclosable Pecuniary Interest on participation at meetings**

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

**Further advice**

For further advice please contact:-

Asmat Hussain Corporate Director of Governance and Monitoring Officer, Telephone Number:  
020 7364 4801

## APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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## LONDON BOROUGH OF TOWER HAMLETS

### MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 6.30 P.M. ON THURSDAY, 10 OCTOBER 2019

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

#### Members Present:

Councillor Abdul Mukit MBE (Chair) (up to and including Item 5.1 only)

Councillor John Pierce

Councillor Mufeedah Bustin

Councillor Leema Qureshi (up to and including Item 5.1 only)

Councillor Rajib Ahmed (Substitute for Councillor Dipa Das) (Item 5.2 only)

#### Other Councillors Present:

Councillor Dan Tomlinson (As registered speaker for Item 5.2 only)

#### Officers Present:

Fleur Francis	– (Team Leader - Planning, Legal Services Governance)
Adam Garcia	– (Senior Planning Officer, Place Directorate)
Gareth Gwynne	– (Area Planning Manager (West), Planning Services, Place)
Piotr Lanoszka	– (Canary Wharf & Strategic Projects Lead)
Joel West	– (Senior Democratic Services Officer)

#### Apologies:

Councillor Dipa Das

#### 1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillor Abdul Mukit declared an interest in respect of item 5.2 stating that he had a close relationship with the applicant and would be withdrawing from the meeting for the duration of the item.

Councillor Rajib Ahmed declared an interest in respect of item 5.2 stating that he knew the applicant.

Councillor Mufeedah Bustin declared an interest in respect of item 5.2 stating that she knew the applicant.

Councillor John Pierce declared an interest in respect of item 5.2 stating that he knew the applicant.

Councillor Leema Qureshi declared an interest in respect of item 5.2 stating that she had a close relationship with the applicant and would be withdrawing from the meeting for the duration of the item.

Councillor Dan Tomlinson (present from Item 5.2 and participating as a registered speaker only in the item) declared an interest in respect of item 5.2 stating that he knew the applicant and objectors and would be withdrawing from the meeting prior to deliberation and voting by the Committee.

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

The Committee **RESOLVED**

1. That the unrestricted minutes of the meeting of the Committee held on 19 September 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:

1. The procedure for hearing objections and meeting guidance be noted.
2. 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
3. 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 City Hotel, 12-20 Osborn Street, London, E1 6TE (PA/19/01301)**

An update report was tabled.

Gareth Gwynne introduced the application for part 4, 5 and 6 storey rear extension plus partial basement and associated internal changes to the existing hotel to create an additional 153 rooms, external alterations to the

Osborn Street elevation, cycle parking facilities, disabled car parking, plant, demolition of rear buildings within car park and other associated works.

Adam Garcia (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 37 Letters of representation, 37 letters of objection and 1 petition in objection of 60 signatures. Mr Garcia summarised the comments raised in objection to the proposal.

Mr Garcia briefly summarised the results of the assessments relating to:

- Land use
- Design and heritage
- Impact on amenity of the surrounding residential properties, including the impacts on sunlight and daylight;
- Overshadowing and impact on outlook, privacy and sense of enclosure at Green Dragon Yard; and
- Impact on outlook, privacy and sense of enclosure at 22-30 Osborn Street.

Finally Mr Garcia provided a summary of proposed transport and servicing procedures and outlined the proposed planning obligations.

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

The Chair invited the registered speakers to address the Committee.

Matt Cassini and Ahmed Boudeffeur expressed concerns about the scheme regarding the following issues:

- The application included little effort to mitigate the impact on local residents.
- Applicant's public engagement had been inadequate and misleading.
- The proposal would have a detrimental impact on community safety.
- Assumptions in the application have gone unchallenged.
- There is insufficient evidence for an increased demand for hotel rooms.
- Concerns about fire risks and escape routes.
- Construction noise and dust and impact on air pollution.
- Vehicles would cause an obstruction when turning in the street.
- Overshadowing and loss of daylight to neighbouring residents.
- Loss of residents' privacy by being overlooked.
- Access to Green Dragon Yard would be hindered.
- Detrimental impact on waste management.
- Detrimental impacts on biodiversity and health.

Gareth Jackson and Kevin Francis addressed the Committee on behalf of the applicant and made the following points:

- Consultation with residents had been thorough.
- Demand for increased hotel places is evident.

- The applicant has made changes to the proposals to address residents' concerns.
- Significant efforts have been taken to ensure fire safety.
- Whilst the applicant had made genuine efforts to obtain floor plans of Green Dragon Yard, none were available.
- Daylight tests indicate only moderate loss of daylight with levels consistent with those in the locality as indicated in the officer's report.

#### Questions to Officers

In response to questions, officers explained that the Highways Service had reported no significant concerns with potential impact on the street including parking, turning, impact on local businesses etc. Officers provided further detail on the tests used to determine the loss of daylight and sunlight to affected properties. Further to questions regarding fire risk concerns of objectors, officers advised that fire strategies were outside the scope of planning and are addressed at building control stage. Officers also responded to questions around land use, specifically as to why this site is considered suitable for a hotel and would prove challenging to provide housing.

#### Questions to Applicants team

In response to question about the refuse arrangements the applicant's representative provided details of how the hotel's proposed refuse management would mitigate the impact on neighbouring roads through a 'just in time' system'.

On a vote of 2 in favour 2 against, with the Chair exercising a **casting** vote in favour, the Committee **RESOLVED**:

1. That planning permission be **GRANTED** at City Hotel, 12-20 Osborn Street, London, E1 6TE (PA/19/01301) SUBJECT to the prior completion of a legal agreement to secure the following 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 paragraphs 8.6 and 8.7 of the report.

#### **ELECTION OF CHAIR**

Councillors Abdul Mukit and Leema Qureshi left the meeting prior to the start of this item.

As the Chair had left the meeting and the deputy chair was not present, the Clerk asked the Committee to elect a person to preside.

Councillor Rajib Ahmed proposed and Councillor Mufeedah Bustin seconded a proposal that Councillor John Pierce be elected Chair for the remainder of the meeting. On a vote of 3 in favour, none against, the Committee

**RESOLVED:**

1. That Councillor John Pierce be elected Chair for the remainder of the meeting

**5.2 96-98 Bromley High Street, London, E3 3EG PA/19/00256**

Gareth Gwynne introduced the application for demolition of the existing building to construct a four storey residential building containing 4 x two bedroom units, 2 x one bedroom units and 1 x three bedroom unit with associated cycle parking spaces, private amenity space and other associated works.

Piotr Lanoszka (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 10 letters of objection and 1 petition in objection of 39 signatures. Mr Lanoszka summarised the comments raised in objection to the proposal.

Mr Lanoszka briefly summarised the results of the assessments relating to land use; housing; design; heritage; impact on neighbour amenity; highways and transport; and the environment.

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

The Chair invited the registered speakers to address the Committee.

Susan Christopher and Keith Cunningham expressed concerns about the scheme regarding the following issues:

- Massing and scale of the proposal is inappropriate and would make it out of character with other buildings in the locality.
- Impact on parking stress in the locality.
- Risk to nearby tree and car park.
- Loss of residents privacy through being overlooked.
- Major loss of daylight.
- Disruption and noise of development.
- Stress and impact on health of residents, including vulnerable residents
- Claims of a factual inaccuracy in the case officer's report: the distance between the proposed development and 1A Priory Street being 6.5m (not 12.5m).
- Objectors have engaged an independent daylight consultant to review proposals. The consultant's report was not mentioned in the case officer's report.
- Flaws in the assessment of sunlight and daylight loss.

Councillor Dan Tomlinson addressed the Committee. Councillor Tomlinson stressed that he was not opposed in principle to development on this site, but wished to express concerns about this scheme regarding the following issues:

- The cumulative impact of development in Bromley North is concerning to residents.
- Concern over reports of inaccuracies in the report regarding distance of 1A and 1B Priory Street from the proposal and of the address of nearby properties being incorrect.
- Further impact on parking stress in the locality.
- The major adverse impact on daylight/sunlight of affected properties, as indicated in the report, must be tested against Council policies not to approve schemes that would have significant material detriment to daylight and sunlight of local residents.

The applicant's representatives indicated they did not wish to address the Committee, but were on hand to respond to any questions it had on the application or points raised.

#### Questions to Officers

In response to questions, officers explained that:

- The reported distance of 1A and 1B Priory Street from the proposal was correctly stated in the report as 12.5m as the distance between principal elevations; however the distance is closer when the ground floor extension to 1A Priory Street is taken into account.
- The locality included a variety of buildings of different scale and height and the proposal would therefore not be out of character.
- Conditions already proposed would mitigate the loss of privacy and impact of noise on local residents (for example the obscure glazing on some windows).
- No impact was anticipated to neighbouring car park or tree.
- Work had been undertaken with Historic England to ensure acceptable safeguards to archaeological loss. Previous planning applications on the site had not provided such safeguards.
- Provision of housing at the site was in line with Council priorities and formed the main public benefit of the scheme to weigh against negative impacts.
- Whilst daylight loss to some neighbouring properties was significant, this proposal is acceptable as retained levels are considered good for an urban location.

#### Questions to Applicants team

In response to questions, the applicant's representatives explained that loss of parking provision would be limited to the removal of the current residential driveway and that the proposal is for a car-free development.

Councillor Dan Tomlinson left the meeting at this point.

Councillor John Pierce proposed and Councillor Mufeedah Bustin seconded a proposal that the application be deferred for the reasons set out

below. On a vote of 3 in favour, none against, the Committee **RESOLVED**:

1. That the application for 96-98 Bromley High Street, London, E3 3EG (PA/19/00256) be **DEFERRED** pending a site visit.

The Committee was minded to defer the application for a site visit for the following reason:

- To establish the distance of the properties at 1A and 1B Priory Street from the rear elevation of the proposed building.

In accordance with Development Procedural Rules, the application was **DEFERRED** in order to undertake a site visit.

## 6. OTHER PLANNING MATTERS

There were no other planning matters.

The meeting ended at 8.35 p.m.

Chair, Councillor Abdul Mukit MBE  
Development Committee

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## DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

### Guidance for Development Committee/Strategic Development Committee Meetings.

#### Who can speak at Committee meetings?

Members of the public and Councillors may request to speak on applications for decision (Part 6 of the agenda). All requests must be sent direct to the Committee Officer shown on the front of the agenda by the deadline – 4pm one clear working day before the meeting. Requests should be sent in writing (e-mail) or by telephone detailing the name and contact details of the speaker and whether they wish to speak in support or against. Requests cannot be accepted before agenda publication. Speaking is not normally allowed on deferred items or applications which are not for decision by the Committee.

The following may register to speak per application in accordance with the above rules:

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters.  This includes: an agent or spokesperson.  Members of the public in support	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"><li>• Three minutes for one objector speaking.</li><li>• Six minutes for two objectors speaking.</li><li>• Additional three minutes for any Committee and non Committee Councillor speaking in objection.</li></ul> It shall be at the discretion of the applicant to allocate these supporting time slots.

#### What if no objectors register to speak against an applicant for decision?

The applicant or their supporter(s) will not be expected to address the Committee should no objectors register to speak and where Officers are recommending approval. However, where Officers are recommending refusal of the application and there are no objectors or members registered, the applicant or their supporter(s) may address the Committee for 3 minutes.

The Chair may vary the speaking rules and the order of speaking in the interest of natural justice or in exceptional circumstances.

Committee Members may ask points of clarification of speakers following their speech. Apart from this, speakers will not normally participate any further. Speakers are asked to arrive at the start of the meeting in case the order of business is changed by the Chair. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee) under [Council Constitution, Part C Section 35](#) Planning Code of Conduct

### What can be circulated?

Should you wish to submit a representation or petition, please contact the planning officer whose name appears on the front of the report in respect of the agenda item. Any representations or petitions should be submitted no later than noon the working day before the committee meeting for summary in the update report that is tabled at the committee meeting. No written material (including photos) may be circulated at the Committee meeting itself by members of the public including public speakers.

### How will the applications be considered?

The Committee will normally consider the items in agenda order subject to the Chair's discretion. The procedure for considering applications for decision shall be as follows:  
Note: there is normally no further public speaking on deferred items or other planning matters



- (1) Officers will introduce the item with a brief description.
- (2) Officers will present the report supported by a presentation.
- (3) Any objections that have registered to speak to address the Committee
- (4) The applicant and or any supporters that have registered to speak to address the Committee
- (5) Committee and non- Committee Member(s) that have registered to speak to address the Committee
- (6) The Committee may ask points of clarification of each speaker.
- (7) The Committee will consider the item (questions and debate).
- (8) The Committee will reach a decision.

Should the Committee be minded to make a decision contrary to the Officer recommendation and the Development Plan, the item will normally be deferred to a future meeting with a further Officer report detailing the implications for consideration.

### How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions. The decisions will also be available on the Council's website shortly after the meeting.

For queries on reports please contact the Officer named on the front of the report.

<p><b>Deadlines.</b> To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages. Visit <a href="http://www.towerhamlets.gov.uk/committee">www.towerhamlets.gov.uk/committee</a> - search for relevant Committee, then 'browse meetings and agendas' then 'agenda management timetable'.</p>	 Scan this code to view the Committee webpages.
<p><b>The Rules of Procedures for the Committee are as follows:</b></p> <ul style="list-style-type: none"> <li>• Development Committee Procedural Rules – Part C of the Council's Constitution Section 35 Appendix B.</li> <li>• Terms of Reference for the Development Committee - Part B of the Council's Constitution Section 19 (7).</li> </ul>	 Council's Constitution



## DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

### Advice on Planning Applications for Decision

#### 1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

#### 2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda can be made available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

#### 2.3 ADVICE OF CORPORATE DIRECTOR, GOVERNANCE

- 3.1 This is general advice to the Committee which will be supplemented by specific advice at the meeting as appropriate. The Committee is required to determine planning applications in accordance with the Development Plan and other material planning considerations. Virtually all planning decisions involve some kind of balancing exercise and the law sets out how this balancing exercise is to be undertaken. After conducting the balancing exercise, the Committee is able to make a decision within the spectrum allowed by the law. The decision as to whether to grant or refuse planning permission is governed by section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990). This section requires the Committee to have regard to:

- the provisions of the Development Plan, so far as material to the application;
- any local finance considerations, so far as material to the application; and
- to any other material considerations.

- 3.2 What does it mean that Members must have regard to the Development Plan? Section 38(6) of the Planning and Compulsory Purchase Act 2004 explains that having regard to the Development Plan means deciding in accordance with the Development Plan, unless material considerations indicate otherwise. If the Development Plan is up to date and contains material policies (policies relevant to the application) and there are no other material considerations, the application should be determined in accordance with the Development Plan.

#### The Local Development Plan and Other Material Considerations

- 3.3 The relevant Development Plan policies against which the Committee is required to consider each planning application are to be found in:
  - The London Plan 2016;

- The Tower Hamlets Core Strategy Development Plan Document 2025 adopted in 2010; and
  - The Managing Development Document adopted in 2013.
- 3.4 The Planning Officer's report for each application directs Members to those parts of the Development Plan which are material to each planning application, and to other material considerations. National Policy as set out in the National Planning Policy Framework 2019 (**NPPF**) and the Government's online Planning Practice Guidance (PPG) are both material considerations.
- 3.5 One such consideration is emerging planning policy such as the Council's Local Plan<sup>1</sup> and the Mayor of London's New London Plan<sup>2</sup>. The degree of weight which may be attached to emerging policies (unless material considerations indicate otherwise) depends on the stage of preparation of the emerging Development Plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the framework. As emerging planning policy progresses through formal stages prior to adoption, it accrues weight for the purposes of determining planning applications (NPPF, paragraph 48).
- 3.6 Having reached an advanced stage in the preparation process, the Local Plan now carries more weight as a material consideration in the determination of planning applications. However, the policies will not carry full weight until the Local Plan has been formally adopted. The New London Plan is at a less advanced stage of the adoption process.
- 3.7 The purpose of a Planning Officer's report is not to decide the issue for the Committee, but to inform Members of the considerations relevant to their decision making and to give advice on and recommend what decision Members may wish to take. Part of a Planning Officer's expert function in reporting to the Committee is to make an assessment of how much information to include in the report. Applicants and objectors may also want to direct Members to other provisions of the Development Plan (or other material considerations) which they believe to be material to the application.
- 3.8 The purpose of Planning Officer's report is to summarise and analyse those representations, to report them fairly and accurately and to advise Members what weight (in their professional opinion) to give those representations.
- 3.9 Ultimately it is for Members to decide whether the application is in accordance with the Development Plan and if there are any other material considerations which need to be considered.

### **Local Finance Considerations**

- 3.10 Section 70(2) of the TCPA 1990 provides that a local planning authority shall have regard to a local finance consideration as far as it is material in dealing with the application. Section 70(4) of the TCPA 1990 defines a local finance consideration and both New Homes Bonus payments (**NHB**) and Community Infrastructure Levy (**CIL**) fall within this definition.

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<sup>1</sup> The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits' was submitted to the Secretary of state for Housing, Communities and Local Government to undergo an examination in public on 28 February 2018. As part of the examination process, the planning inspector held a series of hearing sessions from 6 September to 11 October 2018 to discuss the soundness of the Local Plan. The planning inspector has put forward a series of modifications as part of the examination process in order to make it sound and legally compliant. These modifications are out to consultation for a 6 week period from 25 March 2019.

<sup>2</sup> The draft New London Plan was published for public consultation in December 2017, The examination in public commenced on 15 January 2019 and is scheduled until mid to late May 2019.

- 3.11 Although NHB and CIL both qualify as “*local finance considerations*”, the key question is whether they are “material” to the specific planning application under consideration.
- 3.12 The prevailing view is that in some cases CIL and NHB can lawfully be taken into account as a material consideration where there is a direct connection between the intended use of the CIL or NHB and the proposed development. However to be a ‘material consideration’, it must relate to the planning merits of the development in question.
- 3.13 Accordingly, NHB or CIL money will be ‘material’ to the planning application, when reinvested in the local areas in which the developments generating the money are to be located, or when used for specific projects or infrastructure items which are likely to affect the operation or impact on the development. Specific legal advice will be given during the consideration of each application as required.

### **Listed Buildings and Conservation Areas**

- 3.14 Under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant listed building consent for any works, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 3.15 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed buildings or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.16 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development in a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

### **Trees and Natural Environment**

- 3.17 Under Section 197 of the TCPA 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.
- 3.18 Under Section 40 of the Natural Environment and Rural Communities Act 2006 (Duty to conserve biodiversity), the local authority “*must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*”.

### **Crime and Disorder**

- 3.19 Under Section 17 of the Crime and Disorder Act (1998) (Duty to consider crime and disorder implications), the local authority has a “*duty .....to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment)...*”

### **Transport Strategy**

- 3.20 Section 144 of the Greater London Authority Act 1999, requires local planning authorities to have regard to the London Mayor’s Transport strategy.

## **Equalities and Human Rights**

- 3.21 Section 149 of the Equality Act 2010 (Public Sector Equality Duty) (**Equality Act**) provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Equality Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.22 The protected characteristics set out in Section 4 of the Equality Act are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Equality Act.
- 3.23 The Human Rights Act 1998, sets out the basic rights of every person together with the limitations placed on these rights in the public interest. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

## **Environmental Impact Assessment**

- 3.24 The process of Environmental Impact Assessment is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (2017 Regulations). Subject to certain transitional arrangements set out in regulation 76 of the 2017 Regulations, the 2017 regulations revoke the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (2011 Regulations).
- 3.25 The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process. The 2017 Regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.
- 3.26 The Environmental Statement, together with any other information which is relevant to the decision, and any comments and representations made on it, must be taken into account by the local planning authority in deciding whether or not to grant consent for the development.

## **Third Party Representations**

- 3.27 Under section 71(2)(a) of the TCPA 1990 and article 33(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Committee is required, to

take into account any representations made within specified time limits. The Planning Officer report directs Members to those representations and provides a summary. In some cases, those who have made representations will have the opportunity to address the Committee at the meeting.

### **Daylight, Sunlight and Overshadowing**

- 3.28 Amenity impacts resulting from loss of daylight and sunlight or an increase in overshadowing are a common material planning consideration. Guidance on assessment of daylight and sunlight is provided by the 'Site Layout Planning for Daylight and Sunlight' 2011 by BRE (the BRE Guide). The BRE Guide is purely advisory and an appropriate degree of flexibility needs to be applied when using the BRE Guide.
- 3.29 There are two methods of assessment of impact on daylighting: the vertical sky component (VSC) and no sky line (NSL). The BRE Guide specifies that both the amount of daylight (VSC) and its distribution (NSL) are important. According to the BRE Guide, reductions in daylighting would be noticeable to occupiers when, as a result of development:
- a) The VSC measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value; and
  - b) The area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.
- 3.30 The BRE Guide states that sunlight availability would be adversely affected if the centre of a window receives less than 25% of annual probable sunlight hours or less than 5% of probably sunlight hours between 21 September and 21 March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight over the whole year of over 4%.
- 3.31 For overshadowing, the BRE Guide recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21st March with ratio of 0.8 times the former value being noticeably adverse.
- 3.32 Specific legal advice will be given in relation to each application as required.

### **General comments**

- 3.33 Members are reminded that other areas of legislation cover aspects of building and construction and therefore do not need to be considered as part of determining a planning application. Specific legal advice will be given should any of that legislation be raised in discussion.
- 3.34 The Committee has several choices when considering each planning application:
- To grant planning permission unconditionally;
  - To grant planning permission with conditions;
  - To refuse planning permission; or
  - To defer the decision for more information (including a site visit).

## **4. PUBLIC SPEAKING**

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at the Agenda Item: Recommendations and Procedure for Hearing Objections and Meeting Guidance.

## **5. RECOMMENDATION**

- 5.1 The Committee to take any decisions recommended in the attached reports.





## DEVELOPMENT COMMITTEE

14 November  
2019

Report of the Corporate Director of Place

Classification: Unrestricted

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### Application for Planning Permission

[click here for case file](#)

<b>Reference</b>	PA/19/00008 (FPP) and PA/19/00009 (LBC)
<b>Site</b>	The Bell Foundry, 32-34 Whitechapel Road, 2 Fieldgate Street and land to the rear, London, E1 1EW
<b>Ward</b>	Whitechapel
<b>Proposal</b>	<p>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.</p> <p>External alterations to listed building to raise roof of hayloft building and create new link building.</p> <p>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.</p> <p><i>Note: the development descriptions for PA/19/00008 and PA/19/00009 are the same.</i></p>
<b>Recommendation</b>	Grant planning permission subject to conditions and s106.
<b>Applicant</b>	Raycliff Whitechapel LLP
<b>Architect</b>	31/44
<b>Case Officer</b>	Christina Gawne
<b>Key dates</b>	Application received – 28/12/2018 Application validated and start date – 02/01/2019 First consultation started – 23/10/2019 Second consultation started – 28/05/2019

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## EXECUTIVE SUMMARY

The proposed scheme consists of three distinct parts contained within two applications, PA/19/00008 (Full Planning Permission (FPP)) and PA/19/00009 (Listed Building consent (LBC)):

1. 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 within the Grade II\* listed site, known as the Whitechapel Bell Foundry
2. External alterations to listed building to raise roof of hayloft building and create new link building.
3. Demolition of unlisted 1980s building and wall to the rear. Erection of new building along Plumbers Row and Fieldgate Street serving as a hotel (C1 use) in a part 5, 6 and 7 storey building with a double level basement, including a restaurant/bar area (A3/4 uses) at ground and mezzanine level and additional workspace (B1 use) on ground and first floors. The scheme also includes roof plant, a hotel swimming pool, photovoltaics, waste storage, cycle parking, public realm improvements and associated works.

The Whitechapel Bell Foundry Limited ceased operating on the Whitechapel site in 2017 however the business, which has been in operation for several hundred years, is continued on other sites within the UK.

The proposed part change of use to retain B2 foundry uses and introduce new B1 workshops and workspaces and an A3 café will enable the site to function commercially, retain the industrial nature of the site and allow for wider public access into the site. Public access will be secured via condition and s106 obligations which will also establish education and community partnerships to ensure the site will be appreciated and well integrated into the community. An Interpretation Strategy will also be secured via s106 to detail how the site will celebrate and communicate its history to the public. This includes the historical land use, how the site will be used in the future and also archaeological remains.

A minimum of 45% of the floor area of the historic foundry will be provided to local Tower Hamlets based businesses at affordable rent levels, of which 80% will be at GLA affordable rent levels and the remaining 20% will be let at least 10% below the agreed comparable market rate. All work spaces on site, including the new element of B1 within the hotel at the rear of the site, will be offered to 'creative industries' first.

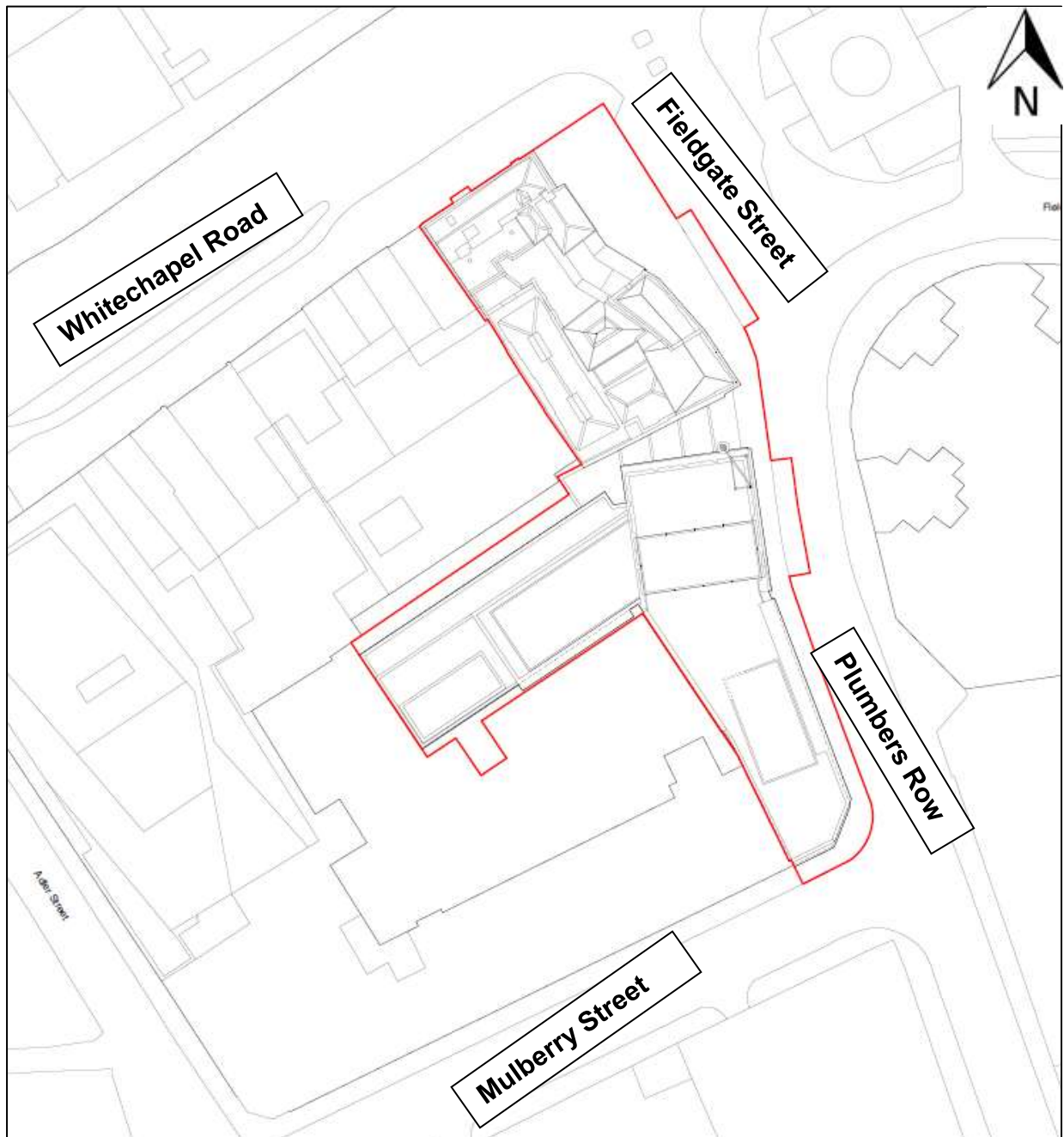
The proposed internal and external alterations to the Grade II\* listed building would be undertaken in a sensitive, light touch manner which will maintain and preserve the historic fabric on the site. These works are supported by Historic England.

The proposed hotel to the rear of the site has been designed to the highest architectural quality and integrates well with the historic building to the front. This part of the site already benefits from an extant planning permission for a hotel; as such this application should be seen as an uplift in hotel rooms by 74, rather than the wholesale introduction of a new land use on site.

The application is acceptable with regards Land Use, Design & Heritage, Neighbour Amenity, Transport, Environment and Infrastructure considerations.

Officers recommend both applications be granted subject to conditions and s106 obligations.

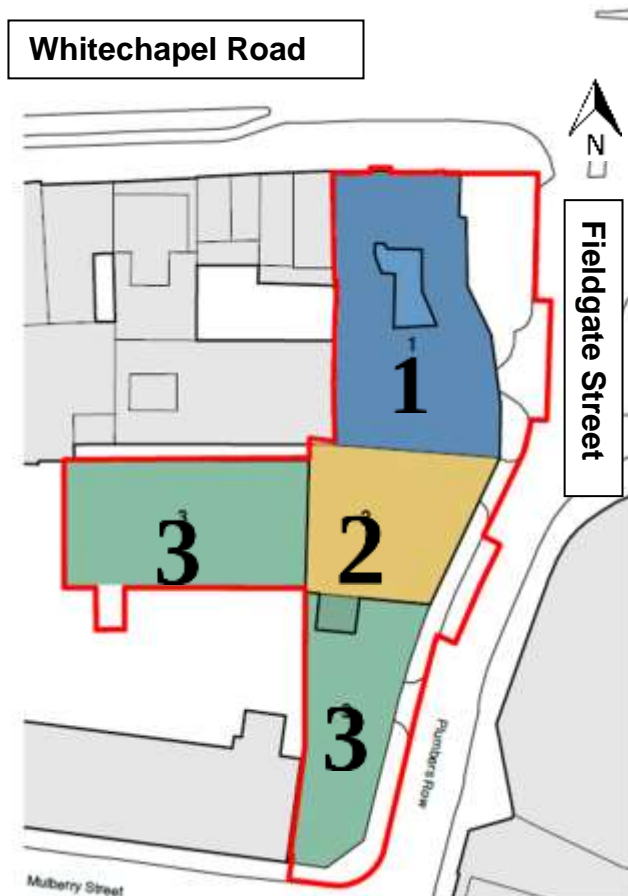
## SITE PLAN



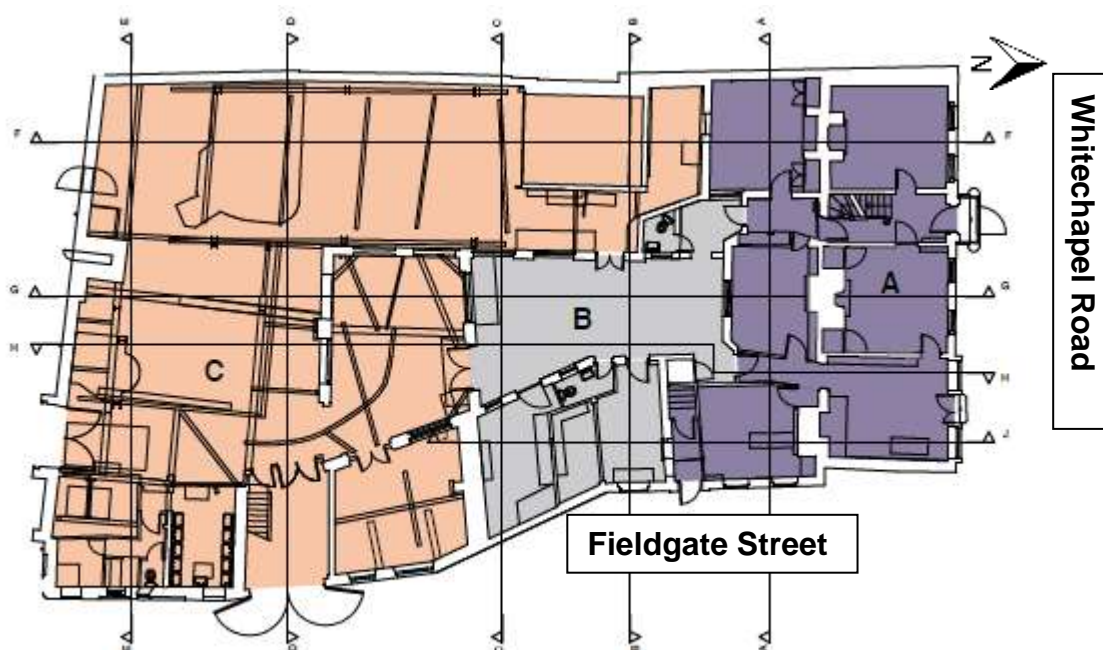
**Figure One: Site plan**

## **1. SITE AND SURROUNDINGS**

- 1.1. The application site ('the site') comprises the historic Whitechapel Bell Foundry and additional adjacent vacant land. The site is located in Whitechapel, east London, towards the western end of Whitechapel Road, towards Aldgate East Underground Station, the Whitechapel Art Gallery and the East London Mosque. The site is a corner plot in a fairly large street block, with frontages onto Whitechapel High Street, Fieldgate Street/Plumbers Row and Mulberry Street. The site has a PTAL rating of 6a, which is very high. A selection of photos of the site as existing are provided within Appendix Three.
- 1.2. The Whitechapel Bell Foundry is a Grade II\* listed building. The 1980s building on the site towards the rear of the application site, which is directly adjacent to the listed building is not listed and was specifically removed from the listing in 2017 by Historic England, Council do however consider this to be curtilage listed. The whole of the site is located within the Whitechapel High Street Conservation Area. The Conservation Area contains several other listed buildings of Grade II and Grade II\* status including Whitechapel Art Gallery (Grade II\*), Whitechapel Public Library, tomb, wall and drinking fountain in St Mary's Churchyard, 30 Whitechapel Road (all grade II) . Brick Lane, Spitalfields Market, Royal London Hospital and the City are also near the site. Further to the south are the Tower of London and the River Thames.
- 1.3. Whitechapel Road has evolved from when it developed as a centre for industry, trade and inns. Today there is a wide range of uses in and around the high street, including residential, student accommodation, commercial buildings, religious buildings and associated educational establishments. Many of the buildings accommodate a mix of uses within them, with commercial uses at ground floor (especially along the main road) and other use(s) on the upper storey(s).
- 1.4. Under the current policy framework, the site is also subject to the following relevant designations:
  - Major Road – Red Route
  - Central Activities Zone
  - Archaeological Priority Zone
  - Activity Area – City Fringe
- 1.5. Under the Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits (Local Plan policy framework, the site is subject to all of the above designations plus the following new designations:
  - Local Employment Location – Whitechapel
  - Town Centres: Whitechapel District Centre
- 1.6. The site is most easily understood in three parts (see Figure Two):



**Figure Two:** application site outlined in red and numbered into three parts



**Figure Three:** three parts of the historic foundry (all contained within blue shaded “Part 1” in Figure Two)





**Figure Four: extent of Grade II\* listing in blue as provided by the Historic List Description**

Part 1 - The historic foundry which comprises of (Figure Three):

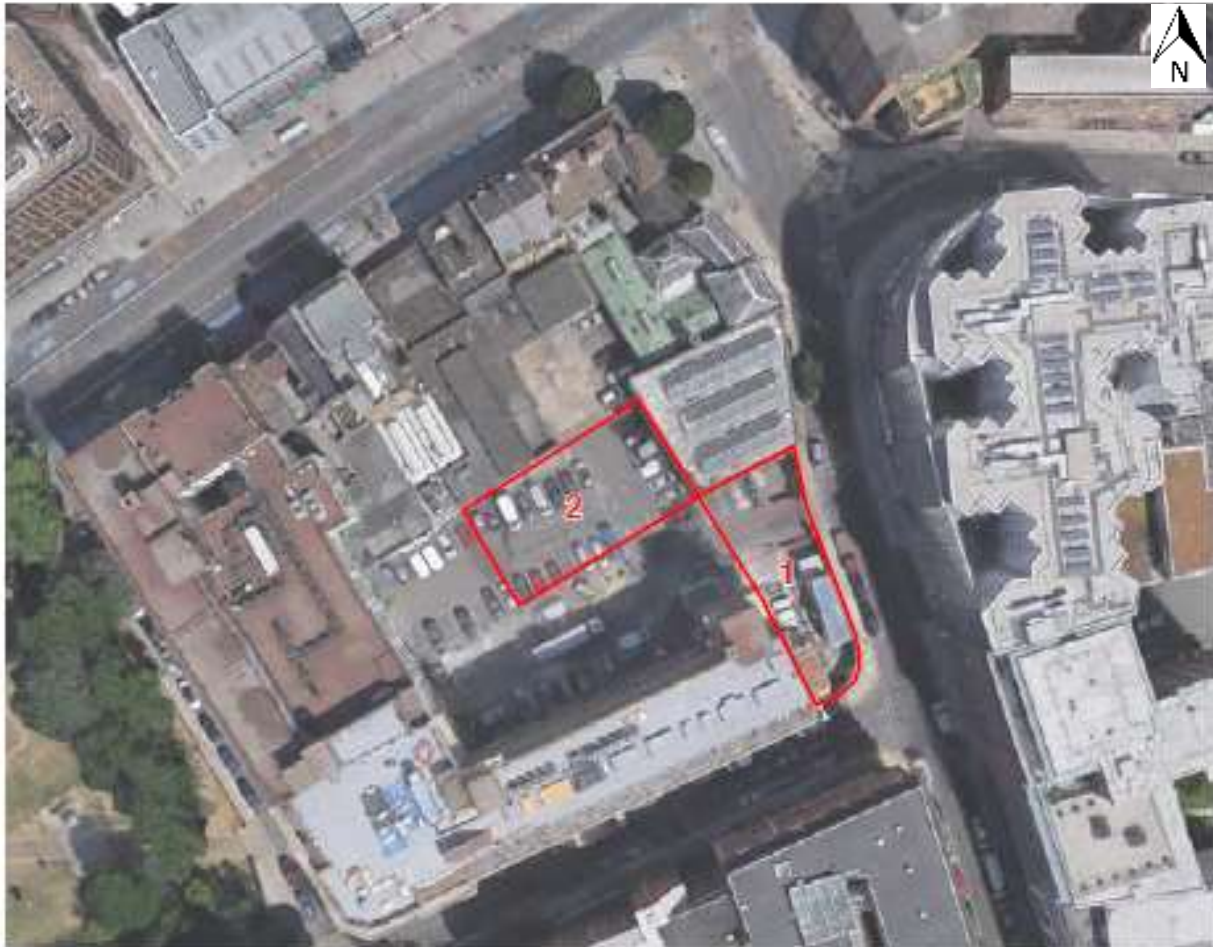
- A. The Front Range (including 2 Fieldgate Street) - The Front Range comprises nos. 32-34 Whitechapel Road and no. 2 Fieldgate Street and forms the ancillary domestic and office elements of the site.
- B. The Courtyard and Old Stables - At the centre of the historic foundry sits a courtyard, bounded by the Front Range and no. 2 Fieldgate Street to the north, the Old Stables to the east (along Fieldgate Street) and the Old Foundry to the south and west. During the working life of the Whitechapel Bell Foundry, it was often used to store bells that had been made, or those that were coming back in to be repaired.
- C. The Old Foundry - The Old Foundry consists of a series of interconnected spaces to the south and west of the historic foundry site. These spaces are largely open-plan and single storey, albeit of generous height, with smaller rooms along the eastern façade, including washing facilities for former workers. There are several large pieces of equipment mounted in these large ground floor spaces which form part of the Grade II\* listing of the building due to their importance in the bell making process and integral part in the wider industrial history of the site. The floor has a great pit dug out of it where larger bells were cast. Along the eastern edge at first and second floor are the old hand bell workshops.

Part 2 - The 1980s buildings - The 1980s building at the rear of the site is the newest element of the foundry and was originally built as a frame-making workshop for the large timber frames to hold the bells in e.g. a church tower. The exterior, with its predominately blank façades, adds little to the character of the area. It is constructed of an uninteresting blockwork fabric,

clad externally in London stock brick. A large-span space punctuated by columns and with diffuse top-lighting, the space shares some of the industrial qualities of the historic building although it does not form part of the Grade II\* listing, the Council do consider it to form part of this to be curtilage listed.

Part 3 - The vacant sites – The additional vacant sites are situated to the rear and side of the foundry, both are numbered 3 in Figure Two above. One part fronts onto Plumbers Row, with a small portion of frontage onto Mulberry Street to the south. The other sits within the centre of the urban block. Access will be maintained across the centre part via the area marked as 2 to allow retained use of the remaining area for users of the adjacent buildings and for deliveries.

- 1.7. There is an extant planning permission on the vacant parts of the site (ref: PA/15/00517/A1), for residential flats (C3), office (B1) and hotel (C1). This consent includes the neighbouring development known as Cityside House. Cityside House will retain access via the application site from Plumbers Row at ground level; this will be secured between the land owners. There is a service yard in the middle of the block, which will be retained and is under the ownership of Cityside House. Use of the yard will be partly shared by Cityside House, the existing Qbic hotel and the proposal. This new application will supersede that detailed in PA/15/00517/ A1 for the Foundry Mews and Plumbers Row buildings. Key approved plans of PA/15/00517 are available to view in Appendix Four of this report.
- 1.8. The applicant has set out in their Heritage Assessments and Design and Access Statement the history of the site. Key points from this are:
  - The foundry was originally founded in 1570 and occupied the current location from the 1740s.
  - The site was originally an inn called The Artichoke at least as early as the 1720s. The inn was then sold in 1743. One Thomas Lester took possession and moved his bell foundry to the site from its previous location on what is now Gunthorpe Street, demolishing the inn and building a house for himself (fronting onto Whitechapel Road), a house for his foreman (fronting onto Fieldgate Street) and a bell foundry behind. The site was occupied by the Whitechapel Bell Foundry for the next 274 years until the bell-making operation relocated in 2017 to work in conjunction with the Westley Group elsewhere in the UK.
  - Over the years owners of the foundry improved and extended the buildings on the site, including acquiring and adding land to the rear of the original site. This extending was done in two main steps, adding what are now known as the 'Old Foundry' (1c) and the '1980s building' (2).
  - Today the site comprises of the two original 1700s buildings and the two large foundry buildings to the rear, with a courtyard between the domestic and industrial spaces. The primary pedestrian entrance to the site is still via Whitechapel Road. Other than removal of the non-listed bell-making equipment by the previous owners, no changes have been made to the site since it was a functioning bell foundry in 2017. Historic England and the Borough Conservation Team oversaw what could be and wasn't removed from the site in 2017, no listed fixtures were removed.



**Figure Five: site image noting the two vacant parts predominantly used for car parking**

## **2. PROPOSAL**

- 2.1. 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.

- 2.2. Note: both PA/19/00008 (FPP) and PA/19/00009 (LBC) have the same description.





*Figure Six: CGI showing proposed site massing and surroundings (view from Fieldgate Street towards its junction with Whitechapel Road looking south)*

### 3. RELEVANT PLANNING HISTORY

- 3.1. PA/77/00714 - The demolition of the timber sheds and the erection of a building for use as a bell frame shop. **Permit 14/03/1978.**
- 3.2. PA/77/00715 - The demolition of the timber sheds and the erection of a building for use as a bell frame shop. **Permit 14/03/1978.**
- 3.3. PA/84/00934 - Provision of new slate roof covering and roof lights over carpenters and hand bell shops. **Permit 23/01/1985.**

**2-4 Whitechapel Road – City Side House and Challenger House, 40-42 Adler Street**

- 3.4. PA/15/00517 - Refurbishment of Cityside House, including a part two/ three storey roof extension for office use (Class B1) and Class A3/B1 use at ground and basement levels; a new cafe (Class A3) fronting Whitechapel Road; construction of a four storey courtyard building for (Class C1) 34 bedroom hotel use; construction of a 3-5 storey building for Class B1 use at ground floor with 9 x Class C3 residential units on the upper floors; hard and soft landscaping and associated cycle parking. **Permit 21/03/2016.**

*Officer note:*

*Planning permission was granted in 2016 for the 'Cityside House scheme' (ref. PA/15/00517). The proposal granted a refurbishment of the existing offices at Cityside House (this is currently under construction) with a part 2/3 storey roof extension to the existing 6 storey building for B1 office use. The permission also granted a 4 storey courtyard building for a 34-bedroom hotel use (Class C1), and a 3-5 storey building for Class B1 use at ground floor with 9 x Class C3 residential units on the upper floors. The hotel and office/residential elements of the scheme will not be implemented as this land is now part of the Bell Foundry development.*

*The following subsequent amendments have been made to the Cityside House scheme by the applicants, Great Portland Estates:*

- Two applications for Non Material Amendments (NMA) under s96a (ref. PA/16/03516 and PA/18/00783) were granted in December 2016 and April 2018 respectively, to amend the wording of various conditions of the original consent, to allow the development to be phased to ensure that the Cityside House element (Phase 1A) could be built without triggering hotel (Phase 1B) and residential / office (Phase 1C) portions of the scheme.*
- An NMA (ref. PA/18/01192) was approved in Nov 2018 (see below plan). This enabled the substation to come forward as part of Phase 1A. The submission is accommodated in the frontage of the Bell Foundry scheme.*
- Another NMA (ref. PA/18/02721/NC) is currently pending for a number of non-material amendments, including reconfiguration of the courtyard car park.*

#### **4. PUBLICITY AND ENGAGEMENT**

- 4.1. The applicant submitted a Statement of Community Involvement with the application which outlines the applicant's pre-application involvement with statutory bodies, key stakeholders and the wider public.
- 4.2. The Statement sets out on page 7 the pre-application meetings that were held with the Local Planning Authority (LPA) and Historic England (6 formal meetings and 2 informal meetings).
- 4.3. On page 8 the applicant sets out their public consultation and engagement programme which they undertook prior to submitting the application. This comprised of two phases:

4.3.1. Phase One – May-July 2018

Initial correspondence, and meetings with community groups, heritage groups and other stakeholders including amenity societies, politicians, ward councillors, neighbourhood groups, UKHBPT, East London Mosque etc.

Two-day public consultation event on the emerging proposals for the Site. 1,978 invitation letters were sent to neighbouring sites

4.3.2. Phase 2 - August – October 2018

Follow-up meetings with community groups, heritage groups and other stakeholders on the revised proposals.

Two-day public consultation event reflecting the revised proposals following the feedback received at the first consultation.

- 4.4. The two phases were also supplemented by supporting consultation communication including:
  - 4.4.1. Project website - [www.thebellfoundry.co.uk](http://www.thebellfoundry.co.uk) (*still available to view online*)
  - 4.4.2. Freephone information line
  - 4.4.3. Project email address
- 4.5. The Statement shows the consistent and wide reaching consultation and engagement undertaken by the applicant which is welcomed by officers. The documents shown within the Statement also appropriately reflect what has been proposed formally for the site and officers welcome the applicant's commitment to community engagement.
- 4.6. Following the receipt of the planning and listed building consent applications, the Council notified nearby owners/occupiers and consultees by post/email on 23/01/2019 and by site notices (posted on 12/02/2019). A press advert was also published in a local newspaper (31/01/2019).
- 4.7. Following receipt of wide ranging amendments to the scheme, most notably the amendment to provide on-site vehicular servicing as requested by Council, the scheme was consulted upon again (both the FPP and LBC applications). The Council notified nearby owners/occupiers by post 14/06/2019 and by site notices (posted on 28/05/2019). A press advert was also published in a local newspaper 06/06/2019.
- 4.8. In total, the FFP application (PA/19/00008) received:
  - 4.8.1. 793 representations
    - 4.8.1.1. 6 in favour
    - 4.8.1.2. 780 in opposition
    - 4.8.1.3. 2 petitions in objection were received
    - 4.8.1.4. 5 no position comments were received
- 4.9. In total, the LBC application (PA/19/00009) received 4 objections and 2 supporting comments.
- 4.10. Analysis of the written representations across both applications shows:
  - 4.10.1. 157 respondents stated Tower Hamlets postcodes
  - 4.10.2. 529 respondents stated UK postcodes, located outside LBTH
  - 4.10.3. 58 respondents were from outside the UK
  - 4.10.4. 58 respondents did not provide addresses.
  - 4.10.5. This totals 802. The additional three (from the overall total of 802) are likely duplicates.

#### **Supporting comments**

4.11. Key points from the supporting comments on both applications are:

1. Support on the basis that the small bells will still be made on site and space for interpretation of bell-making continues.
2. Support proposal based on support from Historic England.
3. The proposal does much to maintain and preserve the historic elements of the site and to provide an opportunity to the public to have access to appreciate the buildings which will showcase and explain the site's history.
4. The proposal to open a new foundry on the site is inappropriate as *"...the market for new bells has been shrinking for years and despite the Whitechapel Bell Foundry Limited (WBFL) having a skilled workforce, worldwide reputation, considerable goodwill and 'hands on' professional management and leadership were unable to trade profitably. It is doubtful that a new foundry could operate in the 'challenging E1 environment' under diminishing trade."*
5. There is great value in the proposal and the applicant's commitment and support of arts organisations, such as the Whitechapel Gallery and Musarc, is welcomed and support this relationship continuing.
6. Proposal is both sustainable and sympathetic to the historic building and the surrounding area. Support restoring the building, taking down the non-listed parts, and open comment areas for the public to enjoy.
7. The Whitechapel Gallery has worked with the applicant and the project team for the Whitechapel Bell Foundry on two occasions in the last year. Supported looks forward to continuing the conversation with the applicant around the possibilities of working together in future.
8. Support reinstatement of a foundry and support proposed artist studios given rising rents in London means it is harder for artists to find studios in London. Whitechapel in particular is already too expensive for artists and this is an encouraging step to bring artists back into the area, particularly given the proximity to the Whitechapel Gallery and the new Photography Gallery.
9. Important to preserve London's heritage and support this project doing that.
10. Saddened by negative press and misinformation that focuses solely on the hotel at the back of the site.

4.12. The following points (summarised from letters lodged to both PA/19/00008 and PA/19/00009 and to the Council directly) are from the previous owners of the site, Alan and Kathryn Hughes of the Whitechapel Bell Foundry Limited (WBFL) who wished for their comments to be made public.

1. WBFL ceased operating on-site in 2017, due to a downturn in orders and the unaffordable expense of maintaining a Grade II\* listed property in a proper condition that is also safe for undertaking manufacturing work. WBFL is still an operating business operating elsewhere in the UK and has not closed.
2. Less than 25% of the site was used as a working foundry having just 4 employees before vacating the site. Over half the space was used for engineering work associated with bell hanging. There is no suggestion by UKHBPT that this part of the business would be reinstated. The remainder of the use of the site comprised light engineering, carpentry, office, shop and ancillary residential space.

3. Staff previously employed at the foundry either retired when operations ceased (7) or were reemployed by other foundries (6). Therefore their unique skills are not lost, but remain in use. Only two of the former staff lived locally.
4. Many objectors are confusing the business with the premises, which the company occupied for approximately 280 years, not 400 years as is being claimed. The business, WBFL, and the property (32 & 34 Whitechapel Road, 2 Fieldgate Street and land beyond) in which the business traded are two separate entities. The production of all WBFL products has continued at other sites.
5. Whitechapel Bell Foundry patterns, moulding equipment, tooling and designs remain in the possession of the WBFL for continued use. They remain in use under licence for continued manufacture of both tower bells and small bells, tower bells are being made by the Westley Group and the range of small bells by Bells of Whitechapel Ltd. The substantial company archives have been lodged with the London Metropolitan Archives, where their indexing and conservation is being paid for by WBFL so that they may be in future made available for public access, however they remain the property of WBFL.
6. Support the application to redevelop the site, including the provision of a small foundry operation in part of the foundry area in the listed buildings, run using an electric furnace.
7. Support the comments made by Mr Tom Westley with regard to the implications both in cost and environmentally of attempting to make the whole of the site into a foundry. UKHBPT state that their proposals are a viable alternative for "continued" use and have used the name of WBFL to state that they intend to continue the business, and its history, on the site. UKHBPT have no connection with WBFL, either through manufacturing or its history. The production of items using the WBFL name without permission would be unlawful.

*Officer note: paragraphs 1-7 above is provided in order to illustrate that without a licence the production of items using WBFL name would be unlawful and that there can be no production of the historic Whitechapel bells on this site without a licence. Any other bells would not have the historic connection.*

8. No offer was made by UKHBPT for the Whitechapel Road site. There were therefore no reasons for any negotiation to take place with UKHBPT or to reconsider binding agreements already in place.

*Officer note: this is not a material planning consideration.*

9. Consultations regarding the use of the buildings and listed items within them took place during a visit made by Historic England on 20th February 2017.

*Officer note: LBTH Conservation Officer, Vicki Lambert, was also involved.*

10. WBFL believe the proposals offer a very sensitive re-working of the Listed Buildings and therefore endorse the proposal to make small bells on site as part of their small foundry plans. WBFL support the applicant's intention to reinstate some of the artefacts owned by WBFL including loaning some to enhance the interpretation of the history of the buildings. The applicant has already purchased several bells which remain in the buildings as part of their plans. The applicant has a good understanding of the former uses of the buildings.
11. The buildings were vacated two years ago, and if further deterioration of the fabric is to be avoided and a good use and public access to the site to be gained for the future, work to bring about the revitalisation of the buildings should begin ASAP.

## **Objection comments**

4.13. Key points from the objecting comments on both applications are:

1. Object to change of use to a hotel/boutique hotel/bell themed hotel and consider that the optimum viable use of the site is to remain as a bell foundry

*Officer note: the vast majority of objections received followed a proforma format which noted the above key points. Very few objections recognised that the proposed hotel is at the rear of the site in the unlisted/vacant sections of the site, not within the historic foundry, and that some foundry use is proposed to be retained along with new affordable workspaces etc.*

*There has never been any suggestion by the applicant that the proposed hotel would be bell themed or include bell-polishing within the lobby.*

2. Support the alternative proposal by UKHBPT to reopen the site as a bell foundry.
3. Support the alternative proposal by UKHBPT to reopen the site as a foundry and work in partnership with Factum Foundation.

*Officer comment: A small number of objections were aware of the proposed partnership between UKHBPT and Factum Foundation and specifically mentioned the creation of an apprenticeship and training scheme for bell making in or noted that art/use of modern technologies could be produced/used on the site etc.*

4. Special interest and/or significance of the site would be lost through proposals.
5. The proposed reinstatement of the foundry is not true reinstatement as it is reducing its area to a small percentage.
6. Whitechapel Bell Foundry is culturally significant both nationally and internationally, especially given Big Ben and the Liberty Bell were cast there, and the bell foundry use must be kept.

*Officer comment: the Liberty Bell was cast on site but Big Ben was actually cast on the neighbouring site which has not been in use as a foundry for many decades.*

7. Raising the roof of the hayloft is inappropriate and the proposed hotel at the rear is domineering and unsympathetic.
8. Object as new hotel will result in loss of light to Jacob's Court.
9. Proposed hotel not needed as several hotels already located in Whitechapel.
10. Hotel jobs are not needed, skilled jobs and trades like foundry are necessary.
11. Site should be listed/subject to preservation order or turned into a museum.

*Officer comment: the site is Grade II\* listed, which is the second highest rating possible (less than 6.5% of all listings in England fall within Grade 2\*), and the listing was amended in 2017 to reflect the site as it stands today.*

12. The building and business, which is 500+ years old, should be kept.

*Officer comment: many objectors believe the building is over 500 years old, this is incorrect. The oldest parts of the building are mid-18<sup>th</sup> century (approx. 1743-46) and the foundry was founded in 1570 but has occupied the site from the 1740s. There is no proposal to demolish any of the historic parts of the building other than those that were constructed in the 20<sup>th</sup> century and are not considered of high significance.*

13. Proposal will have negative effects on the surrounding highways and noise. The existing Tesco Metro is already causing issues in the area. The proposal would cause constant disruption.
14. Disappointed to learn the foundry and business had shut and that trade and skills were being lost.

*Officer comment: Whitechapel Bell Foundry Limited has ceased operating on the Whitechapel site but the business continues elsewhere within the UK in conjunction with partners. The Westley Group, operating from Stoke on Trent, has now taken over all of the manufacturing of the tower bells, Whites of Appleton based in Oxfordshire continues to tune the bells and Bells of Whitechapel Ltd (which officers were advised was a newly formed company operated by the Hughes family) are based in Bromley making hand bells and presentation bells. All Whitechapel bells can only be made using a licence from Whitechapel Bell Foundry Limited.*

15. The proposal would not provide for "...artisan craftsmen and women working in the arts and heritage sectors in London and who have been and are still being pushed out of the capital by high rents, rates and the current preference for big business."
16. A hotel is not in keeping with the character of the area.
17. Retaining the building as a foundry and maker of arts and crafts would be better for Whitechapel culture and economy and would fit in well with Whitechapel Gallery and the new photography gallery soon to open.
18. Hotels do provide work for people but do not add anything else to local communities.
19. The developers appear to commit on the [www.bellfoundry.co.uk](http://www.bellfoundry.co.uk) website to establishing a 'viable foundry...within the historic spaces' on the site, and refer to a collaboration with AB Fine Art and the Westley Group. However, the planning application documents seem to make only passing reference to this, and it is hard to see how significant the commitment is. Reject the plans unless it is possible to secure obligations to fulfil and maintain this commitment in the long term, perhaps by enforcing a financial underwriting of the casting business based on profits generated by the hotel.
20. There is still ample commercial demand for bells, with bell-ringing a flourishing national pastime and constant work both on repair and on new bells or even complete peals, and there are workable plans for its revival.
21. Object on the basis that the height (and scale) of the proposed development which overwhelms the historic bell foundry building and should in no circumstances be higher than the adjacent buildings along Whitechapel High Street and Mulberry Street.
22. The East London Mosque object to not being consulted prior to application being lodged.

*Officer comment: The applicant's Statement of Community Involvement sets out that consultation requests were made but were not answered. The Mosque was subsequently consulted twice during the planning process by LBTH.*

23. The applicant is not local, has no genuine interest in local culture, history or diversity and no knowledge of founding metal.
24. An objection was received that noted "A viable proposal is available, I understand, in partnership with the Westley Group (who have the licence from Whitechapel Bells Ltd to manufacture bells to Whitechapel's designs) a working foundry can be reintroduced on the site. The other proposed uses on site such as the education scheme and the

*apprenticeship scheme are both most positive uses, as are the proposals for the use of the rest of the foundry building as creative workspaces and studios.”*

*Officer comment: this describes the proposed scheme so it could be reasonably treated as a supporting comment.*

25. Rooftop pool near a mosque is inconsiderate.
26. The building should be free to everyone to use.
27. Proposal will cause significant harm to the significance of the building reopen the foundry, re-equip it with modern technology so that it can be used for the production of bells and art casting.
28. Foundry processes happen in buildings specifically designed for the hot and hazardous conditions where dedicated craftspeople create metal objects. Not possible for traditional foundry work to be genuinely carried out in such restricted conditions, the proposed retention of the foundry is unrealistic.
29. Paragraph 2.2 of the applicant's Addendum to Heritage Statement reports the removal of the foundry equipment, prompting the claim that there is no realistic possibility of 'restart[ing] the former bell manufacturing role, without very substantial investment, a viable use and alterations'. This is concerning, given the Historic England list entry explicitly states that a tuning machine and steel supports of 1922 located in the 1848 tuning shop are covered by the Grade II\* listing.

*Officer comment: all items removed from the site in 2017 were done so with review from Historic England and LBTH. The above mentioned items are still in place on site.*

30. This application should be refused because it falls short of meeting the expectation of NPPF paragraph 196.
31. The removal of this cultural signifier in the area will decrease interest for visitors thus undermine the footfall and ultimately reduce tourism.
32. The proposal is not appropriate next to a hotel. Foundry uses are loud and will disrupt hotel users.
33. The planning application cannot be construed as being of 'Optimum Viable Use' as it was never built for use as a Hotel.
34. Proposed development will block light and views.
35. Object to removal of a positive piece of history in Whitechapel when compared the well-known negative history of Whitechapel i.e. Jack the Ripper, Battle of Cable St, Altab Ali etc.
36. There needs to be an economic solution to the saving of the Bell Foundry. A hotel is not a bad one. However, the relationship between the guests and the foundry does not give it sufficient independence and dignity.
37. The old foundry space should be a proper museum with some education services alongside; there should also be a working foundry, to bring in some income and to keep the place alive.
38. It would be better for Tower Hamlets to invest some money into the Whitechapel Bell Foundry and keep it as a working foundry and a museum dedicated to local and international history connected to it.



39. The site has not been actively marketed.
40. Object to the use of computerised imagery that gives the impression that the Muslim community and/or ethnic minorities are supportive of in a plan which they have barely been consulted on.
41. The modifications which would be required to the historic foundry buildings in order to comply with H&S and Fire Regulations to make it safe as a hotel would likely result in major irreversible alterations to the historic fabric of the building itself.
42. The foundry's previous owners adopted a marketing strategy that diminished its customer base. Its biggest rivals, Taylors, adopted an aggressive and competitive marketing strategy in 2014 which was very successful. Business on site was viable, previous owners did not manage site well enough to realise its full potential.
43. Believe the vaulted chamber underneath the back foundry may originate from a sugar refinery and built around 1800-5. This is based on comparisons made between historical records including documents submitted by the applicant's consultant, Alan Baxter, a plan of John Clark Powell's Whitechapel estate (estimated date of 1805), Richard Horwood's second edition map of 1813 but not the 1790 version, land tax records and a sugar-industry database.

#### **Representations from UK Historic Buildings Preservation Trust**

- 4.14. Much press and media attention has been given to an alternative scheme led by United Kingdom Historic Buildings Preservation Trust (UKHBPT). The majority of the objecting comments to the scheme have been generated through the campaign led by UKHBPT.
- 4.15. Officers value the comments provided by UKHBPT and consider that their input has helped contribute to significant improvements and benefits for the scheme from its original inception at pre-application to the submitted application.
- 4.16. UKHBPT have submitted several objection letters to the proposal but have also detailed in their submissions their own informal proposal for the site. Many objectors believe that UKHBPT are proposing to reinstate the Whitechapel Bell Foundry on site and use the entire site as a bell foundry. The material produced by UKHBPT does not claim that they would use the whole of the site as a traditional bell foundry should the opportunity arise for them to gain control of the site. Nor could UKHBPT make 'Whitechapel Bells' on the site without a license from WBFL. WBFL is still an operational business within the UK and officers have seen no evidence to suggest that WBFL are likely to grant UKHBPT a license to produce Whitechapel Bells on the site.
- 4.17. UKHBPT's have not engaged formally with the local planning authority (e.g. pre-application discussions) on their described alternative scheme but it can be summarised as follows:

#### **Phase One**

1. Re-equip the foundry and restart foundry manufacturing within a year once emergency repairs to the roof have been carried out.
2. UKHBPT provide and generate work for the new foundry. During this initial period Factum UKHBPT and Factum Foundation (*a Spanish registered not-for-profit organisation dedicated to the documentation and preservation of cultural heritage through the application of new technologies together with craft skills*) is committed to rejuvenating the foundry business and will enter into strategic foundry partnerships

with other leading global institutions active in the east end, the V&A Museum, Smithsonian and University College of London (CL) at Here East.

3. UKHBPT will fund the foundry acquisition and re-equipment through patronage support and sponsorship in kind.
4. Reemploy key workers and will develop an apprenticeship and training scheme for bell making and tuning in partnership with the Prince's Trust and relevant public sector bodies.

## Phase Two

1. Expand the back foundry building to create additional foundry, workshop and education space together with the potential for artisans' studios, apprentice accommodation and genuinely affordable housing.
- 4.18. As described above, the alternative scheme is also not proposing to fully reinstate a foundry on the site and UKHBPT are also reliant on other creative technologies, art and land uses to operate on the site. The Council as a local planning authority would only be able to control the second phase of works through the planning process and could not secure the matters stated in Phase One.
- 4.19. LBTH officers met with UKHBPT to discuss their concerns on 5<sup>th</sup> March 2019. This meeting was hosted by the GLA's Cultural Unit at City Hall.
- 4.20. The below outlines UKHBPT's objection points within other documents submitted against the current proposals:

### 28<sup>th</sup> March 2019

1. The applicant has stated that there will be heritage harm, even after public benefits are considered. As such, there will be a 'heritage deficit'.
2. The application's description is misleading as only 10% of the original space will be used for bell making. The proposed space is too small to operate as a foundry.
3. Foundry uses are incompatible with a hotel and there will be the wholesale loss of the evidential part of the foundry as it existed.
4. This is an application for a hotel with the consequent loss in its entirety of the Bell Foundry.
5. In light of paras 193 and 194 of the NPPF, the proposal is weak and unproven. The heritage statement fails to reflect the significance of the damage being caused.
6. There is a presumption in favour of the conservation of designated heritage assets, for which, the more significant they are, the greater the presumption in favour of their conservation. 'Less than substantial harm' still requires clear and convincing justification to satisfy NPPF policies 193, 194 and 195 but as applicant has stated 'net deficit', these policy tests are not met.
7. The public benefits of the scheme, i.e. the public access, are not significant enough to outweigh the harm.
8. Applicant's plans are also contrary to London Plan policies 7.8 and 7.9, which require the optimum viable use of the site, as does para 196 of the PPF.
9. Optimum viable use is the scheme that causes the least harm to the significance of the asset and is viable. It is not a profit test. A hotel will make more money than a foundry and

UKHBPT and Factice Arte will have a partnership in place that would enable them to the site as a working foundry. There is evidence to suggest that this is achievable.

10. The preservation of the fabric of the site is important but, whilst the industrial production part of the premises is in need of care to ensure wind and water tightness, the fabric of the listed building fronting Whitechapel is not in immediate danger. There is no urgency to accept the first scheme to come along.
11. 5<sup>th</sup> April 2019 (summary points below taken from summary section of letter, further points in this letter have been stated above)
12. There will be unjustified harm to a designated heritage asset which is substantial, as defined by the National Planning Policy Framework (NPPF).
13. It has not been demonstrated, as required by the NPPF, that this harm is necessary to secure the retention of this important listed complex and that the claimed benefits of the application can only be secured by this proposal.
14. The benefits regarding re-instatement of a foundry use are not credible. The “foundry use” is not re-instatement but an activity located within one room in a café area.
15. There is significant evidence that has been presented to key stakeholders to demonstrate that there is a credible and viable alternative that will cause considerably less, or no harm to the outstanding historic interest of this Grade II\* listed building and provide it with a long-term future.
16. In these circumstances the LPA as decision maker, under the requirements of the NPPF, has to consider whether the current application represents the optimum viable use for the asset; where viability is not solely a financial consideration but incorporates conservation of special interest or significance. We believe that the proposals do not demonstrate that they are the optimum viable use and that therefore that the LPA should refuse consent in line with the approach set out in the NPPF.
17. It is inappropriate for Historic England to not specifically state the level of harm the proposal will cause.
- 9<sup>th</sup> April 2019 (submitted by Lichfields on behalf of UKHBPT, includes ‘Saved by the Bell’ document which is not summarised here)
18. The current proposals would all but remove this historic use which is so integral to the special interest and significance of the building. The effective loss of this use should be a last resort and to follow the correct procedure the Council needs to ensure that a robust justification has been provided by the applicant as to why a greater foundry use cannot be retained on the site. UKHBPT maintain that a sufficiently robust argument has not been provided by the applicant in this respect.
19. The proposed foundry use in the proposal is minimal yet the Heritage Assessment accompanying the application states the reinstatement of this use would be a major benefit for the listed building.
20. UKHBPT considers that the level of harm would be substantial.
21. The use of the building is of importance for its long-term protection however if it is viable to retain the building in foundry use then this is preferential to this largely being displaced by other uses. The change of use across the whole site would affect the character of this important site which is intrinsically linked to its historic use.

22. The current proposal would enable public access to the site but it should be recognised that before its closure, the WBF was not readily accessible to the public and to retain a foundry on the site (rather than a remnant) would be preferential to public access to it.
23. UKHBPT welcomes HE's acknowledgement of harm to the significance of the building as a result of the loss of the bell-making tradition at the site and agree with this but the balancing exercise to reach the conclusion that this harm is mitigated is not detailed in the letter and it is not clear how such a conclusion can be reached when it is elsewhere stated the associative historical value of the site relating to use as a bell foundry is "exceptionally high" and therefore how the proposals could outweigh the harm to this when the retained foundry use is so minimal. There is also a difference between mitigation (as suggested by HE) and justification; mitigation seeks to offset the harm caused by a proposal but that degree of harm still requires justification.

3<sup>rd</sup> June 2019

24. UKHBPT consider that it is viable and practical to reinstate a bell foundry use across the whole section of the site that historically served the former bell foundry operation. The £16 million figure put forward by the applicant is '...wholly misleading and inaccurate'. UKHBPT has its own reinstatement capital cost plan prepared by its cost consultants, Arcadis, which shows that a foundry can run. The applicant's figure of £16m has no supporting schedules and it appears to be sourced back to the Westley Group who, as a direct competitor to a foundry at Whitechapel, has a vested interest.

*Officer comment: Loss of property value, competition or loss of trade to a competitor are not material planning considerations. Officer's note UKHBPT 'alternative 'scheme' also does not propose to fully reinstate bell foundry or indeed foundry making across the whole of the site, the rear of the site would be ancillary B2 uses.*

25. The Trust approached the previous owner to acquire the foundry, its business and assets at what the Trust considered to be fair market value in March 2017.

*Officer comment: this is not a material planning consideration.*

26. The lawful use of the site in planning terms is a foundry, hence the need for an application to change the use, permitted development rights do not apply.

*Officer comment: Planning permission is not required to change the use of the former foundry to any other use within Class B2 of the Use Classes Order. Furthermore, schedule 2 Part 3, Class 1 of the Town and Country (General Permitted Development Order), confirms that development consisting of a change of use of a building from any use falling within Class B2 (general industrial) to a use for any purpose falling within Class B1 (business) is permitted development. The GDPO does not impose any floorspace restrictions, nor are there any exemptions applied to listed buildings. There are also no Article 4 Directions within LBTH revoking this.*

*Officers would not consider that the vacant sections of land on the application site are within class B2.*

27. Permanent loss of foundry use would cause harm to the significance of this unique site and should only occur if it can be demonstrated that it is necessary to preserve the fabric of the buildings. The applicant has not done this.

28. The applicant has provided no new evidence to justify a change of use. There is no evidence to demonstrate that a foundry cannot continue to be viable on this site as it has been for hundreds of years. UKHBPT

29. In this context viability is not restricted to financial considerations or what is most profitable for an owner.

- 4.21. UKHBPT, through their above comments, raised many questions about the current proposals and expected the applicant to answer these points. Whilst the applicant has made efforts to answer questions raised by all parties, not just UKHBPT, the case officer did communicate to UKHBPT that the applicant was under no obligation to respond to external comments/queries. The document submitted on 20<sup>th</sup> June 2019 titled 'Whitechapel Bell Foundry Q and A-Addendum Comments' submitted by UKHBPT lays out which questions/comments UKHBPT believes the applicant has and has not responded to. As this document does not provide any new information or raise new questions, it has not been summarised here.

31<sup>st</sup> October 2019

- 4.22. UKHBPT *'...note that Historic England's September letter identifies harm as a result of the total loss of archaeological remains to facilitate the basement of the proposal. This would result in cumulative heritage harm in addition to that already identified in Historic England's letter of March 2019. We are not aware that Historic England has considered this heritage harm in a cumulative context in addition to that already identified or undertaken any meaningful updated balancing exercise or consideration of the optimum viable use of the site...*
- 4.23. UKHBPT also consider that the subterranean structures underneath the back foundry are curtilage listed as they meet the key tests established by case law including age, layout, ownership and use (as part of the Foundry's historic functioning). UKHBPT believe the structures contribute to the special interest of the listed building and as such, their loss should be taken into consideration of the heritage harm.
- 4.24. UKHBPT's Consultants, Lichfields, note should the structures form part of the listed building *'...this would further our client's representation that the proposal would result in substantial harm to the listed building... Even if the below ground structures were not considered part of the listed building, they still appear to make a contribution to its special interest and so the effect on the special interest and significance of the listed building as a result of their demolition needs to be robustly assessed... Once again we would highlight that the Council needs to be satisfied that the harm that would result from this proposal is justified. Our client maintains that the application should be refused and a heritage-led approach adopted, which recognises the importance of the use of the site to the special interest of this Grade II\*-listed building.*
- 4.25. Lichfields also noted the updated PPG paragraphs 015 and 016, which relate to optimum viable use, and 018, which relates to makes clear that harm to heritage assets needs to be categorised as less than substantial or substantial as well as where the level of harm falls within these categories.

### **Objection petitions**

- 4.26. Two petitions were submitted to PA/19/00008. These will be detailed in date order below.

**13/02/2019**

- 4.27. 274 objecting signatures, 16 LBTH postcodes and 258 UK postcodes.

- 4.28. Key points of petition:

- Request Council refuse the change of use from foundry to hotel. The site, its buildings and its equipment represent one of the most significant and historically important assemblages of continuous manufacturing enterprise in the United Kingdom, a site

with huge international appeal and interest, and with continuing and vital connexions with the local host community and with wider enterprise

- UKHBPT in partnership with Factum Foundation have a viable alternative scheme that would ‘...maintain the foundry in working order, would develop closer and effective ties with local community agencies, artists, educational institutions and social schemes, and, specifically would guarantee the Optimum Viable Use of the site as a working foundry.’

**16/09/2019**

4.29. A total of 2278 people signed this petition. 2238 signatures were received via the electronic version hosted on the LBTH website between 16/08/2019 and 13/09/2019 and a further 39 via signatures were received via hard copy petition. A further single signature was received via email after the closing date of the petition.

4.30. 1355 petitioners noted that they live within LBTH. Of the 2238 signatures, 106 petitioners also noted that they study within the borough and 726 noted that they work with the borough.

4.31. Of the 39 signatures on the hard copy version of the petition, all but two signatories gave LBTH postcodes.

4.32. Text of the petition:

*We, the undersigned, wish to register our very serious concerns about the imminent loss of the Whitechapel Bell Foundry in Whitechapel, London. We are petitioning the Council to actively oppose the loss of, and to preserve, the Whitechapel Bell Foundry.*

*Bells have been made continuously in Whitechapel since the 1570s. The business has been on its present site since the mid-1740s. It is one of just two remaining bell foundries in Britain, and the foundry is reportedly the oldest manufacturing company in the UK. This is the foundry that made Big Ben in 1858, the world-famous US Liberty Bell, Bow Bells and many, many more.*

*We are very concerned that we will lose not only specialized jobs and skills, but that this type of business and trade is part of the historic essence of Tower Hamlets. The Whitechapel Bell Foundry is part of our local and national heritage. We petition the Council to investigate and commit to actions to preserve the Whitechapel Bell Foundry.*

4.33. The petitioner requested that this petition be presented to a General Council meeting however given its link to applications PA/19/00008 and PA/19/00009 it was determined to be more appropriate to be considered within this report.

4.34. Officers note here that through a separate Members Enquiry related to this petition, officers were requested to consider whether Council could acquire the site through a Compulsory Purchase Order (CPO). Local authorities, the Secretary of State and Historic England (in Greater London) have powers to compulsorily acquire a listed building if necessary for its long-term preservation. The tests for this are that:

a. The building must be in some disrepair;

b. the owner must be shown to be unwilling or unable to carry out the repairs himself; and

c. in essence, it has to be shown that the building will be better off in the ownership of the authority or somebody else that the authority intends to hand it to.

4.35. Officers do not consider that these tests have been met and do not consider that a CPO of the application is necessary or allowable given the applicant has submitted FPP and LBC

applications to refurbish the building to a high standard in keeping with the historic nature of the site.

## 5. CONSULTATION RESPONSES

### External

#### **Tower Hamlets Conservation and Design Advisory Panel (CADAP)**

- 5.1 CADAP considered the proposals at their meeting on 12/11/2018.
- 5.2 CADAP members welcomed these sympathetic and well considered proposals for the refurbishment and reuse of the grade II\* listed bell foundry buildings. They felt that they contained the essence of a good scheme, which will allow the retention of the special character and significance of the bell foundry and enable the space to be publicly accessible.

#### **Historic England**

- 5.3 1<sup>st</sup> March 2019
- 5.4 Overall position – Support – LBTH authorised to determine LBC application under Arrangements for Handling Heritage Applications Direction 2015 (PA/19/00009). Signed and stamped by Planning Casework Unit on 07/03/2019 and again on 06/06/2019.

*Officer comment: the authorisation is required as the application is Grade II\* listed in London. The authorisation is given by the Planning Casework Unit on behalf of the Secretary of State.*

- 5.5 Extract from Historic England response:
- 5.6 “...believe that the proposals represent a conservation led approach that safeguards the architectural significance of the listed buildings on site while providing them with new uses and a long term sustainable future. The end of the long bell-making tradition at the site will inevitably result in some loss of historical significance. In our view, however, that loss will be mitigated through the use of part of the site as a working foundry for small bells and artworks, and through the re-use of the historic carpentry workshops....Historic England supports the application on heritage grounds for the reasons set out above. We consider that the application meets the requirements of the NPPF as set out in Section 16. The application also meets the requirements of Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, where special regard must be given to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess, and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.”

*Officer comment: no further comments were issued after the second round of consultation.*

- 5.7 1<sup>st</sup> November 2019
- 5.8 Overall position – Support – LBTH authorised to determine LBC application under Arrangements for Handling Heritage Applications Direction 2015 (PA/19/00009).
- 5.9 Extract from Historic England response:
- 5.10 “Historic England provided substantive advice on the proposals and their impact on the listed building and surrounding conservation area in a letter dated 1 March, 2019. In that letter, we expressed our support for the proposals, which we believe safeguard the significance of the

*listed building and surrounding conservation area. We subsequently provided archaeological advice in a letter dated 23 September, 2019. In this letter, we acknowledge that the Victorian brick vaulted cellar structure revealed by the excavation on site was of some historic and archaeological interest as part of the Back Foundry that previously occupied the site until it was replaced by the current modern structure. We acknowledge that the loss would cause some harm, but that the development would also provide heritage benefits to offset the harm, and that Historic England continued to support the application.*

*LB Tower Hamlets now considers the vaulted cellar to be listed by virtue of curtilage, and has therefore consulted Historic England on the proposed demolition of it as part of the current proposals.*

*We do not wish to dispute your position on the status of the structure as listed by virtue of curtilage, and we have previously acknowledged that it is of some archaeological and historic interest. However, for the avoidance of doubt, we believe this significance is, overall, modest. The demolition of the structure would cause a degree of harm to the significance of the site overall due to the loss of a Victorian structure associated with the no longer extant Back Foundry. The degree of harm, in our view, is at the low end of 'less than substantial' in the language of the NPPF, and should be weighed against the public benefits of the proposal in accordance with paragraph 196 of the NPPF.*

*We believe that the proposals would provide a high degree of heritage benefits through repair, restoration and public access, and these alone would outweigh the minor harm to the significance of the site through the loss of the vaulted cellar.*

*In that regard, we continue to support the proposals as expressed in our previous advice letters."*

*Officer note: At time of printing, the stamped authorisation had not yet arrived from the Planning Casework Unit.*

**Greater London Archaeology Advisory Service (GLAAS) part of Historic England's London Local Office.**

- 5.11 No objection following investigations on site. Recommend 'Written Scheme of Archaeological Investigation' condition provided Council consider that the public benefits of the application scheme would outweigh the harm caused to buried remains.

**London Fire Brigade**

- 5.12 No objections, satisfactory information submitted for planning stage.

**Metropolitan Police – Crime Prevention**

- 5.13 No objections overall. Specific acceptance of non-flush gates on Plumbers Row in consideration of avoiding queuing on highway. Apply separate secure by design conditions for listed building and proposed hotel.

**Natural England**

- 5.14 No objections.

**Thames Water (TW)**

- 5.15 Water network and water treatment infrastructure capacity and SuDS – no objections.
- 5.16 Apply piling condition and apply informatives regarding water mains, build overs, water usage and water pressure.



## **Transport for London**

- 5.17 The site of the proposed development is on Whitechapel Road, which forms part of the Transport for London Road Network (TLRN). TfL is the highway authority for the TLRN. No objections from TfL. Support:
- a. full multi modal trip generation forecast which will not require additional mitigation measures;
  - b. on-street loading will take place from the existing bay, which is acceptable;
  - c. proposed car-free development, which is in line with draft London Plan standards;
  - d. proposed two blue badge parking spaces to serve the site, which is in line with draft London Plan standards. TfL requests one blue badge parking space provides electric vehicle charging facilities, with passive provision for the other, in line with draft London Plan standards;
  - e. no coach parking, which is in line with draft London Plan standards;
  - f. the Pedestrian Comfort Level assessment provided by the applicant;
- 5.18 The applicant has provided the Gross External Area (GEA) of each land use in response to TfL's initial comments. Overall the applicant is proposing 73 cycle parking spaces (28 long stay and 45 short stay) which is in line with London Plan standards. It is encouraged new developments adhere to the draft London Plan and therefore TfL requested the applicant provide 31 long stay and 86 short stay cycle parking spaces however the applicant's ability to meet this is limited by the historical constraints of the site. The applicant is proposing Sheffield stands and racks which are welcomed by TfL. The applicant must provide cycle parking in line with London Cycle Design Standards (LCDS). Cycle parking details should be secured by condition.
- 5.19 Request conditions regarding construction, deliveries and service management plan (to incorporate sustainable transport modes) and travel plan (s106).

## **Cross Rail**

- 5.20 No comments, application site is outside the limits of land subject to consultation by the Crossrail Safeguarding Direction.

## **Society for Protection of Ancient Buildings**

- 5.21 The proposals would not lead to substantial harm to the fabric however other elements of the special interest or significance would be severely impacted. The optimum viable use would involve a continuation of bell making and foundry work that has existed here for centuries and, in this context, SPAB do not think that the case has been proven that the alternative scheme put forward by UKHBPT could not succeed.

## **SAVE Britain's Heritage**

- 5.22 The internationally renowned historic and existing planning use of these grade II\* listed buildings is integral to its very high heritage significance. Continuing the foundry use on this site as its primary activity and the re-instatement of skilled jobs should be the guiding principle for the optimum viable use for the site. A hotel led development of this site, with some small-scale bell foundry/cafe and visitor activities, risks missing a one-off opportunity to preserve and enhance the historic special interest of this unique site, and to retain skilled foundry jobs in this part of East London.

- 5.23 The proposed hotel led scheme would cause harm to the special interest of the grade II\* listed heritage asset by confining any foundry or bell-related activity within what will essentially be a hotel-based use. Consider that the optimum viable use for the site is a continuation of foundry use. Based on this assessment, recommend that planning application is refused unless LBTH is convinced beyond doubt that there is no possibility for bell-making and related foundry work to continue on the site.

#### **The Spitalfields Trust**

- 5.24 Believe that the optimum viable use for the Whitechapel Bell Foundry is as a foundry and not as a boutique hotel. The right use as a foundry is perfectly practicable and there is presently a very good viable scheme to achieve this.
- 5.25 The Whitechapel Bell Foundry business has been in existence since the 16th century and historically on this actual site since the 18th century, it is world famous and puts both Whitechapel and Tower Hamlets on the international stage. It is therefore of supreme importance to both London and the residents of Tower Hamlets that the historic and dynamic business of bell and other foundry uses is allowed to continue here, provide local jobs and spread the name of Whitechapel worldwide.

#### **Greater London Industrial Archaeology Society**

- 5.26 Object to the proposal. The **Greater London Industrial Archaeology Society** is a registered charity founded in 1968 dedicated to exploring, recording and explaining the **industrial** sites of **London**.
- 5.27 The significance of the site arises from its unique longevity and its geographically dispersed products. It continues to be important because the building fabric and conserved contents remain, and the current potential to resume its long operation as a foundry enhances dramatically. We do not believe that the current proposals allow for such resumption because of logistical, special and health and safety considerations. We consider that the bulk of the new build adversely affects the group of historic listed buildings.

#### **Internal (Non Development Management)**

##### **Environmental Health - Noise & Vibration**

- 5.28 No objections. Recommend further details via condition and compliance conditions.

##### **Environmental Health – Contaminated Land**

- 5.29 No objections, standard condition recommend given historical industrial uses on site.

##### **Environmental Health – Air Quality**

- 5.30 No objections. Officers are content with the nitrogen dioxide (NO<sub>2</sub>) levels and modelling. Conditions to be applied regarding odour and fixed plant and equipment and air quality, specifically in reference to discharge points. An informative will also be applied regarding future environmental permits for foundry work.

##### **Transportation & Highways**

- 5.31 The Highways Authority do not issue licences for overhangs/projections from buildings.
- 5.32 To avoid vehicles waiting on the carriageway or blocking the footway a final service management plan detailing how this will be avoided is expected.

- 5.33 Proposed changes to the current highway restrictions / parking bays would also provide a long stretch of double yellow line which would provide alternate methods of servicing onsite to that previously proposed, which we objected to. The service management plan must make it a clear commitment that the on-site bay will be the first and preferred method of servicing by the vehicles able to do this otherwise we will review the restrictions to include a ban on loading if it is considered that on street use is the main option. The service yard must be maintained and retained for its approved use only and we would seek a condition to enforce this.

*Officer comment: applicant has committed to the on-site loading bay being the first and preferred method of servicing. If breaches occur, the Highways Authority can review parking restrictions in the area to combat this.*

- 5.34 With regards cycle parking the applicant has provided adequate proposals.
- 5.35 Should planning permission be granted the applicant will be required to enter into a s278 agreement for highway works and changes to the parking provision.
- 5.36 With regards to the retractable canopies proposed, the highway authority will require a licence which is a separate process to the planning process and the granting of planning permission does not guarantee the issuing of a license. The applicant will need to provide information and apply for a licence for this through the highways structures team. We will expect the canopies to be taken in daily and overnight so as not to become permanent structures overhanging the highway and, should the highway authority request them to be removed at any time because of this then the license can be revoked.

*Officer comment: applicant has confirmed that canopies will be retracted each day.*

- 5.37 Conditions/s106 – Travel plan, Construction Management Plan, Service Management Plan and Pedestrian Comfort Assessment audit.

### **Sustainability and Energy**

- 5.38 The proposals have sought to implement energy efficiency measures, clean technologies and renewable energy systems to deliver policy compliant on-site CO2 emission reductions with an overall site wide reduction of 48.8% anticipated.
- 5.39 It is recommended that the proposals are secured through appropriate conditions to deliver:
- a. Prior to occupation submission of post construction report including as built calculations (SBEM) to demonstrate the Energy Strategy reduction in CO2 emissions have been delivered on-site
  - b. Within six months of occupation submission of Final BREEAM certificates to demonstrate delivery of BREEAM Excellent for the new build and BREEAM very Good for the refurbished elements.

*Officer note: no additional financial contributions are required to meet any shortfall in reductions.*

### **Waste**

- 5.40 No objections.

### **SuDS and Flooding**

- 5.41 No objection to initially submitted scheme, condition to be applied requiring final details.

### **Biodiversity**

- 5.42 Site consists entirely of buildings and hard surfaces, surveys should that the buildings do not support roosting bats. There will therefore be no significant adverse impacts on biodiversity. The Preliminary Ecological Appraisal recommends biodiverse roofs and nest boxes for birds including house sparrows. Both of these would be appropriate enhancements in this location, and would contribute to targets in the Local Biodiversity Action Plan (LBAP). Biodiversity enhancements should be secured by a condition.

### **Employment and Enterprise**

- 5.43 £28,024 towards construction phase employment skills training
- 5.44 £70,436.95 towards end-user phase employment skills training
- 5.45 Construction phase apprenticeships and 1 apprenticeship at end user stage would be required for this development. 1 local opportunity for the café.
- 5.46 S106 obligation requiring 20% of the construction phase workforce will be local residents of Tower Hamlets. S106 obligation requiring 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.
- 5.47 Support proposed affordable workspace offer. Provision that the workspace providers should be approved by the council (such approval not to be unreasonably withheld) and s106 would to confirm providers and provide monitoring on how the spaces are being implemented.

### **Other consultees**

- 5.48 The following were consulted but did not comment:
- Environmental Health – Smell/Pollution
  - Environmental Health – Hazardous Substances
  - Building Control
  - Infrastructure
  - Children's Services
  - Town Centres and Retail
  - Ancient Monuments Society
  - Council for British Archaeology

## **6. RELEVANT PLANNING POLICIES AND DOCUMENTS**

- 6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.
- 6.2 The NPPF (2019), which the Development Plan needs to be in accordance with, sets out the Government's planning policies for England and how these should be applied and provides a framework within which locally-prepared plans for housing and other development can be produced. The purpose of the planning system is to contribute to the achievement of sustainable development which has the following three overarching objectives: economic, social and environmental.
- 6.3 The adopted Development Plan comprises:
- the London Plan (2016, LP)
  - the Core Strategy (2010, CS) and
  - the Managing Development Document (2013, MDD).

6.4 The key adopted development plan policies relevant to the determination of this proposal are:

Land Use - LP4.1, LP4.2, LP4.3, LP4.4, LP4.5, LP4.6, SP01, SP06, DM1, DM7, DM15, DM16

*(hotel, employment uses, café)*

Design and Heritage - LP7.1-7.9, SP10, DM23, DM24, DM26, DM27

*(layout, townscape, massing, heights and appearance, materials, heritage)*

Amenity - LP7.6, LP7.15, SP03, SP10

*(privacy, outlook, daylight and sunlight, noise, construction impacts)*

Transport - LP6.1, LP6.3, LP6.9, LP6.10, LP6.13, SP05, SP09, DM20, DM21, DM22

*(sustainable transport, highway safety, car and cycle parking, servicing)*

Environment - LP5.1 - 5.15, LP5.12, LP5.17, LP5.21, LP7.14, LP7.19, SP03, SP04, SP11, DM9, DM11, DM13, DM14, DM25, DM29, DM30

*(energy efficiency, air quality, odour, noise, waste, biodiversity, flooding and drainage, Thames Water and contaminated land)*

6.5 Other policy and guidance documents relevant to the proposal are:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (updated 2019)
- LP Sustainable Design and Construction SPG 2014
- LBTH Planning Obligations SPD (2016)
- Whitechapel High Street Conservation Area Appraisal
- Draft Whitechapel High Street Conservation Area Appraisal (2019)
- Grade II\* Historic listing for site
- GLA Cultural Infrastructure Plan
- Tower Hamlets Local Biodiversity Action Plan 2014-2019

6.6 Historic England Guidance

- Managing Local Authority Heritage Assets (2017)
- Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment (2008)
- The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) (2017)
- Managing Significance in Decision-Taking in the Historic Environment Historic England Good Practice Planning Advice Note 2 (2015)
- Conservation Area Designation, Appraisal and Management – Historic England Advice Note 1 (2016)
- Making Changes to Heritage Assets, Historic England Advice Note 2 (2015)
- Building Research Establishment (BRE) “Site layout planning for daylight and sunlight: a guide to good practice” (2011)

- Advice Note 10: Listed Buildings and Curtilage (2018)

- 6.7 The Planning Inspectorate has on 20/09/2019 confirmed the soundness of the emerging Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits (Local Plan). The policies contained therein now carry substantial weight, pending formal adoption of the document by the Council (January 2020).
- 6.8 The Planning Inspectorate has on 08/10/2019 confirmed the soundness of the Draft New London Plan, subject to recommended modifications. The GLA are however not bound by the Inspector's recommended modifications and it is noted that with regards to the below policies relevant to this application, there are no major issues raised within the modifications. As such, it is considered that the policies carry substantial weight, pending formal adoption of the document.
- 6.9 The key emerging development plan policies relevant to the determination of this proposal are:

Land Use - (*hotel, employment uses, café*)

Local Plan policies - S.EMP1, D.EMP2, D.EMP3, D.EMP4, S.TC1, D.TC5, D.TC6

New London Plan policies – GG1, GG2, GG5, SD4, SD5, SD6, SD7, SD8, S1, HC5, E1, E2, E3, E10, E11,

Design and Heritage - (*layout, townscape, massing, heights and appearance, materials, heritage*)

Local Plan policies - S.DH1, D.DH2, S.DH3, D.DH4, D.DH6

New London Plan policies – D1, D3, D7, HC1

Amenity - (*privacy, outlook, daylight and sunlight, noise, construction impacts*)

Local Plan policies - D.DH8

New London Plan policies – D2, D13.

Transport - (*sustainable transport, highway safety, car and cycle parking, servicing*)

Local Plan policies - S.TR1, D.TR2, D.TR3, D.TR4

New London Plan policies – T1, T2, T3, T4, T5, T6, T6.2, T6.4, T6.5, T7

Environment - (*energy efficiency, air quality, odour, noise, waste, biodiversity, flooding and drainage, Thames Water and contaminated land*)

Local Plan policies - D.ES7, D.ES2, D.ES9, D.ES3, D.ES4, D.ES8

New London Plan policies – SI1, SI2, SI3, SI12, SI13, SI15, S18, G6

## 7. PLANNING ASSESSMENT

- 7.1 The key issues raised by the proposed development are:
- i. Land Use
  - ii. Design & Heritage
  - iii. Neighbour Amenities

- iv. Transport
- v. Environment
- vi. Infrastructure
- vii. Equalities and Human Rights

## **Land Use**

### **Proposed hotel**

- 7.2 An extant planning permission for 34 rooms applies to the site (PA/15/00517). The proposed 108 bedroom hotel should therefore be viewed as an uplift of 74 rooms rather than introducing a new land use onto the site.
- 7.3 Policy 4.5 of the London Plan sets out that an additional 40,000 net hotel bedrooms are required in London by 2036 and that 10% of rooms should be wheelchair accessible. Draft New London Plan Policy E10 states that 58,000 net hotel bedrooms are required by 2041. Policy 4.5 also sets out that smaller scale provision of hotels uses should be location in CAZ fringe locations such as Whitechapel, not the opportunity areas, with good public transport.
- 7.4 Policy SP06(04) seeks to concentrate hotels in the Central Activity Zone and other town centre locations to attract visitors and support tourism within the borough. Supporting paragraph 5.5 recognises the significant role hotels and tourism play in supporting the borough's economy, and the need for other parts of London to reduce pressure on central hotels.
- 7.5 The site is located in the Central Activity Zone and has good connectivity across London and beyond, this will become even more apparent with the opening of Crossrail. Therefore, in relation to London Plan policy 4.5 the site is considered to be suitable for hotel use and provides a reasonable alternative location for short stay accommodation from more central London locations. 10% of the proposed 108 rooms will also be wheelchair accessible and this will be secured via condition. The Sub-area 1: City Fringe within the draft Local Plan also notes that Whitechapel will have *'...a more diverse mix of commercial, cultural, leisure, tourism and night-time activities'*.
- 7.6 Policy DM7 of the MDD, and draft Local Plan policy D.TC6 which continues the aims of DM7, provides additional guidance to ensure hotel uses are appropriately located and managed; this is split into parts a, b, c, d and e and is considered sequentially below:
- a. the size is proportionate to its location within the town centre hierarchy – officers note that the proposed hotel use is appropriate within the Central Activities Zone, is located within a high PTAL area and along a primary route.
  - b. there is a need for such accommodation to serve visitors and the borough's economy – officers consider that there is a need for the accommodation and it is appropriate in this location given the site's location within the CAZ and the London Plan aim to provide 40,000 net hotel rooms by 2036.
  - c. it does not compromise the supply of land for new homes and the Council's ability to meet its housing targets – the site has an extant planning permission for hotel use and given its location within the CAZ, residential development is not the preferred land use in this location.
  - d. it does not create an over-concentration of such accommodation or cause harm to residential amenity – hotel uses are supported in the CAZ and is considered an appropriate

uplift in an already established land use on the site. As demonstrated below, the application will also not cause harm to residential amenity.

- e. there is adequate road access and servicing for coaches and other vehicles undertaking setting down and picking up movements – as demonstrated below in the Transport section, the proposed hotel use will not result in unacceptable highways effects.

- 7.7 In summary, the principle of hotel use has already been established on the site and it is considered that the uplift in hotel use on site is acceptable and consistent with policy.

#### Historic Foundry - B2, A3 and B1 land uses

- 7.8 The established foundry use on site is B2 'general industrial' land use. There is no specific land use class for a bell foundry versus any other type of foundry. Areas of office and staff accommodation within the historic foundry are considered wholly immaterial and ancillary to the main use on site of B2.
- 7.9 With regards to land use on this part of the site, the application proposes the part retention of B2 and the provision of B1 workshops/workspaces and café (A3).
- 7.10 Schedule 2, Part 3, Class I of the Town and Country (General Permitted Development Order, GPDO), confirms that development consisting of a change of use of a building from any use falling within Class B2 (general industrial) to a use for any purpose falling within Class B1 (business) is permitted development. These permitted development rights apply to the application site as it is noted that the GPDO does not impose any floorspace restrictions, nor are there any exemptions applied to listed buildings with respect to Schedule 2, Part 3, Class of the GPDO. There are also no Article 4 Directions within LBTH revoking this.
- 7.11 As such, decision makers must be aware of what is essentially a permitted development baseline when assessing the application. However as the submitted full planning permission does propose a change of land use, the application will be assessed fully against the relevant planning policies.

#### Policy background

- 7.12 London Plan policies 4.1, 4.2, 4.3, 4.5 and 4.6 all seek to promote the development of a strong, sustainable and diverse economy across all parts of London and particularly the CAZ which seeks mixed land uses.
- 7.13 These are built upon by draft new London Plan policies SD4 and SD5, which seek the promotion of mixed land uses within the CAZ, policy SD6 which seeks the promotion of varied and vibrant town centres, policy E1 which seeks an increase and variety in office supply, policy E2 which promotes low cost business space, policy E3 which seeks to secure affordable workspace, and policy HC5 which protects and supports culture and creative industries establishing.
- 7.14 Policy SP06(1) of the Core Strategy seeks to maximise and deliver investment and job creation and seeks to ensure a sufficient range, mix and quality of employment uses and spaces, with a particular focus on the small and medium enterprise sector.
- 7.15 Policy SP06(3) seeks to support the provision of a range and mix of employment uses and spaces in the borough by c. encouraging and retaining the provision of units (of approximately 250sq m or less) suitable for small and medium enterprises.
- 7.16 Policy DM15(1) of the MDD states that the upgrading and redevelopment of employment sites outside of spatial policy areas will be supported. Development should not result in the loss of active and viable employment uses, unless it can be shown, through a marketing exercise,



that the site has been actively marketed (for approximately 12 months) or that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition. (2) states that development which is likely to adversely impact on or displace an existing business must find a suitable replacement accommodation within the borough unless it can be shown that the needs of the business are better met elsewhere and (3) states that development of new employment floor space will need to provide a range of flexible units including units less than 250 square metres and less than 100 square metres to meet the needs of Small and Medium Enterprise (SMEs).

- 7.17 Policy DM17 'Local Industrial Locations' does not apply as the site is not within a local industrial location and this policy does not provide general protection of B uses across the borough.
- 7.18 Draft Local Plan policy S.EMP1 'Creating investment and jobs' is a higher order policy which continues the key aims of SP06 set out above.
- 7.19 Draft Local Plan policy D.EMP2 'New Employment Space' states that (1) new or intensified employment floorspace will be supported within designated employment locations, the Tower Hamlets Activity Areas and identified site allocations. (4) states that within major commercial and mixed-use development schemes, at least 10% of new employment floorspace should be provided as affordable workspace (affordable workspace within this context is considered to be workspace let to tenants at 10% below the indicative market rate for the relevant location) and (5) states that new employment space must be completed to a standard which meets the needs of potential end users.
- 7.20 Draft Local Plan policy D. EMP3(2) 'Loss of employment space states' continues the key policy aims of DM15 but with a notable amendment to extend the marketing requirement to 24 months. Part 3 of this new policy states that proposals involving the loss or reduction of employment floorspace within LELs must also demonstrate that alternative employment uses would not be viable and the loss of employment floorspace would not compromise the operation and viability of the wider LEL.
- 7.21 Draft Local Plan policy S.TC1 states that development is required to support the role and function of the borough's town centre hierarchy and the provision of town centre uses in line with the applicable principles. In this case, the Central Activities Zone policy designation applies and it is noted that employment and hotel uses are considered appropriate strategic uses within the CAZ.
- 7.22 Draft Local Plan policy D.TC5 supports cafes in the Central Activities Zone, which applies to the application site, and as such it is considered appropriate to introduce a café onto the site.

#### Proposed uses and assessment

- 7.23 The below figure seven sets out the existing and proposed floorspace uses on site:

### Floorspace and use schedule

Use	Location	Existing flsp (GIA) m <sup>2</sup>	Proposed flsp (GIA) m <sup>2</sup>
<b>B2 foundry use</b> <i>(including ancillary uses)</i>	<b>Existing:</b> Historic Foundry & 1980s building <b>Proposed:</b> Historic Foundry: Ground and 1 <sup>st</sup> floors	1,447	266
<b>B1 artist/maker workshops</b>	Old Foundry 1 <sup>st</sup> and 2 <sup>nd</sup> floors	N/A	199
<b>B1 creative office for SMEs</b>	Front Range 1 <sup>st</sup> and 2 <sup>nd</sup> floors	N/A	356
<b>Other B1</b>	1980s car park site Ground and 1 <sup>st</sup> floors	N/A	375
<b>A3 Café</b>	Old Foundry Ground floor	N/A	243
<b>Mixed A3 / A4 café/ restaurant and bar</b>	On site of 1980s building, Ground and Mezzanine	N/A	1,249
<b>C1 Hotel</b> <i>(including ancillary members &amp; guest areas)</i>	Site of 1980s building and car parks Ground – 7 <sup>th</sup> floor	N/A	4,584
<b>Total (GIA)</b>		<b>1,447 m<sup>2</sup></b>	<b>7, 272 m<sup>2</sup></b>

**Figure Seven: Existing and proposed floorspace on site**

- 7.24 The existing employment uses on site total approximately 1447m<sup>2</sup> and this schemes proposes to retain 266m<sup>2</sup> of B2 and provide 930m<sup>2</sup> of a range of B1 uses (work space and work shop uses). This totals 1196m<sup>2</sup> of employment B uses proposed for the site which is a decrease of approximately 251m<sup>2</sup>.
- 7.25 The proposed hotel, A3 café and A3/A4 restaurant/bar, uses which all create jobs, total 6076m<sup>2</sup>.
- 7.26 It is considered that the net reduction in B Use floor space is acceptable given the new diversity of B land uses that will be established on site which will cater for a wider range of employment types. The reduction is also considered acceptable given the constraints of the existing site being Grade II\* listed and requiring repair/refurbishment and because the proposed new employment uses on site will generate a higher total of workers and other employment benefits compared to the existing full B2 land use.
- 7.27 The applicant has submitted an employment assessment which estimates that the B land uses on site will result in 65 FTE jobs, 40 being in the historic foundry building and 25 in the B1 space within the new building. The hotel and restaurant uses are estimated to provide 120 new FTE jobs to total 185 jobs across the site. This is a significant increase on site compared to the estimated peak of 24 jobs provided by the former bell foundry use on site.
- 7.28 The applicant has also made a commitment to provide 45% of the historic foundry as affordable workspace which the applicant has agreed to secure via a s106 agreement requiring the following:
1. 80% of the Affordable Workspace provided at no more than 70% of market rents (in line with GLA rates £11/sqft); and

*2. 20% of the Affordable Workspace will be provided at no more than 90% of Market Rents*

- 7.29 The applicant will submit an Affordable Workspace Strategy prior to occupation of the historic foundry. The strategy will set out how tenants will be selected, who will manage the spaces, terms of leases, rent levels etc.
- 7.30 The applicant has also agreed to use reasonable endeavours to ensure the spaces are first to LBTH residents within creative industries.
- 7.31 The above will be provided for a minimum of ten years from first occupation.
- 7.32 The applicant has indicated they wish to work with Anatole Notes and Outset/Studiomakers to let the spaces, which Council have no objection to, but it is also noted that Council cannot control this and there is no policy basis to do so. Anatole Notes are a small creative workspace provider and supply space at below market rates LBTH and elsewhere in London, primarily for artists and other creative professionals and art galleries (with a focus on emerging and non-profit spaces). Outset are a charity that supports the artist and creative sector by protecting existing (and actively creating new) genuinely affordable workspace in London. Through its Studiometers initiative, it brokers relationships with the property industry, from local authorities to landowners and private developers
- 7.33 Both of these groups already work within the Borough and officers are supportive of the applicant's wish to involve these groups on site.
- 7.34 The affordable workspace offer exceeds the minimum requirements set by Local Plan Policy D.EMP2 (4) which requires major mixed use and commercial developments to provide 10% of new employment floorspace to be provided as affordable workspace. Within this policy, affordable workspace is deemed as 10% below market rate. This policy does not cover reprovided land uses and would have generated approximately 37.5m<sup>2</sup> of affordable workspace within the 375m<sup>2</sup> of new employment space at ground and first floor of the new building. The proposal will instead provide approximately 202m<sup>2</sup> of affordable workspace. The decision recommended to Committee also includes removal of future permitted development rights on the site via condition. As such, Council will have control of any changes in the future with regards to the relevant policies.

Other use/ancillary programme proposals

- 7.35 It is intended that the proposed café and other areas of the historic foundry to be open to the public will act a 'living museum' and provide long-term public access through the site, including for schools trips and linking with established community groups.
- 7.36 All of publicly accessible areas will be free to visit during normal working hours and this will be controlled within the s106 and conditions.
- 7.37 An ancillary foundry shop will be located in the front of the Historic Foundry building (within the former interpretation space that was used by the previous owners to display bell foundry historical information). The shop will sell small hand bells and it will also provide an opportunity to sell other works created on site within the foundry and art works made by AB Foundry (proposed tenant) and the wider resident creatives on site.
- 7.38 The proposed tenants of the site, AB foundry, the Westley Group and Anatole Notes, have committed to establishing and maintaining suitable learning opportunities for members of the public, other professionals and school children in association with the businesses and activity on site. AB Fine Art regularly host lectures and tours of their existing foundry in Tower Hamlets and they intend to expand these operations on site. The Westley Group also assisted in establishing the newly opened only dedicated teaching foundry at the University of Wolverhampton.

- 7.39 Given the uses in the historic foundry are active employment uses, it considered appropriate to establish via s106 a programme of events to engage the public with the history of the site, current modern founding techniques and the activities of the resident artists which could be run in conjunction with local partners like Studiomakers and the Whitechapel Gallery who have already partnered with the applicant to establish 'meanwhile uses' on the site. This includes hosting events such as Nocturnal Creatures with the Whitechapel Gallery.
- 7.40 All of the above will be secured and controlled by the proposed s106 obligations which include a 'Public Access Management Plan' and a 'Community Plan', which will be detailed in an 'Interpretation Strategy' and an 'Education and Learning Strategy' that will need to be submitted and agreed in writing by the LPA in respect to ensuring compliance with the relevant schedules in the s106. These provisions will:
1. Secure public access into appropriate areas of the site;
  2. Secure education and training opportunities on the site i.e. local schools, tours etc.;
  3. Detail how the historic objects, including bells and bell making tools and other equipment, shall be displayed along with way finding details;
  4. Details of how the archaeological remains on site will be recorded and communicated to the public; and
  5. Details of how the historic connection to the former Bell Foundry use and bell making processes will be communicated to the public.

#### Summary

- 7.41 In summary, the proposed land uses are considered acceptable and the proposed s106 obligations to allow public access into the site along with heritage and community programmes will ensure the site provides genuine public benefits for the Borough.

### **Design & Heritage**

#### **Design**

- 7.42 Chapter 12 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities (paragraph 124).
- 7.43 London Plan policies 7.1 to 7.3 have strategic aims to ensure that neighbourhoods should have a good quality environment based on the lifetime neighbourhoods principles (7.1), that developments should achieve the highest standards of accessible and inclusive design (7.2), and that boroughs and others should seek to create safe, secure and appropriately accessible environments (7.3).
- 7.44 London Plan policy 7.4 'Local character' requires development to have regard to the form, function and structure of an area, and the scale, mass and orientation of surrounding buildings. Development should build on the positive elements that contribute to establishing an enhanced character for the future function of the area. Five assessment criteria are provided. Boroughs should consider the different characteristics of their area where character should be sustained, protected and enhanced through managed change.
- 7.45 London Plan policy 7.6 'Architecture' which states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context.

- 7.46 Policy 7.7 'Location and design of large and tall buildings', states that large and tall buildings should not have an unacceptably harmful impact on their surroundings. They should "*only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building*" and "*relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level.*" In particular, the policy states that the impact of tall buildings in sensitive locations should be given particular consideration, with conservation areas, registered historic parks, listed building and their settings given as particular examples of sensitive areas.
- 7.47 The supporting text of policy 7.7 at paragraph 7.25 also notes that tall and large buildings are those that are substantially taller than their surroundings, will cause a significant change to the skyline or are larger than the threshold sizes set for referral of planning applications to the Mayor of London. It is considered that all three of these points apply to the proposal.
- 7.48 Policy D1 of the draft New London Plan requires development to respond to local context, be of high quality, aim for high sustainability standards, respect, enhance and utilise heritage assets and features, maximise urban greening and achieve comfortable living environments.
- 7.49 Policies D3 and D7 of the draft New London Plan seeks to deliver an inclusive environment to meet the needs of all Londoners and to ensure a high quality public realm.
- 7.50 LBTH Core Strategy policy SP09(5) seeks to create a high-quality public realm network which, provides a range of sizes of public space that can function as places for social gathering.
- 7.51 Core Strategy policy SP10(4) also seeks to ensure that buildings and neighbourhoods promote good design principles and with regards to the appearance of buildings will:
- a. Respect strategic and local views and their role in creating local identity and assist in wayfinding;
  - b. Respect local context and townscape, including the character, bulk and scale of the surrounding area;
  - c. Contribute to the enhancement or creation of local distinctiveness;
  - d. Use high quality architecture, urban and landscape design; and
  - e. Assist in creating a well-connected public realm that is easy and safe to navigate.
- 7.52 This is further reinforced by LBTH policy SP12 of the Core Strategy, which aims to:
- "improve, enhance and develop a network of sustainable, connected, well-designed places across the borough. Amongst other criteria, this would be achieved through "retaining and respecting the features that contribute to each place's heritage, character and local distinctiveness."*
- 7.53 LBTH MDD policy DM23 seeks to ensure that development is well-connected with the surrounding area and should be easily accessible for all people. Development will also be required to improve safety and security without compromising good design and inclusive environments.
- 7.54 LBTH MDD policy DM24 states that development will be required to be designed to the highest quality standards, incorporating principles of good design, including:
- "a. ensuring design is sensitive to and enhances the local character and setting of the development, taking into account the surrounding:*

- i. scale, height, mass, bulk and form of development;*
- ii. building plot sizes, plot coverage and street patterns;*
- iii. building lines and setbacks, roof lines, streetscape rhythm and other streetscape elements;*
- iv. design details and elements; and*
- v. natural environment.*

*b. ensuring the use of high quality building materials and finishes;*

*c. ensuring the internal design and layout of development maximises comfort and usability for occupants and maximises sustainability of the development;*

*d. ensuring development is designed to be easily adaptable to different uses and the changing needs of users;*

*e. protecting features of positive value within the site; and*

*f. into account impacts on microclimate.”*

- 7.55 LBTH MDD policy DM26 ‘Building heights’, in many ways reflects policy 7.7 of the London Plan, and requires tall buildings to be sensitive to the context of their surroundings, not adversely impact on heritage assets or strategic and local views, including their settings and backdrops; and provide a positive contribution to the skyline, when perceived from all angles. Proposals should also “*achieve high architectural quality*’.
- 7.56 Policy D.DH2 ‘Attractive streets, space and public realm’ states that development is required to contribute to improving and enhancing connectivity, permeability and legibility across the borough, ensuring a well-connected, joined-up and easily accessible street network and wider network of public spaces through and that development should contribute positively to the public realm.
- 7.57 Policy S.DH1 ‘Delivering high quality design’ states that ‘*Development is required to meet the highest standards of design, layout and construction which respects and positively responds to its context, townscape, landscape and public realm at different spatial scales, including the character and distinctiveness of the borough’s 24 places ... and their features.*’ To achieve this buildings must:
- a. be of an appropriate scale, height, mass, bulk and form in its site and context;
  - b. represent good urban design;
  - c. have regard to their immediate and wider surroundings etc.
- 7.58 The below assessment largely relates to the proposed hotel, and not to the historic foundry.

#### Layout

- 7.59 As discussed above, the site is best described in three separate parts being the old foundry, the 1980’s extension and the vacant sites. The historic foundry and its footprint are not altered in terms of overall layout on the site however the applicant is proposing a ‘yard entry’ between the historic foundry and the new building. This yard entry links in well with historic iterations of the site which included an alleyway through the site. This new ‘yard’ will feature a lightweight warehouse-style roof referencing the character of the existing Foundry roofs. It will create a

space that feels like a roofed courtyard or street and accommodates circulation between the hotel, restaurant and historic building.

- 7.60 CGIs and elevation drawings of this can be seen in the Appendix Two below along with other key views of the proposal.
- 7.61 Due to the multiple parts of the site, there are several proposed entrance routes including a workshop entrance and public entrance on the front façade; a further public entrance to the foundry on Fieldgate Street, the public entrance to the hotel through the above described 'yard', two servicing entrances on Fieldgate Street/Plumbers Row and an entrance to the additional workspace proposed at the corner of Mulberry Street/Plumbers Row.
- 7.62 The site is tightly constrained and it is considered that the proposed layout provides sufficient access to the site.

#### Townscape, Massing, Heights and Appearance

- 7.63 The proposed hotel would be located on part of the site which includes the 1980's extension which is specifically excluded from the listing and officers have no issue with the demolition of this undistinguished modern extension. The proposed hotel is included within the Whitechapel High Street Conservation Area along with the remainder of the foundry. The design of this element was the subject of many revisions and refinements, the result of prolonged discussion between the project architect and officers, including the Borough Conservation Officer, at pre application stage.
- 7.64 It is considered that the modulated brick facades of the proposed structure form a visually stimulating counterpoint to the historic façade on Plumbers Row/Fieldgate Street and an improvement on the extant planning permission on the site. The design is informed by the architecture of the historic foundry buildings and a thorough analysis of the listed structure. The proposed use of brick on the external facades and the inclusion of corrugated metal elements (a material which has been used in several parts of the historic foundry) are a unifying factor of the carefully proportioned facades. The same can be said for the recessed elements which relate to the blind windows found on the foundry street façade. The building incorporates elements that draw inspiration, but not copied, from classical architecture such as the ground floor arches, high level loggia and cornice – these are further links with the external facades of the historic foundry buildings which like most buildings of their time were informed by the classical language.
- 7.65 The design of the hotel also takes advantage of the slight kink in the street line to divide the mass into two distinct but related elements. The roof top bell-holding structure would form a landmark addition to the skyline of this part of the conservation area.
- 7.66 The proposed scheme maintains the height of the neighbouring building facing Mulberry Street (currently the Qbiq hotel) as it turns the corner and faces Plumbers Row. The height is maintained along Plumbers Row, stepping down to meet the historic foundry building. The lower section of the building – with a proposed green metal roof – mediates between the rear part of the historic foundry wall and the new core element of the new building.
- 7.67 Officers consider the height, mass and scale of the proposed hotel appropriately responds to its neighbours through the careful articulation of its elevation and the stepping of the building's profile, breaking the mass down further as the scheme is seen in the oblique.
- 7.68 Both Historic England and LBTH Place Shaping believe the proposed hotel development is of the highest quality and of a scale and form respects and enhances the setting of the listed buildings and surrounding conservation area. As such, it is considered that the proposed new buildings on site are of the highest design quality and respect and positively respond to their context, townscape, landscape and public realm.





**Figure Eight: CGI showing proposed site massing and surroundings (view from Fieldgate Street towards the junction with Whitechapel Road looking south)**

#### Materials and further details

- 7.69 Externally the principal building materials for the hotel are brick, pre-cast concrete, aluminium metal panelling with composite aluminium windows and doors. The use of masonry, the predominant building material of London, forms the principal building material for the elevations facing Plumbers Row and Mulberry Street.
- 7.70 The use of engineered bricks at ground floor level continues the traditional approach of providing a robust base to a building. Above this level the pre-cast concrete panels allow the transition from the more public facing uses at the lower levels to the more private areas above. This plinth mediates between the scale of the historic foundry and the taller buildings within the block. Above this the masonry is lighter and generally more textured. Pre-cast concrete sills and cornices pick up on the neighbouring buildings stonework.



- 7.71 On the fifth and sixth floor cast metal is proposed to provide a heavy capping to the building and a language and material that refers to the site's history.
- 7.72 Pressed metal panel finishes are employed on the courtyard building. This more delicate use of material with thinner profiled 'columns' and profiled panels references both the finer detail of the metal detailing found in the historic foundry and also the finer detail once found on galleried inns of the city.
- 7.73 Internally the existing Grade II\* listed building is to be restored with materials carefully selected to sit sympathetically alongside the historic building fabric. In the new build section of the scheme the main entrance area, hotel lobby and bar and restaurant area are surrounded by robust in-situ concrete cast columns and floors (reminiscent of the existing 1980's structure that is to be replaced and continuing the industrial aesthetic character of the historic building through the whole proposal). Materials such as the green metal sheeting, pressed metal trays and metal balustrades are used to compliment the generally solid character of the building.
- 7.74 Overall, officers support the proposed materials but the below details will be subject to condition:
- a. Details of new openings
  - b. Samples of materials
  - c. Sample panels of materials

#### Safety & Security

- 7.75 The application has been reviewed by the Met Police's Designing Out Crime Officer who is content with the proposals, providing final details are secured via condition (separate conditions for listed building and new hotel to allow for more flexible assessment regarding the historic listing of the site).
- 7.76 Recommendations made by the Met Police regarding doors, windows and access control etc. have been brought into the application and will be secured by condition. The proposed design through the location of doors, windows and the courtyard entrance would provide passive surveillance and would activate the ground floor frontage on Fieldgate Street and Plumbers Row, which is welcomed.

#### Summary

- 7.77 Officers support the proposed design and consider that all aspects of it are appropriate with regards to the existing context and local character. The design is of the highest design quality, as required by policy, and incorporates good design principles such as scale, height, mass, location, building lines, high quality materials etc.

#### **Heritage**

##### Statutory and policy requirements

- 7.78 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the general duty with respect to listed buildings in exercise of planning functions:

*In considering whether to grant planning permission... for development which affects a listed building or its setting, the local planning authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

- 7.79 Chapter 16 of the NPPF states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 184).
- 7.80 Paragraph 189 of the NPPF states that *'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.'*
- 7.81 Paragraph 190 of the NPPF states *'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'*
- 7.82 Paragraph 192 states that *'In determining applications, local planning authorities should take account of:*
- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
  - b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
  - c. the desirability of new development making a positive contribution to local character and distinctiveness.'*
- 7.83 Paragraph 193 of the NPPF states that *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'*
- 7.84 Paragraph 194 of the NPPF sets out that *'Any harm to, or loss of, the significance of a designated heritage asset (and the NPPF specifically states that this includes harm from development within its setting), should require "clear and convincing justification". Substantial harm or loss of: ...*
- b. assets of the highest significance, notably... grade ...II\* listed buildings... should be wholly exceptional.'*
- 7.85 As discussed further below, the Local Planning Authority considers the overall harm from the application to be 'less than substantial'. As such, paragraph 195 of the NPPF relating to substantial or total loss is not considered relevant and instead paragraph 196 applies.
- 7.86 Paragraph 196 states that *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*
- 7.87 The weight to be given to harm remains a matter of planning judgement for the Local Planning Authority and it is shown above that Paragraph 196 states that harm can be weighed in the balance against the public benefits of the proposal, including where appropriate, securing the optimum viable use of the listed building. The Planning Practice Guidance also now advises that within the less than substantial harm category, *'the extent of the harm may vary and should be clearly articulated'*. So whilst considerable weight should be attached to any less than substantial harm, it may still be affected by the extent of the harm.

- 7.88 Paragraph 198 states that local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
- 7.89 Paragraph 199 states that local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible.
- 7.90 Paragraph 200 also states that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. Local Planning Authorities should also look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance.
- 7.91 The scope and proper application of the overarching statutory duty provided under Section 66 (1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is explained in *Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council & Ors* [2014] (CD 5.2). At paragraph 23 of the ‘Barnwell Manor’ decision, Lord Justice Sullivan explained that *‘there is a ‘strong presumption’ against granting planning permission for development which would harm the character and appearance of a conservation area precisely because the desirability of preserving the character or appearance of the area is a consideration of ‘considerable importance and weight.’*
- 7.92 London Plan policy 7.8 states that development affecting heritage assets and their settings should conserve their significance by being sympathetic to their form, scale, materials and architectural detail. This is continued in policy HC1 of the draft New London Plan which states that *‘Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets’ significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should seek to avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.’*
- 7.93 At a local level, LBTH Core Strategy policy SP10(3) seeks to protect and enhance conservation areas and statutorily listed buildings. This policy also seeks to preserve or enhance the wider built heritage and historic environment of the borough, enabling the creation of locally distinctive neighbourhoods, through encouraging and supporting development that preserves and enhances the heritage value of the immediate and surrounding environment and the wider setting (3c). SP10(3) also encourages and supports development that preserves and enhances the heritage value of an area.
- 7.94 LBTH MDD policy DM27 states that Development will be required to protect and enhance the borough’s heritage assets, their setting and their significance as key elements of developing the sense of place of the borough’s distinctive ‘Places’.
- 7.95 An applicable policy from the Local Plan is S.DH3 ‘Heritage and the historic environment’ which states that developments must preserve historic assets in a manner appropriate to their significance (S.DH3(1)). Policy 2 also states that proposals that would affect the setting of a heritage asset will only be permitted where:
- a. they safeguard the significance of the heritage assets, including its setting, character, fabric or identity;
  - b. they are appropriate in terms of design, height, scale, form, detailing and materials in their local context;

- c. they enhance or better reveal the significance of assets or their settings;
  - d. they preserve strategic and locally important views, as defined in Local Plan policy D.DH4;
  - e. in the case of a change of use from a use for which the building was originally designed, a thorough assessment of the practicability of retaining its existing use has been carried out outlining the wider public benefits of the proposed alternative use.
- 7.96 Local Plan policy S.DH3(3) states that applications affecting the significance of a heritage asset will be required to provide sufficient information to demonstrate how the proposal would contribute to the asset's conservation. Any harm to the significance of a heritage asset must be justified having regard to the public benefits of the proposal: whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long term use of the asset. Factors that will be considered can include:
- a. the significance of the asset, architecturally, historically and contextually;
  - b. the adequacy of efforts made to retain the asset in use; and
  - c. the merits of any alternative proposal for the site.
- 7.97 Local Plan policy S.DH3(4) states that substantial harm to or the total loss of significance of a designated heritage asset will only be supported where it is necessary to achieve substantial public benefits that outweigh that harm or loss. Statutory consultees do not consider that the proposal will result in substantial harm or loss; as such this policy does not apply.
- 7.98 Local Plan policy S.DH3(5) sets an expectation that alterations, extensions or changes of use, or development in the vicinity of listed buildings will have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings.
- 7.99 Local Plan policy S.DH3(6) requires significant weight to be given to the protection and enhancement of the borough's conservation areas, including their setting.
- 7.100 Local Plan policy S.DH3(8) requires applications affecting the significance of the archaeology to provide sufficient information to demonstrate how the proposal would contribute to the asset's conservation.
- 7.101 General design and quality policies that also apply to heritage include LP policy 7.4 (local character), 7.6 (architecture), 7.7 (Location and design of large and tall buildings), CS policy SP10(4), MDD policy DM24 and DM26. All of these policies require development to have regard to the form, function and structure of an area, including built heritage, and require buildings to not have an adverse effect on their surroundings.

### Overview

- 7.102 The foundry is a complex group of structures which developed over a number of centuries. A comprehensive Heritage Statement prepared by the applicants heritage consultants, Alan Baxter, was tabled by the applicants at an early stage in the pre-application process and informed the scheme's design development and was the subject of in-depth discussion involving heritage consultants, the project architects, council officers and officers from Historic England. The analysis contained within the Heritage Statement served to underpin the levels of significance ascribed to the various parts of the building and this in turn informed the design architects, heritage led approach to the proposal as it developed. The Heritage Appraisal augmented Historic England's revised, very detailed list description of 2017 which, as stated

previously, identifies aspects of historic significance and also specifically excludes the 1980's workshops to the rear (back foundry) from the listing however officers consider this to be curtilage listed along with the subterranean structures below. This is because they meet the key tests established by case law including age, layout, ownership and use (as part of the Foundry's historic functioning).

- 7.103 The building is not currently included on the Historic England Register of 'Heritage at Risk' however this is subject to on-going reviews and it is likely that the building would be recommended for inclusion should the buildings continue to remain empty with no solution in sight in terms of securing a viable and deliverable use for the site.

#### Historic context

- 7.104 The historic foundry is Grade II\* listed. 'Reasons for designation' as stated in the listing (provided as Appendix Five) are:
- *Architectural interest: a distinctive, cohesive complex of domestic and industrial buildings spanning nearly 300 years of occupation including the dignified residence of the foundry owner at nos 32-34 Whitechapel Road, no 2 Fieldgate Street and the industrial ranges to the rear;*
  - *Historic interest: for the national cultural and industrial significance as the mid C18 site of a specialised industry known to have been located elsewhere in Whitechapel since the medieval period, where well-known bells including Big Ben and the Liberty Bell, Philadelphia, were cast;*
  - *Degree of survival: nos 32 and 34 Whitechapel Road have a high level of exterior and interior intactness including the early-C19 shop at no 34;*
  - *Interiors: distinctive for the mid-C18 plan-form, and the mid-C18 and early-C19 shop fittings, wall panelling, chimney pieces, stairs, ironmongery and joinery in nos 32 and 34 Whitechapel Road, industrial workshops containing specialist bell-founding equipment, and the timber crane on the Plumbers Row frontage;*
  - *Rarity: one of only two remaining bell foundries in England, the other being Taylor's of Loughborough, also listed at Grade II\* and is the world's largest bell foundry.*

#### Assessment of significance

- 7.105 The applicant sets out in their Heritage Assessment the significance of the site. Assessing significance is the means by which the cultural importance of a place and its component parts is identified and compared, both absolutely and relatively.
- 7.106 The assessment submitted identifies areas where heritage experts consider there should be no change, or only minimal changes should be considered, as well as where those more intrusive changes might be acceptable and could enrich understanding and appreciation of significance. This work has informed the proposals with areas of most intervention being restricted to areas of least significance and vice versa.
- 7.107 Key points on the significance of the site are:
- a. The statutory designations (Grade II\* listing of the site and associated equipment, Whitechapel High Street Conservation Area, nearby heritage assets referenced in Section 1 Site and Surrounds above);
  - b. Historical Value – the site has '*...has an exceptional degree of associative historical value relating to its use as a bell foundry for almost 300 years, from the 1740s to 2017*' but '*...the*

*illustrative historical value of the site is much lower, especially since the foundry has ceased production and much of the equipment has been removed*'. The various parts of the building have different levels of values depending on their age, type, quality etc.;

- c. Aesthetic value – in particular, within the foundry, very strong aesthetic values survive relating to the remaining machinery and other equipment including rails, cranes, chains and hooks etc. It should also be noted that, while the interior of the foundry is striking today as an empty and semi-derelict space, it would have had a very different set of aesthetic values when in use during bell manufacture, relating to the much more intensive artificial lighting, the heat of the furnaces, and the noise of industrial production.
- d. Communal value - The site has a huge degree of symbolic value, stemming primarily from its historical value as a bell foundry in operation on the site for almost three hundred years. Comparatively, the applicant considers that the social value of the site is limited. It operated as a private business and public access was limited to the shop (open five days a week), though it did occasionally open the foundry for tours and school visits. Given the low number of workers and visitors, its contribution in real terms to the local economy was low.
- e. Evidential value - As a site that has been developed since at least the sixteenth century, it has high potential evidential value in terms of both the bell foundry use and previous occupation.
- f. Setting – The foundry is located on a busy stretch of Whitechapel Road, amidst a diverse townscape including fine-grain historical development, larger post-war buildings and recent commercial and residential redevelopment. The overwhelming impression is of a range of architectural styles, heights and roof forms fronting the street, which is recognised by the current and draft Conservation Area Character Appraisal.

7.108 Therefore, the significance of the listed building relates not just to its historical use for bell manufacturing (from 1747 to 2017 on site), but also to the way in which the historic process of bell manufacture is manifested in its plan-form and fabric. The degree of harm must therefore be assessed in relation to impact on significant plan-form and fabric.

#### Assessment of physical changes

##### *Nos. 32-34 Whitechapel Road*

7.109 The former houses, for staff only, contain a complex series of historic spaces which incorporate a rich array of eighteenth and nineteenth century details including fireplaces, alcoves, built-in cupboards and panelling – which, though much of it fragile, is generally well preserved. Many of the spaces are very atmospheric. Officers consider that the proposed uses (including provision of lettable workspace) would be very well suited to this part of the building, requiring a relatively low level of intervention within the sensitive historic fabric thus ensuring the maximum survival of historic fabric.

7.110 It is proposed to undertake sensitive repairs to the exterior of these buildings but generally little would change internally with only light touch refurbishment.

##### *No.2 Fieldgate Street*

7.111 The building has been subject to remodelling over the years but the characterful 1740's façade remains as does much of the significant interior detail including the staircase and first floor panelled room. A light touch refurbishment is also proposed here to allow the proposed use as artist workspace, this is sensitive to the historic building fabric.

##### *Old Stables*

- 7.112 The Old Stables, fronting on to Fieldgate Street were largely rebuilt in the 1960's and are therefore considered to be of lower significance than surrounding historic fabric. This is the proposed location for the new staircase and lift which would form the most considerable intervention within the listed fabric. The staircase and lift are required to gain the necessary improvements required to improve the circulation of the building within this complex structure including forming upper level links between the frontage buildings and buildings to the rear. The design of this element was subject to amendment following comments from HE and LBTH at pre application stage. As submitted, the design is sensitive to the historic fabric which whilst, on close inspection, obviously an addition. Officers consider that it is a very well-considered and subtle intervention which is sensibly located and which solves circulation issues which are key to ensuring that the building can be fully re-used.

#### *Courtyard*

- 7.113 The intimate courtyard space is one of the most memorable parts of the foundry complex. Surrounded by a range of industrial spaces, including the Tuning Room – the courtyard facing elevations include fabric from a wide range of dates from the eighteenth to the mid twentieth century. The proposed insertion of the new staircase within the Old Stables area necessitates some change but the proposal, in form, scale and detail is very sensitive to the historic mix and does not harm the special interest of the courtyard. This space would form an important focus of publicly accessible routes through and around the building, so would be widely appreciated and enjoyed by the public.

#### *Foundry Buildings*

- 7.114 The complex of historic foundry buildings has an external face to Plumbers Row/Fieldgate Street, much of which dates from the early eighteenth century. The listed element of the Plumbers Row elevation is highly picturesque – a rich, yet harmonious mixture of building forms which are industrial in character but incorporate elements of domestic structures. This elevation contrasts with the more formal townhouses fronting Whitechapel Road which give no clue as to the industrial heritage of the site. The interior of the foundry is made up of a memorable series of evocative spaces which have been much altered and added to in an ad-hoc manner, over many years of use.
- 7.115 The historic volume of the spaces is retained within the proposal. The insertion of a series of large mezzanines was proposed at early pre-application stage but following objections these were omitted, which is welcomed by officers. The proposed interventions within the central foundry are light touch.

#### *Back Foundry*

- 7.116 The Back Foundry was demolished in 1979 whilst the foundry was in operation and subsequently replaced by a new Back Foundry building which was completed in 1981. This relatively new structure was specifically excluded from the revised list description in 2017, but Council consider this and the subterranean structures below curtilage listed, and no objection is raised to its demolition.

#### *Approach to repairs and summary*

- 7.117 The older foundry building had been subject to years of uncoordinated repairs. A thorough Condition Report was undertaken and submitted with the application which has helped to underpin the proposed repairs strategy. Officers support the overall approach to repairs which has aimed to take the 'foundry as found' but to carry out necessary repairs in a sensitive manner.
- 7.118 The harm to the listed building consists of three areas of 'minor harm' through loss of fabric, these being:

- a. The creation of a new vertical circulation in the Old Stables/Link block, an area which was rebuilt to its present state in the 1960s;
- b. The creation of a new doorway in the Foundry; and
- c. The creation of a new opening to allow public access to the Mezzanine.

7.119 Historic England support the applications and have provided detailed advice within their original consultation response dated 1<sup>st</sup> March 2019. This position was reconfirmed in a letter dated 01/11/2019 which was updated post the archaeological works on site to provide an overall cumulative assessment on the proposals. The Local Planning Authority and the applicant are in agreement that the proposals will cause less than substantial harm, towards the lower end of this scale. As such, the public benefits of the scheme are required to be considered in line with para 196 of the NPPF. This is detailed further below.

7.120 The overall approach with regard to dealing the listed fabric is well detailed within the application documentation and is appropriate and supported nevertheless further details would be required and secured via condition such as full details and samples, matching materials, precautions during work etc. It is also noted that it is agreed within the draft s106 that the physical works to the historic building are required to be completed prior to the occupation of the adjoining hotel.

7.121 Overall, it is considered that the proposals safeguard the significance of the listed buildings by being informed and promoting a conservation-led approach to change. The hierarchy of significance within the various parts of the buildings has been carefully and correctly assessed by the applicant. Areas of high significance will undergo little change, with more intensive interventions such as the stair and lift structure within the Old Stables and the mezzanine within the Old Foundry occurring in areas of less significance (the Old Stables was rebuilt in the 1960s) or where interventions have occurred historically (the new mezzanine proposed in the Old Foundry replaces an existing one). New interventions are of high quality and designed to complement the character of the historic buildings, distinctly contemporary but unobtrusive.

#### Balancing harm and public benefits, including optimum viable use

7.122 The starting point for any proposal involving heritage assets is to 'do no harm' to the significance of the asset. Where harm would occur and this is found to be less than substantial, the harm can be balanced against the public benefits of the scheme as required by para 196 of the NPPF.

7.123 The level of harm to the significance of the listed structure caused by the sensitively designed interventions, including the new hotel, is assessed to be less than substantial, and officers' opinion is at the lower end of this scale. This applies to the initial changes to the asset but also with regards to its long term future use which is considered to bring a considerable heritage/public benefit by securing a long term use, which is in keeping with the historical use of the site, that minimises the degree of physical intrusion on parts of the building that carry the greatest significance.

7.124 The public benefits arising from the proposed development would include:

- a. The café, studio and office uses will maximise public accessibility while sustaining the long-term viability in this Central London location;
- b. Provision of genuine affordable workspace offer within the historic foundry well above local policy requirements;



- c. The uses will introduce a more active frontage along Whitechapel Road and Plumbers' Row, bringing the historic doorways back into use and, in a wider sense, contributing to the interest and vitality of the conservation area;
- d. Better revealing a heritage asset as required by the NPPF (specifically paragraph 200) and above listed current and emerging policies;
- e. Provision of the optimum viable use of the site, based on the available information placed before officers;
- f. Repair and refurbishment of a Grade II\* listed building including the external repairs, i.e. brickwork, windows and roofs, will improve the building's condition and appearance, therefore preserving and enhancing the character of the conservation area;
- g. The new hotel building, which is assessed to be the highest design quality, and employment uses will optimise the use of the application site by removing the vacant spaces which currently have a detrimental effect on the character of the conservation area;
- h. Uplift of hotel rooms in accordance with CAZ strategic policies;
- i. Generate new jobs (185 FTE, uplift of 161) and bring visitors into the borough;
- j. Established servicing strategy and travel plan;
- k. Employment and enterprise contributions;
- l. Interpretation strategy to provide for public access and education etc.;
- m. Securing by planning condition removal of permitted development rights that will yield significant public benefits in terms of safeguarding the maintenance of attributes of the heritage significance of the historic foundry; and
- n. Blue badge parking space.

7.125 Officers consider that the proposed uses on the site will reveal the significance of the asset and are optimising the use of the site as required by the NPPF and current and emerging policies. The reduced scale of the new foundry allows for incorporation of other new uses which will serve the community and meet policy aims for this part of the borough which is in the CAZ. The new uses are designed to, firstly, maximise accessibility to the community which will be achieved through an open-doors arrangement, a publicly accessible café and through further public access i.e. education which will be secured via an Interpretation Strategy in the s106. Furthermore the mix of new uses has been designed to sustain the long-term viability of the listed building by bringing new uses compatible with the heritage of the site into the building, and to do the least harm as possible. This is further bolstered via the studios and creative offices (45% of foundry) which will be let at affordable levels (secured via s106).

7.126 The retained B2 use would in no way replicate the scale of the former foundry but overall it is considered that the new uses together would serve to 'better reveal historic significance' by being a clear, easily understandable link with the historic usage which would enable visitors to appreciate aspects of this use which might otherwise not be apparent but to also ensure that the building has a sustainable, long term future that brings forward the above listed public benefits.

7.127 The proposed uses also recognise the changing local community and area. Whitechapel originally developed as an area for polluting industries to operate outside the City of London walls but over time Whitechapel has been brought into what is now central London (and Central Activities Zone) and officers do consider that full-scale traditional foundry uses in this location may not be appropriate any longer. There are no environmental permits on the site

and Council has no control over loading/access/serving of the site at present so the proposed scheme is welcomed in this respect.

- 7.128 In coming to a final recommendation, officers have taken account of the permitted development rights that apply to the site which would allow for a change of use from B2 to B1 without any requirement to seek either planning permission or indeed necessarily listed building consent. This clearly poses a very tangible risk to the future heritage significance of the site. The applicant is aware of this permitted development rights "option" but has chosen not to exercise their rights and to instead propose a comprehensive redevelopment/re-use of the entire site. This comprehensive redevelopment will be to the benefit of the community and the heritage asset by better revealing the asset to the general public and providing long term benefits that the Council can secure.
- 7.129 Also, in strict planning terms a B2 use, which includes a bell-foundry, could switch to another type of activity within the B2 land use class without planning permission. B2 land uses are 'general industrial' and examples of other B2 uses include other types of foundry work, general manufacturing, motor vehicle testing and repairs etc.
- 7.130 For the purposes of paragraph 196, it is considered that the public benefits of the scheme listed above do outweigh the identified less than substantial harm to the asset and that clear and convincing justification has been provided. Paragraph 196 also requires, 'where appropriate', that the optimum viable use of a heritage asset is secured. Historic England define optimum viable use as *"If there are a range of alternative ways in which an asset could viably be used, the optimum use is the one that causes the least harm to the significance of the asset, not just through necessary initial changes but also as a result of subsequent wear and tear likely future changes"*
- 7.131 The PPG also provides national policy guidance on assessing optimum viable use, which includes:
- a. If there is only one viable use, that use is the optimum viable use. There is no suggestion that the optimum viable use of site must be the original use, this is appropriate given how the use of buildings and places change and evolve over time. The NPPG goes on to say:  
  
*'If there is a range of alternative viable uses, the optimum use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes.'*  
  
*The optimum viable use may not necessarily be the most profitable one. It might be the original use, but that may no longer be economically viable or even the most compatible with the long-term conservation of the asset. However, if from a conservation point of view there is no real difference between viable uses, then the choice of use is a decision for the owner.'* This would be subject to any necessary consents being obtained.
  - b. It is important that any use is viable, not just for the owner, but also for the future conservation of the asset: series of failed ventures could result in a number of unnecessary harmful changes being made to the asset.
  - c. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation.
- 7.132 Historic England's consultation response on the proposals stated that they accept *'...the demise of bell-making on the site in its most recent forms was due to inevitable market factors after a decline in demand for large bells, but we have always been conscious that the closing of the foundry would have an impact on its historical and communal values. We therefore welcome the re-introduction of foundry use in part of the Old Foundry. We accept that current market conditions and diminished demand for large bells means that the foundry will no longer*

*produce the large bells traditionally associated with this place, but the production of smaller bells and artworks in the Old Foundry building ensure that the historic use as a foundry and workshop will continue, thereby largely safeguarding the historical values of the site.'*

7.133 Officers have no evidence or reason to doubt the applicant and former owner's statements about the diminishing business on site. Although not strictly required by policy, the applicant also submitted a viability assessment to set out that the continued use of the site as a bell foundry, or other foundry, only is now unviable. Officers have no reason to doubt the submitted evidence, which was developed in conjunction with the previous owners of the site and other bell makers in the UK, and concludes that it is not viable and feasible to achieve a foundry operating at the same scale as previously across the whole site at Whitechapel due to the following considerations:

- *'The substantial likely investment cost (estimated to be in the region of £16m for the listed building element of the site and additional if the 1980s unlisted annex is included, not including the cost of the land) would require an unrealistically high return on capital from the ensuing operation;*
- *The site itself has become distinctly ill-suited to the economics of operating a foundry and – were such a business to be pursued – the nature and limitations of the site would add prohibitive costs both to variable operating costs and to overheads.'*

7.134 As mentioned in the Consultation (4) section above, much publicity has been gained by the United Kingdom Historic Buildings Preservation Trust (UKHBPT) and their alternative scheme. The full extent of their objection is summarised in section 4 above.

7.135 Generally, all applications are assessed on their merits in the context of the relevant development plan policies and material considerations.

7.136 UKHBPT have not submitted a formal proposal for the site, rather they have submitted high level details of an alternative scheme which is capable of being a material consideration. Given the current proposal by the applicant would result in some harm, albeit limited and less than substantial harm, and is proposing a change of use it is considered appropriate for the Council to consider possible alternatives, namely the UKHBPT scheme, within the context of addressing optimum viable use.

7.137 The majority of details regarding the UKHBPT alternative scheme are contained within documents called *'Saved by the Bell! The resurrection of the Whitechapel Bell Foundry – A proposal by Factum Foundation & the United Kingdom Historic Buildings Preservation Trust'* (Prepared by Skene Catling de la Peña, June 2018) and a supplementary document of the same title written post submission of the planning applications. There are available online and were submitted as part of UKHBPT's objection to application PA/19/00008.

7.138 This document contains general plans for the site including shading areas of use on high level plans and a general description of what is proposed. This was stated within the section 4, Consultation, above but is provided here again for clarity:

#### *Phase One*

1. *Re-equip the foundry and restart foundry manufacturing within a year once emergency repairs to the roof have been carried out.*
2. *UKHBPT provide and generate work for the new foundry. During this initial period Factum UKHBPT and Factum Foundation (a Spanish registered not-for-profit organisation dedicated to the documentation and preservation of cultural heritage through the application of new technologies together with craft skills) is committed to rejuvenating the foundry business*

*and will enter into strategic foundry partnerships with other leading global institutions active in the East End, the V&A, Smithsonian and UCL at Here East.*

*3. UKHBPT will fund the foundry acquisition and re-equipment through patronage support and sponsorship in kind.*

*4. Reemploy key workers and will develop an apprenticeship and training scheme for bell making and tuning in partnership with the Prince's Trust and relevant public sector bodies.*

#### *Phase Two*

*1. Expand the back foundry building to create additional foundry, workshop and education space together with the potential for artisans' studios, apprentice accommodation and genuinely affordable housing.*

- 7.139 The alternative scheme, supported by the documents mentioned above and a PowerPoint 'business plan' with details of costs, funding etc., are relatively light in detail especially when considered against the heritage sensitivities of the site, being Grade II\* listed, and does not provide specific detail of where funding would come from or to what extent physical alterations would be needed to the site. There is also no detail within the business plan of how UKHBPT will be able to purchase the historic foundry site; the value of which is liable to include the extant planning permission for a hotel at the rear of the site.
- 7.140 The extent and detail of works to the listed building required to realise UKHBPT's outline proposals have not been identified and, therefore, the extent of harm to the listed building is unclear and cannot be properly assessed. Images showing foundry work on site, including pouring large amounts of metal into casts. The alternative scheme does not include information on how necessary environmental permits would be granted for such work and much of the focus appears to be on modern digital technologies including 3D scanning, computer design and modelling, 3D printers etc. The UKHBPT scheme shares with the planning application a move from the site solely being in operation as a bell foundry to modern craft production.
- 7.141 Given the alternative scheme is lacking in detail and has not actually been submitted as an application for Council to formally assess, it is not considered a relevant alternative that the Council would be required to take into account when assessing applications PA/19/00008 and PA/19/00009.
- 7.142 By contrast, in the current application, the applicant has considered and assessed the operation of a bell foundry and a general foundry with and without some bell founding across the whole of the listed building, and potentially the 1980s unlisted annex, as part of the assessing the optimum viable use for the listed building. This evidence is set out in the already discussed viability report, heritage and planning assessments.
- 7.143 The applicant's consultants, Alan Baxter, assessed optimum viable use for the submitted scheme and highlighted that the proposals:
- Conserve the significance of the listed building with no more than minor harm;
  - Provide a long-term sustainable use which will enable the repair and on-going maintenance of the listed buildings; and
  - Provide a level of public access which will better reveal the significance, both of the fabric of the listed building and of the processes of founding, manufacturing and finishing of bells.

- 7.144 Alan Baxter also state that the balancing of harm versus the public benefits as set out in Paragraph 196 of the NPPF is correctly applied and that the public benefits far outweigh the harm.
- 7.145 Officers have considered the material submitted with the application and overall accept that the applicant's evidence that a bell foundry or general foundry across the site is not realistically viable or feasible. The UKHBPT alternative scheme is considered too vague to be considered a potential alternative and this must influence the weight that should be attached to the alternative as a material planning consideration. On the basis of the evidence provided, officers consider that the harm to the listed building is less than substantial and is outweighed by public benefits which officer's accept on the evidence available as a matter of planning judgement is secured by the applicant's proposal.
- 7.146 Officers need to make it clear that the above approach to the alternative use is on the basis that other possible uses may exist which may be more acceptable would not justify refusal of planning permission. However where there are clear planning objections to the application use it may be relevant or necessary to consider the alternative proposal. This is particularly so where there is bound to be significant adverse impacts and the alternative proposal is well defined. In this application there is no evidence that there is an alternative use that could be less damaging and the details that have been provided are such that only limited weight could be attached to the alternative proposal as a material consideration in this context. The heritage planning objections in this application are clear but the impact of the development proposal is considered to result in less than significant harm and the public benefits outweigh such harms.
- 7.147 It is therefore considered by the Local Planning Authority that the proposals meet the requirements of the NPPF as set out in Section 16 and the statutory tests.

#### Archaeology

- 7.148 On 8<sup>th</sup> February 2019, GLAAS recommended that further pre-determination fieldwork be undertaken at the site. The applicant undertook this, resulting in the Archaeological Evaluation Report being submitted to Council and GLAAS on 29/08/2019.
- 7.149 Following an assessment of this fieldwork, on 23/09/2019 GLAAS provided an assessment of the finds on site and recommended a Written Scheme of Investigation be provided via condition post determination. GLAAS' findings and recommendation is provided below.

#### *Results*

- 7.150 *Two archaeological test pits were excavated on site in the part of the application site that was accessible for investigation, namely inside the 1980s foundry extension. These revealed a sequence of archaeological evidence predating and contemporary with the operations of the Whitechapel Bell Foundry. Sixteenth and seventeenth century activity on site was followed by evidence of more intensive development, possibly as part of The Artichoke Inn which was built on the site in the late seventeenth or early eighteenth century. Eighteenth century deposits were cut by a number of later features and structures which can be firmly attributed to the Whitechapel Bell Foundry. These include a pit of bell making waste predating nineteenth century footings which themselves possibly represent part of the site's historic Back Foundry.*
- 7.151 *The date for the construction of the Back Foundry is unclear. It cannot be later than 1870 but it may have its roots in the early or mid-nineteenth century. Two subterranean structures were encountered and are most probably below ground parts of the now-demolished Back Foundry that survived to be reused beneath the 1980 extension. They comprise a brick vaulted underground cellar structure and a connected underground passage. Both are now accessible through a manhole in the foundry floor, and for that reason were known to exist prior to the recent archaeological investigation.*

- 7.152 *The mutually agreed interpretation between GLAAS and the applicant's heritage and archaeological consultants of both structures is that they had a function as original parts of the Back Foundry, possibly for storage and for maintenance of the now lost furnaces above, and were used as such until the Second World War. Their function seems to have changed after the Back Foundry was damaged in the Blitz and began to fall out of use.*

*Significance and Potential*

- 7.153 *A remnant of the demolished Back Foundry survives under the 1980s building. The overall preservation of these industrial deposits and below ground structures is good. Based on the foundry records and the results of this work, further archaeological remains of bell foundry activity can be expected at the site, especially to the immediate west of the 1980 extension, into what is now open yard but which formally accommodated part of the Back Foundry.*
- 7.154 *The buried foundry remains are not designated heritage assets and it is GLAAS' view that there is a low potential that any further buried remains at the site would be of sufficient importance to merit designation. GLAAS conclude this because these structures are a remnant of a foundry building otherwise demolished 40 years ago prior to the 1980s extension being erected.*
- 7.155 *However, the remains have archaeological and historical interest due to their functional and chronological connection to the listed Bell Foundry. They are the surviving below ground elements of the Back Foundry, a part of the complex which made bells, cannon and bell frames during the site's most productive period. Although the remains of the Back Foundry are not designated heritage assets, or likely to be so, the remains are an undesignated heritage asset with heritage significance that merits careful consideration in a planning decision.*
- 7.156 *The pre-foundry remains also hold some archaeological interest relating to the use of this urban fringe location from the 16th to 18th centuries. Notably, it has been suggested that an English Civil War fort was built near here but no definite archaeological evidence has yet been found.*

*Advice*

- 7.157 *The basement element of the proposed development would necessitate total loss of buried remains of the Back Foundry and any other archaeology in the basement's footprint.*
- 7.158 *Having carefully considered the applicant's reports, GLAAS do not think that further investigation is necessary to inform the planning decision. This is because of the previously mentioned low potential for remains to be present elsewhere within the footprint of the proposed basement that would merit designation.*
- 7.159 *In making its decision, your Council should weigh the loss of the undesignated Back Foundry remains against the public benefits offered by the application scheme as a whole, as recommended by the NPPF (para. 197).*
- 7.160 *Investigation and recording of archaeological remains is expected if loss is permitted, but is not in itself a public benefit (NPPF para. 199). However, planning obligations to better reveal and interpret archaeological significance could improve the level of public benefit to partially offset the harm. These could include 3D modelling and presentation of the underground structures, on-site display and interpretation of the results of the investigation of buried remains and public outreach during the investigations.*
- 7.161 *Should Council consider that the public benefits of the application scheme would outweigh the harm caused to buried remains then a 'Written Scheme of Investigation' pre-commencement archaeological condition is recommended in order to secure the provision of archaeological investigation and public outreach.*

## Conclusion

- 7.162 Prior to the above official recommendation of GLAAS, Council and Historic England officers requested further details from the applicant regarding the significance of the finds on site and why it is not possible to retain these in situ. Officers consider these structures are curtilage listed based on their age, layout, ownership and use (as part of the Foundry's historic functioning). There is no indication that these structures are structurally linked with the Historic Foundry.
- 7.163 The above assessment by GLAAS states that the subterranean structures are 'not-designated heritage assets' however Council believe these to be curtilage listed, which would mean that they are designated. Historic England in a letter dated 01/11/2019, received after the archaeological advice from GLAAS on 23/09/2019, stated that they did not dispute these to be curtilage listed. The updated 01/11/2019 advice letter from Historic England also states that they believe the overall significance of the structures is modest and the degree of harm is in their view less than substantial, but this must be weighed against the overall public benefits of the scheme. In conclusion, whilst the status of the assets changes for the purposes of NPPF policy, there is no change to the level of harm identified.
- 7.164 The applicant believes that the vaulted chamber or cellar is of some interest because of its former use in association with the bell foundry, but it does not form part of the listed building and is judged by the applicant's heritage consultants, Alan Baxter, to be of low intrinsic archaeological and historic significance. As set out in the Alan Baxter Report titled 'Notes on vaulted chamber (update)', September 2019, the chamber dates from the 19<sup>th</sup> century and is of standard construction for its time. Its form has also been altered unsympathetically in the 1980s, when part of it was bricked off and filled with concrete to provide foundations for a new column.
- 7.165 However, the project architects, 31/44, made preliminary sketches to investigate the possibility of its retention in situ. The first and principle issue relates to the proposed floor levels. In order to produce level (and ramp-accessible) floors throughout all levels of the historic and new buildings the applicant has proposed to lower the ground floor of the new building. This would directly impact the upper portion of the brick vaults. The applicant investigated the possibility of retaining just the area above the cellar at its existing level, however, the cellar is immediately beneath the main central core – this is positioned in order to accommodate a number of constraints – including the off-street loading bay, which Council highway officers requested, the connection of the front and rear basement levels and the circulation spaces to the hotel room floors above.
- 7.166 These factors would make it impossible to retain the cellar in-situ without serious compromise to the existing proposals which have been designed with overall site accessibility in mind. It is also noted that the cellar, if kept, could not successfully be made accessible to the public and therefore, the currently proposed heritage interpretation strategy, described below, will better reveal the significance of this non-designated asset through the proposed condition which will require further analysis and dissemination.
- 7.167 The applicant, via their Heritage Consultant, also provided a summary of recent archaeological work carried out both on the site of the Whitechapel Bell Foundry, and on sites at Cityside House/2-4 Whitechapel Road and 20-22 Whitechapel Road, which are within the same urban block:

*The general archaeological profile of the immediate area of the Whitechapel Bell Foundry is reasonably well understood, following planning-related Evaluations and Watching briefs on Cityside House/2-4 Whitechapel Road and 20-22 Whitechapel Road, as well as on the Bell Foundry site. Evidence suggests that any pre-16th century archaeology (e.g. Roman) has been destroyed by post-Medieval quarrying on the site, which has resulted in a significant*

*depth of made ground across the area. Archaeological remains are therefore likely to date to the 16th century or later and are considered to be not of such significance as to require preservation in situ.*

*Within the area of the former 'Back Foundry', archaeological remains are known and suspected to exist, which relates to its 19th and 20th century use as part of the Bell Foundry. However, these remains are also considered to be not of such significance as to require preservation in situ. As set out by GLAAS in its letter of 23 September, the applicant has provided sufficient and reasonable information to enable Council to reach its decision, without the need for further pre-determination work.*

*Post-determination archaeological work will be set out in a Written Scheme of Investigation, to be agreed with LB Tower Hamlets, and will include measures to investigate and record any remains which are discovered during construction works, as well as a programme of public outreach and interpretation.*

- 7.168 Council officers welcome this additional assessment, which considers the wider area, and agree with the recommendation by GLAAS and recommend the 'Written Scheme of Investigation' condition be applied.
- 7.169 GLAAS also reviewed the notes received via representation that the subterranean structures may be related to a sugar refinery/Sugarhouse previously located adjacent to the application site. GLAAS reviewed this information in detail and came to the conclusion that the structures are more likely to have been part of the Whitechapel Bell Foundry during its expansion in the early and mid-nineteenth century and through a rapid map regression exercise using easily available data GLAAS have determined that the structures are unlikely to be part of the c. 1805 Sugarhouse. However, archaeological evidence of the Sugarhouse and its processes can be expected at the application site, along with evidence from other periods previously identified, and further assessments of this can be made during post consent archaeological works as required by condition.
- 7.170 This agreement is also reached with regards to the overall public benefits of the scheme which was detailed further above. Whilst the loss of archaeological remains would cause some harm, assessed to be less than substantial, as detailed above the proposals will provide public benefits, further secured via condition and s106, which will outweigh this harm as required by national and local policy.
- 7.171 The applicant will be required through the condition and s106 obligations, namely the Interpretation strategy, to detail how any findings on site will be recorded and communicated to the public in the future.

## **Neighbour Amenity**

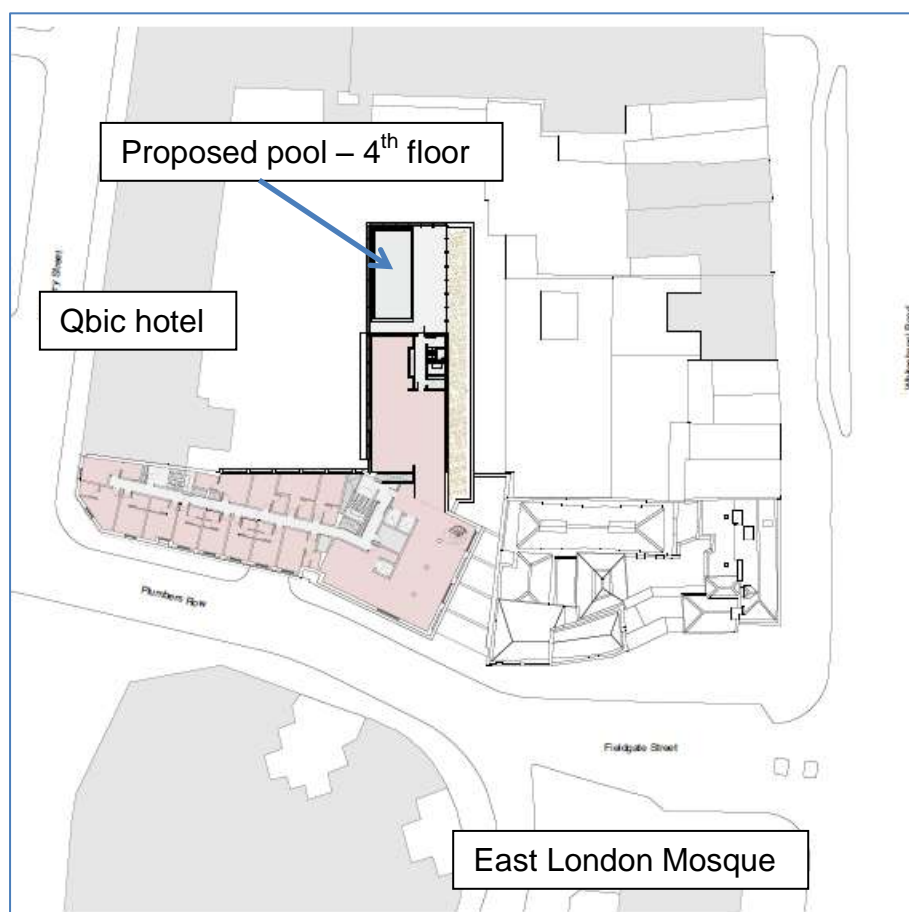
### **Privacy and Outlook**

- 7.172 Given the location and orientation of the proposed new hotel in relation to the nearest residential properties, of which there are very few in this area and the closest being 12m across Plumbers Row or 18m from the back of properties that front Mulberry Street, it is considered that the proposed development would not result in any material loss of privacy or outlook to neighbouring residents.
- 7.173 Several representations received also objected to the proposed rooftop pool being located near a mosque. Officers do not consider this inappropriate given the proposed pool is located on the fourth floor of the hotel development at the furthest extent of the site to the west. The fifth floor and roof of the hotel, which will run along Plumbers Row, will completely block views



from the pool from the East where the mosque is situated. This can be seen in Figure nine below.

- 7.174 The proposed conditions limiting the extent of opening hours on the terrace and noise from the terrace will also ensure an adequate level of amenity for neighbouring residents.



**Figure Nine: Proposed fourth floor plan.**

#### Daylight and sunlight

- 7.175 The application has been submitted with a Daylight and Sunlight assessment, by Right of Light Consulting, which has been reviewed by Council's independent consultants, Building Research Establishment (BRE).
- 7.176 BRE reviewed the scope, methodology, text and conclusions of the applicants' report but were not asked to validate the calculations included in the assessment which is standard procedure. BRE's review finds that the applicants' assessment has generally been carried out appropriately.
- 7.177 Two objecting comments specifically mentioned loss of daylight/sunlight to Jacobs Court (17 Plumbers Row).
- 7.178 There is no definitive categorisation for impacts that exceed BRE guidelines. However, for both VSC and ASPH, the Council consistently uses the following categories:

- Negligible: reduction less than 20% or retained VSC over 27%
- Minor adverse: reduction of 20% - 29.9%
- Moderate adverse: reduction of 30% - 39.9%
- Major adverse: reduction greater than 40%

7.179 The applicants' Daylight and Sunlight Report identifies the following likely impacts which will be discussed site by site below:

Daylight summary	VSC at window						NSL inside room						No of dwellings affected		Comm moder- dayli
	No of windows tested	No of windows that satisfy BRE VSC	No that do not satisfy BRE				No of rooms tested	No of rooms that satisfy BRE NSL	No that do not satisfy BRE				With just minor losses	With moderate or major losses	
			Minor loss 20- 29%	Moderate loss 30- 39%	Major loss >=40%	Total			Minor loss 20- 29%	Moderate loss 30- 39%	Major loss >=40%	Total			
24 Mulberry Street	61	61	0	0	0	0	0	-	-	-	-	-	0	0	
17 Plumbers Row	48	48	0	0	0	0	0	-	-	-	-	-	0	0	
15 Plumbers Row	26	20	5	1	0	6	10	8	1	0	1	2	1	2	'Moder is to a balcon that m witho 'Major' a bedro less in
14 Fieldgate Street	168	150	10	1	7	18	125- 139?	115- 129?	4	2	4	10	9*	9*	Major fails are studied facing in S
1 Fieldgate Street	83	83	0	0	0	0	0	-	-	-	-	-	0	0	
28-30 Whitechapel Road	4	4	0	0	0	0	1-4?	1-4?	0	0	0	0	0	0	
24-26 Whitechapel Road	16	16	0	0	0	0	4-16?	4-16?	0	0	0	0	0	0	
16-18 Whitechapel Road	29	29	0	0	0	0	0	-	-	-	-	-	0	0	
12-14 Whitechapel Road	2	2	0	0	0	0	0	-	-	-	-	-	0	0	

**Figure 10: Daylight Impacts**

Sunlight summary	No of rooms tested	No of rooms that satisfy BRE sunlight	APSH- annual sunlight				WPSH- winter sunlight				No of dwellings affected	
			No that do not satisfy BRE				No that do not satisfy BRE				With just minor losses	With moderate or major losses
			Minor loss 20-29%	Moderate loss 30-39%	Major loss >=40%	Total	Minor loss 20-29%	Moderate loss 30-39%	Major loss >=40%	Total		
17 Plumbers Row	?	?	0	0	0	0	0	0	0	0	0	0
15 Plumbers Row	8	8	0	0	0	0	0	0	0	0	0	0
14 Fieldgate Street	87-101?	75-89?	1	2	7	10	2	1	6	9	0*	12*
1 Fieldgate Street	?	?	0	0	0	0	0	0	0	0	0	0
28-30 Whitechapel Road	1-3?	1-3?	0	0	0	0	0	0	0	0	0	0
24-26 Whitechapel Road	4-16?	4-16?	0	0	0	0	0	0	0	0	0	0
16-18 Whitechapel Road	3-14?	3-14?	0	0	0	0	0	0	0	0	0	0
12-14 Whitechapel Road	1-2?	1-2?	0	0	0	0	0	0	0	0	0	0

**Figure 11: Sunlight impacts. Figures not given for 24 Mulberry St as the windows face north.**

#### *42 Adler Street*

7.180 This property has recently been converted into the QBIC hotel. According to the above table, loss of VSC to 36 windows would be outside the BRE guidelines. However, BRE note that the consented floorplans of PA/12/01977 shows that 31 of these are either small secondary windows, have been bricked up or only light a stairwell. The remaining five windows all have losses of light not far outside the guidelines which would be considered no more than a minor adverse impact if there was a requirement for daylight in hotel rooms. Loss of sunlight would not be an issue as the affected windows face north.

7.181 The BRE guidance is intended for residential properties and does therefore not apply to hotel uses. As such, effects are considered less important.

#### *24 Mulberry Street*

7.182 This property contains retail at ground floor and residential flats above. Loss of daylight to the flats would well within the BRE guidelines. Loss of sunlight would also not be an issue as the windows face north.

#### *17 Plumbers Row*

7.183 This property is a block of flats. Loss of daylight to all windows would be within the BRE guidelines under both the VSC and NSL test and as such officers classify the impacts as negligible. Loss of sunlight would also be well within the BRE guidelines as the proposed development is to the north west of this site.

#### *28-30 Whitechapel Road*

- 7.184 This site appears to be an office building although BRE note that the applicant's consultants have identified the top floor as being in residential use. It is assessed that there would be little loss of daylight and no loss of sunlight to this top floor. Given the site's commercial use the losses to the two offices on site, which would have an impact on their daylight distribution outside the guidelines, are considered not to result in unacceptable material deterioration.

*12-26 Whitechapel Road*

- 7.185 This property contains a variety of land uses, residential and commercial, and BRE note that loss of daylight and sunlight to all domestic windows would be within the BRE guidelines under both the VSC and NSL test. There would be losses of daylight and winter sunlight outside the guidelines to some offices in 20-22 Whitechapel Road but as above, these losses are considered not to result in unacceptable material deterioration.

*2-8 Whitechapel Road*

- 7.186 This is a commercial building directly adjacent to the site, known as Cityside House, which is currently under redevelopment (PA/15/00517). Loss of daylight to this building would be very slight and there would be no loss of sunlight and would not result in unacceptable material deterioration.

*1 Fieldgate Street*

- 7.187 This property is a block of flats to the north east of the site. Loss of daylight and sunlight to all of these flats would be within the BRE guidelines.

*14 Fieldgate Street and 15 Plumbers Row*

- 7.188 This site is divided into two parts and is located east from the application site across Fieldgate Street. The two parts are 15 Plumbers Row, which is residential, and 14 Fieldgate Street which is student accommodation and an Tesco Express store (class A1) at ground floor. BRE note that the applicant's consultants have treated both sites together; windows 197-224 inclusive serve 14 Plumbers Row, and windows 244-226 serve the student accommodation. Windows 225-243 serve the Tesco Store and given this commercial land use, daylight and sunlight impacts are considered less important.
- 7.189 Figure 12 is an image of 15 Plumbers Row, the residential accommodation. From the first floor up, the building contains one flat on each floor facing onto Fieldgate Street. Other flats on these floors face out the back of the development, away from the application, and would therefore be unaffected.



**Figure 12: 15 Plumbers Row. The red brick building to the right is part of 17 Plumbers Row.**

- 7.190 Each front facing flat has a living room with two main windows looking onto a balcony and a secondary window which can be seen in the left of Figure 12 above. There is also a bedroom within a window on the far left of Figure 12 above.
- 7.191 Loss of VSC to six windows (five minor, one moderate) would be outside the BRE guidelines however it is noted that three of these windows have balconies above. Balconies often block light from the sky given their positioning, which is noted in some cases to make a modest obstruction opposite have a large relative impact. In these circumstances, BRE recommends an additional calculation without the balconies in place. The applicant's consultants have not done this but BRE note that the initially submitted results suggest that these windows might comply without the effect of the balconies. This is because one of the windows is a secondary window to a living room and the two others are to bedrooms, both of which have a loss of light only just outside the guidelines. These two bedrooms would also experience a significant

adverse impact of their daylight distribution from the development. Policy DM25 says that the impact on bedroom windows must be considered. The BRE guidance however states that daylight distribution to bedrooms is less important. All of the living rooms would however meet the daylight distribution test.

- 7.192 The loss of daylight to 15 Plumbers Row would be assessed as minor adverse. However one living room in 15 Plumbers Row would not meet the BRE guideline for annual probable sunlight hours but given the room has another window which would retain adequate sunlight, the loss of sunlight is therefore assessed to be negligible.
- 7.193 The building that houses the student accommodation has an unusual design and provides units, likely shared by multiple students, rather than individual rooms with large shared communal spaces. At first floor level, student rooms front onto Fieldgate Street. At second floor and above, they look into a series of indented courtyards separated from Fieldgate Street by perforated screens, see Figure 13.



**Figure 13: 13 Fieldgate Street viewed from the application site.**

- 7.194 The applicant's consultant confirmed they took a prudent approach when assessing these units and left the screen elements out of the assessment for the student accommodation and treated it as the worst case scenario. This is appropriate as it would overestimate the values both with and without the new development in place.
- 7.195 Windows in the centre of the grey brick walls at second floor level and above serve hallways and have therefore not been considered in the analysis.
- 7.196 In the student accommodation rooms, loss of VSC to 18 different windows would be outside the BRE guidelines. These windows serve fourteen different rooms according to the floorplans. Ten rooms are expected to have an impact on their daylight distribution outside the

BRE guidelines; six of these have significant loss of VSC component too. In total, 16 rooms are thought to be affected.

- 7.197 The applicant's consultant have not indicated where rooms have more than one window however BRE have been able to deduce this information by using previous planning application floor plans or by noting if the windows have different daylight distribution attached to them. However for some sets of windows it is not clear whether they light the same room or adjacent rooms within the same daylight distribution statistics. Also, the daylight distribution data for one room, lit by windows 312 and 313, are most likely incorrect.
- 7.198 However, BRE have stated that it is clear from the data that the worst affected windows are those at first floor level fronting directly onto Fieldgate Street. These are windows 246-248 and 312-316, as seen with green curtains in their windows in Figure 13 above. Their VSC would be reduced to just over half their current values, from 34-30% down to 12-19% with the proposed development built. Three of these five rooms would also have a big impact on their daylight distribution.
- 7.199 Normally this would be considered major adverse effects however given the impacts are in relation to student accommodation, the impacts are considered less important given the transient nature of the accommodation which is not classified as C3 residential, and as it is noted there are other rooms in the courtyard areas that already have VSCs of 12-19% or even less.
- 7.200 Loss of daylight to the rooms in the courtyards would be less marked as they would be further away from the proposed development. There would be some losses of VSC outside the guidelines, but by small amounts. Some courtyard rooms would have alterations to their daylight distributions, but these are partly due to the layout of the courtyards themselves.
- 7.201 Loss of sunlight would be outside the BRE guidelines for 12 student rooms. For seven of them loss of both annual and winter sun would be outside the guidelines. Another two would not meet the winter sun guideline but would retain enough sun year round.
- 7.202 The worst affected rooms would again be the first floor rooms facing directly onto Fieldgate Street. Five of them would lose more than half their sunlight, and these are the same rooms that would also have big reductions in daylight.
- 7.203 Given these windows light are student accommodation rooms where it is reasonable to assume that day time use is less intensive and that residence is temporary and transient over a calendar year, the impacts would not result in unacceptable material deterioration of living conditions.

### *Conclusions*

- 7.204 Most of the surrounding buildings are student accommodation or commercial in nature, as such loss of light is considered to not result in unacceptable material deterioration of living conditions. Loss of daylight and sunlight to 24 Mulberry St, 17 Plumbers Row, 1 Fieldgate St and other residential addresses in Whitechapel Road would be within the BRE guidelines and have been assessed as negligible.
- 7.205 Loss of daylight to six windows at 15 Plumbers Row would be outside the BRE guidelines. However three of these windows have balconies that block light from the sky, without the effect of the balconies they might comply. Another window is assessed as a secondary one to a living room and the two others are to bedrooms, both of which have a loss of light only just outside the guidelines. These two bedrooms would also have a significant impact on their daylight distribution but the loss of daylight would be assessed as minor adverse. Loss of sunlight would be within the guidelines for all rooms and assessed as negligible. As such, the effects on this site are considered not unacceptable.



- 7.206 Also, while some effects on the student accommodation at 14 Fieldgate St would be outside the guidance these are considered not unacceptable given the transient nature of the residents on the site and due to mitigating factors such as design and layout, number of windows serving rooms and orientation.

#### Noise & Vibration

- 7.207 Hotel and office/workspaces uses are compatible with housing and should not cause unacceptable noise for existing residents.
- 7.208 The application is supported by a Noise Assessment and as discussed below in the Environment – Noise section, conditions are proposed regarding further noise assessments and compliance. It is also considered appropriate that further conditions are applied including hours of operation for the separate parts of the scheme and that no music or amplified sound levels are audible near residential properties. A condition will also be applied that limits the use of the hotel pool and terrace to 11pm.

#### Construction Impacts

- 7.209 Demolition and construction activities are likely to cause additional noise and disturbance, additional traffic generation and dust. In accordance with relevant Development Plan policies, a number of conditions are recommended to minimise these impacts including the control of working hours and the approval and implementation of Construction Environmental Management Plan and a Construction Logistics Plan.

#### Transport

- 7.210 Development Plan policies promote sustainable modes of travel and limit car parking to essential user needs. They also seek to secure safe and appropriate servicing. The application site has a PTAL rating of 6a which is the second highest possible score.

#### Vehicular, pedestrian and cycle access

- 7.211 The four existing doorways in the historic listed buildings will be used to gain access from Whitechapel Road and Fieldgate Street to the proposed foundry, foundry shop, workspaces and café. A new public entrance to the hotel and associated restaurant/bar will be located on Plumbers Row, where the current vehicular entrance to the 1980s building is. This will be set back from the current back of footway. The workspace unit on the southern part of the site will have a separate entrance on the corner of Plumbers Row and Mulberry Street.
- 7.212 The vehicular access from Plumbers Row to Cityside House and the Qbic Hotel's shared courtyard will be retained as a gated archway through the proposed buildings. Service and substation entrances from Plumbers Row will be located immediately north of this archway. The service access will include a new vehicle crossover for access to an on-site loading bay.
- 7.213 A number of emergency exits will be provided at the rear of the building leading into the shared courtyard.

#### Deliveries & Servicing

- 7.214 Access through the site to Cityside House and the Qbic Hotel's shared courtyard will be retained, but the owner of the courtyard land, GPE, has restricted the proposed development's rights of access over the courtyard to means of escape and disabled parking only. It can therefore not be used for servicing, as it was for the previous consent.



- 7.215 It is proposed that uses in the listed historic buildings (foundry, artists' studios, workspace and café), continue to use the existing loading bay on Fieldgate Street for servicing and deliveries, as previous foundry uses did. Access from the loading bay will be via the historic building entrances. It should be noted that the number of daily servicing trips using the loading bay is expected to reduce from 8 to 4, compared to previous foundry activity.
- 7.216 It is proposed that uses in the new building (hotel, restaurant/bar and workspace) be separately serviced, via a service entrance on Plumbers Row. In a change from the originally submitted application, a larger service entrance with new footway crossover and an off-street loading bay within the new building is now proposed. LBTH welcome this amendment.
- 7.217 This proposed arrangement will require the relocation of three business permit parking bays approximately 30m north, to in front of the stopped up access to the timber double doors of the historic foundry. These bays will be replaced with double yellow lines which will allow refuse and other large vehicles to stop and load outside the service entrance. Surveys of existing on-street servicing capacity by the applicants found that there is significant spare capacity for on-street loading in the immediate vicinity of the site, despite the fact that the majority kerbside activity in the loading bay and on double yellow lines is illegal parking.
- 7.218 Highways have agreed to the above provided a final delivery and servicing plan is conditioned to show how vehicles waiting on the carriageway or blocking the footpath will be avoided and provided the plan makes a clear commitment to ensuring that the onsite bay will be the first and preferred method of servicing. The applicant has agreed to this and the Highways Authority note that they have the ability to review restrictions in the area, including a ban on loading, to enforce the applicant's servicing proposals if breaches occur. The service yard must also be maintained and retained for its approved use only and this will be specifically included within the Delivery and Servicing condition. The condition will also encourage the applicant to explore sustainable transport modes in line with TfL's recently published freight and Servicing Action Plan.
- 7.219 In summary, the proposed servicing is acceptable in principle and appropriate conditions will be applied.

#### Car Parking and Coaches

- 7.220 As seen in Figure Five above, two parts of the application site are vacant and used as informal car parking spaces. These will be removed under the application which is supported and in line with policy.
- 7.221 The applicant is proposing a car-free development which is in line with LBTH standards and draft new London Plan standards and is therefore welcomed by both the Borough as the Highway Authority and TfL. Two blue badge spaces are to be provided, one will be located in the shared courtyard adjacent to the site and the other bay is proposed to be provided on-street on Fieldgate Street. The on-street space will be subject to a s106 agreement whereby the applicant will be required to pay the costs of switching an existing bay on-street to a blue badge space. Parking surveys in the area show that there is sufficient space to switch one space to a blue badge. The s106 will also include provision for the blue badge that is to be provided on the neighbouring site, this land owner will be party to the s106.
- 7.222 TfL has requested that one blue badge space provides electric vehicle charging facilities, with passive provisions for the other, in line with draft new London plan standards. This will be required via condition.
- 7.223 The applicant is not proposing any coach parking which is welcomed and in line with standards.

#### Cycle Parking and Facilities

- 7.224 The application proposes 73 cycle spaces in total – 28 long stay and 45 short stay (50% on site) which is in line with current London Plan standards but not draft new London Plan standards which would result 31 long stay and 86 short stay cycle parking spaces. All proposed cycle spaces would be Sheffield stands and racks which is welcomed.
- 7.225 The long stay spaces are proposed in two stores in the proposed sub-basement of the new building, one with 8 spaces to serve the B class uses and one with 14 spaces to serve the A and C class uses. These are accessed via a goods lift from the service entrance located on Plumbers Row. Showers and locker rooms are situated in the basement level, also accessible from the goods lift. An additional store with 4 spaces and associated shower and locker room is provided on the ground floor of the Plumbers Row B class use unit. This is accessed from the entrance at the corner of Plumbers Row and Mulberry Street. A third store is provided on the ground floor of the courtyard building providing an additional 7 spaces. These 7 spaces are a re-provision of the spaces displaced by superseding the extant planning permission PA/15/00517.
- 7.226 Four short stay spaces proposed by the hotel and restaurant entrance (within the curtilage of the proposed development) and 16 proposed in a store situated adjacent of the entrance to the historic building. An additional 20 spaces are proposed on the pavement of Fieldgate Street in front of the historic building.
- 7.227 As noted in section 6 above, the draft new London Plan has limited weight at present and the additional cycle parking required under the draft new London Plan has not been pressed by TfL who explicitly stated that they do not object to the application. LBTH Highways raised no objection to the proposed quantum of spaces and it is noted that the applicant has investigated further provision of cycle spaces on site but due to space restrictions and site constraints, particularly the Grade II\* listing, the draft new London Plan standards are not achievable without negatively affecting the careful balance of uses and reducing the amount of publicly accessible / useable floorspace in the Historic Foundry.
- 7.228 Nonetheless, the demand for short-stay cycle parking will be monitored through the Travel Plan and should additional provision be deemed necessary, the applicant is willing to contribute to the provision of additional Sheffield stands on-street within the vicinity of the site at locations to be agreed with the highway authority. This will be included within the s106 and a standard cycle parking condition regarding final details (in line with London Cycle Design Standards) and compliance for the life of the development will be applied.
- 7.229 As such, it is considered that the proposed location and quantum of cycle spaces is acceptable.

#### Trip generation

- 7.230 The applicant has submitted a full multi-modal trip generation forecast for the proposal which is accepted by TfL who also note that the additional trips will not require mitigation measures. The submitted data shows that those travelling to the site are likely to do so predominantly by sustainable modes, with 87% of daily movements on foot, by cycle or by public transport. This reflects the very PTAL rating of the site and the car-free nature of the development.

#### Travel Plan

- 7.231 A Full Travel Plan will be secured via the s106 which also ensure conformity with the draft London Plan. The plan will follow the principles set out in the submitted draft framework plan.

#### Overhangs/Oversailing

- 7.232 The application proposes several overhanging non-retractable copings which extend beyond the face of the building. These are located at the very top of the building, the lowest being over

8 metres above the pavement, well clear of any passing vehicles. The copings will be formed from concrete (pre-cast and in-situ) and will be embedded into the fabric of the building as part of the construction (i.e. it will not be attached as a separate artefact onto the façade after the main building has been constructed). The copings project between 200mm to 350mm and have been reduced following pre-application discussions.

- 7.233 The Highways Authority has recently implemented a blanket policy against accepting developments overhanging the public highway. An oversailing licence would be required however this sits outside planning and is not a relevant consideration for this application.
- 7.234 The applicant does not wish to remove the overhangs, a stance which is supported by the Planning Department and Place Shaping in this specific situation, given the overhangs are important architectural features that provide façade articulation and tie the new hotel with the Grade II\* listed building. The overhangs also serve a functional purpose to ensure the water runoff is clear of the façade. Officers also consider that given the height of the overhangs, which do not provide the applicant with any external amenity areas or additional floorspace, has sufficient clearance to not cause any highways issues. As such, officers are content to recommend in planning terms that the overhanging copings are approved with this application but an informative would be applied to remind the applicant that further negotiations with the Highways Authority are required and an oversailing licence would be required. The Highways Authority are not bound by this decision to accept the overhanging copings.
- 7.235 The proposed canopies about the ground floor windows on Fieldgate Street/Plumbers Row are acceptable given they are retractable and the applicant has committed to bringing these in each day. These will also be subject to an oversailing licence which will require this as a condition. A further planning condition on this is therefore not needed.

#### Other matters

- 7.236 The applicant has submitted a Pedestrian Comfort Level (PCL) assessment which is accepted by TfL. The existing comfort level for pedestrians using the surrounding area has been assessed as between B+ and A+. The additional pedestrian flows generated by the development are relatively low compared to the existing flows and therefore, proposed PCLs remain as per the existing with the exception of the north end of Fieldgate Street, which decreases from A+ to A. This decrease is mainly due to the proposed cycle racks between the existing trees that reduce the available footway width significantly. The PCL assessment indicates that the proposed development will have no material negative impact on pedestrian comfort levels on the surrounding footways.
- 7.237 The applicant has provided an outline Construction Environmental Management & Logistics Plan which is in line with TfL's guidance, and is therefore welcomed by TfL and LBTH. A detailed plan will be required via condition which shall be prepared in accordance with TfL guidance, including measures to reduce peak-hour deliveries and conflicts with pedestrians and cyclists. The plan would also cover any demolition work.
- 7.238 The applicant would also be required to enter into a s278 agreement and agree a scheme of highways improvements. It is noted that the application also proposes that two existing dropped kerbs, one in front of the historic building and one in front of the 1980s extension be removed and made level with adjacent pavement. In front of the historic building it is proposed that the kerb stones be retained and the new flush paving be of a contrasting material to retain the site history and form part of the interpretation of the historic foundry. This is supported and will be included within the s278 works.
- 7.239 Informatives regarding highways licences and the blocking of footways and carriageways will also be applied.

#### Summary

- 7.240 Overall, the application is acceptable from a Highways planning perspective and would not have unacceptable adverse effects on the public highway and would be in accordance with policy.

## **Environment**

### **Environmental Impact Assessment**

- 7.241 An EIA Screening Opinion has not been issued in relation to the Proposed Development, however it is not considered that the Proposed Development constitutes an Environmental Impact Assessment (EIA) Development, in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (hereafter referred to as the EIA Regulations). This view that the proposed development does not require the benefit of an EIA screening opinion is also shared by the Borough's dedicated EIA officer.
- 7.242 This is due to the Proposed Development being under the thresholds as set in 10 (b) of Schedule 2 of the EIA Regulations, and is considered unlikely to have significant effects on the environment by virtue of factors such as its nature, size or location. This is demonstrated by a number of separate reports assessing relevant aspects of the environmental effects of the Proposed Development against relevant policies, that have been submitted as required by the Council's local validation requirements and are assessed elsewhere in this report.

### **Energy & Environmental Sustainability**

- 7.243 At a national level, the NPPF sets out that Planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that Planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2015, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 7.244 The London Plan sets out the Mayor's energy hierarchy which is to:
- a. Use Less Energy (Be Lean);
  - b. Supply Energy Efficiently (Be Clean); and
  - c. Use Renewable Energy (Be Green).
- 7.245 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014 the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations, as this is deemed to be broadly equivalent to the 50% target beyond Part L 2010 of the Building Regulations.
- 7.246 The submitted Energy Strategy Statement (Milieu Consulting – December 2018) demonstrates that the design has followed the principles of the Mayor's energy hierarchy, and seeks to reduce energy demand through energy efficiency measures, supply hot water efficiently through integration of a CHP and space heating and cooling through ASHP's. The proposed design is anticipated to achieve a 48.8% reduction in CO2 emissions which meets current policy requirements. The submitted details are based on the incorporation of a CHP to deliver heat to hotel and swimming pool only.
- 7.247 The proposals have investigated delivering a communal heat network where all users will be connected, however, it is recognised that the energy modelling exercise demonstrated that

any gains from connecting into the main energy system would have been lost due to additional pumping losses. Therefore, any prospective energy efficiency gains will be counterbalanced. In this specific instance the proposed system is considered acceptable.

- 7.248 Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. The proposal for the scheme is to achieve a BREEAM Excellent for the new build element and a BREEAM Very Good for the refurbishment element. The submitted document (Vert Sustainability – December 2018) identifies the limitation for the refurbished element and the site constraints in achieving a higher rating. In this specific instance it is considered appropriate for the refurbished elements to achieve a Very Good rating and the new build to achieve an Excellent rating. The delivery of this should be secured via condition.

#### *Summary and Securing Proposals*

The proposals have sought to implement energy efficiency measures, clean technologies and renewable energy systems to deliver policy compliant on-site CO2 emission reductions with an overall site wide reduction of 48.8 % anticipated.

It is recommended that the proposals are secured through appropriate conditions to deliver:

- a. Prior to occupation submission of post construction report including as built calculations (SBEM) to demonstrate the Energy Strategy reduction in CO2 emissions have been delivered on-site
- b. Within six of occupation submission of Final BREEAM certificates to demonstrate delivery of BREEAM Excellent for the new build and BREEAM very Good for the refurbished elements.

#### Air Quality and Odour

- 7.249 Development Plan policies require major developments to be accompanied by assessments which demonstrate that the proposed uses are acceptable and show how development would prevent or reduce air pollution. Council's Air Quality Officer has assessed the application and supporting documents.
- 7.250 With regards to odour (arising from the A3 elements on site) and air quality, further details have been provided regarding the land uses and proposed discharge points and the applicant has agreed that the remaining issues can be covered by condition. As such, a condition regarding how odour will be managed through fixed plant and equipment will be applied.
- 7.251 With regards to air quality arising from the proposed land uses, officers have raised no objections and have negotiated with the applicant regarding the discharge point of the proposed electric induction furnace on site to utilise an existing furnace chimney in the rear of the foundry. The final details will be dealt with via condition.

#### *Foundry Uses*

- 7.252 Foundry processes generally require an environmental permit and it is noted that a permit does not currently apply on-site. Officers cannot find records that the site ever had a permit, this may be a historic legacy or it may have been decided that a permit was not needed. A permit from the Environment Agency has also never applied on the site.
- 7.253 It is not known at this stage what quantities of materials would be used on site and as such an informative will be applied to remind future users on site of their statutory requirements under environmental legislation to gain a permit either from Tower Hamlets (small quantities) or the Environment Agency (large quantities). This process sits outside Planning's remit but it must

be noted that granting a land use for foundry work (B2) does not guarantee that an environmental permit will be granted, even if the site has been operating as a B2 use for a long time. This is because permits are to comply with environmental legislation and standards and to ensure nuisances do not occur. Discussions with the Borough's Air Quality Officer has made evident that were bell foundry activities to operate again on-site in an operational manner as they previously did, these operations may well trigger the need for an environmental permit. Gaining such a permit would be problematical as the operations are liable to be deemed incompatible with the surrounding area which includes a high level of residential and upon that basis it is liable to be difficult to retrofit the existing Grade II\* listed building to the required standard.

- 7.254 Subject to these comments, Council is content with the nitrogen dioxide (NO<sub>2</sub>) levels and modelling.
- 7.255 Air Quality effects associated with Construction will be controlled via a Construction Site Dust Control condition.

#### Noise

- 7.256 The applicant has submitted a Noise Report which outlines the noise survey undertaken to establish prevailing noise levels, identifies neighbouring noise sensitive properties and states proposed parts of the building or ancillary equipment that is likely to cause noise. The applicant's report states that with regards to building services plant, the design is sufficiently flexible to ensure that suitably quiet, non-tonal plant can be procured and where necessary mitigation options can be included (e.g. plant location, enclosures, screening) to ensure the noise limits are not exceeded. Proposed external plant includes air conditioning and emergency services i.e. smoke extractor fans etc.
- 7.257 The applicant has put forward a large number of mitigation measures that could be utilised in the final design. Which mitigation measures are used is however dependent on further details being submitted by condition about the likely noise levels to be emitted from the proposed plant. As such, conditions will be applied regarding a noise impact assessment, a full scheme of mitigation measures and compliance with British standards.

#### Waste

- 7.258 Development Plan policies require adequate refuse and recycling storage and management and the re-use of demolition and construction materials. Waste storage for the commercial and residential elements of the scheme are proposed in different locations which is appropriate.
- 7.259 An Operational Waste Management Strategy was submitted with the application which details the type and capacity of bin for the entire development. These have been assessed as acceptable by the Borough's waste officer.
- 7.260 Collection vehicles will stop on the double yellow lines in front of the loading bay (previously service entrance) making use of the existing dropped kerb. The waste will be presented in the loading bay which provides an increased staging area compared to the application as originally submitted. This is acceptable.
- 7.261 Final details of the waste storage, including the number of bins across all types, would be secured via condition.

#### Biodiversity

- 7.262 The site consists entirely of buildings and hard surfaces, and surveys show that the buildings do not support roosting bats. There will, therefore, be no significant adverse impacts on biodiversity.
- 7.263 Policy DM11 requires biodiversity enhancements in line with the Local Biodiversity Action Plan (LBAP). The Preliminary Ecological Appraisal recommends biodiverse roofs and nest boxes for birds including house sparrows. Both of these would be appropriate enhancements in this location, and would contribute to targets in the Local Biodiversity Action Plan (LBAP).
- 7.264 The Proposed Roof Plan also includes green roofs. Biodiversity enhancements should be secured by a condition.

#### Flood Risk and Drainage

- 7.265 The site is not within a Flood Zone and is completely covered in buildings or hard standings. The proposal has been reviewed by Council officers who raise no objections to the conceptual designs submitted in the SuDS and Drainage Strategy. The strategy proposes permeable paving, green roofs and attenuation tanks to mitigate the runoff rates from the site. Overall it is considered that the proposals meet minimum London Plan (Policy 5.13) and Local Plan (DM13) requirements.
- 7.266 A condition will be applied, which the applicant has accepted, will be applied to require final details.

#### Thames Water

- 7.267 Thames Water has raised no objection in regards to the water network and water treatment infrastructure capacity. A piling condition will be applied and informatives will be applied regarding water mains, build overs, water usage and water pressure.

#### Land Contamination

- 7.268 Subject to standard conditions, the proposals are acceptable from a land contamination perspective and that any contamination that is identified can be satisfactorily dealt with.

#### Infrastructure Impact

- 7.269 With regards to the office floorspace, the CIL charging rate is £90 as the site is located in the 'City Fringe'. The scheme proposes 731m<sup>2</sup> of net new office floorspace, the CIL payable for this is approximately £65,790. The scheme also proposes 4584m<sup>2</sup> of net new C1 hotel use. The approximate CIL payable on this is £1,261,080 based on a charging rate of £180 per sq. but may be less any already paid CIL generated via the extant planning permission.
- 7.270 Mayor of London CIL2 of approximately £349,500 (exclusive of indexation, LBTH is a band 2 borough, £60 per sq.) is also payable.
- 7.271 Alongside CIL, Development Plan policies seek financial contributions to be secured by way of planning obligations to offset the likely impacts of the proposed development on local services and infrastructure.
- 7.272 The applicant would be required to meet the following financial contributions that are sought through the Council's Planning Obligations SPD:
- £28,024 towards construction phase employment skills training
  - £70,436.95 towards end-user phase employment skills training

- 7.273 7 construction phase apprenticeships and 1 apprenticeship at end user stage would be required for this development.
- 7.274 Developer to exercise best endeavours to ensure that 20% of the construction phase workforce for the phase two works (new build) will be local residents of Tower Hamlets (this would be implemented within a s106 agreement, along with monitoring, if the application was approved). The Economic Development Service will support the developer in achieving this target through providing suitable candidates through the Workpath Job Brokerage Service (Construction).
- 7.275 To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets (this would be implemented within a s106 agreement, along with monitoring, if the application was approved). The Economic Development Service will support the developer to achieve their target through ensuring they work closely with the council's Enterprise team to access the approved list of local businesses.

### **Human Rights & Equalities**

- 7.276 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.
- 7.277 The proposed provision of A3, B1, B2 and C1 uses meet inclusive design standards where possible, noting that the part of the site is Grade II\* listed. 10% of the hotel units proposed would be wheelchair accessible which is welcomed. One blue badge space on site is to be provided, with the option for another on-street if needed. These standards would benefit future employees and visitors, including disabled people, elderly people and parents/carers with children. The proposed affordable workspace would be of particular benefit to groups that are socially/economically disadvantaged. It is also considered that the application has undergone the appropriate level of consultation with the public and Council consultees.
- 7.278 The proposed development would not result in adverse impacts upon equality or social cohesion.

## **8. RECOMMENDATION**

- 8.1 That subject to any direction by the Mayor of London, **conditional planning permission is GRANTED** subject to the prior completion of a legal agreement to secure the following planning obligations:
- 8.2 **Financial obligations**
1. £28,024 towards construction phase employment skills training
  2. £70,436.95 towards end-user phase employment skills training
  3. Monitoring fee at £500 per heads of term
- 8.3 **Non-financial obligations:**
1. Affordable workspace strategy (Commitment to work collaboratively with Council's Economic Development team)



2. Economic incentives (applicable to Part 2 works (new build))
  - a. Access to employment
    - 20% local procurement
    - 20% local labour in construction
    - 7 construction phase apprenticeships
    - 1 end-user phase apprenticeships
3. Affordable Workspace Strategy
  - a. 45% of historic foundry to be let at 'affordable levels' (See Appendix Six)
    - i. 80% of workspace provided at no more than 70% of market rents (in line with GLA rents)
    - ii. 20% of workspace to be provided at no more than 90% of market rents
4. Public Access Management Plan for Historic Foundry
5. Travel Plan
6. Highways Agreement (s278)
7. Car parking Management Strategy, including blue badge spaces
8. Community Plan including preparation of an agreed Interpretation Strategy and an Education and Learning Strategy
9. Phasing Plan, works to Historic Foundry must be complete before hotel occupation can commence
10. Compliance with Consideration Constructors Scheme

- 8.4 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.
- 8.5 That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the following matters:

#### **PA/19/00008 – Full Planning Permission**

#### **Planning Conditions**

#### **Compliance**

1. Time limit
2. Compliance with approved plans
3. Noise standards for mechanical plant and equipment
4. Cycle parking
5. Music and amplified sound levels
6. Opening hours – rooftop pool and terrace
7. Opening hours – café
8. Permitted development within foundry
9. Demolition and construction activities

10. Compliance with approved Waste Management Plan

#### **Prior to commencement**

11. Contaminated land scheme of extent of contamination and measures to avoid risk
12. Noise impact assessment
13. Noise standards for mechanical plant and equipment
14. Construction site dust control
15. Construction environmental management & logistics plan
16. Accessibility for hotel rooms
17. Archaeological written scheme of investigation

#### **Prior to commencement of superstructure works or otherwise**

18. Sustainable urban drainage
19. Biodiversity
20. Piling
21. Odour from fixed plant & equipment
22. Secure by design
23. Materials

#### **Prior to occupation**

24. Contaminated land remediation strategy and verification report
25. Disabled parking space
26. Delivery and Servicing Plan
27. Highways works (s278)
28. Energy Strategy
29. BREEAM Certification

#### **Informatives**

1. Thames Water
2. Highways (awnings, not blocking footway during construction etc.)
3. Environmental Permits
4. Advertisements

#### **PA/19/00009 – Listed Building Consent**

##### **Planning Conditions**

##### **Compliance**

1. Time limit
2. Compliance with approved plans
3. Matching materials
4. Brickwork
5. Repointing

##### **Prior to commencement**

6. Secure by Design
7. Flues
8. Precautions and protection of interior and exterior features
9. Method statement
10. Servicing and fixtures

11. Materials, finishes and details (includes samples for all new materials, 1:5 drawings of fenestration, details of roofing etc.)

**Prior to commencement of particular works**

12. Cleaning

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## Appendix 1 – Submission documents

### Drawings

Ref and title	Author
<b>Overall site</b>	
PL_0000 Existing Location Plan	31/44 Architects
PL_0001 Existing Site Plan	31/44 Architects
PL_0002 Existing Basement Plan	31/44 Architects
PL_0003 Existing Ground Floor Plan	31/44 Architects
PL_0004 Existing First Floor Plan	31/44 Architects
PL_0005 Existing Second Floor Plan	31/44 Architects
PL_0006 Existing Third Floor Plan	31/44 Architects
PL_0007 Existing Roof Plan	31/44 Architects
PL_0100 Existing North Elevation	31/44 Architects
PL_0101 Existing East Elevation	31/44 Architects
PL_0102 Existing South Elevation	31/44 Architects
PL_0103 Existing West Elevation	31/44 Architects
PL_0200 Existing Section AA	31/44 Architects
PL_0201 Existing Section BB	31/44 Architects
PL_0300 Proposed Location Plan	31/44 Architects
PL_0301 Proposed Site Plan	31/44 Architects
PL_0302 Proposed Sub-Basement Plan rev A	31/44 Architects
PL_0303 Proposed Basement Plan rev B	31/44 Architects
PL_0304 Proposed Ground Floor Plan rev D	31/44 Architects
PL_0305 Proposed First Floor Plan rev A	31/44 Architects
PL_0306 Proposed Second Floor Plan rev A	31/44 Architects
PL_0307 Proposed Third Floor Plan rev A	31/44 Architects
PL_0308 Proposed Fourth Floor Plan rev A	31/44 Architects
PL_0309 Proposed Fifth Floor Plan rev A	31/44 Architects
PL_0310 Proposed Sixth Floor Plan	31/44 Architects
PL_0311 Proposed Roof Plan rev A	31/44 Architects
PL_0312 Proposed Bicycle Parking - Ground Floor rev B	31/44 Architects
PL_0313 Proposed Bicycle Parking - Sub-Basement rev A	31/44 Architects
PL_0314 Proximity of exhaust to nearby windows rev A	31/44 Architects
PL_0315 Proposed Unattended Public Access - Ground Floor rev A	31/44 Architects
PL_0316 Proposed Unattended Public Access - First Floor rev A	31/44 Architects
PL_0400 Proposed North Elevation rev A	31/44 Architects
PL_0401 Proposed East Elevation rev C	31/44 Architects
PL_0402 Proposed South Elevation rev A	31/44 Architects
PL_0403 Proposed West Elevation rev C	31/44 Architects
PL_0500 Proposed Section AA rev A	31/44 Architects
PL_0501 Proposed Section BB rev A	31/44 Architects
<b>New development site (hotel)</b>	

PL_1000 Existing Basement Plan	31/44 Architects
PL_1001 Existing Ground Floor Plan	31/44 Architects
PL_1002 Existing Roof Plan	31/44 Architects
PL_1100 Demolition Basement Plan	31/44 Architects
PL_1101 Demolition Ground Floor Plan	31/44 Architects
PL_1102 Demolition Roof Plan	31/44 Architects
PL_1200 Proposed Sub-Basement Plan rev A	31/44 Architects
PL_1201 Proposed Basement Plan rev B	31/44 Architects
PL_1202 Proposed Ground Floor Plan rev D	31/44 Architects
PL_1203 Proposed First Floor Plan rev A	31/44 Architects
PL_1204 Proposed Second Floor Plan rev A	31/44 Architects
PL_1205 Proposed Third Floor Plan rev A	31/44 Architects
PL_1206 Proposed Fourth Floor Plan rev A	31/44 Architects
PL_1207 Proposed Fifth Floor Plan rev A	31/44 Architects
PL_1208 Proposed Sixth Plan	31/44 Architects
PL_1209 Proposed Roof Plan rev A	31/44 Architects
PL_1211 Bicycle Parking, Long Stay, Sub-Basement	31/44 Architects
PL_1212 Bicycle Parking, Long Stay, Ground Floor	31/44 Architects
PL_1213 Bicycle Parking, Short Stay	31/44 Architects
PL_1300 Proposed Elevation Plumbers Row Block (East) (1.1) rev C	31/44 Architects
PL_1301 Proposed Elevation Plumbers Row Block (North) (2.2) rev A	31/44 Architects
PL_1302 Proposed Elevation Courtyard Building (North) (3.3) rev A	31/44 Architects
PL_1303 Proposed Elevation Courtyard Building (East) (4.4) rev C	31/44 Architects
PL_1304 Proposed Elevation Courtyard Building (South) (5.5) rev B	31/44 Architects
PL_1305 Proposed Elevation Plumbers Row Block (West) (6.6) rev C	31/44 Architects
PL_1306 Proposed Elevation Plumbers Row Block (South) (7.7) rev A	31/44 Architects
PL_1400 Proposed Section AA rev A	31/44 Architects
PL_1401 Proposed Section BB rev C	31/44 Architects
PL_1402 Proposed Section CC rev B	31/44 Architects
PL_1403 Proposed Section DD rev A	31/44 Architects
PL_1404 Proposed Section EE rev A	31/44 Architects
PL_1500 Proposed Strip Elevation 01 (Mulberry St corner)	31/44 Architects
PL_1501 Proposed Strip Elevation 02 (Fieldgate St - Plumbers row)	31/44 Architects
PL_1502 Proposed Strip Elevation 03 (Rear building)	31/44 Architects
PL_1503 Proposed Strip Elevation 04 (Top Floors)	31/44 Architects
PL_1600 Overhang Diagram Sections	31/44 Architects
<b>Old Foundry site</b>	
PL_2000 Existing Basement Plan	31/44 Architects

PL_2001 Existing Ground Floor Plan	31/44 Architects
PL_2002 Existing First Floor Plan	31/44 Architects
PL_2003 Existing Second Floor Plan	31/44 Architects
PL_2004 Existing Third Floor Plan	31/44 Architects
PL_2005 Existing Roof Plan	31/44 Architects
PL_2100 Existing Elevation Whitechapel Rd (North)	31/44 Architects
PL_2101 Existing Elevation Fieldgate St (East)	31/44 Architects
PL_2200 Existing Section AA	31/44 Architects
PL_2201 Existing Section BB	31/44 Architects
PL_2202 Existing Section CC	31/44 Architects
PL_2203 Existing Section DD	31/44 Architects
PL_2204 Existing Section EE	31/44 Architects
PL_2205 Existing Section FF	31/44 Architects
PL_2206 Existing Section GG	31/44 Architects
PL_2207 Existing Section HH	31/44 Architects
PL_2208 Existing Section JJ	31/44 Architects
PL_2300 Demolition Basement Plan	31/44 Architects
PL_2301 Demolition Ground Floor Plan	31/44 Architects
PL_2302 Demolition First Floor Plan	31/44 Architects
PL_2303 Demolition Second Floor Plan	31/44 Architects
PL_2304 Demolition Third Floor Plan	31/44 Architects
PL_2305 Demolition Roof Plan	31/44 Architects
PL_2400 Demolition Elevation Whitechapel Rd (North)	31/44 Architects
PL_2401 Demolition Elevation Fieldgate St (East)	31/44 Architects
PL_2500 Demolition Section AA	31/44 Architects
PL_2501 Demolition Section BB	31/44 Architects
PL_2502 Demolition Section CC	31/44 Architects
PL_2503 Demolition Section DD	31/44 Architects
PL_2504 Demolition Section EE	31/44 Architects
PL_2505 Demolition Section FF	31/44 Architects
PL_2506 Demolition Section GG	31/44 Architects
PL_2507 Demolition Section HH	31/44 Architects
PL_2508 Demolition Section JJ	31/44 Architects
PL_2600 Proposed Basement Plan	31/44 Architects
PL_2601 Proposed Ground Floor Plan	31/44 Architects
PL_2602 Proposed First Floor Plan	31/44 Architects
PL_2603 Proposed Second Floor Plan rev C	31/44 Architects
PL_2604 Proposed Third Floor Plan rev C	31/44 Architects
PL_2605 Proposed Roof Plan rev C	31/44 Architects
PL_2606 Proposed Unattended Public Access - Ground Floor	31/44 Architects
PL_2700 Proposed Elevation Whitechapel Rd (North)	31/44 Architects
PL_2701 Proposed Elevation Fieldgate St (East)	31/44 Architects
PL_2800 Proposed Section AA rev A	31/44 Architects
PL_2801 Proposed Section BB	31/44 Architects
PL_2802 Proposed Section CC rev A	31/44 Architects

PL_2803 Proposed Section DD rev C	31/44 Architects
PL_2804 Proposed Section EE rev C	31/44 Architects
PL_2805 Proposed Section FF	31/44 Architects
PL_2806 Proposed Section GG rev C	31/44 Architects
PL_2807 Proposed Section HH	31/44 Architects
PL_2808 Proposed Section JJ	31/44 Architects
PL_2900 Proposed Screen to Foundry Workshop	31/44 Architects
PL_2901 Proposed Mezzanine, Plans, Elevation, Section	31/44 Architects
PL_2902 Proposed Old Foundry Entrance, Plans, Elevation, Section, RCP	31/44 Architects
PL_2903 Proposed Pit Intervention, Plans, Elevation, Section	31/44 Architects
PL_2904 Proposed Doorway Linking Foundry Spaces	31/44 Architects
PL_2905 Proposed Link Block, Ground Floor Plan	31/44 Architects
PL_2906 Proposed Link Block, First Floor Plan	31/44 Architects
PL_2907 Proposed Link Block, Second Floor Plan	31/44 Architects
PL_2908 Proposed Link Block, Section AA	31/44 Architects
PL_2909 Proposed Link Block, Section BB	31/44 Architects
PL_2910 Proposed Link Block, Fieldgate St Elevation	31/44 Architects
PL_2911 Proposed Link Block, Courtyard Elevation	31/44 Architects
Diagram Foundry Plans	31/44 Architects
Diagram Foundry Elevations	31/44 Architects
<b>Heritage specific</b>	
WBFSK10 Ground Floor as Existing	Malcolm Fryer Architects
WBFSK06 Ground Floor as Proposed	Malcolm Fryer Architects
SKEXR01 Roof Glazing RL24 Section Detail as Existing	Malcolm Fryer Architects
SKEXR02 Section Detail as Proposed	Malcolm Fryer Architects
WBFSKFL01 Foundry Floor Section as Existing	Malcolm Fryer Architects
WBFSKFL02 Foundry Floor Section as Proposed	Malcolm Fryer Architects
WBFSKPRR01 Rooflight RL24 Detail Section as Proposed	Malcolm Fryer Architects
WBFSKPRR02 Section Detail as Proposed	Malcolm Fryer Architects
WBFSKR01 Detail Section as Proposed	Malcolm Fryer Architects
SOW Whitechapel Bell Foundry Schedule of Repair Works	Malcolm Fryer Architects



## Submission documents

Title	Author	Ref	Date
Cover letter	The Planning Lab	-	22/12/2018
Acoustic Report	Auricl Acoustic Consulting	R/A/23/181105 rev 03	05/11/2018
Air Quality Impact Assessment	AECOM	Rev 3	14/12/2018
Archaeological Desk Based Assessment	Compass Archaeology	TQ 34225 81525	December 2018
BREEAM Pre-Assessment	Verte Sustainability	V158 rev F	13/12/2018
Construction Management Plan (incorporating outline construction logistics plan)	Construction Planning Associates	-	December 2018
Daylight and Sunlight Assessment	Right of Light Consulting	-	December 2018
Design and Access Statement	31/44 Architects	-	December 2018
Energy Strategy Statement	Milieu Consult	170742 issue 03	13/12/2018
Geo-Environmental Site Assessment	RSK	29942 R02 (03)	12/12/2018
Heritage Statement	Alan Baxter Ltd	1746-290	December 2018
Hotel Needs Assessment	Christie & Co		December 2018
Lighting Assessment	Milieu Consult	170742 rev 02	December 2018
Operational Waste Management Plan	Mott MacDonald	374179   01   C	13/12/2018
Planning Statement	The Planning Lab		December 2018
Preliminary Ecological Appraisal	The Ecology Consultancy	6981 rev 2.1	15/06/2018
Preliminary Risk Assessment	RSK	29942 R01 (01)	15/06/2018
Preliminary Roost Assessment	The Ecology Consultancy	1.0	15/10/2018
Site Waste Management Plan	Construction Planning Associates	-	December 2018
Statement of Community Involvement	BECCG	-	December 2018
SuDs and Drainage Strategy (incorporating Foul Drainage Strategy)	Alan Baxter Ltd	1746/294/db	November 2018
Transport Statement	Alan Baxter Ltd	1746-292	December 2018

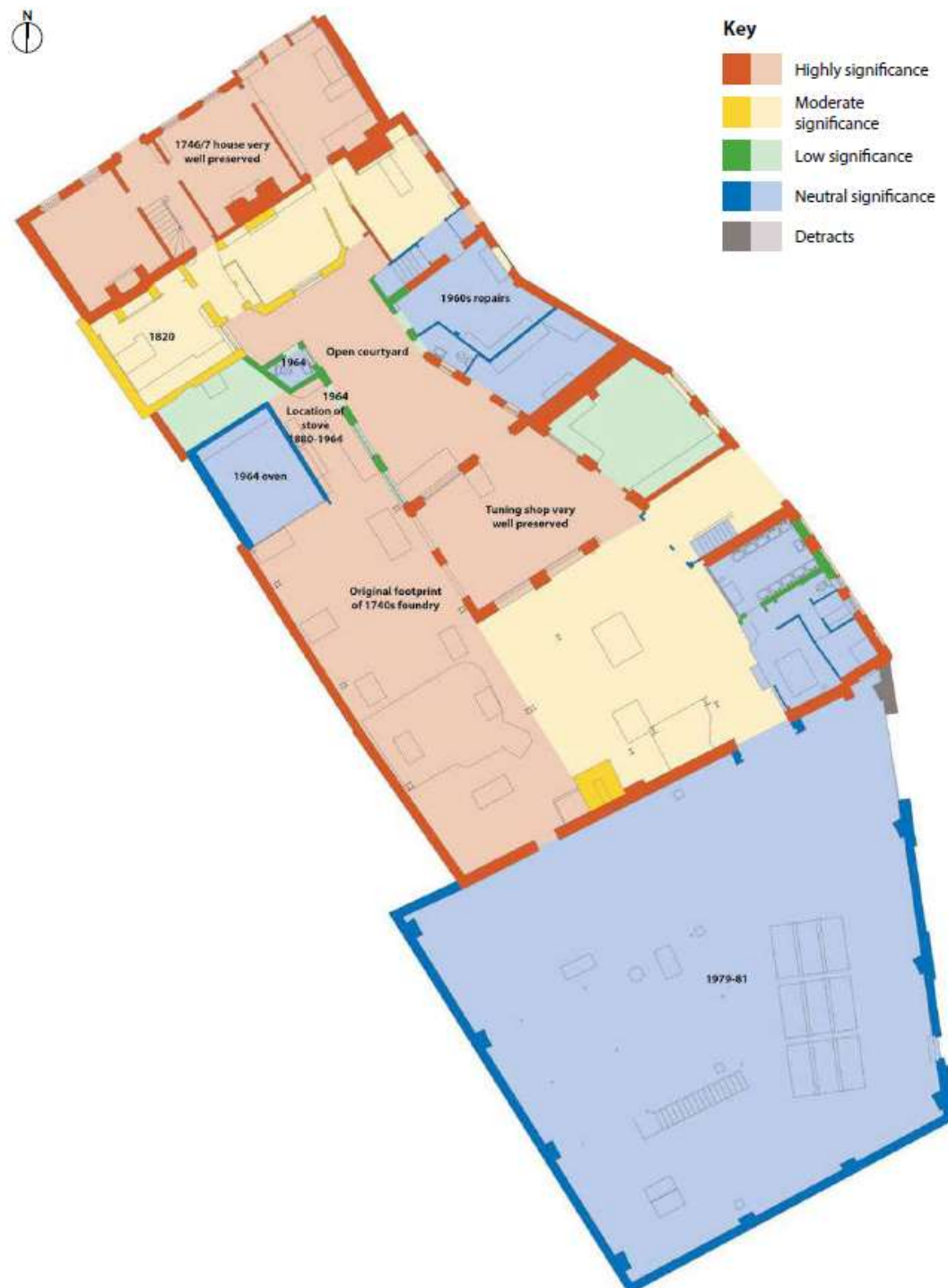
Ventilation and Extraction Statement	Milieu Consult	02	13/12/2018
Viability Report	Quartet	-	December 2018

**Post Submission documents** (latest documents only)

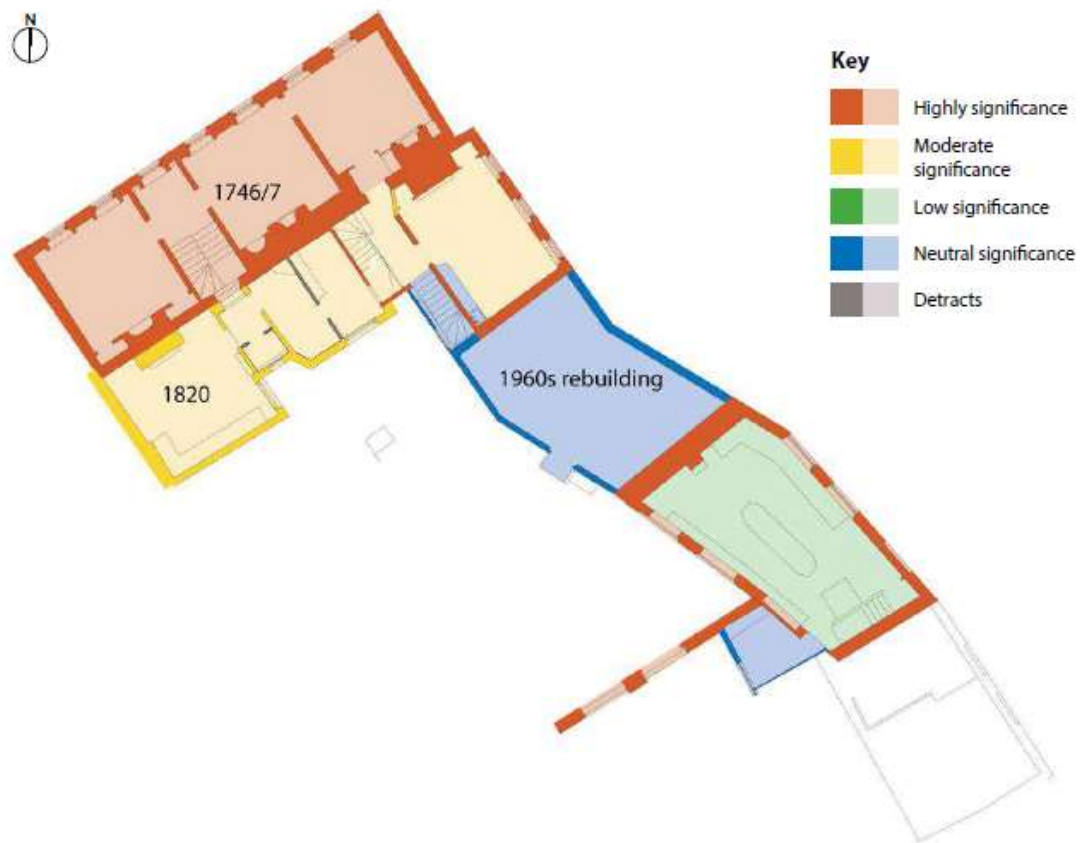
<b>Title</b>	<b>Author</b>	<b>Ref</b>	<b>Date</b>
Structural Survey	Alan Baxter Ltd	Rev B	November 2018
Written Scheme of Investigation for an Archaeological Evaluation	Compass Archaeology	TQ 34225 81525	February 2019
Archaeological evaluation assessment report	Compass Archaeology	TQ 34225 81525	August 2019
A Summary Note on the Archaeology of the immediate area	Alan Baxter		
Notes on vaulted chamber (update)	Alan Baxter	1746/290/RHr	September 2019
Cover letter	The Planning Lab		17/05/2019
Whitechapel Bell Foundry - Addendum to Heritage Statement	Alan Baxter Ltd	1746/290/WF	17/05/2019
Transport Statement	Alan Baxter Ltd	1746-292	May 2019
Whitechapel Bell Foundry viability – addendum	John Mortlock		22/05/2019
Addendum to the Planning Statement, Policy DM15 and DM27 Assessment	The Planning Lab		May 2019
Proposed Uses Addendum	The Planning Lab		May 2019
Mechanical Services Fourth	Milieu Consult	M106 rev P01	31/11/2018

Hotel			
Mechanical Services	Milieu Consult	M102 rev P01	31/11/2018
Ground Hotel			
Roofhub	LIndlab		18/04/2018
Architectural Projections Supplementary Document —	31/44		June 2019

## Appendix 2 - Additional images, CGIs and selected proposed drawings



Alan Baxter assessment of historic significance – Ground floor



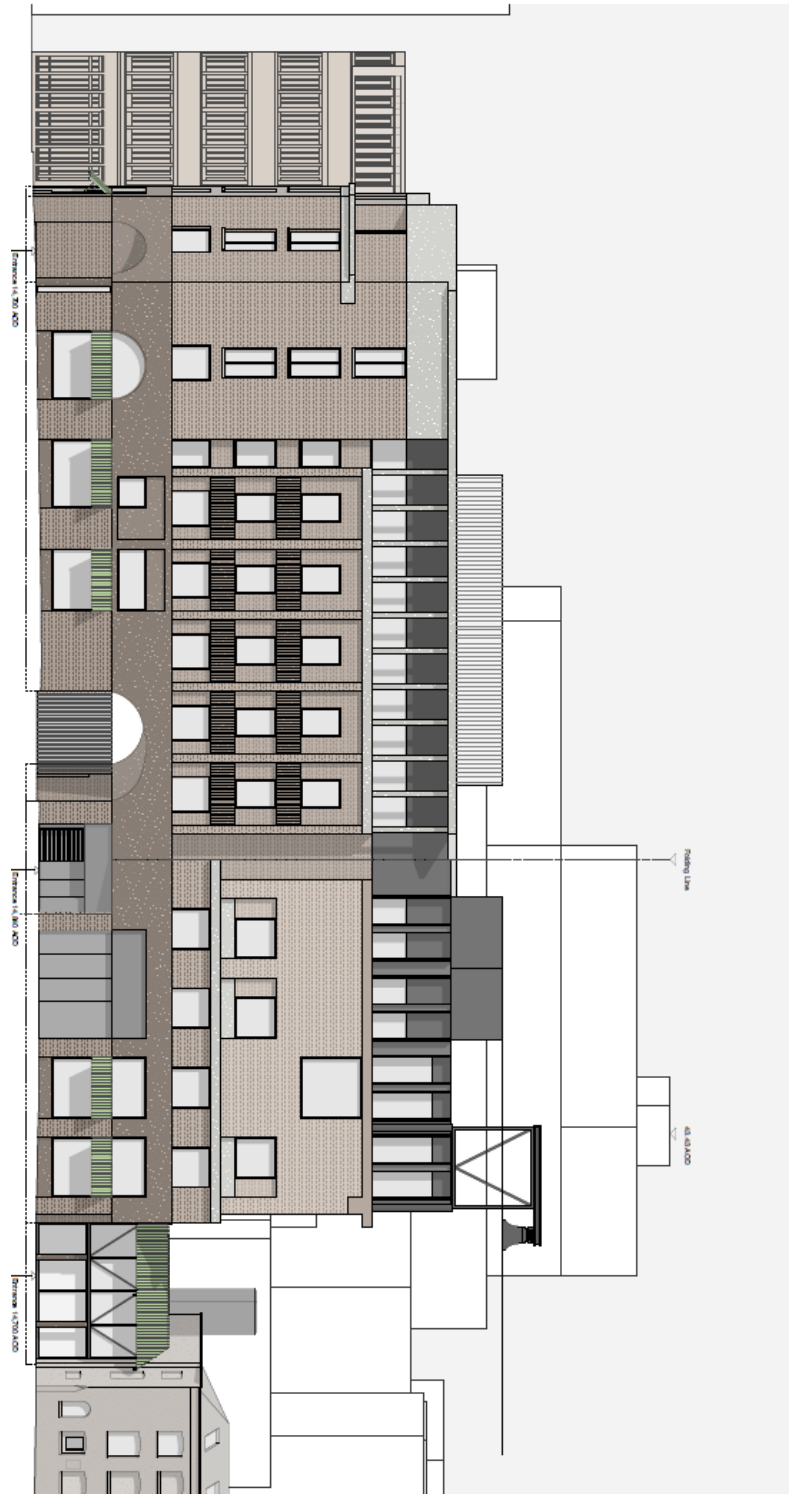
**Alan Baxter assessment of historic significance – First floor**



**Alan Baxter assessment of historic significance – Second floor**



**Proposed Whitechapel Road elevation plan (north) showing retained and refurbished elevation**



**Proposed Fieldgate Street/Plumbers Row elevation (east) showing proposed link building (right) and new hotel with workspace at ground floor (left)**





**CGI of proposed entrance from Fieldgate Street between historic foundry (right) and new hotel (left)**



**CGI of proposed link between Historic Foundry (right) and new hotel (left)**





**CGI of the proposed internal courtyard between the application site and adjacent Cityside House**



**CGI of proposed link building as seen from Fieldgate Street (Historic Foundry on the right)**



**Proposed plan (not CGI) Fieldgate Street elevation (east) showing retained and refurbished elevation**



**Proposed plan showing eastern elevation of internal foundry courtyard**





CGI of retained B2 land use on site with view through to public access area



CGI of retained B2 land use on site with view through to public access area



CGI of retained B2 land use on site as viewed from proposed cafe





**CGI of retained B2 land use on site as viewed from proposed cafe**



**CGI of proposed hotel building, with B1 uses at ground floor, as seen from corner of Fieldgate Street/Plumbers Row and Mulberry Street (to the left)**



**Proposed plan (not CGI) - Mulberry Street elevation (new building to the right) adjacent to the Qbic hotel**



**CGI of proposal, with Historic Foundry in front, as seen from Whitechapel Road.**



### Appendix 3 - Existing site photos



View of Whitechapel Road elevation taken from Google Maps 2019



View of existing entrance from Whitechapel Road



**Close up of existing elevation along Whitechapel Road**



**View of existing elevation along Fieldgate Street (close to Whitechapel Road)**





Existing close up of elevation on Fieldgate Street



Existing elevation as seen from Fieldgate Street. The building to the right is the 1980s extension and to the vacant part of the sites are to the left



Existing elevation along Fieldgate Street. The building on the left is the 1980s extension.





**1980s extension as seen from Fieldgate Street.**



**View down Mulberry Street. The building on the left is the Qbic hotel.**



**Existing cabinet within front range of foundry, to be retained.**



**View from within upper workshops within Historic Foundry.**





**Views of existing ancillary rooms within Historic Foundry**



**View of internal courtyard within existing foundry (facing north towards Whitechapel Road)**





**View on internal courtyard within foundry (facing south towards the 1980s extension and Mulberry Street)**



**View on internal courtyard within foundry (facing south towards the 1980s extension and Mulberry Street)**



**View from upper floors of foundry (facing north towards Whitechapel Road)**





**View from upper floors of foundry (facing south towards 1980s extension and Mulberry Street)**



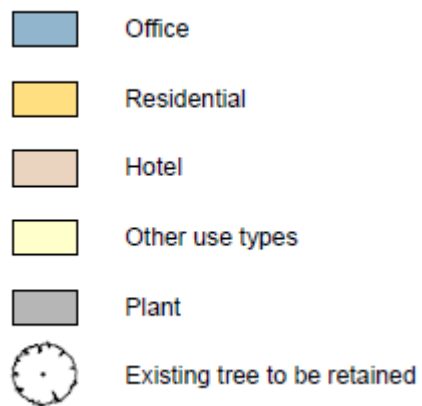
**Existing space within historic foundry showing machinery that is part of the Grade II\* listed fabric and to be retained**



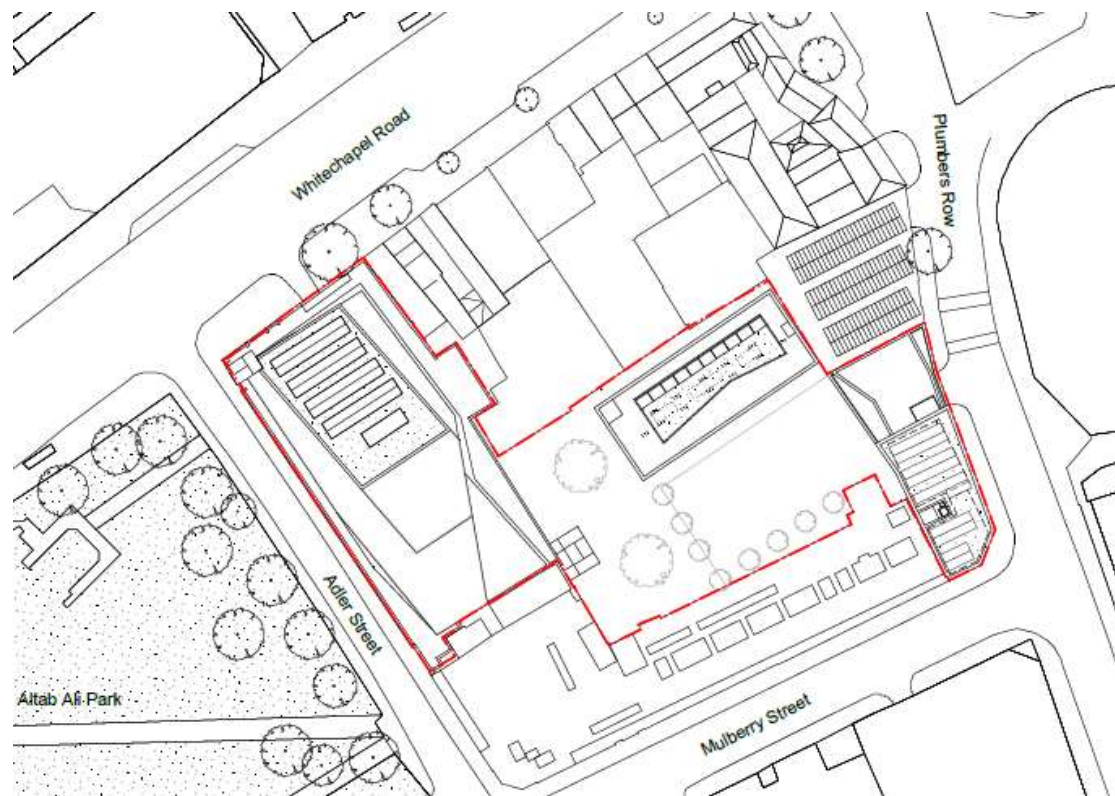
**Existing space within historic foundry showing machinery that is part of the Grade II\* listed fabric and to be retained**



## Appendix 4 – Selection of approved drawings from PA/15/00517



Key for below plans



Overall site - approved site plan



**Overall site - approved ground floor plan**



**Overall site - approved first floor plan**





**Overall site - approved second floor plan**



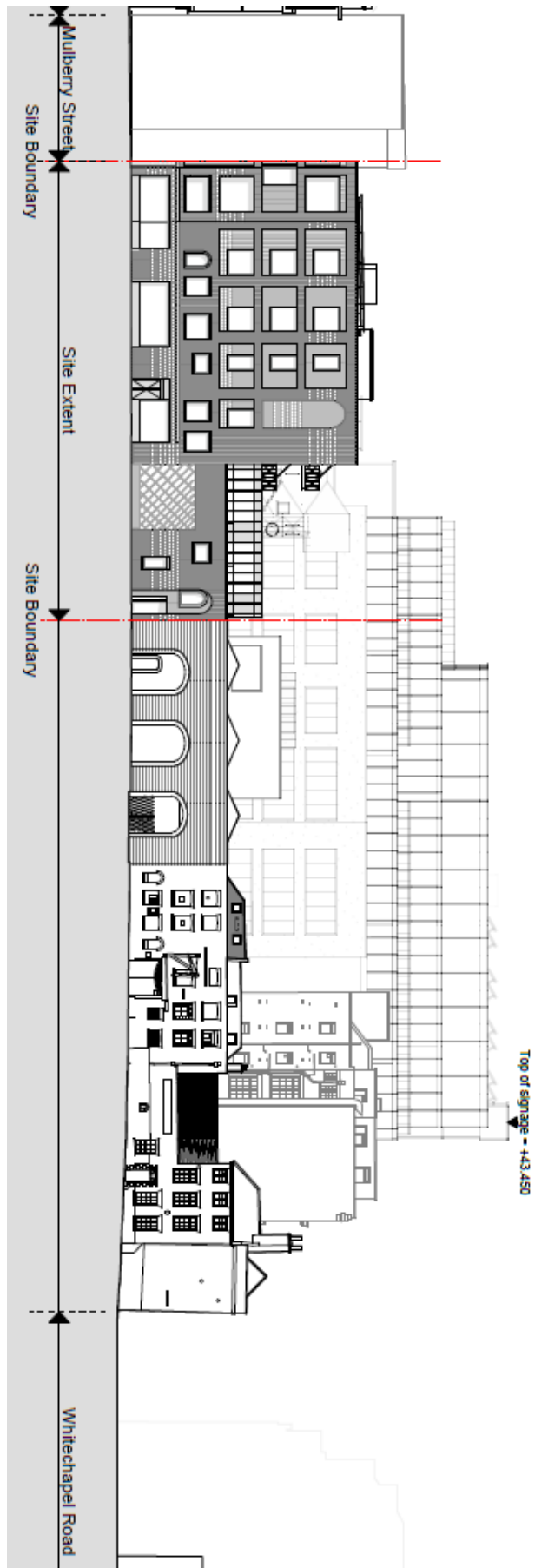
**Overall site – approved third floor plan**



**Overall site – approved fourth floor plan**



**Overall site – approved fifth floor plan**



Approved east elevation



## Appendix 5 – Historic Listing for Site

### Overview

*Heritage Category: Listed Building*

*Grade: II\**

*List Entry Number: 1357529*

*Date first listed: 29-Dec-1950*

*Date of most recent amendment: 19-Apr-2017*

*Statutory Address: Church Bell Foundry, 32 and 34, Whitechapel Road, and 2 Fieldgate Street, Whitechapel, London, E1 1DY*

### Map



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### Location

*Statutory Address: Church Bell Foundry, 32 and 34, Whitechapel Road, and 2 Fieldgate Street, Whitechapel, London, E1 1DY*

*County: Greater London Authority*

*District: Tower Hamlets (London Borough)*

*Parish: Non Civil Parish*

*National Grid Reference: TQ3421981540, TQ3422181543*

## **Summary**

*Bell foundry established in the 1740s with extensions and modifications of the early and late C19 and C20.*

## **Reasons for Designation**

*Whitechapel Bell Foundry, a complex established in the mid C18, with alterations of the C19 and C20, is listed at Grade II\* for the following principal reasons: \* Architectural interest: a distinctive, cohesive complex of domestic and industrial buildings spanning nearly 300 years of occupation including the dignified residence of the foundry owner at nos 32-34 Whitechapel Road, no 2 Fieldgate Street and the industrial ranges to the rear; \* Historic interest: for the national cultural and industrial significance as the mid C18 site of a specialised industry known to have been located elsewhere in Whitechapel since the medieval period, where well-known bells including Big Ben and the Liberty Bell, Philadelphia, were cast; \* Degree of survival: nos 32 and 34 Whitechapel Road have a high level of exterior and interior intactness including the early-C19 shop at no 34; \* Interiors: distinctive for the mid-C18 plan-form, and the mid-C18 and early-C19 shop fittings, wall panelling, chimney pieces, stairs, ironmongery and joinery in nos 32 and 34 Whitechapel Road, industrial workshops containing specialist bell-founding equipment, and the timber crane on the Plumbers Row frontage; \* Rarity: one of only two remaining bell foundries in England, the other being Taylor's of Loughborough, also listed at Grade II\*.*

## **History**

*BELL-FOUNDING IN THE C18, C19 AND C20 Bells have played an important part in our culture; the ringing of bells for commemoration, timekeeping and warning is embedded in our national consciousness. Bell-founding in this country has medieval originals at least and remains a highly specialised craft; the casting, finishing and tuning processes are specific to the manufacture of bells. The preparation of moulds for the core and cope, casting, finishing and tuning have changed considerably since the C12 when the process was described in infinite detail by a monk. By the C18 the shape of bells had changed enormously as had the method of manufacture, although the process of firstly creating the core, secondly creating a false bell and thirdly creating a clay cope followed the same medieval practice. The moulds were prepared and assembled within a casting pit so that metal could be run from a reverberatory furnace, usually timber fired, by gravity. Tuning was by hammer and chisel with only the harmonic that we now refer to as the 'nominal' being adjusted; by the end of the C18 the first tuning machine was in use (at a foundry in Gloucester).*

*By the latter half of the C19 the false bell method of moulding had been abandoned in favour of producing the cores and copes independently and with the copes created in bell-shaped cast iron flasks. The introduction of overhead cranes in the late C19 and early C20 allowed the moulds to be*

*assembled on the foundry floor, rather than in casting pits, and with the metal transferred from the furnace to the mould by overhead crane.*

*The end of the C19 also saw the development of harmonic tuning which required a greater sophistication in the design of the tuning machine. This period also saw the concept of bells being tuned to an external pitch standard so that they were in tune with other instruments. Whilst the accuracy of early harmonically tuning bells was reasonable, tuning accuracies have been improved gradually through the C20 with a greater number of harmonic tones being controlled. To accommodate the introduction of harmonic tuning the shape of bells was changed subtly and these changes have continued into the early C21. The wide use of electricity to power machinery from the early part of the C20 has seen the introduction of electrically powered cranes as well as electrically powered furnaces. Fuel has moved from timber to coal and again from coal to oil or gas. These newer cleaner fuels also provide a greater predictability in both temperature and melting times.*

*WHITECHAPEL BELL FOUNDRY Whitechapel Bell Foundry has operated continuously in Whitechapel since at least the 1570s, but on this site probably since the mid-1740s. The foundry originated with either Robert Doddes in 1567 or Robert Mot in 1572 and may have been located in Essex Court, in the present Gunthorpe Street area. The C16 foundry may have grown out of a foundry in Aldgate, established in 1363 by Stephen Norton. In 1716, the foundry, ran by Richard Phelps, made the great clock bell for St Paul's Cathedral. It has been long believed that when Phelps died in 1738, his successor Thomas Lester moved the foundry to the current site, which had previously been occupied by the Artichoke Inn. However, contemporary reports suggest that this site was probably occupied a little later. The Survey of London records an advertisement to let the site in the Daily Advertiser of 31 August 1743. The Stepney Manor Court Rolls refer to the Artichoke Alehouse as being empty in April 1743 and to a 'newly built messuage now in possession of Thomas Leicester' in 1747. It is probable that Lester redeveloped the site of the Artichoke in 1744-6 and in doing so provided the opportunity for a larger foundry with bespoke accommodation on the frontage of Whitechapel Road.*

*In addition to nos 32-34 Whitechapel Road, the residence of the foundry owner, an attached building to the rear of no 34, no 2 Fieldgate Street, was constructed perhaps to accommodate a foreman. It is probably broadly contemporary with the front range, although the brick is slightly larger in size, laid in a different bond, and the window treatment differs. The former smithery, stables and coach house building at the rear of no 2 Fieldgate Street was replaced by a three-storey workshop and warehouse building in c1840. The foundry itself, which originally contained four crucible furnaces, was located across a yard to the rear of the front range. The mixed fortunes of the foundry in the late C18 and early C19, and the somewhat complicated changes in ownership, are recorded in detail in the Survey of London and other sources and will not be repeated here. It should be noted, however, that during this time the foundry cast around 25 bells per year including some for St Mary le Bow in 1738, Petersburg in Russia in 1747 and Christ Church,*



*Philadelphia in 1754. The most famous bell cast during this period is the Liberty Bell of 1752. Thomas Mears acquired full control of the foundry from the descendants of Lester in October 1818 and embarked on a building campaign, extending no 32 Whitechapel Road at the rear and replacing some of the internal fixtures. The shop front to no 34 probably dates from this period. A building to the S of a former gateway into the foundry was probably built for Mears in 1820; these may have been cottages that were extended and altered by the late C19 when externally the door openings were curtailed and infilled, and internally they were entirely remodelled to house a steam engine at the ground floor, handbell workshops on the first floor and a carpenter's shop on the second. The cranked blacksmiths, workshop and warehouse range N of the cottages is probably c1840 in date, replacing the earlier smithy building and gateway to the foundry. This range was re-roofed in the 1980s.*

*Charles and George Mears ran the foundry from 1844-1859; Big Ben was cast here in 1858, and at 13.7 tons is still the foundry's largest bell. From 1865, George Mears and Robert Stainbank ran the foundry trading as Mears and Stainbank until 1968. Arthur Hughes became foundry manager in 1884, and his descendants ran the business from 1968 to the current day.*

*The foundry buildings evolved during the ownerships of Mears and Stainbank and the Hughes family. The earliest workshop aligned N-S along the W boundary of the complex (known in 2017 as the loam shop or moulding shop) are mid-C18 in origin, but was extended to the W in 1846, encroaching onto the S part of the yard, to accommodate a new furnace required to make a 11.5 ton bell for Montreal Cathedral (this extension is known in 2017 as the Montreal foundry or sand foundry). Another furnace was added two years later and in 1850 a 19m (62ft) chimney was built against the S wall (later truncated). A tuning shop was added to the N of the 1846 extension in approximately 1848 to house the tuning machine brought to Whitechapel from Rudhalls Gloucester foundry. The machine was powered by a steam engine, located on the ground floor of the former cottages remodelled for the purpose. The tuning machine was replaced in 1922. A back foundry added to the rear of the complex by the 1870s was damaged during the Second World War. Post-war plans to rebuild did not proceed until a new frame workshop was added to the S of the earlier outbuildings in 1979-81; this S workshop is excluded from the listing. In the mid-1960s, the E wall of the loam shop and the W wall of no 2 Fieldgate Street including the weatherboard cladding, and the interior, were rebuilt. The roof coverings of the single storey link, loam shop and former cottages were replaced. The second floor of the southernmost cottage was extended to form a small mezzanine within the 1846 foundry space. A new drying oven was inserted into the N end of the loam shop and steel stanchions were added to its W wall. All of the equipment in use is C20 in date, and where not itemised in the description below is excluded from the listing.*

*Nos 32-34 Whitechapel Road are little altered. The railings to no 32 are 1950s replicas of the originals and the steps are concrete.*

*The uses of some areas of the complex changed in the late C20. The ground floor of no 2 Fieldgate Street is the shop, the upper floors are the drawing rooms, interlinked with the ground, first and second floors of the eastern bay of no 34 Whitechapel Road. The single storey building to the S of no 2 Fieldgate Street is part of the visitor attraction. The ground floors of the warehouse range and former cottages have been further modified to provide facilities for the foundry workers and a fire escape. The Greater London Council (GLC) were involved in the conservation of the premises in the 1980s.*

## **Details**

*The Whitechapel Bell Foundry comprises: a front residential range at nos 32-34 Whitechapel Road, built for Thomas Lester in the mid-1740s, extended in the early C19: no 2 Fieldgate Street, probably also built for Lester in the 1740s, its rear (W) wall rebuilt and the interior reconfigured in the 1960s and later: a single storey range to the rear of no 2 Fieldgate Street probably mid-C18 in date, attached to a three storey stables and workshop range of c1840 with C20 modifications: cottages of 1820 modified and extended in the late C19 and C20: foundry outbuildings to the W and S of the front range of mid-C18 and C19 date, modified in the C20. Attached to the rear of the S outbuilding is a workshop extension of 1979-81\*.*

### **NOS 32-34 WHITECHAPEL ROAD AND NO 2 FIELDGATE STREET**

**MATERIALS** *Dark purple-red brick and yellow stock brick, with tile roof coverings.*

**PLAN** *The plan of nos 32-34 Whitechapel Road comprises three axial rooms heated from the rear and one-room deep, with a stair hall between the central and W room. The early C19 extension to the rear of no 32 has a two room plan with a central hall bay. The plan of no 2 Fieldgate Street has been reconfigured in the mid C20, but is similarly one room deep with the stair at the S side.*

**EXTERIOR** *Nos 32-34 Whitechapel Road is a seven window-bay range of three storeys with an attic to the W and cellar to the centre. The roof is hipped at the E end and gabled to the W where it abuts the adjoining property; there are small dormers to the front and rear. The front (N) elevation has a variable bond, but is generally Flemish. At the ground floor is a Doric doorcase at the fifth bay from the E, flanked by two windows with external, panelled shutters with ironmongery; all windows on this elevation are mid-C18, slightly-recessed six-over-six timber sashes with glazing bars beneath straight brick heads. The door case has moulded pilasters, cornice and pediment. A glazed oblong fanlight is flanked by triglyph and guttae motifs. The door has six panels, the top two being smaller, divided by a central muntin; some of the ironmongery may be mid C18. The door is approached by two stone steps, surmounted by replica railings and a central gate. C18 boot-scrapers to either side of the steps are embedded in lead. At the E end of the building is a two-bay shop front, probably of the early C19, with a central, recessed panelled and glazed door approached by steps. The panelled stallrisers, flanked by moulded*

*pilasters, support recessed arched windows with glazing bars. The words 'CHURCH BELL FOUNDRY' are painted on the fascia beneath the moulded cornice, with 'ESTABLISHED AD 1570' in the blind arched panel above the door. The fenestration on the first and second floors is uniformly spaced, the windows to the first floor being a little taller than those on the second. Above the top storey is a plat band beneath the yellow stock brick parapet with flat coping.*

*The rear (S) elevation is dominated by the two storey, early C19 extension with a recessed entrance to the rear of no 32, accessed from the yard through a brick arch of the mid-C20, with toilets to the S. The timber panelled door has top glazes. The extension, in yellow brick laid in Flemish bond, has horned three-over-three timber sash windows beneath straight heads to the ground and first floors: the windows appear to be late-C19 in date. The roof of the extension cannot be seen, but rising above are the two broad stacks of the front range, with some renewed pots. The blind E elevation is part-rendered at the base, the exposed bricks above laid in English bond; the plat band wraps around from the façade.*

*No 2 Fieldgate Street is a three window-bay and three storey former house attached to the rear of no 34 Whitechapel Road, projecting forward onto Fieldgate Street. The front (E) elevation is of red-purple bricks, the S and W elevations of yellow stock brick, all laid in Flemish bond. On the ground floor at the S is a timber, Gibbs door surround beneath a flat hood; the door has six panels, a boot scraper is set in the wall to its right. The windows are near-flush, with moulded timber surrounds beneath straight red brick heads. The two ground floor windows and three to the first floor are horned six-over-six timber sashes and post-1840 in date. The second floor windows are smaller, six-light casements; above, the eaves have dentils. The roof is hipped to the S, the tall chimney in yellow brick rises at the N end, next to a prominent gable-end marking the division of property. The rear (W) elevation was rebuilt in the 1960s with renewed timber cladding.*

*INTERIOR Nos 32-34 Whitechapel Road retain their plan form and historic fixtures and fittings of the C18 and C19. On the ground floor, the far E room is the shop entrance to the foundry; panelling beneath the shop windows appears contemporary as do the wall-mounted cupboards to the right. A wooden hook projects from the middle of these cupboards; reams of brown paper are said to have been hung from here which could be fashioned into head-coverings for the foundry workers, shown in an illustration in the shop. A cabinet at the rear of the shop is of 1851. The central ground floor room, in use as an office, has wall panelling and a C19 fireplace. Further W is the panelled stair hall; the walls are half-panelled and the door has its original ironmongery. The quarter-turn stair is mid-C18 and intact, with a landing to the front at each floor level lit by a sash window. The stair has a curtail stop at the ground floor, a ramped, moulded handrail and open strings. The simply-moulded turned newels have flat caps; the balusters are turned and moulded. Beyond the hall, the western room (formerly the board room, then a dining room) and all three rooms on the first floor are fully panelled with simply moulded cornices and dado rails in places. There are four or six panel doors*

*with moulded architraves. The windows have internal shutters, shutter boxes and panelled aprons. All rooms retain their chimney pieces, mostly hob grates with simple surrounds; all are of mid-C18 or early-C19 date and flanked by arched alcoves or cupboards with two-panel doors. In the central first floor room, there is a good apsidal niche cupboard with marble surround to the right of the chimney piece; it is probably early-C19 in date. The floorboards in general are wide, except where replaced. The third floor rooms are much simpler, without wall panelling or window shutters, but with simple chimney pieces to each room. The doors are four-panelled; all joinery on this floor is simply moulded. In the eastern room there is a two-panelled door to a corner cupboard; another cupboard has a round-headed strap hinge. The interconnecting door here has the ghost markings of a HL hinge, but all other hinges observed throughout are C19 or later. From the top landing, a narrow winder stair leads to the attic where the room has no historic fixtures or fittings.*

*The ground floor of the rear extension had a service function; the room to the W of the rear entrance door was the kitchen with matchboard panelling to the lower walls and a timber surround to the range recess carved with the initials TM and the date 1820. The first floor rooms of the extension accommodate a modern kitchen and bathroom.*

*The interior of no 2 Fieldgate Street is accessed from the eastern room of no 34 at all floor levels. The interior was reconfigured in the 1960s and no historic interior fixtures and fittings are thought to survive. At the ground floor, the entrance door has modern ironmongery. The stairs are in their original position, but the banisters are replaced on the ground to first floor flight. The upper two storeys were not inspected.*

## **THE FOUNDRY BUILDINGS**

*There are workshops to the S and W of the yard at the rear of nos 32-34 Whitechapel Road and buildings at the E side of the complex fronting Fieldgate Street and Plumbers Row ranging from the mid-C18 to the mid-C19 in date, all are modified in the late C19 and C20. The current process of bell-founding starts with making shaped inner (for the bell core) and outer (for the cope) moulds from loam and loam-bricks, which, after being baked, are clamped together to form the shape of the bell. Metal is heated in a furnace, poured into a crucible which is transported by a gantry crane and then poured into the bell mould. All of this takes place in the loam shop at the W of the site. After cooling, the outer mould is removed to reveal the newly-cast bell; after excess loam and metal is removed the bell is tuned to reach the required tone by using a lathe (tuning machine) that shaves off metal until the right sound is achieved. This takes place in the Montreal foundry (E of the loam shop) and tuning shop to the N. Hand bells are cast in sand and metal patterns, moulded conventionally and finished in the three-storey 1840 range fronting Plumbers Row. On the top floor of this building is the carpenter's shop where all formwork, including bell wheels, are made. This range incorporates the C19 vehicular access to the foundry.*

*MATERIALS Mostly yellow stock brick with slate and corrugated iron coverings to the roofs.*

*PLAN The east range is cranked and incorporates a pair of early-C19 cottages. The workshops to the rear of nos 32-34 Whitechapel Road and no 2 Fieldgate Street are located on the S and W sides of a small yard with a flagstone surface.*

*EXTERIOR Attached to the S side of no 2 Fieldgate Street is a single storey, red and yellow brick building of mid C18 date, but rebuilt at the rear in the 1960s when the pantile covering to the roof was renewed. The E elevation faces Fieldgate Street. The lower part of the wall is rendered set into which is a plaque (with a brick surround) incised with the words 'This is Baynes Street 1766'; this was dug up from nearby and set into the wall in the 1980s. To the right is a metal casement window. A sign above reads 'WHITECHAPEL BELL FOUNDRY'. To the S (left) is the 1840 blacksmiths and warehouse range of three bays and three storeys, with a recessed attic, built in yellow brick laid in Flemish bond. At the far left is a retained plank double-door for vehicular access in the C19 (not in use in 2017), above which, and to the left of, is a timber jib crane of c1840 beneath a bracketed canopy. The crane is thought to be one of the oldest timber cranes in London and was used, presumably, for taking in materials to the upper floors and lowering heavy items onto carts. The windows have elliptical-arched heads; three of the openings are blocked, and a fourth partly so. The other four openings have casement windows of the late C19 or C20. Attached to the S (left) of this range, cranked to follow the road line, is the pair of former cottages, again of three storeys with an attic, and with a hipped roof to the S. The round-arched door openings are blocked as are all of the elliptical-arched window openings to each floor; a ground floor window has an inserted casement, with a later window inset to the right of it.*

*The rear elevations of these structures are partly obscured by the foundry workshops to the W; where observed the construction and treatment are consistent with the front elevation. The roof coverings are slate.*

*The exterior elevations of the loam shop and Montreal foundry are mostly obscured; the E elevation of the loam shop was reconstructed in the 1960s in mixed yellow stock and red brick with straight yellow brick heads to the window openings. It is entered from the yard through doors on its E elevation, above which is casement window and clock of unknown date. On the S side of the yard is the N elevation of the 1848 tuning shop, with double timber panelled and glazed entrance doors from the yard. Above the door is a casement window of 25 lights and to the right is another with 40 lights. There is a plain timber cornice above; the lantern roof has a corrugated asbestos and slate covering. Fixed to the yard surface, beside the tuning shop door, is a modern electric bell chime of 9 bells erected in 1981.*

*The S workshop of 1979-81\* is excluded from the listing.*

*INTERIOR The single storey building attached to no 2 Fieldgate Street is used as part of the visitor attraction and has no historic fixtures and fittings.*

*The ground floors of the warehouse, including the former blacksmiths shop, and the former cottages, are entirely remodelled to provide a fire escape and washroom facilities, and are partly open to the workshops to the W. A C20 stair rises from the former vehicular entrance of the warehouse to the upper floors where hand-bell finishing and carpentry takes place. The external rear windows to the rear are blocked and there are no historic fixtures and fittings remaining, apart from a section of the forge chimney in one of the northern rooms. The roof structure comprises tie beams with raking shores, common rafters and ridge pieces, with some replaced members from when the structure was rebuilt in the late C20. The cottages evidently had rear wings, and the southernmost wing on the second floor was extended in the late C20 into the Montreal foundry to the W. This is the carpenters shop; features of note are the memorial slate plaques attached to the remaining part of the cottage's party wall which record the names, dates of birth and death of some of the foundry's former employees. The hatches through which the bell-wheels were lowered from the carpenters shop remain.*

*The interiors of both the loam shop and Montreal foundry have painted brick walls. The loam shop has a late-C20 drying kiln\* to the N and furnace\* to the S. At approximately the centre of the shop is the casting pit, thought to be the location of the original C18 pit. It has C20 brick lining and was covered with boiler plates at the time of the inspection in 2017. The roof covering is corrugated iron, supported on king post trusses, with two louvred lanterns to the roof. The Montreal foundry opens to the E and has a bespoke timber roof structure, of common rafters and substantial tie beams and upright posts. The 1848 tuning shop has a tuning machine and steel supports of 1922, and retains the original timber beam to the earlier (removed) tuning machine (all included in the listing). The remains of the line shafting to the steam engine attached to the E wall of the tuning shop are also included in the listing. The roof structure has common rafters and diagonal bracing.*

*The workshops contain C20 equipment generic to small-scale manufacturing including travelling cranes/gantries\*, furnaces\*, lathes\*, planes\* and other wood-working equipment\*, mills\* and welders\*. All of these items, and other unspecified C20 equipment not bespoke to the manufacture of bells, have limited heritage significance and are excluded from the listing. The tuning machine of 1976\* in the Montreal Foundry, although specifically for the tuning of bells, is a late example of its type and is also excluded from the listing.*

**SUBSIDIARY FEATURES** *The railings to the front of no 32 Whitechapel Road are 1950s replicas of the originals. The steps are concrete and of the same date as the railings but the boot scrapers are mid-C18.*

*\* Pursuant to s1(5A) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act') it is declared that these aforementioned features are not of special architectural or historic interest.*

## **Legacy**

*The contents of this record have been generated from a legacy data system.  
Legacy System number:206365Legacy System:LBS*

## **Sources**

### *Books and journals*

*Pevsner, N, Cherry, B, O'Brien, C, The Buildings of England: London 5 East, (2005), 429-430*

### *Websites*

*Survey of London entry, accessed 23/2/17 from*

*<https://surveyoflondon.org/map/feature/155/detail/>*

*Whitechapel bell foundry website, accessed 24/2/17 from*

*[www.whitechapelbellfoundry.co.uk](http://www.whitechapelbellfoundry.co.uk)*

## **Legal**





*This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.*

*The listed buildings are shown coloured blue on the attached map. Pursuant to s.1 (5A) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act'), structures attached to or within the curtilage of the listed building (save those coloured blue on the map) are not to be treated as part of the listed building for the purposes of the Act.*

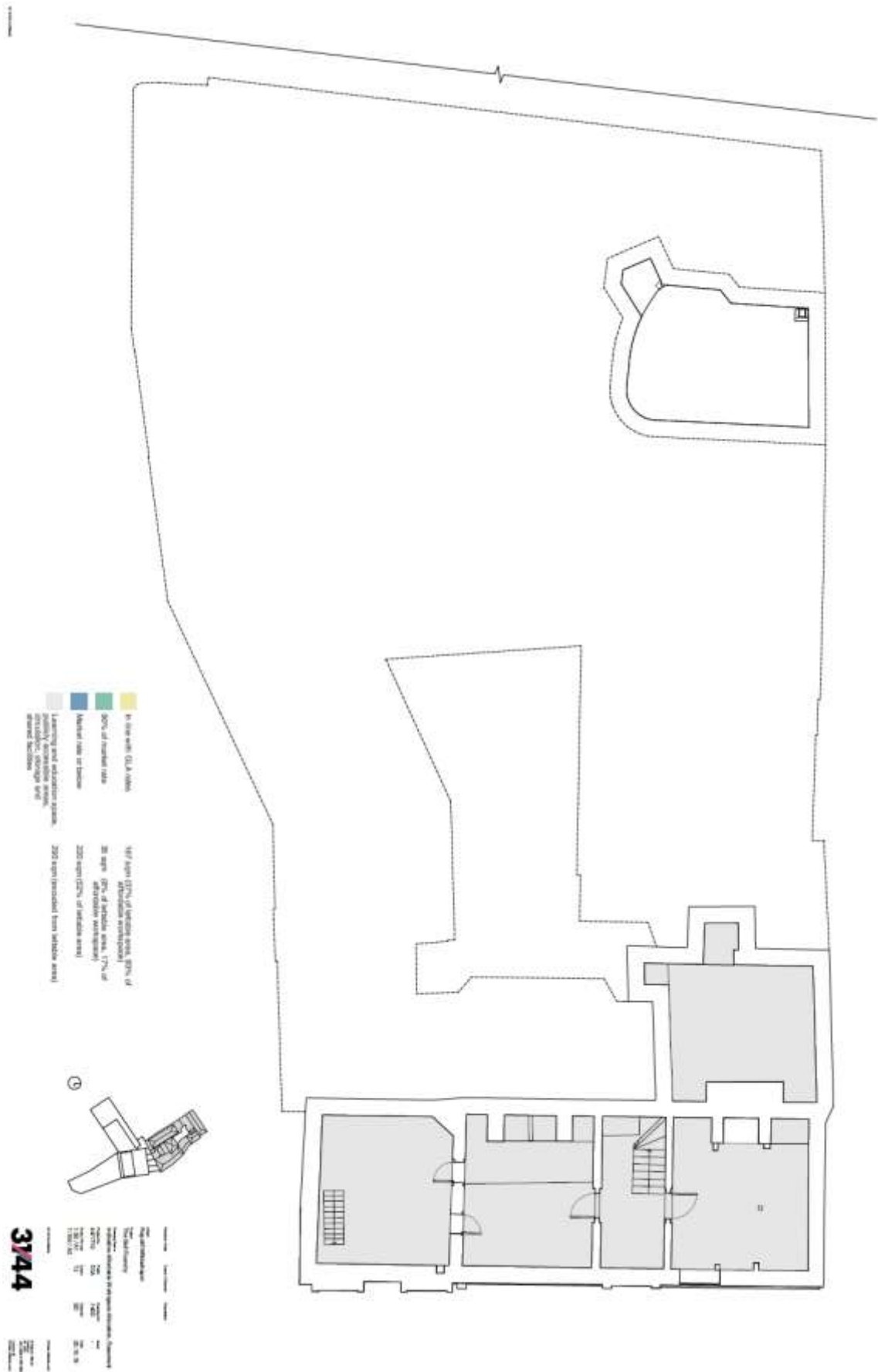
*End of official listing*



**Appendix Six – Proposed affordable workspace plans and public access areas**

	In line with GLA rates	167 sqm (37% of lettable area, 83% of affordable workspace)
	90% of market rate	35 sqm (8% of lettable area, 17% of affordable workspace)
	Market rate or below	220 sqm (52% of lettable area)
	Learning and education space, publicly accessible areas, circulation, storage and shared facilities	293 sqm (excluded from lettable area)

**Key for below plans**



Proposed basement





Proposed first floor plan





Proposed roof plan

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## DEVELOPMENT COMMITTEE

[14<sup>th</sup> November  
2019]

Report of the Corporate Director of Place

Classification: Unrestricted

### Application for Planning Permission

[click here for case file](#)

<b>Reference</b>	PA/16/02789
<b>Site</b>	William Brinson Centre, 3-5 Arnold Road, London, E3 4NT
<b>Ward</b>	Bromley North
<b>Proposal</b>	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
<b>Summary Recommendation</b>	Grant personal planning permission with conditions
<b>Applicant</b>	London Borough of Tower Hamlets
<b>Architect/agent</b>	Tibbalds
<b>Case Officer</b>	Katie Cooke
<b>Key dates</b>	<ul style="list-style-type: none"> <li>- Application registered as valid on 21/09/16</li> <li>- Planning permission approved on 10/03/17</li> <li>- The Judicial Review (JR) claim was issued on 27/04/17</li> <li>- The JR took place on 07/03/18 and 08/03/18</li> <li>- Judgement to quash the planning permission was made on 28/03/18</li> <li>- Revised Daylight/Sunlight assessment, Planning Statement, Heritage Statement and Visual Impact Study received on 06/02/19</li> <li>- Consultation ended on 12/04/19;</li> <li>- Additional information comprising no sky contour drawings and sunlight assessment results for kitchens and bedrooms was submitted on 28/05/19,</li> <li>- Window dimensions for properties along Tomlins Grove were submitted on 07/08/19</li> <li>- Revised Daylight/Sunlight assessment for the proposed building was received on 09/08/19. Consultation ended on 03/09/19;</li> <li>- Supplement to internal Daylight and Sunlight Study – sunlight to amenity areas was submitted on 19/08/19</li> <li>- Daylight and Sunlight results for 56 and 56a Bow Road provided on 23/08/19</li> <li>- Amended 'with wings removed' table submitted on 30/08/19 to include 8 Tomlins Grove kitchen</li> <li>- Addendum Daylight and Sunlight Study by DPR, dated October 2019</li> </ul>

## EXECUTIVE SUMMARY

The report considers an application for a residential development comprising 62 one, two, three and four bedroom flats, within two buildings 6 and 8 storeys in height.

The application was granted planning consent at committee on 10<sup>th</sup> March 2017. The decision was challenged by way of a judicial review and the Court quashed the decision on the basis that the decision to grant planning permission was unlawful. It was considered unlawful because the Officer's report to Committee was considered to be misleading in material respects.

Officers have now reconsidered this application against the provisions of the Local Plan and other material considerations as set out in this report (which has had regard to the High Court judgement), and recommend approval of planning permission.

The assessments carried out by the applicant have gone over and above what is normally required for planning applications of this nature. This has allowed officers to be confident that the information supplied is robust.

The report explains that the proposals would be acceptable in terms of height, scale, design and appearance; preserving the character and appearance of the nearby Tomlins Grove and Tower Hamlets Cemetery Conservation Areas. The scheme would deliver good quality homes in a sustainable location. The proposed flats would all be served by private balconies and communal space that either meet or exceed minimum London Plan SPG space requirements.

The development would result in the provision of 100% affordable rented housing. This is much needed housing and is strongly supported in the consideration of this application. Whilst both London Plan and local policies seek a mix of housing tenures, all units within this scheme will be for affordable rent in direct response to the very high local need in Tower Hamlets. With the extremely high priority for affordable housing in mind the significant additional provision is welcomed and the fact that a mix of tenures is not provided is considered acceptable in this instance.

The residential quality of the scheme would be high, 32 of the units would be of a size suitable for families (51%). All of the proposed affordable units would meet or exceed the floorspace and layout standards with family sized units being more spacious. All of the dwellings would meet Part M Building Control regulations and 10% (6 units) would be provided as wheelchair accessible.

The amenity impact of the development would be acceptable. Officers consider that the design of the development and the massing of the site would minimise any adverse amenity implications, in terms of light, privacy, noise and traffic impacts.

The proposal would be acceptable with regard to highway and transportation matters including parking, access and servicing.

The scheme would meet the full obligation of financial contributions. However, given the Council is unable to enter into a s106 agreement with itself, the financial and non-financial contributions are to be secured by the imposition of conditions.

## SITE PLAN



Figure 1

### Legend:

site boundary: light blue line

consultation boundary: dashed line

listed buildings: blue

conservation areas: shaded area

## 1. SITE AND SURROUNDINGS

- 1.1 The site is a triangular, elongated site with a 98m frontage onto Arnold Road, forming the eastern boundary. The site is owned by the Council. The building currently on site is two storeys in height and is considered to be of limited architectural merit.



- 1.2 When the application was originally submitted and assessed in 2016, the current building on the site was occupied by an adult day centre ran by the charity Vibrance with car parking located to the rear. Only the ground floor was occupied and in use as a community centre (Class D1 use), the rest of the site was empty and appeared to have been for some time.
- 1.3 Since this time, the adult day care centre has relocated to another premise in Stepney Way which is located within Tower Hamlets, resulting in the entire site being vacant. The applicant has confirmed that William Brinson was gradually vacated and handed over by 11th December 2018 and that the site is currently vacant and secure.
- 1.4 The Site is dominated by two major railway lines, one of which is the District Line with above ground tracks leading from Bow Road Station.
- 1.5 The following is an aerial view of the site (edged in red).



Figure 2: Aerial photo of site North ↑

- 1.6 The following photographs show the front and rear facades of the existing building that occupies the site.



Figure 3: Front view of site



Figure 4: Rear view of site

- 1.7 The area is characterised by a varied mix of commercial, residential community use buildings, railway viaducts and train lines. The site is within an established residential neighbourhood separated off by the submerged train line to the west and the raised viaduct to the east. The arches in the viaduct on Arnold Road are used as commercial/light industrial premises. To the north is the Thames Magistrates Court on Bow Road. These are shown in the following photographs.



Figure 5: Arnold Road from site.



Figure 6: Thames Magistrates Court on Bow Road.

- 1.8 Although the site itself does not contain any listed buildings or trees with preservation orders, the site is surrounded by Conservation Areas beyond the train lines; the Tomlins Grove Conservation Area to the east and the Tower Hamlets Cemetery Conservation Area to the west. In addition, and slightly further away, is the Tredegar Square Conservation Area. These Conservation Areas contain numerous listed buildings with the terraced dwellings of Tomlin's Grove and the large semi-detached houses on Mornington Grove being closest to the site. There are local community facilities in close proximity of site, such as Wellington Primary school, play facilities and religious institutions and commercial activity associated with the railways land. Larger scale employment and retail buildings are located along Bow Road.
- 1.9 The following image (Figure 7) shows the application site, with the shaded green areas being the respective conservation areas. The shaded blue areas representing the Grade II listed terraces.



Figure 7: Site in relation to conservation areas

- 1.10 Further north of the site is Bow Road (A11), close to its junction with the A12. The site has good transport links. Bow Road Underground and Bow Church DLR Stations are within 5 - 10 minutes' walk and numerous buses serve Bow Road. The site's PTAL rating at 6a is excellent accessibility to public transport.

## 2. PROPOSAL

- 2.1 Proposed development includes the demolition of the existing two storey building and the provision of 62 new affordable homes along with 400sq.m of commercial office space (B1 use class) and associated landscaping and public realm works. 16 x 1b2p, 14 x 2b4p, 20 x 3b5p and 12 x 4b6p including 6 wheelchair units (2 x 1b2p, 2 x 2b4p and 2 x 3b5p).

## 3. RELEVANT PLANNING HISTORY

- 3.1 **PA/16/02789** - Demolition of existing building, construction of an 8 storey building and a 6 storey building to provide 62 dwellings (affordable housing tenure) and 398sqm B1 floorspace with amenity space, access, cycle parking, landscaping and associated works. Planning permission was granted on 10<sup>th</sup> March 2017
- 3.2 The Judicial Review was heard on 7th and 8th March 2018. On 28th March 2018, the Court issued its decision to quash the decision to grant planning permission and for the planning application to revert back to the Council for redetermination.
- 3.3 As a result of the original decision being quashed by the Court, the planning application remains an extant application. Accordingly, the Local Planning Authority (LPA) has to reconsider the application afresh. The applicant submitted the following documents on 6th February 2019 in order to address the matters criticised in the course of the JR proceedings::
- Planning Addendum, rev 2, produced by Tibbalds, dated 6th February 2019. This document is an addendum to the existing planning statement, produced by Treanor consulting, dated September 2016;
  - Daylight and Sunlight Study, produced by Delva Patman Redler (DPR), dated January 2019, reference: 18416/AJC/VK/RevB. This replaces the original document produced by Waldrams, dated 23rd August 2016.

- Internal Daylight and Sunlight report, produced by DPR (ref: 18416/AJC/VK) which replaced the previous report produced by Waldrams (dated 23<sup>rd</sup> August 2016).
- Heritage Statement, produced by Dorian Crone, dated July 2018 (new document); and
- Visual Impact Assessment, produced by Dorian Crone, dated July 2018 (new document)

3.4 The LPA has now reassessed this application on the grounds of the revised submitted information as listed above.

3.5 More recently, this application was due to be presented at Committee on 19<sup>th</sup> September 2019; however on the day the applicant requested that it be removed from the agenda based on sunlight and daylight and heritage reports received on behalf of local residents. The opportunity was also taken to access as many properties as reasonable on Tomlins Grove to ensure where possible, the results were based on surveyed room layouts and correct room uses.

3.6 Since its removal from the agenda, the applicant's Daylight and Sunlight (DLSL) Consultant, DPR, undertook site visits to a number of the Tomlin's Grove properties where residents had indicated that internal room layouts relied on by the applicant were incorrect. The purpose of the site visit was to measure the rooms/windows and confirm the room layouts. The results were submitted by DPR in their report titled Addendum Daylight and Sunlight Report, dated October 2019. These results now replace the previous DLSL results (dated January 2019) for properties in Tomlins Grove.

3.7 This report was subsequently reviewed by Anstey Horne (AH) who have been appointed by the Local Planning Authority (LPA) in addition to the LPA's DLSL officer.

#### **4. PUBLICITY AND ENGAGEMENT**

##### Consultation undertaken by the applicant

4.1 The applicant held a public consultation event on 10<sup>th</sup> August 2016. A total of 16 members of the public attended. The comments related to the following:

- Existing parking and traffic management of Tomlins Grove was viewed as problematic and residents concerned that the new development would likely put further strain on this.
- Residents of Tomlins Grove requested for parking on Tomlins Grove to be reviewed and enforced.
- Positive reaction to activating the use of ground floor to minimise ASB.
- Tenants of Tomlins Grove expressed concern of overlooking from the new buildings as well as blocking of views and overall building height
- The brown colour of the proposed brick was questioned by a few attendees.
- General understanding of councils needs to build more homes and that the existing ownership of this site by the council was a reasonable justification for development.

4.2 More recently, the applicant confirmed that residents were informed of the applicant's plans for the site by delivering news letters on 13<sup>th</sup>, 14<sup>th</sup> and 15<sup>th</sup> March 2019. As a result of this recent round of consultation, over 486 newsletters from the applicant's project team were hand delivered.



### Consultation undertaken by the LPA

- 4.3 There have been three rounds of public consultation undertaken by the LPA, all of which took place in accordance with statutory requirements.

#### **a) First round of consultation**

- 4.4 The first round of public consultation included a total of 477 letters sent to occupiers of neighbouring properties, a press advert and site notices.
- 4.5 13 individual letters in objection were received, two petitions against, 1 with 40 names (although no signatures were provided) and the other signed by 9 residents. No letters received in support of the proposals.

Reasons given in objection to the scheme include:

- Location of the 'holding area' for construction vehicle – Noise and disturbance from construction works
- Bulk and massing
- Lower daylight & sunlight
- Creating shadows and privacy intrusion
- Loss of outlook
- Proposals not compatible with garage businesses in the railway arches
- Out of scale and character with surrounding area and in particular the conservation area it abuts.
- Excessive density and overdevelopment
- Pressure on services
- Increased traffic congestion, highway safety and parking
- Impact on biodiversity
- Design consideration
- Loss of existing community facilities on site
- Ground floor commercial not required
- Alternative site within the borough
- 100% affordable rent tenancy not in tune with the goal of socially diverse borough
- Proposal should be directed towards Key workers
- Adverse impact on existing businesses on Arnold Road, creating temporary loss of jobs
- Inadequate refuse facilities for both commercial and residential and waste management
- Limited outdoor spaces
- Potential for fire

- 4.6 The loss of private views has also been raised in objection to the proposal. Impact of development on private views is not a material planning consideration. The proposal's impact on outlook is addressed and other objections are addressed in the body of the report.

#### **b) Second round of consultation**

- 4.7 In light of the 4 new documents submitted for the application as a result of the JR proceedings, the LPA undertook a new round of consultation. Site notices were displayed around the site on 19<sup>th</sup> March 2019, a press notice was issued on 21<sup>st</sup> March 2019 and neighbour letters were sent out on 15<sup>th</sup> March 2019. It was brought to the attention of the LPA that there was an issue with the LPA's planning register and that residents were not able to view documents between 15<sup>th</sup> and 18<sup>th</sup> March 2019. As such, the LPA extended the

consultation deadline for a further 7 days until 12<sup>th</sup> April 2019. Neighbours were notified of this extension by letter.

- 4.8 22 individual letters of objections were received, 2 petitions, 1 e-petition with 102 signatures and 1 hard copy petitions with 160 signatures, as well as, 1 letter of support.
- 4.9 Largely the representations received related to the same issues as previous, with further comments in relation to daylight and sunlight issues.
- 4.10 It is noted that in some cases, individuals have signed more than 1 petition as well as submitting individual representations.

### **c) Third round of consultation**

- 4.11 On 9<sup>th</sup> August 2019, the applicant submitted a new Internal Daylight and Sunlight report, produced by DPR (ref: 18416/AJC/VK) which replaced the previous report produced by Waldrams (dated 23<sup>rd</sup> August 2016). As such, the Council carried out a further round of consultation for 2 weeks in the format of neighbour letters. This consultation was originally due to end on 28<sup>th</sup> August 2019. However, a handful of neighbours felt that with the 14 day consultation being over the summer holidays and taking place during a bank holiday, in addition to the timing of the delivery of the letters, it was not an acceptable amount of time for people to respond. As such, the LPA extended the consultation for a further 7 days until 3<sup>rd</sup> September 2019.
- 4.12 7 representations were received as part of this round of consultation.

### New representations in objections including petitions (in addition to the previous extant objections)

Reasons given in objection to the scheme that were not included in the first round of consultation responses include:

- The new Daylight/Sunlight report by Delva Patman Redler is considered to be misleading
- *(Officer response: The LPA commissioned Anstey Horne to carry out an independent review of the previous DS (daylight and sunlight) report and the current one. A comprehensive analysis of these studies has been provided in the D/S section of the report).*
- No claims that the new D/S report has considered the findings of the High Court
- The updated D/S fails to include details of window measurements used in relation to the Tomlins Grove properties
- The information in the Visual Impact Assessment is misleading and inaccurate
- The Heritage Statement is misleading
- *(Officer response: The Council's conservation officer has reviewed this application and does not consider the information provided to be misleading or to have a negative impact on the area)*
- Validity of accuracy of the new DS report as the previous report was inaccurate.
- Disappointed that more care and attention wasn't taken by the Council to ensure that information put in the public domain in relation to the resubmitted application was factually correct.
- No evidence to suggest that tests have been undertaken in relation to the reflected glare that the Tomlins Grove properties would experience, or the additional running costs in relation to the additional electricity usage necessary if redevelopment goes ahead

- The Council is breaching its density guidelines
- The Council is breaching many of its own commitments to existing residents in relation to minimising impact, overshadowing, outlook, privacy and protecting daylight
- Danger during construction (local roads are too narrow for inevitable HGV traffic) including significant additional air pollution
- Development will block sun coming into the objectors rear window
- Windows from the proposed building will face into objectors living and kitchen area

**Petition reason for objections (electronic):**

- This is a re-submission of plans, which were found to be materially misleading when first submitted in 2016.  
(Officer comment: *It is important to clarify that the court in the judicial review did not find the submitted plans to be misleading, rather the officer's report to committee.*)

*The Court held that the conclusions reached about the impact on the sunlight and daylight to the Tomlins Grove properties might have been different had the report not been materially misleading and might have resulted in a different view on whether the proposed development complied with Policy DM25.1(d).*

- The proposals remain unchanged and the local residents will be affected by the imposing height of the proposed 6 and 8 storey buildings (which will be double the height of existing surrounding buildings), thus overshadowing homes and which subsequently is omitted from the updated Visual Impact Assessment Report PA\_16\_02789\_A1

This will have a detrimental affect (sic) on the current residents owing to;

- A significant negative visual impact,
- A significant loss of daylight and sunlight
- The height of the development is not in keeping with the adjacent conservation area
- A loss of privacy at the back of homes,
- A loss of amenity to back gardens

**Petition reason for objections (hard copy):**

- Impact scheme will have on surrounding properties all of which are smaller
- Parking is currently an issue and proposed car free will have exclusions and only operates during restricted hours.

The letter of support:

- Good design
- Sunlight issue is unfortunate however not overwhelming given the separation distances between Tomlins Grove and Arnold Road.
- Support delivery of social housing
- Supports car free

4.13 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:

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

- 4.14 The issues are addressed in the material planning considerations section of this report.

## **5. CONSULTATION RESPONSES**

### **Internal Consultees**

#### Design and Conservation

- 4.15 No objection

#### Air quality

- 4.16 No objections subject to construction and demolition activities condition, as the assessment submitted with proposals indicates that the development will not lead to any significant impacts on air quality and that the pollution levels at the site are below the relevant air quality objectives and it is therefore suitable for residential use.

#### Employment and Enterprise

- 4.17 No objections subject to financial contribution to support and/or provide training and skills need of local residents in accessing the job opportunities created through the construction phase of the development.

#### Energy

- 4.18 No objections subject to a carbon offsetting contribution of £82,260.

#### Occupational Therapist

- 4.19 No objections. A range of detailed and specific recommendations were put forward to improve the functionality of the wheelchair accessible units.

### **Sustainable Urban Drainage System (SuDS)**

- 4.20 No objection to the use of below ground storage, however, the use of sustainable techniques has not been applied, SuDS should typify management and provision of water quantity, water quality, Amenity and Biodiversity. The use of SuDS features that provides source control and other benefits, such as permeable paving, rainwater harvesting systems or grey water recycling to improve the sustainability of the site as cited in the report and revised strategy. It is not clear how the entire drainage system is to be maintained, therefore details of agreed adoption, monitoring and maintenance of the drainage and SuDS features to be achieved via condition should planning permission be granted.
- 4.21 To ensure flood risk is not increased elsewhere a detailed surface water drainage scheme as outlined in the report would be secured via planning condition.

### **External Consultees**

#### Environment Agency

- 4.22 The site is within Flood Zone 1 and has no significant risk of surface water flooding. The proposals would be considered acceptable to comply with the London Plan Policy 5.13 and Local plan policy DM13. The SuDS assessment produced by Price & Myers sets out

proposals to limit surface water outflow to 5l/s. The applicant proposes to achieve this by including 103m of storage

#### Thames Water

- 4.23 Thames Water advises that there is no objection with regard to sewerage infrastructure capacity.
- 4.24 Thames Water advises that a piling method statement condition detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works be imposed to safeguard local underground sewerage utility infrastructure and an informative in respect of discharging ground water into a public sewer.

#### Crime Prevention Officer (Metropolitan Police)

- 4.25 Given the high levels of locally reported crimes and the legislation and planning guidance regarding the above, a Secured by Design condition to any design and layout aspect would be considered appropriate in order to enable the development to achieve Secured by Design accreditation, or as a minimum to encompass the principles and practices of Secured by Design, thereby creating safer more sustainable communities.

#### Transport for London

- 4.26 The proposed 'car free' development is acceptable, subject to a permit free agreement for any existing and future controlled parking zone.
- 4.27 Non-designation of the proposed 2 disabled car parking is a concern because of the high level of vehicular services around the site. Applicant states that the two parking spaces are for the residents and an on-street Blue Badge parking bay can be provided for the B1 occupants should demand arise.
- 4.28 The proposed cycle provision is acceptable but TfL recommend that at least 5% of all spaces can accommodate a larger cycle, plan 9-1602-P-105B has been amended to cater for larger cycles.
- 4.29 Require full details of construction works including any structural changes & impacts on underground infrastructure, this can be achieved via condition.

## **6. RELEVANT PLANNING POLICIES AND DOCUMENTS**

6.1 In determining the application, the Council has the following main statutory duties to perform:

- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38 (6) of the Planning and Compulsory Purchase Act 2004).
- To have regard to the provisions of the development plan, so far as material to the application, to local finance considerations so far as material to the application, and to any other material considerations (Section 70(2) of the Town & Country Planning Act 1990).
- In relation development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any

features of special architectural or historic interest which it possesses. (Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990)

- To pay special attention to whether the development would preserve or enhance the character or appearance of the surrounding conservation areas (Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990).

6.2 In this case the Development Plan comprises:

- The London Plan 2016 (LP)
- Tower Hamlets Core Strategy 2010 (SP)
- Tower Hamlets Managing Development Document 2013 (DM)

6.3 The key development plan policies relevant to the proposal are:

Land Use - LP 3.16, SP06, SP07, DM3, DM4, DM8, DM15,  
(local job creation and investment, loss of community facility, housing )

Design - LP7.1-7.8, SP09, SP10, SP12, DM10, DM23, DM24, DM26,  
DM27,  
(layout, massing, building heights, materials, public realm, heritage)

Amenity - LP7.6, LP7.15, SP03, SP10, DM25,  
(privacy, outlook, daylight and sunlight, construction impacts)

Transport - LP6.1, LP6.3, LP6.9, LP6.10, LP6.13, SP05, SP09, DM14,  
DM20, DM21, DM22,  
(sustainable transport, highway safety, car and cycle parking, waste, servicing)

Environment - LP3.2, LP5.1 - 5.15, LP5.21, LP7.14, LP7.19, SP03, SP04,  
SP11, DM9, DM11, DM13, DM29, DM30,  
(biodiversity, energy efficiency, air quality, drainage, contaminated land)

6.4 Other relevant documents and guidance include

- National Planning Policy Framework (2019),
- Planning Practice Guidance (updated 2019),
- LP Land for Industry and Transport SPG (2012)
- LBTH Employment Land Review (2016)
- LBTH Planning Obligations SPD (2016)
- Tomlins Grove Conservation Area Character appraisal (March 2007)
- Tower Hamlets Cemetery Conservation Area Character appraisal (March 2007)

6.5 In this case emerging policies comprise:

- The Draft London Plan (DLP)
- Managing Growth and Sharing the Benefits - Tower Hamlets Local Plan 2031

6.6 The Planning Inspectorate has on 20/09/2019 confirmed the soundness of the emerging Local Plan 'Tower Hamlets 2031: Managing Growth and Sharing the Benefits', subject to recommended modifications; the policies contained therein now carry substantial weight, pending formal adoption of the document by the Council.

6.6 The key emerging policies relevant to the proposal are:

Employment S.EMP1, D.EMP2, D.EMP3, D.EMP4

Housing S.H1, D.H2, D.H3  
(unit mix, housing quality)

Design S.DH1, S.DH2, S.DH3, D.DH2, D.DH6  
(layout, massing, materials, public realm)

Amenity S.DH1, D.DH8, D.ES9  
(privacy, outlook, daylight and sunlight, construction impacts)

Transport D.MW3, D.TR2, D.TR3, D.TR4, S.TR1  
(sustainable transport, highway safety, car and cycle parking, waste, servicing)

6.7 The Planning Inspectorate has on 08/10/2019 confirmed the soundness of the Draft New London Plan, subject to recommended modifications; the policies contained therein now carry substantial weight, pending formal adoption of the document.

6.6 The key emerging policies relevant to the proposal are:

Employment GG2, GG5, E1, E2, E3

Housing GG2, GG4, H1, H2, H5, H7, H8, H12,  
(unit mix, housing quality)

D1, D1A, D1B, D2, D3, D4, D5, D7, D12, S4, HC1, SI13  
(layout, massing, materials, public realm)

GG3, D12, D13, G6, SI1, SI2, SI3,  
(privacy, outlook, daylight and sunlight, construction impacts)

T1, T2, T4, T5, T6, T6.1, T6.2, T7  
(sustainable transport, highway safety, car and cycle parking, waste, servicing)

## **7. PLANNING ASSESSMENT**

### **Personal Permission**

7.1 The applicant in this instance is the London Borough of Tower Hamlets, resulting in the application being personal to London Borough of Tower Hamlets. Any planning permission granted for this application shall be exclusively used by the Council only.

7.2 As a result of the applicant and the LPA both being the same authority, it is not possible to enter into a legal agreement with each other. As such, all financial and non-financial contributions will be secured via condition.

7.3 The key planning issues raised by the proposed development are:  
i. Land Use  
ii. Design & Heritage



- iii. Neighbour Amenity
- iv. Transport
- v. Environment
- vi. Infrastructure
- vii. Equalities and Human Rights

## Land Use

### Loss of employment and existing community facility

- 7.4 The key policy requirements in relation to retention of employment uses are set out in the Managing Development Document (MDD) Policy DM15 (Local Job Creation and Investment), paragraph 15.2. The development which is likely to impact on or displace an existing business must find a suitable replacement accommodation within the borough unless it can be shown that the needs of the business are better met elsewhere. The Site is not designated as an employment location and no loss of existing employment is envisaged on site given that the site is now vacant. In addition, the proposed commercial use at the ground floor level would provide employment opportunity on site above the existing provision (which is zero).
- 7.5 Policy DM8 requires the protection of community facilities. It states that the loss of a facility will only be considered if it can be demonstrated that there is no longer a need for the facility within the local community and the building is no longer suitable, or the facility is being adequately reprovided elsewhere in the borough.
- 7.6 When the application was originally submitted and assessed in 2016, the current building on the site was occupied by an adult day centre ran by the charity Vibrance with car parking located to the rear. Only the ground floor was occupied and in use as a community centre (Class D1 use), the rest of the site was empty and appeared to have been for some time.
- 7.7 Since this time, the adult day care centre has relocated to other premises in Stepney Way which is located within the Borough of Tower Hamlets, resulting in the entire site being vacant. The reason for this move was due to the Arnold Road site not being suitable due to its layout, adaptability and quality of space. The new site in Stepney Way would provide a better space to cater for the need of the users.
- 7.8 The applicant has confirmed that William Brinson was gradually vacated and handed over by 11th December 2018 and that since this time, the site has been vacant and secure.
- 7.9 The site area is 0.25 hectares and was underutilised and by virtue of the site being vacant, it is now not in use. The proposed development with the provision of commercial floorspace would provide small B1 suites, 2 units totalling 124sqm GIA in the north block and 3 units totalling 277sqm GIA in the south block at the ground floor level with residential above, and would respond positively to the site with no loss of employment or community facilities.
- 7.10 In light of the above, the proposed loss of employment-generating land and the existing community facility and the reprovision of the community facility would be considered to accord with policies SP06, SP07 and DM15..

## Housing

### Affordable Housing

- 7.11 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and provides that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.
- 7.12 The proposed 62 units with 51% family units all affordable rents would be slightly above the 45% the policy requirement, however, given the scheme had been designed with particular reference to the council's high need rented accommodation especially for families, would comply with the aforementioned Policies and to be provided at Borough Framework Rents. Following consultations, the Council's affordable officer raised no objection subject to affordable rent condition.

### Housing Mix

- 7.13 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing and Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Council's most up to date Strategic Housing Market Assessment (2009).
- 7.14 Table 1 below compares the proposed target mix against policy requirements:

Ownership	Type	North Block	South Block	Total Number of units (North and South combined)	Policy requirement (%)	Proposed mix (%)
Affordable Rent	1 bed	0	16	16	30	26
	2 bed	2	12	14	25	23
	3 bed	18	2	20	30	32
	4 bed	0	12	12	15	19

Table 1

- 7.15 DM3 (3.3) states that the Council will give favourable consideration to proposals which exceed its strategic target of 50% affordable housing. The current proposal is 100% affordable which exceeds the Council's affordable provision target.
- 7.16 The Councils Housing section have advised that 50% of the rented homes will be Tower Hamlets social target rent and the remaining will be Tower Hamlets Living Rents.
- 7.17 In relation to the affordable rent mix, given that the proposals is 100% affordable rent, the proposal would broadly meet the policy targets. In particular the affordable rented accommodation proposed would have a good mix of 1, 2, 3 and 4 bedroom homes for prospective occupiers. Overall the scheme would provide 51% of family units which is above the policy requirements of 45%. There is a total of 20 units within the northern block

comprising of 18 x 3 bed units and 2 x 2 bed wheelchair units. The southern block comprises of 42 units in total, 16 x 1 bed of which 2 are wheelchair units, 12 x 2 bed units, 2 x 3 bed wheelchair units and 12 x 4 bed units.

- 7.18 The scheme proposes 100% affordable units with all affordable rent. The scheme has been designed with particular reference to the Council's high need for rented accommodation, especially for families.
- 7.19 On balance, whilst this proposal does not meet all of LPA's policy targets, officers consider that this application contributes favourably to the mix of units across tenures within the borough as a whole especially with the generous provision of family units as a material consideration and would therefore be considered to be acceptable in policy terms.

#### Wheelchair Accessible Housing and Lifetime Homes Standard

- 7.20 Policy 3.8 of the London Plan and Policy SP02 of the Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 7.21 Six wheelchair accessible homes are proposed which amounts to approximately 10% of the total units.
- 7.22 This is in accordance with the needs of families waiting for fully accessible housing on the Common Housing Register. The detailed floor layouts and locations within the site for the wheelchair accessible homes will be conditioned. Two disabled accessible on- street car parking space would be provided at the front of site on Arnold Road.

#### Quality of residential accommodation

- 7.23 GLA's Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring it is "*fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime*". The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 7.24 All of the flats meet the London Plan space standards; have a floor-to-ceiling height of 2.6m in accordance with the GLA's Housing SPG. No floor would have more than 8 units per core, again in accordance with the SPG.
- 7.25 Approximately 75% of the flats would be dual aspect and all of the flats would have balcony at a size which would be policy compliant. The only single aspect units are the 1 bedroom flats which are east facing.

#### Daylight/Sunlight – for new residential developments

- 7.26 Policy DM 25 requires the protection of the amenity of future residents and occupants by ensuring adequate levels of daylight and sunlight for new residential developments. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011). The primary method of assessment of new build accommodation is through calculating the average daylight factor (ADF). BRE guidance specifies the target levels of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.
- 7.27 Given the history of the application and the conclusions drawn from the Judicial Review decision with the original daylight and sunlight report prepared by Waldrums, the applicant

instructed Delva Patman Redlar (DPR) to produce a new daylight and sunlight assessment as part of this application.

- 7.28 DPR produced 2 daylight and sunlight assessment documents, the first of which assessed the impacts to existing neighbouring residential properties (dated January 2019) and a subsequent report which assessed the internal daylight and sunlight levels within the proposed dwellings (dated August 2019). Both documents were consulted on in line with the LPAs protocols.
- 7.29 The LPA instructed Anstey Horne (AH) to carry out a review of the daylight sunlight report (produced by DPR) on their behalf.

#### *Daylight*

- 7.30 Anstey Horne have reviewed the methodology undertaken by DPR and have confirmed its acceptability, specifically that the relevant tests are the Average Daylight Factor and Annual Probable Sunlight Hours. In addition, DPR have also referred to additional analysis which are the Room Depth Criterion and No Sky Line tests.
- 7.31 In terms of the internal daylight analysis, this has been undertaken for all main habitable rooms on the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> levels. Anstey Horne have advised that as the floor plans repeat where there is adherence on the 3<sup>rd</sup> floor, those rooms have not been continued to be tested to the upper floors, only those which do not adhere have been tested as you go higher up the buildings. This is common practice, as the daylight and sunlight levels will improve the higher you test up the building. The appended ADF results demonstrate that 220 out of 248 (89%) rooms tested will meet the ADF targets. Anstey Horne advise that this is a good level of adherence.
- 7.32 As part of DPRs assessment, they also undertook room depth and no-sky line assessments.
- 7.33 The room depth analysis has been calculated for all main habitable rooms on all floors. The results demonstrate that 189 out of 248 (76%) rooms will satisfy the BRE guidelines.
- 7.34 The no sky line (NSL)/daylight distribution analysis has been completed to all main habitable rooms on the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor levels. The results demonstrate that 106 out of 120 (88%) rooms will satisfy the BRE guidelines. The upper floors will have levels of adherence which are just as good as the results which have been confirmed, as the levels of light will improve as you test higher up the building.

#### *Sunlight*

- 7.35 With regard to the internal sunlight analysis, this has been completed to all main habitable rooms on the 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> floor levels. The results demonstrate that 72 out of 120 (60%) rooms will meet the annual and winter sunlight hours target. With 6 (5%) rooms meeting only the winter sunlight hours and 42 (35%) rooms not meeting either of the annual or winter targets. The upper floors will have levels of adherence which are just as good as the results appended to the DPR report. It is worth noting that all windows have been tested for sunlight, regardless of orientation. The BRE guidelines advise that for neighbouring properties, only windows which face within 90° of due south need to be tested for sunlight.
- 7.36 The testing to the first, second and third floor levels demonstrates that 21 out of 30 (70%) flats would meet both the annual and winter sunlight hours target in at least one main living room. 3 out of 30 (10%) flats would have good levels of sunlight but would be marginally below the targets, achieving between 23-24% APSH and 3% for winter sunlight hours. 2 out of 30 (7%) flats would have reasonable levels of sunlight, achieving between 18-19% APSH and 2% for winter sunlight hours. The remaining 4 flats are northwest corner flats in the south block and a

northeast corner flat in the north block, with the orientation being the main reason for the lower sunlight levels.

- 7.37 The BRE Guidance suggests that if at least 50% of the gardens or outdoor amenity space receives at least two hours of direct sunlight on the 21<sup>st</sup> March, then the proposed amenity spaces are considered well sunlit.
- 7.38 As shown in Figure 8 below, the sunlight amenity analysis shows that 3 of 4 proposed amenity spaces (A1, A2 and A4) comply with the BRE guidelines. Area A3 will receive 2 hours of sunlight on 21<sup>st</sup> March to 41% of its area, 9% short of the BRE recommendation of 50% of the area receiving 2 hours of sunlight.



Amenity Label	Area (m <sup>2</sup> )	BRE Recommendations (At least 50% of Amenity Area)	Proposed Area	Proposed %age of Area	Condition
A1	218.19	109.09	161.85	74%	Pass
A2	316.65	158.33	199.30	63%	Pass
A3	281.13	140.57	115.68	41%	Fail
A4	188.53	94.26	135.65	72%	Pass
Total	1004.50	502.25	612.47	61%	Pass

*Figure 8*

- 7.39 It is important to note that the amenity space of A3 is located under an arcade beneath the proposed south block, providing a transition between inside and outside. This is likely to be a main reason for the space not achieving the BRE recommendation.
- 7.40 On balance, as 3 of 4 areas are in line the BRE guidance and area A3 falls marginally below BRE guidance, officers consider the proposals do not result in unacceptable overshadowing of the amenity space in terms of sunlight amenity.

### *Conclusion*

- 7.41 The proposed development is considered to ensure adequate levels of daylight and sunlight.

### Private Amenity space and communal child play space

- 7.42 Private amenity space requirements are determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm. The proposal provides private amenity space, in the form of balconies to all of the flats in compliance with the above quantitative standards.
- 7.43 Policy DM4 requires communal amenity space and child play space for all developments with ten or more units. The communal amenity space requirement for this development is 102sqm. The child play space requirement is 10sqm per child.
- 7.44 The GLA has published an updated version of the GLA Population Yield Calculator and methodology on the GLA Datastore to support their new London Plan Policy S4: Play and informal recreation which requires residential developments to provide 10 square metres of play space per child. In line with this tool, a total of 977 sqm child play space would be required.
- 7.45 Using the previous model which has now been archived required a minimum of 942 sqm play space for this inner London location.
- 7.46 As part of the original planning assessment process, the GLA and LBTH agreed the child yields for this proposal.
- 7.47 The development is predicted to generate 61 children and therefore 610sqm of child play space is required (ages 0-11 yrs), split across the different age groups set out in the GLA's Play and Informal Recreation SPG (2012).
- 7.48 The development would provide approximately 980sqm (308sqm communal and 672sqm playspace for 0-11 year olds) of amenity space. This would significantly exceed the combined policy requirement of 712sqm for communal amenity space (102sqm) and child play space (610sqm) for all ages as required by Policy DM4 of the MDD and also exceeds the quantum required by the GLA. The Design and Access Statement has set out indicative arrangements for these spaces.
- 7.49 The spaces are accessible, secure and appropriately separated from vehicular traffic and well overlooked by the proposed development and would be accessible to all residents. The detail, including planting and play equipment can be appropriately secured by condition. The condition shall also seek to ensure a minimum of 610sqm of child play space is provided.





Figure 9: Amended Landscaping – Communal and Child Play Space

- 7.50 The play space requirement for older children (12+years) is 240sqm. The applicant has confirmed that the facilities within Mile End Park, which is a 15 minute walk away, will be used.

#### Density

- 7.51 The Core Strategy's place-making annex identifies Bromley-by-Bow as area that will become more economically prosperous through comprehensive regeneration and new development. The ambition is for the area to increase the diversity of housing choice, and to promote family housing in the area along with new green spaces. The Core Strategy also sets out principles for new buildings, including for them to focus higher-density development above the relocated supermarket and around the public transport interchange. In addition, officers consider that new development should improve the permeability and legibility by aligning with the existing street network and also respond to the local constraints, opportunities and characteristics.
- 7.52 Policies 3.4 of the London Plan (2016) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 7.53 The London Plan (policy 3.4 and table 3.2) sets out a density matrix as a guide to assist in judging the impacts of the scheme. It is based on 'setting' and public transport accessibility as measured by TfL's PTAL rating.
- 7.54 The site has a PTAL rating of 6a and is defined as being within an urban area. The London Plan sets out density ranges in Table 3.2 and Policy 3.4, which states that:

*"Taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2."*

- 7.55 For the application site, the London Plan would suggest that a density of 70-260 units per ha, or 200-700 habitable rooms per hectare, is appropriate. The net site area for the purpose of density calculations is 0.25ha. The proposed scheme proposes 62 residential units, resulting in a density of 248 units per hectare or 792 habitable rooms per hectare which would slightly

exceed the London Plan Policy 3.4 density matrix, however proposed density would be considered acceptable given the context, design principle and public transport accessibility.

7.56 Not only does the proposal generally accord with density range of the London Plan numerically in terms of units per hectare, but when considered against the standards in the London Plan Housing SPG as set out in the following sections of this report indicates that the proposed development would:

- preserves the setting of both Tower Hamlets Cemetery, Tredegar Square and Tomlins Grove Conservation Areas when viewed from within the conservation areas;
- preserves the setting of neighbouring listed terraces
- the development would not result in excessive loss of sunlight or daylight for neighbouring homes and the new flats would have good access to daylight and sunlight;
- the development provides a good mix of unit sizes within the scheme
- the development is 'car-free' owing to the site's excellent accessibility to public transport with 2 disabled on-street car parking spaces provided. The development would not cause unacceptable traffic generation;
- The proposed development is liable for the Mayoral and Tower Hamlets Community Infrastructure Levy, which will ensure the development contributes appropriately to the improvements to local social and physical infrastructure (only the commercial will be liable for CIL as the affordable will be able to claim social housing relief)
- The materiality and design is considered to be of high quality, would develop an underutilised site close to conservation areas and replaces a former building that detracted from the quality of the built environment.

7.57 The principle of mixed use development at this site is acceptable in line with SP02 (1a) which focuses new housing in the eastern part of the borough and with SP06 (1 b and 3c) which encourages the provision of suitable units for small and medium enterprises.

7.58 Given the above and the residential character of surrounding area around the site, the principle of intensification of housing/commercial use is strongly supported in policy terms.

### **Design & Heritage**

7.59 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character. Detailed Planning Guidance on 'Requiring Good Design' is set out in chapter 7 of the NPPF.

7.60 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.1 provides guidance on building neighbourhoods and communities. It states that places should be designed so that their layout, tenure, and mix of uses interface with surrounding land and improve people's access to social and community infrastructure. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.

7.61 Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.

7.62 The following elevations show the various elevations of the buildings, the materials and fenestration are discussed later within this section.



Figure 10: Eastern Elevation



Figure 11; Southern Elevation



Figure 12: Northern Elevation

### Layout

- 7.63 The proposal is laid out in two linear blocks of 6 storeys to the north and 8 storeys to the south with the provision of a well-proportioned communal central space between the blocks for communal use, accessed from Arnold Road. The central circulation cores are top lit, increasing the sense of openness with flats arranged around core, achieving an efficient layout and enabling most units to be dual aspect units providing a standard residential living accommodation and for ease of buildability.
- 7.64 The proposed buildings have been designed to prevent direct overlooking between rooms (especially habitable rooms). The proposed design would provide active frontage to Arnold Road with the provision of commercial uses at ground floor level, this is in reaction to the site constraint, given the nature of existing car business uses of the arches. It is considered that the provision of ground floor commercial uses at this location would be compatible with the surrounding area, increasing footfall down Arnold Road and enables passive surveillance at varying times throughout the day, given the nature of the proposed operation hours to the commercial units, which would be different from the usual office hours. The layout is an appropriate approach to the opportunities and constraints of the site and optimises development on the site.
- 7.65 The proposed design is considered to respond appropriately to different environments around the site and associated constraints, in particular the two railway lines, the uses within the

railway viaduct arches and the raised footbridge, by locating the commercial uses at the ground floor level fronting Arnold Road in line with the commercial uses opposite site and the layout which sets adequate separation distances from the rail lines and still able to provide mainly dual aspects units. In addition, the proposed full height windows and doors to the ground floor would create a dialogue between the commercial units and the street and therefore improve overlooking. The proposed commercial units would generate footfall throughout the day and early evening.

- 7.66 Units are designed internally facing to provide zones of public and private spaces, with inset balconies. All units would have adequate levels of natural light given the adequate floor to ceiling height and the introduction of corner glazing. All wheel chair units are located on the first floor of both blocks in order to minimise the need to travel by prospective users. Both blocks would also provide two lifts in each core to ensure adequate access provision.
- 7.67 The main entrances to the residential are located within the internal elevations facing the two blocks. The entrances are also located towards the middle of the courtyard to facilitate movement within the central space. The gentle winding design of the stairs around an open void is to provide multiple landings to encourage the use of the stairs to encourage healthy life style. The southern block due to the height requires the staircase to be lobbied from the lift core. The arrival point into the building is on the shorter edge of the elevation with direct access to the courtyard.
- 7.68 Five commercial units totalling 398 sq.m are proposed for B1 use with each unit would having its own entrance directly from Arnold Road, providing active street frontage with its own dedicated bin storage, cycle and shower facilities. The proposals would provide opportunities for local businesses and employment and would be provided as shell and core, allowing flexibility for tenant fit out.
- 7.69 Proposed commercial units are proposed to be standard units with floor to ceiling height of 3.14m minimum to allow for maximising daylight penetration and reduce the need for artificial light, to comply with British Council for Offices Specification 2014.

#### Appearance

- 7.70 The development's appearance is inspired by what is often termed the New London Vernacular with elevations predominantly faced in brickwork, facades topped with a parapet, vertically emphasised windows echoing the regular grid pattern of Georgian fenestration, deeply recessed windows, and accented entrances where possible directly from the street. This approach complements other development in the area.
- 7.71 The appearance of the development varies around the site appropriately addressing the site's setting. The predominant material used in the area is brickwork with elements of stucco and stone detailing around windows and doors. The brick piers and deep set reveals generate a rhythm to the façade which would be similar to the railway arches opposite. The vertical rhythm of the façade is punctuated by horizontal concrete elements of a contrasting colour as balcony and window lintels, this would further reduce the massing of the proposed development.
- 7.72 The northern block at 6 storeys is smaller in scale and height to suit the smaller neighbouring developments while the southern block at 8 storeys is bolder reflecting its position along the rail track. Generally, the proposed scale and height at this location would be considered acceptable where there are larger perimeter buildings. As such, the proposals are considered to be compatible with other developments in the immediate vicinity of site.
- 7.73 The entrance to each block is from the communal amenity space, drawing residents in to the site and encouraging natural surveillance. Brick piers and gates on to the street denote

defensible space and will have a fob control allowing access only for residents. Each lobby is well positioned and glazed to provide natural light and a legible welcoming entrance. The south block has an extended lobby being a longer building, and has a view through to a colonnade running along the rear communal areas.

- 7.74 There are 3 types of balconies proposed for the development, these are: inset balconies (with a variation between different types) corner balconies and Juliette balconies. The balconies are intended to become external rooms to each unit where it is located, corner balconies and Juliette balconies, would further add interest to the façade without appearing confused or busy.
- 7.75 Officers consider the proposed development's appearance would be a significant improvement in comparison to the buildings which have previously occupied the site, with residential units overlooking Arnold Road at the upper floors providing a more active frontage and increase passive surveillance.



Figure 13

### Height

- 7.76 Policy DM26 and London Plan Policy 7.7 sets out policy in relation to tall buildings. The criteria set out by both policies can be summarised as follows:
- Be of a height and scale proportionate to its location within the town centre hierarchy and generally directed to areas such as the Central Activities Zone, Activity Areas, town centres, opportunity areas, intensification areas and within access to good public transport;
  - Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including waterspaces) and improve the legibility of the areas;
  - Should incorporate the highest standards of design and architectural quality, making a positive contribution to the skyline when perceived from all angles during both the day and night. Developments should also assist in consolidating existing clusters;
  - Should not adversely impact upon heritage assets or strategic and local views;

- Present a human scale at street level and enhance permeability of the site where possible;
- Provide high quality private and communal amenity spaces for residents;
- Provide public access to the upper floors where possible;
- Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;
- Comply with Civil Aviation requirements, not interfere with telecommunication and television and radio transmission networks and consider public safety requirements; and,
- Not adversely affect biodiversity or microclimates.

- 7.77 The northern block would be 6 storeys high, reflecting modest scale development within the immediate vicinity of site which would not significantly impact on the amenity of nearby neighbours and surrounding area in terms of loss of light, privacy, outlook and visual amenity. The lower scale also assists in providing good daylight and sunlight to other parts of the development, including the communal amenity space & play space located within the central courtyard, rear and side of site.
- 7.78 The southern block would be 8 storeys high, this would be considered acceptable as proposal would still provide a good level of sunlight on the south façade of the north building due to the slight splay of both buildings, and would not significantly impact on amenity of nearby neighbours. This height reflect its position close to larger perimeter blocks in surrounding area, therefore would not be considered to be out of scale and character with surrounding area.
- 7.79 The proposed development would broadly align with other recent approvals in surrounding area. Accordingly, officers are of the opinion that the development would not appear as out of context with its surroundings.
- 7.80 It is considered that factors including the high standard of design and architectural quality would ensure that the proposal would not have a harmful impact on the significance of the nearby conservation areas.
- 7.81 The following image provides a visual of how the corners of the building with balconies are designed.





Figure 14

- 7.82 In conclusion, the development would be of high quality design and is an appropriate response to redevelopment opportunities presented by this site. The proposal generally accords with the relevant development plan policies.

#### Landscaping

- 7.83 The proposed approach to landscaping as amended would be considered acceptable, giving it a feel of useable and legible amenity space within the site. The amenity area is mainly located to the central courtyard, rear of both blocks and the 'Rose garden' located on the southern side of the southern block. The updated landscape strategy shows that the landscaping could effectively soften the appearance of the building from the street as well as providing a good range of child play space features and native planting, which is good for biodiversity, within the courtyard. A more detailed landscape strategy would be required and this can be achieved via appropriate condition.
- 7.84 The central yard is the main communal space. The focal point of the yard is a large, multi-stem feature tree with a circular bench around its stem. Long benches are proposed against a backdrop of climbing plants on either side of the courtyard providing seating. As the yard provides entry to the buildings blocks and to the two adjacent courtyard, high quality clay pavers create a unified floor plane, details to be achieved via condition. Given that the central yard of the development is a space that unifies the residents of both blocks, the landscape proposals seeks to create a simple and strong gesture by using a single large tree, providing most vegetation on the ground and on the walls, and thereby creating as much open space as much as possible to be occupied.
- 7.85 The western space along the southern and northern blocks designed as a single space would have strong relation with the building and its interior.



### Secure by Design

- 7.86 Policy 7.3 of the London Plan seeks to ensure that developments are designed in such a way as to minimise opportunities for crime and anti-social behaviour. The built form should deter criminal opportunism and provide residents with an increased sense of security.
- 7.87 In general, the proposed layout and mix of uses provides some activity at street level and natural surveillance. A particular improvement is the level of natural surveillance to Arnold Road. In addition, the proposals responds to the meet the Secure by Design requirements in providing a gated development at this location which evolved from the location of the site in an environment which would not otherwise be fit for residential purpose. The type of businesses opposite site and railway lines are not residential friendly, given the nature of the existing uses, therefore for proposals to be considered safe for residential purpose, it would need to be a gated development in accordance with Secured by Design advice.
- 7.88 The Crime Prevention Officer at the Metropolitan Police advises that the scheme raises no particular concerns in the manner it is designed and advises that the scheme should seek a Part 2 Secure by Design Accreditation. An appropriate condition has been recommended.
- 7.89 The proposal accords with the aforementioned policies.

### **Inclusive Design**

- 7.90 Policy 7.2 of the London Plan (2016), Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 7.91 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. The development has been designed with the principles of inclusive design in mind, although gated development, this is as required by secure by design given the location of site and the proposed use mainly residential with no other residential development within the immediate vicinity of site.
- 7.92 The entrances and circulation spaces are 'level' and slip resistant, recessed openings provided at all external entrances. At least 2 wheelchair on-street parking spaces are provided, with the option to provide more, depending on demand.
- 7.93 10% of units would be wheelchair accessible or adaptable, in accordance with the policy requirements, all affordable rented units with a choice of size and aspect.
- 7.94 The proposal accords with the aforementioned policies.

### **Heritage**

- 7.95 Policies in the London Plan (2016 as amended) and the CS and MDD seek to protect and enhance the character, appearance and setting of heritage assets and the historic environment.
- 7.96 Detailed Government policy on Planning and the Historic Environment is provided in the NPPF.
- 7.97 NPPF Paragraph 189 requires applicants to describe the significance of any heritage assets affected by a proposal. Since the original planning application was submitted and after the decision of the JR, the applicant provided a Heritage Statement (produced by Heritage Information Ltd) which includes a review of the 3 conservation areas (Tomlins Grove, Tower

Hamlets Cemetery and Tredegar Square Conservation Areas) surrounding the site and in the immediate vicinity, as well as an assessment of the significance of the site (in line with the NPPF), a listed building assessment and an impact assessment of the proposals before concluding the application proposals are considered to cause no harm to the significance of any of the identified designated and non-designated heritage assets.

- 7.98 NPPF Paragraph 192 requires that in determining planning applications, local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - The desirability of new development making a positive contribution to local character and distinctiveness
- 7.99 NPPF paragraph 193 requires that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
- 7.100 Paragraphs 194 and 195 of the NPPF refer to proposals which cause substantial harm, or less than substantial harm, to designated heritage assets and establish relevant tests.
- 7.101 In considering the significance of the asset, NPPF paragraph 201 notes that not all elements of a Conservation Area will necessarily contribute to its significance and paragraph 200 advises local planning authorities to look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. In addition, the same paragraph states that proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.
- 7.102 This section of the report considers the implications for the application in respect of the setting of both conservation areas and listed building's along with any other assets that may be impacted.

#### **Representation in relation to Heritage by Paul Velluet**

- 7.103 In respect to the Heritage representations made by Paul Velluet and the impact of the proposed development on the settings and significance of nearby conservation areas and statutorily listed buildings, this document has been shared with the applicants' Heritage Consultant, Dorian Crone, as well as the Council's Heritage Officer.
- 7.104 Upon reviewing the Heritage Report, Officers observed that most of the note is either background information or the views of Paul Velluet in respect of the proposed development. Much of the document is repetitive and relates to the previous committee report which has been superseded by the current committee report.
- 7.105 Notwithstanding the above, the Report makes reference to the absence of '*scaled, cross-sectional drawings showing the relationship between the existing buildings on the application-site and the listed terrace at Tomlins Grove across Arnold Road and the railway viaduct, and the relationship between the proposed development and the listed terrace in Tomlins Grove across Arnold Road and the railway viaduct*'. Cross-sectional drawings are one of many means of illustrating proposals - whilst such drawings do not accompany the application; the

Council's Heritage Officer has confirmed that there is sufficient information available for a full understanding of the proposal.

- 7.106 Mr Velluet states that in his view there is harm to heritage assets. Even if the Council were to agree with his assessment, this harm would be weighed against substantial public benefits in line with the NPPF.
- 7.107 The applicant's Heritage Consultant, has provided a review and rebuttal to the Heritage Report and addressed the following key areas:
- The Existing Buildings;
  - The Settings of the Conservation Areas and Listed Buildings;
  - The Design of the Proposal;
  - Conclusion
- 7.108 The Council's Heritage Officer and Case Officer have reviewed this response and consider the relevant points have been addressed.
- 7.109 Officers have reviewed the comments made by all parties (as identified in paragraph 7.103) and, in summary, the points raised in Paul Velluet's representation do not change Officers recommendation that planning permission should be granted.

### **Assessment of the Proposals Against the Statutory Tests**

#### **Setting of the Listed Buildings**

- 7.110 This section is intended to provide an assessment of the proposals in heritage terms with particular reference to listed buildings by reviewing the proposals with regard to the statutory tests as set out in the primary legislation, the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 7.111 The Act requires that when making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.112 This obligation, is found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1), and applies to all decisions concerning listed buildings.
- 7.113 Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged. When making a decision regarding proposals which will affect the setting of listed buildings, considerable importance and weight must be given to the desirability of preserving the setting of those buildings.
- 7.114 There are a number of listed buildings whose settings will be affected by the proposals. These buildings include 1-25 Tomlins Grove, 35-49 Arnold Road, 9-20 Mornington Grove and the garden walls of these properties, 69-95 Bow Road, 101-109 Bow Road, Tredegar House and the former police station on Bow Road (111 Bow Road).
- 7.115 69-95 Bow Road, 101-109 Bow Road, Tredegar House and the former police station on Bow Road are divorced from the site by Bow Road. It is this busy streetscape which forms the most significant element of their settings and the most significant views of these buildings are oblique ones along Bow Road and looking North, away from the development. Buildings on the south side of Bow Road also form part of their settings. There are few instances where the proposals and these buildings are seen together as the Magistrates Court conceals the development site. The impact of the development upon these listed buildings settings will be negligible.

- 7.116 Those buildings where the impacts on setting are potentially greater are the listed terraces in the two conservation areas between which the site is sandwiched, Tower Hamlets Cemetery Conservation Area and Tomlins Grove Conservation Area. These include the grade II listed buildings, 1-25 Tomlins Grove, 35-49 Arnold Road and 9-20 Mornington Grove.
- 7.117 The Heritage Statement provided by the applicant assesses the significance of these terraces, and their settings.
- 7.118 With regard to Nos 35-49 Arnold Road and 1-25 Tomlins Grove, it establishes that in addition to each building being significant in its own right for its special architectural and historic interest, they are also significant for their group value, for the rhythm and uniformity which the listed terraces give in long views along the street. The tight grain of the terraces means that “The settings of these listed buildings are mostly confined within the individual streetscapes with very few views out the Conservation Area apart from at the boundaries”
- 7.119 In terms of the impact on the settings of these terraces it also notes that these buildings are not seen in isolation and that there are already a number of modern developments which fall within those settings, both inside and outside the conservation area, and that the proposals would not worsen that situation. Refer to Figures 3, 4 and 5 of the Heritage Statement.
- 7.120 In addition, the role of the railway viaduct and bridge over Arnold Road is explored; this is seen to act as a visual buffer, separating the new development from the historic terraces. The degree to which the new development will appear remote and separate from the listed terraces can be seen in Figures 5 and 6 of the Heritage Statement.
- 7.121 With regard to 9-20 Mornington Grove the Heritage Statement reports that the setting of this terrace and its separately listed garden walls is best appreciated within the immediate streetscape, although it is noted that the setting also includes longer views to the north along Mornington Grove which include the rear elevations of the locally listed Nos. 48-56 Bow Road (Figure 8). As you move north along the street the enclosure of the street gives way to long views across the railway line. In these views the Thames Magistrate Court with its somewhat unattractive multifarious and unsettling roofscape (Figure 9 of the Heritage Statement) becomes unduly prominent. This element of the townscape makes a neutral to negative contribution to the setting of the Grade II listed terrace and the Conservation Area.
- 7.122 Whilst not statutorily listed, 48-56 Bow Road are locally listed, their setting and significance is best appreciated and understood when viewing the principal elevations fronting Bow Road. From this location, the site of the proposals is concealed behind the Magistrates Court (Figure 12 of the Heritage Statement).
- 7.123 To summarise, the *“Views out of the three Conservation Areas towards the subject site are extremely limited and so the settings of the identified Grade II statutorily listed buildings within those areas are therefore best appreciated and understood within their immediate streetscapes. In each case, it is considered that the subject site as existing can only be partially glimpsed from within the immediate settings of the heritage assets or cannot be seen at all owing to the tight grain of the built form and the height and scale of surrounding development such as the Thames Magistrates Court. The wider settings of all the Conservation Areas and the Grade II statutorily listed buildings include substantial modern development, including buildings of eight to ten storeys in height. Where the subject site can be glimpsed, the plain quality of the built form and landscaping means the subject site is considered to make a negative contribution to the wider settings of all the identified heritage assets.”*
- 7.124 In conclusion the heritage statement says that:
- “Despite the increase in height and scale on the subject site, the proposed blocks would not be visible behind the tight grain of the terraces on Tomlin’s Grove and*

*behind the roofscape of the Magistrates Court on Bow Road, thereby preserving the settings of the statutorily listed buildings and Conservation Areas on these streets.*

*Where the proposed blocks can be glimpsed from the edge of the Tomlin's Grove Conservation Area adjacent to the statutorily listed terrace at Nos. 35-49 Arnold Road or within the streetscape of Mornington Grove adjacent to the statutorily listed Nos. 9-20, they will be well-considered additions which integrate with their built surroundings by nature of their high-quality design and use of materials."*

- 7.125 Officers agree with this assessment. The proposals do not harm the setting of the listed buildings identified as potentially being impacted. The setting of these, in the main terraced properties is most readily appreciated within townscape views, which have already been altered by redevelopment. Settings will inevitably be changed but this change is not considered to be harmful to their significance, thus meeting the statutory test.
- 7.126 In recommending approval of these proposals, officers have given considerable importance and weight to the desirability of preserving the settings of the Listed Buildings.

#### Setting of the Tomlins Grove, Tower Hamlets Cemetery and Tredegar Square Conservation Areas

- 7.127 The Act sets out a further duty with regard to development affecting a conservation area.
- 7.128 When considering any planning application that affects a conservation area local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that. Whilst a building which preserves, does no harm to the character of the conservation area is the minimum requirement set out in the legislation, policies in the NPPF expanding on the legislation seek an almost positive improvement suggesting that LPAs should take into account "the desirability of new development making a positive contribution to local character and distinctiveness" (para 185)(c).
- 7.129 The application site is surrounded by both the Tomlins Grove and Tower Hamlets Cemetery conservation areas with Tredegar Square being located in close proximity. Although outside the conservation areas the site would be visible from both (Tomlins Grove and Tower Hamlets Cemetery). Officers consider that the existing buildings on the site related poorly to the conservation areas and did not engage or provide an active frontage to the Arnold Road.
- 7.130 The proposed buildings, constructed from brick and designed to respond to the context, would be of considerably higher quality and provide an active frontage and passive surveillance to Arnold Road.
- 7.131 There are a number of existing taller buildings (up to 10 storeys) within the wider setting of the site, as well as, Bow Magistrates Court. As such, when viewing the proposals in the context of the existing built environment, officers consider the proposal to be of an acceptable height, bulk and mass given the context of the wider setting of the conservation areas and statutory and locally listed buildings.
- 7.132 It is considered that the proposals would not have a significant impact on the setting of these conservation areas, given the separation distance between the site and other designated heritage assets.
- 7.133 One of the objectors drew reference to paragraph 5.7 of the Heritage Statement as being misleading as it was written without any site visit from the author of the report to the named properties and that it is a personal opinion. They also stated that there are other factors which

are at stake greater than views i.e. sense of enclosure and losses in relation to daylight and sunlight, etc, all which breach guidelines.

- 7.134 Whilst officers acknowledge the points made in this part of the objection, officers do not agree with them. For example, separation distances between these properties in the conservation areas and the site exceed 18m (as per policy DM25 of the MDD) thus there are no overlooking issues, or sense of enclosure. Further amenity and design issues area discussed in the report.
- 7.135 As part of the recent submission of additional documents, the applicant also provided a Visual Impact Assessment (VIA) in line with Historic England's '*Setting of Heritage Assets*' which examines 3 viewpoints to establish the impact of the proposals on the character and appearance of the three conservation areas.

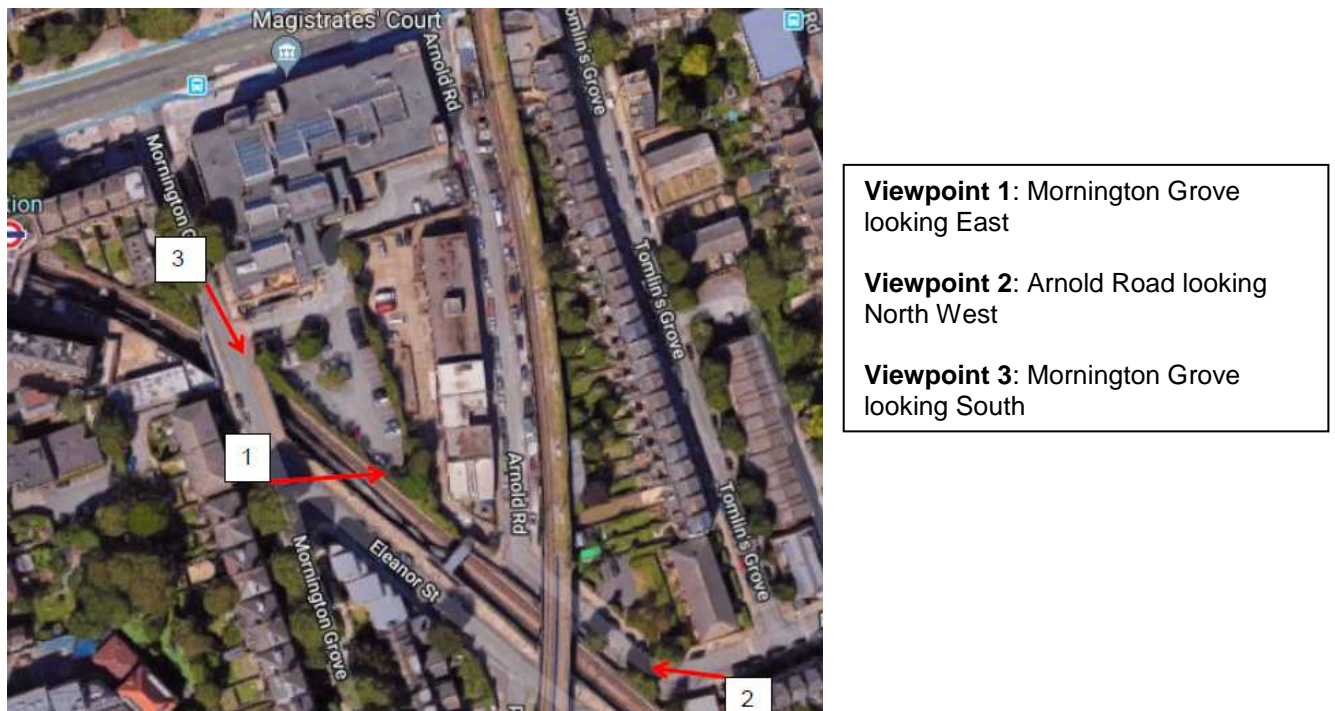


Figure 15: Viewpoints selected for the VIA

#### Viewpoint 1 – Mornington Grove looking East



Figure 16: Existing





Figure 17: Proposed

Viewpoint 2 Arnold Road looking North-West



Figure 18: Existing



Figure 19: Proposed



### Viewpoint 3 – Mornington Grove looking South



Figure 20: Existing



Figure 21: Proposed

- 7.136 Officers agree with the conclusion of the VIA that the proposals would have a minimal and neutral visual impact on the character and appearance of the 3 conservation areas and settings of the other heritage assets within 3 viewpoints set out in the VIA, this is that they would do no harm.
- 7.137 Both the Heritage Statement and the VIA have evaluated the proposals in line with the 8 principles of the Building in Context Toolkit (2001) by English Heritage and CABI. Albeit limited weight should be given to this document as it dates back to 2001 and CABI no longer exists.
- 7.138 The same objector noted in paragraph 7.133 of this report, also contested that the proposals would breach principles 4, 6 and 8 of the Building in Context Toolkit (2001). However the LPA's heritage and conservation officer has raised no objection to this having reviewed both documents and the application documents and does not agree that the proposals are in breach of this Building in Context principles.

- 7.139 In officer's opinion, in assessing the merits of the existing building when compared with the advantages of the proposed redevelopment, the proposals would sustain and enhance the setting of the adjoining conservation areas. The redevelopment proposals will offer a carefully designed building constructed in high quality materials with publically accessible uses at ground floor, it will enable increased passive surveillance of the street. These benefits will offer a much improved environment in this part of Arnold Road with increased activity and footfall along the street and this will enhance the setting of the conservation area.
- 7.140 The proposals for the redevelopment of 3-5 Arnold Road have been very carefully considered and it is officer's opinion that they meet the statutory test as set out in section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990.
- 7.141 Officers consider the proposals would sustain and enhance both the character and appearance of the surrounding conservations areas, and make a positive contribution to the setting of Tomlins Grove and Tower Hamlets Conservation Areas. The proposals accord with relevant Development Plan and NPPF policies in this respect.

### **Neighbour Amenity**

- 7.142 Development Plan (SP10 of the Core Strategy and DM25 of the Managing Development Document) policies seek to protect neighbour amenity safeguarding privacy, not creating unacceptable levels of noise and not resulting in unacceptable material deterioration in daylight and sunlight conditions.
- 7.143 In line with the principles of the National Planning Policy Framework, the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants, as well as to protect the amenity of the surrounding public realm with regard to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.

### **Overlooking and privacy**

- 7.144 Policy DM25 of the Managing Development Document requires new developments to be designed to ensure that there is sufficient privacy and that they do not enable an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. The policy specifies that in most instances, a distance of approximately 18 metres between windows of habitable rooms would reduce inter-visibility to a degree acceptable to most people. Within an urban setting, it is accepted that overlooking distances will sometimes be less than the target 18 metres reflecting the existing urban grain and constrained nature of urban sites such as this.
- 7.145 In terms of outlook and sense of enclosure, the proposed massing, which steps down from 8 to 6 storeys, officers do not consider it to result in an overbearing appearance or in an increased sense of enclosure within the context of the site. Furthermore, none of the views referred to are protected.
- 7.146 In addition, the plan below shows the separation distances exceeding the 18m policy.
- 7.147 Separation distances are shown in the following plan which has been provided by the architects in figure 22.

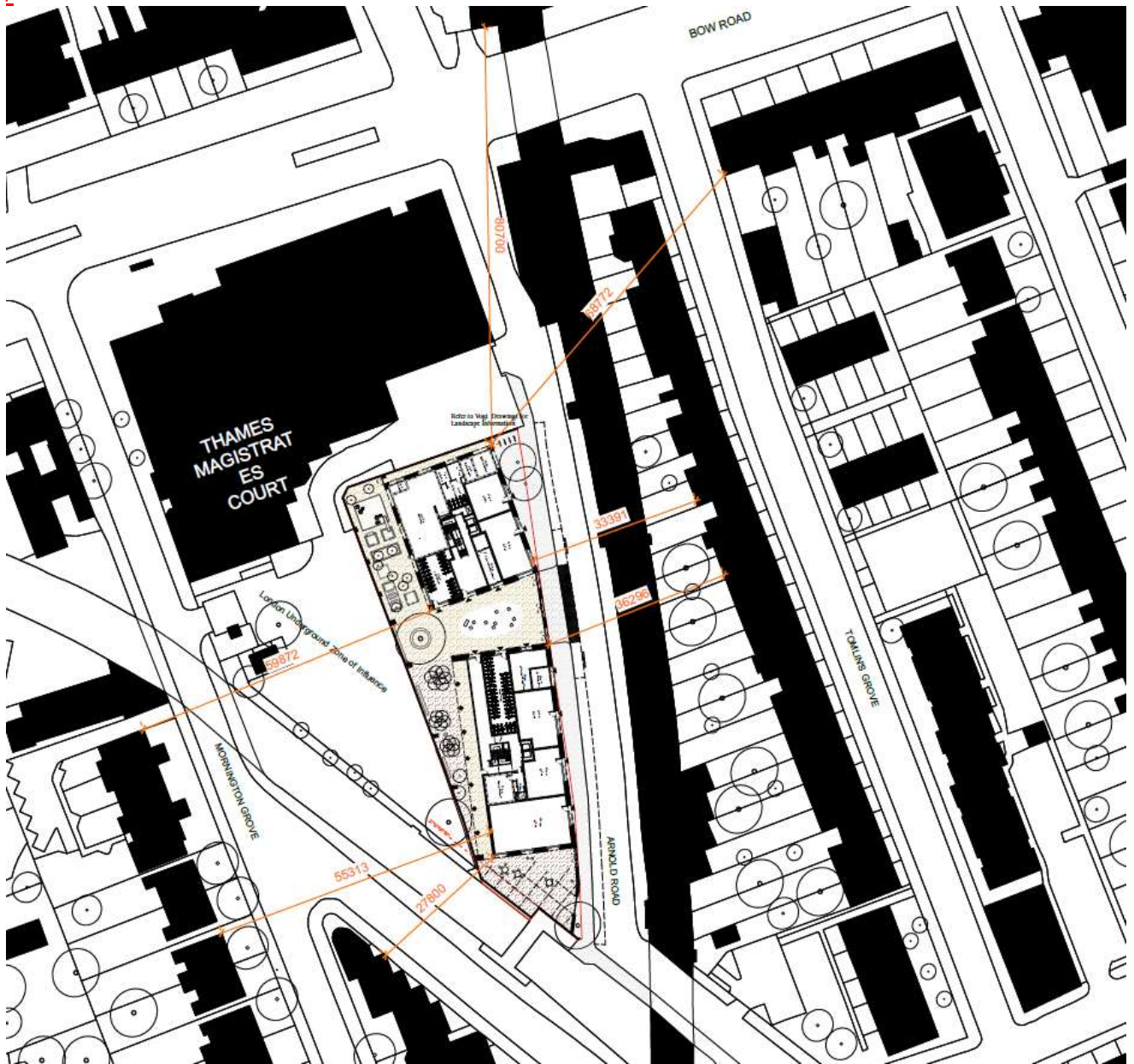


Figure 22 – Plan showing separation distances

- 7.148 As such, officers are satisfied the proposal would not give rise to any unduly detrimental impacts on privacy to neighbouring properties.
- 7.149 In summary, having regard to the heights of the proposed buildings and their proximity to their neighbours, it is not considered that the development would cause undue sense of enclosure to any of its neighbouring residents.

### Daylight, Sunlight & Overshadowing

- 7.150 Policy DM 25.1(d) requires consideration of two questions about the impact of a proposed development on the daylight and sunlight conditions on existing surrounding developments:- (i) whether or not it would result in “material deterioration” of these conditions and (ii) whether or not such deterioration would be “unacceptable”. DM 25.5 states that in applying 25.1(d) “the Council will seek to minimise the impact of the loss of daylight and sunlight and unacceptable overshadowing caused by new development....The Council will also seek to ensure that the design of new development optimises the levels of daylight and sunlight” The policy further states that assessing the impact of the development is to follow the methodology set out in the BRE guide
- 7.151 The accepted guidance for assessing daylight and sunlight to neighbouring is the Building Research Establishment (BRE) handbook ‘Site Layout Planning for Daylight and Sunlight’ (2011).

### Daylight Tests

- 7.152 For daylight the tests are “Vertical Sky Component” (hereafter referred to VSC) which assesses daylight to the windows, and the “No Sky Line” test (hereafter referred to as NSL - also known as daylight distribution) assesses daylight within the room. Both the VSC and NSL tests should be met to satisfy daylight according to the BRE guidelines as outlined in the Summary box (Figure 20) paragraph 2.2.21 of ‘Site Layout Planning for Daylight and Sunlight’ (2011). This text is directly quoted below.

### Summary (Figure 20) of BRE guidelines:

*“If any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25° to the horizontal, then the diffuse daylighting of the existing building may be adversely affected. This will be the case if either:*

- The VSC measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value*
- The area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.”*

- 7.153 There is another daylight test known as the Average Daylight Factor (hereafter referred to as ADF) that is primarily designed for assessing daylight within proposed buildings. The BRE guidelines outline at Appendix F where it is appropriate to use the ADF test to existing buildings but in the majority of cases, including the 3 – 5 Arnold Road development, it is not an appropriate assessment for neighbouring properties. Therefore this report does not outline any further explanation for ADF below as it is not needed in this instance. However, for completeness, we outline the targets below from ‘Site Layout Planning for Daylight and Sunlight’ (2011) outlines the use of the ADF and targets at paragraph 2.1.8. This text is directly quoted below.

*“Daylight provision in new rooms may be checked using the average daylight factor (ADF). The ADF is a measure of the overall amount of daylight in a space...BS 8206-2 Code of practise for daylighting recommends an ADF of 5% for a well daylighted space and 2% for a partly daylighted space. Below 2% the room will look dull and electric lighting is likely to be turned on. In housing BS8206-2 also gives minimum values of ADF of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.”*

Appendix I – Environmental Impact Assessment of ‘Site Layout Planning for Daylight and Sunlight’ (2011) outlines how loss of skylight or sunlight would translate in to a negligible, Minor Adverse Moderate Adverse or Major Adverse effect. There is no guidance for the numerical guidelines used to categorise windows/rooms as “Minor, “Moderate or Major”.. The numerical guidelines have been formalised by LBTH and are used by reputable Daylight & Sunlight consultants. The bandings have been used for EIA assessments for LBTH.

#### Vertical Sky Component (VSC)

7.154 VSC is assessed at the centre point of the window and looks at the angle of obstruction caused by the proposed development. The maximum value is 40% VSC for a completely unobstructed vertical wall (this will be achieved in a rural setting). The first BRE guideline target for VSC is to achieve 27% VSC or more. If this is not met, the reduction in light should not exceed 20% of the former VSC light levels (the BRE guidelines mention retaining 0.8 times the former value of light, which is the same as a reduction in light of no greater than 20%). If these two criteria are met, the window would satisfy the BRE guidelines.

7.155 Below is the LBTH numerical classifications for Negligible, Minor Adverse, Moderate Adverse and Major Adverse bandings for the VSC test.

VSC Result	Significance Criteria
Achieves at least 27% VSC <u>or</u> reduction in light is no greater than 20% of the existing condition (meets the BRE Guidelines).	Negligible
Reduction in light between 21% - 29.9%	Minor Adverse
Reduction in light between 30% - 39.9%	Moderate Adverse
Reduction in light greater than 40%	Major Adverse

#### No Sky Line (NSL)

7.156 The NSL test reviews daylight within the room and shows the points in the room that can and cannot see the sky. The test is taken at the working plane which is 850mm above the floor level in houses. If the reduction in light is less than 20% (the BRE guidelines mention retaining 0.8 times the former value of light previously received which is the same as a reduction in light no greater than 20%), the said room would meet the BRE guidelines.

7.157 Below is the LBTH numerical classifications for Negligible, Minor Adverse, Moderate Adverse and Major Adverse bandings for the NSL test.

NSL Result	Significance Criteria
No greater light loss than 20% of the existing condition (meets the BRE Guidelines).	Negligible
Reduction in light between 21% - 29.9%	Minor Adverse
Reduction in light between 30% - 39.9%	Moderate Adverse
Reduction in light greater than 40%	Major Adverse

#### Sunlight Tests

##### Annual Probable Sunlight Hours (APSH)

7.158 The BRE guidelines recommend sunlight tests be carried out to windows which face 90 degrees of due south (windows which fall outside this do not need to be tested). The main



requirement for sunlight is in living rooms and conservatories. The targets under the BRE guidelines require a south facing window to receive 25% of Annual Probable Sunlight Hours (APSH) with at least 5% of these sunlight hours being in the winter months. If these first level of criteria are not met, the aim would be to ensure the reduction in light is less than 20% (the BRE guidelines mention retaining 0.8 times the former value of light previously received which is the same as a reduction in light no greater than 20%).

7.159 The sunlight targets are outlined in the summary box at paragraph 3.2.11 of 'Site Layout Planning for Daylight and Sunlight' (2011). This text is directly quoted below:

*"If a living room of an existing dwelling has a main window facing within 90° of due south, and any part of a new development subtends an angle of more than 25° to the horizontal measured from the centre of the window in a vertical section perpendicular to the window, then the sunlighting of the existing dwelling may be adversely affected. This will be the case if the centre of the window:*

- Receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and*
- Receives less than 0.8 times its former sunlight hours during either period and*
- has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours."*

7.160 Below is the LBTH numerical classifications for Negligible, Minor Adverse, Moderate Adverse and Major Adverse bandings for the APSH tests.

APSH Results	Significance Criteria
Achieves at least 25% APSH for annual sunlight hours with 5% APSH in the winter months <u>or</u> reduction in light is no greater than 20% of the existing condition (meets the BRE Guidelines).	Negligible
Reduction in light between 21% - 29.9%	Minor Adverse
Reduction in light between 30% - 39.9%	Moderate Adverse
Reduction in light greater than 40%	Major Adverse

#### Overshadowing (Two Hour Sun Contour test)

7.161 The BRE guidelines outlines tests to assess how overshadowed amenity areas will be for existing neighbouring properties, as well as within the proposed development. The BRE guidelines include: gardens, usually the main back garden of a house; parks and playing fields; children's playgrounds; outdoor swimming pools and paddling pools; sitting out areas such as those between non-domestic buildings and in public squares and focal points for views such as a group of monuments or fountains.

7.162 The test involves calculating how much of the aforementioned amenity area will receive at least 2 hours of sun or more to 50% of its area on the 21<sup>st</sup> March. The date of 21<sup>st</sup> of March is used because this is the Spring Equinox; when the sun is at its mid-point in the sky throughout the year. If this first level criteria is not met, the BRE guidelines advise that the reduction in light is no greater than 20% (the BRE guidelines mention retaining 0.8 times the former value of light previously received which is the same as a reduction in light no greater than 20%).

7.163 The Two Hour Sun Contour target is outlined in the summary box at paragraph 3.3.17 of 'Site Layout Planning for Daylight and Sunlight' (2011). This text is directly quoted below:

7.164 *“It is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sun on 21 March is less than 0.8 times its former value, then the loss of light is likely to be noticeable. If a detailed calculation cannot be carried out, it is recommended that the centre of the area should receive at least two hours of sun on 21 March.*

7.165 Below is LBTH numerical classifications for Negligible, Minor Adverse, Moderate Adverse and Major Adverse bandings for the overshadowing tests.

Two hour sun contour Results	Significance Criteria
Achieves at least two hours of sun two 50% of its area on 21 <sup>st</sup> or reduction in light is no greater than 20% of the existing condition (meets the BRE Guidelines).	Negligible
Reduction in light between 21% - 29.9%	Minor Adverse
Reduction in light between 30% - 39.9%	Moderate Adverse
Reduction in light greater than 40%	Major Adverse

7.166 Officer responses to key representations made in relation to latest daylight/sunlight information are included in Table 2 of Appendix 3 of this report.

*Daylight – Vertical Sky Component (VSC) and No Sky Line (NSL)*

7.167 VSC is a metric that determines the amount of light falling on a particular point, in this case, on the centre point of the window. The calculations for VSC do not take into account window size, room dimensions or the properties of the window itself.

7.168 NSL assesses where daylight falls within the room at the working plane (850mm above floor level in houses), Daylight distribution assessment is only recommended by the BRE Report where room layouts are known.

7.169 Thus, for NSL significantly more information is required to accurately calculate the NSL, including room sizes and more accurate window dimensions. Consequently, unlike the calculation of VSC, survey information of the affected buildings is required to accurately calculate NSL.

7.170 As part of the review undertaken on behalf of the Council, Anstey Horne requested from DPR, copies of the no-skyline/daylight distribution contour drawings to validate the internal layouts used by them.

7.171 As part of the daylight assessment submitted by DPR, the following properties were assessed:

- 56, 56a and 74a Bow Road
- 1-25 Tomlins Grove (inclusive)
- 8 (flats 1-13), 9, 10, 11, 12, 13, 14, 27, 28 + 29 Mornington Grove

7.172 37 surrounding properties were tested in terms of daylight and sunlight, 22 of these properties satisfied both daylight tests in the BRE guidelines. These properties being:



- 1, 2, 3, 4, 5, 6 and 7 Tomlins Grove
- 20, 21, 22, 23, 24 and 25 Tomlins Grove
- 27 Mornington Grove
- 9, 10, 11, 12, 13 and 14 Mornington Grove
- 56 and 56a Bow Road

7.173 As noted in the objection responses listed in Table 2 of Appendix 3, DPR also undertook a daylight and sunlight test with the projecting wings omitted to the Tomlins Grove properties, in order to compare the results and understand whether the wings are a material factor in the relative loss. It should be noted that the supplementary test with the projecting wings removed has not been used in the final classification of the significance of effects i.e. Negligible, Minor Adverse, Moderate Adverse and Major Adverse.

7.174 In summary, the results demonstrate that 22 of 37 (59%) of the properties tested for daylight, satisfy the BRE guidelines. As set out in Table 3 of Appendix 3, there are 4 properties where the effect is negligible. There are 3 properties where the effect is negligible to minor, 6 properties where the effect is Minor Adverse and 2 properties which are Moderate Adverse. The 2 neighbouring properties that will experience the most significant reduction with regards to daylight are, 16 and 17 Tomlins Grove.

### *Sunlight*

7.175 DPR analysed the Annual Probable Sunlight Hours (APSH) for the proposal in line with the BRE sunlight criteria.

7.176 Properties 1-25 Tomlins Grove were tested for sunlight. The effect on sunlight to numbers 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 20, 21, 22, 23 and 25 Tomlins Grove is considered negligible.

7.177 DPR's Daylight & Sunlight Study assessed sunlight to all habitable rooms i.e. living rooms, kitchens and bedrooms. DPR take the position that only living rooms and conservatories need to be assessed for sunlight. However, at the request of Anstey Horne, they have included all habitable rooms in their testing.

7.178 Out of the 25 properties tested on Tomlins Grove for sunlight, 17 properties would meet the BRE guidelines if taking DPR's conclusion of only assessing sunlight to living rooms and conservatories. If the LPA were to judge the properties on all habitable rooms assessed, 14 properties would meet the BRE guidelines for sunlight. However, it needs to be noted that the guidelines give less importance to sunlight serving bedrooms and kitchens. For clarity, the direct text at paragraph 3.1.2 of the BRE guidelines is quoted directly below:

7.179 *"In housing, the main requirement for sunlight is in living rooms, where it is valued at any time of day but especially in the afternoon. Sunlight is also required in conservatories. It is viewed as less important in bedrooms and in kitchens, where people prefer it in the morning rather than afternoon."*

7.180 The 9 properties which do not satisfy the guidelines are addressed in the Table 4 of Appendix 3.

7.181 In summary, and taking the worst case scenario of requiring all habitable rooms to meet the sunlight target, the results demonstrate that in terms of sunlight, 14 out of 24 (58%) of the properties tested, will satisfy the BRE guidelines. There are 4 neighbouring properties where the effect on sunlight is minor adverse, 2 neighbouring properties where the effect is minor to moderate adverse and 3 properties where the effect is moderate adverse. The most significant

reductions to the sunlight levels is to 13, 15 17 Tomlins Grove which will experience moderate adverse impacts for sunlight.

- 7.182 In light of the above, and, on balance, officers are satisfied that with regard to the sunlight levels to the surrounding kitchens, bedrooms and living areas the effect of the proposed development does not result in unacceptable material deterioration.

*Response to BRE representation*

- 7.183 BRE, on behalf of an objector, submitted an evaluation of the applicants DLSL report which was undertaken by DPR.
- 7.184 This document was shared with both DPR and Anstey. As the application was postponed from the September 2019 committee, this gave DPR time to visit properties on Tomlins grove and provide more detailed responses to BRE's comments.
- 7.185 Below, the LPA's DLSL officer briefly outlines DPR's response to BRE's representation contained in their Addendum Daylight & Sunlight Study dated October 2019.
- 7.186 The DPR Addendum report only covers the Tomlins Grove properties and replaces the Tomlins Grove Section in the original Daylight & Sunlight Study dated January 2019.

Properties accessed and surveyed

Access has been gained to the following properties:

- 2 Tomlins Grove (except lower ground floor flat)
- 5 Tomlins Grove
- 7 Tomlins Grove (ground floor only)
- 8 Tomlins Grove (excluding lower ground floor flat)
- 10 Tomlins Grove
- 12 Tomlins Grove (excluding lower ground floor flat)
- 13 Tomlins Grove
- 14 Tomlins Grove
- 16 Tomlins Grove
- 17 Tomlins Grove
- 19 Tomlins Grove

- 7.187 This has allowed DPR to measure the internal layouts of the rooms in these properties and note the room uses. DPR then updated their 3D technical assessment model accordingly.
- 7.188 Due to room and window dimensions being updated, this has led to daylight and sunlight results altering in places. These changes have been checked by the LPA's Daylight and Sunlight Officer and there are reasons for these changes such as room shape/size changing or the size of the window changing. A further explanation for these changes on a property by property basis is attached at Appendix C.

Additional Plans

- 7.189 Additional plans were also found for 4 and 20 Tomlins Grove which allowed DPR to update the internal room uses for these properties. This is in addition to plans found and used in the original January 2019 report.

- 7.190 The remaining minority of properties on Tomlins Grove have assumed layouts as access was not able to be obtained to these properties or no plans were available. It is fair to say the assumptions are as reliable as possible, short of gaining access to the properties.

#### Floor to ceiling windows and VSC test point

- 7.191 In some cases, the existing and proposed VSC has improved because it has been noted that rooms have floor to ceiling windows. Floor to ceiling windows allow for the VSC test point to be taken at a higher point (1.6 metres) as opposed to the centre point of the window.

#### Closet wings

- 7.192 DPR have run the additional test with the closet wings removed, very much as a supplementary test. It is made clear that this was undertaken to demonstrate the impact the closet wings have on windows/rooms within the same property. DPR note that the closet wings are a factor in the relative reduction of light. Importantly, and in line with BRE's representation comments, these have not been used to categorise the significance of effects.
- 7.193 The significance bandings i.e. Negligible, Minor Adverse and Moderate Adverse have been based on the closet wings being in place, therefore the "true" assessment.

#### Significance banding assessment - Professional Judgement

- 7.194 Based on BRE's representation comments, DPR have erred on the side of caution with the significance bandings. For example, where a property was classified as "Negligible to Minor Adverse" in the report dated January 2019, this has now been classified as "Minor Adverse" in the Addendum report dated October 2019. Anstey Horne (LPA's independent daylight and sunlight consultant) have kept their significance bandings more consistent with the original January 2019 report. As Anstey Horne has been appointed by LPA, Officer's have adopted their significance bandings in the updated results below. This has then been reviewed by LPA's Daylight & Sunlight Officer and confirmed. There is one instance where the LPA's Daylight and Sunlight Officer adopts DPR's banding; this is on the sunlight result for 15 Tomlins Grove where a Moderate Adverse effect should be applied. However, as DPR have now been more cautious with their bandings, properties have moved down a banding in some instances, when in fact there is very little if any at all, statistical change to the VSC, NSL and APSH results.

#### NSL results to assumed rooms

- 7.195 BRE notes that *"Where room layouts are known, the impact on the daylighting distribution in the existing building can be found by plotting the 'no sky line' in each of the main rooms"*. DPR have run the NSL assessment to all rooms, whether they are based on survey, plans or assumed. However their position is that the NSL results to the assumed rooms should be afforded less weight, in line with Dr. Paul Littlefair's recommendations.

#### Sunlight Results

- 7.196 In the Addendum October 2019 report, DPR have included the sunlight results for all habitable rooms i.e. living rooms, kitchens and bedrooms. This differs with their approach in the original January 2019 report where they just include sunlight results to living rooms (areas) and conservatories, based on the BRE guidelines statement:

*"In housing, the main requirement for sunlight is in living rooms, where it is valued at any time of day but especially in the afternoon. Sunlight is also required in conservatories. It is viewed as less important in bedrooms and kitchens"*.

- 7.197 As per Anstey Horne's request, DPR have provided sunlight results to all habitable rooms at Tomlins Grove.

#### *Overshadowing*

- 7.198 For a garden or outdoor amenity space to be considered well sunlit, at least 50% of the garden or amenity space must receive at least two hours of direct sunlight on the 21<sup>st</sup> March. If this cannot be achieved, providing that the area overshadowed with the proposed development in place would be greater than 0/8 times the existing level of shadowing, it is considered that no effect on overshadowing would occur.
- 7.199 The applicants' report sets out the findings of an assessment of overshadowing for the existing layout in Appendix B of the DPR report (drawing ref: SHD/500). The shadow diagrams show that the proposed development does not cause any additional overshadowing to occur to any outdoor amenity space of the 26 neighbouring back grounds of the Tomlin Grove (no's 1-25) and Bow Road (no 74a) properties. This is further supported by Anstey Horne.
- 7.200 In line with BRE guidance, the gardens of Mornington Grove were not included within this assessment as the properties are too far from the site to be affected and also the BRE guidance relates to back gardens, and the gardens of Mornington Grove would be front gardens.
- 7.201 As such, all of these spaces would meet BRE guidelines for 50% of the area to receive at least 2 hours of sunlight on 21st March.

#### *Conclusion:*

- 7.202 The proposals would have minor and localised impacts on daylight and sunlight enjoyed by the occupiers of a number of nearby homes and users of the amenity spaces, when assessed against the BRE guidelines. The relative impact to sunlight and /or daylight is exacerbated to certain rooms of some of the Tomlins Grove properties by their adjacent projecting wings.
- 7.203 Overall officers consider that the sunlight and daylight transgressions identified are on balance acceptable given that a number of properties do meet the guidelines.
- 7.204 Furthermore, the transgressions identified when weighed up against the significant benefits of the scheme would not lead officers to a different conclusion even if they were categorised in bandings higher than what has been identified in this report.

#### Noise & Vibration

- 7.205 London Plan policy 7.15 and Local Plan policy DM25 sets out policy requirements for amenity and requires sensitive receptors (including residents) to be safeguarded from undue noise and disturbance.
- 7.206 Given the location of site in close proximity to a train line to the south west of site, a noise and vibration assessment is therefore required to justify the suitability of a new development for residential use on site. An Acoustic Report has been submitted in support of the application and this has been reviewed by the Council's officer and considered the report and its recommendations acceptable. The development itself would not create significant noise or vibration. The report advises that the main source of noise on site is trains passing on the nearby railway. Subject to glazing meeting certain specifications and ventilation measures such as acoustic air bricks, enhanced acoustic double glazing and acoustically attenuating louvres, the future occupiers would not be exposed to undue noise having regard to British

Standard BS8233:2014. A glazing and ventilation condition is recommended to secure this mitigation.

- 7.207 In relation to external amenity spaces, some external spaces are expected to exceed the recommended levels, even when all reasonable mitigation methods are applied. However, alternative, relatively quiet, amenity space would be available to residents at the northern half of the west facing garden areas and the central yard provide quieter amenity spaces away from the railway. BS 8233:2014 advises that noise levels below 55dB would be desirable.
- 7.208 The results show that the play space at the north of the site would achieve a noise level that will meet the British Standard due to the increased distance from the railway and the shielding from both the perimeter wall and the railway cutting. However, the noise levels increase in the amenity spaces towards the south of the site, and exceed the standard in the 'rose garden' space at the south of site. Whilst this is undesirable, officers consider that there are no effective mitigation measures for this amenity space. It should be noted that other areas would provide alternative (and quieter) amenity space.
- 7.209 Subject to relevant conditions (controlling construction traffic and the method of demolition and construction), and acknowledging non-planning controls over demolition and construction such as the Environmental Protection Act and Control of Pollution Act, the proposal adequately mitigates the effects of noise and vibration of demolition and construction.
- 7.210 Having regard to the above, it is considered that subject to relevant conditions, the development both during construction and operation would adequately mitigate the effect of noise and vibration on future occupiers and surrounding residents as well as members of the public. The proposal accords with relevant Development Plan policies other than those relating to balconies discussed earlier.

## **Transport**

- 7.211 Development Plan policies promote sustainable modes of travel and limit car parking to essential user needs. They also seek to secure safe and appropriate servicing.

### Vehicular, pedestrian and cycle access

- 7.212 The site is proposed to be accessed from Arnold Road

### Deliveries & Servicing

- 7.213 The deliveries and servicing strategy is for on-street servicing which is considered appropriate, given that the residential units would generate a low level of servicing requirements. Residential deliveries generally consist of post, occasional furniture deliveries, online shopping and grocery deliveries. It is expected that the majority of deliveries would be undertaken in a 7.5ft box van. Commercial units typically generate 0.25 deliveries per day, therefore the proposed 398sq.m of commercial floor space would be expected to generate 1 delivery per unit per day. The proposed scheme has been designed to ensure that refuse can be collected from Arnold Road

### Car Parking

- 7.214 The proposals would be a 'car-free' development with the provision of 2 on-street disabled parking. The two existing crossovers into the site will be closed and reinstated as footway providing additional kerb space to accommodate the proposed disabled bays, therefore there will be no loss of on-street parking as a result of the proposed development. Applicant will be responsible for the road improvement costs; this can be achieved via condition.

### Cycle Parking and Facilities

- 7.215 The number of residential cycle spaces to be provided would be 108 and the number of visitor cycle spaces is 3. The residential and visitor cycle space numbers are in compliance with relevant policy. Details would be reserved by condition. The long stay cycle parking for the residential and B1 uses would be considered acceptable. However, details of the location would be required; this can be achieved via condition.

### Trip generation

- 7.216 The site has a PTAL level of 6a, demonstrating that it has an 'excellent' level of accessibility to public transport. Transport Assessment. The submitted with the application shows that the proposal would not significantly increase trip generation around site.

## **Environment**

### Energy & Environmental Sustainability

- 7.217 Policy DM29 requires residential developments to achieve zero carbon (with at least 45% reduction achieved through on-site measures). The remaining regulated carbon emissions (to 100%) are to be offset through a cash in lieu contribution. Non-residential schemes are required to reduce CO2 emissions by 45% against a building regulation baseline.

### Proposed Carbon Emission Reductions

- 7.218 The submitted Energy and Sustainability Statement sets out the applicant has sought to meet the CO2 emission reduction policy requirements through energy efficiency measures and passive design, communal hot water system, use of efficient services and integration of a PV array. The submitted document sets out a summary of the CO2 emissions from the development and includes the SAP and SBEM output sheets. The report notes that the following CO2 emissions:

- Residential Baseline – 83.1 tonnes CO2 per annum
- Residential Proposed Scheme – 45.7 tonnes CO2 per annum
- Non-resi baseline – 7.5 tonnes CO2 per annum
- Non-resi BER – 4.0 tonnes CO2 per annum /yr

- 7.219 The proposals are for a 45% reduction on-site for the residential element and for a 46.7 % reduction in CO2 on-site for the non- residential element which is compliant with policy requirements. The proposals meet the on-site carbon reduction requirements of policy DM29, and a requirement for carbon offsetting to meet zero carbon for the residential element would be applicable. The proposals for on-site CO2 emission reduction should be secured via Condition with a post construction verification report submitted to the council to demonstrate delivery of the anticipated CO2 savings.

### Carbon Offsetting

- 7.220 In order for the scheme to be supported by the sustainable development it is recommended that the shortfall in CO2 emission reduction is met through a carbon offsetting payment. The planning obligations SPD contains the mechanism for any shortfall to be met through a carbon offsetting contribution, in the absence of the CO2 emission reduction not being delivered on site. In addition, the council has an adopted carbon offsetting solutions study (adopted at Cabinet in January 2016) to enable the delivery of carbon offsetting projects. Based on the current energy strategy a carbon offsetting contribution of £82,260 would be appropriate for carbon offset projects. The calculation for this figure is as follows:

Shortfall to meet DM29 requirements = 45.7 (tonnes/CO2) x £1,800 = **£82,260** offset payment to meet current policy requirements.

### Sustainability

- 7.221 Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all non-residential to achieve BREEAM Excellent. The applicant has submitted a Sustainability Statement including a BREEAM Assessment which shows the scheme is designed to achieve a BREEAM Excellent rating with a score of 74.04%.
- 7.222 Emerging policy identifies that BREEAM is applicable for schemes above 500m2. It is understood that the non-residential element is below this threshold and therefore full BREEAM certification is not recommended for this scheme. It is recommended that a Condition be attached for delivery of the sustainability statement as submitted to ensure the scheme is compliant with Policy DM29.

### Summary and Securing the Proposals

- 7.223 The current proposals have sought to implement energy efficiency measures and renewable energy technologies to deliver CO2 emission reductions. The current proposals for CO2 emission reductions meet the target for a 45% reduction on-site. A carbon offsetting contribution for the residential element of the scheme is required to meet the zero carbon policy requirements.
- 7.224 Subject to Conditions securing the energy and sustainability proposals and the CO2 emission reduction shortfall being met through a carbon offsetting contribution, the proposals would be considered in accordance with adopted policies for sustainability and CO2 emission reductions.
- 7.225 It is recommended that the proposals are secured through appropriate conditions and planning contributions to deliver:
- Submission of as built calculations (SAP / SBEM) to demonstrate the 45% reduction in CO2 emissions have been delivered on-site
  - Delivery of renewable energy technologies including 609m2 photovoltaic array
  - Carbon offsetting contribution (£82,260)

### Air Quality

- 7.226 Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.
- 7.227 The applicant has submitted an Air Quality Assessment with an updated calculation received 14 November 2016, which has been reviewed by the Council's Air Quality Officer. However, the GLA has recently introduced a requirement for an Air Quality Neutral Assessment which has been reviewed by the Council's Air Quality Officer and found to be acceptable.
- 7.228 The development provides policy compliant off-street parking and all of the occupiers of the residential will be restricted from applying for on-street parking permits (other than disabled occupiers). Conditions have been imposed to control the demolition and construction process.



- 7.229 Future residents and users of the proposed development would be appropriately protected from existing poor air quality in the Borough and the new development satisfactorily minimises further contributions to existing concentrations of particulates and NO<sub>2</sub> in accordance with the aforementioned policies.

#### Waste

- 7.230 In terms of construction waste, a site waste management plan (as part of a Construction Environmental Management Plan) is recommended to be secured by condition to ensure, inter alia, that excess materials would not be brought to the site and that building materials are re-used wherever possible.
- 7.231 With regards to operational, the amended plans would be considered acceptable, given the location and type of facilities proposed. The proposed access arrangement for refuse collection would be considered acceptable. Whilst some concerns were raised initially with the workability of the proposed accesses and the usability of the central yard, officers are satisfied that the amended plans would overcome the concerns with appropriate conditions in respect of further details.

#### Biodiversity

- 7.232 The application site contains buildings and hard standing with small areas of vegetation including an area of young trees, shrubs and climbers on the western edge of the site. These have the potential to support nesting birds, as does a nest box on the western edge of the site. The proposed loss of these trees and other vegetation would not have a significant adverse impact on biodiversity. Following consultation with the Council's biodiversity officer, no objections have been raised subject to timing of vegetation clearance condition.
- 7.233 Overall, the proposals would be considered acceptable to comply with the objectives of Policy DM11 which requires developments to deliver net gains for biodiversity. The Council's Biodiversity officer raised the issue of the proposed small landscaping which would not comply with the Local Biodiversity Action Plan (LBAP) objectives. The subsequent amendments with additional landscaped area to the central courtyard would overcome the concern, proposal would be considered to comply with the objectives of the Local Biodiversity Action Plan.
- 7.234 The Council's biodiversity officer noted that none of the proposed trees are native, though some of them are good nectar plants. The proposed rose garden will be a very good source of nectar while the roses are flowering. This will contribute to a LBAP target to provide more forage for bees and other pollinators. However, the planting could be significantly improved for bees if a greater diversity of nectar-rich flowers was included, this can be achieved via condition.
- 7.235 The proposed climbers on the wall of one of the buildings would provide nesting opportunities for birds, including house sparrows. However, using native ivy instead of the proposed Boston-ivy would provide much more wildlife value, as it is a good nectar plant, a caterpillar food plant for the holly blue butterfly, and provides berries in late winter when other sources of berries have been eaten. Proposal to include green roofs, bat boxes for birds such as house sparrow and swift in the development to comply with best practice guidance published by Buglife and would contribute to a LBAP target for new open mosaic habitat.
- 7.236 Accordingly, and subject to the recommended conditions, the proposal accords with the London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, policy SP04 CS and policy DM11 of the MDD which seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity.

### Flood Risk & Drainage

- 7.237 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off. Condition suggested in terms of permeable materials to comply with London Plan Policy 5.13.
- 7.238 Thames Water advises that there are no concerns with additional water demand from this development. They have advised that a drainage strategy condition be imposed to allow more information to determine the waste water needs of the development. They also advise that their assets may be located underneath the site, therefore they have advised imposing a number of conditions relating to construction and piling details. Thames Water also advises imposing a condition in respect of the site drainage strategy to satisfy their concerns in regards to the impact on the public sewer system. Appropriate conditions are recommended.
- 7.239 In summary, and subject to the inclusion of conditions to secure the above, the proposed development complies with the NPPF and its associated technical guidance, Policies 5.12 and 5.13 of the London Plan and Policy SP04 of the CS.

### Land Contamination

- 7.240 The Council's contaminated land office reviewed the proposal and raised no objections subject to a detailed contamination condition being attached to the permission.

### Local Finance Considerations

- 7.241 Reference is to be made to the advice of the Corporate Director, Governance within the front pages of the Development Committee Agenda

### **Human Rights & Equalities**

- 7.242 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.
- 7.243 The proposed development allows, for the most part, an inclusive and accessible development for all residents, employees, visitors and workers. Conditions secure, inter alia, lifetime homes standards for all units, disabled parking and wheelchair adaptable/accessible homes.
- 7.244 The proposed development would not result in adverse impacts upon equality or social cohesion.

## **8. RECOMMENDATION**

- 8.1 That subject to any direction by the Mayor of London, **conditional planning permission is GRANTED** subject to the following planning conditions:

### **8.2 Planning Conditions**

#### Compliance

1. Three year time limit
2. Compliance with approved plans and documents
3. Development is personal to, and shall be implemented by, LBTH
4. Wheelchair adaptable and wheelchair accessible dwellings
5. Provision of approved cycle storage
6. Compliance with Energy Statement
7. Hours of construction

8. Communal amenity/child play space to be completed prior to occupation
9. Delivery and Service Management Plan
10. Details of all Secure by Design measures
11. Details of hard and soft landscaping, including boundary treatment and lighting
12. Details of play equipment
13. Details of noise and vibration mitigation measures

#### Pre-commencement

14. Scheme for the provision of financial contributions (see financial contributions section below)
15. Strategy for using local employment and local procurement (see non-financial contributions section below)
16. Details of biodiversity mitigation measures
17. Details of green roof
18. Demolition and Construction Management Plan
19. Contamination
20. Details of piling, all below ground works and mitigation of ground borne noise
21. Scheme for the Provision of Affordable Housing
22. Samples and details of all facing materials
23. Details of boundary treatments
24. Surface Water Drainage Scheme
25. Car Permit Free (bar Blue Badge Holders and Permit Transfer Scheme)
26. Car Parking Management Plan

### 8.3 **Informatives**

1. Thames Water – Groundwater Risk Management Permit, minimum pressure/flow rate and a Thames Water main crossing the site.
2. Building Control
3. S.278
4. Fire & Emergency
5. Footway and Carriageway
6. CIL
7. Designing out Crime

### 8.4 **Condition 14      Financial contributions:**

- a) A contribution of £30,772 towards construction phase employment training
- b) A contribution of £14,892 towards employment end user training
- c) A contribution of £82,260 towards carbon emission off-setting

Total: £127,924

### 8.5 **Condition 15/ Condition 21      Non-financial contributions:**

- a) Affordable housing 100% by habitable room (62 units)
- b) Access to employment
- c) 20% Local Procurement
- d) 20% Local Labour in Construction
- e) Highway Improvement works
- f) Any other contributions considered necessary by the Corporate Director Development & Renewal

## **APPENDIX 1**

### **Drawings**

9\_1602\_P\_100\_A, 9\_1602\_P\_101\_A, 9\_1602\_P\_102\_A, 9\_1602\_P\_103B,  
9\_1602\_P\_105 B, 9\_1602\_P\_106\_A

9\_1602\_P\_107\_A, 9\_1602\_P\_108\_A, 9\_1602\_P\_109\_A, 9\_1602\_P\_110\_A,  
 9\_1602\_P\_111\_A, 9\_1602\_P\_112\_A,  
 9\_1602\_P\_113\_B, 9\_1602\_P\_115\_B, 9\_1602\_P\_116\_B, 9\_1602\_P\_120\_B,  
 9\_1602\_P\_121\_B, 9\_1602\_P\_125\_B,  
 9\_1602\_P\_126\_B, 9\_1602\_P\_127\_B, 9\_1602\_P\_128\_B, 9\_1602\_P\_129\_B,  
 9\_1602\_P\_130\_A, 9\_1602\_P\_131\_B,  
 9\_1602\_P\_132\_B, 9\_1602\_P\_135\_A, 9\_1602\_P\_140\_A, 9\_1602\_P\_141\_A,  
 9\_1602\_P\_142\_A, 9\_1602\_P\_143\_A,  
 9\_1602\_P\_144\_B, 9\_1602\_P\_145\_A, 9\_1602\_P\_146\_A, 9\_1602\_P\_147\_A,  
 9\_1602\_P\_148\_A, 9\_1602\_P\_150\_A,  
 9\_1602\_P\_151\_A, 9\_1602\_P\_152\_A, 9\_1602\_P\_153\_B, 9\_1602\_P\_154\_B,  
 9\_1602\_P\_155\_A, 9\_1602\_P\_156\_A,  
 9\_1602\_P\_160\_A, 9\_1602\_P\_161\_A, 9\_1602\_P\_162\_A, 9\_1602\_P\_163\_A,  
 9\_1602\_P\_164\_A, 9\_1602\_P\_165\_A, 9\_1602\_P\_166\_A, 9\_1602\_P\_167\_A,  
 9\_1602\_P\_162\_A, 9\_1602\_P\_170

VLA-DR-L-2139-0200 Rev 02, VLA-DR-L-2139-4000 Rev 02  
 VLA-DR-L-2139-5001 Rev 01, VLA-DR-L-2139-5002 Rev 01  
 VLA-DR-L-2139-5003 Rev 01,

### **Submission documents**

- Planning Statement by Treanor Consulting
- Design and Access Statement + Addendum by Henley Halebrown Rorrison
- Transport Assessment and Travel Plan by ttp consulting
- Construction Traffic Management by Potter Raper Partnership
- Phase 1 Preliminary Risk Assessment by RPS
- Air Quality Assessment by HHbR Limited
- Noise and Vibration Assessment by Max Fordham
- Ecological Scoping survey by Greenlink Ecology Ltd
- Below Ground Drainage and SuDS by Price & Myers
- Energy and Sustainability Report by Max Fordham
- Waste Management Plan by Potter Raper Partnership
- Landscaping Statement by VOGT Landscape architects (within DAS + Addendum)
- Phase 1 Contamination Report by
- Site Waste Management Strategy
- Statement of Community Involvement (Within DAS)

### **Post Submission documents** (latest documents only)

- Planning Addendum, rev 2, produced by Tibbalds, dated 6<sup>th</sup> February 2019. This document is an addendum to the existing planning statement, produced by Treanor consulting, dated September 2016
- Daylight and Sunlight Study, produced by Delva Patman Redler, dated January 2019, reference: 18416/AJC/VK/RevB and subsequent drawing, 18416-NSL-005-A
- Heritage Statement, produced by Dorian Crone, dated July 2018 (new document)
- Visual Impact Assessment, produced by Dorian Crone, dated July 2018 (new document); and
- Internal Daylight and Sunlight Study, produced by Delva Patman Redler, dated August 2019, ref: 18416/AJC/VK)
- Supplement to Internal Daylight and Sunlight Study, produced by Delva Patman Redler, dated 19 August 2019

- Letter from DPR dated 28 May 2019 with No Sky contour drawings and updated table of daylight/sunlight results
- Addendum Daylight and Sunlight Study by DPR, dated October 2019

## APPENDIX 2

### Selection of plans and images



**Figure 23 – Proposed ground floor plan**



**Figure 24 – Proposed typical plan – upper floors**



**Figure 25 – Proposed eastern elevation**



**Figure 26- Proposed western elevation**





**Figure 27– Proposed view to main entrance and central courtyard.**



**Figure 28: Proposed view from Arnold Road looking North**



**Figure 29: Proposed view from Eleanor Street**



**Figure 30: Proposed view from Mornington Grove**

## APPENDIX 3 – DAYLIGHT AND SUNLIGHT RESULTS

### Objection responses

Given the technical nature of the issues raised in concern in relation to daylight and sunlight, further clarification was sought by the applicant's daylight sunlight consultant (DPR) which has also been verified by the Council's daylight sunlight consultant (Anstey Horne) in addition to the LPA's daylight sunlight officer.

<b>Objector point:</b>	<ul style="list-style-type: none"> <li>• DPR report does not explain its design methodology, how it has obtained accurate measurements for calculations without onsite surveys and how it supports its interpretations</li> <li>• DPR fail to provide details of the glazed areas of windows in Tomlins Grove used for their calculations. A remote survey cannot accurately assess these and DPR admit they have visited no properties. The Waldram figures overestimated glazing areas by 13-15% and there is no reason to assume that a similar degree of error is not made by DPR, leading to a significant underestimation of the loss of daylight and sunlight.</li> <li>• Room uses in several houses are still wrong, despite corrections made in the course of correspondence with LBTH officers by residents.</li> </ul>
<b>Officer comment:</b>	<ul style="list-style-type: none"> <li>- The DPR daylight and sunlight report sets out their methodology for building their 3D computer model in section 4.4, however have since provided more detail as set out below.</li> <li>- DPR have used the latest high-definition laser scanning equipment to scan the surrounding buildings and their relevant window apertures and build a 3D point cloud. To capture the Tomlins Grove properties, which are on the far side of the viaduct, the scanner was set up at roof level of the site, which enabled it to very accurately capture the window apertures to the top two floors (1<sup>st</sup> and 2<sup>nd</sup> floors). They used a mast-mounted camera to photograph the back elevations in high resolution. DPR purchased a 3D massing model from AccuCities, which is produced from photogrammetry. They then amended the 3D model where necessary to improve the accuracy of the massing model and punch in window apertures from the point cloud by extrapolating vertical lines downwards, brick counting, etc, to model in the windows on the lower ground and ground floor levels. They researched VOA Council Tax lists to establish the number of dwellings and compared this against Land Registry information. DPR researched online planning and estate agency records to obtain floor plans to establish room layouts and uses for as many of the properties as possible, including nos. 1, 2, 8, 10, 18, 22, 23, 24 and 25 Tomlins Grove. Where plans were not available, reasonable professional deductions were required, in accordance with common industry practice.</li> <li>- See below screenshots of the following sample extracts for a stretch of properties including 11 to 15 Tomlins Grove: <ul style="list-style-type: none"> <li>• Mast-mounted photography</li> <li>• Point cloud (false-colour image)</li> <li>• DPR's 3D model</li> <li>• Waldrams' 3D model</li> </ul> </li> </ul>





Figure 31: Mast-mounted photography

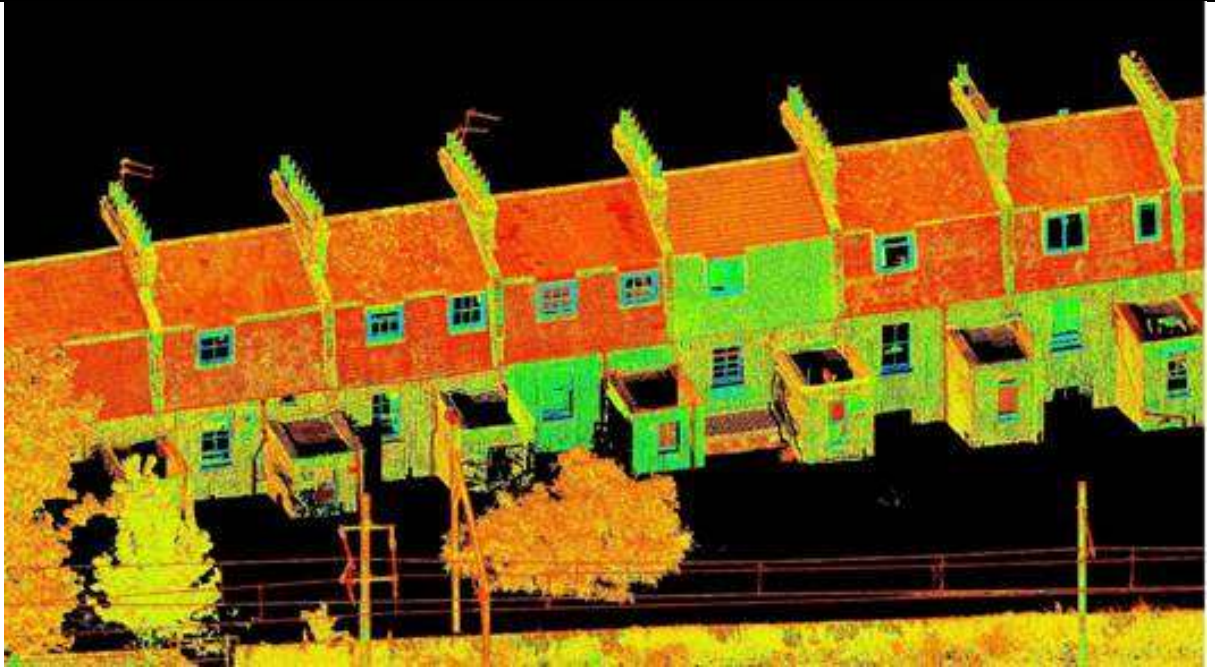


Figure 32: Point cloud (false-colour image)

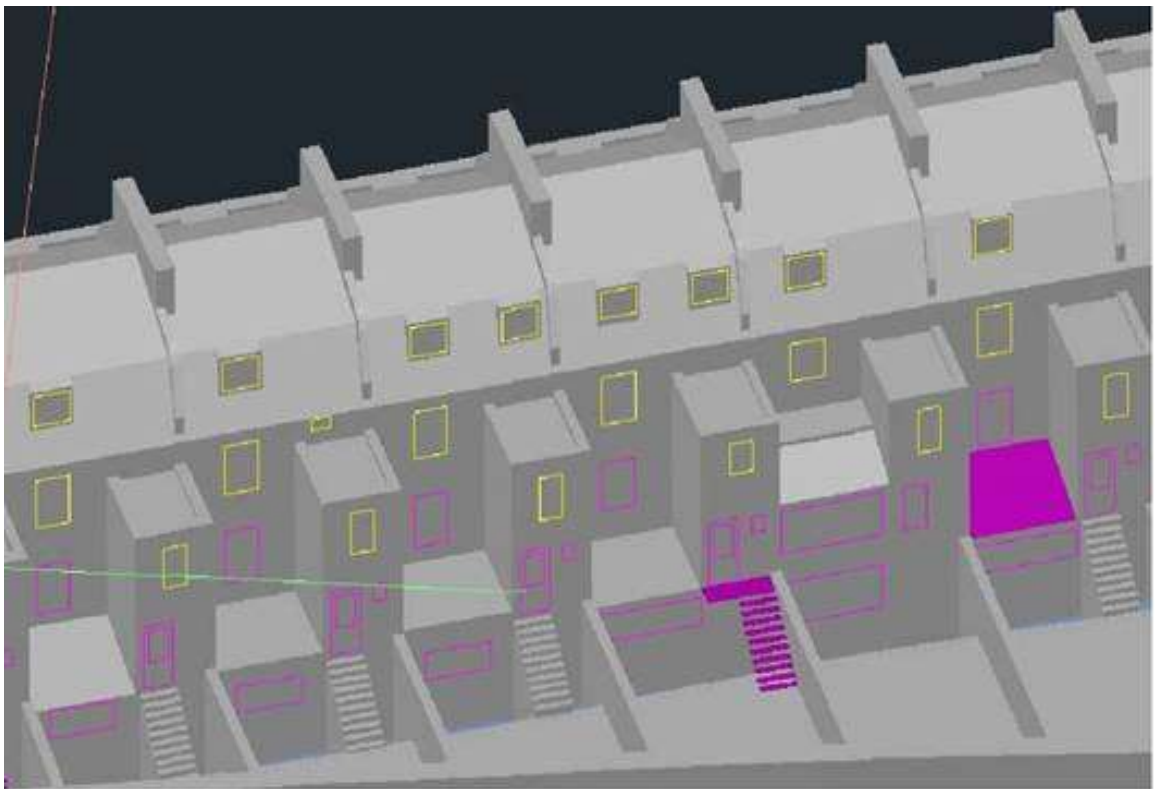


Figure 33: DPR's 3D model



Figure 34: Waldrams 3D model

- DPR have now carried out survey and relevant measurements of properties in Tomlins Grove where they have been able to gain access.
- DPR have confirmed that the reason why Waldrams included the area of the window apertures in their results is that they ran the Average Daylight Factor (ADF) assessment, which is really only intended for use with new dwellings. The window area is one of the variables that is inputted into the ADF formula, so ADF results tables tend to include the window area in the outputted data. VSC and NSL results tables do not include that information.
- The widths of the window openings and widths and depths of the rooms in DPR's model have been drawn to scale on their daylight distribution results plans, that were submitted following Anstey Horne's request, in this case 1:100 when printed at A3.
- Window size has less bearing on the VSC result, as it is calculated on the outside plane of the window wall at the centre point of the aperture.
- Anstey Horne agree with DPR that for VSC and NSL tests assessing the impact to neighbouring properties, typically the area of glazing is not included in the results tables. The size of glazing would typically be included in a results table when calculating the ADF results for new developments. The window dimensions were provided by the applicant to the LPA on 7<sup>th</sup> August 2019 and were uploaded to the LPA's online system where they can be viewed by the public. DPR have now carried out survey and relevant measurements of properties in Tomlins Grove where they have been able to gain access.
- Whilst a response has been provided on the Waldrams point, it is not considered relevant as DPR submitted a revised DLSL assessment in relation to the proposed development on 9<sup>th</sup> August 2019 which has been assessed as part of this application. As such, the Waldrams report no longer forms part of the planning application.

**Objector point:**

- 9 Tomlins Grove did not suffer a reduction in its lit environment according to the Waldram report yet does in the DPR report.

	<ul style="list-style-type: none"> <li><i>The VSC figures at existing windows vary between the two reports when this should be a constant.</i></li> </ul>
<b>Officer comment:</b>	<ul style="list-style-type: none"> <li>- The results appended to Waldrams' report showed some reductions in light to 9 Tomlins Grove that were within the BRE numerical guidelines.</li> <li>- As DPR and Waldrams have built completely separate 3D computer models from different source data, the software will compute different values for VSC, NSL and APSH. The VSC results will only be identical if the consultants' 3D models are geometrically identical and both are running identical software, including release version. Officers are satisfied that the DPR model is more accurate and it is their results that the current application is based on.</li> <li>- Anstey Horne have highlighted that the Waldrams assessment was completed back in 2016, whereas the DPR assessment was completed more recently in early 2019. Since the Waldrams assessment there have been at least 2 updates to the software which can marginally change the numerical output.</li> <li>- Whilst a response has been provided on the Waldrams point, it is not considered relevant as DPR submitted a revised DLSL assessment in relation to the proposed development on 9th August 2019 which has been assessed as part of this application. As such, the Waldrams report no longer forms part of the planning application.</li> </ul>
<b>Objector point:</b>	<ul style="list-style-type: none"> <li><i>Room uses are still wrong despite corrections made in the course of correspondence with LBTH officers by residents.</i></li> <li><i>Different rooms require different lighting levels and if DPR have used inaccurate information, the whole report is called into question.</i></li> </ul>
<b>Officer comment:</b>	<ul style="list-style-type: none"> <li>- As the DPR report states, the BRE guidance notes that for daylight, living rooms, dining rooms, kitchens and bedrooms should be analysed, although the latter are less important. For sunlight, main living rooms and conservatories should be assessed, but care should be taken to not block too much sun to kitchens and bedrooms. Room use also becomes relevant when applying the recommendations in Appendix I of the BRE guide to ascribe significance to the results because the requirement of the room for daylight and sunlight is relevant when exercising that professional judgment. The objector does not state precisely which room uses they believe to be wrong.</li> <li>- The applicant has now carried out survey and relevant measurements of properties in Tomlins Grove where access was gained. Where access was not gained, they have made assumptions based on the neighbouring properties which they have been in to and have also used existing plans.</li> <li>- Anstey Horne have confirmed that DPR have tested all habitable rooms, however in the absence of actual room uses for each property it is reasonable to make assumptions of the room uses based on their research and external inspection.</li> </ul>
<b>Objector point:</b>	<ul style="list-style-type: none"> <li><i>In addition whole floors to some properties in Tomlins Grove have been omitted from DPR's report. Again, this means their report cannot be credible as the impact on some properties has not been assessed.</i></li> </ul>
<b>Officer comment:</b>	<ul style="list-style-type: none"> <li>- DPR have now included every floor level for each property including habitable and non-habitable rooms.</li> </ul>



<b>Objector point:</b>	<ul style="list-style-type: none"> <li>• <i>At Judicial Review it was found that the fact that a room already had restricted light due to a balcony or back extension did not mean that further reductions were irrelevant. The DPR report relies on making calculations omitting the original back additions to the Tomlins Grove properties in direct contradiction to the Judicial Review judgment para 102.</i></li> <li>• <i>The BRE Guide does not provide for the removal of side returns. As per the High Court Judgment, dated 28 March 2018, (the Judgment) if officers rely on this information for decision making purposes it could be considered that they would be materially misleading the decision makers. This is set out in more detail in Appendix 1.</i></li> </ul>
<b>Officer comment:</b>	<ul style="list-style-type: none"> <li>- At paragraph 106 of the judgment the Court disapproved of the claimant's close textual analysis of the report. The Court therefore did not rule out the running of the additional calculation without closet wings.</li> <li>- What the Court did consider to be a defect, was the omission of the effects of the projecting walls when analysing whether or not the proposed development would have an adverse impact (see para. 102). The Court did not state that the additional calculation without the projecting walls should not be run. At paragraphs 101 to 107, the Court held that Waldrums were wrong to conclude that the effects of the development were not adverse based on their supposition (which was proven at trial to be incorrect) that the impacts would have been BRE adherent but for the projecting walls when they had provided no information to demonstrate that.</li> <li>- The implication of para. 106 of the judgment on the proper interpretation of BRE para. 2.2.10 and 2.2.13 is that one needs to understand that what these paragraphs seek to do is to identify when larger reductions in daylight maybe unavoidable from a designer's point of view (emphasis added) in certain circumstances even thig the general aim is to minimise the impact to existing property.</li> <li>- DPR note that the closet wings are a factor in the relative reduction of light. Importantly, and in line with BRE's representation comments, these have not been used to categorise the significance of effects.</li> <li>- The significance bandings i.e. Negligible, Minor Adverse and Moderate Adverse have been based on the closet wings being in place, therefore the "true" assessment.</li> </ul>

<b>Objector point:</b>	<ul style="list-style-type: none"> <li>• <i>The claim in the updated Daylight Sunlight report that it is the side returns that would be the main cause in relation to the loss of daylight and sunlight that the Tomlins Grove properties would experience with the development in situ, which in many cases far exceed BRE guidelines, is incorrect.</i></li> </ul>
<b>Officer comment:</b>	<ul style="list-style-type: none"> <li>- The DPR report does not state that the closet wings are the main "<u>cause</u>" in relation to the loss of light. Further detail is set out below.</li> <li>- BRE paragraph 2.2.11 states:  <i>"if the proposed VSC with the balcony was under 0.8 times the existing value with the balcony, but the same ratio for the values without the balcony was well over 0.8, this would show that the presence of the balcony, rather than the size of the new obstruction, was the main factor in the relative loss of light."</i></li> </ul>

	<ul style="list-style-type: none"> <li>- DPR's additional test without the closet wings showed that in some instances the <u>relative</u> loss (i.e. percentage reduction) would have been lower but still not BRE compliant had the closet wings not existed. In those cases DPR's report states that the closet wings are a factor in the <u>relative</u> light loss, but not the main factor. However, where the results of the additional test showed that the impacts would have been within the guidelines but for the closet wings, DPR stated that the results indicate that the closet wings, rather than the proposed development, is the main factor in the relative loss of light. That is consistent with BRE paragraph 2.2.11.</li> <li>- DPR note that the closet wings are a factor in the relative reduction of light. Importantly, and in line with BRE's representation comments, these have not been used to categorise the significance of effects.</li> <li>- The significance bandings i.e. Negligible, Minor Adverse and Moderate Adverse have been based on the closet wings being in place, therefore the "true" assessment.</li> </ul>
<b>Objector point:</b>	<ul style="list-style-type: none"> <li>• <i>The information provided to the Council by DPR in relation to loss of daylight and sunlight to the homes in Tomlins Grove differs from the information previously provided by Waldrams, another expert in the daylight sunlight field. Waldrams' information was based on incorrect room descriptions, including in relation to our home. No.13 Tomlin Grove's ground floor room failed all tests when assessed as a bedroom.</i></li> <li>• <i>It is not understood how the room is now correctly described as a lounge but seemingly passes the daylight distribution test, particularly when a lounge has a higher light requirement than a bedroom. If it now passes because DPR has removed the side returns, this is incorrect and potentially misleading. We note that other properties have similar anomalies.</i></li> </ul>
<b>Officer comment:</b>	<ul style="list-style-type: none"> <li>- As explained above, different consultants using different methods of measurement and data collection, different source information and different levels of rigour will produce different 3D computer models. Even if run through exactly the same computer analysis program, they will therefore produce different results. If they use different computer software that use different methods of calculating daylight this could add to the disparity in results. Waldrams and DPR use the same software, but they may be on different release versions, which can result in very small differences, but not material differences. Also, the assessment is predominantly a relative one comparing values in the existing condition with those in the proposed, so to some extent inherent inaccuracies 'even out'.</li> <li>- Officers are satisfied that DPR have compiled their 3D model with considerable rigour and robust methods that pay due heed to the RICS professional guidance.</li> <li>- The differences in the existing and proposed VSC values between Waldrams' data and DPR is considered small and not unexpected (given what has been outlined above). The bigger differences between the two consultants is in the existing and proposed APSH values are likely to be a result of Waldrams calculating the APSH on the outside plane of the window wall, whereas DPR elected to calculate it in the inside plane so that it more accurately takes account of the effect of window reveals on sunlight entering the room. The BRE guide required the calculation point to be positioned on the inside face for that reason, but when the guide was last updated they said the point "may" now be taken on the outside face, because it simplified it for those practitioners that produce the calculations manually.</li> </ul>

	<ul style="list-style-type: none"> <li>- Whilst a response has been provided on the Waldrams point, it is not considered relevant as DPR submitted a revised DLSL assessment in relation to the proposed development on 9th August 2019 which has been assessed as part of this application. As such, the Waldrams report no longer forms part of the planning application.</li> <li>- DPR note that the closet wings are a factor in the relative reduction of light. Importantly, and in line with BRE's representation comments, these have not been used to categorise the significance of effects.</li> <li>- The significance bandings i.e. Negligible, Minor Adverse and Moderate Adverse have been based on the closet wings being in place, therefore the "true" assessment.</li> </ul>
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<b>Objector point:</b>	<ul style="list-style-type: none"> <li>• <i>The second floor bedroom of no. 13 Tomlins Grove fails the daylight distribution test but the first floor bedroom doesn't fail the same test. This appears to be because DPR has relied on the removal of the side returns in relation to the first floor. As pointed out above, the BRE Guide does not allow for the removal of side returns.</i></li> </ul>
<b>Officer comment:</b>	<ul style="list-style-type: none"> <li>- Officers are of the opinion that the difference in result between the first and second floor bedrooms in 13 Tomlins Grove is not to do with the closet wings and everything to do with the style of windows and window head height relative to internal floor level. The second floor window is a smaller dormer window that has a lower head height whereas the first floor window is a taller window with a greater head height. Accordingly, the window sizes mean that the room behind the dormer window is more sensitive than the one behind the first floor window and results in a small daylight distribution transgression.</li> <li>- DPR note that the closet wings are a factor in the relative reduction of light. Importantly, and in line with BRE's representation comments, these have not been used to categorise the significance of effects.</li> <li>- The significance bandings i.e. Negligible, Minor Adverse and Moderate Adverse have been based on the closet wings being in place, therefore the "true" assessment.</li> </ul>

<b>Objector point:</b>	<ul style="list-style-type: none"> <li>• <i>The updated Daylight Sunlight report makes no such reference [to the number of properties in which daylight/sunlight is likely to be significantly adversely affected].</i></li> </ul>
<b>Officer comment:</b>	<ul style="list-style-type: none"> <li>- The DPR report and our review report state the number of properties which are impacted by the proposed development</li> </ul>

<b>Objector point:</b>	<ul style="list-style-type: none"> <li>• <i>There is no recognition in the updated Daylight Sunlight report of:</i> <ul style="list-style-type: none"> <li>○ <i>The homes that have kitchens at 1<sup>st</sup> floor level</i></li> <li>○ <i>The basement rooms that benefit from the shared light from those rooms facing the proposed development site</i></li> </ul> </li> </ul>
<b>Officer comment:</b>	<ul style="list-style-type: none"> <li>- DPR's assessment now lists all rooms, albeit habitable or non-habitable in their results tables attached to the Addendum October 2019 report. DPR have also modelled the basement rooms and other rooms which benefit from shared light, for example where a kitchen leads on to a living room.</li> </ul>

	<ul style="list-style-type: none"> <li>- Where two rooms on opposite sides of a building lit from opposite directions have been 'knocked together', it is common practice to assess the original room that faces the development site. Otherwise there is a risk of masking the effects of the development by including light coning from the other side of the building.</li> <li>- Anstey Horne agree with DPRs response that in the absence of floorplans it is reasonable to assume the room uses. For rooms which are lit from both directions spanning the depth of the property it is common practice to sub-divide the room to assess the impact from the development.</li> </ul>
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<b>Objector point:</b>	<ul style="list-style-type: none"> <li>• <i>100% removal of sunlight far exceeds anything mentioned in the BRE guide as acceptable</i></li> </ul>
<b>Officer comment:</b>	<ul style="list-style-type: none"> <li>- 12 Tomlins Grove and 13 Tomlins Grove have 100% reductions in their winter sunlight to their ground floor rooms. The orientation of the windows face is around 70 degrees from due south (i.e. west-southwest). Due to their orientation and the presence of the closet wings immediately adjacent to the windows on their south side, the windows only see a little bit of afternoon sunlight in the winter months before it sets below the viaduct. For that reason they currently receive 2% or 3% APSH in winter. The proposed development would obstruct this part of the sky where the setting sun path dips down, resulting in a reduction from 2% or 3% APSH to 0% APSH (i.e. 100% loss). It is a small absolute change, but a very large absolute change and understandably emotive.</li> <li>- The DPR report makes it clear where the winter sunlight hours have reduced from 2% or 3% down to 0% to some of the Tomlins Grove properties.</li> <li>- By way of BRE guidance, paragraph 3.2.11, was added to the BRE guidelines when the second edition was produced in 2011. The author, Dr Littlefair's press release at the time explained that the previous edition "<i>tended to overplay the loss of small amounts of sunlight in cases where the existing window either received very little sunlight year round, or in the winter months. The new Report introduces an additional guideline, that a total loss of sunlight of 4% or less of annual probable sunlight hours need not be significant.</i>"</li> </ul>

<b>Objector point:</b>	<ul style="list-style-type: none"> <li>• <i>If the ground floor room at no. 13 Tomlins Grove has been assessed at 6.7 m deep I fail to see how it meets the VSC and DD – the kitchen relies on borrowed light from the conservatory, which is fully glazed at window level to take account of the need for 'sharing' light.</i></li> </ul>
<b>Officer comment:</b>	<ul style="list-style-type: none"> <li>- The VSC is calculated on the outside plane of the window wall and measures the amount of light falling on the window. It is unaffected by room dimensions.</li> <li>- Daylight distribution inside the room is influenced by the window head height, size and number of windows, depth and shape of room and, of course, the external massing outside the room. The effect on the NSL contour is plotted on the Daylight Distribution plan (NSL_005), which illustrates how the 'pool' of light inside the room would be affected. As it can be seen, it only penetrates to less than half depth in the existing condition and slightly less in the proposed.</li> </ul> <p>Anstey Horne have confirmed that for 13 Tomlins Grove, the DPR report states <i>"The ground-floor living room would experience a small (26%) reduction in VSC, which is only slightly beyond the guidelines. The effect on NSL to the same room</i></p>

	<p><i>(23% reduction) would not satisfy the guidelines and its retained value (64%) NSL would be good for an urban area."</i></p> <ul style="list-style-type: none"> <li>- The BRE guidelines makes reference to particularly deep rooms (over 5 metres in depth) and the difficulty in ensuing they are fully lit. Midway through paragraph 2.2.10, the guidelines it states: <p><i>"If an existing building contains rooms lit from one side only and greater than 5 m deep, then a greater movement in the no sky line may be unavoidable".</i></p> <p>-</p> </li></ul>
<b>Objector point:</b>	<ul style="list-style-type: none"> <li>• <i>The report correctly advises that no industry standard applies in this respect. This is because a fail is a fail. If you fail a drink driving test you fail. If you fail an exam you fail. If a measurement fails the BRE guidelines it fails. Simple. The table I have prepared demonstrates the rooms that would fail, with the caveat referred to above regarding the differing results between the Waldrums report and the updated Daylight Sunlight report.</i></li> </ul>
<b>Officer comment:</b>	<ul style="list-style-type: none"> <li>- Nowhere in the BRE guide does it use the words "pass" or "fail", because it is not a mandatory standard, only guidance to be interpreted flexibly. If an impact falls outside the numerical guidelines, i.e. is greater than the guidelines recommend, it is considered to be noticeable. DPR have sought to further categorise such impacts by reference to a scale of effect, to provide further detail.</li> </ul>
<b>Objector point:</b>	<ul style="list-style-type: none"> <li>• <i>The reference to the Whitechapel development is misleading in this context.</i></li> <li>• <i>The area in question already had tall buildings that were to be redeveloped, and heights increased. As the report correctly sets out, Whitechapel is on the City Fringes and therefore slightly different planning guidelines would appear to apply. As do the different guidelines that apply when designing buildings to match the height of existing properties.</i></li> </ul>
<b>Officer comment:</b>	<ul style="list-style-type: none"> <li>- The DPR report clearly states that the Inspector's decision in the Whitechapel appeal was referenced because it is as an example of the inherent flexibility built that is into the BRE guidelines. The words of the Inspector on sensitive application of the daylight/sunlight guidelines to higher density housing developments, especially in accessible locations, etc., as opposed to blanket application of the BRE's optimum standards are certainly relevant to the application. The DPR report does not state that the proposal should be assessed as if it was in Whitechapel. DPR have confirmed that they have applied the BRE's standard numerical guidelines when undertaking their assessment and highlighted all instances where these would not be met. They have not sought to apply lower alternative target values.</li> </ul>
<b>Objector point:</b>	<ul style="list-style-type: none"> <li>• <i>By the omission of [BRE] paragraph 2.2.13 the reader of the updated Daylight Sunlight report is further being misled by not being made aware that:</i>  <i>2.2.13 However, as a general rule the aim should be to minimise the impact to the existing property.</i></li> </ul>
<b>Officer comment:</b>	<p>Officers do not agree with the assertion that failing to mention paragraph 2.2.13 of the BRE guide is misleading. In section 4.1 of DPRs report they refer to the principles of the BRE guide and the methodology which they have used for the basis of the assessment. The decision maker in this case is the committee and the officer report to committee makes this clear .</p>
<b>Objector point:</b>	<ul style="list-style-type: none"> <li>• <i>There is concern here that DPR has placed over-reliance on the sketch of one of the houses in Tomlins Grove, provided by the architects. The sketch in question is referred</i></li> </ul>

	<p>to by DPR in an email dated 6 July 2018 as a 'survey'. I am advised that the term 'survey' in architectural terms implies accuracy. I am also informed that the drawing is not a survey but is instead a hand drawn sketch using approximate dimension and proportions. Further, as it was produced as part of a tender package for external decorations, it did not need to be measurement-accurate.</p> <ul style="list-style-type: none"> <li>• DPR seems to be particularly keen on accuracy so I would like to understand how this sketch was presented to them. As they are referring to it as a 'survey' could they have been misled around the accuracy of the sketch? What reliance did they place on it?</li> </ul>
<b>Officer comment:</b>	<ul style="list-style-type: none"> <li>- DPR have confirmed that their survey and modelling methodology was as described above.</li> <li>- DPR have now carried out survey and relevant measurements of properties in Tomlins Grove where they have been able to gain access.</li> </ul>

<b>Objector point:</b>	<ul style="list-style-type: none"> <li>• In the FOI response, DPR has gone to great lengths to explain how they will take measurements but there is still insufficient information provided for us to make an informed decision as to the accuracy of the measurements eventually used. DPR requested and were provided with Waldrams' 3D model. Despite stating that they would update the model, it is disappointing to note that their own results include similar errors to Waldrams in relation to room uses and layout of homes. We have already brought this to the council's attention.</li> </ul>
<b>Officer comment:</b>	<ul style="list-style-type: none"> <li>- DPR have confirmed that they did not make any use of or place any reliance on Waldrams' 3D model. DPRs report clearly states they have started afresh with their assessment model, capturing a 3D point cloud survey and completing their own planning research.</li> <li>- Whilst a response has been provided on the Waldrams point, it is not considered relevant as DPR submitted a revised DLSL assessment in relation to the proposed development on 9th August 2019 which has been assessed as part of this application. As such, the Waldrams report no longer forms part of the planning application.</li> <li>- DPR have now carried out survey and relevant measurements of properties in Tomlins Grove where they have been able to gain access.</li> </ul>

<b>Objector point:</b>	<ul style="list-style-type: none"> <li>• We know that Waldrams used in its results a brick count. This does not necessarily give accurate areas of glazing, and we have already raised our concerns in relation to window sizes relied on by DPR. Please confirm the approach taken by DPR in relation to the glazed areas. Again, a number of us are still waiting for information in relation to the glazed areas used by DPR to produce the assessments in their report. We require this information so that we can assess if our windows have been correctly measured and therefore the accuracy, or otherwise, of the daylight sunlight assessments.</li> </ul>
<b>Officer comment:</b>	<ul style="list-style-type: none"> <li>- The survey and modelling methodology undertaken by DPR was as described above. Anstey Horne confirmed that, as explained earlier, the methods used to capture the 3d point cloud survey would not require access to individual properties. The survey captures detailed information including window sizes and positions.</li> <li>- Whilst a response has been provided on the Waldrams point, it is not considered relevant as DPR submitted a revised DLSL assessment in relation to the proposed development on 9th August 2019 which has been assessed as part of this application. As such, the Waldrams report no longer forms part of the planning application.</li> </ul>

<b>Objector point:</b>	<ul style="list-style-type: none"> <li><i>In an email dated 15 October 2018, DPR set out that it was missing full plan layout information for the Tomlins Grove houses that would be most affected by the development and went on to propose using layouts from 'comparable' homes. Please explain how they knew what was 'comparable' given the differing layouts of the homes concerned. There was clearly a gap in DPR's knowledge – what information was provided to fill this knowledge gap in relation to the Tomlins Grove homes?</i></li> </ul>
<b>Officer comment:</b>	<ul style="list-style-type: none"> <li>- DPR's research methodology was explained in the Daylight Sunlight report dated January 2019 and the plans that DPR obtained through their efforts were attached to the report for complete transparency.</li> <li>- The applicant has now carried out survey and relevant measurements of properties in Tomlins Grove where access was gained. Where access was not gained, they have made assumptions based on the neighbouring properties which they have been in to and have also used existing plans.</li> </ul>

<b>Objector point:</b>	<ul style="list-style-type: none"> <li><i>In an email dated 22 October 2018 (and in the published Daylight &amp; Sunlight Study), DPR made reference to the RICS Professional Guidance Note, 'Daylighting and sunlighting' (1st edition, 2012) (RICS Guidance Note). However, yet another glaring omission is the lack of reproduction of a sentence that again provides protection for existing properties 'Daylight and sunlight in particular are important to human health and well-being; they affect quality of life.....'. That the firm has failed to bring this to the attention of council officers and suggests it is acceptable for our homes and therefore us to lose 100% of winter sunlight is unforgivable and misleading. A 100% loss is not in accordance with the BRE guidelines. The firm acknowledges the importance of compliance with those guidelines in its email of 6 July 2018. Is this yet further evidence of misleading council officers and in turn the Development Committee? In light of this, I am particularly interested in what is included in the redacted sentence under the heading '4. Arguments to support the application' (also in the 6 July 2018 email). Could this be the firm's warning in relation to exceeding BRE guidelines?</i></li> </ul>
<b>Officer comment:</b>	<ul style="list-style-type: none"> <li>- Officers assess the reasonableness or otherwise of the planning application by reference, first and foremost, to its local planning policy, plus regional and national planning policy. DPR's Daylight Sunlight report highlights the Council's planning policy on daylight and sunlight including SP10 of the Core Strategy and DM25 of the MDD. Council policy acknowledges the importance of light to wellbeing</li> </ul>

<b>Objector point:</b>	<ul style="list-style-type: none"> <li><i>As you are aware, I cannot find it stated in the BRE guide that the side returns can be removed. It is quite wrong therefore for DPR to 'blame' the homes themselves when it is quite clearly the proposed development that will cause the losses of light referred to both by Waldrams and DPR. There are no losses to consider or measure without the development in situ. However, I accept that I am a layman so I would be grateful if your expert could provide details of the BRE guide paragraph relied upon to remove the side returns so that I may consider this further.</i></li> <li><i>I am particularly concerned because DPR confirms in its report that the second floor room in 13 Tomlins Grove fails the daylight sunlight test. The firm is unable to blame the side return for this because the side return does not go up as high as the second floor. The ground floor room and first floor room do not fail the same test, according to DPR. But importantly, however they dress it up, what their report confirms is that the side return is not responsible for the failure of the ground and first floor rooms as evidenced by the failure of the second floor room. I do not understand how a firm so</i></li> </ul>
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	<p><i>concerned with accuracy has overlooked this significant fact in relation to this home and probably others. That the side return has been 'blamed' in part by DPR for the loss that would be suffered by the ground floor and first floor rooms is misleading. Please would you ensure this anomaly, and similar anomalies affecting my neighbours' homes, is explained in the officer's report.</i></p>
<b>Officer comment:</b>	<ul style="list-style-type: none"> <li>- At paragraph 106 of the judgment the Court disapproved of the claimant's close textual analysis of the report. The Court therefore did not rule out the running of the additional calculation without closet wings.</li> <li>- DPR have now gained access to 13 Tomlins Grove and surveyed all the rooms including the second floor bedroom; the second floor bedroom based on the updated measurements provided by DPR now fully meet the BRE guidelines for daylight and sunlight.</li> <li>- DPR note that the closet wings are a factor in the relative reduction of light. Importantly, and in line with BRE's representation comments, these have not been used to categorise the significance of effects.</li> <li>- The significance bandings i.e. Negligible, Minor Adverse and Moderate Adverse have been based on the closet wings being in place, therefore the "true" assessment.</li> <li>- Whilst a response has been provided on the Waldrams point, it is not considered relevant as DPR submitted a revised DLSL assessment in relation to the proposed development on 9th August 2019 which has been assessed as part of this application. As such, the Waldrams report no longer forms part of the planning application.</li> </ul>
<b>Objector point:</b>	<ul style="list-style-type: none"> <li>• <i>Not accessing affected properties</i></li> </ul>
<b>Officer comment:</b>	<ul style="list-style-type: none"> <li>- Whilst in this instance, the applicants have now carried out surveys and relevant measurements of properties in Tomlins Grove where they have been able to gain access and where they haven't been able to gain access, they have made assumptions based on the neighbouring properties which they have been in to and have also used existing plans. In most circumstances, it is unrealistic for officers/consultants to visit every property to undertake the relevant measurements. It is standard practice in the industry for experts to make reasonable assumptions based on desk top data.</li> <li>- In addition, as part of Anstey Horne's assessment of DPR's report, they requested that no-skyline/daylight distribution contour drawings were provided to enable them to review the internal layouts that have been used for the assessment, and where the assumptions have been made in the absence of floor plans. Anstey Horne confirmed that the internal layouts that have been used for the assessment are reasonable.</li> </ul>

Further representations were received in light of Anstey Horne's report and additional material submitted by DPR dated 28 May 2019. Below the queries have been responded to by DPR and subsequently verified by Anstey Horne:

<b>Objector point:</b>	<ul style="list-style-type: none"> <li>• <i>Area of glazing and implication for assessment of loss of daylight/sunlight</i></li> </ul>
<b>Officer comment:</b>	<ul style="list-style-type: none"> <li>- The only daylight/sunlight test in the BRE guide that is based on area of glazing is the average daylight factor (ADF) test, but as it is intended for use with new dwellings we did not include an ADF assessment in DPRs report (unlike Waldrams). Vertical sky component (VSC) and percentage of annual probable sunlight hours (APSH) are a measure of daylight and sunlight at a point at the centre of the window and do not depend on area of glazing or the area of the window aperture.</li> <li>- The BRE criteria for the DD/NSL test is based entirely on the relative loss of daylit area (i.e. existing divided by proposed values), so even if there are any slight inaccuracies in the sizes of window apertures or rooms or in the calculated daylit areas, they would largely cancel each other out. They would not <i>“inevitably lead to an underestimation of the loss of daylight and sunlight”</i> or <i>“seriously affect those deemed to have moderate daylight loss under the present calculations”</i>, as claimed by the objector.</li> </ul>

<b>Objector point:</b>	<ul style="list-style-type: none"> <li>• <i>Effect of room use on the measurement of daylight/sunlight</i></li> </ul>
<b>Officer comment:</b>	<ul style="list-style-type: none"> <li>- Room use does not affect the measurement of daylight/sunlight or the quantification of the magnitude of impact. The methods of measurement (VSC, DD and APSH) for a neighbouring property are the same regardless of room use.</li> <li>- DPR have assessed as many rooms as possible in each property, following hand delivery of letters seeking access. Where access was not gained reasonable assumptions were made based on immediate neighbouring properties and/or plans.</li> </ul>

<b>Objector point:</b>	<ul style="list-style-type: none"> <li>• <i>Concerns regarding the difference in tests for sunlight and daylight in kitchens and bedrooms</i></li> </ul>
<b>Officer comment:</b>	<ul style="list-style-type: none"> <li>- Room use does not affect the measurement of daylight/sunlight or the quantification of the magnitude of impact. The methods of measurement (VSC, DD and APSH) for a neighbouring property are the same regardless of room use.</li> <li>- It appears that the objector is referring to the ADF test which is primarily used to assess daylight levels to proposed residential units. The highest target when using the ADF test is to kitchens. More detail on the ADF test is provided below for reference.</li> <li>- The BRE guide recommends the following minimum average daylight factors (ADF) in new dwellings: 2% in kitchens, 1.5% in living rooms and 1% in bedrooms. However, when assessing the impact on daylight to existing neighbouring dwellings, the guide places equal emphasis on living rooms, dining rooms and kitchens and notes that bedrooms are less important but should still be analysed (BRE paras. 2.2. and 2.2.8). The same numerical criteria apply regardless of room use.</li> <li>- For sunlight to new dwellings, the BRE guide prioritises main living rooms. For impact on existing neighbouring dwellings it states that living rooms and conservatories should be assessed, whilst kitchens and bedrooms are less important, although care should be taken not to block too much sun (BRE guide para. 3.2.3).</li> </ul>

<b>Objector point:</b>	<ul style="list-style-type: none"> <li>• <i>Daylight distribution (no-sky contour) plans</i></li> </ul>
<b>Officer comment:</b>	<ul style="list-style-type: none"> <li>- DPR confirmed that no evidence has been supplied of any mismeasurement of window apertures or differences in room layouts that would have a material effect on the magnitudes or significance of impacts.</li> </ul>

<b>Objector point:</b>	<ul style="list-style-type: none"> <li>• <i>Concerns regarding non-compliance with NSL testing in 22 or more rooms</i></li> </ul>
<b>Officer comment:</b>	<ul style="list-style-type: none"> <li>- Aside from mistakenly referring to sunlight when they mean daylight, the objector correctly makes the point that if the area of a room with a direct view of sky will reduce to less than 0.8 times its former value, the loss of light will be noticeable to the occupants and more of the room will appear poorly lit (see BRE para. 2.2.9). According to our data and report, that would be the case in 24 rooms around the site of which 20 are in Tomlins Grove properties.</li> <li>- The contention that <i>"if correct room sizes, uses and glazing areas were used the number would be much greater"</i> is unfounded. Room use has no bearing on the NSL test. Please see DPRs response to the above point in relation to room sizes and glazing areas.</li> </ul>

Further representations were received in light of the revised Anstey Horne report which had been uploaded onto the LPAs online portal and additional material submitted by DPR. Below the queries have been responded to by DPR and subsequently verified by Anstey Horne:

<b>Objector point:</b>	It has not been explained how the results between the original Waldrams Daylight Sunlight report and the later versions by DPR differ when the same rooms have been assessed with the same proposed development in situ.
<b>Officer comment:</b>	Different consultants using different methods of measurement and data collection, different source information and different levels of rigour will produce different 3D computer models. Even if run through exactly the same computer analysis program, they will therefore produce different results. If they use different computer software that use different methods of calculating light this could add to the disparity in results. Waldrams and DPR use the same software, but with DPR having run their calculations three years after Waldrams, they will undoubtedly be running an updated version of the software, which could contribute very small differences. Nevertheless, the assessment is predominantly a relative one comparing values in the existing condition with those in the proposed, so to some extent inherent differences 'even out'.

<b>Objector point:</b>	We moved into our house in July 1983. It was in need of much improvement and did not have a fully working kitchen. We wanted to place the kitchen in what is now our conservatory at lower ground level but we were not given planning permission to do this. We were permitted to put the kitchen in the room behind the now conservatory, which due to the amount of borrowed light received from the conservatory, was acceptable to us. The doors between the two rooms are the original half glazed doors and we have maintained full glazing to the front of the conservatory. Nowhere is the issue of this borrowed light to one of the most important rooms in our home recognised. Nor have the losses to our kitchen been measured or assessed.
<b>Officer</b>	This area has now been assessed based on survey.

<b>comment:</b>	
<b>Objector point:</b>	<p>It does not appear that, despite notification to the Council by us and the residents concerned, that DPR or the Council has acknowledged that some home layouts and room uses are wrong in relation to this latest application. For example, properties 11 and 14 have kitchens at first floor level. It will be <b>misleading</b> if the Development Committee is led to believe that there is less of an impact to the Tomlins Grove properties than is factual due to incorrectly identified layouts. DPR has produced additional reports in the interim so we do not understand why this position has not been corrected in latter documents.</p>
<b>Officer comment:</b>	<p>Whilst in this instance, the applicant has now carried out surveys and relevant measurements of properties in Tomlins Grove where they have been able to gain access and where they haven't been able to gain access, they have made assumptions based on the neighbouring properties which they have been in to and have also used existing plans. In most circumstances, it is unrealistic for officers/consultants to visit every property to undertake the relevant measurements. It is standard practice in the industry for experts to make reasonable assumptions based on desk top data.</p> <p>In accordance with RICS Guidance Note, GN96/2012, <i>'Daylighting and sunligniting'</i> DPR undertook searches of the local authority's planning portal to try establish room layouts and uses for neighbouring properties, where such information was available, to try to ensure a robust approach. Where plans were unavailable DPR generally assumed the main rear rooms at lower ground and ground floors to be living rooms and at first and second floor levels to be bedrooms.</p> <p>DPR note that objectors have pointed out that in a few instances rooms are kitchens, whereas in DPRs report assumed them to be living rooms or bedroom. This does not affect the calculation of the magnitude of impact and whether that impact is within the BRE guidelines; however it could have a bearing on the potential significance that impact:</p> <p>Where a room was treated as a living room in DPRs report but has subsequently been flagged as a kitchen, that should not have a material bearing on the determination of the significance of daylight effect, because the BRE Guide does not treat living rooms and kitchens in neighbouring properties differently; it only treats bedrooms as being less important (see BRE Para. 2.2.8). For sunlight, the BRE Guide treats both kitchens and bedrooms as less important than living rooms (BRE para. 3.2.3). Arguably, less weight could therefore be applied to any sunlight effects on rooms that are now found to be kitchens, but DPR recommend not doing so.</p> <p>Access has now been gained to all rooms in 14 Tomlins Grove. This ensures the accuracy of the NSL results which are the only results which are sensitive to room size and shape. Access was sought to the ground floor room of 11 Tomlins Grove but the applicant had no response to the hand delivered letter seeking access. Access was gained to the first and second floor of 11 Tomlins Grove and these rooms are based on survey.</p>
<b>Objector point:</b>	<p>We note that the Waldrams daylight sunlight report has been removed from the planning portal. As this document is referred to by both DPR and Anstey Horne (AH), we assume that its removal is an oversight by the Council. The availability of the Waldrams report was one part of the Judicial Review that in March 2018 quashed planning consent granted in January 2017. It would be unfortunate if this document was again a thorny issue. If its removal was deliberate, the officer's report should explain why.</p>

<b>Officer comment:</b>	Given the history of the application and the conclusions drawn from the JR with the original daylight and sunlight report prepared by Waldrams, the applicant instructed Delva Patman Redlar (DPR) to produce a new daylight and sunlight assessment as part of this application.
<b>Objector point:</b>	It is disappointing that neither DPR or AH acknowledges that the level of daylight sunlight currently received by the Tomlins Grove homes has been the same levels received in excess of 150 years. That these experts are attempting to hold the side returns in anyway responsible for the reductions that will be caused by the proposed development is <b>misleading</b> , possibly <b>materially misleading</b> . The only reason our levels of daylight sunlight will be reduced with the proposed development in situ is because of the proposed development. Nothing else.
<b>Officer comment:</b>	DPR note that the closet wings are a factor in the relative reduction of light. Importantly, and in line with BRE's representation comments, these have not been used to categorise the significance of effects.  The significance bandings i.e. Negligible, Minor Adverse and Moderate Adverse have been based on the closet wings being in place, therefore the "true" assessment.
<b>Objector point:</b>	The Waldrams report measured the ADF for the Tomlins Grove properties whilst DPR has not carried out the same assessment. We understand from Professor Paul Littlefair, my expert witness for the High Court, that the ADF assessment did not have to be carried out for these properties, but it was. Given that it was, and for a sense of fairness, DPR should be asked to carry out a new ADF assessment on the Tomlins Grove properties, using accurate information which we would be happy to provide.
<b>Officer comment:</b>	The reason why the ADF is generally not recommended for assessing loss of light to existing buildings is set out in paragraph F7 in Appendix F of the BRE Guide.
<b>Objector point:</b>	It is worth noting at this point that by DPR using the window opening size only for the daylight and sunlight assessments they have carried out, they have potentially <i>overstated</i> the daylight sunlight to our lounge by more than 128%. The no-sky contour illustration is likely to be similarly <i>overstated</i> . Our first floor and second floor rooms are also affected. This is likely to be similar for other properties in Tomlins Grove. For a sense of fairness, Planning officers should investigate this level of overstatement further rather than present <b>misleading</b> information to the Development Committee.
<b>Officer comment:</b>	It is not clear whether the objector is claiming that DPR has mis-measured the size of their window openings and, if so, by how much. The inference seems to be that DPR has made them larger than they actually are, but no 'corrected' measurements have been offered. DPR provided window measurements in good faith so that the objector could check and satisfy themselves that they are reasonably accurate. If they are going to claim there are errors then they should provide corrected measurements so DPR can consider whether any differences are significant.  Even if DPR measurements are incorrect, it would have negligible bearing on the VSC and APSH values, which are calculated at the centre of the window opening and do not measure the amount of light passing through the aperture into the room. The NSL test does calculate the area of the working plane inside the room that has a view of sky, so if the window apertures are of a slightly different size to what we have modelled it could

	<p>potentially slightly alter the area with a view of sky. However, as the test runs the measurement before and after development and calculates the relative reduction, the significance of any slight error in aperture size would likely be low.</p> <p>The applicant has now carried out survey and relevant measurements of properties in Tomlins Grove where access was gained. Where access was not gained, they have made assumptions based on the neighbouring properties which they have been in to and have also used existing plans.</p>
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<b>Objector point:</b>	<p>Since my original objection letter, via a Freedom of Information request (FOI), we have learned that DPR suggested a visit to the Tomlins Grove properties. The officer's report should explain why they were prevented from doing so, either by the Council or a third party working on its behalf. By email exchange Waldrams acknowledge that the 3D model it shared with DPR was 'indicative' and 'estimated'. As a result, DPR acknowledged by email that it would be better to work with a more accurate 3D model. DPR also disclosed to the Council the Tomlins Grove properties that it had managed to find floor plans for. This did not include any of the properties that would be most affected by the proposed development. Why is it that, given what has happened previously, the Council is content for its agents to use less than accurate information? Could it possibly be that an accurate assessment would reveal the impact to the Tomlins Grove homes would greatly exceed guidelines rather than the current implied 'satisfactory' findings.</p>
<b>Officer comment:</b>	<p>The applicant has now carried out surveys and relevant measurements of properties in Tomlins Grove where they have been able to gain access and where they haven't been able to gain access, they have made assumptions based on the neighbouring properties which they have been in to and have also used existing plans</p>

<b>Objector point:</b>	<p>The AH report dated 9 July 2019 has been changed so that it better favours the Council. There is no explanation or reason provided in the report to explain why this was changed from the version date 27 June 2019. That report presented that only 55% of properties tested for daylight would satisfy BRE guidelines. In the later July report this has risen to 59%. Similarly, the earlier report presented that only 50% of properties tested for sunlight would satisfy the BRE guidelines. In the later report, this has risen to 66%. The June results were consistent with those in the report dated April 2019. The reason for this change should be explained in the officer's report.</p>
<b>Officer comment:</b>	<p>This has now been superseded as there is now an Addendum October 2019 report for the Tomlins Grove properties, equally, there is also now an updated Anstey Horne report dated 23<sup>rd</sup> October 2019.</p>

<b>Objector point:</b>	<p>There now appears to be a greater reliance on DPR's assessment carried out with the side returns, which are original to date of build, removed. I have asked the Council several times to tell me the paragraph in the BRE Guide that allows for such removal. Nothing has been provided because there is no such permission in the BRE Guide. The BRE Guide allows for a greater relative reduction in VSC but also provides that as a general rule the aim should be to minimise the impact to existing property, which has not happened in this case. The latest 'removal' of the side returns has been carried out despite the Council's previous expert, Michael Harper of Waldrams, attempting to</p>
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	convince the High Court that his firm's report had not relied on omission of the side returns in relation to the results for the Tomlins Grove properties when it quite clearly had. It is clear from the FOI information that the assessment carried out by DPR without the side returns in place was done at the instruction of Council officers. In a letter dated 6 June 2019, Jane Abraham on behalf of Will Tuckley, Chief Executive, provided written assurance to me that DPR's removal of the side returns was a factor for consideration but not more important than with the side returns in place. So why has this information now been presented as a standalone document on the planning portal? Is this a further attempt by the Council to <b>mislead</b> members of the public and the Development Committee? We are going to lose 100% of the winter sunlight that we currently receive with the side return in place purely as a result of the proposed development.
<b>Officer comment:</b>	DPR note that the closet wings are a factor in the relative reduction of light. Importantly, and in line with BRE's representation comments, these have not been used to categorise the significance of effects.  The significance bandings i.e. Negligible, Minor Adverse and Moderate Adverse have been based on the closet wings being in place, therefore the "true" assessment.

<b>Objector point:</b>	The AH report makes reference to the good levels of daylight sunlight received by the Tomlins Grove properties. That, along with Professor Littlefair's comment that there would be a right to light issue (with the proposed development in place) for some of the Tomlins Grove properties should be sufficient reason for officers to request that DPR's report in relation to right to light and the Tomlins Grove properties, requested by Yasmin Ali, should be shared with residents of Tomlins Grove and the Development Committee. It is wrong of the Council, as per Will Tuckley's letter to me dated 9 August 2019, to attempt to hide behind 'legal privilege' in this respect.
<b>Officer comment:</b>	Right to Light is not a planning matter

<b>Objector point:</b>	The AH report claims that the Arnold Road site has been underutilised. This is <b>misleading</b> , possibly <b>materially misleading</b> . The site was used as an adult day centre for 45 years and therefore fully utilised for the purpose it served. That the Council now wishes to change the use of the site does not equate to underutilisation.
<b>Officer comment:</b>	The Adult Day Care Centre relocated to another premises in the borough and the site has been vacant since December 2018. Therefore Officers consider that the site is underutilised.

<b>Objector point:</b>	There also appears to be an overestimation in relation to the height of Bow Magistrates Court in an attempt to portray the six storey block as 'in context'. This is <b>misleading</b> . Bow Magistrates Court is of similar height to the Tomlins Grove properties. We have photographic evidence of this from the Tomlins Grove properties themselves.
<b>Officer comment:</b>	DPR are unclear where the objector feels the height of Bow Magistrates Court has been overestimated. The 3D view drawing in Appendix A of DPR's report shows the surrounding massing, including the Magistrates Court, and shows AOD heights of various parapets of the Court building. DPR do not believe these heights are incorrect.



<b>Objector point:</b>	There is no reference anywhere in the reports produced by DPR or AH to demonstrate that in BRE Guide terms we are good neighbours in that we are not demanding too much light. The heart of the issue is the proposed height and massing of the development and its proximity to our homes.
<b>Officer comment:</b>	The question of whether a building is a 'good neighbour' comes into play if and when there is a case for seeking to apply alternative target values (see BRE para. 2.2.3 and Appendix F). However, that is not DPR of the Applicant's case, hence the 'good neighbour' point has not been examined.

<b>Objector point:</b>	There is no reference in reports produced by DPR, or AH, in relation to the many written protections provided in the various Council produced policy documents that will be breached by the proposed development. The same is true of Government produced policy documents. Instead these chosen experts have carefully selected the paragraphs they would prefer to rely on. This leaves Tomlins Grove residents at a disadvantage. This is particularly relevant in relation to DM25 of the Tower Hamlets local plan, which sets out the Council's intention to protect or improve conditions, and its report on Tall buildings dated September 2017.
<b>Officer comment:</b>	This statement is incorrect. DPR's report includes numerous citation of and extracts from policies whose aim is to protect amenity, including: <ul style="list-style-type: none"> <li>• London Plan, policies 7.6 and 7.7</li> <li>• Draft New London Plan, draft policy D4</li> <li>• Mayor of London's Housing SPG, policy 7.6Bd</li> <li>• LBTH Core Strategy, Strategic Policy 10, Section 4A</li> <li>• LBTH Managing Development Document, policy DM25</li> <li>• LBTH Draft Local Plan 2031, policy DH7</li> </ul>

<b>Objector point:</b>	The FOI information contained an email from Potter Rapper in January 2019 that states ' ... new pressures within LBTH time is now of the essence.' It is not acceptable to forgo proper and accurate consideration of the impact to the Tomlins Grove properties because the Applicant is under pressure, although that seems to be what is happening here.
<b>Officer comment:</b>	The planning application is being assessed in accordance with statutory planning policies and guidance. No corners are being cut due to 'pressures' as referenced above.

<b>Objector point:</b>	Gilbert J recognised the importance for daylight and sunlight in such situations as 'greater, not lesser, in terms of a habitable room' when he granted permission for Judicial Review in August 2017. He considered that the argument about the effect of the side returns did not 'help the authority'. John Howell QC noted 'That, it might be thought, is merely common sense'.
<b>Officer comment:</b>	As noted above and in the objection response in relation to daylight and sunlight section of the report, DPR also undertook a daylight and sunlight test with the projecting wings omitted to the Tomlins Grove properties, in order to compare the results and understand whether the wings are a material factor in the relative loss.  Anstey Horne agree with DPR's conclusion, of which being, where the projecting wings are or are not a material factor and this has been taken into account when categorising the significance of impacts.  DPR note that the closet wings are a factor in the relative reduction of light. Importantly, and in line with BRE's representation comments, these have not been used to categorise

	<p>the significance of effects.</p> <p>The significance bandings i.e. Negligible, Minor Adverse and Moderate Adverse have been based on the closet wings being in place, therefore the “true” assessment.</p>
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<b>Objector point:</b>	Applicants failure to address known issues
<b>Officer comment:</b>	The LPA is not responsible for what the applicant submits as part of their planning application. Notwithstanding this, the Applicant has sought to address the problems identified in the Judicial Review by commissioning a fresh daylight and sunlight assessment by a different consultant (DPR), placing no reliance upon the work undertaken by the previous consultant (Waldrams).

<b>Objector point:</b>	Inadequacy of applicant’s daylight and sunlight submissions
<b>Officer comment:</b>	The applicant’s daylight and sunlight information has now been reviewed by officers and officers consider it to be acceptable and robust.

<b>Objector point:</b>	Specific errors highlighted in DPR’s daylight and sunlight report
<b>Officer comment:</b>	<p>DPR disagree that the lack of instruction to them by the Applicant to gain access and survey all the rooms in the Tomlins Grove properties means that their work is “seriously flawed”. It is rare for daylight consultants to gain access to undertake such surveys and the vast majority of daylight and sunlight assessments submitted with planning applications are not based on measured surveys inside neighbouring properties. They have undertaken their work in accordance with RICS Guidance Note, GN96/2012, ‘<i>Daylighting and sunlighting</i>’ and used a mixture of laser scan measured survey, high-definition photography, researched floor plans, etc.</p> <p>In Tomlins Grove they tested all of the properties that take light from over the site and which may be affected, having regard to the BRE preliminary 25-degree test, including all those that would experience the greatest impact. They tested 74a Bow Road and numbers 1 to 25 Tomlins Grove, i.e. 26 properties in that one street alone, not “a sample of ten houses”, as the objector claims.</p> <p>DPR have now accessed as many properties on Tomlins Grove as possible. Where they have gained access they have surveyed the rooms including room shape and dimensions and window shape and dimension. The Addendum October 2019 report ensures the results for Tomlins Grove are very robust.</p> <p>The alleged ‘errors’ are either not errors at all or are incorrect assumptions as to a small number of room uses. They do not affect DPRs calculations of the amount of daylight and sunlight reaching the Tomlins Grove properties or the magnitude of daylight/sunlight impacts that would be caused by the proposed development.</p>

**Table 2 – Objection responses**

**Summary of Daylight Results:**

The following table assesses the impact of the proposed development on the neighbouring properties in line with Anstey Horne's advice.

Property	Daylight Impact	Further detail
74a Bow Road	Negligible	<p>The DPR report explains that the internal arrangements for this property have been based on planning archive layouts.</p> <p>12 windows have been assessed for VSC, with 12 windows demonstrating BRE compliance and thus negligible impacts.</p> <p>12 rooms have been assessed for NSL, with 11 rooms demonstrating BRE compliance and thus negligible impacts. The 1 ground floor bedroom that falls below the BRE guidelines will have a reduction of 21.4% which is a small effect based upon the DPR significance banding.</p> <p>Overall, Anstey Horne agree with DPR that the daylight effect to this property is considered to be of <b>negligible</b> significance.</p>
8 Tomlins Grove	Negligible	<p>Access was gained to the ground, first and second floors. Access was unable to be obtained to the basement flat so the layouts are therefore assumed.</p> <p>The DPR report explains that this property is sub-divided in to a lower ground floor flat and main house above. The lower ground floor room has been assumed to be a living/kitchen/diner. The ground floor kitchen, first floor living room/study and second floor bedroom are all based on survey.</p> <p>5 windows have been assessed for VSC, with 4 windows demonstrating BRE compliance and it is considered to have negligible impacts. The 1 window to the ground floor kitchen that falls below the BRE guidelines will have a reduction of 21% which is a small effect based upon the DPR significance impact banding.</p> <p>4 rooms have been assessed for NSL, with all 4 rooms demonstrating BRE compliance and thus negligible impacts.</p> <p>Anstey Horne have categorised the daylight effect to this property as</p>

Property	Daylight Impact	Further detail
		<b>negligible</b> significance.
9 Tomlins Grove	Minor adverse	<p>Access was unable to be obtained to this property after hand delivery of letter seeking access.</p> <p>The DPR report explains that the internal arrangements for this property have been based on assumptions and survey information sourced for other properties as access was unable to be obtained to this property.</p> <p>4 windows have been assessed for VSC, with all 4 windows demonstrating BRE compliance and thus negligible impacts.</p> <p>4 rooms have been assessed for NSL, with 3 rooms demonstrating BRE compliance and thus negligible impacts. The 1 room that falls below the BRE guidelines is the ground floor assumed living/kitchen/diner which will have an NSL reduction of 30%, a Minor Adverse effect. The mitigation cited in the DPR Report for the ground floor living room is that it has been assumed as being 6.7m deep, and that the BRE guide states that "if an existing building contains rooms lit from one side only and greater than 5m deep, then a greater movement of the no sky line may be unavoidable".</p> <p>Anstey Horne class the daylight effect to this property to be of a <b>minor adverse</b> significance.</p>
10 Tomlins Grove	Negligible	<p>Access was gained to all rooms in this property.</p> <p>The report explains that the internal arrangements of each room, the lower ground kitchen &amp; living/diner, ground floor bedroom, first floor bedroom and second floor bedroom are based on survey. This property is one dwelling house.</p> <p>4 windows have been assessed for VSC, with 3 windows demonstrating BRE compliance and thus negligible impacts. The 1 window to the ground floor bedroom that falls below the BRE guidelines will have a reduction of 22.0% which is a small effect based upon the DPR significance impact banding.</p> <p>All 4 rooms which have been assessed for NSL,</p>

Property	Daylight Impact	Further detail
		<p>demonstrate BRE compliance and thus negligible impacts.</p> <p>Anstey Horne class the daylight effect to this property to be of a <b>Negligible</b> significance.</p>
11 Tomlins Grove	Negligible	<p>Access was unable to be obtained to the lower ground and ground floor room after hand delivery of a letter seeking access. Access was gained to the first and second floor.</p> <p>The DPR report state that VOA records show this property has been separated in to two maisonette flats. The lower ground floor and ground floor flat which are assumed to be a bedroom and living/kitchen/diner respectively. The first floor kitchen and second floor bedroom were surveyed.</p> <p>4 windows have been assessed for VSC, with 3 windows demonstrating BRE compliance and therefore negligible impacts. The 1 window to the ground floor living room that falls below the BRE guidelines will have a reduction of 23%, which is considered a small effect based upon the DPR significance impact banding.</p> <p>4 rooms have been assessed for NSL, with all 4 rooms demonstrating BRE compliance and thus negligible impacts.</p> <p>Anstey Horne class the daylight effect to this property to be of a <b>Negligible</b> significance.</p>
12 Tomlins Grove	Negligible to minor adverse	<p>DPR accessed this property and surveyed the ground floor kitchen, first floor bedroom and second floor bedroom. The lower ground floor living/kitchen/diner has been assumed. DPR state that this property is separated in to a lower ground floor flat and a main house above.</p> <p>4 windows have been assessed for VSC, with 3 windows demonstrating BRE compliance and thus negligible impacts. The 1 window to the ground floor kitchen that falls below the BRE guidelines will have a reduction of 25%, which is considered a small effect based upon the DPR significance impact banding.</p> <p>4 rooms have been assessed for NSL, with all 4</p>

Property	Daylight Impact	Further detail
		<p>rooms demonstrating BRE compliance and thus negligible impacts.</p> <p>Overall, Anstey Horne agree with DPR that the daylight effect to this property is considered to be of <b>negligible to minor adverse</b> significance.</p>
13 Tomlins Grove	Minor adverse	<p>Access was gained to all of the rear rooms.</p> <p>DPR state they have accessed every room in this property and carried out a survey. The rooms include a lower ground floor conservatory and kitchen, ground floor living room with the first and second floor both being bedrooms.</p> <p>6 windows have been assessed for VSC (3 of these windows serving the lower ground floor conservatory), and 5 windows demonstrates BRE compliance and thus negligible impacts. The 1 window to the ground floor living room that falls below the BRE guidelines will have a reduction of 26%, which is considered a small effect based upon the DPR significance impact banding.</p> <p>4 rooms have been assessed for NSL, with 3 rooms demonstrating BRE compliance and thus negligible impacts. The 1 room that falls below the BRE guidelines is the ground floor living room which will have a reduction of 26% which is considered a small effect.</p> <p>Overall, Anstey Horne agree with DPR that the daylight effect to this property is considered to be of <b>Minor Adverse</b> significance.</p>
14 Tomlins Grove	Minor adverse	<p>DPR accessed all the rear rooms at this property and carried out surveys. DPR state that this property is sub-divided into three dwellings, a flat at the lower ground floor level, a flat on the ground floor level and a maisonette on the first and second floor levels. The rooms are a kitchen &amp; living room on the lower ground floor, a kitchen &amp; living room on the ground floor, first floor kitchen/diner and second floor bedroom.</p> <p>6 windows have been assessed for VSC, and all 6 windows demonstrate BRE compliance and thus</p>

Property	Daylight Impact	Further detail
		<p>negligible impacts.</p> <p>4 rooms have been assessed for NSL and 2 rooms demonstrate BRE compliance and thus negligible impact. The 2 rooms that fall below the BRE guidelines will have reductions of 25% to the lower ground floor kitchen &amp; living room, and 23% to the ground floor kitchen &amp; living room., These are considered to be Minor Adverse impacts.</p> <p>DPR and Anstey Horne have both advised that they would categorise the daylight effect to this property as being of <b>minor adverse</b> significance.</p>
15 Tomlins Grove	Minor adverse	<p>The report explains that the internal arrangements for this property have been based on assumptions and information sourced for other properties in the terrace. DPR state that based on VOA records, this property is a single house. The rooms include an assumed living/kitchen/diner on the lower ground floor, assumed living room on the ground floor and assumed bedrooms on the first and second floors.</p> <p>4 windows have been assessed for VSC, with 3 windows demonstrating BRE compliance and thus negligible impacts. The 1 window to the ground floor living room that falls below the BRE guidelines will have a reduction of 31%, which is considered a Minor Adverse effect.</p> <p>4 rooms have been assessed for NSL, with 3 rooms demonstrating BRE compliance and thus negligible impacts. The 1 room that falls below the BRE guidelines will have a reduction of 25% and this room is served by the 1 window in the property which does not meet the BRE guidelines for VSC. This rooms which does not meet the BRE guidelines is the assumed ground floor living room.</p> <p>Anstey Horne have classed this property as having a <b>minor adverse</b> significance.</p>
16 Tomlins Grove	Moderate adverse	<p>Access was gained to all of the rear rooms.</p> <p>DPR surveyed all the rear rooms and the property is one dwelling house. The rooms include a lower ground floor living room, ground floor living room and the first and second floor levels are bedrooms.</p>



Property	Daylight Impact	Further detail
		<p>7 windows have been assessed for VSC, and 5 windows demonstrate BRE compliance and thus negligible impacts. The 2 windows which fall below the BRE guidelines include 1 window to the lower ground floor living room and the window on the ground floor which serves the living room; these windows have VSC reductions of 21% and 31% respectively which are a Minor and Moderate Adverse significance.</p> <p>4 rooms have been assessed for NSL, and 1 rooms demonstrates BRE compliance and thus negligible impacts. The 3 rooms that fall below the BRE guideline will have reductions of 45% to the lower ground floor living room, 32% to the ground floor living room and 21% to the first floor bedroom. Therefore, the second floor bedroom is considered a Minor Adverse effect, the lower ground floor room a Major Adverse impact and the ground floor living room a Moderate Adverse impact.</p> <p>Anstey Horne had advised that they would categorise the daylight effect to this property as being of <b>moderate adverse</b> significance. The LPA accepts this advice.</p>
17 Tomlins Grove	Moderate adverse	<p>DPR surveyed all of the rear rooms in this property and it is a single dwelling house.</p> <p>4 windows have been assessed for VSC, with 2 windows demonstrating BRE compliance and thus negligible impacts. The 2 windows to the lower ground living room/storage area and ground floor kitchen/diner that fall below the BRE guidelines will have reductions of 31% and 30% respectively. Therefore 1 window is considered to be on the cusp of a moderate effect and 1 window is considered to be a moderate effect based upon the DPR significance impact banding.</p> <p>4 rooms have been assessed for NSL, and 3 rooms fall below the BRE guidelines. The rooms will have reductions of 43% to the lower ground floor living room/storage area, 27% to the ground floor kitchen/diner and 23% to the first floor bedroom. Therefore, the lower ground floor room will have a Major Adverse impact and the ground and first floor bedroom will have Minor Adverse impacts.</p>

Property	Daylight Impact	Further detail
		Anstey Horne advised that they would categorise the daylight effect to this property as being of <b>moderate adverse</b> significance. The LPA accepts this advice.
18 Tomlins Grove	Minor Adverse	<p>Access was gained to all of the rear rooms.</p> <p>The report explains that the internal arrangements for this property have been based on layouts sourced from an estate agent's website. The first floor room is shown as a bathroom which is a non-habitable room and therefore does not need to be considered for daylight and sunlight. DPR included this room for completeness but the result is not reported below.</p> <p>5 windows have been assessed for VSC, and 4 windows demonstrate BRE compliance and thus negligible impacts. The 1 window to the ground floor living room that falls below the BRE guidelines will have a reduction of 26%, which is considered to be a Minor Adverse impact.</p> <p>3 rooms have been assessed for NSL, with 2 rooms demonstrating BRE compliance and thus negligible impacts. The 1 ground floor living room that falls below the BRE guidelines will have a reduction of 29%, therefore, a Minor Adverse impact, just below the threshold for a Moderate Adverse impact.</p> <p>Anstey Horne agree with DPR that the daylight effect to this property is considered to be of <b>Minor Adverse</b> significance.</p>
19 Tomlins Grove	Negligible to Minor Adverse	<p>DPR surveyed all of the rear rooms in this property and it is a single dwelling house. The lower ground floor room is a kitchen &amp; dining room, the ground floor is a living room, the first and second floors are bedrooms.</p> <p>5 windows have been assessed for VSC, with 4 windows demonstrating BRE compliance and thus negligible impacts. The 1 ground floor living room window that falls below the BRE guidelines will have a reduction of 22%, which is a Minor Adverse impact.</p> <p>4 rooms have been assessed for NSL, with all rooms demonstrating BRE compliance and thus negligible impacts.</p>

Property	Daylight Impact	Further detail
		Anstey Horne agree with DPR that the daylight effect to this property is considered to be of <b>Negligible to Minor Adverse</b> significance.
28+29 Mornington Grove	Minor adverse	<p>The report explains that the internal arrangements for this property have been based on planning archive layouts.</p> <p>45 windows have been assessed for VSC, with 40 windows demonstrating BRE compliance and thus negligible impacts. The 5 windows that fall below the BRE guidelines will have reductions of 20.4%, 21.3% 23.9%, 35.4% and 35.6%. 4 of the windows are to bedrooms and the remaining 1 window (with the largest relative reduction) is to a living room with multiple windows. Therefore 3 of the bedroom windows are considered to be small effects and the 2 remaining windows are considered to be moderate effect based upon the DPR significance impact banding.</p> <p>18 rooms have been assessed for NSL, with 15 rooms demonstrating BRE compliance and thus negligible impacts. The other 3 rooms are 3 of the bedrooms which do not meet the VSC guidelines but have the lowest relative reductions. They will have NSL reductions of 34.8% to the ground floor bedroom, 31.4% to the first floor bedroom and 28.4% to the second floor bedroom. Therefore 1 bedroom is considered to be a small effect and 2 bedrooms are considered to be moderate effects based upon the DPR significance impact banding.</p> <p>Overall, Anstey Horne agree with DPR that the daylight effect to this property is considered to be of <b>minor adverse</b> significance.</p>
8 Mornington Grove	Negligible to minor adverse	<p>The report explains that the internal arrangements for this property have been based on assumptions and information sourced for other properties in the terrace.</p> <p>37 windows have been assessed for VSC, with 17 windows demonstrating BRE compliance and thus negligible impacts. The 20 windows that fall below the BRE guidelines will have reductions ranging between 33.4% and 38.4% and are therefore all considered to be moderate effects based upon the DPR significance impact banding. All of the</p>

Property	Daylight Impact	Further detail
		<p>windows are at the third floor level beneath deep projecting eaves which is limiting the daylight availability to these windows. This is apparent when reviewing the technical results; the existing VSC results for the third floor are much lower than the results to the floors below. The existing VSC values to the third floor range between 10.4% and 11.6% which is significantly below the BRE recommendation of 27%. All other existing VSC values are in excess of 33% and would retain above 28%. Anstey Horne agree with DPR that it is the effect of the deep eaves that is the main factor in the relative loss of light to the third floor windows.</p> <p>24 rooms have been assessed for NSL, with all rooms demonstrating BRE compliance and thus negligible impacts.</p> <p>Overall, Anstey Horne agree with DPR that the daylight effect to this property is considered to be of <b>negligible to minor adverse</b> significance.</p>

**Table 3 – Summary of Daylight Results**

**Summary of Sunlight Results**

The table below examines the 8 properties which would experience noticeable reductions in sunlight (annual and/or winter) to at least 1 room beyond the standard numerical BRE guidelines in line with Anstey Horne's advice:

Property	Sunlight Impact	Further detail
9 Tomlins Grove	Minor Adverse	<p>2 assumed living/kitchen/diners on the lower ground and ground floor, an assumed first floor living room and an assumed bedroom were assessed for sunlight.</p> <p>3 out of 4 rooms tested meets the BRE guidelines for sunlight.</p> <p>The ground floor living/kitchen/diner has a reduction of 30% for the annual sunlight hours which is a moderate adverse impact and 50% for the winter sunlight hours which is a major adverse impact. However, the room would retain 23% annual hours compared to the target of 25%, and 4% for winter hours compared to the target of 5%. The first floor living room would satisfy the BRE guidelines for annual sunlight hours, however the winter reduction would be 67% which is a major adverse reduction. Therefore, 2 out of 4 rooms tested (if we are to</p>

Property	Sunlight Impact	Further detail
		<p>include the first floor bedroom) fully satisfy the BRE guidelines for sunlight. The retained sunlight levels to the rooms which do not adhere are acceptable for an inner city context.</p> <p>Anstey Horne agree with DPR that there would be <b>Minor Adverse</b> significance effect in terms of sunlight to this property.</p>
12 Tomlins Grove	Minor adverse	<p>2 out of 4 rooms tested meets the BRE guidelines for sunlight.</p> <p>DPR class this property as satisfying the BRE guidelines based on the living/kitchen/dining area on the lower ground floor meeting the sunlight targets.</p> <p>However, DPR have classed 12 Tomlins Grove as <b>Minor Adverse</b> significance as the ground floor kitchen has a 30% reduction in annual sunlight (moving from 20% APSH to 14% APSH) and a 100% reduction in winter sunlight (moving from 2% APSH to 0% APSH).</p> <p>Anstey Horne agree with DPR that there would be a <b>minor adverse</b> significance effect in terms of sunlight to this property.</p>
13 Tomlins Grove	Moderate adverse	<p>The APSH results demonstrate BRE compliance to 1 room (second floor bedroom) , with the remaining 3 rooms having noticeable reductions to either the annual and/or winter sunlight hours.</p> <p>The lower ground floor Conservatory &amp; kitchen area has a reduction of 23% for the annual sunlight hours (moving from 26% APSH to 20% APSH) which is a Minor Adverse impact. The winter sunlight hours reduce by 40% (moving from 5% APSH to 3% APSH) which is a Major Adverse impact.</p> <p>The ground floor living room has a reduction of 32% for annual sunlight hours (moving from 19% APSH to 13% APSH) which is Moderate Adverse impact and 100% reduction to the winter hours (moving from 3% APSH to 0% APSH) which is Major Adverse impact.</p> <p>The first floor bedroom winter sunlight hours will</p>

Property	Sunlight Impact	Further detail
		<p>reduce by 60% (moving from 10% APSH to 4% APSH) which is a Major Adverse impact. However, the retained value will be 4% which is only marginally below the winter target of 5%.</p> <p>Anstey Horne agree with DPR that the sunlight effect to this property would be of Moderate Adverse significance.</p>
14 Tomlins Grove	Minor Adverse	<p>4 rooms have been analysed for sunlight hours and the 3 rooms demonstrate full BRE compliance.</p> <p>The lower ground floor kitchen &amp; living room has a 23% reduction in annual sunlight (moving from 31% APSH to 24% APSH; marginally below the target of 25% APSH). The winter sunlight satisfies the BRE guidelines with 6% APSH against a target of 5% APSH. This is a Minor Adverse impact.</p> <p>Anstey Horne agree with DPR that the sunlight effect to this property will be Minor Adverse significance.</p>
15 Tomlins Grove	Moderate Adverse	<p>4 rooms have been analysed for sunlight hours, and 3 rooms demonstrate full BRE compliance.</p> <p>The ground floor living room will experience a reduction of 42% for annual sunlight hours (moving from 19% APSH to 11% APSH) which is Major adverse impact, and a 100% reduction in winter hours (moving from 3% APSH to 0% APSH) which is a Major Adverse impact.</p> <p>Anstey Horne class this property the effect on sunlight to this property as Minor to Moderate Adverse significance.</p> <p><u>However in this instance, LBTH's internal Daylight Sunlight officer is inclined to agree with DPR's Moderate Adverse classification.</u></p>
16 Tomlins Grove	Moderate adverse	<p>4 rooms have been analysed for sunlight hours, and 3 rooms demonstrate BRE compliance for sunlight.</p> <p>The ground floor living room has an annual sunlight reduction of 35% (moving from 20% APSH to 13% APSH) a Moderate Adverse impact. The winter</p>

Property	Sunlight Impact	Further detail
		<p>sunlight to this same room has a winter sunlight reduction of 67% (moving from 3% APSH to 1% APSH) therefore a Major Adverse impact.</p> <p>Anstey Horne class this property as having <b>Moderate adverse</b> significance effect in terms of sunlight to this property.</p>
17 Tomlins Grove	Moderate adverse	<p>4 rooms have been analysed for sunlight hours, and 2 rooms meets the BRE guidelines.</p> <p>The lower ground floor living room/storage area has a 50% reduction for annual sunlight (moving from 16% APSH to 8% APSH) a Major Adverse impact.</p> <p>The ground floor kitchen/diner has a 30% reduction for annual sunlight (moving from 20% APSH to 14% APSH) a Moderate Adverse impact. The winter sunlight for the same room has a 33% reduction (moving from 3% to 2% APSH) which is a Moderate Adverse impact.</p> <p>Anstey Horne agree with DPR that the the effect in sunlight to this property would be <b>Moderate Adverse</b> significance effect for sunlight.</p>
18 Tomlins Grove	Minor to Moderate adverse	<p>4 rooms were assessed for sunlight and 3 rooms show full compliance to the BRE guidelines.</p> <p>The ground floor living room has a 30% reduction for annual sunlight (moving from 20% APSH to 14% APSH) a Moderate Adverse impact. The winter sunlight for the same room has a 33% reduction (moving from 3% to 2% APSH) which is a Moderate Adverse impact.</p> <p>Anstey Horne agree with DPR that there would be a <b>minor to moderate adverse</b> significance effect in terms of sunlight to this property.</p>
19 Tomlins Grove	Minor adverse	<p>4 rooms were assessed for sunlight and 3 rooms show full compliance to the BRE guidelines.</p> <p>The ground floor living room has an annual sunlight reduction of 29% (moving from 21% APSH to 15% APSH) a Minor Adverse impact. The winter sunlight for the same room has a 33% reduction (moving from 3% to 2% APSH) which is a Moderate Adverse</p>



Property	Sunlight Impact	Further detail
		<p>impact.</p> <p>Anstey Horne agree with DPR that there would be a <b>minor adverse</b> significance effect in terms of sunlight to this property.</p>

**Table 4 – Summary of Sunlight Results**



## DEVELOPMENT COMMITTEE

Report of the Corporate Director of Place

Classification: Unrestricted

Other Planning Matters

**Ref No:** See reports attached for each item

**Ward(s):** See reports attached for each item

### 1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning matters other than planning applications for determination by the Committee. The following information and advice applies to all those reports.

### 2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

### 3. PUBLIC SPEAKING

- 3.1 The Council's Constitution only provides for public speaking rights for those applications being reported to Committee in the "Planning Applications for Decision" part of the agenda. Therefore reports that deal with planning matters other than applications for determination by the Council do not automatically attract public speaking rights.

### 4. RECOMMENDATION

- 4.1 That the Committee take any decisions recommended in the attached reports.

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**LOCAL GOVERNMENT ACT 2000 (Section 97)**  
**LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER THE ITEM OTHER PLANNING MATTERS**

Brief Description of background papers:  
See individual reports

Tick if copy supplied for register:  
✓

Name and telephone no. of holder:  
See individual reports

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