

Committee: Development Committee	Date: 10 October 2012	Classification: Unrestricted	Agenda Item Number:
Report of: Director of Development and Renewal		Title: Town Planning and Conservation Area Consent Applications	
Case Officer: Graham Harrington		Ref: PA/12/00090 and PA/12/00091	
		Ward: Spitalfields and Banglatown	

1 **Application Details**

Location Land within former Truman's Brewery Site, on corner of Spital Street and Buxton Street.

Existing Use: Former brewery – storage buildings (B8), electricity substations, coffee grinding/packaging business and surface level car parking in yard area.

Proposal: **PA/12/00090 – application for Full Planning Permission**
Demolition of the existing store building, substation, workshops and boundary wall to Buxton Street and Spital Street up to Cooperage Building and erection of a 3 storey high data centre with basement accommodation (Use Class B8) and new substation, including provision of Use Class B1 enterprise / D1 training floor space, provision of rooftop satellite dishes, roof mounted mechanical plant, security fencing, cycle parking and provision of car parking spaces and associated works.

PA/12/00091 – application for Conservation Area Consent
Demolition of the existing store building, substation, workshops and the boundary wall to Buxton Street and Spital Street to the Cooperage Building

Drawing Nos.	PL11-010-001	Site Location Plan
	PL11-010-002 Rev D	Proposed Site Plan
	PL-010-003 Rev A	Proposed Basement Level Plan
	PL11-010-004 Rev D	Proposed Ground Floor Plan
	PL11-010-005 Rev B	Proposed First Floor Plan
	PL11-010-006 Rev B	Proposed Second Floor Plan
	PL11-010-007 Rev A	Proposed Plant Deck Plan
	PL11-010-008 Rev B	Proposed Roof Level
	PL11-010-009 Rev B	Proposed Sections A-A and B-B
	PL11-010-010 Rev C	Proposed Elevations
	PL11-010-011 Rev B	Street Scenes Existing and Proposed Buxton Street and Brick Lane
	PL11-010-012 Rev B	Street Scenes Existing and Proposed Woodseer and Spital Street
	PL11-010-013	Proposed Demolition Plan

PL11-010-014	Existing Site Sections
PL11-010-015	Proposed Photomontage View Locations
PL-010-016 Rev A	Existing Public Footpath Discrimination
PL-010-018	Proposed Brick Panel Details – Buxton Street Elevation
Photomontage Views 3, 6, 7 and 8	

- Materials**
- Brick = Ibstock Funton Second Hard (ref 4050) laid in Flemish bond with flush jointed mortar
 - Window/curtain walling sample (RAL 8019, Dark Bronze)
 - Acoustic louvre sample (RAL 8019, Dark Bronze)

- Documents**
- Acoustic Assessment
 - Acoustic Assessment – Addendum to Report
 - Energy Strategy Report
 - Planning and Impact Statement
 - BREEAM Pre-assessment Report
 - Sustainability Report
 - Design and Access Statement
 - Transport Statement
 - Green Travel Plan
 - Television and Radio Reception Survey and Development Impact Assessment
 - Site Investigation Report
 - Tree Survey Report
 - Ecological Scoping Phase 1 Habitat Survey Report
 - Design Appraisal
 - Significance Assessment
 - Character Appraisal
 - Archaeological Desk Based Assessment
 - Heritage Statement
 - Daylight, Sunlight and Overshadowing Assessment
 - Statement of Public Consultation
 - Note on proposed Interixon Training and Enterprise Centre

Applicant: Interixon Carrier Hotel Limited (91-95 Brick lane)

Ownership: Zeloof LLP (91 Brick Lane)

Historic Buildings:

Within the development:

- Former barrel-washing shed
- Courtyard (cobbles and stone paving slabs)

Adjacent/close to the site:

- Cooperage Building, Spital Street
- 37 Buxton Street
- Former All Saints Vicarage 35 Buxton Street (Listed Grade II)
- Brickhouse building, Brick lane (Listed Grade II)
- Engineer's House, Brick Lane (Listed Grade II)
- Vat House, Brick Lane (Listed Grade II)

Conservation Area: Whole site within Brick Lane and Fournier Street Conservation Area.

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the Core Strategy 2010, the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (October 2007), the Council's Managing Development DPD (Submission version 2012), the London Plan 2011 and the National Planning Policy Framework and has found that:
- 2.2 The scheme will facilitate the future economic role of the area through the expansion of utility infrastructure, the provision of a Training and Enterprise Centre, the relocation of an existing business and the provision of an active frontage along Buxton Street. The scheme therefore accords with policy 4.11 of the London Plan 2011, saved policies EMP1 and EMP3 of the Council's Unitary Development Plan (1998), policies SP01, SP06 and SP07 of the Core Strategy 2010 and policy DM15 of the Managing Development DPD (submission version 2012), which seek to develop appropriate sites for employment/infrastructure use within the borough, maintain a vibrant mix of uses in the Tower Hamlets Activity Area and promote local enterprise and training.
- 2.3 The proposed demolition would not harm the character or appearance of Brick Lane and Fournier Street Conservation Area or the setting of the nearby Listed Buildings and the design of the proposed replacement building is of sufficiently high quality to preserve and enhance the character and appearance of the Area. The proposal therefore accords with the requirements of policy 7.8 of the London Plan 2011, policy SP10 of the Core Strategy 2010, saved policy DEV28 of the Council's Unitary Development Plan (1998) and policy DM27 of the Managing Development DPD (submission version 2012), which seek to ensure high quality development that preserves and enhances the character of conservation areas and does not harm the setting and special architectural or historic interest of surrounding Listed Buildings.
- 2.4 The scale, bulk and design of the proposed development respond satisfactorily to the context of the existing site and surrounding buildings and sits comfortably within the local streetscape. As such, the scheme is in line with policies 7.4, 7.5 and 7.6 of the London Plan 2011, saved policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998, policy SP10 of the Core Strategy 2010 and policies DM24 and DM26 of the Managing Development

DPD (submission version 2012), which seek to ensure buildings are of a high quality design and suitably located.

- 2.5 Subject to conditions requiring the submission of further external material samples, the proposed development is considered to preserve and enhance the appearance of the Brick Lane and Fournier Street Conservation Area and the setting of the nearby Listed Buildings through the provision of an appropriately located building of acceptable scale and massing and architectural design. The proposal therefore accords with the requirements of policy 7.8 of the London Plan 2011, policy SP10 of the Core Strategy 2010 and policies DM23, DM24 and DM27 of the Managing Development DPD (submission version 2012), which seek to ensure high quality development that preserves and enhances the character of conservation areas without harming the setting of or architectural or historic interest of surrounding listed buildings.
- 2.6 The proposal would not give rise to any unduly detrimental impacts in terms of sunlight, daylight or over shadowing, and subject to appropriate conditions, noise upon the occupiers of existing nearby residential properties. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy SP10 of the of the Core Strategy 2010 and policy DM25 of the Managing Development DPD (Submission version 2012), which seek to protect residential amenity
- 2.7 Transport matters, including pedestrian movement, parking, access and servicing, are acceptable and in line with the requirements of London Plan policies 6.9, 6.11 and 6.13, policies SP08 and SP09 of the Core Strategy 2010 T16 and T19 of the Council's Unitary Development Plan 1998, policies DM20 and DM22 of the Managing Development DPD (Submission version 2012), which seek to ensure that developments encourage walking, cycling and use of public transport and manage car parking provision to promote sustainable transport options.
- 2.8 Subject to a planning obligation requiring a heat recovery system to be provided to transfer recovered heat to an agreed point at the site boundary, the development, thorough a series of methods would result in a satisfactory reduction in carbon emissions in accordance with the energy hierarchy within London Plan policies 5.2 and 5.7, policy SP11 of the Core Strategy and policy DM29 of the Managing Development DPD (Submission version 2012), which seek to reduce carbon emissions from developments by using sustainable construction techniques and renewable energy measures.
- 2.9 Planning obligations have secured the provision and management of an on-site Training and Enterprise Centre and financial contributions towards the enhancement of Buxton Street (between Code Street and Spital Street), other public realm enhancements, training, sustainable transport initiatives, community facilities and public open space in line with Regulation 122 of Community Infrastructure Levy 2010; saved policy DEV4 of the Council's Unitary Development Plan 1998; and policy SP02 and SP13 of the Core Strategy 2010, which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission and Conservation Area Consent subject to:

3.2 The prior completion of a **legal agreement** to secure the following planning obligations:

3.3 Financial contributions

- a) **£27,092** towards employment initiatives for the construction phase.
 - b) **£31,744** towards employment training initiatives for the operational phase.
 - c) **£150,000** towards shared surface treatment of Buxton Street
 - d) **£21,840** towards public realm improvements on Spital Street frontage
 - f) **£3,315** towards sustainable transport initiatives
 - g) **£4,840** towards Idea stores and Library facilities.
 - h) **£29,489** towards public open space
 - j) **£5,366** for the 2% monitoring fee.
- Total Contribution financial contributions **£273,686**

3.4 Non-financial contributions and obligations

- a) Delivery of a Training and Enterprise Centre in accordance with the principles set out in the submitted Note on Proposed Interixon Training and Enterprise Centre dated 27 September 2012 and summarised in paras. 8.9 and 8.10 of this report and the implementation of a Training and Enterprise Centre Management Plan (to be approved in writing by the Council prior to first occupation of the data centre).
- b) Access to employment initiatives for construction through 20% of non-technical total construction jobs to be advertised through the Council's job brokerage service.
- c) A target of 20% of total value of contracts which procure goods and services are to be to be achieved using firms located within the borough.
- d) Relocation strategy for existing business to be submitted to and approved in writing by the Council before commencement of development
- e) Public right of way over the private pavement area along the Buxton Street frontage
- f) Heat recovery system to be provided to transfer recovered heat to an agreed point at the site boundary for future connection by others to a district heating network (An approved Future Waste Heat Utilisation Plan to be implemented prior to first occupation of the data centre)
- g) Achievement of a BREEAM 'Excellent' rated building (including submission of certificates to demonstrate achievement)
- h) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

3.5 That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.

3.6 That if, within three months of the date of this committee meeting the legal agreement has not been completed, the Corporate Director of Development & Renewal has delegated authority to refuse planning permission.

3.7 **Conditions – Planning Permission**

That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

1. Three Year time limit for full planning permission
2. In accordance with approved plans, external materials and submitted documents.
3. Restriction of use of the Business Enterprise Space to B1 and/or an education training centre and for no other purposes (including any other use within Class D1 of the Use Classes Order).
4. No development shall take place until samples and full particulars of the following have been submitted to and approved in writing by the local planning authority :
 - i. Surfacing materials and drainage and lighting details of the pavement area adjacent to Buxton Street;
 - ii. External brick and coping details of the walls along Buxton Street and Spital Street;
 - iii. External weathered stone coping;
 - iv. External materials of the roof flues;
 - v. Green walls as shown on drawing PL11-101-010 Rev C; and
 - vi. Rainwater harvesting system
5. Implementation of an approved archaeological investigation
6. Implementation of an approved programme of archaeological recording of standing buildings
7. No occupation until provision of approved car parking (incorporating Electric Vehicle Charging Points and a space wide enough to serve as a parking space for a wheelchair) and retention thereafter.
8. No occupation until provision of approved cycle parking and retention thereafter.
9. (i) The new plant hereby approved and any associated equipment shall be designed to a level of 10db below the lowest measured background noise (LA90, 15 minutes) as measured one metre from the nearest affected window of the nearest affected residential property
 (ii) Before the approved data centre is first brought into use detailed results of a noise survey measuring the operation of the plant working at full capacity shall be submitted to and approved in writing by the LPA
 (ii) The plant shall not create an audible tonal noise nor cause perceptible vibration to be transmitted through the structure of the building.
10. The approved plant screen shall be erected before the plant is brought into use and retained thereafter.
11. No commencement until a Contaminated Land Scheme (including Controlled Waters) has been submitted to and approved in writing by the LPA
12. Construction Management Plan

3.8 Informatives – Planning Permission

1. This decision notice is to be read in conjunction with the associated s106 agreement
2. Developer to enter into a s278 agreement for works to Buxton Street
3. Developer to contact Council's Building Control service.
4. Developer to contact Crossrail prior to commencement of development.
5. The drainage for the permitted Buxton Street pavement area should be designed and implemented to ensure that surface water does not drain on to the adjacent public highway
6. The trees on the site should be felled outside of the bird breeding season (March to August). If this is not possible for any reason, an inspection by a qualified ecologist should be completed at least 48 hours before works are due to commence. If during such an inspection a nest considered to be in use is discovered, works must be delayed until the young have fledged.
7. Any other informatives(s) considered necessary by the Corporate Director Development & Renewal.

3.9 **Conditions – Conservation Area Consent**

That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the conservation area consent to secure the following matters:

1. No demolition until contract is let for permitted replacement building
2. Demolition to take place within 3 years
3. Prior to demolition a Material Reclamation Plan shall be submitted to and approved by LPA and an approved Plan implemented.
4. Cooperage Building. Following the demolition of the 'Existing Building' on Spital Street and before the permitted building is first occupied, the exposed northern boundary to the Cooperage Building and existing chimneys stack shall be made good in accordance with a schedule of remedial works that have been first submitted to and approved in writing by the LPA.

Informative – Conservation Area Consent

1. This decision notice is to be read in conjunction with planning permission PA/12/00090

4. PROPOSAL AND LOCATION DETAILS

Background

- 4.1 The applicant is one of Europe's leading providers of data centres and managed ITC services and has its UK Office Headquarters in Block Z of Truman's Brewery. It has an operational data centre in the undercroft of Block Z and in Block B. It is also currently constructing an additional data centre in Block D. However, demand for services continues to grow and the proposed data centre would be the applicant's fourth in the area.
- 4.2 Data centres house servers which facilitate data transactions for major financial companies in the City and City-fringe areas. The physical proximity of such centres to these companies is important as this enables faster electronic transactions to be made
- 4.3 Data centres require a lot of electrical power. The applicant has entered into a contract with UK Power Networks to improve power supplies. The proposed sub-station would provide up to 24MVA of power and replace both the redundant sub-station that fronts Buxton Street and the temporary sub-station situated in the existing yard.
- 4.4 This planning application was submitted in January 2012. Following discussion with officers, the elevational design of the proposed building was completely revised in August 2012. These revisions were advertised and consulted upon and no further comments have been received.

Proposal

- 4.5 The application seeks permission for a data centre including a new electricity sub-station and 235sqm of office (Class B1) enterprise training space (Class D1) along the Buxton Street frontage. The building would be approximately 65m long, as viewed from Buxton Street and approximately 30m along the Spital Street frontage. Due to its L-shaped foot print the depth of the building along the western side would be approximately 49m. The building would include a 5m deep basement, with the main bulk of the building raising to approximately 18.5m above ground level, although the proposed photovoltaic panels would rise to approximately 19m, the

satellite dishes on the southern elevation (overlooking the courtyard) to about 19.5m and seven slim flues would rise to about 21.5m.

- 4.6 The building would provide a total of 10,410sqm Gross Internal Area (GIA) and be set out as follows:
- Basement - data halls (housing banks of servers), electrical plant room, diesel storage tanks, grey water storage and pumping area
 - Ground floor – security and reception area on the corner of Buxton Street and Spital Street, office/training space, with access from Buxton Street, sub-station, generators ,electrical and mechanical plant rooms and a recycling and waste store.
 - First floor – ‘break-out’ meeting space overlooking the corner of Buxton Street and Spital Street, data halls, electrical and mechanical plant areas and gas bottle storage The plant deckis would accommodate four floors of accommodation and a plant deck.
 - Second Floor – ‘break-out’ meeting space overlooking the corner of Buxton Street and Spital Street, data halls, office
 - Plant deck – generator radiators and air cooling equipment set behind an acoustic attenuated lover screen with an open grate deck/walkway above. Three satellite dishes would be located on south side of building overlooking the yard and photovoltaic panels would sit on top of the deck/walkway
- 4.7 Data centres use a lot of energy (discussed in detail in section 8 of this report) and the applicant needs to ensure continuity of power supply for commercial reasons. The proposed generators are part of ensuring this continuity. If electricity supply fails, batteries would automatically kick in for 15-30 minutes to provide power and the generators would then come on line to provide power until electricity supply from the national grid is restored. Consequently, other than testing, the generators would not be in use as a matter of course and would constitute emergency back-up.
- 4.8 The main pedestrian access would be from Buxton Street. Vehicular access would be via the existing vehicle access on Spital Street and the existing yard. A 2.5m high security fence would be erected along the western and southern boundaries, incorporating a secondary pedestrian access in the southern boundary (from the yard). A covered cycle parking area would be located within the southern boundary next to this entrance and two electric vehicle charging car parking spaces (one wide enough to serve as a parking space for a wheelchair user), and a waste collection area would be located in the existing yard area, outside of the perimeter fence but within the application site.
- 4.9 The existing wall along Buxton Street and on the Buxton Street/Spital Street corner would be demolished and the building set back between 2 and 2.4 from this line; enabling a pavement to be provided along this part of Buxton Street, where at present only a narrow 1 to 1.4m wide pavement exists for only part of the length of the site. A short section of new wall at the western end of the Buxton Street frontage (approximately 5m high) would link the set-back building with the existing wall to the west. The building would step back from Buxton Street, with the ground and first floors rising up sheer, before being set back about 2.1m at second floor and a further 2.1m at plant level.
- 4.10 The existing wall along Spital Street would be demolished and a new 3.6m high wall would be built at the back edge of pavement between the existing Cooperage building and the corner with Spital Street. The building would step back from Spital Street in a similar way as it would from Buxton Street, with the ground and first floors rising up sheer, before being set back about

2.1m at second floor and a further 2.1m at plant level.

- 4.11 The Buxton Street, Spital Street and western elevations would be built in brick, with dark bronze metal framed windows, doors, rainwater goods, louver plant screen and roof cladding and chrome finish flues. The new walls would use reclaimed bricks from the existing walls. The southern (courtyard) elevation would be similar, but include two large (7.8m x 10.8m) green walls.

Site and Surroundings

- 4.12 The site is located at the junction of Spital Street and Buxton Street in the north eastern corner of the Truman's Brewery site, opposite Allen Gardens open space. It measures approximately 0.36 hectares. The site is within the Tower Hamlets Activity Area and is within close proximity of Brick Lane which is identified as a District Centre in the Core Strategy. The brewery complex itself is home to a number of Small / Medium enterprises. The site is generally represented by creative industries, media industries and leisure uses, including cafes/restaurants and clubs.
- 4.13 The site is located within the Brick Lane / Fournier Street conservation area and the buildings which make up the Brewery site form an important part of the conservation area. The majority of buildings within the conservation area are relatively low rise, on a domestic scale, however the buildings in the brewery are much taller with an industrial character. A brew house was established on the site in the mid seventeen century and a number of the remaining buildings which formed the brewery are listed. The Directors House on the west side of Brick Lane is Listed Grade II* and 95 Brick Lane (the Brewmaster's House), also on the west side of Brick Lane is Listed Grade II. On the east side of Brick Lane and between about 18 and 25m away from the site is the Black Eagle Brewery, Nos. 114-12, 125 and 148 Brick Lane (Vat House) and (Listed Grade II) and 150 Brick Lane(Engineer's House). No. 35 Buxton Street is another Listed (Listed Grade II) building to note and the Cooperage building immediately the south of the site along Spital Street is also of some architectural and historic interest (although not listed).
- 4.14 The existing wall along Buxton Street is between 5 and 6 metres high. Within this sits a redundant electricity sub-station and immediately behind it sits a small garden and a single-storey brick workshop. A large modern industrial building occupies the majority of the site, with the rest comprising a temporary electricity sub-station, an open yard area, surfaced in a mixture of cobbles and tarmac. The brick workshop is currently occupied by a coffee grinding/packaging business and the industrial building is currently used for storage. The yard is currently used for car parking.
- 4.15 To the north of the site is Allen Gardens open space. To the east, across Spital Street is Stuttle House, a seven storey block of flats. Further to the east is McGlashon House, a five to seven-storey block of flats and to the south on the corner of Spital Street and Woodseer Street is a relatively new block of flats. To the north and west of the site on the corner of Code Street is Daniel Gilbert House which provide temporary accommodation for single homeless people.
- 4.16 The following map shows the location of the application site in relation to three heritage assets and other buildings.

Planning History

4.17 The following planning decisions are relevant to the application:

- PA/10/01940** (Planning) Refused in November 2010 for the following 6 reasons (summary only):
1. The proposed bulk, height, footprint and elevational treatment is of poor design quality which does not preserve or enhance the character and appearance of the conservation area, fails to respect the local context and townscape and does not relate satisfactorily to Buxton Street, Spital Street or Allen Gardens.
 2. The inactive nature of the use and position of the building inside the high boundary walls would fail to contribute to the vibrant mix of uses expected in the THAA and would also fail to provide a mix of uses at the edge of the Brick Lane district centre detrimental to the future development of the Brewery site
 3. Insufficient information has been provided to assess the daylight/sunlight impact on homes in Shuttle House.
 4. Insufficient information has been provided in relation to energy efficient design, minimising carbon emissions and on-site renewable energy
 5. Inadequate acoustic attenuation is likely to result in an unacceptable level of noise disturbance
 6. Lack of financial contributions towards public realm enhancements, local training, employment and enterprise initiatives in the area
- PA/10/01958** (CAC) Refused in November 2010 for the following reason (summary):
1. In the absence of an approved planning permission for the re-development of the site, the demolition of the buildings would leave an undeveloped site which would represent a blight on the character and appearance of the Brick Lane and Fournier Street Conservation Area
- PA/11/01814** (Planning) Temporary planning permission granted in September 2011 for a temporary sub-station and LV switch room (up to end February 2013)
- PA/11/01877** (Planning) Planning permission granted in October 2011 for the erection of a permanent substation and LV switch room. (N.B. The approved substation would be integrated into the proposed datacentre building).
- PA/11/01878** (CAC) CAC granted in October 2011 for demolition of existing buildings in connection with the erection of a permanent substation and LV switch room

5. POLICY FRAMEWORK

5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

5.2 Core Strategy Development Plan Document 2025 (adopted September 2010)

Policies	SO5	Mixed use at the edge of Town centres
	SP01	Town Centre activity
	SO15	Support City Fringe
	SO16	Support growth of businesses
	SP06	Industrial land
	SO20	Safe streets

SP09	Streets
SO22	Protect heritage assets
SO23	High quality new buildings
SP10	Heritage assets and design
SO24	Zero carbon
SP11	Low carbon energy
SO25	Delivering placemaking
SP12	Securing well designed places
SP13	Planning obligations

5.3 Unitary Development Plan 1998 (as saved September 2007)

Policies	DEV1	Design requirements
	DEV2	Environmental Requirements
	DEV4	Planning Obligations
	DEV15	Trees
	DEV50	Noise
	DEV51	Contaminated land
	EMP1	Encouraging new employment uses
	EMP4	Expansion of existing firms
	EMP10	Development elsewhere in the borough

5.4 Managing development DPD (Submission Version 2012)

Policies	DM1	Development within the town centre hierarchy
	DM11	Living buildings and biodiversity
	DM13	Sustainable drainage
	DM14	Managing waste
	DM15	Local job creation and investment
	DM20	Supporting a sustainable transport network
	DM22	Parking
	DM23	Streets and public realm
	DM24	Place-sensitive design
	DM25	Amenity
	DM27	Heritage and the historic environment
	DM29	Achieving a zero carbon borough and addressing climate change

5.5 London Plan 2011 (Spatial Development Strategy for Greater London)

2.13	Opportunity areas and intensification areas
4.1	Developing London's economy
4.10	New and emerging economic sectors
4.11	Encouraging a connected economy
4.12	Improving opportunities for all
5.1	Climate change mitigation
5.2	Minimising carbon dioxide emissions
5.3	Sustainable design and construction
5.5	Decentralised energy networks
5.6	Decentralised energy in development proposals
5.7	Renewable energy
5.10	Urban Greening
5.13	Sustainable drainage

5.17	Waste capacity
5.21	Contaminated land
6.9	Cycling
6.11	Walking
6.13	Parking
7.1	Building London's neighbourhoods and communities
7.2	An inclusive environment
7.4	Local character
7.5	Public realm
7.8	Heritage assets and archaeology
7.15	Reducing noise and enhancing soundscapes
7.19	Biodiversity and access to nature
7.21	Trees and Woodland
8.2	Planning obligations

5.6 **Planning Obligations Supplementary Planning Document (Adopted Jan 2012)**

5.7 **National Planning Policy Framework**

6. CONSULTATION RESPONSE

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

Environmental Health - Contaminated Land

6.3 No comments received

Environmental Health- Noise & Vibration

6.4 The following residential facades will experience its impact; i) Stuttle House; ii) New residential building on Woodseer Street and iii) Buxton Street/Code Street. Although the assessment in the report meets BS4142 - L90- 10 dB(A), because the data is based on prediction and assumptions this application will require a condition for post completion testing so as to satisfy EH that there will be no noise nuisance impact on local residents, No objections to permission being granted provided that post completion testing condition which has to be discharged at a later date with EH consultation.

(Officer comment: It is recommended that such a condition be imposed on any consent)

Communities, Localities & Culture Strategy

6.5 The increase in population as a result of the proposed development will increase the demand on the borough's open spaces, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities. The increase in population will also have an impact on sustainable travel within the borough. Financial contributions should be secured in line with the Planning Obligations SPD.

(Officer comment: The financial contributions recommended to be secured to mitigate impacts and secure policy objectives take account of the Planning Obligations SPD, the particular proposals and discussions with the applicant).

Transportation & Highways

- 6.6
- * Rear servicing arrangements and provision of electric charging points are welcome.
 - * Provision should be made for a disabled driver to park
 - * The proposed level of cycle parking is acceptable
 - * Ramp and bollards need to be provided on private land off the public highway
 - * Seek a financial contribution of £150,000 towards the costs of implementing a 'shared surface' treatment for this stretch of Buxton Street
 - * A Construction Management Plan should be secured by condition
 - * A condition should ensure that private forecourt areas should be drained within the site and not into public highway

(Officer comment: The proposed shared surface treatment of this stretch of Buxton Street and financial contributions towards its delivery is discussed in further detail in this report. The proposed development has been amended since these comments were received and a previously proposed pedestrian ramp and bollards along Buxton Street have been omitted. It is recommended that conditions and informatives be included in any approval securing a Construction Management Plan and ensuring that the proposed private forecourt area is adequately drained).

Crossrail Limited (16-08-12)

- 6.7 The site is outside the limits of land subject to consultation under the Safeguarding Direction. No comment on the proposals.

English Heritage (29-02-12)

- 6.8 In response to the application as originally submitted, English Heritage made the following comments:
- Verified views should be provided;
 - Clarification should be provided in relation to an apparent discrepancy between the drawings submitted for this application and those that were submitted in relation to the refused application;
 - The proposed loss of the boundary wall would be unfortunate. It is recommended that conditions be attached to ensure that, where re-built, this is done as accurately as possible;
 - There is a need for a comprehensive appraisal of the entire brewery site and that change of scale proposed could limit the potential for future sensitively scaled development to take place and that further data centres have the potential to inflict significant harm; and
 - Recommend that the application is determined in accordance with local policy.

(Officer comment: The photomontages of views provided in support of the application are considered acceptable. The discrepancy between the buildings is irrelevant; the drawings submitted as part of this application accurately reflect the existing situation. A planning condition is recommended in relation to the proposed re-building of the walls. The applicant has submitted a number of supporting documents that seek to appraise the likely impact on the Brewery as a whole and these are considered sufficient to be able to assess the application).

English Heritage Archaeology (14-03-12)

- 6.9 The site is situated in an area where archaeological remains may be anticipated – as evidenced by recent finds in the nearby area of Roman remains, burials and vaulted cellars dating from the 18th century. Conditions are recommended to secure the implementation of a programme of archaeological mitigation and the implementation of a programme of archaeological recording

of the standing historic buildings that would be demolished.

(Officer comment: It is recommended that any permission is subject to two separate conditions, along the lines of those recommended by English Heritage).

Environment Agency

6.10 No comments received

6.11 London Fire and Emergency Planning Authority (15-02-12)

The application appears not to give cause for concerns regarding fire authority access or water supplies.

Thames Water

6.12 No comments received

Transport for London (27-02-12)

6.13 No adverse impact on the operation of TfL & RN and therefore no objection. The particular nature of the use and low level of employees makes the proposed 10 spaces acceptable (although no visitor spaces are proposed) although the number of spaces should be monitored and more spaces added if the number of staff increases. Although the submitted Travel Plan does not pass the ATTrBuTE assessment, a revised Travel Plan is not required.

(Officer comment: These comments are addressed under the Transport, Highways and Parking heading below).

City of London Corporation (09-08-12)

6.14 The proposal will not have a detrimental impact on the City – no observations.

The Spitalfields Trust

6.15 No comments received.

7. LOCAL REPRESENTATION

7.1 **Objections.** A total of 190 neighbouring properties within the area shown on the map appended to this report were notified about the application and the substantive amendments received in August and invited to comment. The application has also been advertised in East End Life and on site.

7.2 The Council has received three written objections to the proposed development from local residents at 4 Stuttle House, 37 Buxton Street and 35 Woodseer Street. These raise the following issues:

7.3 Principle of use

- Data centres are normally located in industrial areas away from residential areas. The potential time savings in financial transactions do not justify locating a data centre here; if such a facility is needed, it should be located elsewhere.
- The proposed 'business and enterprise space' is ambiguous and is likely to be unused
- The proposed uses would result in a wasted opportunity to secure a more appropriate use next to Allen Gardens
- The existing yard is regularly used for social and cultural events (e.g. car boot sales, Puma

Yard' during the Olympics) which contribute to making Brick Lane the vibrant and eclectic place it is today. A data centre would be inert and it would represent a grave loss for the local community.

(Officer comment: The acceptability of the proposed use is discussed in detail within this report.)

7.4 Noise

- Noise would affect people's sleep and general life in a quiet residential street. The existing data centre on Block D emits a buzzing noise.
- Local residents already suffer noise from the cooling system for the supermarket on the corner of Woodseer Street and Spital Street. The proposal would make things worse and be extremely prejudicial to the lives of local people and property values.

(Officer comment: The application is supported by a Noise Assessment which demonstrates that with the proposed noise attenuation measures in place, the proposals would have an acceptable impact in terms of noise. This is discussed further within this report. A condition is recommended to require the testing of plant and the adequacy of the attenuation before the proposed data centre is first brought in to use).

7.5 Daylight/ Sunlight/overshadowing

- Loss of daylight to ground floor flat in Stuttle House and overshadowing of Allen Gardens.

(Officer comment: The application is supported by a Daylight/Sunlight report which demonstrates that the proposal would have an acceptable impact in terms of daylight/sunlight and overshadowing. This is discussed further within this report.)

7.6 Scale and Design

- The proposed building is too large
- The design looks like the building should be located on an industrial park and is not appropriate for this conservation area.
- The loss of the existing wall would also harm the character of the area.

(Officer comment: The proposed elevational treatment of the building has been completely revised following the receipt of this comment. Design and heritage issues are discussed further within this report.)

7.7 Safety and anti-social behaviour

- Anti-social behaviour is a big problem on Allen Gardens. The proposed use would not increase natural surveillance from increased footfall or prevent anti-social behaviour.

(Officer comment: The Buxton Street frontage and impact on Allen Gardens is discussed in detail within this report.)

7.8 Fire risk and diesel fumes

- Concern at how the proposed generators would be ventilated and that diesel fumes would be released into the air
- Concern about fire risk and explosion and the ability of fire vehicles to quickly reach the proposed building
- Concern at how diesel would be delivered and the ability of fuel tankers to navigate

surrounding narrow streets

(Officer comment: These issues are discussed in this report).

7.9 Car parking

- A large part of the site is used as car parking space, which is used extensively at the weekend by the food sellers and traders of Brick Lane. Where would these people park?
- If no suitable alternative is found this could damage the market and change the atmosphere of the neighbourhood.

(Officer comment: The proposed loss of parking and courtyard space is discussed within this report).

7.10 Construction impact

- Concern that construction (particularly excavation of basement and support structures) could have an adverse impact on surrounding buildings.

(Officer comment: This is not considered to be a material planning consideration).

7.11 **Support.** The Council has received seven standard letters of support for the proposals from residents of the borough (2 at Meath Crescent E2, 1 at Cyprus Street E2, 1 at Ada Place E2 and 3 unknown). The raise the following issues:

- Interixon is an important business and major employer that plays an essential role in the local economy;
- It is vital that the Council allows such companies to invest in essential infrastructure;
- Interixon supports countless companies and institutions operate throughout London and is a key part of the digital backbone that delivers online services I use every day (such as retail and banking, education, entertainment and social media);
- The proposed data centre would employ 83 jobs during construction and 30 jobs long-term;
- Interixon supports local charities like Futuresity aimed at engaging young people in Tower Hamlets by providing them with training and work experience.

7.12 A letter of support has been received from John Biggs (GLA assembly member for City and East London), citing the importance of supporting companies like Interixon to invest in essential infrastructure, the benefits the proposed investment would bring to the East London economy and residents (including jobs) and the importance of being able to locate data centres on the City fringe, close to clients in the financial and technology sectors.

7.13 A letter of support has been received from London and Partners (the official promotional organisation for London) citing similar reasons as those outlined by John Biggs.

7.14 **LBTH Conservation and Design Advisory Group (13-02-12)**

Given the sensitivity and prominence of the setting, the Panel consider that the proposed design is not of an adequate quality to preserve or enhance the Brick Lane and Fournier Street Conservation Area. A greater quality of architectural thinking is required to reconcile the proposed use with such an important and demanding site.

1. The scheme borrows from the architectural language of a residential terrace, which fails to relate to the site's past use, proposed use, and immediate context. The residential proportions of the architecture sit uncomfortably with the greater mass and scale of the building, particularly on the north and east elevations, resulting in awkward undefined

areas of façade at the upper levels. There are a number of examples of successful larger light industrial historic buildings within the Conservation Area that could have provided useful references for the proposed design.

2. In particular the Conservation Area includes examples of large areas of brickwork that have been carefully articulated using piers, insets, or lintels to give relief to large facades. The Panel were disappointed that the proposed elevation treatment demonstrated none of the delicacy and proportion of surrounding buildings.
3. Though the Panel welcomes the removal of the port-hole windows, the north elevation remains unsatisfactory in design terms and we are concerned that the 'green wall' will not thrive on a north-aspect elevation. The applicant has not yet consulted with a specialist green wall consultant to demonstrate that this façade treatment is a workable solution. The Panel would strongly recommend doing so prior to determination.
4. The Panel would recommend that effort be made to find an end-user for the social enterprise unit, otherwise there seems a real risk that the unit will remain empty and not improve the street as is suggested in the application.
5. Samples of the external facing materials including the brick, coping, mesh, and 'film' treatment of windows should be submitted prior to determination to demonstrate that the material palette is appropriate for this Conservation Area context.
6. The Panel is unclear about the proposed use of the 'main entrance' at the corner of Spital Street and Buxton Street in relation to rear service doors, and would like this to be clarified. It would be more desirable to increase the amount of activity, entrances and uses fronting Buxton Street.
7. The north elevation also represents a missed opportunity to widen and strengthen the pavement of Buxton Street, and further encourage footfall. The Panel would encourage the realignment of the building to achieve an acceptable pavement width.
8. Whilst we recognise that the stair core fronting Buxton Street performs a role in breaking up the massing of a long elevation, the Panel feels this effect could be achieved by other means that have a less obtrusive impact on the long straight view down Buxton Street identified in the Conservation Area Appraisal.

(Officer comment: Points 1-3 - The proposed elevational treatment of the building has been completely revised in the light of these comments and those from officers. Point 4 - The use of the proposed Business and Enterprise' space is discussed in detail below. Point 5 - Samples of materials (and more detailed elevational sections) have been submitted for approval at this stage. Point 6 - The proposed main entrance has been moved from the corner to along Buxton Street. Point 7 - The proposal has been revised so that it would deliver a clearer pavement area along the south side of Buxton Street. Point 8 - The previously proposed stair core has been relocated so as to reduce its prominence.)

8. MATERIAL PLANNING CONSIDERATIONS

8.1 The main planning issues raised by the application that the committee must consider are:

1. Principle of the proposed Land Uses
2. Loss of built fabric and trees in the Fournier Street and Brick Lane Conservation Area
3. Scale, design, appearance and impact on heritage assets
4. Buxton Street frontage and relationship with Allen Gardens
5. Transport, Highways and Parking
6. Impact on Amenity
7. Energy and environmental sustainability

8. Planning obligations

Principle of the proposed land uses

Data Centre and Sub-station

- 8.2 The NPPF (para. 42) states that advanced, high quality communications infrastructure is essential for sustainable economic growth and that the development of high speed broadband technology and other communications networks play a vital role in enhancing the provision of local community facilities and services.
- 8.3 London Plan Policy 4.11 (Encouraging a connected economy) calls on authorities to “facilitate the provision and delivery of the information and communications technology (ICT) infrastructure a modern and developing economy needs, particularly to ensure: adequate and suitable network connectivity across London (including well designed and located street-based apparatus); data centre capability; suitable electrical power supplies and security and resilience; and affordable, competitive broadband access meeting the needs of enterprises and individuals.”
- 8.4 Core Strategy Strategic Objective 1 supports the growth of thriving and accessible global economic centres of Canary Wharf and the Central Activities Zone (CAZ) which benefit the regional and local economies. The site is within the Tower Hamlets Activity Area (THAA) (a transitional area between the City Fringe and the rest of the borough). Core Strategy policy SP01 seeks to ensure that these transitional areas are complementary, yet different, to the distinct designations of the CAZ by promoting a vibrant mix of uses that are economically competitive and based on the adopted town centre spatial strategy which is also set out in Strategic Objective 1.
- 8.5 Officers acknowledges that data centres are an important use which complement the functions of the City and the nearby CAZ and that they are required to be located within close proximity of financial institutions in order to transfer data without delay. They can be seen as part of utility infrastructure that supports businesses etc. It is considered, therefore, that data centres in the THAA, together with electricity sub-stations that provide power to them, are acceptable in principle. However, whilst Policy SP01 states the uses within the THAA should be complementary to the City functions, they should also include a vibrant mix of uses. The need for provision of mix of uses is also recognised in the Core Strategy Vision for Trumans Brewery.
- 8.6 The site is currently surrounded by high walls and has little pedestrian footfall. The area lacks natural surveillance and, partly as a result of this, Allen Gardens is often significantly under used. The previous application for a data centre on this site (PA/10/01940) was refused permission partly on the grounds of the inactive nature of the use and position of the building inside the high boundary walls and the failure to contribute to the vibrant mix of uses expected in the THAA and edge of the Brick Lane District Centre.
- 8.7 The proposals, as revised, address these issues and the relevant reason for refusal by:
- Demolishing the existing high wall along Buxton Street;
 - Setting the building back from the current line of the wall to create a useable pavement along the whole length of the site
 - Locating a building immediately next to a newly created pavement area and incorporating windows in this location at all levels of the building;
 - Locating the main pedestrian access on Buxton Street;

- Incorporating the security and reception area on the ground floor corner of Buxton Street and Spital Street and locating breakout/meeting rooms and balconies in this location on the first and second floors; and
- Incorporating a 'business enterprise space' at the ground floor (this use is discussed in more detail below).

Training and Enterprise Centre

- 8.8 Strategic Objective 15 of the Core Strategy is to support the thriving and accessible global economic centre of the City Fringe which benefits the regional and local economies and Strategic Objective 17 is to improve education, skills and training. Core Strategy Policy SP07 seeks, amongst other things, to support developments that promote local enterprise and the employment and skills training of local residents.
- 8.9 The proposed business enterprise space (B1/D1) (235sqm) would be located along the ground floor of the Buxton Street frontage. The applicant has submitted a note setting out the intended use of this space as a Training and Enterprise Centre. The Centre would comprise:
- A managed workspace flexibly arranged with hot desks and with full connectivity for new ICT start-up companies;
 - A locally managed and ICT supported venue for the delivery of business support services to new start-ups; and
 - Venue also to provide ICT skills training for local people aiming to achieve NQF level 3 and 4 qualifications for careers in the local ICT industry.
- 8.10 The applicant would (in summary):
- Appoint a local agent to manage the marketing and day-to-day management of the Centre (such as Tech Hub, a local university or the Council);
 - Provide professional information, advice and guidance to start-up firms as part of a structured programme of business seminars and mentoring;
 - Work in partnership with public sector agencies to assist trainees by promoting opportunities for jobs, apprenticeships and internships amongst its suppliers, customers and wider IT community;
 - Cover the costs of fittings and overheads for a period of 3 years and make a financial contribution towards the revenue costs of managing the centre (estimated to be £100,000 per annum);
 - Make the centre available rent free to an appointed managing agent for 5 years, with the expectation that the Centre becomes self-sustaining after this period; and
 - Develop with the appointed managing agent a business plan for the future use of the Centre.
- 8.11 The proposed Centre has the potential to deliver real benefits to help small start-up businesses to grow and to help local people learn skills and training that would help them access employment. Such a use would also help activate the Buxton Street frontage. There is a risk that such a Centre would not become self-sustaining and fall out of use. However, officers consider that it represents a credible use of the Buxton Street frontage that should be pursued. It is recommended that, should permission be granted, a planning obligation secures the delivery and management of the proposed Business Enterprise Space in accordance with the above principles and that these principles are developed into a Future Business Enterprise Space Strategy that is approved by the Council prior to first occupation of the data centre and/or the Centre.

- 8.12 The application seeks permission for Business (B1) and/or enterprise training space (D1). In addition to non-residential education and training centres, the D1 use class also includes crèches, nurseries, day centres, places of worship and church halls. These uses would not necessarily contribute to the mixture of uses required by policy in this location. It is therefore recommended that a planning condition be attached to any permission which restricts the use of the proposed space to B1 and/or an education training centre, so that the acceptability of any other uses can be assessed.

Displacement of existing businesses/uses

- 8.13 Policy DM15 of the submission version of the Development Management DPD makes clear that development which is likely to displace an existing business must find suitable replacement accommodation within the borough unless it can be shown that the needs of the business are better met elsewhere.
- 8.14 The majority of the existing buildings on the site are vacant or used for 'dead storage' by the freeholder and landlord of the Brewery (Zeloof LLP). The proposal would displace one permanent business; a small coffee grinding and distribution company that is currently based in the former barrel-washing shed (accessed from the yard). The applicant states that Zeloof intends to re-locate this business within the wider Brewery complex and it is recommended that a relocation strategy for this business is secured by way of a planning obligation.
- 8.15 A local resident has raised concern about the displacement of existing car parking and the impact this could have on the area. The yard is currently used as a commercial car park. However, this is an unauthorised use and, in accordance with the Council's sustainable transport policies (Core Strategy policy SP09 and policy DM20 in the submission version of the Development Management DPD) is not a use that it would want to see retained. There are a number of authorised public car parks in the area, there are alternative areas on the wider Brewery site for market traders to use and the immediately surrounding streets are subject to parking controls. In this context, the loss of unauthorised parking space is to be welcomed and should not damage the viability of Brick Lane market or result in parking stress in local streets.
- 8.16 The same local resident has raised concern about the loss of space that is currently used for temporary social and cultural events. The yard is currently used, on occasion, for car boot sales and one-off events (such as 'Puma Yard' during the London Olympics). As outlined above, Policy SP01 in the Core Strategy seeks to ensure that the THAA complement the City and includes a vibrant mix of uses. However, some Yard area would remain and there are other open areas in the wider Brewery site that could, subject to any necessary planning approvals, continue to accommodate temporary and one-off events.

Loss of built fabric and trees in the Fournier Street and Brick Lane Conservation Area

Loss of buildings, walls and courtyard

- 8.17 Policy SP10 in the Core Strategy seeks to protect and enhance heritage assets. Saved UDP policy DEV28 sets out criteria for the acceptability of demolition in conservation areas and policy DM27 in the submission version of the Development Management DPD sets out similar criteria - making clear that proposals for the demolition of a such assets will only be considered under exceptional circumstances where the public benefit of demolition outweighs the case for retention against the following criteria:
- a. the significance of the asset, architecturally, historically and contextually;
 - b. the condition of the asset and estimated costs of its repair and maintenance in relation to its

significance and demolition, and to the value derived from its continued use;
c. the adequacy of efforts made to retain the asset in use; and
d. the merits of any alternative proposal for the site.

- 8.18 The proposals would result in the loss of the former barrel-washing shed and electricity sub-station (which form part of the high brick wall that runs along this part of Buxton Street), a utilitarian two-storey flat-roofed brick workshop building dating from the 1950's or 60's on the Spital Street frontage and a an industrial 'shed' probably dating from the 1970's. They would also result in the loss of a large part of the existing yard, which is surfaced in a mixture of cobbles, tarmac and stone paving slabs. The proposed demolition of the workshop building on Spital Street would also expose the northern wall of the existing Cooperage Building, which abuts the site to the south.
- 8.19 The former barrel-washing shed and northern wall is the oldest surviving structure on the site and probably dates from the mid-19th century. It is a substantial structure of brown brick built right up to the frontage of Buxton Street, leaving no or a very narrow footway. To the street, the building presents a rather forbidding boundary wall (5.5 to 6m high) incorporating three window openings. It includes a boundary marker which reads "Four feet six inches east is the boundary of St. M.B.G. WS Clark Church John Kelday Wardens 1815." The structure also includes an electricity sub-station at the western (Brick Lane) end. On the yard side, the central part of what was once an open structure has been bricked-up with Fletton brick work and is currently occupied by a small coffee grinding/distribution company.
- 8.20 The barrel-washing shed and boundary wall is of some historical and architectural interest and the previously proposed scheme did propose retaining the wall. However, this resulted in an inactive frontage to Buxton Street, which was one reason why the previous application was refused. The scheme the subject of this application addresses this reason by proposing to demolish the existing walls and locating a building along the Buxton Street frontage. This enables an active frontage to be created along this stretch of Buxton Street and the creation of a 2m wide pavement area where none exists at present. The wider merits of the proposed replacement building are discussed further below, but it should be noted at this stage that the existing boundary marker would be incorporated in to the northern elevation of the proposed building, at the same location as existing.
- 8.21 The 1950's/60's workshop building and wall that front Spital Street are of very little historical or architectural interest. However, the demolition of the building would expose the northern wall of the existing Cooperage Building and chimney stack, which abuts the site to the south. Whilst not listed, the Cooperage Building (built between 1876 and 1896) makes a positive contribution to the character and appearance of the Conservation Area. Given this, it is recommended that a condition be attached to any permission requiring the making good of the exposed brick wall of this building and stack.
- 8.22 The industrial 'shed' towards the centre of the site is unattractive and is considered to have a neutral/negative effect on the character and appearance of the area and there is no objection to its loss. The courtyard space is of some historic significance as a reminder of a past phase of commercial activity in the area. Nevertheless, the focus of brewery activity at least from the 1830's onwards was Brick Lane, with the Head Office and the main buildings that front it, and there are no known specific historic associations with particular events or individuals of note. However, it is recommended that a condition be attached to any permission requiring the reclamation of existing cobbles and stone paving slabs from the courtyard area for use on and

off-site.

- 8.23 The buildings which make up the former Truman's Brewery site form an important part of the Fournier Street and Brick Lane Conservation Area. The character of the Area as a whole is outlined in the Council's Character Appraisal and Management Guidelines (November 2009) and the applicant has submitted a character appraisal for the Brewery complex. None of the buildings on site that would be demolished are identified in either of these documents as being particularly significant. Overall, taking account of the significance of the structures that would be lost and efforts to retain/incorporate them, the merits of the proposed development, discussed in detail below, are considered to outweigh any harm to the character and appearance of the Conservation Area caused by the proposed loss of built fabric. It should be noted that the reason for refusing the previous CAC application (PA/10/01958) related to the lack of an approved replacement scheme and the harm this would cause; not to the loss of the structures themselves. Furthermore, English Heritage has not raised objection to loss of these buildings.

Loss of Garden Area and Trees

- 8.24 Saved UDP Policy Dev15 states that existing mature trees should normally be retained where they are of townscape or environmental value. London Plan policy 7.21 also seeks to retain trees and the planting of replacement/new trees wherever possible.
- 8.25 The proposed building would result in the loss of three trees in the garden area on the corner of Buxton Street and Spital Street (two x Grey Poplars and 1 x Ash). The Tree Survey submitted in support of the application assess these trees as being in Category 'C' (trees with low quality and value, including visual amenity value). These trees are located behind a tall brick wall and make relatively little positive contribution to the character or appearance of the area and their loss is considered acceptable in terms of visual amenity. Biodiversity issues relating to their proposed loss are addressed below. Three street trees along Spital Street would not be affected by the proposals. The proposed large green wall areas on the south (courtyard) elevation would provide replacement greenery and there should be scope to plant additional street trees as part of the proposed enhancement scheme for Buxton Street. Both of these are discussed in more detail below.

Scale, design, appearance and impact on heritage assets

Scale, design and appearance

- 8.26 Policy SP10 of the Core Strategy seeks to ensure buildings are of a high quality design. Policy DM24 in the submission version of the Development Management DPD calls for place-sensitive design and requires new development to be high quality takes account of and responds positively to its context and Policy DM26 seeks to ensure that taller buildings respond positively to their context and address various criteria. London Plan policies 7.5 and 7.6 call for new development to respect local character and be of the highest architectural quality.
- 8.27 The scale and design of the proposed development has been the subject of significant discussion. The previously proposed scheme (PA/10/01940) was refused planning permission partly on the grounds that the proposed bulk, height, footprint and elevational treatment was of poor design quality which would not preserve or enhance the character and appearance of the conservation area, failed to respect the local context and townscape and did not relate satisfactorily to Buxton Street, Spital Street or Allen Gardens. The scheme now before members has seen significant revisions since first submission. The current proposals have

sought to address these reasons for refusal as follows:

- The proposed building has been set back approximately 2m from the Buxton Street frontage to allow for a pavement area to be created along the south side of the street and the introduction of an active frontage (discussed further below);
- The proposed main entrance of the building has been moved from the Buxton Street/Spital Street corner to Buxton Street;
- The overall height of proposed building has been reduced by approximately 2.7m (partly as a result of a basement level);
- The previously proposed stair core has been relocated further away from Buxton Street so as to reduce its impact;
- The mass of the proposed building would step back further from Spital Street; and
- The proposed elevational treatment of the building has been completely revised.

- 8.28 The proposed building would be approximately 65m long, as viewed from Buxton Street and approximately 30m along the Spital Street frontage. It would appear as a part three/part four storey brick building when viewed from these streets and Allen Gardens, with the Spital Street elevation being set behind a high brick wall. The building would have a two-storey lower section, a single storey upper section set back from the main facade line and a top storey set back still further (with this storey comprising a screen hiding rooftop plant). The main bulk of the building would rise to approximately 18.5m above ground level, although the proposed photovoltaic panels would rise to approximately 19m, the satellite dishes on the southern elevation (overlooking the courtyard) to about 19.5m and seven slim flues would rise to about 21.5m.
- 8.29 The proposed Buxton Street and Spital Street elevations are divided vertically into wide bays, with each bay separated by recessed columns containing rainwater pipes, and in each bay is a pair of sunken vertical panels with square heads. The panels would rise through two floors on the lower part of the front, with separate shorter panels on the upper part, within which are set the small-paned window openings these are required. The fenestration would not be regular because it reflects the internal functions of the proposed building and some of the panels would be completely 'blind'. Nevertheless, the front as a whole would be given a unity by the appearance of the sunken panels, which would be a strong motif. Towards the eastern end of Buxton Street (near Spital Street) there would be the main entrance, set in a single wider panel which would continue up the full height of the building in a triple tier of straight-headed window openings. The proposed elevations clearly take their inspiration from 19th and 20th century industrial buildings, including examples from within the former brewery site.
- 8.30 The proposed western elevation would not face a public street, but would face the listed Brickhouse, Engineer's House and Vat House on Brick Lane. The industrial aesthetic would be repeated here. The northern section would have four 'blind' sunken panels; whereas the larger southern section would have a row of seven tall square-headed openings with small-paned glazing rising up from first floor level upwards. The southern elevation would face the reduced courtyard space and would contain two large green wall panels and three satellite dishes at roof level.
- 8.31 The proposed siting and scale of the proposed building are considered acceptable from a design perspective. The proposed elevations are simple and straight forward and the quality of the proposed building would be heavily dependent on the quality of the detailing and materials. Given the importance of these details, officers have sought to ensure that external materials are, as much as reasonably possible, considered at this stage. The predominant material would

be brick, with dark bronze metal window surrounds and plant screen at roof level and samples of these materials have been submitted for approval. In addition, 1:50 strip elevations /sections of the Buxton Street elevation have been submitted, showing the intended depth of window reveals and other recessed features. The proposed materials and building details are considered acceptable and, subject to a condition requiring further external material samples to be submitted and approved, should ensure that delivery of a building of acceptable quality. As such, the proposals are considered acceptable and accord with the policies referred to above.

Impact on setting of Listed Buildings

- 8.32 Core Strategy policy SP10 and policy DM27 of the submission version of the Development Management DPD requires development to protect and enhance the borough's heritage assets (including Listed Buildings), their setting and their significance as key elements of developing the sense of place of the borough's distinctive 'Places'. Similar policy objectives are included in London Plan policy 7.8.
- 8.33 The proposed building would be sited approximately 29m to the east of the rear of the Grade II Listed Brickhouse building, approximately 20m to the east of the rear of the Grade II Listed Engineer's House and approximately 17m north of the rear of the Grade II Listed Vat House. The proposed building would also sit across the street from the Grade II Listed former All Saint's Vicarage at 35 Buxton Street. Other listed buildings sit further away on the west side of Brick Lane. These include the Directors House (Grade II*) and the Brewmaster's House at No. 95 Brick Lane (Grade II).
- 8.34 The relationship between the proposed building and the listed buildings immediately to the west of it is considered acceptable, and whilst the proposed building would be seen in context with the rear of the Brickhouse and the Engineer's House and Vat buildings, it is not considered that the setting of these buildings would not be harmed. Perhaps more importantly, the proposed building would be seen in context with the existing Brickhouse building in views along Buxton Street and across Allen Gardens. However, it is not considered that the proposed building would harm the setting of this building. Likewise, the proposed building would be seen in context with the former All Saint's Vicarage building in views along Buxton Street and across Allen gardens, but again, it is not considered that the setting of this building would be harmed.
- 8.35 The narrow width of Brick Lane means that the proposed building would not be visible from the western footway of this street or from the courtyard to the main brewery building. Whilst it would be visible across the top of the Listed Brick House building from upper floors of buildings on the west side of Brick Lane, the planning system is primarily concerned with impacts on views from the public realm.
- 8.36 Subject to conditions requiring the submission of further external material samples, the proposed development is considered to preserve the setting of the nearby Listed Buildings and their special architectural and historic interest. As such, the proposals accord with the policies referred to above.

Impact on character and appearance of the Conservation Area

- 8.37 Core Strategy policy SP10 and policy DM27 of the submission version of the Development Management DPD requires development to protect and enhance the borough's heritage assets (including Conservation Areas), their setting and their significance as key elements of developing the sense of place of the borough's distinctive 'Places'. Similar policy objectives are

included in London Plan policy 7.8.

- 8.38 The acceptability of the proposed loss of existing built fabric and trees are discussed in detail above. The proposed building would undoubtedly change the character and appearance of this part of the Area when viewed from Woodseer Street to the south, Allen Gardens to the north and Buxton Street to the north and east. However, officers consider that, whilst the building would be relatively large and prominent, drawings and views submitted in support of the application demonstrate that the visual impact on the Area would be acceptable. Subject to conditions requiring the submission of further external material samples and details relating to the external treatment of the proposed paved area along Buxton Street and the treatment of the exposed wall of the Cooperage building, the proposed replacement development is considered to preserve and enhance the appearance of the Conservation Area. As such, the proposals accord with the policies referred to above.

Impact on archaeology

- 8.39 Core Strategy policy SP10 and policy DM27 of the submission version of the Development Management DPD makes clear that the Council wishes to safeguard archaeological heritage and require an archaeological evaluation report for proposed development that lies in or adjacent to Archaeological Priority Areas. Similar policy objectives are included in saved UDP policy DEV43 and London Plan policy 7.8.
- 8.40 Whilst the site is not in an Archaeological Priority Area, it is situated in an area where archaeological remains may be anticipated and the applicant has submitted an Archaeological Desk Based Assessment to support the application. The Assessment identifies a low potential for Prehistoric remains, but a moderate potential for Roman remains. In addition, historic map regression suggests a high potential of late 17th century and possibly 18th century housing, with the existing garden area in the north-east corner of the site holding the greatest potential. The finding of the Assessment is echoed by the comments from English Heritage, which refer to various nearby archaeological finds. English Heritage recommends that sub-surface archaeological investigation and a programme of archaeological recording of the standing buildings (to be demolished) are secured by planning condition. Officers agree and it is recommended that such conditions are attached to any planning approval.

Buxton Street frontage and impact on Allen Gardens

- 8.41 Policy SP01 in the Core Strategy states the uses within the THAA should be complementary to the City functions, they should also include a vibrant mix of uses. Policy DM23 in the submission version of the Development Management DPD calls, amongst other things, for development to be well-connected with the surrounding area and inclusive for everyone and to improve safety and security without compromising design. London Plan policy 6.10 supports measures that encourage walking and policy 7.13 calls for development to minimise potential physical risks and include measures to design out crime and deter terrorism.
- 8.42 The proposed siting of the building approximately 2m back from the line of the existing wall would enable the creation of a pavement area along this section of Buxton Street, where at present only a narrow 1 to 1.4m pavement exists for only part of the site frontage. The terms of proposed lease with the freeholder of the land means that applicant is unable to dedicate this land as public highway. The proposed pavement area would therefore remain as private land over which the public would have right of access and it is recommended that this is secured by way of a planning obligation (which both the leaseholder and freeholder would need to be party to). The applicant is concerned about the security of the proposed building and would ideally

like to see vehicle impact resistant bollards provided on the edge of the private pavement area. However, officers raised concerns over the appearance of such bollards and their potential to act as obstacles to the convenient and comfortable movement along the pavement/adjoining public footway. As a result, these have been omitted from the proposals. It is recommended that a planning obligation be used to secure public access and that the drainage, surfacing and lighting details of this area are reserved by condition Subject to such an obligation and condition, the proposed pavement area would improve pedestrian facilities in accordance with Policies DM23 and London Plan policy 6.10 and is to be welcomed.

- 8.43 The Council is developing an environmental enhancement scheme for the stretch of Buxton Street between Spital Street and Code Street. The emerging proposals include raising and narrowing the surface of the one-way westbound carriageway, incorporating a contra-flow cycle lane, resurfacing and paving, lighting and street furniture. It is recommended that a financial contribution of £150,000 (around 50% of the projected costs of the scheme) is secured from the applicant to help ensure the creation of a vibrant frontage area in accordance with Policies SP01 and DM23. The applicant's concerns about security of the proposed building could be discussed further and addressed as an integral part of the detailed design of the enhancement scheme.
- 8.44 The incorporation of a Training and Enterprise Centre along the Buxton Street frontage would result in approximately 71% (44m of the 62m) of this ground floor frontage being in active use. Whilst most of the windows on the first and second floors fronting Buxton Street and Spital Street would serve relatively inactive space (including data halls, corridors and mechanical plant areas), some active use is proposed for the corner of the building and the windows serving inactive space would at least give the perception of overlooking. Officers consider that the revised proposals do enough to activate these frontages and are acceptable.
- 8.45 The setting back of the proposed building from Buxton Street and the reduction in overall height means that the proposed building would overshadow Allen Gardens less than the scheme that was refused planning permission (PA/10/0190). The Daylight, Sunlight and Overshadowing Assessment assesses the likely overshadowing of Allen Gardens on 21 March (the Spring Equinox) at hourly intervals between 08.00 and 17.00 (10 separate calculations). This shows that the proposed building would result in some limited additional overshadowing of the southern edge of Allen Gardens. However, the area of the public open space that would be prevented from receiving direct sunlight for at least two hours on 21 March would be less than 5%. The level of overshadowing is therefore considered acceptable. The relevant BRE Guidelines allow up to 49% of a public space to be in permanent shadow on the 21 March before they consider there to be a significant impact.

Transport, Highways and Parking

Accessibility and trip generation

- 8.46 London Plan policies 6.9, 6.11 and 6.13 encourage cycling and walking and seek to manage the provision of car parking spaces. Core Strategy SP09 seeks to ensure new development has no adverse impact on the safety and capacity of the road network and promotes schemes that minimise on-site and off-site car parking provision, particularly in areas with good access to public transport. Policy DM20 in the submission version of the Development Management DPD makes clear that development needs to be located appropriately, demonstrate that it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the network

- 8.47 The site is well served by bus and rail connections and as a consequence has a PTAL of 6a (Excellent). Given likely trip generation and modal split assumptions based on a survey of staff working at existing data centres in the area and the proposed 2 car parking spaces, the submitted Transport Statement anticipates the number of trips to the data centre during peak periods (07.00 to 09.00 and 16.00 to 18.00) would be 64 arrivals and 57 departures, with only 2 car movements. The proposed Business Enterprise Space is not expected to add significantly to these peak period movements. This would represent a relatively low number of trips for such a well-connected part of the borough and officers do not anticipate any undue pressure on the surrounding streets. Given this and the comments by TfL, whilst a draft Green Travel Plan has been submitted in support of the application, it is not considered necessary to secure the implementation of a Plan in this case. However, it is recommended that appropriate financial contributions are secured towards sustainable transport initiatives.

Vehicular access and servicing

- 8.48 Vehicular access would be via the existing access on Spital Street and across the retained yard area to a loading entrance adjacent to the south side of the proposed building. The submitted Transport Statement estimates that day-to-day servicing requirements would be for approximately 10 trips in and out of a 7.5 tonne van and that a 10,000 litre tanker lorry would need to fill the proposed on-site fuel tanks with generator fuel around 3 times per year. There would also be occasional collection of commercial waste. Swept path analysis has been submitted that demonstrates that a large tanker (and refuse vehicle) could satisfactorily manoeuvre in the yard area and enter and leave the existing Spital Street entrance in forward gear.
- 8.49 The proposed rear servicing arrangements are acceptable. A local resident has raised concern about the dangers posed by the storage of fuel and the ability of fire engines to reach the site. However, the London Fire and Emergency Planning Authority has raised no objections to the proposals and officers consider that adequate access arrangements are proposed.

Car parking

- 8.50 London Plan Policy 6.13 (Parking) sets out maximum car parking standards, requires at least one 'blue badge' parking space for workplaces and seeks to ensure that 1 in 5 spaces provide an electrical charging point to encourage the uptake of electric vehicles. Policy DM22 in the submission version of the Development Management DPD requires development to comply with specific car parking standards and to prioritise spaces for car clubs/pool cars and electric charging points.
- 8.51 The proposals provide for one 'blue badge' parking space for a disabled employee/visitor (which would be served by an electric charging point) and one further electric charging parking space, for use by employees of the proposed scheme and by occupiers of other buildings served by the retained yard area. This proposed provision is welcome.

Cycle parking

- 8.52 Policy DM22 in the submission version of the Development Management DPD requires development to comply with minimum cycle parking requirements (minimum of 1 space per 120sqm B1 office and 1 space per 250sqm of space for B8).
- 8.53 The proposal incorporates the provision of 10 covered cycle parking spaces for employees and none for visitors. This is below the level required by the emerging standards. However, both Transport and

Highways and TfL consider the proposed level to be acceptable, given the particular use and low level of anticipated trips by bicycle (about 5 per day).

Construction

- 8.54 Policy DM 21 in the submission version of the Development Management DPD seeks to mitigate impacts during the construction phase of developments and it is recommended that a Construction Management Plan be secured by way of planning condition.

Impact on amenity

Daylight and Sunlight

- 8.55 Saved UDP policy DEV2, Core Strategy policy SP10 and policy DM25 of the Managing Development DPD (Submission version 2012) seek to protect and where possible enhance residential amenity (including not allowing an unacceptable material deterioration of the sunlighting and daylighting conditions). A resident of a ground floor flat in Shuttle House, which is approximately 19m to the east of the proposed building, has raised concern at the loss of light that the building would cause. The previous proposal for the site (PA/10/0190) was refused permission partly on the grounds that insufficient information had been provided to fully assess the daylight/sunlight impact on homes in Shuttle House.
- 8.56 The submitted Daylight, Sunlight and Overshadowing Assessment assesses the impact of the proposed building on the daylight received at homes on the ground and upper floors of Daniel Gilbert House (around 14m to the north west), 35 Buxton Street (around 27m to the north east) and Shuttle House and McGlashan House (about 19m and 42m to the west respectively). This found that all tested windows would receive at least 27% Vertical Sky Component (VSC) in all but one case. The exception is the ground floor window at 35 Buxton Street, where the VSC would be 25.7%. However, the proposed level of daylight here would be more than 80% of its existing value, meaning that the reduction in daylight is unlikely to be noticeable. As such, all tested windows would meet the relevant BRE Guidelines.
- 8.57 The Assessment also assesses the impact that the proposal would have on the sunlight received by homes on the ground and upper floors of Daniel Gilbert House and 35 Buxton Street, which sit to the north of the proposed building. The assessment of Annual Probable Sunlight Hours (APSHs) finds that all tested windows would continue to receive levels of sunlight that are above the minimum recommended levels for both the full year and for winter time (when the sun is lower in the sky).
- 8.58 Given the above, officers consider that the proposal would not give rise to any unduly detrimental impacts in terms of daylight or sunlight. Overshadowing of Allen Gardens is addressed under the Buxton Street frontage and impact on Allen Gardens above.

Noise

- 8.59 Saved UDP policy DEV2, Core Strategy policy SP10 and policy DM25 of the Managing Development DPD (Submission version 2012) seek to protect and where possible enhance residential amenity (including not allowing unacceptable levels of noise during construction or operation). London Plan policy 7.15 seeks to minimise potential adverse noise impacts arising from new development.

- 8.60 The proposals incorporate a large amount of plant located primarily at roof level, using most of the space available for 27 dry-air coolers for the proposed data halls and generators below. In addition, 7 generators would be located at ground floor on the western (Brick Lane) side of the building (although it is expected that no more than 6 would operate at any one time). A chiller plant room would also be located at ground floor level on the east (Spital Street) side of the building, although this would not include any significant outlets to the outside.
- 8.61 To mitigate potential noise impacts, the proposed building incorporates a 1.5m high upstand at plant deck level and set back from this would be a 4.1m high acoustic louvered screen, which would rise to the top of the dry-air coolers. The submitted Noise Assessment sets out the findings of a 24 hour noise survey on site and at Code Street and Spital Street. This indicated a minimum night-time noise level of 40dB LA90 between approximately 2 to 3AM. The Council requires cumulative plant noise to be 10dB below this noise level, therefore setting a noise limit of 30 dBA Leq. The Assessment predicts that, with the proposed acoustic screen and other proposed attenuation measures in place, noise levels would be 28.7 dBA at the flats at Spital Street/Woodseer Street, 29.5 dBA at the flats on the 7th floor of Stuttle House (the worst affected level) and 30.4 dBA at the homes on the 4th floor of Daniel Gilbert House (the worst affected level). The Acoustic Assessment Addendum Report confirms these predictions.
- 8.62 The Assessment predicts noise levels just below and, in the case of Daniel Gilbert House, just above the 30 dBA level normally required. Environmental Health officers accept that the predictions are reasonable, but recommend that should permission be granted, a planning condition ensures that there is post-completion testing of the noise impacts of the development before the plant is first brought into use. It is therefore recommended that a condition requires that before an approved data centre is first brought into use, detailed results of a noise survey measuring the operation of the plant working at full capacity are approved in writing by the Council. It is also recommended that a condition requires the installation and retention of the proposed acoustic screen. Subject to these conditions, the likely noise impacts of the proposed development are considered acceptable.

TV and radio reception

- 8.63 Policy DM26 of the Managing Development DPD (Submission version 2012) requires proposed tall buildings not to interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks.
- 8.64 The planning application is supported by a report into a desktop study and field survey to assess possible effects and impacts from the proposed development on the reception of broadcast services. This concludes that the proposals are not expected to have an effect upon the reception of Digital Terrestrial TV (DTT), digital satellite TV services such as Freesat and Sky or on VHF (FM) radio and that, therefore, no mitigation is necessary. Officers accept the findings of this report

Air Quality

- 8.65 Saved UDP policy DEV2, Core Strategy policy SP10 and policy DM25 of the Managing Development DPD (Submission version 2012) seek to protect and where possible enhance residential amenity (including not allowing unacceptable levels of odour or fumes). London Plan policy 7.14 calls for development to ensure that it does not lead to further deterioration of existing poor air quality in Air Quality Management Areas.
- 8.66 As discussed in section 4 of this report and below, data centres use a lot of energy and the applicant needs to ensure continuity of power supply for commercial reasons. The proposed

generators are part of ensuring this continuity. If electricity supply fails, batteries would automatically kick in for 15-30 minutes to provide power and the generators would then come on line to provide power until electricity supply from the national grid is restored. Consequently, other than testing, the generators would not be in use as a matter of course and would constitute emergency back-up. They should not, therefore, give rise to any significant impacts with regards to air quality.

Energy and environmental sustainability

Energy

- 8.67 Policy DM29 in the submission version of the Managing Development DPD 'includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. It also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all non-residential developments to achieve a BREEAM Excellent rating. Policy SP11 in the Core Strategy requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation where feasible. The London Plan contains a number of relevant policies, including policies 5.5 and 5.6 that encourage Decentralised Energy networks.
- 8.68 Data centres are characterised by high constant electrical demand throughout the year, resulting from the power needed to run the IT equipment and the associated electrical losses and cooling demands arising from these loads. The submitted Energy Strategy Report considers the scheme in terms of the energy hierarchy as follows:
- 'Lean' energy efficiency - Proposed features include high efficiency turbocor chillers, elevated chilled water temperatures (using warmer water than standard), load sharing of chillers, specific cooling methods and alternative hot and cold aisle data hall configuration.
 - 'Clean' energy – consideration was given to Combined Heat and Power (CHP) and Combined Cooling Heat and Power (CCHP), but both would actually result in additional carbon emissions for such a use. Instead, it is proposed to export waste heat so that a community heating system could be established for the Brewery site. This would be achieved by means of two heat exchangers connected to and extracting heat from the chilled water return. The grade of heat at 24 degrees Celsius would be superior to that available from any ground source heating scheme (which would only come out of the ground at 12 degrees) and could yield significant carbon savings in future development nearby;
 - 'Green' renewable energy – consideration was given to biomass, ground source heat pumps, photovoltaic panels (PVs), thermal solar collectors and wind turbines. PVs were found to maximise carbon savings and it is proposed to provide a PV array at roof level (on top of the plant lid) of approximately 134sqm. It is anticipated that the PVs would provide power for the 2 electrical vehicular charging points and rain water harvesting system.
- 8.69 Whilst the above measures would result in a total anticipated CO2 savings from the development of 47%, this is against industry standards rather than a building regulation baseline (as required by policy). Data centres are unique in their energy requirements and CO2 emissions and as such they need to be assessed in a different way. The key marker is the efficiency in use of the power consumed. This is calculated by comparing the amount of power

entering a data centre by the power used to run the IT infrastructure within it. Power usage effectiveness (PUE) is expressed as a ratio, with overall efficiency improving as the quotient decreases toward 1. The proposed data centre would have an annual PUE of 1.3. This is considered to be acceptable and demonstrates high levels of efficiency within the design.

- 8.70 The submitted Energy Strategy sets out how the waste heat rejected from the IT processes could be utilised for a community waste heat scheme to serve the local area. Whilst the CO2 savings that this could deliver do not count specifically towards this development, the proposals have the potential to provide wider CO2 savings within the vicinity of the site. Given this, the CO2 savings proposed for this development are considered acceptable in this specific instance and it is recommended that the approval and implementation of a heat recovery system be secured by way of planning obligation; not allowing the data centre to become operational until a Waste Heat Utilisation Plan has been approved and install a Heat Recovery System up to an agreed boundary of the site to enable the Council to promote the availability of this heating source to future developments within the area.

BREEAM Rating

- 8.71 Policy DM29 in the submission version of the Managing Development DPD, with justifying text referring to BREAAAM 'Excellent' for non-residential buildings. London Plan policy 5.3 has similar objectives.
- 8.72 The submitted BREEAM Pre-assessment demonstrates how the development would achieve a Excellent rating, when considering available and achieved credits in relation to management, health and wellbeing, energy, transport, water, materials, waste, land use and ecology, pollution and innovation. This is welcome and it is recommended that the achievement of a BREEAM Excellent building is secured by way of a planning obligation, requiring BREEAM Certificates to be submitted to the Council to demonstrate that it has been delivered.

Biodiversity and Proposed Green wall

- 8.73 London Plan policy 5.10 (Urban greening) encourages the incorporation of green walls into proposed buildings. Policy DM11 in the submission version of the Development Management DPD requires developments to provide elements of 'living buildings'. It also states that existing elements of biodiversity value should be protected or replaced within the development and additional habitat provision made to increase biodiversity value.
- 8.74 The existing site contains a small garden with 3 trees which provides some habitat for common birds and other wildlife. The submitted Ecological Scoping Phase 1 Habitat Survey Report notes that this would have a very small negative impact on biodiversity and officers agree. However, it is recommended that an informative be included as part of any planning permission stating that these trees should be felled outside of the bird breeding season (March to August).
- 8.75 The proposals incorporate two separate but adjacent green walls on the southern (courtyard) elevation of the building, both measuring approximately 7.8m x 10.4m (about 162sqm in total). The proposed substantial areas of green wall could help to mitigate the small loss of existing habitat. To maximise biodiversity benefits, plants used in green walls should provide nectar for bees and other insects and/or berries or seeds for birds. There is a lack of detail of the green wall areas in the application and it is recommended that the details (including planting) are reserved by condition for subsequent approval.

Water usage

- 8.76 London Plan policy 5.13 (sustainable drainage) encourages Sustainable Urban Drainage Systems (SUDS) that store rainwater for later use and policy 5.15 (Water use and supplies) promotes the use of rainwater harvesting. Policy DM13 of the submission version of the Development Management DPD makes clear that development will be required to show how it reduces the amount of water usage, runoff and discharge from the site, through the use of appropriate water reuse and SUDS techniques.
- 8.77 Achieving a BREEAM 'Excellent' rating would require the use of water efficient appliances. It is also proposed to incorporate a rainwater harvesting scheme to gather and store rainwater from the roof areas to be used the water the green wall areas. Provision has been made in the basement for a grey water storage and pumping area and it is expected that the system would be powered by the proposed PVs at roof level. However, there is a lack of detail and it is recommended that the details are reserved by condition for subsequent approval.

Contamination

- 8.78 Policy DM30 of the submission version of the Development Management DPD makes clear that where development is proposed on contaminated land or potentially contaminated land, a site investigation will be required and remediation proposals agreed to deal with any contamination before planning permission is granted.
- 8.79 The submitted Site Investigation Report concludes that in view of the proposed commercial (non-residential) use, contamination results indicate that the site can be considered uncontaminated with regard to human health. Having said this, it considers that excess material generated during site preparation works should be considered contaminated with regard to disposal. The report goes on to note that the elevated levels of metals and fuels encountered within the leachable soil and groundwater may present a risk to Controlled Waters and recommends borehole testing and further quantitative risk assessment. It is recommended that conditions are included as part of any planning approval to ensure that suitable further investigation is carried out prior to works commencing on the site.

Waste

- 8.80 Policy DM14 in the submission version of the Development Management DPD makes clear that development should demonstrate how it will provide appropriate storage facilities for residual waste and recycling.
- 8.81 The proposals incorporate waste and recycling area of approximately 6.5 x 4.5m (29sqm) to the rear of the proposed building, in the retained courtyard area, with suitable vehicular access. This is considered acceptable.

Planning Obligations

- 8.82 Regulation 122 of the Community Infrastructure Levy Regulations 2010, brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:

- (a) The obligation is necessary to make the development acceptable in planning terms;
- (b) The obligation is directly related to the development; and
- (c) The obligation is fairly and reasonably related in scale and kind to the development.

8.83 The Council's Saved Policy DEV4 of the adopted UDP and Policy SP13 of the adopted Core Strategy say that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.

8.84 The amounts have been negotiated taking account of the planning obligations SPD and heads of terms are set out below.

Non-financial Contributions and Obligations

8.85 Officers have negotiated the following non-financial contributions and obligations:

- a) Delivery of a Training and Enterprise Centre in accordance with the Note on Proposed Interxon Training and Enterprise Centre dated 26 September 2012 and summarised in this report and the implementation of a Training and Enterprise Centre Management Plan (to be approved in writing by the Council prior to first occupation of the data centre).
- b) Access to employment initiatives for construction through 20% of non-technical total construction jobs to be advertised through the Council's job brokerage service.
- c) A target of 20% of total value of contracts which procure goods and services are to be achieved using firms located within the borough.
- d) Relocation strategy for existing business to be submitted to and approved in writing by the Council before commencement of development
- e) Public right of way over the private pavement area along the Buxton Street frontage
- f) Heat recovery system to be provided to transfer recovered heat to an agreed point at the site boundary for future connection by others to a district heating network (An approved Future Waste Heat Utilisation Plan to be implemented prior to first occupation of the data centre)
- g) Achievement of a BREEAM 'Excellent' rated building (including submission of certificates to demonstrate achievement)

Employment and skills training

8.86 Core Strategy Policy SP07 seeks, amongst other things, to support developments that promote local enterprise and the employment and skills training of local residents. The applicant has identified the following employment estimates:

- 83 Full Time Equivalent (FTE) construction jobs during 12-18 months period;
- 29 FTE full-time jobs across a range of skills and qualifications (technical and operational, sales and marketing and security);
- An additional 11 FTE full-time jobs from the proposed Business Enterprise Space.

8.87 The Council's Planning Obligations SPD includes employment densities for IT/Data centres and 'business park' light industrial space of 1 job per 47sqm (NIA/GIA). Using these employment densities suggests that up to 223 FTE full-time jobs could be created from the development. Based on this higher potential figure and the formula set out in the SPD, it is recommended that a financial contribution of **£31,744** is secured to help train and develop unemployed residents in Tower Hamlets.

8.88 Based on the provisions of the Planning Obligations SPD, it is recommended that a financial contribution of **£27,092** be secured to help support and provide training for local residents in

accessing job opportunities during the construction phase.

- 8.89 In addition to the above and in accordance with CS Policy SP07 and the Planning Obligations SPD, it is recommended that planning obligations secure the use of best endeavours to ensure that 20% of the construction phase workforce are Tower Hamlets residents and that a target of 20% of goods and services procured during the construction phase are from businesses within the borough (noting that this may prove difficult to achieve for such a specialist building).

Libraries and Ideas Stores

- 8.90 In line with the Planning Obligations SPD, a contribution of **£4,820** has been secured towards improvements to Idea Stores and Libraries. The proposed development will increase demand on these services and there is a need to development these facilities further to align with population growth.

Sustainable Transport

- 8.91 In line with the Planning Obligations SPD, a financial contribution of **£3,315** towards the provision of a sustainable transport network within the Borough has been secured.

Public Open Space

In line with the Planning Obligations SPD, a financial contribution of **£29,489** towards the provision of improvements to public open space in the Borough has been secured.

Leisure

- 8.93 Based on the provisions of the Planning Obligations SPD, the potential number of employees based on the adopted job/floorspace ratio for data centres (223 in total) would place additional burdens on leisure facilities and warrant a financial contribution of £82,000. The applicant considers that this is excessive and inappropriate given (a) the proposed use and the likely levels of employment (which it estimates to be 40); (b) the proposed overall package of non-financial and financial contributions outlined above and (c) the need to ensure that the proposals are financially viable.

- 8.94 Officers consider that the proposed overall package of non-financial and financial contributions outlined above would satisfactorily mitigate likely adverse impacts associated with the proposals and help to secure the Council's policy objectives. Given this, the lack of financial contributions towards leisure facilities is considered acceptable in this case.

Monitoring fee

- 8.95 A monitoring fee of **£5,366** which is 2% of the total figure as been secured.

Other Planning Issues

- 8.96 None.

Community Infrastructure Levy

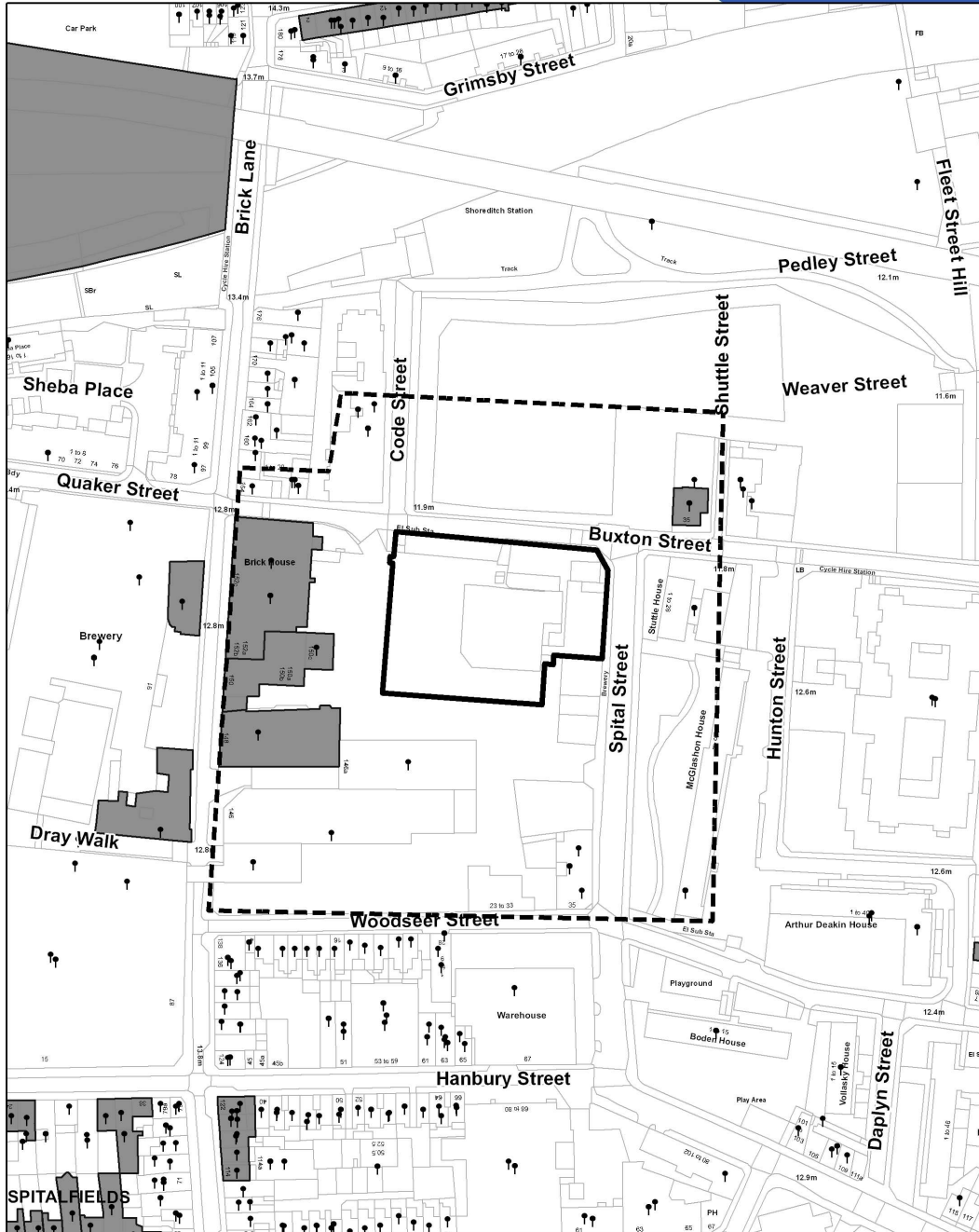
- 8.97 This development is liable for a charge under the Community Infrastructure Levy (CIL) Regulations (2010).

- 8.98 The proposed Training and Enterprise Centre would be accessible to the public and, taking account of the existing storage and workshop space that would be demolished; officers consider that the applicant is liable to pay £7,593 CIL.

9.0 **Conclusions**

- 9.1 Officers consider that the application has satisfactorily addressed all of the reasons why the previous larger building was refused planning permission and why the associated Conservation Area Consent application to demolish existing buildings was refused. Subject to the recommended planning obligations and conditions, officers consider that the proposal would meet policy objectives and satisfactorily mitigate any adverse impacts, as outlined in detail in Section 2 of this report.
- 9.2 All other relevant policies and considerations have been taken into account. Planning permission and Conservation Area Consent should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision as set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



Planning Application Site Boundary	Locally Listed Buildings	Land Parcel Address	 0 15 m 1:1,750
Consultation Area	Statutory Listed Buildings		

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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