



DEVELOPMENT COMMITTEE

27/04/2021

Report of the Corporate Director of Place

Classification: Unrestricted

Application for Planning Permission

[click here for case file](#)

Reference	PA/20/00415
Site	140, 146 Brick Lane and 25 Woodseer Street, London, E1 6RU
Ward	Spitalfields and Banglatown
Proposal	Redevelopment to include erection of a part five storey office building (Class B1) plus rooftop plant with ground floor and first floor commercial units (Class A1/A3) and two storey basement for provision of plant, servicing, storage and a gym (Class D2) (140 Brick Lane - Plot S1), linked to the reconfigured ground floor of the adjacent building and provision for commercial units (Class A1) (146 Brick Lane - Plot H), refurbishment and two storey extension of the adjacent building (25 Woodseer Street - Plot S2) for office use (Class B1) with ground floor commercial unit (Class A3), plus rooftop plant and external landscaping.
Summary Recommendation	Grant Planning Permission subject to conditions and legal agreement
Applicant	Old Truman Brewery Limited
Architect/agent	DP9
Case Officer	Patrick Harmsworth
Key dates	Application validated 06/05/2020 First round of public consultation finished on 05/06/2020 Second round of public consultation finished on 20/01/2021

EXECUTIVE SUMMARY

In land use terms, the proposed office-led mixed-use development containing retail and restaurants at ground floor would be consistent with development plan policy for this site located within the Brick Lane District Centre and City Fringe Activity Area.

In design terms, the building form would respond appropriately to the positive aspects of the local context, re-introducing the building line on Woodseer Street to repair the urban fabric; improving the attractiveness of the public realm; enhancing the permeability of the site with a new publicly-accessible street internal to the site; and providing a visually interesting, well detailed and proportional addition to the site and the local area more generally. The scheme would enhance the character and appearance of the Brick Lane and Fournier Street Conservation Area; and would preserve the setting of nearby listed buildings.

The scheme would provide a new small publicly accessible open square, known as Black Eagle Yard, at the eastern end of the site.

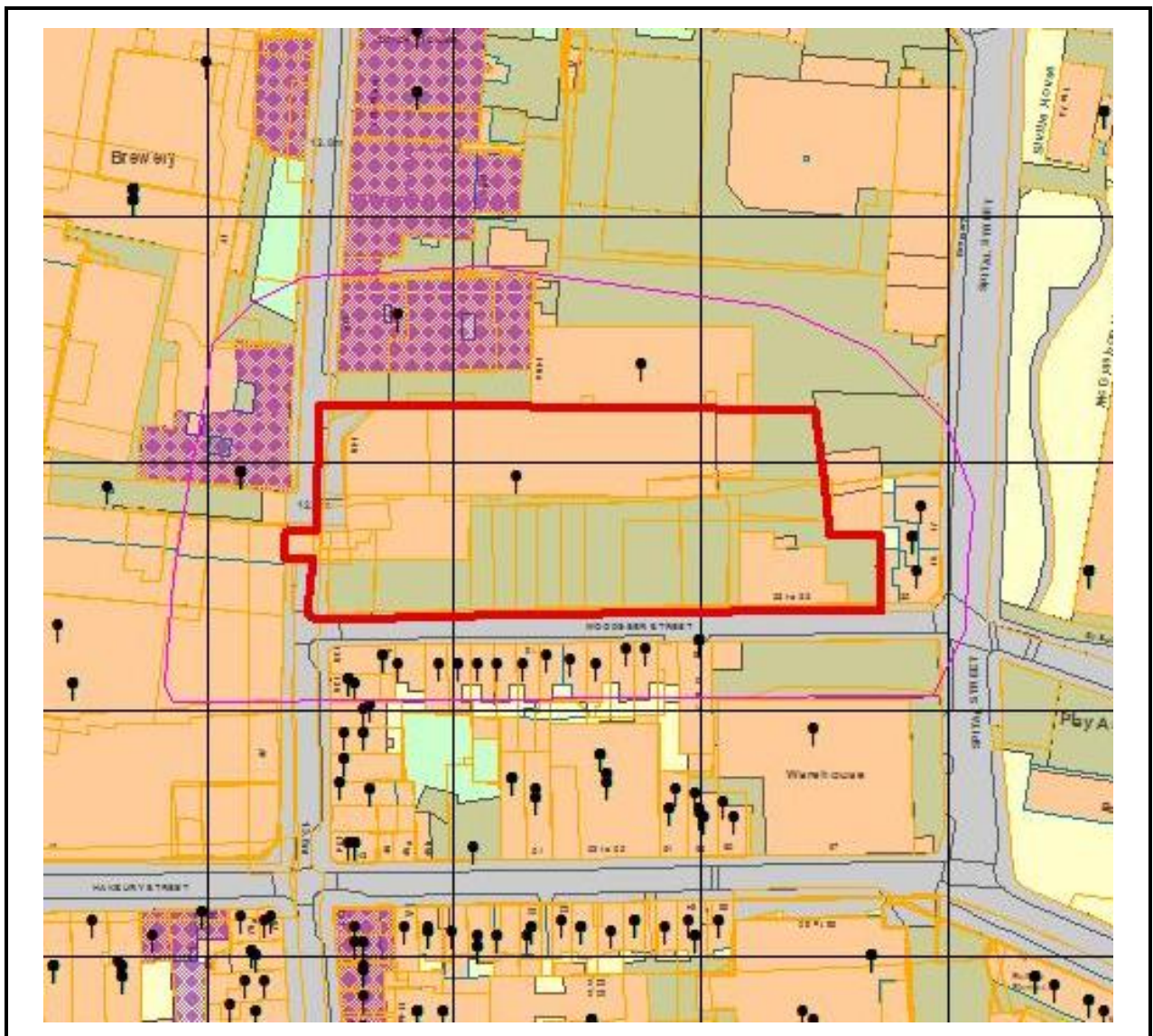
The proposal would provide cycle parking in line with policy, which is accessible, safe and secure. All servicing would take place off the public highway.








A strategy for minimising carbon dioxide emissions is in compliance with policy requirements. Biodiversity enhancements are also proposed with relevant conditions recommended to secure these benefits.

The scheme would contribute to local employment and training; apprenticeships; affordable workspace; and independent retail provision through planning obligations secured in a legal agreement.

The development would be liable to both the Mayor of London's and the Borough's Community Infrastructure Levy.

SITE PLAN



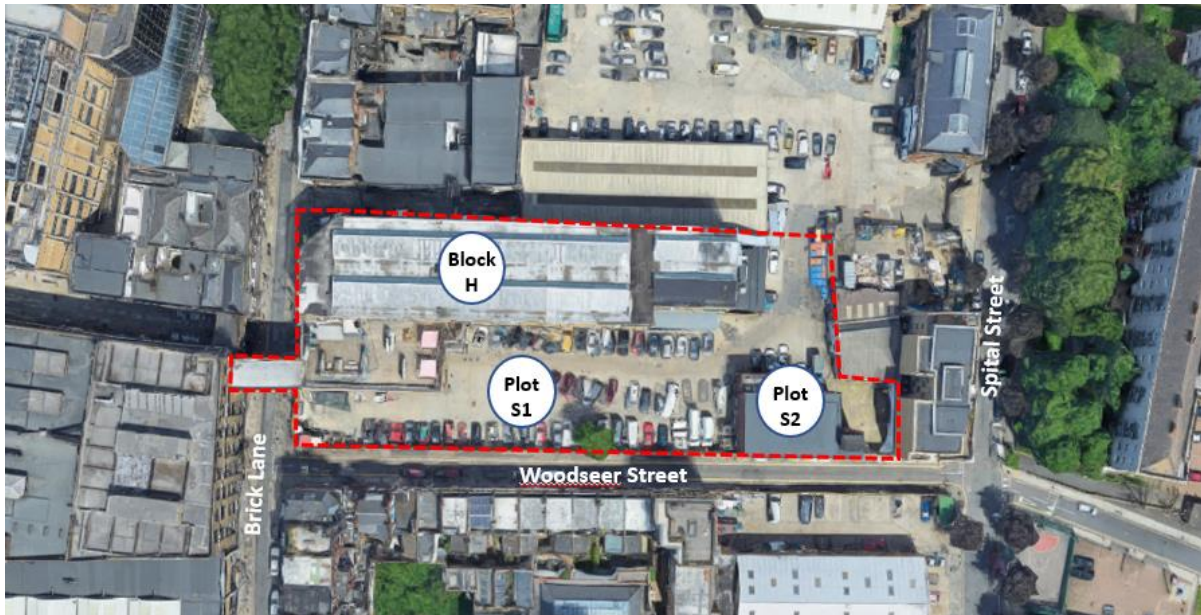
Crown copyright and database rights 2018 Ordnance Survey, London Borough of Tower Hamlets 100019288		
<p> Planning Application Site Bound</p> <p> Other Planning Applications</p> <p> Consultation Area</p> <p> Land Parcel Address Point</p> <p> Locally Listed Buildings</p> <p> Statutory Listed Buildings</p>	<h2 style="text-align: center;">Planning Applications Site Map</h2> <h3 style="text-align: center;">PA/20/00415</h3> <p>This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process</p>	 <p style="text-align: center;">TOWER HAMLETS</p> <p style="text-align: center;">London Borough of Tower Hamlets</p>
	Scale: 50m grid squares	Date: 19 April 2021

1 SITE AND SURROUNDINGS

1.1 The application site is 0.45 ha in size; and located on the northern side of Woodseer Street at the junction with Brick Lane. The site comprises three elements:

- **140 Brick Lane or 'Plot S1'** - the south and part west element of the site in use as a surface car park;
- **146 Brick Lane or 'Building H'** - the north and part west element of the site comprising an existing building in office use;
- **25 Woodseer Street or 'Plot S2'** - the east element of the site comprising an existing three-storey building in office use.

Figure 1: Aerial image of the site and three plots



1.2 The site sits within a wider estate owned by the Truman's Brewery. Since 1995, the estate has gradually regenerated into a creative and commercial hub comprising a large number of creative businesses within employment spaces, event spaces, shops, bars, restaurants, cafes and markets. The Truman's Brewery site taken as a whole is characterised by serving as a home to many small and independent tenants across the aforementioned range of uses and activities. This is summarised below:

- Approximately 300 businesses in total, of which, 297 are small-medium sized enterprises (SMEs) and 205 are micro-businesses.
- 102 of 103 retail businesses are independent (using the definition of independent business set out in paragraph 7.22 of this report).
- All 16 food and drink businesses are independent (using the definition of independent business set out in paragraph 7.22 of this report).
- There are approximately 160 workspace businesses, the majority of which are in the creative industry.
- Approximately 20 event spaces of various sizes, 5 workshops and 225 market stall pitches.

Figure 2: The application site and its plots H, S1 and S2 in relation to the wider Truman's Brewery estate. Existing estate buildings are shown in orange.



- 1.3 To the south of the application site, the urban character is mainly residential in the form of Victorian terrace housing. To the west lies Brick Lane with its mixed retail, food and drink character along with various commercial uses forming part of the Truman Brewery estate. To the north lies an open yard and car park space set to the rear of the distinctive Truman's Brewery chimney and other buildings in commercial use associated within the estate, including the historic Cooperage building flanking the edge of the brewery site along Spital Street (shown as Building K in Figure 2 above). To the east, the site is bound in part by a commercial workshop building forming part of the Truman Brewery estate and in part by a residential development on the junction of Spital Street/Woodseer Street.
- 1.4 In terms of surrounding individual designated heritage assets, to the west of the site lies a mid-19th century Grade II* listed building known as the Directors House. Other Grade II listed brewery buildings lie to the north of the site on either side of Brick Lane. The site is located within the Brick Lane and Fournier Street Conservation Area. The significance of these individual heritage assets are set out in more detail within the heritage section of the report.

Figure 3: Map of designated heritage assets in the site's vicinity



Key

Red dashed line: site boundary

Pink – Grade II* listed buildings

Blue – Grade II listed buildings

Yellow – Locally listed buildings

Light brown shade – Brick Lane and Fournier Street Conservation Area

- 1.5 The site is located within both the designated Brick Lane District Centre and the City Fringe Activity Area in Tower Hamlets; and the City Fringe Opportunity Area in the London Plan.
- 1.6 The majority of the site has a public transport accessibility level (PTAL) of 5, save for the Brick Lane frontage which has a PTAL level of 6B (excellent); and the northern part of the site which has a PTAL level of 3. Bus routes serve roads nearby, such as Commercial Road (west), Bethnal Green Road (north) and Whitechapel High Street (south). Nearby rail and underground stations, including Liverpool Street, Shoreditch High Street, Aldgate East and Aldgate stations, are within 500-600 metres from the site.

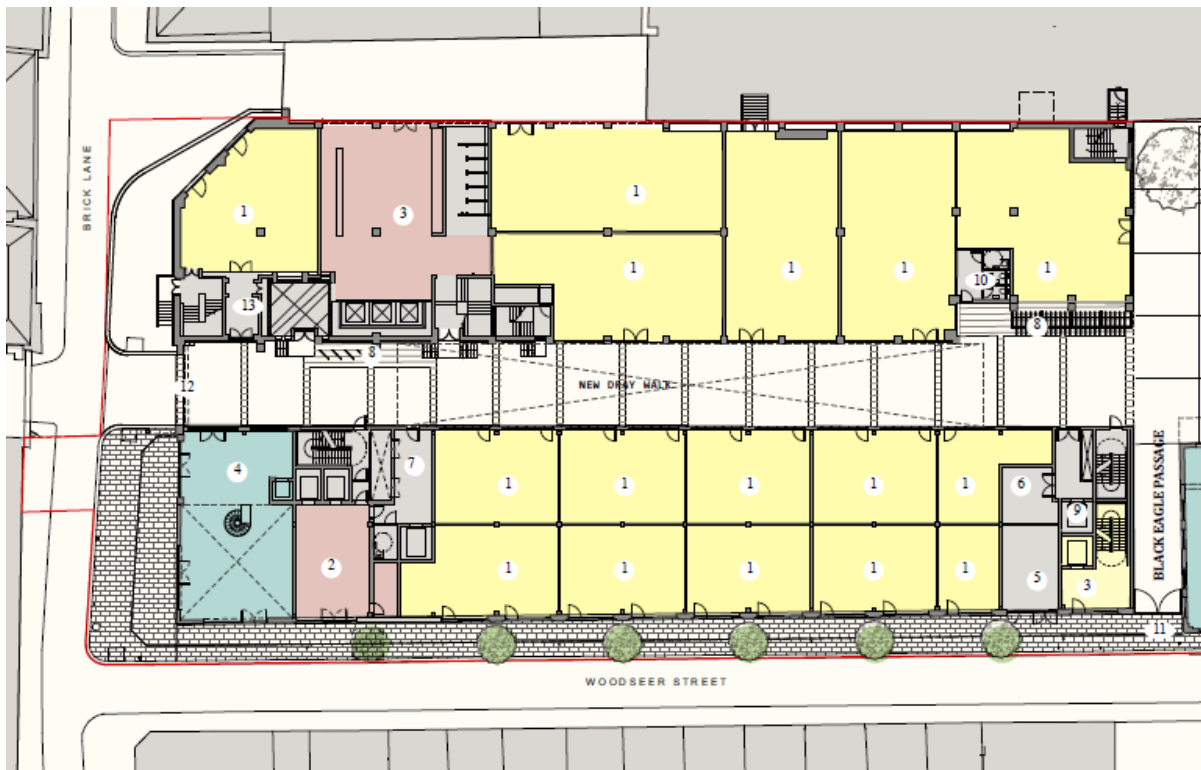
2. PROPOSAL

- 2.1 The development proposals for each of the site's three plots is set out below. For consistency, the plots/buildings will be referred to by their estate building reference throughout this report.
 - **Building H** – retention of existing building and reconfigured ground floor to provide new retail units.
 - **Building S1** - a part 2, part 4, and part 5 storey building comprising flexible office space on the upper floors; ground floor commercial units (Class A1/A3) and a two storey basement for plant, servicing, storage and a gym (Class D2).
 - **Building S2** - refurbishment and two storey upward extension and side extension of the building for office use with a ground floor restaurant unit.
- 2.2 The proposals comprise a new street internal to the site itself (identified as New Dray Walk) which connects to the existing Dray Walk on the opposite side of Brick Lane to the west, and a proposed public square, Black Eagle Yard, in the east of the site.
- 2.3 Two restaurants are proposed; one on the western edge of the site occupying the ground and first floor of Building S1, including the Truman Brewery bridge over Brick Lane itself; and

another towards the eastern end of the site occupying the ground floor of Building S2, opening up to Black Eagle Yard.

- 2.4 Ground floor retail units in a range of sizes are proposed, providing new active frontage to the northern side of Woodseer Street, Brick Lane, New Dray Walk and Black Eagle Yard. In total, there would be 15 retail units proposed ranging from c. 60 sqm along Woodseer street and the south side of New Dray Walk, to c. 130 sqm on the north side of New Dray Walk.

Figure 4: Proposed ground floor plan of Building S1, Building H and New Dray Walk



Key:

1 Retail; 2 Office reception; 3 Gym reception; 4 Restaurant entrance; 5 Substation; 6 Bin holding area; 7 Entrance to office cycle parking in basement; 8 Guest cycle parking; 9 Good & bins lift; 10 Public WCs; 11 Gate; 12 Rollershutter; 13 Long stay cycle parking

Pre-application

- 2.5 The applicant undertook pre-application engagement with the Council, as the local planning authority. The submitted Planning Statement and Design and Access Statement provides a detailed summary and outcomes of the consultation undertaken to date.

- 2.6 The key dates are summarised as follows:

- Pre-application meeting 1 with LBTH - 24th October 2016
- Pre-application meeting 2 with LBTH - 6th December 2016
- Conservation and Design Advisory Panel (CADAP) presentation - 9th January 2017
- Pre-application meeting 3 with LBTH - 12th March 2018

3 RELEVANT PLANNING HISTORY

Application site

- 3.1 **PA/86/00207** - Former East Site Bounded By Brick Lane, Buxton Street, Spital Street And Woodseer Street i.e. plot S1 and the yard to the north of the application site. Demolition of buildings, resurfacing and use of open land for vehicle parking, pallet and keg handling in connection with brewery. Approved 21/07/1986.
- 3.2 **PA/01/01015** - 23-33 Woodseer Street. Erection of a single storey extension to link two buildings and the use of the ground floor as a restaurant together with an outside seating area and the installation of a ventilation duct. Refused 08/04/2002.

Reasons for refusal:

- The activity generated by the proposed development would cause an unacceptable degree of nuisance and disturbance, and therefore, the proposal would be detrimental to the amenities of the adjoining occupiers and the surrounding areas.
 - The proposal would cause congestion and therefore interfere with the free flow of traffic.
 - The proposed development would be detrimental to the character and appearance of the Brick Lane and Fournier Street Conservation Area.
 - Inadequate fume extraction equipment for the proposed restaurant.
- 3.3 **PA/01/00497** – 23-33 Woodseer Street. Change of use from office (B1) and counselling service to restaurant on the ground floor, office use on the first and second floors with ancillary storage in the annexe and the erection of a fume extraction duct. Refused 08/11/2002.

Reasons for refusal:

- The activity generated by the proposed development would cause an unacceptable degree of nuisance and disturbance, and therefore, the proposal would be detrimental to the amenities of the adjoining occupiers and the surrounding areas.
 - The proposal would cause congestion and therefore interfere with the free flow of traffic.
- 3.4 **PA/03/00064** – Block S (25 Woodseer Street), Trumans Brewery. Use of the ground, first and second floors as offices (B1). Permitted 12/03/2003.
- 3.5 **PA/05/00235** – Junction of Brick Lane and Woodseer Street. Erection of a single storey restaurant on vacant refuse/storage site. Permitted 21/09/2005.
- 3.6 **PA/07/02182** - 146 Brick Lane. Change of use from event space to office space (Use Class B1), alterations to elevations, creation of roof terrace and installation of plant equipment housing to rear at ground floor level. Permitted 23/09/2007.
- 3.7 **PA/10/02048** – Junction of Brick Lane and Woodseer Street. Renewal of extant planning permission to extend time limit for implementation of PA/05/00235 dated 21/09/2005 for erection of a single storey restaurant on vacant refuse/storage site. Permitted 10/12/2010.
- 3.8 **PA/17/00406** - 146 Brick Lane. Removal of existing steps, creation of new openings and change of use to create retail unit. Permitted 27/04/2017.
- 3.9 **PA/20/01140** - 140, 146 Brick Lane and 25 Woodseer Street. Screening Opinion as to whether to whether an EIA is required in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)(the 'EIA Regulations'). EIA not required.

4 PUBLICITY AND ENGAGEMENT

4.1 Two rounds of statutory consultation have been carried out to account for scheme amendments submitted in December 2020, as well as an error in the description of development. The scheme amendments related to a reduction in proposed massing and associated reduction in floorspace of 580 sqm to enable an increase to the openness of New Dray Walk itself; as well as the replacement of the proposed materials from outer-facing glazed façades with a brick finish.

Consultation 1

4.2 A total of 93 planning notification letters were sent to nearby properties on 04/09/2020.

4.3 A site notice was displayed at the application site on 19/05/2020.

4.4 A press notice was advertised on 21/05/2020.

Consultation 2

4.5 A total of 444 planning notification letters were sent to nearby properties and respondents of consultation 1 on 02/12/2020.

4.6 A site notice was displayed at the application site on 24/12/2020.

4.7 A press notice was advertised on 03/12/2020.

Representations

4.8 In total, the number of representations received in response to notification and publicity of the application is as follows:

- 7,051 letters of objection; and
- 79 letters of support.

All representations received are treated equally, but for information only, the analysis below sets out where respondents reside (where addresses were provided).

OBJECTION	
Location	
Tower Hamlets	12%
London (outside LBTH)	24%
UK (outside London)	13%
Oversees	1%
No address given	50%

SUPPORT	
Location	
Tower Hamlets	81%
London (outside LBTH)	1%
UK (outside London)	1%
Oversees	0%
No address given	16%

Note: Total number of representations at the time of analysis: c. 6,000.

Objections

4.9 Objections were received from residents, businesses and local amenity groups. Representations highlighted the issues summarised below and unless otherwise stated, objections will be addressed in the body of the report. Note that the representations from local amenity groups are also summarised in the external consultees section below.

Land use

- Additional office/retail floorspace not required in the area, especially given the impact of the pandemic and rise in on-line shopping.
- Large offices and “shopping malls” are not in keeping with the local character; local/independent businesses; and the creative community.
- Concern that the scheme will lead to increasing commercial rents in the area.
(Officer comment: this issue is addressed in the ‘Equalities’ section of this report).
- Affordable housing, community spaces and affordable workspace are needed on the site.
- New commercial uses in the side streets off Brick Lane will impact the residential amenity of Woodseer Street, and the businesses in the wider area.

Design and heritage

- Building height, scale and massing is overbearing and unsympathetic to the residential scale and character of Woodseer Street.
- Harm caused to heritage assets by reason of scale and design.
- Design is ‘corporate’ and lacking character, in particular there is over-use of glass and steel.
(Officer note: Scheme amendments in December 2020, following the first round of consultation, replaced the outer-facing glazed façade with brick on the south elevation).
- Scheme risks obscuring views of the Truman chimney.
(Officer note: Analysis submitted demonstrating that there would be no impact to the chimney).
- Potential risk to archaeological remains. No detailed archaeological assessment provided.
(Officer note: Archaeological assessment subsequently submitted in September 2020 prior to the second round of consultation).

Amenity

- Residential amenity of Woodseer Street impacted by increased footfall; overlooking; loss of privacy; sense of enclosure; and noise and disturbance.
- Daylight and sunlight impact to Woodseer Street.

Transportation and highways

- Noise disturbance from refuse and serving vehicles in the early hours.
- Concerns of construction disturbances given the narrow streets in the area.

Other

- A development brief required for the wider Truman’s Brewery estate setting requirements for housing and affordable workspaces; and building scale. *N.B The Council’s (2009) Brick Lane and Fournier Street Conservation Area Character Appraisal and Management Guidelines referenced that the Truman’s Brewery Site will be the subject of a Development Brief.*
- Consultation has been minimal.

Support

4.10 Representations of support from residents and businesses highlight the following issues:

Land use

- Support for the redevelopment of a surface car park.
- Mixed-use development will benefit the local community; offer employment opportunities and investment into the local economy.
- The scheme will enhance the vitality, viability and competitiveness of the Brick Lane District Centre.
- 10% affordable workspace provided which will benefit small business.
- New restaurants and gym will complement the creative hub in and around the Truman's estate.

Design and heritage

- Support for the design of the scheme which will improve the built environment and public realm.
- Support for replacing the boundary wall with new active frontage which will address anti-social behaviour. Setting back the building line and widening the pavement at Brick Lane and Woodseer Street also supported.
- The new public square will provide a place to sit and relax.
- Support for retention of the Truman's bridge over Brick Lane; and locating a restaurant in the bridge will allow the public to enjoy views of Brick Lane.
- Enhanced permeability of the site and opening up a site currently closed off to the public.

Other

- Support for proposed public toilets.

5 CONSULTATION RESPONSES

Internal Consultees

LBTH Arboriculture

5.1 The planting and maintenance methodology is supported.

LBTH Biodiversity

5.2 Following applicant clarification and scheme changes, no objection raised. Support given to the biodiverse roof which amounts to over 400 sqm. Condition provided in relation to the timing of demolition and vegetation clearance.

LBTH Energy Efficiency/Sustainability

5.3 The scheme seeks to utilise the waste heat rejected by a nearby data centre, topped up by ASHP. The principles of the energy strategy are supported and subject to a carbon offsetting contribution for all residual emissions.

LBTH Enterprise

5.4 No objection subject to S106 agreement to secure £33,900.00 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through

the construction phase of all new development; and £151,869.10 towards the training and development of unemployed residents in Tower Hamlets.

- 5.5 Non-monetary obligations are set out below:
- 20% of the construction phase workforce will be local residents of Tower Hamlets.
 - 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.
- 5.6 End use obligation to provide 2 apprenticeship opportunities; and an obligation to provide 3 construction phase apprenticeships.
- 5.7 Support for planning obligation to provide affordable workspace at 30% discounted market rent, which is greater than the minimum threshold required by Local Plan Policy D.EMP2 (10% discount).
- 5.8 Support for planning obligation to provide independent retail and submission of an 'Independent Retail Strategy'.

LBTH Environmental Health – Air Quality

- 5.9 No objection. Condition provided to secure measures as required by the GLA SPG on Sustainable Design and Construction. Conditions also provided in relation to non-road mobile machinery; submission of a Demolition/Construction Environmental Management & Logistics Plan; Air Quality Standards for Boilers; and CHP Units Kitchen Extract Standards for Commercial Uses.

LBTH Environmental Health – Contaminated Land

- 5.10 No objection subject to the following conditions:
1. A scheme identifying the extent of contamination;
 2. Remediation strategy to be carried out prior to occupation; and
 3. A verification report to demonstrate effective implementation of the remediation strategy.

LBTH Environmental Health – Noise

- 5.11 No objection subject to a condition being imposed in relation to noise emissions from plant. Comments also made in respect of the gym in terms of its location and size.

(Officer comment – given the location of the gym adjacent to commercial uses, there is no anticipation of any impact to nearby residential uses).

LBTH Environmental Health – Odour Control

- 5.12 As per the above Air Quality comments, a condition is recommended that would provide full details of the proposed ventilation system.

LBTH Health Impact Assessment Officer

- 5.13 No objection following further clarifications from the applicant.

LBTH Place Shaping

- 5.14 Comments are incorporated within the 'Design' and 'Heritage' sections of this report.

LBTH Sustainable Urban Drainage

- 5.15 Comments highlighted issues with the reported run off rate; proposed drainage system; and targets used to account for climate change. A condition is recommended for submission of a detailed surface water drainage scheme prior to works commencing.

LBTH Transportation and Highways

Car parking

- 5.16 A minimum of one accessible space per use is required. No further objections raised following assessment of accessible parking facilities in the wider area and how blue badge users can access the development. This additional analysis is provided in the Transport Statement Addendum submitted in January 2021.

Cycle Parking

- 5.17 No objection following scheme amendments to increase cycle parking to meet new London Plan standards.

Trip Generation

- 5.18 No objection following further evidence in regards to weekend assessment of users and service generation.

Woodseer Street widening

- 5.19 Pedestrian permeability and enhancements are welcomed. The widening of the Woodseer Street pavement is welcomed, however, as a two way road, vehicles sometimes have to mount the northern footway to pass which raises safety concerns. As such, there is an opportunity through this development to widening the road to allow safe vehicle movement.

(Officer comment – this issue is addressed in section 7 of this report).

- 5.20 Conditions provided in relation to cycle facilities; service management plan; travel plan; section 278 highway improvements; and demolition and construction management plan.

LBTH Waste

- 5.21 No objection following clarification of waste storage and parking of waste collection vehicle.

External Consultees

Culture at Risk Office, at Greater London Authority (GLA)

- 5.22 Potential risk to cultural heritage and character of Brick Lane; and potential for the proposed development to increase rental values in the local area.

- 5.23 Independent analysis needed of the social and economic impacts of the proposal on the local community; and a needs analysis of local space provision.

(Officer comment: Note that this application is not referable to the Mayor of London (GLA). In this context, the Mayor's Culture at Risk office was not consulted on the application proposals and has provided comments in line with its role to provide support and advice in relation to culture and creative uses, cultural heritage and cultural infrastructure).

East End Preservation Society

- 5.24 Attempts to address the shortcomings of the original submission welcomed, however, the changes are insufficient. Whereas the proposals acknowledges the different characters of Brick Lane to the west and Woodseer Street to the south, and attempts have been made to articulate this in the differing treatments to those elevations, the proposed scale and massing remains unsympathetic to context. To the Brick Lane end, the proposed bulky form is

oversized and oddly proportioned due to the random arrangement scaled windows. The proposals continue to present harm to the setting of designated and undesignated heritage assets, including the Truman's chimney.

- 5.25 The proposals would negatively impact local amenity, particularly residents on Woodseer Street given the siting of retail units opposite Woodseer properties; and the proposed 'Black Eagle Passage' adjacent to 25 Woodseer Street.
- 5.26 Objection on grounds of prematurity given lack of site-wide development brief and draft status of the Spitalfields Neighbourhood Plan. Objection to the amount of office floorspace proposed which is not justified and requires appraisal.

Historic England

- 5.27 No response received.

N.B Historic England are not a statutory consultee in the context of this application.

Historic England Greater London Archaeological Advice Service

- 5.28 Condition recommended which requires a Stage 1 Written Scheme of Investigation (WSI) to be provided prior to demolition and development, and a Stage 2 WSI if heritage assets of archaeological interest are identified.

Save Britain's Heritage

- 5.29 Objection on heritage grounds given the scale and massing of the proposed buildings which is at odds with the character of the conservation area and substantially harmful to its significance. The retention of the bridge over Brick Lane is welcomed. A development brief for the Truman Brewery site is required.

The London and Middlesex Archaeological Society (LAMAS)

- 5.30 Inappropriate design of the corner of 140 Woodseer Street within the CA, such as the sizing/arrangement of the windows and their asymmetrical layouts. Glass and metal curtain walling along the Woodseer Street elevation is inappropriate and requires further set back.
- 5.31 Concern over introduction of retail units to Woodseer Street given potential for future vacancy and residential nature of the street. Non-retail uses are needed, such as housing. At 25 Woodseer Street, larger windows on the extension give it a top-heavy appearance. Lack of archaeological desk-based assessment.

(Officer comment: Following scheme amendments in December 2020, the glazed facade of 140 Brick Lane (on the Woodseer Street elevation) are now replaced with brick- only materials; and an archaeological desk-based assessment was subsequently submitted).

Metropolitan Police (Designing Out Crime Office)

- 5.32 Condition provided to ensure that the development achieves a Certificate of Compliance to a Secured by Design scheme.

Spitalfields Community Group

- 5.33 Objection in regard to the proposed use, scale and massing. Negative impact to the residential amenity of Woodseer Street given the location of a restaurant at 25 Woodseer Street, and the additional pedestrian footfall that would occur. A restaurant at Brick Lane would also harm existing restaurant businesses on Brick Lane.

- 5.34 Specific issues raised in regard to overlooking and loss of privacy from the proposed terrace areas; daylight and sunlight to Woodseer Street properties; sense of enclosure and overbearing nature of the proposed buildings, particularly towards each end of Woodseer Street.

Spitalfields Neighbourhood Planning Forum

- 5.35 No response received.

Spitalfields Society

- 5.36 Concern raised in relation to a restaurant at 25 Woodseer Street given the harmful impact to residential nature of this street through increasing footfall and activity, particularly at evenings and weekends.
- 5.37 Objection to a restaurant at Brick Lane as it is harmful to the restaurant businesses concentrated on Brick Lane and dilutes the character and appeal of Brick Lane as a restaurant destination.
- 5.38 Potential overlooking and loss of privacy arising from external terraces on first and second floors. Potential loss of light to Woodseer Street properties; sense of enclosure and overbearing nature of the proposals, particularly towards each end of Woodseer Street.

Spitalfields Trust

- 5.39 Harm caused to the character and appearance of designated and undesignated heritage assets; and negative impact on the amenities of neighbours, none of which are outweighed by public benefits derived from the proposals. The proposals fail to comply with the requirements of the Local Plan, the Town Centre policies for Brick Lane, and the guidance set out in the Brick Lane/Fournier Street Conservation Area Appraisal and Management Guidelines.
- 5.40 Objection on grounds of prematurity given the lack of site-wide development brief. Furthermore, given impact of COVID pandemic on high streets and office space, reappraisal required in terms of meeting the requirements and aspirations of the local community.
- 5.41 Heritage and Planning Appraisal submitted by the Spitalfields setting out concerns in relation to land use, including the introduction of retail uses to Woodseer Street which is unsympathetic to character; the need for retail uses generally; provision of large scale office floorsplates at odds with the surrounding area; and a new restaurant at 25 Woodseer Street.
- 5.42 Other objections in relation to the proposed building set back which is at odds with the existing intimate character of the street; scale and height of development; the corner feature on Brick Lane; the extension to 25 Woodseer Street; views of the brewery chimney; the location of the public square; and daylight and sunlight issues.

Thames Water

- 5.43 No objection and informative provided.

The Georgian Group

- 5.44 Lack of development brief for the Truman's Estate. Inappropriate elevational design of 140 Woodseer Street with large and irregular windows that face onto Brick Lane and Woodseer Street, which harm the significance of the Brick Lane and Fournier Street Conservation Area.

Transport for London

5.45 No comments.

6 RELEVANT PLANNING POLICIES AND DOCUMENTS

Adopted policy

6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.

6.2 The NPPF (2019), which the Development Plan needs to be in accordance with, sets out the Government's planning policies for England and how these should be applied and provides a framework within which locally prepared plans for housing and other development can be produced.

6.3 The purpose of the planning system is to contribute to the achievement of sustainable development which has the following three overarching objectives: economic, social and environmental.

6.4 The adopted Development Plan comprises:

- The London Plan (2021) and
- Tower Hamlets Local Plan 2031, "The Local Plan", (2020)

6.5 The key adopted Development Plan policies relevant to the determination of this proposal are:

Land Use - (*principle, employment, retail, restaurant*)

- Local Plan policies – S.SG1, S.SG2, S.EMP1, D.EMP2, S.TC1, D.TC2, D.TC5
- London Plan policies – GG1, GG2, GG5, SD1, SD6, SD7, E1, E2, E3, E9

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

- Local Plan policies - S.DH1, D.DH2, S.DH3
- London Plan policies – D2-9

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

- Local Plan policies - D.DH8
- London Plan policies – D14

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

- Local Plan policies - S.TR1, D.TR2, D.TR3, D.TR4
- London Plan policies – T1, T2, T3, T4, T5, T6, T6.1, T6.4, T6.5, T7, T9

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

- Local Plan policies – S.SG2, D.SG3, S.ES1, D.ES2, D.ES3, D.ES4, D.ES5, D.ES7, D.ES8, D.ES9
- London Plan policies – SI2, SI3, SI12, SI13, G6

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

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (updated 2019)
- National Design Guidance (2019)
- GLA City Fringe Opportunity Area Planning Framework (2015)

- Historic England Heritage Supplementary Guidance
- LBTH Planning Obligations SPD (2021)
- Brick Lane and Fournier Street CA Character Appraisal and Management Plan (2009)

6.7 The Spitalfields Neighbourhood Plan is currently being prepared for the Spitalfields area; and includes the application site. Regulation 14 consultation was carried out from July to September 2020 which is the first stage of consultation. Regulation 16 consultation, the second stage of consultation, was held from January to February 2021. The neighbourhood plan was submitted for independent examination in early March 2021. The Neighbourhood Plan at this stage is considered to have low to moderate material weight in planning decisions.

7 PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- i. Land Use
- ii. Design
- iii. Heritage
- iv. Neighbouring Amenity
- v. Transport and Servicing
- vi. Environment
- vii. Human Rights and Equalities

LAND USE

Changes to the Use Classes Order

7.2 On 21 July 2020 the Government announced a number of changes to the planning system which came into force on 1st September 2020. Of note to the application proposals, the introduction of Statutory Instrument no. 757 would see changes to the Town and Country Planning (Use Classes Order) and the creation of three new use classes, Class E, Class F1 and Class F2.

7.3 The new 'E' use class effectively amalgamates a number of previously disparate use classes into this new use. In the context of the application proposals, the previously existing B1, A1 A3 and D1 (gyms) would fall within the E class.

7.4 Statutory Instrument no. 757 does however stipulate transition arrangements for planning applications submitted prior to the 1st September 2020, such as the Application Proposals. These transition arrangements state that such applications should be determined with reference to the Use Classes as existing *prior* to 1st September. It is on this basis that officers have considered the application proposals with reference to the Use Classes Order as existing, even though the application is to be determined after 1st September 2020, at a point when the new statutory instrument has come into effect.

7.5 Nevertheless, whilst the application proposals should be assessed and determined in accordance with the transitional arrangements (as per the following analysis), the new legislation still amounts to a relevant material consideration. That is, it is relevant to note the legislative context against which the application proposals would be considered in the event that they were re-submitted after 1st September 2020.

Spatial designations

7.6 In the Local Plan, the site is located within:

- City Fringe Sub-Area;
- City Fringe Activity Area;
- Brick Lane District Centre;
- Green Grid Buffer Zones;
- Archaeological Priority Area; and
- Brick Lane and Fournier Street Conservation Area.

In the London Plan, the site is located within:

- The City Fringe Opportunity Area (2015) - Core growth area.

Place vision

7.7 As noted above, the site sits in the Local Plan's City Fringe Sub Area. Relevant aspects of the vision for this area are:

- Ensuring Spitalfields has a more diverse mix of commercial, cultural, leisure, tourism and night-time activities. It will be a place for new affordable and flexible employment spaces.
- To protect and enhance the area's heritage assets and improve the historic character of the individual places.
- To improve and enhance legibility, permeability and connectivity within, to and from the area, whilst enhancing and improving green grid links.
- Strengthen the role and function of the area's distinctive and varied town centres to provide a choice of cultural, leisure and retail activities, and;
- Create new open spaces (including pocket parks and strategic open space) and improve links to existing publicly accessible open space.

Assessment

Loss of car park

7.8 The existing use of Plot S1 is a surface car park/yard in connection with the brewery. It is stated within the planning submission that this car park is currently underutilised. Policy S.TC1 of the Local Plan seeks to focus new development in accessible locations; and promote sustainable travel within the borough, which includes prioritising the needs of pedestrians and cyclists as well as access to public transport. Therefore, it is considered that given the highly accessible and central site location, the redevelopment of a surface car park to provide a mixed-use office development, and pedestrian/cycle focused public realm, is in accordance with policy S.TC1.

Office floorspace

7.9 The proposal comprises 3,525 sqm of new, flexible office floorspace on the upper floors of Buildings S1 and S2. 'Offices' are included within the NPPF's definition of 'main town centre uses'. The NPPF also sets out that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt; and states that planning policies and decisions should recognise and address the specific locational requirements of different sectors.

- 7.10 London Plan Policy E1 seeks improvements to the competitiveness and quality of office space of different sizes (for micro, small, medium-sized and larger enterprises) and supports new office provision, refurbishment and mixed-use development. The City Fringe Opportunity Area Planning Framework (OAPF) (2015) also seeks to ensure there is space for continued business growth in City Fringe, including affordable workspace for SMEs, micro businesses and start-ups.
- 7.11 Tower Hamlets Local Plan Policy S.EMP1 seeks to maximise the provision of employment floorspace to contribute towards the borough's target of creating 125,000 new jobs over the period to 2031. The policy identifies that the Tower Hamlets Activity Areas and town centres are able to 'provide opportunities for purpose built office buildings with ground-floor retail and leisure uses'. The policy also states that the Activity Areas in particular have the potential to accommodate substantial employment growth to support the strategic role of the Primary and Secondary Preferred Office Locations and other parts of the CAZ.
- 7.12 Local Plan Policy D.EMP2 supports new or intensified employment floorspace within Activity Areas and town centres. It also requires that within major commercial and mixed-use development schemes, at least 10% of new employment floorspace should be provided as affordable workspace for a period of no less than 10 years.
- 7.13 Given the site location within the City Fringe Opportunity Area; the City Fringe Activity Area and Brick Lane District Centre, as set out above, planning policy on all levels provides strong support for the provision of new employment floorspace in this location. Indeed, the Borough has a significant need for new employment floorspace as evidenced within the 2016 Employment Land Review. A job density analysis provided by the applicant, using the Employment Density Guide 3rd Edition November 2015, anticipates there would be 719 Full Time Equivalent ('FTE') jobs as a result of the proposals.
- 7.14 As such, it is considered that the proposed employment space would bring economic benefits to the local area; as well as promoting the vitality and vibrancy of the Brick Lane District Centre as required in the Local Plan town centre policies and the City Fringe Vision set out in the Local Plan.
- 7.15 The office floorspace would be flexibly designed capable of accommodating a range of tenants including potential for co-working space. Furthermore, in accordance with Policy D.EMP2, 10% of the proposed employment floorspace is to provide 'affordable workspace' and will be secured by planning obligation. This space will provide discounts of 30% of market rent which is above the minimum threshold required in the Local Plan – that being 10% discount from market rent. This too would contribute towards supporting local businesses, SMEs and start-ups in accordance with the Local Plan.

Retail, restaurants and gym

- 7.16 The proposed development comprises ground floor retail uses (15 units or 2,416 sqm); two restaurants on the ground and first floors; and a gym in the basement levels.
- 7.17 The NPPF states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation, including allocating a range of sites to meet needs for retail, leisure and other uses in full. Similar to office uses, retail, restaurants and gym uses are also identified as 'main town centre uses' in the NPPF.
- 7.18 London Plan Policy SD6 seeks to promote the vitality and viability of London's varied town centres through encouraging a diverse range of uses that meet the needs of Londoners. London Plan Policy E9 seeks to focus new retail development on sites within town centres,

and while retailing is undergoing restructuring in response to recent trends, there is still a significant need for new retail space in London.

- 7.19 Two Local Plan town centre designations relate to the site: the City Fringe Activity Area and Brick Lane District Centre. Local Plan Policy S.TC1 requires that development supports the role and function of the borough's town centre hierarchy and the provision of town centre uses. For Activity Areas, the role is to provide a transition from the scale, activity and character of the nearby Central Activities Zone; to support a mix of uses; and provide active ground floor uses. For District Centres, the role is to promote these centres as vibrant hubs containing a wide range of shops, services and employment. City Fringe Development Principle 12 also requires that new development contributes positively to the function, vitality and viability of District Centres.
- 7.20 Local Plan Policy D.TC5 supports new restaurants within town centres provided that it can be demonstrated that the overall vitality and viability of the town centre would be enhanced.
- 7.21 The proposed retail units would vary in size from small units along Woodseer Street and the south side of New Dray Walk (c. 60 sqm in size) to medium-sized units within Building H (c. 130 sqm in size). This mix is supported in planning policy terms; and it is the expectation by the applicant that the smaller units will be more appropriate and viable for smaller independent retailers.
- 7.22 Objections were raised that the proposals are not in keeping with the independent businesses that characterise the local area. In relation to this issue, 3no. retail units (20% of all retail units), will be reserved for independent businesses and this will be secured by planning obligation. In this instance, 'independent retail' refers to businesses that operate no more than ten similar retail outlets in London; or employ no more than 250 persons (full time equivalent). To secure the above, the obligation would require that a Retail Management Strategy is submitted and approved by the Local Planning Authority setting out how the owner intends to market and manage the letting and occupation of the independent retail floorspace, including a range of methodologies for promoting the availability of the independent retail floorspace. This obligation would be secured for a period of no less than 20 years; and the Section 106 clause would 're-start' if and when an independent unit vacates during that time.
- 7.23 Together, it is considered that the small ground floor commercial units within Building S1 and the aforementioned independent retail obligation would to good degree contribute towards supporting local and independent business. This accords with Policy S.SG1 of the local plan and Principle 11 of the City Fringe development principles (Local Plan) which reinforce the City Fringe character of small independent shops and businesses; as well as the draft Spitalfields Neighbourhood Plan which recognises the contribution of small and micro-businesses to the local economy. Finally, it accords with the applicant's track record of letting space to independent business, SMEs, and micro-businesses, as set out in paragraph 1.3.
- 7.24 Taking into account all the above, the proposal for retail, restaurants and gym uses would meet the requirements of town centre planning policy at national, strategic and local levels. It is therefore considered that the mixed-use development of an under-utilised surface car park and blank boundary wall fronting Brick Lane and Woodseer Street, providing a mix of commercial uses and unit types, including independent retailing, office provision and affordable workspace, would have a significantly positive impact on the future vitality, viability and function of the Brick Lane District Centre, whilst improving and diversifying the town centre offering for local residents, workers, and visitors.
- 7.25 Finally, in line of the changes to the Use Class Order noted above, a condition will be secured to restrict the interchange of uses under the new Use Class E.

DESIGN

- 7.26 Development Plan policies require high-quality designed schemes that reflect local context and character and provide attractive, safe and accessible places that safeguard and where possible enhance the setting of heritage assets.

Existing site

- 7.27 As noted in the site description, Plot S1 comprises a ground level surface car park; Building H comprises a 4-storey 1970s industrial building (now offices); and a 3-storey office building is located at Plot S2.
- 7.28 There is a 2.5-metre-high wall running the along the west and south boundaries of Plot S1, fronting onto Brick Lane and Woodseer Street respectively. This creates an expanse of dead frontage which contributes towards creating an unattractive streetscape and lack of passive surveillance to this part of the town centre.

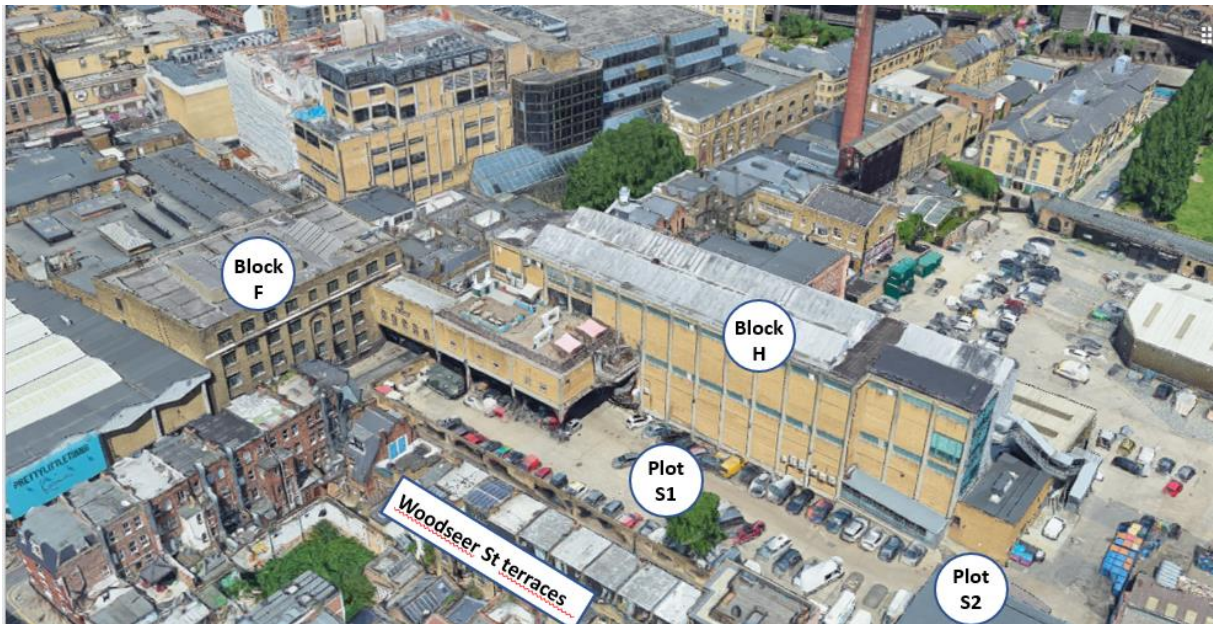
Figure 5: Street view of the corner of Brick Lane and Woodseer Street (existing)



Height, scale and massing

- 7.29 To the south of the site, the Victorian terraces along the opposite side of Woodseer Street are 2-storeys; to the west on the opposite site of Brick Lane, 'Building F' is 4 storeys plus lower ground floor; the listed brewery buildings to the north and north-west of the site are typically 2-3 storeys. To the east, on the opposite side of Spital Street, the built form is less constrained with residential building blocks typically 5 storeys set within more generous open spaces.

Figure 6: Looking north-west, birds eye view of the site and surroundings (existing)

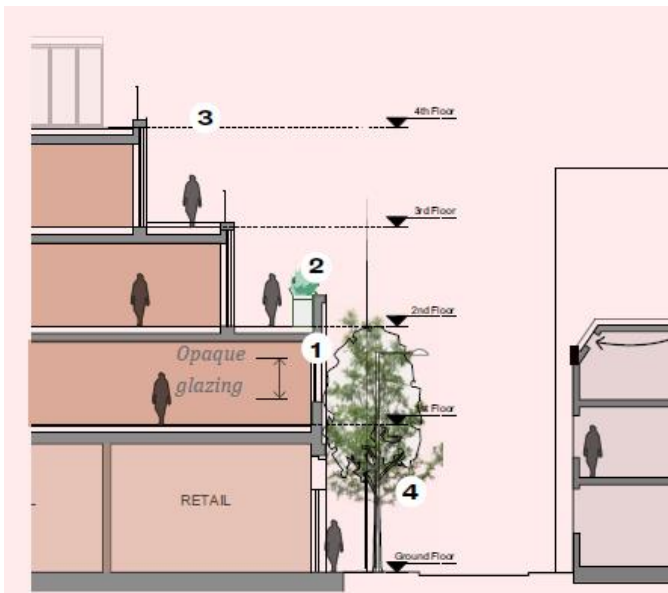


7.30 The new building at Plot S1 would be part 2, part 4 and part 5-storeys in height, and is a scale in keeping with Building H and Building F to the north and west respectively, as shown in Figure 6 above. In regards to Woodseer Street to the south, the height of the building drops to respond to the 2-storey residential condition on the opposite side of the road, while also setting back the building line along Woodseer Street by 1.75m, thus doubling the width of the pedestrian footway on the north side of Woodseer Street from 1.5m to 3.25m. Due to the narrow nature of Woodseer Street, this helps create an appropriate scale of urban environment, before stepping back up with the roof extension to 25 Woodseer Street, which itself is a response to the prevailing height on the opposite side of the road.

Figure 7: Proposed view looking east along Woodseer Street, with Building S1 on the left and the existing Woodseer St terraces on the right



Figure 8: Part section showing the distances between the proposed Building S1 of the left and existing Woodseer Street terraces on the right



7.31 It is also of note that the north side of Woodseer Street was previously occupied by a part-four storey terrace building on the north side of the street and along the edge of a narrow pavement (see Figure 9 below), before being demolished in the late 1970s/1980s.

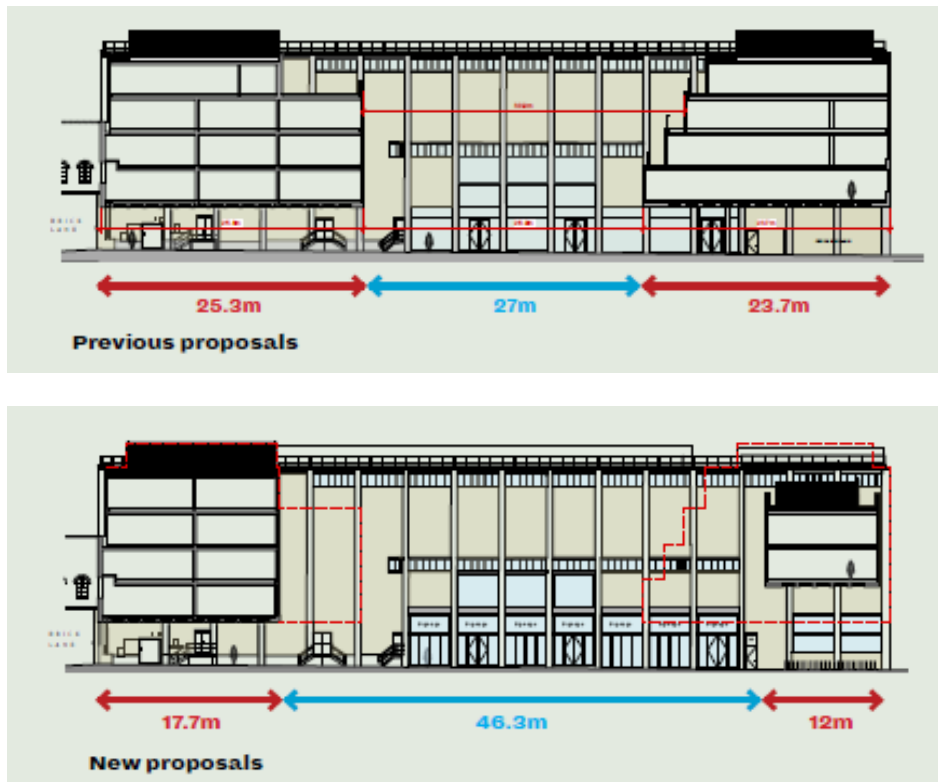
Figure 9: Left: View looking east down Woodseer Street circa 1975, showing the single-storey Black Eagle Tap public house on the corner of Brick Lane. Right: View looking east down Woodseer Street circa 1975, showing the form of the properties on the north side of the street prior to being demolished.



Reduction in mass following scheme amendments

7.32 Through design discussions with officers, scheme amendments (December 2020) resulted in a reduction in building mass to increase the openness of New Dray Walk. This is illustrated in Figure 10 below. The amendments are particularly evident on the eastern end the scheme, which now comprises a 2-storey bridge link between the Building H and S1 over New Dray Walk. These changes result in the overall reduction of 580 sqm of floorspace.

Figure 10: Cross section through the site showing the reduction in massing resulting in more openness to New Dray Walk



Conclusion: Height, scale and massing

- 7.33 Overall, while the proposal development would be 5 storeys at its highest (c. 21 metres from grade, including roof plant), it is considered that the articulation of the various elements, such as the stepping back of the upper floors fronting Woodseer Street, is an appropriate and contextual design response that would reduce the visual impact of the proposals when viewed along Woodseer Street. The set back of the proposed building line and the increase in pavement width is a positive response to the local context and would facilitate easier pedestrian movement along Woodseer Street.

Appearance and materials

Building S1

- 7.34 The design of Building S1 is influenced by the character and 'warehouse and industrial aesthetic' of the surrounding brewery site. The Design and Access Statement makes specific reference to the design cues of Building F on Brick Lane, which includes vertically-expressed brick piers at each bay. The proposed building comprises brick facades on outward-facing elevations and large windows with metal surrounds. Glazed outer-facades were initially proposed on the upper portion of the building, as illustrated in the diagram below, however, this was replaced by brick as a result of the aforementioned December 2020 scheme amendments. The inward facing elevation to New Dray Walk remains glazed on the southern side of Building S1 in order to increase daylight to New Dray Walk and to the offices.

Figure 11: Materiality change for Building S1 following the December 2020 scheme amendment

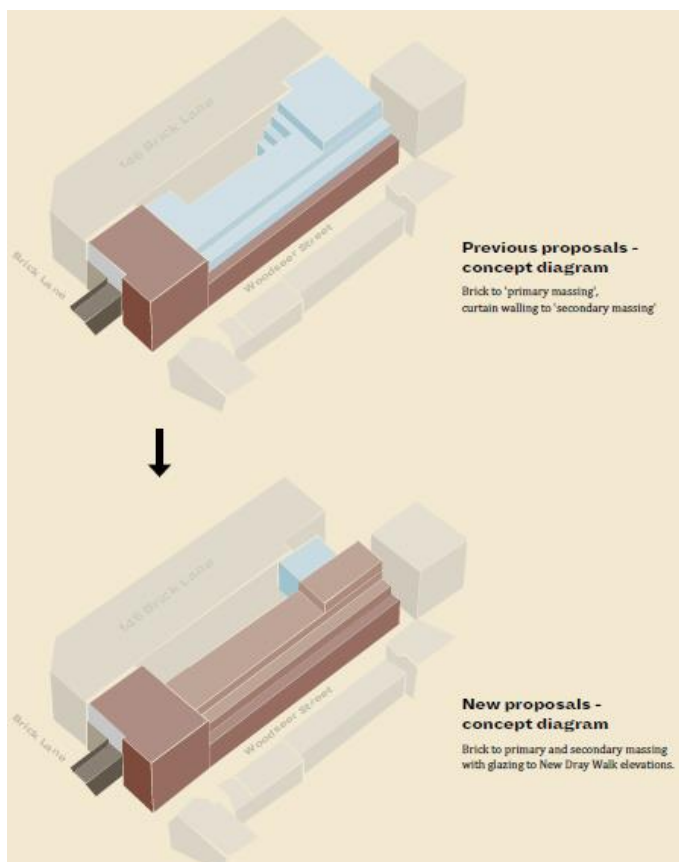


Figure 12: Proposed Woodseer Street elevation for Building S1



- 7.35 At the western edge of the site, the proposals create a distinctive corner feature with double height windows at the junction of Brick Lane and Woodseer Street. This part of the building comprises a restaurant and office lobby area at ground floor; the restaurant extending to the first floor and across the 1970s Truman Brewery bridge over Brick Lane which is retained in the proposals, therefore creating new views along Brick Lane accessible to the public.
- 7.36 It is set out in the submitted Design and Access Statement that the corner at Brick Lane creates an opportunity for a public art installation that draws upon the existing features, characteristics and history of the Truman Brewery estate. It is considered that this location could be appropriate for such an installation, however, in the event that this comes forward full details would be required by condition so as to ensure the any proposal is in keeping with the character of the area.

Figure 13: Below: Proposed corner building at the junction of Brick Lane and Woodseer Street. Bottom left: View of the proposed corner building from Brick Lane looking north. Bottom right: View of the proposed corner building from Brick Lane looking south.





7.37 The ground floor frontage along Woodseer Street is characterised with 5 no. small retail bays. The height and proportions of these retail bays is influenced by the prevailing traditional shop front character across the conservation area and Brick Lane. The applicant's aspiration for Woodseer Street is to create a ground level streetscape similar in character to Cheshire Street to the north which is characterised by small independent retailers. This aspiration is supported by a commitment to provide at least 3 independent retail units across the site as a planning obligation, as set out in paragraph 7.22 above.

Figure 14: Small shopfronts along Woodseer Street



Building H

7.38 The only change proposed to the existing Building H includes new ground floor retail frontage along the southern façade of the building. A visualisation is shown in figure 16 below.

Building S2

- 7.39 The 2-storey extension proposed for Building S2 comprises a red-glazed brick materiality which would give this building a distinctive character. The existing façade of the building would also be restored in the proposals. A view of the proposed appearance is shown below.

Figure 15: Proposed view of Building S2 from Woodseer Street looking east



Public realm and landscaping

- 7.40 The proposals are considered to significantly enhance the quality of the public realm in and around the site. On Woodseer Street, for example, the proposals widen the pavement on the north side of the street and include high quality surface paving materials, new street trees and lampposts.
- 7.41 The proposed internal street, New Dray Walk, aligns with the existing Dray Walk on the opposite side of Brick Lane and connects to a small new public square, Black Eagle Yard, on the eastern side of the site. This provides an activated link between Ely's Yard on the western side of the Truman Brewery estate to the proposed Black Eagle Yard on the eastern side of the estate; and would enhance the permeability of the Truman Brewery estate and the wider area in accordance with the City Fringe vision and objectives.

Figure 16: View looking east along New Dray Wal



Figure 17: Site plan showing New Dray Walk and its connection to Dray Walk, Ely's Yard and the proposed Black Eagle Yard.



- 7.42 The proposed square, Black Eagle Yard, would be animated by active uses, including a ground floor restaurant fronting and 'spilling out' onto the square. The square would also comprise public seating and planting as shown in the visualisation below.

Figure 18: Visualisation of Black Eagle Yard



- 7.43 On the roof of Building S1 and Building S2, it is proposed that communal terraces on the upper floors will provide amenity space for office workers; and biodiverse roofs on both buildings on will provide ecological benefits. Plans showing the proposed locations of green roofs, terraces, as well as several green climber walls, are set out in the appendix.

Connectivity

Black Eagle Passage

- 7.44 Black Eagle Passage is proposed as a small north-south pedestrian route which links Woodseer Street with Black Eagle Yard in the eastern end of the site. As part of the site management of the overall Truman Brewery site, gates are proposed on the Woodseer Street entrance of this passage for security purposes and the prevention of anti-social behaviour.
- 7.45 There is an opportunity to introduce a decorative design to this gate which will be reserved by condition. The opening times of the gates will also be conditioned from 8.30am to 11pm.

Figure 19: Black Eagle Passage looking north (top) and south (bottom)

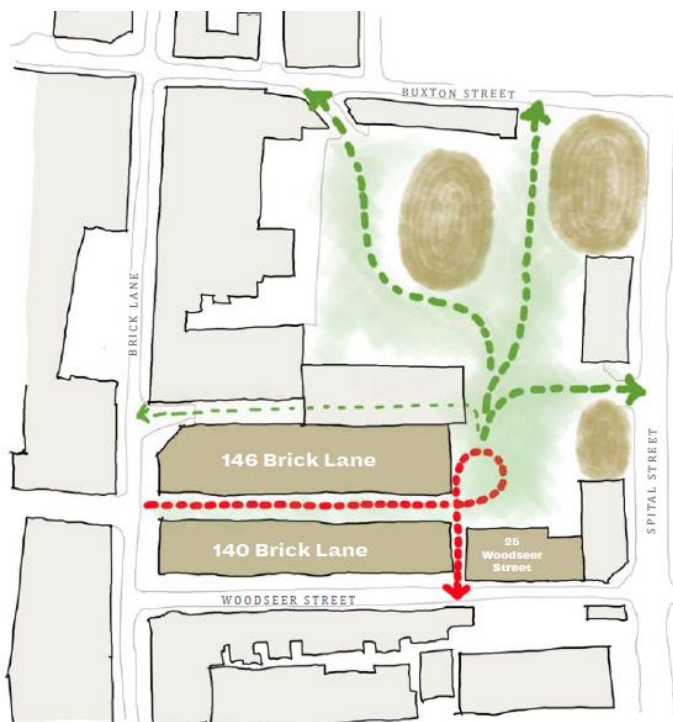


Wider connectivity

- 7.46 As set out above, the proposed development would provide new pedestrian access from Brick Lane to Woodseer Street. It would also safeguard the potential for pedestrian links to connect to the adjacent site and street network to the north, should this land come forward for redeveloped in the future. An indicative diagram is shown in Figure 20 below.
- 7.47 Related to this, numerous public comments have emphasised that previous Council guidance, namely the Conservation Area Appraisal, which stated that the wider Truman's site should be subject to a Development Brief. The CA Appraisal was adopted in 2009 and no such brief has been produced.

- 7.48 The lack of a Development Brief does not preclude individual planning applications coming forward and being determined on the site, which as with all such applications should be assessed on their own merits, in accordance with relevant Development Plan policies.
- 7.49 Furthermore, it is of note that the role of CA Appraisals is to define the special architectural and historic interest of a conservation area; to identify the character of the area and features which should be enhanced or conserved; and to provide management guidelines on how the special character of the conservation area should be preserved and enhanced in the context of appropriate ongoing change. In this context, while CA Appraisals are a material consideration and might make suggestions regarding desirable further guidance, they cannot require the production of such guidance.
- 7.50 Notwithstanding the above, it is considered a useful exercise to frame what could be expected as reasonable outcomes of a Development Brief for the area. Such briefs, are as a matter of course, far less prescriptive than site allocations and will not usually stipulate land uses, rather, be guided by the development plan on such matters. One key outcome of development briefs however is guiding the location of built form so as to maximise public realm, open space and connectivity.
- 7.51 In the context of this application, as noted above, the application provides a new pedestrian route through the site from Brick Lane to Woodseer Street and additionally provides a clear opportunity, both in terms of the built form, the new square and the proposed landscaping, for a further pedestrian route from Black Eagle Yard through to the undeveloped plot to the north.
- 7.52 The applicant has also provided an indicative diagram (Figure 20 below) of how this plot to the north could be developed in the future so as to ensure clear pedestrian access from Brick Lane and Woodseer Street to Buxton Street in the north and Spital Street in the east.

Figure 20: Indicative diagram showing how development proposals and additional connectivity links could be brought forward in the future for the land to the north of the application site



- 7.53 In light of the above, it is considered that the applicant has taken reasonable and proactive measures to ensure that, within the confines of their proposals, wider connectivity through the

site, in a manner commensurate to that which might be achieved through a Development Brief, could be achieved if adjacent sites were to come forward for redevelopment. The potential for future pedestrian links would be safeguarded through a planning obligation.

Safety and security

- 7.54 Metropolitan Police raise no objections in principle but have requested further information to be secured via a condition requiring the development to complete Secure by Design certification prior to the commencement of superstructure works.
- 7.55 As is the case with other parts of the Truman Brewery site, the proposed development would be managed by estate security; and a new management/security hut is proposed to be located at the threshold in the north east corner of Black Eagle Yard, although this would require a separate application.
- 7.56 A number of objections received make reference to anti-social behaviour and the potential for this to increase as a result of the proposals. It is considered, however, that the proposed introduction of new active frontage along Brick Lane and Woodseer Street, in place of the existing boundary wall, would contribute towards enhanced natural surveillance in the area surrounding the site, and thus, there may in fact be a positive impact on anti-social behaviour as a result of the proposal.

Inclusive design

- 7.57 Overall the proposal would result in a scheme that would be well connected to its surroundings and would provide a mixed use commercial scheme that can be used safely and easily and with dignity for all regardless of disability, age, gender, ethnicity or economic circumstances in accordance with policy.

Design conclusion

- 7.58 To conclude, the proposal would respond appropriately to the positive aspects of the local context; re-introducing and setting back the building line on Woodseer Street to repair the urban fabric; and significantly improving the attractiveness of the public realm in this location. The proposal development is well considered design of a high architectural quality, well proportioned and designs out opportunities for crime. As such, the proposal is compliant with the Development Plan in this regard.

HERITAGE

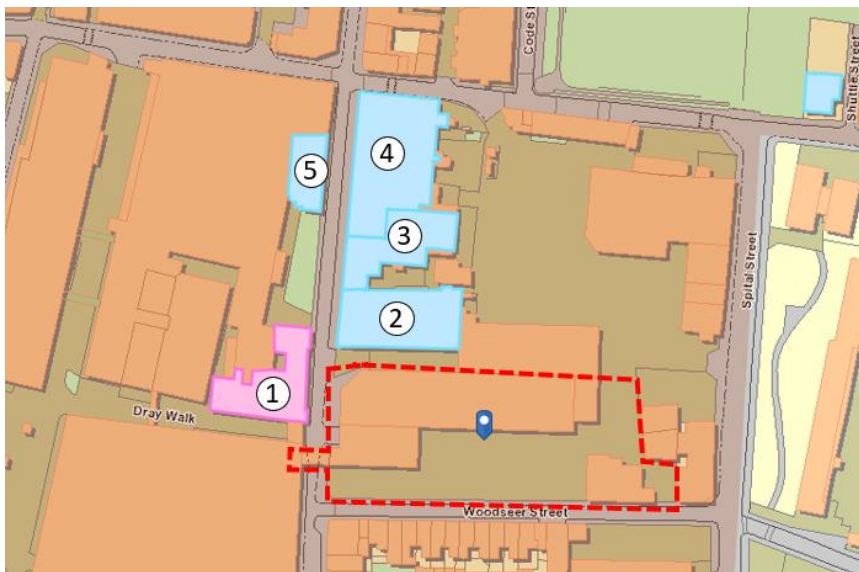
- 7.59 Development Plan policies require proposals affecting heritage assets and their settings to conserve their significance by being sympathetic to their form, scale, materials and architectural detail. Policy S.DH3 requires development to protect and enhance the borough's conservation areas including their setting.

Heritage context

- 7.60 The site is situated within the Brick Lane and Fournier Street Conservation Area; and there are statutory listed brewery buildings in close proximity to the site. This includes the grade II* listed Directors' House to the northwest of the site on the opposite site of Brick Lane; and five grade II listed brewery buildings to the north of the site on both sides of Brick Lane. There are no locally listed buildings nearby, although a non-designated heritage asset within the conservation area, known as the Cooperage Building, is located to the north of the site and is another building forming part of the Truman's estate.

- 7.61 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a Conservation Area. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 7.62 The designated heritage assets that are located in proximity to the site are set out in the two figures below.

Figure 21: Map of designated heritage assets in the site's vicinity



Key

Red boundary: Site boundary

Pink buildings – Grade II* listed

Blue buildings – Grade II listed

Light brown shade – Fournier Street and Brick Lane Conservation Area

- 1 - The Directors' House (Grade II* listed)
- 2 - VAT House and Black Eagle Brewery (Grade II listed)
- 3 - Engineer's House (Grade II listed)
- 4 - Former Stables (Grade II listed)
- 5 - The Brewmaster's House (Grade II listed)

Figure 22: Map of designated heritage assets in the wider context



Key

Red boundary: Indicative site boundary

Dark brown buildings – statutory listed buildings

Light brown buildings – locally listed buildings

Light brown shade – Fournier Street and Brick Lane Conservation Area

Designated heritage assets

Conservation Area

- 7.63 In describing the evolution and land uses of the Truman’s Brewery site, the Brick Lane and Fournier Street CA Character Appraisal and Management Plan (2009) describes that development continued as late as the early 1970s, before closing in 1988. From 1991 onwards, the brewery site has been redeveloped within its existing form as a major centre for the arts and creative industries, including start-up spaces for entrepreneurs, nightclubs, restaurants and retail shops.
- 7.64 In terms of character of the listed brewery buildings’, the appraisal states: *‘Brick Lane passes through the Truman’s Brewery complex, introduced from the south by the Crossover bridge. The Director’s House and the other 18th century buildings on the east side of the road have a simple, restrained classical character, and are larger in scale than the shopfronts elsewhere on the street’.*
- 7.65 In terms of scale, the appraisal states: *‘Brick Lane is made up of narrow frontage, 19th century shopfronts in buildings of 2, 3 and 4 storeys. The rest of the area is predominantly low-rise, of 3 to 4 storeys. This low-rise character emphasizes the landmark value of Christ Church Spitalfields... and of the chimney of Truman’s Brewery. Both of these features act as focal points for views and important points of reference, making it easier for visitors to find their way around’.*
- 7.66 As noted above, the management plan section of the appraisal states Truman Estate *‘will be the subject of a Development Brief, and should be appropriately redeveloped in a way that respects the character of the existing historic buildings’.*

Listed buildings

7.67 The Grade II* listed Directors House to the west of the site is a rare surviving gentleman's town house in London. The building forms part of a remarkably complete example of a 18th-20th century brewery buildings on either side of Brick Lane; the other surviving buildings to the north of the site, formerly the Brewmaster's House; Engineer's House; VAT House; Former Stables (including the iconic chimney); and Black Eagle Brewery; are all grade II listed.

Figure 23: Street view image of grade II * listed Directors House (right), looking south along Brick Lane



Figure 24: Looking north along Brick Lane, street view image of grade II listed brewery buildings on the eastern side of Brick Lane, including VAT House, Engineers House and the Former Stables.



Existing site

7.68 As noted throughout this report, the site comprises a surface car park and a 2.5-metre-high wall running the along the west and south boundaries of the site. When taking into account the dead frontage and lack of passive surveillance that results from these existing features, it is considered that the existing site currently contributes negatively to the public realm; and the character and appearance of the conservation area.

Impact of the proposed development

- 7.69 As noted in the design section, the scale of the proposed Building S1 is of a scale in keeping with other brewery buildings to the north and west, namely Building H and Building F. The CA appraisal makes reference to the 'larger scale' of the brewery buildings in relation to the wider context; and as show in Figure 13 above, Building S1 is only visible from the setting of the listed brewery buildings to a minor extent.
- 7.70 It is also of note, that historically, Plot S1 was not vacant and was home to the Black Eagle Tap Public House (PH) and 4 storey terrace development further to the east along Woodseer Street. For reference, Figure 25 below is a view looking east down Woodseer Street circa 1975, showing the PH and former terrace prior to being demolished.

Figure 25: Left: Views looking east down Woodseer Street circa 1975 showing the Black Eagle Tap public house on the corner of Brick Lane and terrace development on the north side of the street



- 7.71 In this regard, the stepping down of the proposal towards Woodseer Street, and in particular the lower scale of the properties on the southern side of Woodseer Street, is considered to provide an appropriate transition which successfully mitigates between the scale of Woodseer Street and the taller brewery buildings to the north.
- 7.72 While it is noted that the proposed built form on the corner of Brick Lane and Woodseer Street, is greater than that historically existing, namely the Black Eagle Tap PH, it is considered that the expression of the building form towards the corner is an appropriate response in townscape terms, matching the height of Building H and Building F to the north and west, and is therefore not unduly dominant for such a location.
- 7.73 The two storey extension to Building S2, to create a 5 storey building, is considered appropriate in the context of the set back 'Block J' industrial building, also part of the Truman's Estate, on the opposite side of Woodseer Street, as well as the adjacent 5 storey residential block on the corner of Woodseer Street and Spital Street.
- 7.74 Overall, the scheme would regenerate a vacant car-park site and high blank wall; and would introduce a strong corner feature building at the junction of Woodseer Street and Brick Lane. New active frontage, paving and street trees across the site would significantly improve the quality of the public realm in and around the site, which is currently degraded from the presence of the aforementioned wall.

- 7.75 In addition, the proposed small shopfronts along the Woodseer Street elevation are designed to reference the historic retail uses once located on the site and are considered appropriate subject to further design detail secured by condition. In general, the types of uses proposed reflect the activities that have evolved on the Truman's Brewery site, as recognised in the CA Appraisal.
- 7.76 In relation to the Truman's chimney, an important local landmark identified in the CA Appraisal, it was noted in objections received that the proposals could impact views of this landmark. However, an analysis submitted by the applicant demonstrates that the proposed development would not obscure views of the chimney from Brick Lane. Given the presence of Building H, the chimney is not visible from locations on Woodseer Street or Spital Street.
- 7.77 With respect to materiality, the use of brickwork on the external street facing element on Building S1 is considered appropriate within the conservation area context; and ties in with aspirations to provide a robust 'warehouse' aesthetic. Furthermore, it is considered that this 'warehouse aesthetic' is appropriate in the context of the nearby brewery buildings in the vicinity, which themselves form part of the character of this part of the conservation area.
- 7.78 While the proposals would see the introduction of more contemporary glazed features to the conservation area, these would be concentrated internally on New Dray Walk. The approach to this element of the design, with the introduction of more contemporary elements in areas of lesser immediate sensitivity, is considered appropriate. Further details of external materials will be secured by condition. In regards to Building S2 materiality, it is considered that the proposed red-glazed brick extension would give this building a distinctive character; and a successful juxtaposition to the existing building façade.
- 7.79 Given all the above, it is considered that the proposal would enhance the character and appearance of the conservation area and would therefore accord with the policies of the Development and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act.
- 7.80 With respect to the listed buildings to the north of the site noted in para 7.67 above, the scale and location of the proposals, and in particular their relationship and position with respect to the existing Building H, ensures that there would be no adverse impact to the setting of these designated heritage assets. This includes non-designated heritage assets such as the Cooperage Building, also to the north of the site. As such proposals would not result in harm to the significance of these buildings, in accordance with the policies of the Development and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act.

Archaeology

- 7.81 The site is located within an archaeological priority area and an archaeological desktop study was submitted with the proposals. The study concludes that there is medium potential for seventeenth century Civil War defences to be present on site; and also that any such findings would be of high heritage significance.
- 7.82 The Greater London Archaeological Advice Service (GLAAS) have commented on the proposals. They too state that that the site is crossed by the 'projected line' of London's Civil War defences; and also note that there is additional archaeological potential from other historical periods. Notwithstanding, in relation to the Civil War defences, GLAAS acknowledge that none of the outlying defences or guardhouses associated with the defences are known close to the site; also that the projected alignment has yet to be proved through fieldwork in the borough. As such, GLAAS recommend a condition relating to fieldwork prior to demolition and development. Were such archaeological findings to be confirmed, GLAAS have set out that the proposed conditions would be able to deal with this scenario appropriately.

Heritage conclusion

- 7.83 The proposed development would deliver a well-considered design that is appropriate in terms of mass, scale, form and architectural detailing. It would enhance the character and appearance of the Brick Lane and Fournier Street Conservation Area; and would preserve the setting of other heritage assets. As such, the NPPF 'public benefits test' (paragraph 196) is not engaged.
- 7.84 The proposals therefore comply with policy HC1 of the London Plan; policy S.DH3 of the Local Plan; the relevant paragraphs of the NPPF (2019); and the statutory duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

NEIGHBOURING AMENITY

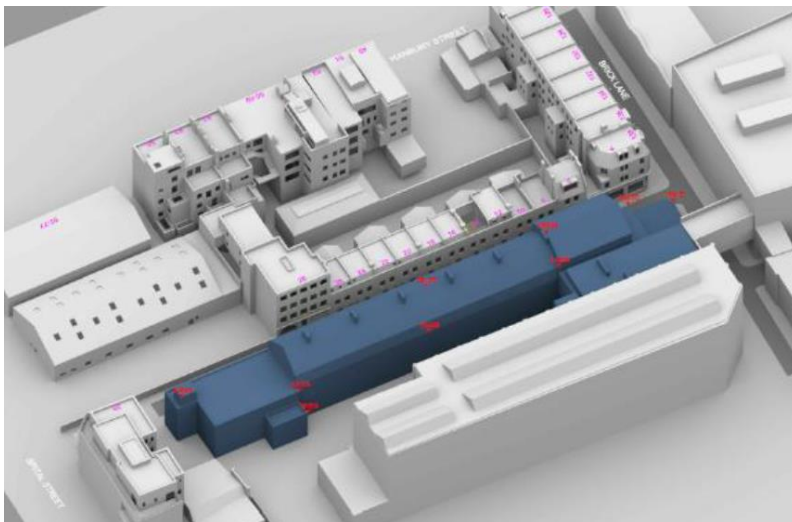
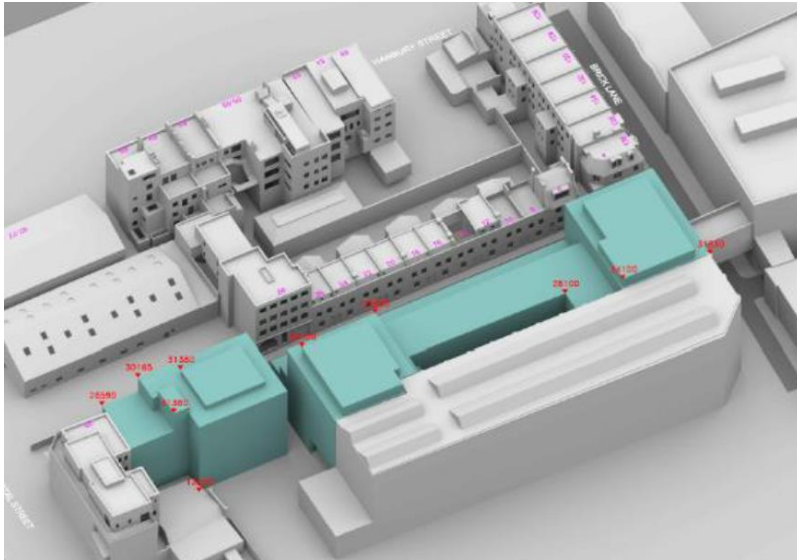
- 7.85 Development Plan policies seek to protect neighbouring amenity by safeguarding privacy and ensuring acceptable outlook. Development must also not result in an unacceptable material deterioration of the daylight and sunlight conditions of surrounding development. Nor should the development result in an unacceptable level of overshadowing to surrounding open space and private outdoor space. The levels of artificial light, odour, noise, fume or dust pollution during the construction and life of the development must also be assessed.

Daylight and sunlight

Policy and guidance

- 7.86 Policy D.DH8 of the Local Plan requires the protection of the amenity of future residents and occupants by ensuring adequate levels of daylight and sunlight for new residential developments. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011). For calculating daylight to neighbouring residential properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed.
- 7.87 The nearest residential receptors to the site are within the urban block to the south of the site enclosed by Woodseer Street, Brick Lane and Hanbury Street. The Council's appointed daylight and sunlight consultant has assessed the submitted Daylight and Sunlight Analysis (DSA) and is satisfied that the study has included all relevant neighbouring properties.
- 7.88 Given that the site was historically occupied by a row of part single, part 4-storey terrace properties until the late 1970s / early 1980s, the DSA undertakes a second analysis (scenario 2) which indicatively reinstates this historic massing in the baseline scenario. This ensures that the effect of the proposed development upon 8-26 Woodseer Street is also considered against what could be described as a more typical baseline level of light than that of the current uncharacteristically vacant site. Both scenarios (proposed and historic) are illustrated in the 3D visualisations below. This methodology accords with Appendix F of the BRE Guidance which states that different targets may be used based on the special requirements of the proposed development or its location. The Council's appointed daylight and sunlight consultant is satisfied that this approach is reasonable.

Figure 26: Top: Proposed scheme (scenario 1); Bottom: Historic site buildings (scenario 2)



7.89 The following significance criteria banding is used when summarising the overall daylight and sunlight effects to the surrounding buildings. Note that this banding should be considered by reference to the overall impact on an individual dwelling or block of dwellings rather than necessarily related to one window alone.

- Negligible; 0-20% loss against existing
- Minor adverse; 20-30% loss against existing
- Moderate adverse; 30-40% loss against existing
- Major adverse; >40% loss against existing

7.90 The report identifies 13 neighbouring properties that are likely to experience a material reduction in daylight and sunlight from the proposed development. This includes a continuous terrace of two and three storey houses (8-26 Woodseer Street); two buildings containing residential flats (138 Brick Street and 28 Woodseer Street) and a Guest House / Bed and Breakfast (6 Woodseer Street).

7.91 The table below shows the properties which would experience minor, moderate or major adverse daylight and sunlight impacts.

Table 1: Properties experiencing minor, moderate or major impacts for Scenario 1 (the proposed development)

Address	Number of windows assessed	Daylight impact
138 Brick Lane	15	Minor adverse
6 Woodseer Street (guest house)	7	Major adverse
8 Woodseer Street	4	Moderate adverse
10 Woodseer Street	4	Moderate adverse
12 Woodseer Street	8	Moderate adverse
14 Woodseer Street	11	Moderate adverse
16 Woodseer Street	5	Moderate adverse
18 Woodseer Street	5	Moderate adverse
20 Woodseer Street	5	Moderate adverse
22, 24 & 26 Woodseer Street	20	Moderate adverse
28 Woodseer Street	21	Minor-moderate adverse

- 7.92 In relation to the major adverse impact at 6 Woodseer Street, the analysis demonstrates that all 7 windows would experience a major adverse impact with reductions between 41.41% and 61.66%. However, as a guest house this property will be occupied on a transient basis. Furthermore, for scenario 2 (the historic baseline), the VSC results demonstrate that 4 windows would meet the guidelines and 3 would experience minor adverse impacts between 22.32% and 27.8%.
- 7.93 The remaining properties along Woodseer Street (numbers 8-28), which include the assessment of 83 windows in total, experience overall moderate adverse impacts for each property. In coming to this assessment, the Council's independent consultant identifies from the DSA results that where ground floor living/dining room windows experience moderate or major impacts, the same rooms are served by an unaffected window. This is true for all properties along 8-28 Woodseer Street.
- 7.94 Furthermore, the majority of windows along Woodseer Street demonstrate that the 'retained' VSC values are 15% and above which is considered to be appropriate when taking into account the specific conditions of the site – i.e. the 'narrowness' of Woodseer Street the presence of an uncharacteristically vacant site on the opposite side of the street. Notwithstanding, there are 4 windows across the terrace (8-26 Woodseer Street) and 2 windows at 28 Woodseer Street which fall below 15% in regard to retained VSC values. However, these values fall within the 12-15% range; and it is also of note that these retained values are not dissimilar to existing light levels for unaffected rear facing windows on the same properties, indicative of the tight urban context.
- 7.95 In addition, when results are compared to Scenario 2, the historic baseline, the results show that all windows and rooms along Woodseer Street fully comply with the guidelines, experiencing a gain in light in the proposed scenario when compared against the historic baseline. This is due in part to the proposal to set back the proposed development by 1.75 metres from the Woodseer Street boundary.
- 7.96 The neighbouring sunlight analysis demonstrates that there will be a negligible impact given the orientation of the properties, with only one property experiencing minor adverse impacts.

Daylight and sunlight conclusion

- 7.97 As demonstrated above, the proposal would result in a number moderate reductions in daylight levels to neighbouring properties along Woodseer Street. However, it is considered that a degree of daylight and sunlight reduction would be unavoidable in the event of any redevelopment of the vacant site to the north, in what is a confined urban setting and a narrow Woodseer Street; particularly when taking into account the site location situated within the Brick Lane District Centre; the Tower Hamlets Activity Area; the City Fringe Opportunity Area; and a highly accessible area generally. The 'step down' in height towards Woodseer Street would achieve a comparable in height with the existing properties; and would re-define traditional street frontages. Finally, the retained levels of daylight and sunlight would be adequate and comparable with existing urban conditions; there are gains in light experienced the proposed scenario when compared against the historic baseline; and the scheme is largely BRE compliant in regard to sunlight criteria.
- 7.98 Taken as a whole, it is considered that the proposal would not result in unacceptably harmful effects to the daylight and sunlight of neighbours, and would comply with the development plan in this regard.

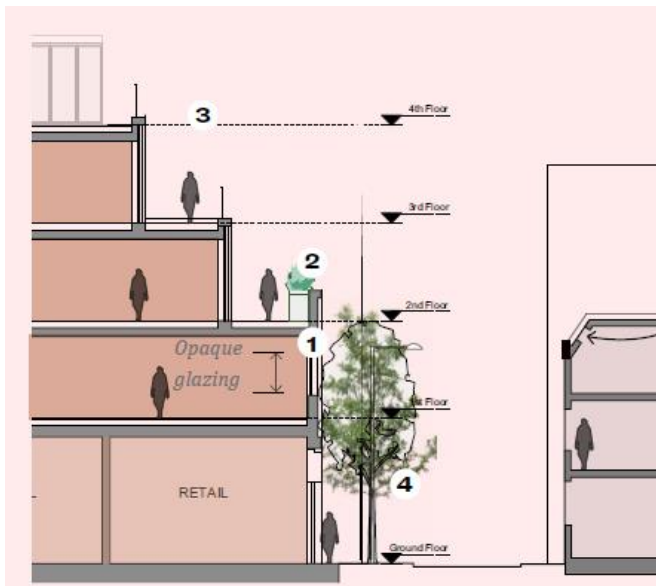
Overshadowing of proposed amenity areas

- 7.99 In response to the recommendations provided by the Council's appointed daylight and sunlight consultant, an Overshadowing Note was submitted to assess the impact the development would have to areas of outdoor amenity located within the proposed development. Those spaces being the office terraces on the second, third, and fourth floors, and Black Eagle Yard.
- 7.100 The assessment indicates that three of the six proposed amenity areas achieve full BRE compliance for sun-on-ground assessments during March. However, given that the outdoor open spaces are predominantly used during warmer months, the note also considered the sunlight potential that will be retained in the summer period, whereby over 75% of their area receiving at least two hours of sunlight on 21 June. This is acceptable.

Overlooking, loss of privacy, outlook and sense of enclosure

- 7.101 Policy D.DH8 of the Local Plan requires that development maintains good levels of privacy and acceptable outlook; while also avoiding an unreasonable level of overlooking or unacceptable increase in the sense of enclosure. This policy is applied between habitable rooms of adjacent residential properties, or private open spaces. These issues were raised in objection to the proposed development with particular reference to the impact to the residential terraces on the south side of Woodseer Street.
- 7.102 The Woodseer Street terraces typically comprise living rooms on the ground floor and bedrooms on the first floor. As illustrated in Figure 27 below, a small number of the properties also include a small window on the third-floor mansard roof, although these windows are understood to serve stairwells.

Figure 27: Part section showing the distance between the proposed Building S1 of the left and existing Woodseer Street terraces on the right



Outlook

7.103 The outlook experienced by the terraces along Woodseer Street would be reduced on the first floor, but when considering the proposal to widen Woodseer Street through setting back the building line; and also considering the current outlook is of a high wall and large blank brick façade of Block H, the impact resulting from the proposal is not considered to be significantly adverse.

Overlooking and loss of privacy

7.104 Along the south elevation of Building S1, the first-floor office windows are c. 9 metres from the Woodseer Street terraces, however, opaque glazing is proposed to prevent overlooking or loss of privacy. The second and third floor office facades are then set back in a staggered arrangement by 3 metres on both floors.

7.105 On the same elevation, outdoor terraces are proposed to serve the offices on the second, third and fourth floors. To prevent overlooking from these outdoor terraces, a 1 metre exclusion zone to the second-floor terrace would be introduced with integrated planting troughs; and again, the outdoor terraces on the third and fourth floors would be set back on both floors. This is illustrated in Figure 27 above.

7.106 In accordance with Policy D.DH8, it is considered that the preventative measures proposed on floors 1 and 2 of Building S1; and on floors 3 and 4, the separation distance (over 15 metres at its shortest distance) and vertical angles in relation to the existing residential terraces on the opposite side of Woodseer Street, would ensure that any undue overlooking or loss of privacy of existing habitable rooms is prevented. Furthermore, it is also of note that a condition would be attached to any permission that would limit use of the proposed outdoor terrace areas to working hours only.

7.107 In relation to Building S2, a large area of planting is proposed along the eastern edge of a fourth floor outdoor terrace, thus ensuring a sufficient level of separation to the neighbouring residential block (35 Woodseer Street) and preventing overlooking of the existing fourth floor terrace this at this address.

Sense of enclosure

- 7.108 In terms of height, Block S1 is designed to step down to the scale of properties along Woodseer Street. This, in addition to the setting back of the building line at Woodseer Street by 1.75 metres, would ensure that the proposed development would cause limited impacts to sense of enclosure and would be acceptable.

Noise and vibration

Noise arising from the development

- 7.109 Policy D.ES9 of the Local Plan This policy seeks to manage noise and vibration from new development and manage existing sources of noise on sensitive development.
- 7.110 Council Environmental Health Officers have reviewed the submitted material. They have concluded that the completed development would not have any unacceptable impacts on neighbouring amenity from noise and vibration.
- 7.111 Nonetheless, officers have requested that a condition is added that limits the noise levels of fixed building services/plant equipment for the non-residential uses and for a compliance condition relating to restrictions on demolition and construction. These conditions will be attached to any forthcoming consent.

Disturbance

- 7.112 Objections to the proposal made reference to noise and disturbance as a result of new commercial uses and increased footfall along Woodseer Street. However, in the context of policy D.ES9 which seeks to manage noise-generating development, it is considered that retail use is not noise generating development. It is also considered that the addition of a new internal street (New Dray Walk), running parallel to Woodseer Street, would contribute towards a dilution of east-west footfall; and furthermore, the ground floor layout of the proposed development has sought to focus of the majority of generated activity internally within the site, i.e. along New Dray Walk and within Black Eagle Yard.
- 7.113 In regards to the proposed restaurant on Plot S2, this would be relatively small in scale and would be orientated towards Black Eagle Yard and away from Woodseer Street. Finally, it should be noted that the site is included within the Brick Lane District Centre boundary in the Local Plan. A condition will be attached to the permission in regards to opening times of the proposed commercial units, in line with the Brick Lane Cumulative Impact Zone.
- 7.114 Given all the above, the proposal is considered to be acceptable in regards to noise.

Construction impacts

- 7.115 Demolition and construction activities are likely to cause some additional noise and disturbance, additional traffic generation and dust. This was also raised as a concern in objections received by the Council.
- 7.116 In accordance with relevant Development Plan a number of conditions are recommended to minimise these impacts. These will control working hours and require the approval and implementation of Construction Environmental Management and Logistics Plan.

TRANSPORT AND SERVICING

7.117 Development Plan policies promote sustainable modes of travel and limit car parking to essential user needs. They also seek to secure safe and appropriate servicing.

Cycle parking

7.118 The proposed cycle parking meets the minimum requirements of policy T5 of the London Plan. Long stay cycle storage spaces for the office, retail and gym uses within Building, including showers, toilets, lockers and changing facilities (for offices only), are located at basement levels -1 and -2. These spaces are accessed through dedicated cycle lifts from the ground floor. New cycle parking is also provided for proposed uses within Building H (retail) and 25 Building S2 (office). In addition, there are 70 short stay cycle parking spaces provided for visitors in publicly accessible spaces. In total, 163 new cycle parking spaces are provided across the site.

Car parking

7.119 The application proposes to be car-free which is acceptable for the use classes and location of the development. On-site accessible parking bays are not provided as part of the proposals due to the physical constraints nature of the site; and in accordance with policy, a review has been undertaken of all on-street disabled parking spaces within the vicinity of the site.

7.120 The review found that there are no designated accessible spaces within the vicinity of the site, however, there are a number of locations where parking opportunities on-street within the vicinity of the site can occur legally for blue badge holders, using single or double yellow lines and/ or on-street pay and display spaces, totalling 53 spaces in total. All these spaces are within 200m of the nearest access point to the site, with eight spaces located within 50m of the site. 26 spaces of these spaces are available to Blue Badge holders in marked bays suitable for use by all vehicles and therefore without impact of wider highway safety.

7.121 On balance, given the size and nature of the site, and urban location, it is accepted that there are limited opportunities to provide on-site disabled parking; and the review of surround spaces demonstrates that there is adequate provision of on-street space within the vicinity.

Servicing and deliveries

7.122 A Delivery & Servicing Management Plan (DSMP) has been submitted. All servicing for the development is to be made within the Truman Brewery estate, and from a dedicated loading/servicing area in Black Eagle Yard. This would be accessed via the internal street, New Dray Walk, then vehicles would exit to Buxton Street to the north. This includes for general collections and deliveries as well as refuse collections.

7.123 An objection was raised that there is noise disturbance from refuse and servicing vehicles, in connection with the Truman's estate, in the early hours of the morning. Highways officers recommend that a condition requiring a full DSMP is provided prior to occupation of the development. Upon submission of a detailed DSMP, the Transportation and Highways team will ensure that the plan shall avoid conflicts with other uses nearby. Once the site is operational and servicing and delivery surveys of the fully occupied development have taken place a series of targets can be set to provide a benchmark for the effectiveness of the plan.

Woodseer Street widening

7.124 It is proposed that the Woodseer Street pavement is widened from 1.5m to 3.8m. LBTH Highways raised concerns in relation to the narrowness of Woodseer Street, being a two-way

road, meaning vehicles have to mount the pavement to pass an opposing vehicle thus causing safety concerns. Overall, however, it is considered that the widening of the pavement would provide a more attractive environment for pedestrians, residents and visitors, which are, by far, the dominant user in the area, thus helping to promote active travel in accordance with the objectives policy S.TR1 of the local plan.

7.125 In addition, the development proposals include the planting of new trees on the footway on the north side of Woodseer Street. The space required beneath ground for the tree pits to accommodate these trees in accordance with LBTH's arboricultural requirements would physically either prevent widening the carriageway on Woodseer Street or make the scope to widen the carriageway negligible.

Additional matters

7.126 In addition to the above, conditions are recommended to secure a Travel Plan; cycle facilities; Demolition and Construction Management Plan; Service Management Plan; and a S278 agreement providing an agreed scheme of highways works funded by the applicant.

Summary

7.127 Subject to the above conditions it is considered the proposal would be acceptable in terms of supporting sustainable modes of transport, and will have no unacceptable impacts on the safety or capacity of the highways network, in accordance with policies S.TR1, D.TR2, D.TR3 and D.TR4 of the Local Plan (2020) and policies T1-T9 of the London Plan (2021).

ENVIRONMENT

Energy and sustainability

7.128 At a national level, the National Planning Policy Framework (2019) sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.

Energy

7.129 The scheme is proposing to utilise the waste heat rejected by a nearby data centre, topped up by Air Source Heat Pumps. This approach is supported and is a welcomed use of data centre waste heat. The additional PV array incorporated into the design is also welcomed to minimise future retrofit requirements and delivery of the local plan policy for onsite carbon reduction.

7.130 Policy D.ES7 of the Local Plan requires zero carbon emission development to be achieved through a minimum 45% reduction in regulated carbon dioxide emissions on-site, and the remaining regulated carbon dioxide emissions to 100%, to be off-set through a cash in lieu contribution. This is applicable to all developments. To note, we would seek a carbon offsetting figure of £95 per tonne for all residual emissions.

7.131 The submitted Energy Assessment Addendum (September 2020) sets out the proposals to reduce energy demand to reduce energy demand to deliver the following CO2 emissions:

- Site Baseline – 126 tonnes CO2 per annum
- Be Lean – 103 tonnes CO2 per annum
- Be Clean – 78 tonnes CO2 per annum

- Be Green – 69 tonnes CO2 per annum

7.132 The proposals are for a 57 tonnes/CO2 reduction in on-site emissions and would result in a carbon offsetting contribution of £196,650 to offset the remaining 69 tonnes CO2 and achieve net zero carbon. This calculation has been based on the new SAP10 carbon factors and using the recommended GLA carbon price of £95 per tonne for a 30 year period.

7.133 In summary, the proposals have sought to implement energy efficiency measures, utilise waste heat and renewable energy technologies to deliver CO2 emission reductions. The proposals meet the Local Plan target for anticipated on-site carbon emission reductions compared to the baseline (SAP10). In order to support the scheme the residual CO2 emissions should be offset through a carbon offsetting contribution of £196,650 to deliver a policy compliant net zero carbon development.

Sustainability

7.134 Policy D.ES7 of the Local Plan states '*All new non-residential development over 500 square metres floorspace (gross) are expected to meet or exceed BREEAM 'excellent' rating*'. It is recommended that this is to be secured via Condition and for the Final BREEAM certificate to be submitted post completion.

Air quality

7.135 Policy D.ES2 of the Local Plan and SI 1 of the London Plan requires major developments to be accompanied by an assessment which demonstrates that the proposed uses are acceptable and show how development would prevent or reduce air pollution.

7.136 The Council's Environmental Health (Air Quality) team have reviewed the submitted Air Quality Assessment and concluded it is acceptable. Conditions are recommended that secure measures as required by the GLA SPG on Sustainable Design and Construction. Conditions also provided in relation to non-road mobile machinery; submission of a Demolition/Construction Environmental Management & Logistics Plan; Air Quality Standards for Boilers; and CHP Units Kitchen Extract Standards for Commercial Uses.

(Office note: the GLA SPG on Sustainable Design and Construction has now been superseded by the newly adopted London Plan (2021), and therefore, any condition wording will be updated accordingly).

7.137 Overall, the scheme would accord with policy D.ES2 of the Local Plan and policy SI 1 of the London Plan (2021).

Waste

7.138 Policy D.MW3 of the Local Plan requires adequate refuse and recycling storage alongside and combined with appropriate management and collection arrangements.

7.139 Refuse storage is provided at basement level -1 within Building S1, in addition to a refuse holding area on the ground floor of this building. As noted above under highways, refuse collections will take place from the dedicated service bay located within Black Eagle Yard. Details of the bin storage size and servicing/refuse collection arrangements are recommended to be secured by condition, which will also help to address concerns raised in relation to waste collection disturbance in early hours.

Biodiversity

- 7.140 Policy D.ES3 of the Local Plan and policy G6 of the London Plan seek to safeguard and where possible enhance biodiversity value and contribute towards the Local Biodiversity Action Plan (LBAP).
- 7.1 A Preliminary Ecological Appraisal was submitted and the Council's Biodiversity Officer has reviewed the proposals. The proposals include 357 square metres of biodiverse roof; ornamental planting on a roof terrace and at ground level; nest boxes for swifts and bat boxes; eight new trees; and several green walls. These measures would contribute to LBAP targets as required by policy. A condition is recommended in relation to the timing of demolition and vegetation clearance.

Flood risk and drainage

- 7.141 Local Plan policies D.ES4 and D.ES5 seek to manage flood risk and encourage the use of Sustainable Urban Drainage within new developments.
- 7.142 The Council's Sustainable Urban Drainage Officer has commented on the proposals, highlighting issues with the reported run off rate; proposed drainage system; and targets used to account for climate change. As such, a condition is recommended for submission of a detailed surface water drainage scheme prior to works commencing.
- 7.143 Subject to the aforementioned condition, the proposal would be acceptable with regards to surface water runoff and drainage.

Land contamination

- 7.144 The Council's Environmental Health (Contaminated Land) officer has reviewed the Assessment and recommends planning conditions to ensure that contaminated land is properly treated and made safe prior to development.

INFRASTRUCTURE IMPACT

- 7.145 The proposed development would be liable for Mayor of London CIL. The indicative estimation for this amount is £1,470,946.89.
- 7.146 Alongside CIL, Development Plan policies seek financial contributions to be secured by way of planning obligations to offset the likely impacts of the proposed development.
- 7.147 The applicant has agreed to meet all the financial contributions that are sought by the Council's Planning Obligations SPD which are as follows:
- £33,900.00 towards construction phase employment skills training
 - £151,869.10 towards end-user phase employment skills training
 - £196,650.00 towards carbon off-setting

HUMAN RIGHTS & EQUALITIES

- 7.148 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), the Council as a public authority shall amongst other duties have due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

7.149 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

7.150 The local area comprises a diverse population. At the time of the 2011 Census, 7,235 residents in the Spitalfields and Banglatown ward were 'BME' (58%), higher than the borough average of 54%. Residents of Bangladeshi origin accounted for 41% of the population (5,121 residents); and there was also a lower proportion of residents who are White British in the ward compared to the borough average. At 41.5% of the population, the proportion of Muslim residents was higher than the borough average.

7.151 Representations received in objection to this application raised concerns in regard to the development's impact on the local community. In particular, it was raised that local Bangladeshi businesses and local character would be negatively impacted given the perceived potential for increasing commercial space rents in the area.

7.152 While the property market is influenced by many different factors, and the precise impacts of this specific development would be impossible to predict, the issue above is capable in some circumstances of being a material consideration in the context of a changing local character. However, in this instance, the issue is assigned very limited weight given the small scale of the changes proposed in relation to the wider Truman Brewery changes over recent decades – those which include activities and land uses that are recognised as being positive aspects of the local character within the Brick Lane and Fournier Street CA Appraisal and the draft Spitalfields Neighbourhood Plan. Furthermore, it is of note that any new development could have either a positive or negative impact on surrounding property values.

7.153 Overall, planning policy at national, regional and local levels seeks to support and promote good growth, and it is considered that in this instance, the securing of planning obligations in relation to affordable workspace, independent retailing and the use local labour and services during construction and at end phase, would enable local people to take advantage of employment opportunities, while also supporting social cohesion and promoting diversity.

7.154 Notwithstanding, the above brings into question the proposals impact on protected characteristics set out in the Equalities Act, including race and religion. Overall, it is considered that given the proposal to develop a surface car park and refurbishment of two office buildings, the proposed development does not raise any unique human rights or equalities implications in regard to these specific characteristics.

7.155 The scheme is designed with regard to the principles of inclusive design, including consideration for people with a disability including wheelchair accessibility to all the ground floor and lifts, toilet and showering facilities services. New public toilets are also provided at ground level.

7.156 Overall, it is considered that the proposed development would not result in adverse impacts upon equality or social cohesion.

CONCLUSION

- 7.157 Officers assessed the proposed development against the relevant Development Plan Policies, having regard to the consultation responses received and other material considerations. Taking all into account, the proposed development is considered to be acceptable and it is recommended that planning permission is granted, subject to the planning conditions and obligations set out in this report.

8 RECOMMENDATION

- 8.1 That **conditional planning permission is GRANTED** subject to the prior completion of a legal agreement to secure the following planning obligations

Financial Obligations

- a. £33900.00 towards construction phase employment skills training
- b. 151,869.10 towards end-user phase employment skills training
- c. £196,650.00 towards carbon off-setting
- d. £500 per heads of term

Non-Financial Obligations

- a. Economic incentives
 - i. Access to employment
 - ii. 20% local procurement
 - iii. 20% local labour in construction
 - iv. 3 construction phase apprenticeships
 - v. 2 end-user phase apprenticeships
 - b. Affordable workspace
 - i. 10% of the proposed office space shall be affordable workspace at 30% discount from market rates for a period of 10 years. Provision of an Affordable Workspace Strategy prior to the completion of the Construction Phase of the Development.
 - c. Independent Retail
 - ii. 3no. independent retail units shall be secured for a period of 20 years. A Retail Management Strategy shall be submitted setting out how the applicant intends to market and manage the letting and occupation of the independent retail floorspace.
 - d. Transport matters:
 - i. S278 Agreement (works to Brick Lane/Woodseer Street)
 - e. Public access to site; restricting development on threshold of site to the north to facilitate future pedestrian connection to the street network to the north in the event that the site to the north is brought forward for development.
 - f. Compliance with Considerate Constructors Scheme
- 8.2 That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the following matters:

Planning Conditions

8.3 The conditions apply to each phase of the proposed development, insofar as they are relevant to that phase.

8.4 Compliance:

1. Permission valid for 3 years;
2. Development in accordance with approved plans;
3. Restrictions on demolition and construction activities (including hours of working in accordance with the Code of Construction Practice)
4. Provision and retention of cycle parking;
5. Limits on external plant noise;
6. Compliance with approved energy strategy;
7. Opening times of the Black Eagle Passage Gate (Monday to Sunday; 8am to 11pm).
8. Emissions from Non-road mobile machinery;
9. Air Quality Standards for Boilers and CHP Units
10. Details of kitchen extraction systems
11. Land Use – Proposed land uses being retail, employment, restaurants and gym, shall be maintained for the life time of the development.
12. Restriction of change of use within Class E (commercial uses) with respect to retail and office land uses.
13. Limiting use of the terrace areas on Woodseer Street to working hours only
14. Removal of permitted development rights for new boundary treatment
15. Timing of demolition and vegetation clearance (breeding birds) – between September and February

8.5 Pre-commencement:

16. Approval of onsite and or offsite air quality mitigation measures will be needed as required by the London Plan.
17. Approval of Demolition, Construction Environmental Management and Logistics Plan (Including Dust and Emissions Management Plan)
18. Approval of Land contamination remediation and mitigation
19. Approval and implementation of a scheme for archaeological investigation
20. Detailed surface water drainage scheme

8.6 Pre-superstructure works:

21. Approval of detailed design drawings and external facing materials including samples
22. Approval of landscaping details (including maintenance regime for green walls)
23. Secure by Design Accreditation

8.7 Prior to occupation:

24. Waste strategy and management
25. Service Management Plan
26. Land contamination verification report
27. Details of extraction, ventilation and external plant equipment
28. Full delivery, servicing and management plan
29. Travel Plan
30. BREEAM 'Excellent'
31. Submission of post completion verification report including as built calculations (SBEM) to demonstrate the reduction in CO2 emissions have been delivered on site
32. Public art installation on the corner building Design of Black Eagle Passage Gate

8.8 Informatives:

1. Subject to s278 agreement
2. Subject to s106 agreement
3. Development is CIL liable.
4. Basement works to be agreed with Highways structures team
5. Archaeology - Written schemes of investigation
6. Thames Water informatives

APPENDIX 1 – LIST OF DOCUMENTS FOR APPROVAL

Drawings	
Drawing No	Title
3813/M/08 REV P2	BLOCK S1 ROOF - PROPOSED MECHANICAL SERVICES
3813/M/20 REV P1	BLOCK S1 CONCEPT VENTILATION SCHEMATIC
931_PL-DE-H-EE-01 P1	146 BRICK LANE DEMOLITION ELEVATION - NORTH
931_PL-DE-H-EE-02 P1	146 BRICK LANE DEMOLITION ELEVATION - SOUTH
931_PL-DE-H-ES-01 P1	146 BRICK LANE DEMOLITION SECTION AA
931_PL-DE-H-EX-00 P1	146 BRICK LANE DEMOLITION PLAN LEVEL 00
931_PL-DE-S1-EE-01 P1	140 BRICK LANE DEMOLITION ELEVATION - SOUTH
931_PL-DE-S1-ES-01 P1	140 BRICK LANE DEMOLITION SECTION - AA
931_PL-DE-S1-EX-00-A P1	140 BRICK LANE DEMOLITION PLAN LEVEL 00 PART A
931_PL-DE-S1-EX-00-B P1	140 BRICK LANE DEMOLITION PLAN LEVEL 00 PART B
931_PL-DE-S1-EX-01 P1	140 BRICK LANE DEMOLITION PLAN LEVEL 01
931_PL-DE-S2-EE-01 P1	25 WOODSEER ST. DEMOLITION ELEVATIONS
931_PL-DE-S2-EX-00 P1	25 WOODSEER ST DEMOLITION PLANS LEVEL 00, 01 & 02
931_PL-H-EE-01 P1	146 BRICK LANE EXISTING ELEVATION - NORTH
931_PL-H-EE-02 P1	146 BRICK LANE EXISTING ELEVATION - SOUTH
931_PL-H-ES-01 P1	146 BRICK LANE EXISTING SECTION AA
931_PL-H-EX-00 P1	146 BRICK LANE EXISTING PLAN LEVEL 00
931_PL-H-EX-01 P1	EXISTING PLAN LEVEL 01

931_PL-H-EX-02 P1	EXISTING PLAN LEVEL 02
931_PL-H-EX-03 P1	EXISTING PLAN LEVEL 03
931_PL-H-EX-B1 P1	EXISTING PLAN LEVEL B1
931_PL-H-EX-B1 REV P1	146 BRICK LANE EXISTING PLAN LEVEL B1
931_PL-H-GA-00 P2	146 BRICK LANE PROPOSED PLAN - LEVEL 00
931_PL-H-GE-01 P1	146 BRICK LANE PROPOSED ELEVATION - NORTH
931_PL-H-GE-02 P2	146 BRICK LANE PROPOSED ELEVATION - SOUTH
931_PL-H-GS-01 P1	146 BRICK LANE PROPOSED SECTION AA
931_PL-S1-EE-01 P1	140 BRICK LANE EXISTING ELEVATION - SOUTH
931_PL-S1-ES-01 P1	140 BRICK LANE EXISTING SECTION - AA
931_PL-S1-EX-00-A P1	140 BRICK LANE EXISTING PLAN LEVEL 00 PART A
931_PL-S1-EX-00-B P1	140 BRICK LANE EXISTING PLAN LEVEL 00 PART B
931_PL-S1-EX-01 P1	140 BRICK LANE EXISTING PLAN LEVEL 01
931_PL-S1-GA-00 P2	140 BRICK LANE PROPOSED PLAN - LEVEL 00
931_PL-S1-GA-01 P2	140 BRICK LANE PROPOSED PLAN - LEVEL 01
931_PL-S1-GA-02 P2	140 BRICK LANE PROPOSED PLAN - LEVEL 02
931_PL-S1-GA-03 P2	140 BRICK LANE PROPOSED PLAN - LEVEL 03
931_PL-S1-GA-04 P2	140 BRICK LANE PROPOSED PLAN - LEVEL 04
931_PL-S1-GA-B1 P1	140 BRICK LANE PROPOSED PLAN - LEVEL B1
931_PL-S1-GA-B2 P1	140 BRICK LANE PROPOSED PLAN - LEVEL B2
931_PL-S1-GA-RF P2	140 BRICK LANE PROPOSED PLAN - ROOF LEVEL

931_PL-S1-GE-01 P3	140 BRICK LANE - PROPOSED ELEVATION SOUTH
931_PL-S1-GE-02 P2	140 BRICK LANE - PROPOSED ELEVATION WEST
931_PL-S1-GE-03 P2	140 BRICK LANE - PROPOSED ELEVATION EAST
931_PL-S1-GS-01 P2	140 BRICK LANE PROPOSED SECTION AA
931_PL-S1-GS-02 P2	140 BRICK LANE PROPOSED SECTION BB
931_PL-S1-GS-03 P2	140 BRICK LANE PROPOSED SECTION CC
931_PL-S1-GS-05 P2	140 BRICK LANE PROPOSED SECTION EE
931_PL-S1-GS-06 P2	140 BRICK LANE PROPOSED SECTION FF
931_PL-S1-GS-07 P2	140 BRICK LANE PROPOSED SECTION GG
931_PL-S2-EE-01 P1	25 WOODSEER ST. EXISTING ELEVATIONS
931_PL-S2-EX-00 P1	25 WOODSEER ST EXISTING PLANS LEVEL 00, 01 & 02
931_PL-S2-GA-00 P2	PROPOSED PLAN - LEVEL 00 & 01
931_PL-S2-GA-02 P2	PROPOSED PLAN - LEVEL 02 & 03
931_PL-S2-GA-04 P2	PROPOSED PLAN - LEVELS 04 & ROOF
931_PL-S2-GE-01 P3	PROPOSED ELEVATION - SOUTH
931_PL-S2-GE-01 REV P3	25 WOODSEER ST PROPOSED ELEVATION - SOUTH
931_PL-S2-GE-02 P2	25 WOODSEER ST PROPOSED ELEVATION - NORTH
931_PL-S2-GE-03 P1	25 WOODSEER STREET PROPOSED ELEVATION - WEST
931_PL-S2-GS-01 P2	25 WOODSEER ST PROPOSED SECTION AA
931_PL-S2-GS-02 P2	25 WOODSEER ST PROPOSED SECTION BB
931_PL-S2-GS-03 P1	25 WOODSEER ST PROPOSED SECTION CC

931_PL-XX-GA-00 P2	PROPOSED SITE PLAN
931_PL-XX-S-00 P2	SITE LOCATION PLAN
8339-PL-GA-101-P	SOFT LANDSCAPE GENERAL ARRANGEMENT
8339-PL-GA-102-P	LANDSCAPE GENERAL ARRANGEMENT
8339-PL-GA-103-P	HABITAT FEATURES GENERAL ARRANGEMENT
8339-PL-PP-601-P	SOFT LANDSCAPE PLANTING PLAN GROUND FLOOR
8339-PL-PP-602-P	SOFT LANDSCAPE PLANTING PLAN SECOND FLOOR TERRACE
8339-PL-PP-603-P	SOFT LANDSCAPE PLANTING PLAN S2 ROOF LEVEL
8339-PL-PP-604-P	SOFT LANDSCAPE PLANTING PLAN S1 ROOF LEVEL 04 TERRACE, ROOFS & BRIDGE TERRACE
8339-PL-PP-605-P	SOFT LANDSCAPE PLANTING PLAN GROUND FLOOR CLIMBER LAYOUT
8339-SE-SD-501-P	SOFT LANDSCAPE DETAILS
8339-SE-SD-502-P	SOFT LANDSCAPE DETAILS

Documents	
Document	Author
Design and Access Statement	Buckley Gray Yeoman
Planning Statement	DP9
Heritage and Townscape Statement	KM Heritage
Transport Statement	i-Transport
Soft Landscaping Specification	Spacehub
Soft Landscaping Report	Spacehub
Travel Plan	i-Transport
Delivery and Servicing Management Plan	i-Transport
Preliminary Ecological Appraisal	Ecology Consultancy
Energy Assessment	Environmental Engineering Partnership

APPENDIX 2: Existing site photos

Figure A: View looking north along Brick Lane; the wall bounding Plot S1 (on the application site) is shown on the right; Block F is shown on the left; the Truman's bridge crossing Brick Lane in the centre of the view.



Figure B: View looking east along Woodseer Street from Brick Lane. The application site is on the left side of the view.



Figure C: View looking west of the existing car park on Plot S1, with Building H to the right of the view



Figure D: View looking east along Woodseer Street showing the existing wall bounding Plot S1, and Building S2.



Figure E: View looking west along Woodseer Street. The application site, Building S2, is on the right of the view.



APPENDIX 3: Proposed plans, elevations and sections

Figure A: Proposed ground floor plan - Building H and Building S1

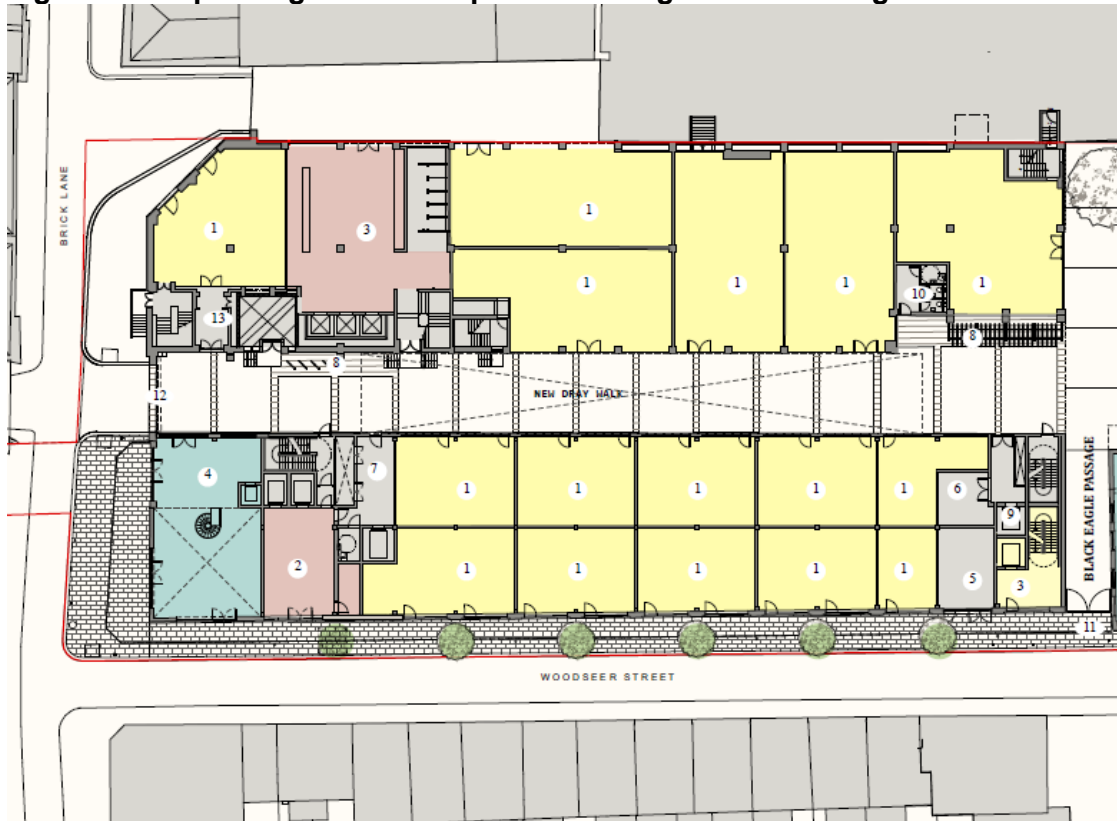


Figure B: Proposed first floor plan - Building H and Building S1

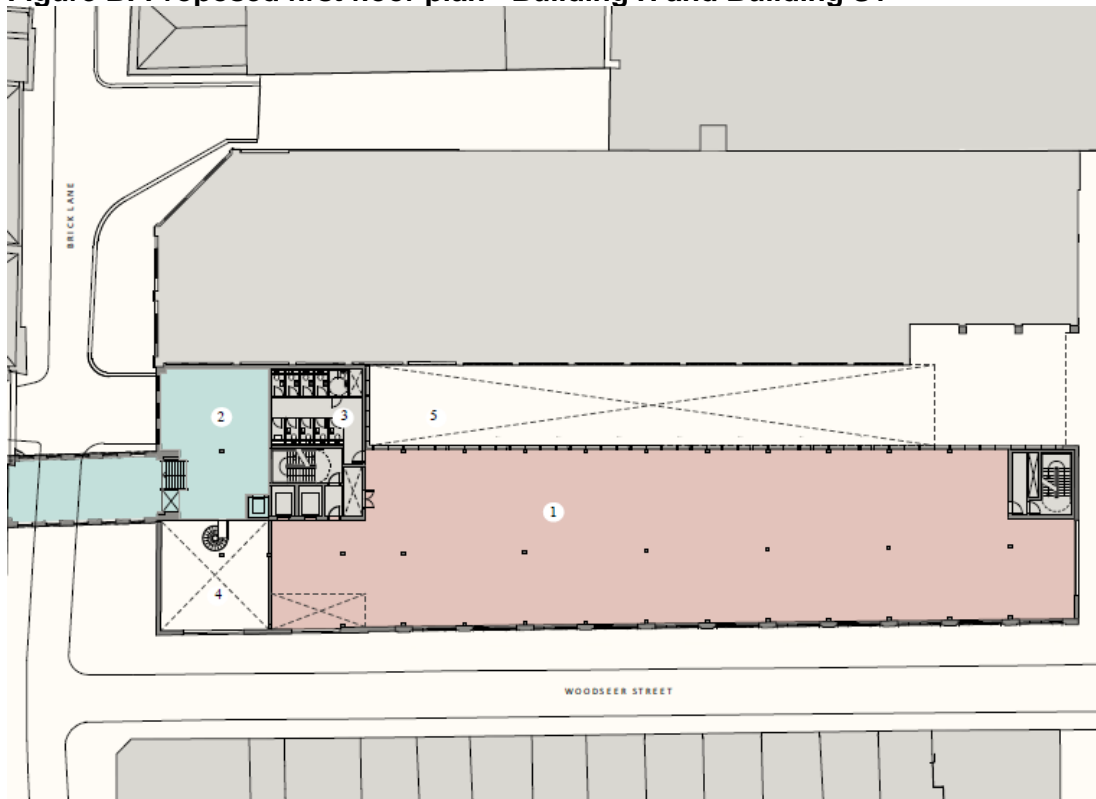


Figure C: Proposed second floor plan - Building H and Building S1

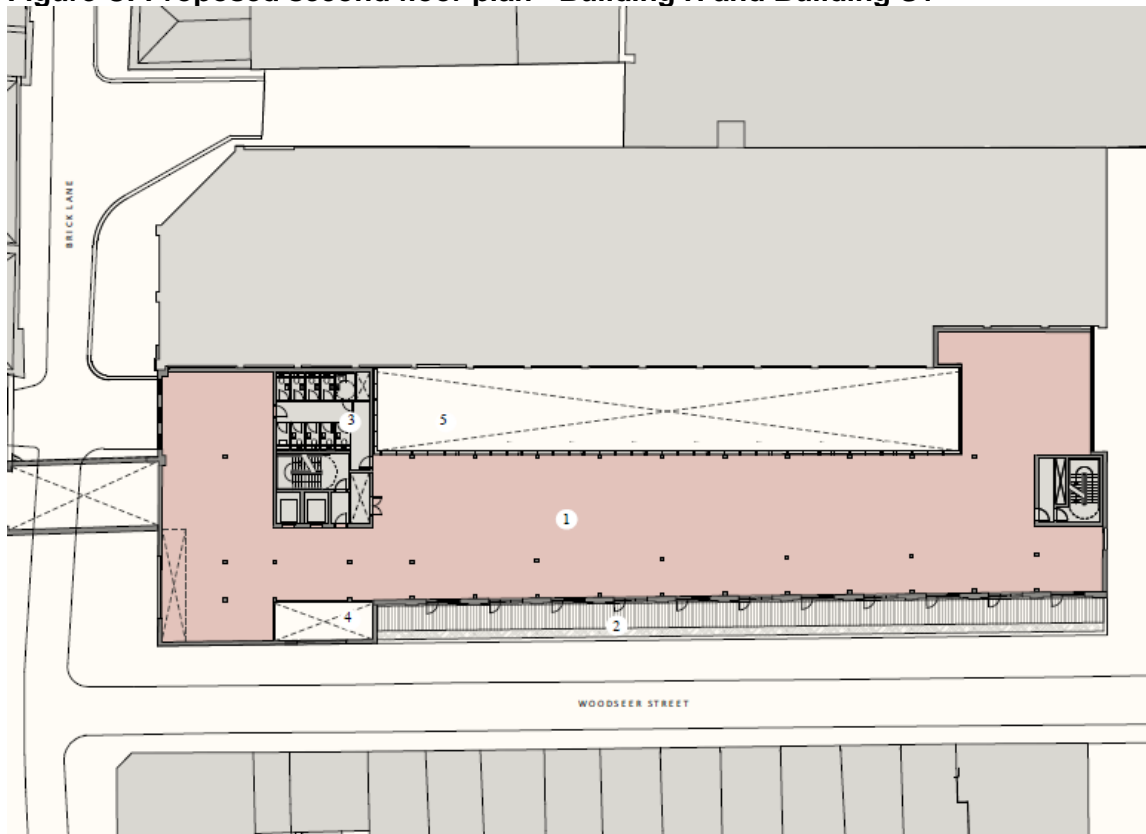


Figure D: Proposed third floor plan - Building H and Building S1

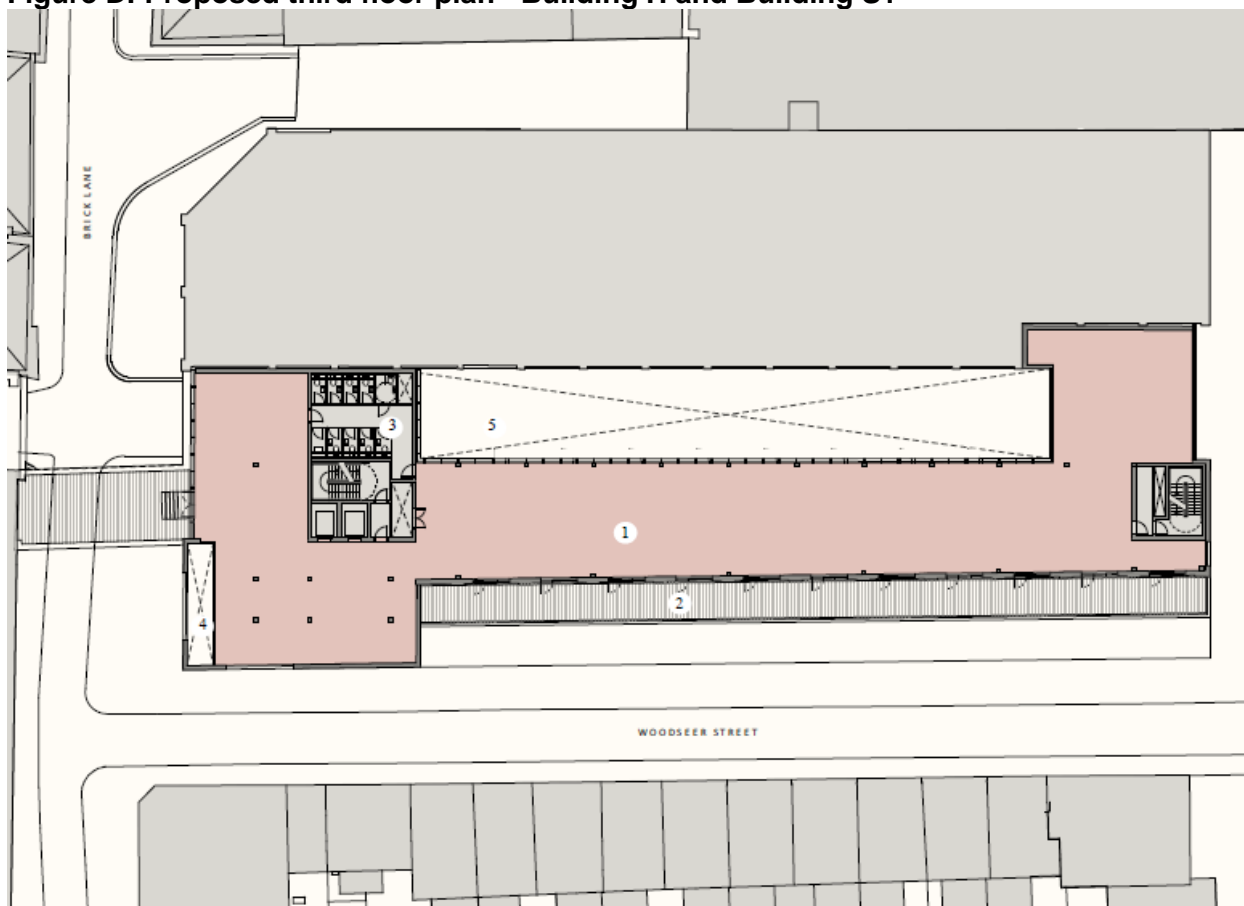


Figure E: Proposed fourth floor plan - Building H and Building S1

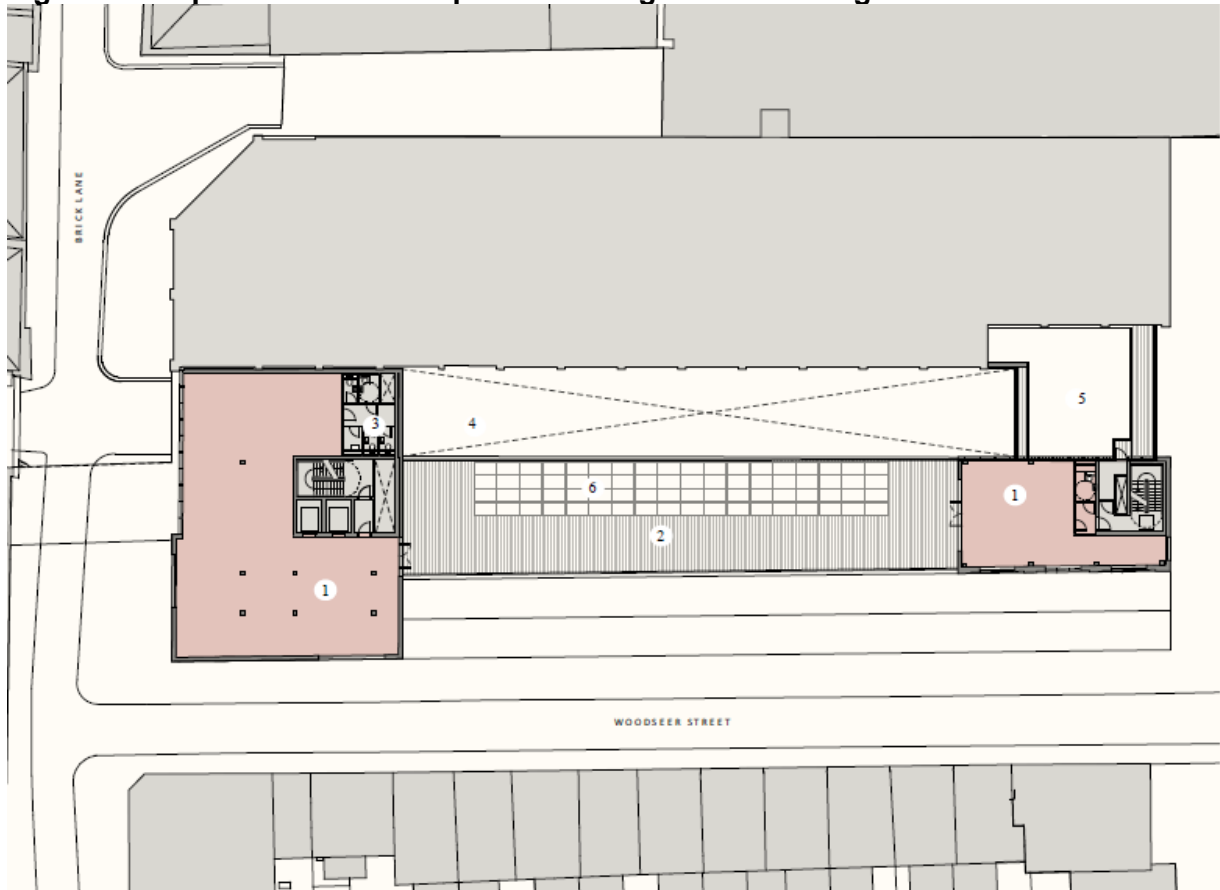


Figure F: Proposed roof plan - Building H and Building S1

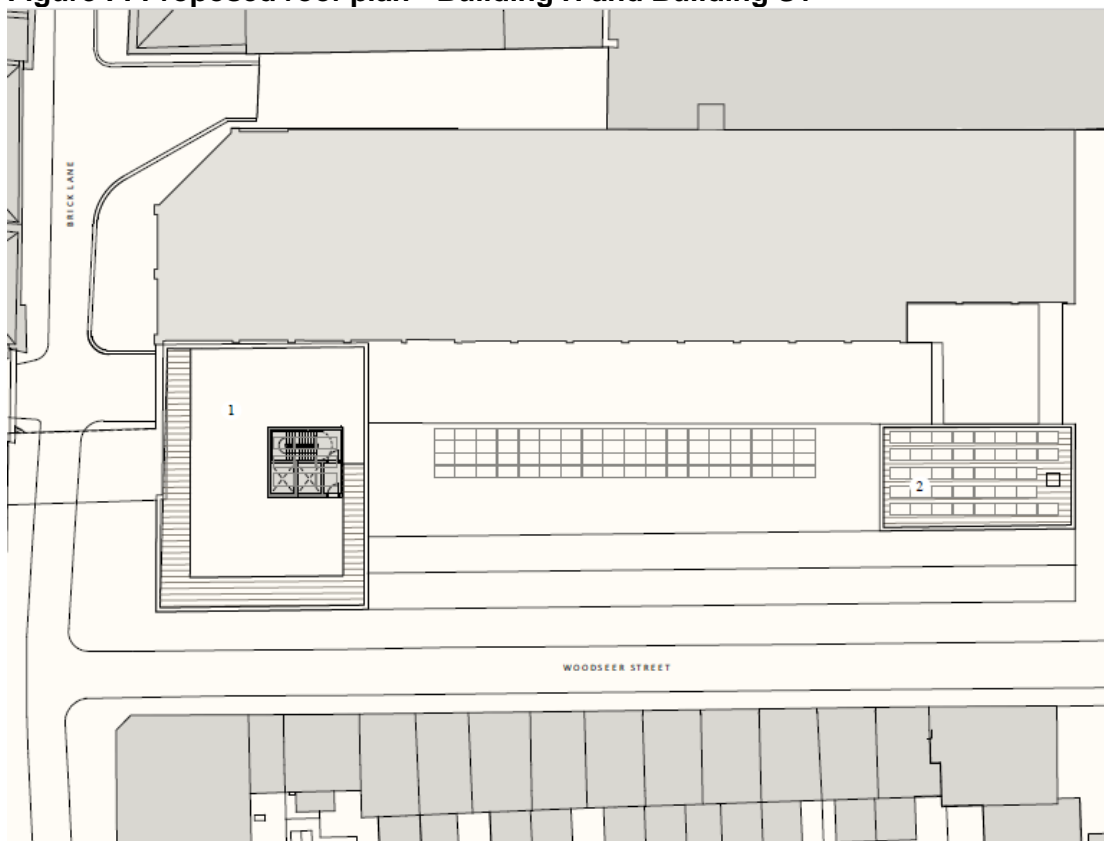


Figure G: Proposed basement plan - Building S1

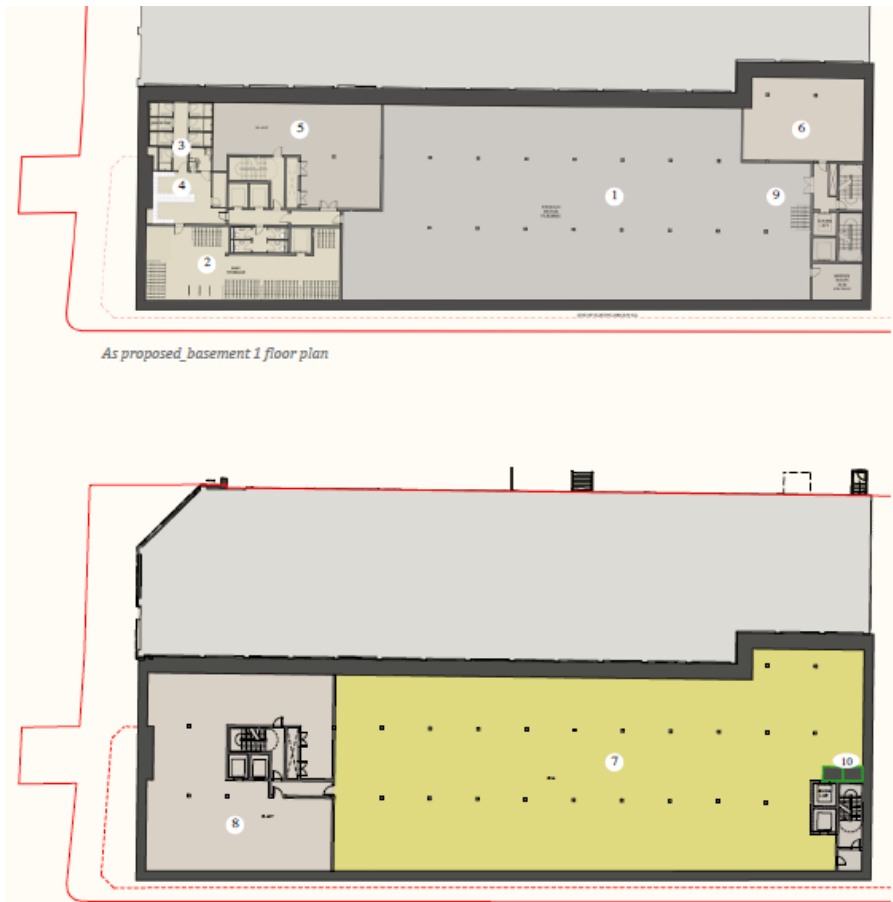


Figure H: Proposed south 'Woodseer Street' elevation (View of Building S1)

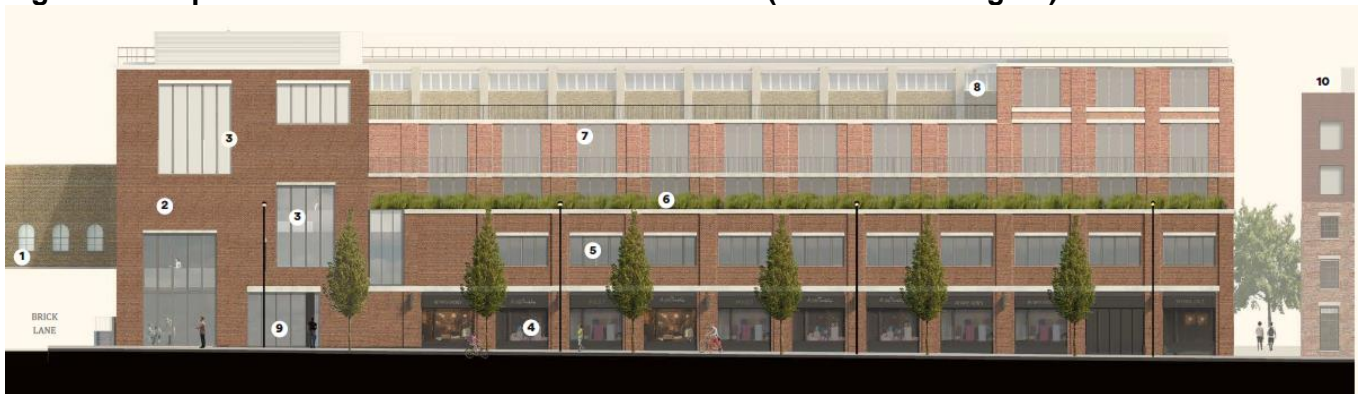


Figure I: Proposed west 'Brick Lane' elevation (*Building S1: right; Building H: left*)



Figure J: Proposed east 'Black Eagle Yard' elevation (*Building S1: left; Building H: right*)



Figure K: Proposed section through New Dray Walk (looking north)



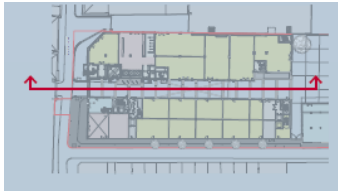


Figure L: Proposed section through New Dray Walk (looking south)

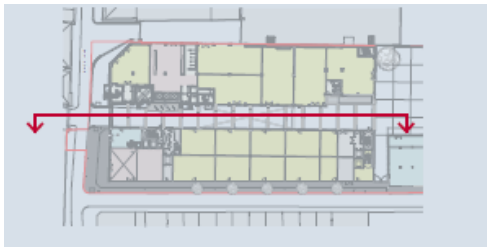


Figure M: Proposed ground floor plan - Building S2

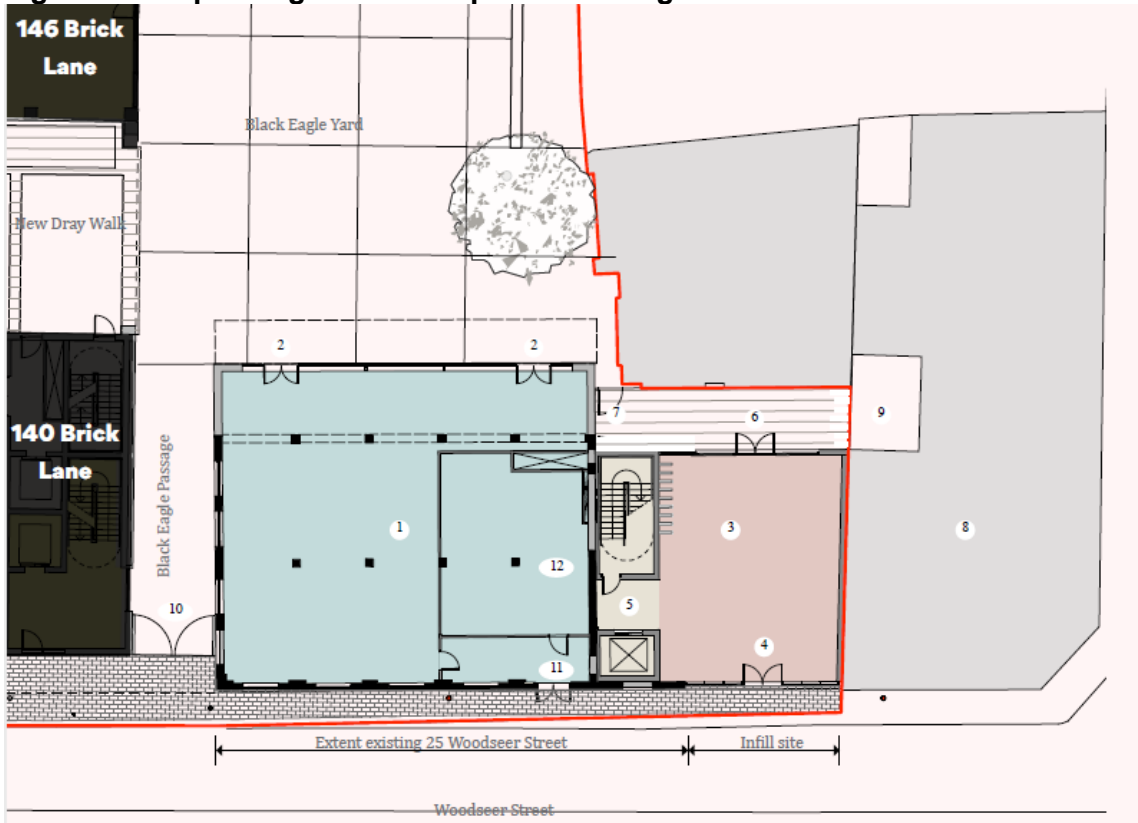


Figure N: Proposed upper floor plan - Building S2

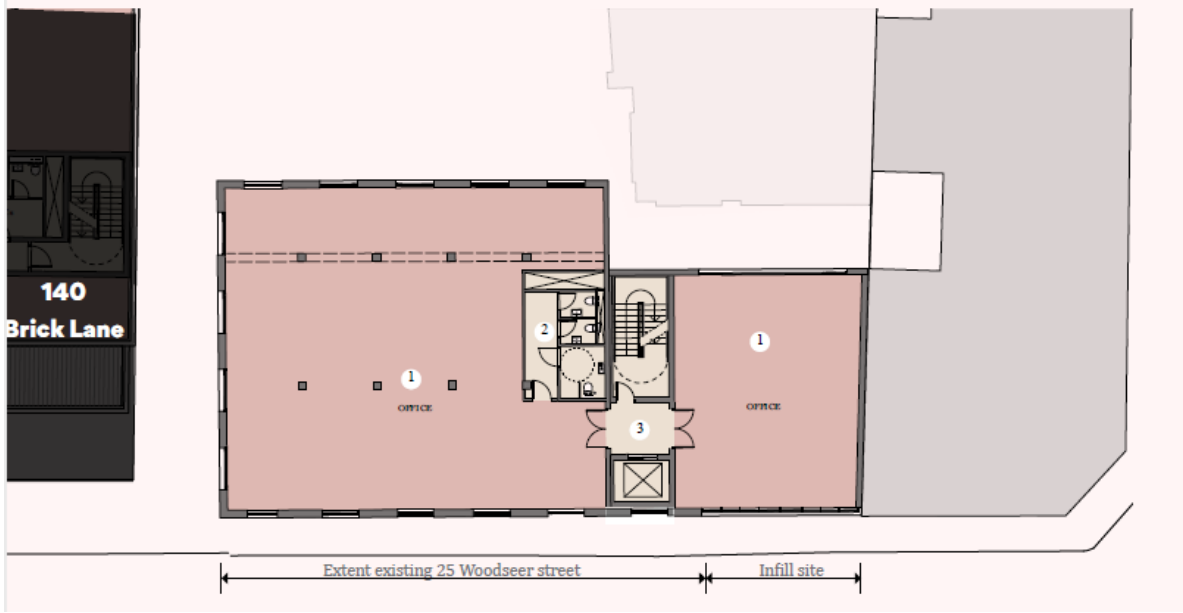


Figure O: Proposed elevations - Building S2



Figure P: Proposed south 'Woodseer Street' elevation (full site)

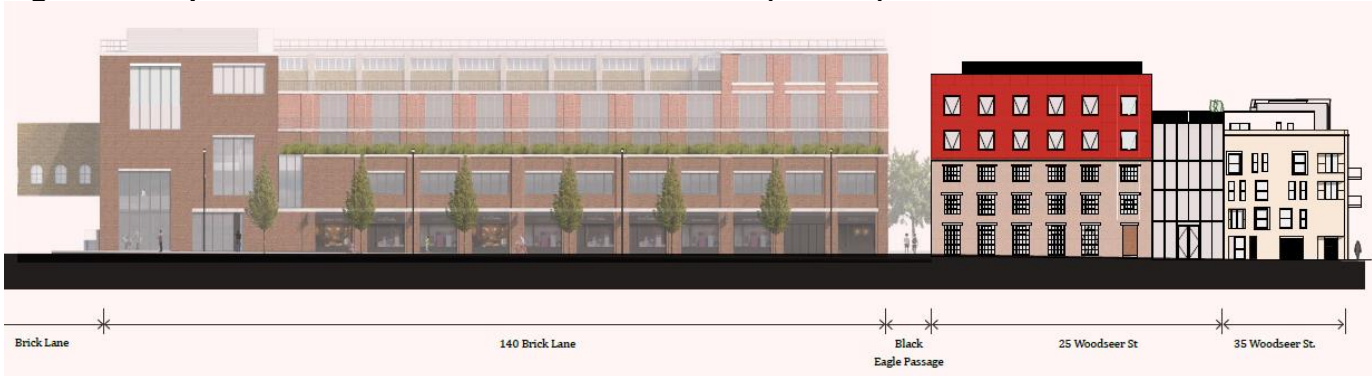
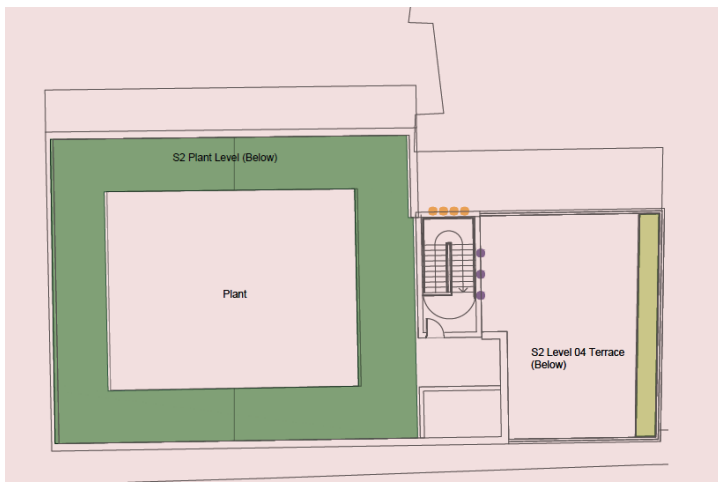
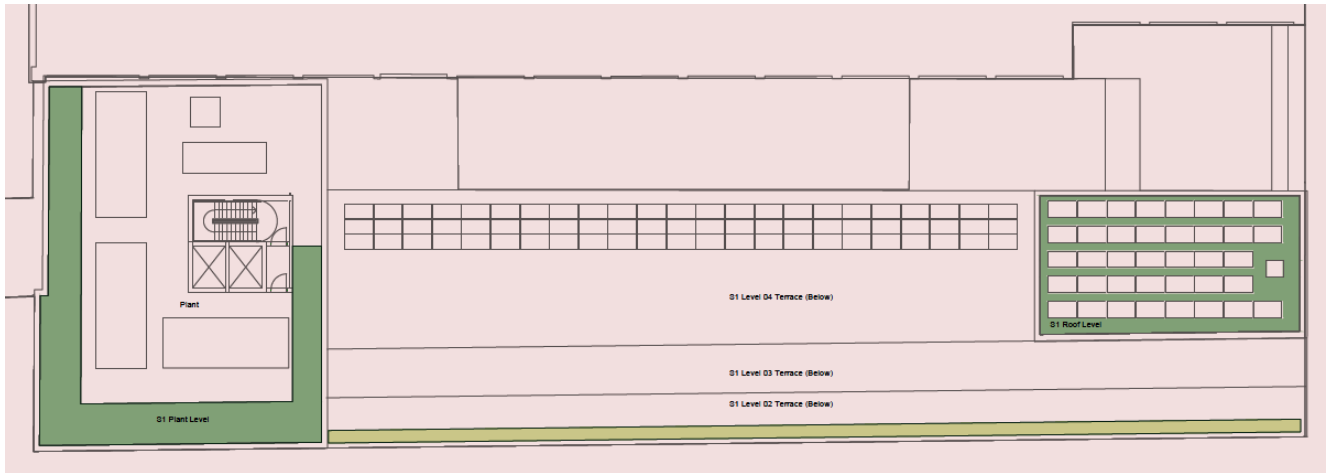
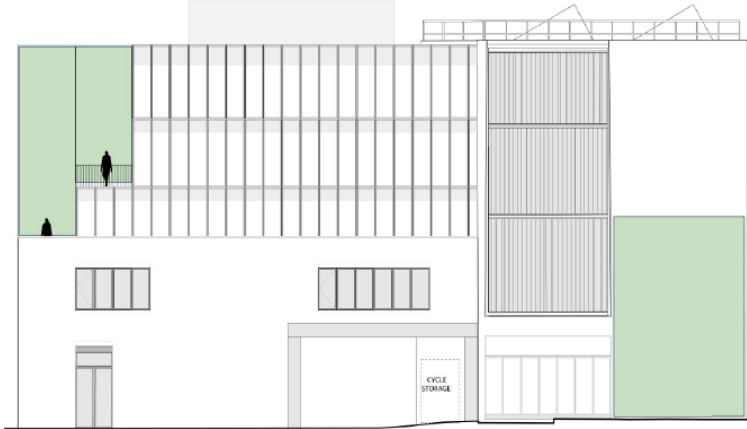


Figure Q: Proposed location of biodiverse roofs and wall climbers

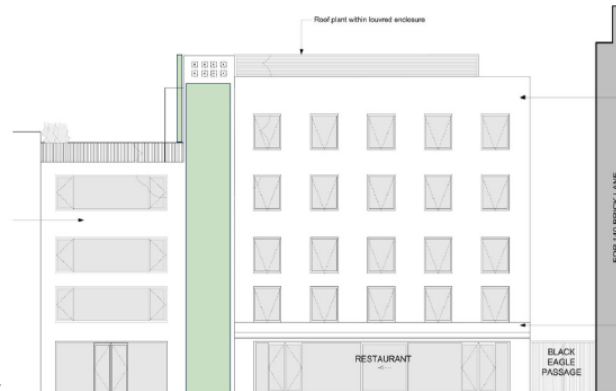


- Biodiverse Planted Roof
- Planting area
- Type H1 - Bird Box
Location indicative. Unit integrated into brick facade.
- Type H2 - Bat Tube

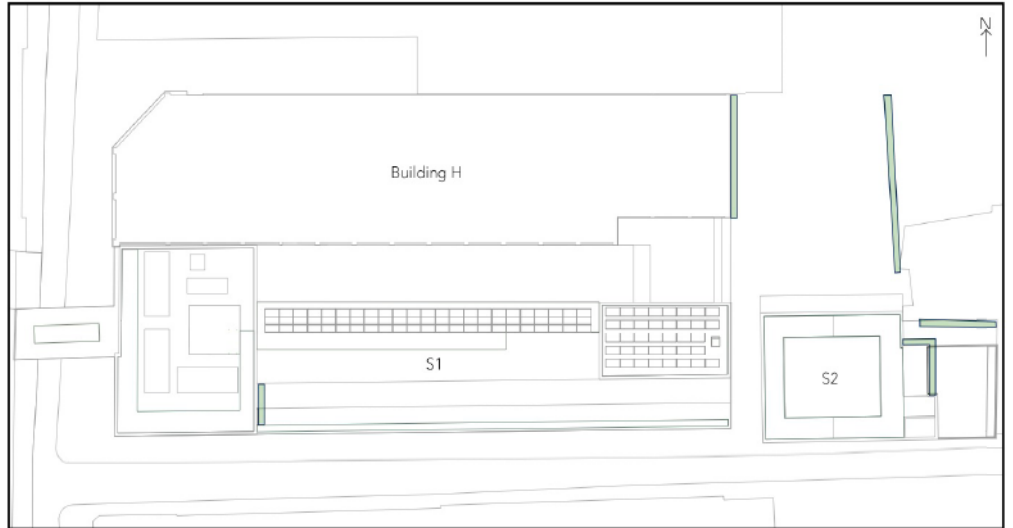
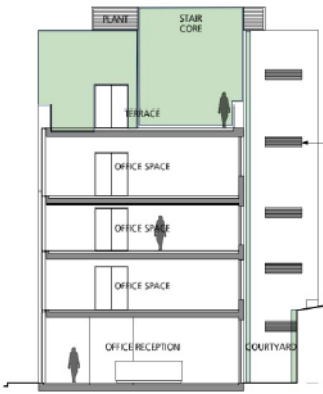
4.2 Climber green walls



Eastern elevation of S1 & Building H



Northern elevation of 25 Woodseer Street (S2)



— Climber Green Wall Extents