



DEVELOPMENT COMMITTEE

14 November
2019

Report of the Corporate Director of Place

Classification: Unrestricted

Application for Planning Permission

[click here for case file](#)

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| Reference | PA/19/00008 (FPP) and PA/19/00009 (LBC) |
| Site | The Bell Foundry, 32-34 Whitechapel Road, 2 Fieldgate Street and land to the rear, London, E1 1EW |
| Ward | Whitechapel |
| Proposal | <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> |
| Recommendation | Grant planning permission subject to conditions and s106. |
| Applicant | Raycliff Whitechapel LLP |
| Architect | 31/44 |
| Case Officer | Christina Gawne |
| Key dates | 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 |

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

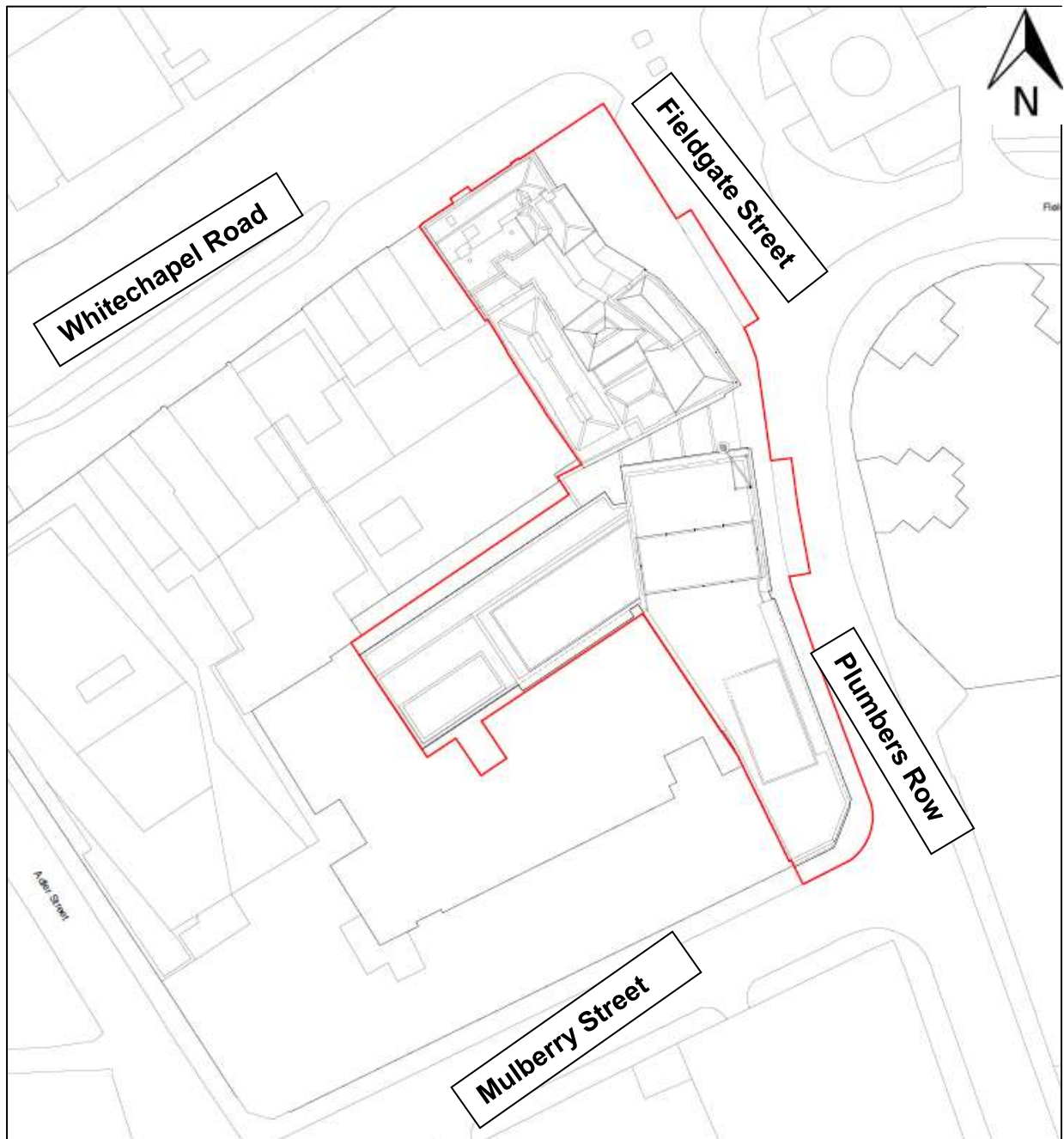


Figure One: Site plan

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):

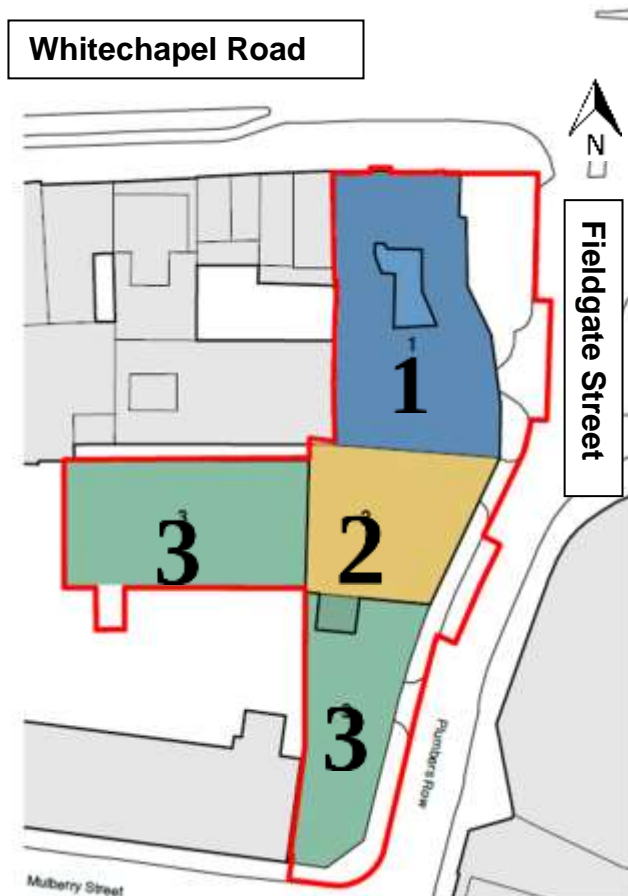


Figure Two: application site outlined in red and numbered into three parts

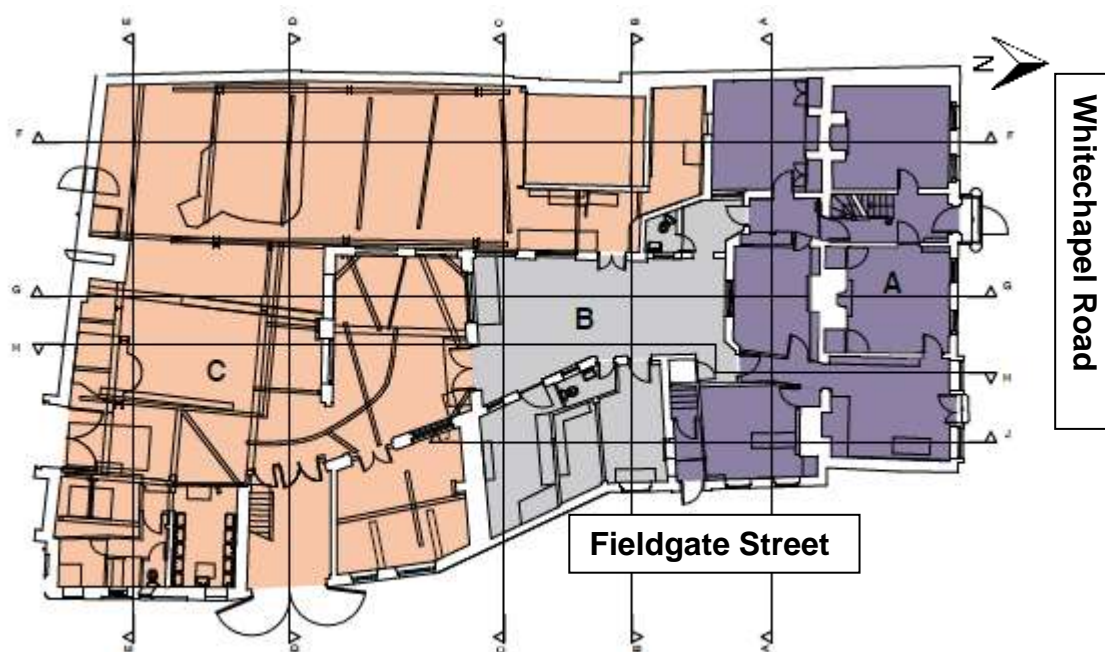


Figure Three: three parts of the historic foundry (all contained within blue shaded “Part 1” in Figure Two)



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.

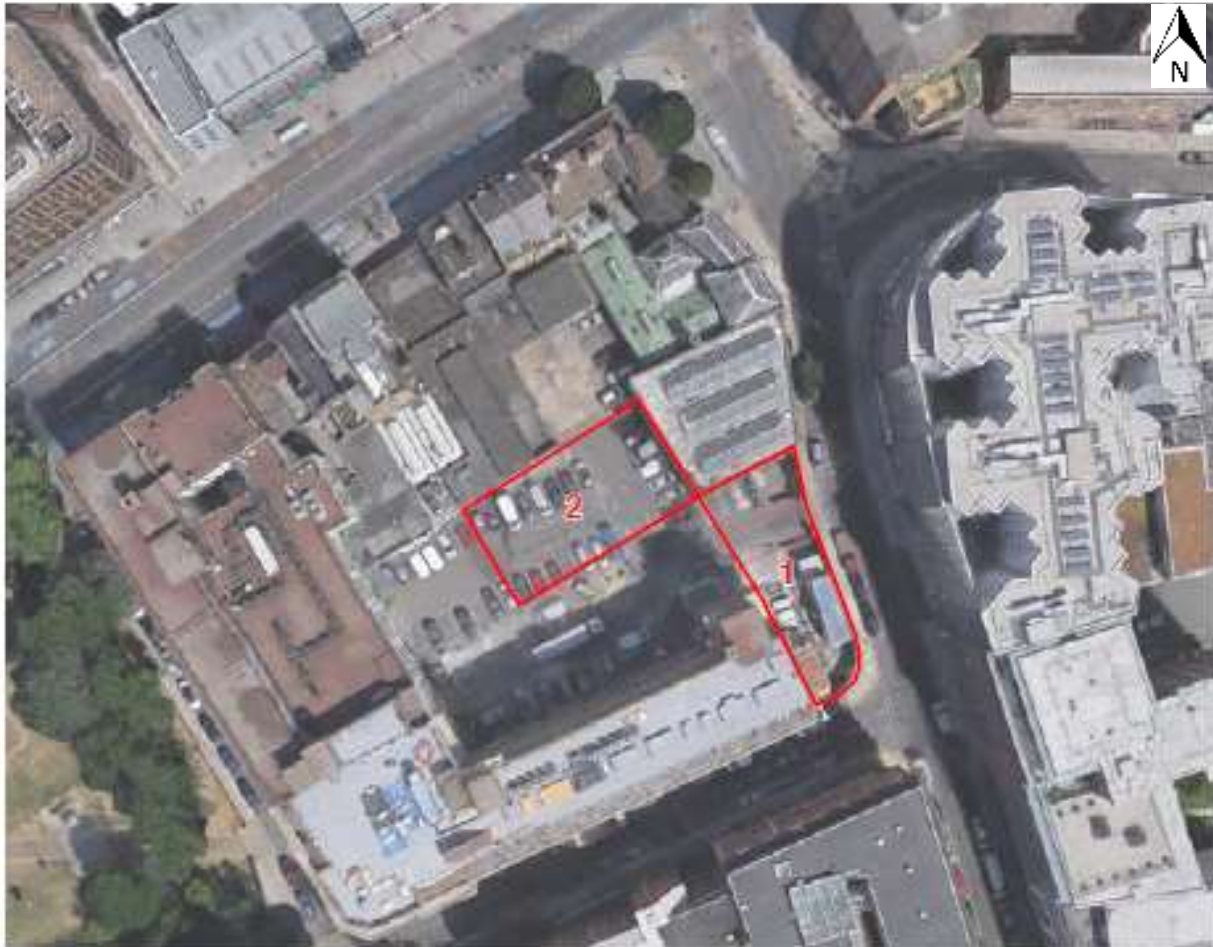


Figure Five: site image noting the two vacant parts predominantly used for car parking

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 (*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-18th 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 20th 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 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 5th 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:

28th 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. 5th 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.
- 9th 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.

3rd 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 20th 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.

31st 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 1st 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 1st 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 (NO₂) 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 ² | Proposed flsp (GIA) m ² |
|---|--|------------------------------------|------------------------------------|
| B2 foundry use <i>(including ancillary uses)</i> | Existing: Historic Foundry & 1980s building Proposed: Historic Foundry: Ground and 1 st floors | 1,447 | 266 |
| B1 artist/maker workshops | Old Foundry 1 st and 2 nd floors | N/A | 199 |
| B1 creative office for SMEs | Front Range 1 st and 2 nd floors | N/A | 356 |
| Other B1 | 1980s car park site Ground and 1 st floors | N/A | 375 |
| A3 Café | Old Foundry Ground floor | N/A | 243 |
| Mixed A3 / A4 café/ restaurant and bar | On site of 1980s building, Ground and Mezzanine | N/A | 1,249 |
| C1 Hotel <i>(including ancillary members & guest areas)</i> | Site of 1980s building and car parks Ground – 7 th floor | N/A | 4,584 |
| Total (GIA) | | 1,447 m² | 7, 272 m² |

Figure Seven: Existing and proposed floorspace on site

- 7.24 The existing employment uses on site total approximately 1447m² and this schemes proposes to retain 266m² of B2 and provide 930m² of a range of B1 uses (work space and work shop uses). This totals 1196m² of employment B uses proposed for the site which is a decrease of approximately 251m².
- 7.25 The proposed hotel, A3 café and A3/A4 restaurant/bar, uses which all create jobs, total 6076m².
- 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 Studiomakers 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 37.5m² of affordable workspace within the 375m² of new employment space at ground and first floor of the new building. The proposal will instead provide approximately 202m² 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 1st 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 8th 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 19th 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 Amenities

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.

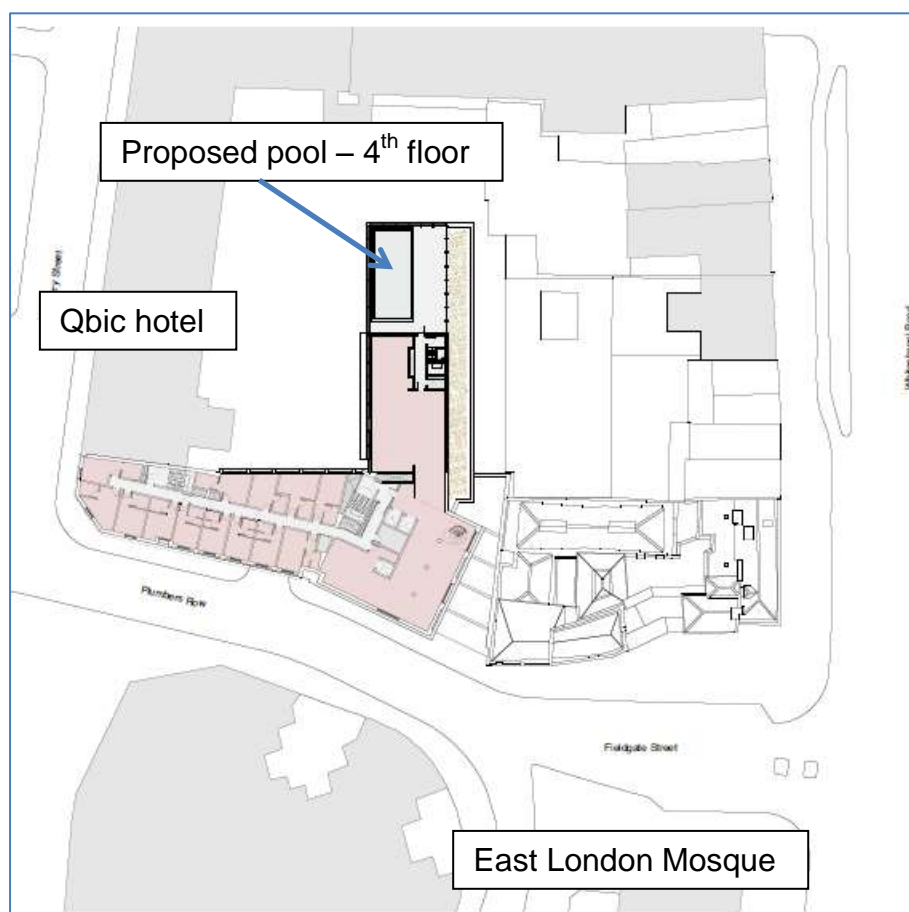


Figure Nine: Proposed fourth floor plan.

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 | | Commentary on moderate or major daylight losses |
|------------------------|----------------------|------------------------------------|----------------------------|----------------------|------------------|-------|--------------------|----------------------------------|----------------------------|----------------------|------------------|-------|--------------------------|-------------------------------|---|
| | 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% | Tptal | | | |
| 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 | ‘Moderate’ VSC fail is to a window with balconies above, that might comply without balcony. ‘Major’ NSL fail is to a bedroom (which is less important). Major VSC and NSL fails are to first floor student rooms facing into Fieldgate Street. |
| 14 Fieldgate Street | 168 | 150 | 10 | 1 | 7 | 18 | 125-139? | 115-129? | 4 | 2 | 4 | 10 | 9* | 9* | |
| 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 | | Commentary on moderate or major sunlight losses |
|------------------------|--------------------|---------------------------------------|----------------------------|----------------------|------------------|-------|----------------------------|----------------------|------------------|-------|--------------------------|-------------------------------|---|
| | | | 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* | Major losses of annual sun are to first floor student rooms facing into Fieldgate Street. |
| 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 by 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 above 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:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - 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 (NO₂) 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 731m² of net new office floorspace, the CIL payable for this is approximately £65,790. The scheme also proposes 4584m² 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