



Ministry of Housing,
Communities &
Local Government

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By email only

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Your ref: PA/24/01450
PA/24/01451/A1
PA/24/01439/A1
PA/24/01475/NC

29 July 2026

Dear Julian Shirley and Kurt Gagen,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 – SECTION
12**

**APPEALS A, B AND D MADE BY TRUMAN ESTATES LTD AND APPEAL C MADE BY
ZELOOF LLP**

- **APPEAL A: 47 GREY EAGLE STREET, LONDON E1 6SN - PA/24/01450**
- **APPEAL B: LAND BOUNDED BY BUXTON STREET, SPITAL STREET, WOODSEER STREET, AND BRICK LANE, AND LAND BOUNDED BY WOODSEER STREET AND HANBURY STREET, LONDON E1 - PA/24/01451/A1**
- **APPEAL C: ELY'S YARD, DRAY WALK, LONDON E1 6NJ - PA/24/01439/A1**
- **APPEAL D: LAND BOUNDED BY BUXTON STREET, SPITAL STREET, WOODSEER STREET, AND BRICK LANE, AND LAND BOUNDED BY WOODSEER STREET AND HANBURY STREET, LONDON E1 - PA/24/01475/NC**

This decision was made by Minister of State for Housing and Planning, Matthew Pennycook MP, on behalf of the Secretary of State

1. I am directed by the Secretary of State to say that consideration has been given to the report of Paul Griffiths BSc(Hons) BArch IHBC, who held a public local inquiry between 14 October 2025 and 31 October 2025 into your clients' appeals against the failure of the Council of the London Borough of Tower Hamlets to determine your clients' applications for:

Appeal A – planning permission for: the demolition of existing buildings on the site and the construction of a new building comprising 5,200 square metres GIA of Use Class B8 floor space for use as a data centre, reaching a maximum height of approximately 29m (41.78 AOD) (including lift overrun and plant), in accordance with application Ref. PA/24/01450, dated 12 August 2024.

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Appeal B – planning permission for: partial demolition of existing structures and refurbishment of Boiler House and Cooperage and construction of five new buildings comprising approximately 35,000 sqm GIA of residential, office, retail, food and beverage, community use, supermarket, microbrewery, market space, event space of Use Classes E (a) (b) and (g), Use Class F1 and F2, sui generis and Use Class C3 reaching a maximum height of approximately 29m (42.78 AOD), in accordance with application Ref. PA/24/01451/A1, dated 12 August 2024.

Appeal C – planning permission for: the construction of a building comprising approximately 4,500 sqm GIA of office, retail and mixed use space including workspace and affordable workspace of Use Class E (a) (b) and (g) reaching a maximum height of approximately 29m (43.49 AOD) and creation of new landscaping and pedestrian link, in accordance with application Ref. PA/24/01439/A1, dated 12 August 2024.

Appeal D – listed building consent for: external and internal alterations to the Boiler House including (i) two storey extension to eastern elevation comprising event space; (ii) fabric removal and refurbishment works on all floors, including western façade of the hopper; (iii) repair works to roof; (iv) existing roof-lights replaced with conservation roof-lights; and (v) demolition of mid twentieth century additions including extensions, staircases, gates, toilet blocks, sheds and courtyard walls, in accordance with application Ref. PA/24/01475/NC, dated 12 August 2024.

2. On 23 October 2025, these appeals were recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act (TCPA) 1990 and paragraph 3 of Schedule 2 of the Planning (Listed Buildings and Conservation Areas) Act (LBCA) 1990.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that all four appeals are allowed, and planning permission for Appeals A, B and C, and listed building consent for Appeal D, are granted.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, except where stated, and agrees with his recommendations. She has decided to allow the appeals, and grant planning permission for Appeals A, B and C and listed building consent for Appeal D. The Inspector's Report (IR) is attached. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. She notes that a single Environmental Statement was submitted for the applications, and subsequently amended and supplemented, as the proposals, taken together, were considered to be EIA development. Having taken account of the Inspector's comments at IR5.1, the Secretary of State is satisfied that the Environmental Statement complies with the above Regulations and that sufficient information has been provided for her to assess the environmental impact of the proposals.

Matters arising since the close of the inquiry

6. The draft Tower Hamlets Local Plan was submitted to the Secretary of State for examination on 16 February 2026, after the close of the Inquiry (IR6.31). The Secretary of State notes that the Inspector did not consider it necessary to refer back to parties on this matter (IR6.31, fn26). As the relevant allocation¹ has not changed since the previous version,² the Secretary of State agrees that it is not necessary to refer back to parties to seek their views on the effect of the submission of the draft Local Plan before reaching her decision, and she is satisfied that no interests have thereby been prejudiced.
7. On 16 July 2026, after the close of the inquiry, the Greater London Authority published the draft London Plan for consultation. The Secretary of State has taken into account that the Statements of Common Ground between the appellants and the Council indicate that this emerging London Plan was not raised as a consideration, and she considers it is still at an early stage. She therefore does not consider that this raises any matters that would require her to refer back to the parties for further representations on this matter prior to reaching her decision, and she is satisfied that no interests have thereby been prejudiced. The question of the weight attaching to the emerging plans is addressed at paragraphs 13-17 below.
8. A list of representations which have been received since the inquiry is at Annex A. The Secretary of State is satisfied that the issues raised do not affect her decision, and no new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. Copies of these letters may be obtained on request to the email address at the foot of the first page of this letter.

Policy and statutory considerations

9. In reaching her decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
10. In this case the development plan consists of the London Plan (LP), adopted March 2021, and the Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits (THLP), adopted January 2020. The Secretary of State considers that relevant development plan policies include those set out at IR6.1-6.30.
11. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (the Framework) published on 12 December 2024 and updated on 7 February 2025, and associated planning guidance (the Guidance), as well as the Brick Lane and Fournier Street Conservation Area Character Appraisal and Management Guidelines SPD, adopted 2009.
12. In considering whether to grant listed building consent, in accordance with section 16(2) of the LBCA 1990, the Secretary of State has had special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. In accordance with section 66(1) of the LBCA 1990, the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess. In accordance with section

¹ Allocation 1.7: Brick Lane and Pedley Street.

² TOWER HAMLETS DRAFT NEW LOCAL PLAN Draft Submission Local Plan – Regulation 19 Autumn 2024

72(1) of the LBCA 1990, the Secretary of State has paid special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Emerging plan

13. The emerging plan comprises the draft London Plan and the draft Tower Hamlets Local Plan 2038 (see paragraphs 6-7 above) The draft Tower Hamlets Local Plan contains a proposed site allocation (Allocation 1.7: Brick Lane and Pedley Street) as set out by the Inspector at IR6.32, within which all the appeal sites are located. This proposes a mixed-use, residential-led scheme providing 800 homes and up to 33,000 sqm of non-residential floorspace.³
14. Paragraph 49 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.
15. The Secretary of State has taken into account parties' cases on the weight which should be given to the emerging Tower Hamlets Local Plan and proposed site allocation. The Council considers the allocation in the emerging plan should attract moderate weight (IR9.90) and Save Brick Lane supports the Council's position (IR10.28).
16. The Secretary of State has also taken into account the Inspector's conclusions at IR14.14-14.18. She notes that there is no dispute that the adopted land use policies are up to date, and considers they carry full weight. She agrees at IR14.15 that the draft Local Plan can attract more weight now that it has been submitted for examination, but has also taken into account that it is at a relatively early stage and has not yet gone through examination. She considers that given the landowner's objection (IR14.18), there is clearly an unresolved objection to Site Allocation 1.7. She does not consider it necessary as part of this decision to reach a view on whether the proposed allocation would ultimately be deliverable. She considers overall, for the reasons given above, that no more than limited weight attaches to the emerging allocation and the draft Local Plan.
17. The Secretary of State considers that as the draft London Plan (see paragraph 7 above) is at an early stage, it carries little weight.

Main issues

18. For the reasons given at IR14.7-14.10, the Secretary of State agrees with the Inspector that the acceptability, or otherwise, of the various land uses proposed in the schemes (IR14.7), the effect of the schemes on the character and appearance of the area, with reference to their design, and their effect on the significance of various heritage assets that would be affected (IR14.8), and other matters, notably the effect of the proposals on the living conditions (IR14.9) are main matters in these cases. She has additionally set out her conclusions on the benefits of the appeal schemes at paragraphs 43-49 below.

Land use

³ Tower Hamlets Consolidated Draft Local Plan – Regulation 19 Winter 2025

19. The Secretary of State has carefully considered the Inspector's analysis of matters concerning land use at IR14.11-14.33. She acknowledges the housing needs of the local community, and the strongly held local views on the proposals. She has also taken into account the representations from the community that residential proposals should be brought forward on these sites, including the case put by the Rule 6 party, and notes that a model of a residential development is presented in the evidence of the Rule 6 party. However the Inspector states that no viability assessment has been carried out on the emerging allocation (IR14.24), and there is no detailed evidence before her of the feasibility and deliverability of an alternative residential-led scheme. She has concluded at paragraph 16 above that the emerging allocation carries no more than limited weight. There is no alternative residential-led application before her, and in these circumstances she considers it is necessary to consider the appeals which are before her on their own merits.
20. The Secretary of State agrees with the Inspector that the starting point for land use considerations must be the development plan (IR14.11). For the reasons given at IR14.29-14.32, she agrees that the location of the proposals in the City Fringe Opportunity Area and at the heart of Tech City, and the application of the policies outlined in IR14.29, support these proposals, and that overall the proposals accord with the development plan in land use terms (IR14.32).

Character and appearance (*Design and heritage*)

21. The Secretary of State has taken into account the Inspector's general comments at IR14.34-IR14.42, and his appeal-specific conclusions on design and heritage at IR14.42-IR14.130. She has set out her conclusions on design and townscape, and heritage, separately for each appeal. Unlike the Inspector who has carried out an internal balance for the heritage impacts of each proposal (IR14.55; IR14.77; IR14.128), the Secretary of State has weighed heritage harms and benefits separately, and thus carried out the heritage balance set out at paragraph 215 of the Framework in respect of Appeals A, B and C at paragraph 61 of this letter.
22. **Appeal A** – The Secretary of State agrees that the building currently on the site is utterly derelict, and home to anti-social and criminal activity. Like the Inspector she considers the building, through its ruinous state, to be a profoundly negative element of the townscape (IR14.44).
23. The Secretary of State notes at IR14.46 that the proposed data centre would be of significantly greater height and mass than the existing building. However, for the reasons given at IR14.43-14.63, she agrees that the scale of the building would relate in a reasonable way to other buildings in the vicinity, and that the set-backs in the form of the building, and the use of the contrast between brick and metallic cladding in the lower and upper levels, would respond well to the immediate context of the site (IR14.47). She notes that the proposal would reinstate the building line on Grey Eagle Street, and agrees at IR14.48 that the building would be of a good quality of design, with a very clear improvement in visual terms on what is on the site at present. She agrees with the Inspector that the building would be a more architecturally coherent presence in the street-scene (IR14.58). Overall, she considers the design and townscape benefits carry moderate weight.
24. However, she also agrees that while the proposal would provide more activation than what is on site at present, it would not provide a great deal of activation (IR14.49). She considers the limited activation constitutes minor conflict with LP Policies D3 and D8, and

THLP Policy D.DH2. She also identifies some minor conflict with local policy on key views (THLP Policy D.DH4) for the reasons set out in paragraph 26 below.

25. Taking the above considerations into account, the Secretary of State agrees that in terms of heritage benefits, the proposal would very clearly enhance both the character and appearance of the Brick Lane and Fournier Street Conservation Area (the CA) (IR14.50). In the context of the CA as a whole, she gives this moderate weight.
26. In terms of heritage harm, for the reasons set out at IR14.51-14.54, the Secretary of State agrees that the closure of the view of Christ Church Spitalfields from Quaker Street would have something of a negative impact on the character and appearance, and the significance, of the CA, and agrees that the harmful impact would be very minor (IR14.54). She considers that there would be less than substantial harm, at the lower end of the scale, and that there would be minor conflict with LP Policy HC1 and THLP Policy S.DH3. In line with paragraph 212 of the Framework, she gives this very minor heritage harm to the CA great weight.
27. **Appeal C** – For the reasons given at IR14.64-14.79, the Secretary of State agrees that the design of the building, with its setbacks and chamfered corner, would break up its mass, and that the articulation of the facades, and the use of materials, with nods to other buildings in the CA, and in particular Christ Church, would be contextually appropriate, and that it would provide beneficial oversight of Grey Eagle Street (IR14.67). She further agrees that while the view along Dray Walk would be closed, the focus of the view will become the façade of a well-designed building (IR14.68). Overall, she agrees that this is a proposal which attains a very high standard of design (IR14.67) and would represent a significant enhancement in townscape terms (IR14.68). She considers that design and townscape benefits carry significant weight.
28. With regard to the pedestrian connection from what would remain of Ely's Yard through to Grey Eagle Street, addressed by the Inspector at IR14.69-14.70, the Secretary of State agrees with the Council's views on this matter, as set out at IR9.166 and unlike the Inspector considers that in order to provide adequate permeability, integration and an adequate pedestrian environment, a condition which enables a revised design to be secured is necessary. A draft condition was put forward at inquiry by the appellant (IR8.111) and this is now set out as condition 29 for Appeal C.
29. The Secretary of State identifies some minor conflict with local policy on key views (THLP Policy D.DH4) for the reasons set out in paragraph 31 below.
30. Turning to heritage benefits, for the reasons given at IR14.71-14.72, the Secretary of State agrees that the replacement of the view of a blank façade with its escape stair with a view of the proposal with its carefully articulated chamfered elevation, and its circular opening that acts as a reference back to Christ Church would be a significant enhancement of the character and appearance, and significance of the CA (IR14.71). She also agrees that the carefully articulated façade on to Grey Eagle Street, with windows overlooking it, and balconies on the south elevation, doing likewise, and the kiosk, would enliven Grey Eagle Street, and provide passive surveillance, and she agrees this would also make a small, but nevertheless tangible positive contribution to the character and appearance of the CA (IR14.72). She considers that the heritage benefits

arising from these improvements to views and the increased activation carry significant weight.

31. In terms of heritage harm, for the reasons set out at IR14.73-14.76, the Secretary of State agrees that the views referred to by the Inspector at IR14.73 and IR14.75 contribute to the significance of the CA and the loss of these views would therefore have something of a negative impact on the character and appearance, and the significance, of the CA. She further agrees that the harmful impact would be very minor (IR14.76) and considers this would be less than substantial, at the lower end of the scale. She considers this constitutes minor conflict with LP Policy HC1 and THLP Policy S.DH3. In line with paragraph 212 of the Framework, she considers the the very minor heritage harm to the CA through loss of views carries great weight.
32. **Appeal B** – For the reasons given at IR14.80-14.90, and while she has given regard to Historic England concerns regarding scale,⁴ the Secretary of State agrees that the proposed replacement building at Block J would result in a massive uplift over what is on site at present (IR14.86), and would be a very well-designed building. She agrees at IR14.85 that the plan form of the site would be a well-thought-out response to the site, providing attractive housing units, including some specifically arranged for Bangladeshi families, and communal areas. She has taken into account that the proposal would provide a new location for the ‘cash and carry’ (IR14.85), while acknowledging community concerns regarding loss of parking spaces. Overall she agrees at IR14.87 that the proposal would optimise the use of the site.
33. For the reasons given at IR14.91-14.129, the Secretary of State agrees that the masterplan layout is thoughtfully composed and of a very high standard of design in conceptual terms (IR14.101). She has taken into account the Inspector’s comments regarding anti-social behaviour in Allen Gardens, and notes at IR14.113 that Blocks 3A and 3B would provide units with active frontages at ground floor level, opening out on to Buxton Street, facing Allen Gardens, with windows on the upper floors which would overlook Allen Gardens and provide passive surveillance. She agrees that all this would provide a significant lift to this part of Buxton Street and go some way towards addressing issues in Allen Gardens (IR14.113). Like the Inspector, she considers the design of these Blocks to be well composed, and agrees that they would have well-articulated elevations with clear bases, middles, and tops, and visual interest in the treatment of set-backs, and openings, and in the use of materials (IR14.115). Overall, like the Inspector, she does not consider that they would dominate, or overpower, Buxton Street, Allen Gardens or Spital Street, and agrees that instead, they would provide an attractive frontage that would be much stronger in visual terms than what is in place at present (IR14.116). She further agrees that alongside the skilful use of set-backs, there would be sufficient separation between Block 3A and the Boiler House chimney to ensure that the chimney easily retained its dominance or primacy in these views (IR14.118).
34. Overall, she agrees that the proposals for the Appeal B site attain a very high standard of design in terms of the masterplan, the individual new buildings involved, and the

⁴ CDD.02 - Historic England consultation response dated 7 October 2024

treatment of existing buildings (IR14.128). She considers these design and townscape benefits carry significant weight.

35. The Secretary of State identifies some minor conflict with local policy on key views (THLP Policy D.DH4) for the reasons set out in paragraph 39 below.
36. With regard to heritage benefits, for the reasons set out at IR14.82, the Secretary of State agrees that the incongruity of the existing building on the site of Block J, in terms of its appearance and height, make it a significant detractor in CA terms (IR14.82). For the reasons set out in paragraph 32 above she agrees at IR14.86 that the proposed replacement building for Block J would result in enhancement of both the character and appearance of the CA.
37. For the reasons given at IR14.103, the Secretary of State agrees that the extension proposed to the Boiler House and the associated works are very well designed and will very clearly enhance the special architectural and historic interest of the Boiler House, and its significance.
38. Overall, the Secretary of State agrees that the character and appearance of the CA would be enhanced by the proposals, and the special architectural and historic interest of the Boiler House would benefit likewise (IR14.128). She considers the collective benefits to designated heritage assets (including the listed building and the CA) carry significant weight.
39. In terms of harm to designated heritage assets, the Secretary of State agrees for the reasons given at IR14.106 that the closure of the view of Christ Church from Spital Street would have a harmful impact on the character and appearance of the CA and its significance, and that this impact would be very minor but nevertheless material (IR14.106). She further agrees that views of the Boiler House chimney from the CA are positive characteristics of its character and its appearance, and that closing off those views would have something of a harmful impact on that character and appearance (IR14.122). She agrees that the ability to see the spire of Christ Church from Allen Gardens is a pleasing feature of the character and appearance of the CA that adds to its significance (IR14.123). Overall, she considers the loss of views of these designated heritage assets from within the CA would result in minor conflict with LP Policy HC1 and THLP Policy S.DH3. She considers the loss of these views constitutes very minor heritage harm to the CA and considers this would be less than substantial, at the lower end of the scale. In line with paragraph 212 of the Framework she considers that this carries great weight.
40. In terms of non-designated heritage assets (NDHAs), for the reasons given at IR14.104 and IR14.128, the Secretary of State agrees that the proposed alterations to the Cooperage (Block K) would be light touch (IR14.104), and that the building would be enhanced by the proposals. She considers this is a heritage benefit of moderate weight. For the reasons given at IR14.107, the Secretary of State agrees that Block N makes a positive contribution to the character and the appearance of the CA, and merits treatment as a NDHA. She has also taken into account the position of Historic England who consider that some harm would result from the loss of the boundary wall and ancillary structures.⁵ However, she notes, as was acknowledged by Historic England, that due to an existing permission, Block N could be removed at any time (IR14.109-14.110). Taking wider benefits into account and in the circumstances of this case, she agrees at IR14.128

⁵ CDD.02 - Historic England consultation response dated 7 October 2024

that its loss is acceptable, but considers it results in minor conflict with LP Policy HC1 and THLP Policy S.DH3. Overall, she concludes that harm from loss of Block N carries moderate weight. She also considers this loss contributes to the very minor heritage harm to the CA, identified at paragraph 39 above.

41. **Appeals A/B/C** – The Secretary of State agrees there would be no harm to the significance of listed buildings (Christ Church, the Boiler House and No.35 Buxton Street) as a result of the loss of views and changes to the settings of the buildings. In this regard, she agrees with the Inspector's approach set out at IR14.53, IR14.73, IR14.75, IR14.106, IR14.120, IR14.123 and IR14.126.
42. **Appeal D – Listed Building Consent** – For the reasons set out at IR14.103 and IR14.128, and taking into account the Historic England view that key elements of significance would be preserved, the Secretary of State agrees that the proposed works will very clearly enhance the special architectural and historic interest of the Boiler House and its significance.

Benefits of the proposals

43. **Appeal A** – The Secretary of State has taken into account the Inspector's conclusion that the public benefits of the data centre would be very significant indeed (IR14.63), and that the appellant and Council agree there is a need for data centre capacity, including in London (IR8.166 and IR9.129), as well as the appellant's evidence at IR8.167-8.170 on the need for retail co-location space, and location and alternatives at IR8.172-8.185. In line with the approach at paragraph 85 of the Framework, the Secretary of State gives significant weight to the need for the data centre and its associated economic benefits. She gives limited weight to the construction and operational employment generated by the proposed development.
44. **Appeal B** – The Secretary of State has given regard to the benefits of the proposal as set out by the appellant's submitted evidence: 24,629 sq.m GIA of office floorspace, with flexible office floorplates to meet the needs of small, medium and large sized businesses, and including affordable workspace with first refusal for people in Spitalfields and Banglatown ward (IR8.149). She has taken into account the appellant's evidence at IR8.151 that the proposal would deliver £80 million of annual expenditure outside of the site, including £48 million locally, and like the Inspector at IR14.32, agrees that the increased footfall would provide a boost to the businesses and curry-houses on Brick Lane. She also notes that the total gross development value added by the development is stated to be £130m, generating 1,495 net FTE jobs, with first priority being given to residents in the local area. The Secretary of State gives significant weight to employment generation and economic benefits (including affordable workspace), and limited weight to construction employment.
45. The proposals would also provide 44 homes, including six low cost rent units and five intermediate units.⁶ The Secretary of State notes at IR8.152 that the six social rented residential units of 3 and 4 bedroom have been specifically designed to meet local housing needs and accommodate larger Bangladeshi heritage families, and have been designed to be fully integrated into the block, with shared entrances and a shared courtyard and play-space. The Secretary of State considers the housing mix is in broad

⁶ CDJ.01 - Appellant and LBTH Statement of Common Ground - Main Site

compliance with local policy and gives the provision of housing, including affordable housing, significant weight.

46. The Secretary of State has also taken into account (IR8.140-IR8.141) that the proposed new community space in Block 3A and 3B will be offered for 30 hours a week free to residents and community groups in the Ward of Spitalfields and Banglatown, and the Ward of Weavers, and this and the community space in Block J will be offered at a 50% discount for the rest of the time. She agrees with the appellant that this will bring the local community into the site, and notes that the new community manager (IR8.141) will be funded via a planning obligation (IR13.56). She gives moderate weight to the provision of community space.
47. **Appeal C** – The Secretary of State has given regard to the benefits of the proposal as set out by the appellant's submitted evidence:⁷ 260 net additional FTE jobs on-site, £25m additional gross value added, and 2,419m² of new office space alongside 278m² of space for food & beverage units. She gives employment generation and economic benefits (including affordable workspace) significant weight, and gives limited weight to construction employment.
48. **Appeals A/B/C** – The Secretary of State has given regard to paragraph 125 of the Framework, as referenced by the Inspector at IR14.37. She considers that each of Appeals A, B and C meet the requirements of this paragraph, and for each appeal she gives substantial weight to the value of using suitable brownfield land.
49. The Secretary of State has given regard to proposed greening levels and increases in biodiversity. She has taken into account the Council's position (at IR9.105, IR9.156 and IR9.168) that given limited proposed provision, minimal weight should be given. Taking into account the urban site context, the Secretary of State gives limited weight to greening and biodiversity improvements, but also considers the appeals are in minor conflict with LP Policy G5 due to failure to meet minimum greening standards.

Other matters

50. For the reasons set out at IR14.131-14.134, and taking into account the conditions relating to living conditions including conditions 23-25 for Appeal A and conditions 24-26 for Appeal B, the Secretary of State is satisfied that the Appeals A, B and C proposals will not result in harm to living conditions.
51. The Secretary of State acknowledges the concerns around consultation, public participation and engagement with the local community which have been raised by the Rule 6 parties and others who made representations to the inquiry. She has taken into account the Inspector's comments at IR14.135-14.140, and the appellant's evidence at IR8.132-8.144. For the reasons given at IR14.135-14.136, the Secretary of State is satisfied that the local community was very well informed about what was under consideration at the inquiry and had sufficient opportunity for participation.
52. The Secretary of State has taken into account that all three developments will achieve compliance with at least the 'Excellent' BREEAM environmental standard, and are subject to conditions requiring future connection to a district heating network to be safeguarded. She notes that all planning obligations include a contribution for carbon offsetting, as required by local policy.

⁷ CDB.06 - Economic Statement and Commercial Use Needs Assessment

53. In accordance with section 149 of the Equality Act 2010, due regard has been given to the need to (a) eliminate discrimination, harassment, victimisation; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The Secretary of State has considered the protected characteristics of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.
54. The Secretary of State notes that a significant Bangladeshi population lives and works in and around Spitalfields and Banglatown (IR10.85). She has taken into account community concerns around the potential impact of the proposals on this specific community (IR10.86). She has given regard to her duty, as set out above, throughout her consideration of the appeals as set out in this decision letter. As part of this she has taken into account matters including affordable housing provision, and the other public benefits to the local community, including those set out at paragraphs 32 and 44-47 above.

Planning conditions

55. The Secretary of State has had regard to the Inspector's analysis at IR13.1-13.40, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 57 of the Framework and the relevant Guidance. She is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 57 of the Framework and that the conditions set out at Annexes B1, B2, B3 and B4 below should form part of her decision.
56. The Secretary of State has considered the Inspector's analysis at IR13.18-13.19 and IR14.69-14.70 and for the reasons given at paragraph 28, she disagrees that the Appeal C condition put forward by the appellant (IR8.111; IR9.166; IR13.18), regarding the pedestrian connection from Ely's Yard through to Grey Eagle Street is unnecessary, and considers this should be imposed. She has included this as condition 29 of Annex B3.

Planning obligations

57. The Secretary of State has had regard to the Inspector's analysis at IR13.41-IR13.56, the three planning obligations all dated 13 November 2025 in respect of Appeals A, B and C, paragraph 58 of the Framework, the Guidance and the Community Infrastructure Levy (CIL) Regulations 2010, as amended. For the reasons given at IR13.41-IR13.56, she agrees that each of the obligations complies with Regulation 122 of the CIL Regulations 2010 and the tests at paragraph 58 of the Framework.

Planning balance and overall conclusion

58. For the reasons given above, the Secretary of State considers that Appeals A, B and C are in minor conflict with LP Policies HC1 and G5, and THLP Policies S.DH3 and D.DH4 and that Appeal A is additionally in minor conflict with LP Policies D3 and D8 and THLP Policy D.DH2. However, she considers that Appeals A, B and C are in accordance with the development plan overall. She has gone on to consider whether there are material considerations which indicate that the proposals should be determined other than in line with the development plan.

59. **Appeal A** – Weighing in favour of the proposal is the value of using suitable brownfield land which carries substantial weight; the need for retail co-location data centres in this location and the associated economic benefits which collectively carry significant weight; design and townscape benefits, and heritage benefits to the CA, which each carry moderate weight; and construction and operational employment, and greening and biodiversity which each carry limited weight. Weighing against the proposal is the less than substantial harm, at the lower end of the scale, to the CA which carries great weight.
60. **Appeal B** – Weighing in favour of the proposal is the value of using suitable brownfield land which carries substantial weight; the benefits to designated heritage assets (including the listed Boiler House and the CA), design and townscape benefits, employment generation and economic benefits (including affordable workspace), and housing delivery (including affordable housing) which each carry significant weight; provision of community space and benefits to a NDHA (the Cooperage) which each carry moderate weight; and construction employment, and greening and biodiversity which each carry limited weight. Weighing against the proposal is the less than substantial harm, at the lower end of the scale, to the CA which carries great weight; and harm from loss of a NDHA (Block N) which carries moderate weight.
61. **Appeal C** – Weighing in favour of the proposal are: the value of using suitable brownfield land which carries substantial weight; heritage benefits to the CA, design and townscape benefits, and employment generation and economic benefits (including affordable workspace) which each carry significant weight; and construction employment, and greening and biodiversity which each carry limited weight. Weighing against the proposal is the less than substantial harm, at the lower end of the scale, to the CA which carries great weight.
62. In line with the heritage balance set out at paragraph 215 of the Framework, the Secretary of State has considered whether the identified ‘less than substantial’ harm to the significance of the designated heritage assets is outweighed by the public benefits of the proposal. Taking into account the public benefits of the proposals as identified in this decision letter, overall the Secretary of State considers that, for Appeal A, B, and C individually, the benefits of the schemes are collectively sufficient to outbalance the identified ‘less than substantial’ harm to the significance of the designated heritage assets. She considers that the balancing exercise under paragraph 215 of the Framework is therefore favourable to each of Appeals A, B and C.
63. Overall, in applying s.38(6) of the PCPA 2004, the Secretary of State considers that for each of Appeal A, B and C, the accordance with the development plan and the material considerations in these cases indicate that permission should be granted. Taking into account her conclusions on Appeal B and at paragraph 42 above, she further considers that listed building consent should be granted for Appeal D.
64. The Secretary of State therefore concludes that all four appeals are allowed, and planning permission for Appeals A, B and C, and listed building consent for Appeal D are granted.

Formal decision

65. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector’s recommendation. She hereby allows your client’s appeals and grants planning permission and listed building consent subject to the conditions set out in Annexes B1, B2, B3 and B4 of this decision letter for:

Appeal A – planning permission for: the demolition of existing buildings on the site and the construction of a new building comprising 5,200 square metres GIA of Use Class B8 floor space for use as a data centre, reaching a maximum height of approximately 29m (41.78 AOD) (including lift overrun and plant), in accordance with application Ref. PA/24/01450, dated 12 August 2024.

Appeal B – planning permission for: partial demolition of existing structures and refurbishment of Boiler House and Cooperage and construction of five new buildings comprising approximately 35,000 sqm GIA of residential, office, retail, food and beverage, community use, supermarket, microbrewery, market space, event space of Use Classes E (a) (b) and (g), Use Class F1 and F2, sui generis and Use Class C3 reaching a maximum height of approximately 29m (42.78 AOD), in accordance with application Ref. PA/24/01451/A1, dated 12 August 2024.

Appeal C – planning permission for: the construction of a building comprising approximately 4,500 sqm GIA of office, retail and mixed use space including workspace and affordable workspace of Use Class E (a) (b) and (g) reaching a maximum height of approximately 29m (43.49 AOD) and creation of new landscaping and pedestrian link, in accordance with application Ref. PA/24/01439/A1, dated 12 August 2024.

Appeal D – listed building consent for: external and internal alterations to the Boiler House including (i) two storey extension to eastern elevation comprising event space; (ii) fabric removal and refurbishment works on all floors, including western façade of the hopper; (iii) repair works to roof; (iv) existing roof-lights replaced with conservation roof-lights; and (v) demolition of mid twentieth century additions including extensions, staircases, gates, toilet blocks, sheds and courtyard walls, in accordance with application Ref. PA/24/01475/NC, dated 12 August 2024.

66. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the TCPA 1990 and section 8 of the LBCA 1990.

Right to challenge the decision

67. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the TCPA 1990. A challenge to the decision on listed building consent may be made under section 63 of the Planning (Listed Buildings And Conservation Areas) Act 1990.

68. A copy of this letter has been sent to the London Borough of Tower Hamlets and Save Brick Lane, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Florence Hewett

Florence Hewett
Decision officer

Planning Casework Unit

This decision was made by Minister of State for Housing and Planning, Matthew Pennycook MP, on behalf of the Secretary of State, and signed on his behalf

Annex A Schedule of representations

General representations

Party	Date
Lutfur Rahman, Executive Mayor of Tower Hamlets	Letter dated 18 November 2025, received 9 December 2025
Daniel Zeichner MP, on behalf of constituent	Received 6 May 2026
The Rt Hon Sir Stephen Timms MP, on behalf of constituent	Letter dated 7 May 2026, received 10 May 2026
Sarah Jones MP, on behalf of constituent	Received 28 May 2026
Rushanara Ali MP, on behalf of constituent	Received 28 May 2026
Apsana Begum MP, on behalf of constituent	Received 28 May 2026
Margaret Mullane MP, on behalf of constituent	Received 29 May 2026
Ms Stella Creasy MP, on behalf of constituent	Received 2 June 2026
Gareth Bacon MP, on behalf of constituent	Received 22 June 2026
L Pinkstone	Received 21 July 2026

Annex B1 List of conditions for Appeal A

Appeal A: APP/E5900/W/25/3367041

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

297966-ARUP-DR-00-A-11100 Rev.P01: EXISTING SITE PLAN
297966-ARUP-DR-01-A-10100 Rev.P01: SITE LOCATION PLAN
297966-ARUP-DR-01-A-12100 Rev.P01: EXISTING GROUND FLOOR
297966-ARUP-DR-01-A-20100 Rev.P01: EXISTING FIRST FLOOR
297966-ARUP-DR-02-A-20200 Rev.P01: EXISTING SECOND FLOOR
297966-ARUP-DR-03-A-20300 Rev.P01: EXISTING ROOF PLAN
23037-MCO-ZZ-XX-DR-A-05251 Rev.P01: EXISTING NORTH ELEVATION
23037-MCO-ZZ-XX-DR-A-05252 Rev.P01: EXISTING SOUTH ELEVATION
23037-MCO-ZZ-XX-DR-A-05253 Rev.P01: EXISTING EAST ELEVATION
23037-MCO-ZZ-XX-DR-A-05254 Rev.P01: EXISTING WEST ELEVATION
297966-ARUP-DR-00-A-25000 Rev.P01: DEMOLITION PLAN GROUND FLOOR
297966-ARUP-DR-01-A-25100 Rev.P01: DEMOLITION PLAN FIRST FLOOR
297966-ARUP-DR-02-A-25200 Rev.P01: DEMOLITION SECOND FLOOR PLAN
297966-ARUP-DR-03-A-25300 Rev.P01: DEMOLITION ROOF PLAN
297966-ARUP-DR-01-A-30000 Rev.P01: PROPOSED BASEMENT
297966-ARUP-DR-01-A-30100 Rev.P02: PROPOSED GROUND FLOOR
297966-ARUP-DR-01-A-30200 Rev.P01: PROPOSED FIRST FLOOR
297966-ARUP-DR-01-A-30300 Rev.P01: PROPOSED SECOND FLOOR
297966-ARUP-DR-01-A-30400 Rev.P01: PROPOSED THIRD FLOOR
297966-ARUP-DR-01-A-30500 Rev.P01: PROPOSED PLANT LEVEL
297966-ARUP-DR-01-A-30600 Rev.P01: PROPOSED ROOF PLAN
297966-ARUP-DR-XX-A-31100 Rev.P02: PROPOSED LONG SECTION A-A
297966-ARUP-DR-XX-A-31120 Rev.P02: PROPOSED SHORT SECTION B-B
297966-ARUP-DR-XX-A-31130 Rev.P02: PROPOSED SHORT SECTION C-C
23037-MCO-ZZ-XX-DR-A-06203 Rev.P02: PROPOSED EAST ELEVATION
23037-MCO-ZZ-XX-DR-A-06201 Rev.P01: PROPOSED NORTH ELEVATION
23037-MCO-ZZ-XX-DR-A-06202 Rev.P01: PROPOSED SOUTH ELEVATION
23037-MCO-ZZ-XX-DR-A-06204 Rev.P01: PROPOSED WEST ELEVATION
297966-ARUP-DR-XX-A-21100 Rev.P01: EXISTING SECTIONS A-A

297966-ARUP-DR-XX-A-21200 Rev.P01: EXISTING SECTIONS B-B

297966-ARUP-DR-XX-A-21300 Rev.P01: EXISTING SECTIONS C-C

297966-ARUP-DR-XX-A-21400 Rev.P01: EXISTING SECTIONS D-D

- 3) No development shall take place, including any works of demolition, until the Council's Code of Construction Practice Checklist (CoCP Checklist) has been submitted to and approved in writing by the Council alongside all of the supporting documents including: (a) a Construction Management Plan including a Construction Traffic Management Plan; (b) a Site Environmental Management Plan; (c) Part A: Noise & Vibration Management Plan; (d) Part B: Dust and Air Quality Management Plan; (e) Part C: Site Waste Management Plan; and (f) Application for consent under Section 61 of the Control of Pollution Act 1974. The Construction Management Plan and Site Environmental Management Plan must follow the Council template, and the development must then be carried out in accordance with the approved CoCP Checklist and supporting documents.
- 4) No piling shall take place until a Piling Method Statement (detailing the depth, location and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details.
- 5) All Non-Road Mobile Machinery (NRMM) used during the course of the development that is within the scope of the Greater London Authority 'Control of Dust and Emissions during Construction and Demolition' Supplementary Planning Guidance (SPG) 2014, or any subsequent amendment or guidance, shall comply with the emission requirements: (a) all plant and machinery to be used at the demolition and construction phases is required to meet Stage IV of EU Directive 97/68/ EC for both NO_x and PM; (b) all NRMM and plant to be used on the site of net power between 37kW and 560 kW must have been registered at <http://nrmm.london/>; and (c) an inventory of all NRMM must be kept on site during the course of the demolition, site preparation and construction phases of the development, and must be registered on the online register. All machinery should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment. This documentation should be made available to local authority officers as required until development is completed.
- 6) A. No works shall take place (save for demolition works, site preparation, erection of fencing, laying of, or provision of, any services, laying of temporary surfaces and erection of temporary site buildings for construction purposes) until a remediation scheme to deal with the potential ground contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include: (a) a site investigation scheme, based on (Tier 1 Contamination Risk Assessment report) to provide information for a detailed assessment of the risk to all receptors that may be

affected, including those off-site; (b) the results of the site investigation and detailed risk assessment referred to in (i) and based on these, an options appraisal and remediation strategy giving full details of the remediation and mitigation measures required and how they are to be undertaken; (c) a verification plan setting out the details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in B. are complete to a satisfactory standard; and (d) a monitoring and maintenance plan, setting out provisions for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The contamination remediation works shall be carried out in accordance with the approved details and completed prior to the first occupation of the development. The provisions of the monitoring and maintenance plan shall be in force from the first occupation of the development and retained for its lifetime. B. If during the works any additional contamination is encountered, all works in the relevant part of the site shall cease immediately and not resume until either: (a) the potential contamination has been assessed, and a remediation scheme has been submitted to and approved in writing by the Local Planning Authority; or (b) timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing by the Local Planning Authority. Any additional land contamination shall be fully remedied prior to the first occupation of the development. C. The development shall not be occupied until a post completion verification report, including results of sampling and monitoring carried out, has first been submitted to and approved in writing by the local planning authority demonstrating that the site remediation criteria have been met.

- 7) No development (excluding site clearance, demolition and enabling works) shall commence until a site-specific Groundwater Assessment has been submitted to and approved in writing by the local planning authority. The assessment shall include: (a) a detailed hydrogeological investigation to establish baseline groundwater levels across the site, including seasonal monitoring where appropriate; (b) an assessment of potential impacts of the proposed development on groundwater levels, flows and quality; and (c) identification of any necessary mitigation measures to protect groundwater resources and nearby receptors. The development shall thereafter be carried out in full accordance with the approved assessment and any mitigation measures identified, which shall be implemented prior to occupation/use of the development and retained thereafter for the lifetime of the development.
- 8) No development (excluding site clearance, demolition and enabling works) shall take place until a final Sustainable Urban Drainage Scheme (SUDS) including on-going maintenance provisions has been submitted to and approved in writing by the local planning authority. Nature based sustainable drainage, source control and greywater re-use measures high in the SUDS management/ treatment train shall be prioritised. The approved SUDS scheme shall be completed prior to the first occupation of the development and thereafter maintained in operational condition for the lifetime of the development.

- 9) No development, other than demolition to ground level, shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development, other than demolition to ground level, shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no development, other than demolition to ground level, shall take place other than in accordance with the agreed stage 2 WSI which shall include: (a) the statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; (b) where appropriate, details of a programme for delivering related positive public benefits; and (c) the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.
- 10) No development (including demolition, site clearance and tree-works) shall commence until a Bat Survey Report, prepared by a suitably qualified ecologist, has been submitted to and approved in writing by the local planning authority. Where impacts on bats or their roosts are identified, the report shall include appropriate mitigation and enhancement measures, together with a timetable for their implementation. The development shall thereafter be carried out in full accordance with the approved details.
- 11) All removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall carry out any inspection of the areas concerned immediately prior to the clearance works (preferably within 5 days) to ensure that no nesting or nest-building birds are present. If any nesting birds are present, then the vegetation around the nest shall not be removed until an ecologist confirms that the birds have finished nesting. If no nesting birds are found, there is no need to report the survey findings to the Council before clearance of vegetation. Once the site has been cleared, details of measures taken to ensure no nesting birds were harmed shall be subsequently submitted to and approved in writing by the local planning authority. This could be that the site has been cleared between the months of September and February; that a survey has been undertaken, and no nests were found; or that nests were found, protection measures put in place around the nest(s), and a subsequent survey found that birds were no longer nesting.
- 12) No above ground construction works shall take place until samples (to be provided on-site) and full particulars of all external facing materials to be used in the construction of the development (those relevant to be agreed in advance of submission with the

Council) have been submitted to and approved in writing by the local planning authority. Details submitted pursuant to this condition shall include but are not restricted to: (a) Mock-up panels of no less than 1m by 1m of each external cladding material (those relevant to be agreed in advance of submission with the Council). Details of external cladding, where relevant, shall include types of brick or other cladding material to be used, details of bond, mortar and pointing for brick and details of joints, panel sizes and fixing method for other types of cladding. If an off-site manufactured cladding system is to be used, the full details of the system shall be provided, and the mock-up panel shall include at least one junction between pre-assembled panels. (b) Samples and drawings of fenestration. Details of fenestration, where relevant, shall include reveals, sills and lintels. Drawings shall be at a scale of no less than 1:20. (c) Drawings and details of entrances. Details of entrances, where relevant, shall include doors, reveals, canopies, signage, entry control, post boxes, CCTV, lighting and soffit finishes. Drawings shall be at a scale of no less than 1:20. (d) Drawings and details of security office and entrance frontage. The development shall not be carried out other than in accordance with the approved details.

- 13) No above ground construction works shall take place until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall achieve a minimum Urban Greening Factor (UGF) of 0.28 and a minimum Biodiversity Net Gain (BNG) of 10%. The scheme shall comprise details of: (a) hard landscaping, including palette of high quality, sustainable and inclusive public realm materials including planter enclosures, accessibility features, drainage, kerbs, size and location of permeable and impermeable paving surfaces; (b) soft landscaping, including urban greening integrated through the site including, but not limited to green roofs, green walls, ground surface planting and nature based sustainable urban drainage features integrated with the site design and designed for multiple benefits including recreation, biodiverse habitat and resilience, amelioration of heat and rain events, noise and air quality; (c) a Landscape Management Plan for lifetime maintenance, giving details of proactive maintenance, including watering provision for soft landscape, appropriate pest control measures not resulting in harm to the planting, monitoring, and remediation to avoid major infestations or damage by non-chemical interventions, ensuring all drainage features fully remain operational, and provide schedules and measures to maintain or improve biodiversity as shown in the Urban Greening Factor details; (d) hard infrastructure, including external lighting and light spill drawings and proposed Lux levels, drain inlets and outlets, manholes and covers for access to drainage, services and utilities, CCTV and other security measures; (e) boundary treatments including number, location, materials and surface finishes and colours of all bollards, fences, gates, railings, walls and other access control measures and means of enclosure; (f) environmental measures to make landscape conducive, provisions for use during weather events and other microclimatic considerations such as wind, heavy rain, and heat: shade, shelter and where possible, areas of direct sunlight; (g) public art locations, fixings and materials including surface finishes; and (h) Urban Greening Factor and Biodiversity Net Gain tables. The landscaping scheme shall be completed in accordance with the approved details no later than during the first planting season

following practical completion of the development and retained for the lifetime of the development. Any trees or shrubs which die, are removed or become seriously damaged or diseased within 5 years of the completion of the landscaping works shall be replaced in the next planting season with the same species or an approved alternative as agreed in writing by the local planning authority.

- 14) Prior to the completion of the superstructure, a Secured by Design strategy detailing the measures to be incorporated into the development in order to meet Secured by Design accreditation shall be submitted to and approved in writing by the local planning authority. Once approved in writing by the local planning authority the development shall be carried out in accordance with the agreed details. Prior to first occupation of the development a Secure by Design certificate or letter from the Metropolitan Police Designing Out Crime Officer showing full compliance with the details approved shall be submitted to and approved by the local planning authority. The approved and implemented details shall be maintained for the life of the development.
- 15) Prior to the first occupation of the development hereby approved, details of the layout, design and materials of cycle stands/storage; details of shower, changing area and locker facilities shall be submitted to and approved in writing by the local planning authority. No less than 11 long-stay and 6 short-stay cycle parking spaces shall be provided. The proposals shall be in accordance with the London Cycle Design Standards. The development shall not be occupied until the approved details have been fully implemented. The approved details shall be maintained in good working order for the lifetime of the development.
- 16) The development shall be carried out in accordance with the approved Energy Statement dated 12th July 2024 by Arup which achieves a minimum of 55% site wide reduction in carbon emissions. The energy efficiency and sustainability measures set out therein shall be completed prior to practical completion of the development and retained for its lifetime: (a) The development shall achieve compliance with at least the 'Excellent' BREEAM standard; and (b) The heat and hot water supply system shall be designed and constructed so as to enable a future connection of the supply system to a district heating network (DHN). Within 3 months following practical completion of the development, a post completion verification report (including a microgeneration certificate relating to photovoltaic array system), shall be submitted to and approved in writing by the local planning authority to confirm that the above minimum standards outlined in (a) and (b) have been achieved and that all of the approved energy efficiency and sustainability measures have been implemented.
- 17) Prior to the first occupation of the development the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance. Together with any supporting information, it should be submitted to and approved in writing by the local planning authority.

- 18) Prior to the first occupation of the development a post-construction monitoring report should be completed in line with the GLA's Circular Economy Statement Guidance. The report should be submitted to and approved in writing by local planning authority.
- 19) Prior to first occupation of the development, a Deliveries, Servicing and Site Waste Management Plan shall be submitted to and approved in writing by the local planning authority. Vehicles shall only arrive at or leave the servicing yard between the hours of 07:00 and 21:00. The deliveries, servicing and management of waste and recycling relating to the approved uses shall not take place other than in accordance with the approved details.
- 20) The security office shown on the approved ground floor plan shall be provided prior to first occupation and maintained in this location for the life of the development.
- 21) The fire safety measures set out in the submitted Fire Statement dated 12th July 2024 by Arup shall be implemented prior to first occupation of the development and maintained for the life of the development, unless amended by the Building Safety Regulator, Building Control, the Fire Brigade or other relevant body.
- 22) The roofs of the approved development shall not be accessible to occupiers/users of the development, except for the purposes of maintenance.
- 23) Any mechanical plant and equipment within the development shall be designed and maintained for the lifetime of the development so that the rating level of noise does not exceed the representative measured background noise level (LA90, T) without the plant in operation as measured one metre from the nearest affected window of a habitable room in the nearest affected residential property. The rating level of the plant noise and the background noise level shall be determined using the methods from the version of BS 4142 current at the time of the grant of planning permission. Vibration from the plant hereby approved (when assessed as per advice of the version of BS6472 current at the time granting of the planning permission) in the centre of any habitable room shall cause vibration no higher than the values equivalent to "low probability of adverse comment" in accordance with BS6472 'Evaluation of Human Exposure to Vibration in Buildings'.
- 24) (1) Generator testing shall not be carried out more than once per calendar month and each test shall be no longer than 2 hours. (2) Generator testing shall be scheduled on a normal working day (i.e. Monday to Friday, excluding Bank and/or Public Holidays) between 1000-1600 hours. (3) Total noise level of emergency plant shall not exceed 10dB above existing background noise level (i.e. LA90,15m 46dB + 10dB = LAeq,15m 56dB) at 1m outside the nearest NSRs façade. The development shall not be first occupied until a post-completion verification report, including acoustic test results, has been submitted to and approved in writing by the local planning authority confirming that the requirements of part (3) above have been achieved.

- 25) Unless otherwise specified by a S61 Consent granted under the Control of Pollution Act 1974, demolition, building, engineering or other operations associated with the construction of the development (including arrival, departure and loading and unloading of construction vehicles): (a) shall be carried out in accordance with the Tower Hamlets Code of Construction Practice; (b) shall only be carried out within the hours of 08:00 and 18:00 Monday to Friday with no works taking place on Saturdays, Sundays and/or Public Holidays; (c) ground-borne and/or structure-borne vibration shall not exceed 1.0mm/s Peak Particle Velocity (PPV) at residential neighbouring the site; and (d) noise levels measured 1 metre from the façade of any occupied building neighbouring the site shall not exceed 75dB(A) at residential and commercial properties, and 65dB(A) at schools and hospitals (LAeq,T where T = 10 hours Monday to Friday and 5 hours for Saturday).
- 26) Prior to the completion of the superstructure, an Air Quality Assessment (AQA) shall be submitted to and approved, in writing, by the local planning authority. The updated AQA must: (a) include detailed dispersion modelling of all relevant on-site combustion and generator sources, using the latest London Atmospheric Emissions Inventory (LAEI) data for background concentrations; (b) incorporate all proposed generators within the Air Quality Neutral (AQN) calculation, except where robust technical evidence demonstrates that a unit serves an essential life-safety function for which no cleaner alternative (such as battery, hybrid, fuel cell or hydrogen) can meet the required emergency load; (c) demonstrate that all non-life-safety generators have been assessed for their emissions impact, with appropriate mitigation or offsetting measures identified where AQN benchmarks are exceeded; and (d) assess pollutant concentrations at all relevant heights and façade locations, including proposed mechanical ventilation (MVHR) intake points.
- 27) No generators shall be installed within the development until details have been submitted to and approved in writing by the local planning authority. The details shall include: (a) number and type of generators; (b) locations and emission stack heights; (c) operation, testing and maintenance schedules; (d) confirmation of compliance with relevant emission standards and the findings of the approved Air Quality Assessment; and (e) evidence that cleaner alternative technologies (battery, hybrid, fuel cell, or hydrogen) have been prioritised before any diesel option is considered. The development shall be operated in accordance with the approved details.
- 28) Prior to the commencement of development, a Dust Management Plan (DMP) based on an Air Quality and Dust Risk Assessment (AQDRA), shall be submitted to and approved in writing by the local planning authority. The DMP shall be in accordance with The Control of Dust and Emissions during Construction and Demolition SPG 2014. The DMP shall detail the measures to reduce the impacts during the construction phase. The development shall be undertaken in accordance with the approved plan. During each four construction sub-phases of the proposed development (demolition, earthworks, construction, and trackout), PM10 continuous monitoring shall be carried

out on site. The duration, locations and monitoring techniques must be approved in writing by the local planning authority prior to commencement of monitoring.

- 29) Prior to the commencement of the development hereby permitted, full details of a mechanical ventilation system to protect nearby residential occupiers of the development from external air pollution shall be submitted to and approved in writing by the local planning authority. Air intakes shall be located on upper floor levels. The system shall ensure appropriate air quality through either: (a) air intake from a location guaranteeing supply of clean air; or (b) treating polluted air and removing pollutants. The systems shall be designed to minimise energy usage, minimise disturbance to occupiers, be sufficient to prevent summer overheating and have robust maintenance arrangements. The submitted details shall include full calculations for heating, cooling & ventilation, equipment data sheets & specifications of all filtration, deodorising systems, noise output and termination points, along with full details of the routing of the mechanical ventilation and the passive provision of associated ducting including scaled plans. Particular attention shall be given to the discharge of toxic or odoriferous extract air where a high level of discharge is usually essential. Development shall be operated in accordance with the approved details.
- 30) No external roller shutters shall be installed on Grey Eagle Street, and a minimum of 80% of the external glazed surface areas shall be maintained wholly transparent, shall not be mirrored, painted or otherwise obscured by blanket window transfers placed on the glazing, at the security office and entrance frontage on Grey Eagle Street.

Annex B2 List of conditions for Appeal B

Appeal B: APP/E5900/W/25/3367172

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

1253-BGY-M-00-DR-A-LP000 Rev.P1: Masterplan Site Location Plan

1253-BGY-M-00-DR-A-DE100-P1 Rev.P1: Masterplan Demolition Ground Floor Plan

1253-BGY-M-00-DR-A-LP001 Rev.P1: Plots Location Plan - Main Site

1253-BGY-M-B1-DR-A-EX099 Rev.P1: Existing Masterplan – Basement

1253-BGY-M-00-DR-A-EX100 Rev.P1: Existing Masterplan - Ground Floor Plan

1253-BGY-M-RF-DR-A-EX101 Rev.P1: Existing Masterplan - Roof Plan

1253-BGY-M-01-DR-A-EE201 Rev.P2: Existing Masterplan - Buxton Street Elevation

1253-BGY-M-02-DR-A-EE202 Rev.P2: Existing Masterplan - Spital Street Elevation

1253-BGY-M-03-DR-A-EE203 Rev.P2: Existing Masterplan - Hanbury Street North Elevation

1253-BGY-M-04-DR-A-EE204 Rev.P2: Existing Masterplan - Woodseer Street South Elevation

1253-BGY-M-05-DR-A-EE205 Rev.P2: Existing Masterplan - Woodseer Street North Elevation

1253-BGY-M-06-DR-A-EE206 Rev.P2: Existing Masterplan - Brick Lane Elevation

1253-BGY-M-AA-DR-A-ES301 Rev.P2: Existing Masterplan - Section AA

1253-BGY-M-BB-DR-A-ES302 Rev.P2: Existing Masterplan - Section BB

1253-BGY-M-CC-DR-A-ES303 Rev.P2: Existing Masterplan - Section CC

1253-BGY-M-DD-DR-A-ES304 Rev.P2: Existing Masterplan - Section DD

1253-BGY-M-EE-DR-A-ES305 Rev.P2: Existing Masterplan - Section EE

1253-BGY-M-FF-DR-A-ES306 Rev.P2: Existing Masterplan - Section FF

1253-BGY-M-GG-DR-A-ES307 Rev.P2: Existing Masterplan - Section GG

1253-BGY-M-B1-DR-A-GA099 Rev.P1: Proposed Masterplan - Basement Plan

1253-BGY-M-00-DR-A-GA100 Rev.P2: Proposed Masterplan - Ground Floor Plan

1253-BGY-M-01-DR-A-GA101 Rev.P2: Proposed Masterplan - First Floor Plan

1253-BGY-M-02-DR-A-GA102 Rev.P2: Proposed Masterplan - Second Floor Plan

1253-BGY-M-03-DR-A-GA103 Rev.P2: Proposed Masterplan - Third Floor Plan

1253-BGY-M-04-DR-A-GA104 Rev.P2: Proposed Masterplan - Fourth Floor Plan

1253-BGY-M-05-DR-A-GA105 Rev.P2: Proposed Masterplan - Fifth Floor Plan

1253-BGY-M-06-DR-A-GA106 Rev.P2: Proposed Masterplan - Sixth Floor Plan

1253-BGY-M-07-DR-A-GA107 Rev.P2: Proposed Masterplan - Seventh Floor Plan

1253-BGY-M-RF-DR-A-GA108 Rev.P2: Proposed Masterplan - Roof Plan

1253-BGY-M-01-DR-A-GE201 Rev.P2: Proposed Masterplan - Buxton Street Elevation;

1253-BGY-M-02-DR-A-GE202 Rev.P2: Proposed Masterplan - Spital Street Elevation;

1253-BGY-M-03-DR-A-GE203 Rev.P2: Proposed Masterplan - Hanbury Street North Elevation;

1253-BGY-M-04-DR-A-GE204 Rev.P2: Proposed Masterplan - Woodseer Street South Elevation;

1253-BGY-M-05-DR-A-GE205 Rev.P2: Proposed Masterplan - Woodseer Street North Elevation;

1253-BGY-M-06-DR-A-GE206 Rev.P2: Proposed Masterplan - Brick Lane Elevation;

1253-BGY-M-AA-DR-A-GS301 Rev.P2: Proposed Masterplan - Section AA

1253-BGY-M-BB-DR-A-GS302 Rev.P3: Proposed Masterplan - Section BB

1253-BGY-M-CC-DR-A-GS303 Rev.P2: Proposed Masterplan - Section CC

1253-BGY-M-DD-DR-A-GS304 Rev.P2: Proposed Masterplan - Section DD

1253-BGY-M-EE-DR-A-GS305 Rev.P2: Proposed Masterplan - Section EE

1253-BGY-M-FF-DR-A-GS306 Rev.P2: Proposed Masterplan - Section FF

1253-BGY-M-GG-DR-A-GS307 Rev.P2: Proposed Masterplan - Section GG

341-CGA-00-A-01110 Rev.P1: EXISTING BLOCK 1 AND K LOCATION PLAN

341-CGA-00-A-02300 Rev.P1: EXISTING BLOCK 1 AND K EAST ELEVATION

341-CGA-00-A-00101 Rev.P1: EXISTING BLOCK 1 AND K FIRST FLOOR PLAN DEMOLITION

341-CGA-00-A-02101 Rev.P1: EXISTING BLOCK 1 AND K FIRST FLOOR PLAN

341-CGA-00-A-00100 Rev.P1: EXISTING BLOCK 1 AND K GROUND FLOOR PLAN DEMOLITION

341-CGA-00-A-02100 Rev.P1: EXISTING BLOCK 1 AND K GROUND FLOOR PLAN

341-CGA-00-A-00103 Rev.P1: EXISTING BLOCK 1 AND K ROOF PLAN DEMOLITION

341-CGA-00-A-02103 Rev.P1: EXISTING BLOCK 1 AND K ROOF PLAN

341-CGA-00-A-00102 Rev.P1: EXISTING BLOCK 1 AND K SECOND FLOOR PLAN DEMOLITION

341-CGA-00-A-02102 Rev.P1: EXISTING BLOCK 1 AND K SECOND FLOOR PLAN

341-CGA-00-A-02200 Rev.P1: EXISTING BLOCK 1 AND K SECTION AA

341-CGA-00-A-02201 Rev.P1: EXISTING BLOCK 1 AND K SECTION BB

341-CGA-00-A-02202 Rev.P1: EXISTING BLOCK 1 AND K SECTION DD

341-CGA-00-A-02301 Rev.P1: EXISTING BLOCK 1 AND K WEST ELEVATION

341-CGA-00-A-06304 Rev.P1: PROPOSED BLOCK 1 AND K EAST ELEVATION

341-CGA-00-01-DR-A-06151 Rev.P1: PROPOSED BLOCK 1 AND K FIRST FLOOR PLAN

341-CGA-00-02-DR-A-06152 Rev.P1: PROPOSED BLOCK 1 AND K SECOND FLOOR PLAN

341-CGA-00-A-06153 Rev.P1: PROPOSED BLOCK 1 AND K ROOF PLAN

341-CGA-00-A-06250 Rev.P1: PROPOSED BLOCK 1 AND K SECTION AA

341-CGA-00-A-06251 Rev.P1: PROPOSED BLOCK 1 AND K SECTION BB

341-CGA-00-A-06252 Rev.P1: PROPOSED BLOCK 1 AND K SECTION DD

341-CGA-00-A-06303 Rev.P1: PROPOSED BLOCK 1 AND K WEST ELEVATION

1264-BGY-2-00-DR-A-S1100 Rev.P1: BLOCK 2 – SITE LOCATION PLAN

1264-BGY-2-00-DR-A-DE100 Rev.P1: DEMOLITION BLOCK U GROUND FLOOR PLAN

1264-BGY-2-00-DR-A-EX100 Rev.P1: EXISTING BLOCK U GROUND FLOOR PLAN

1264-BGY-2-00-DR-A-GA100 Rev.P1: BLOCK 2 - PROPOSED GROUND FLOOR PLAN

1264-BGY-2-01-DR-A-EE201 Rev.P1: BLOCK 2 - EXISTING BLOCK U NORTH ELEVATION

1264-BGY-2-01-DR-A-GA101 Rev.P1: BLOCK 2 - PROPOSED FIRST FLOOR PLAN

1264-BGY-2-01-DR-A-GE201 Rev.P1: BLOCK 2 - PROPOSED NORTH ELEVATION

1264-BGY-2-02-DR-A-EE202 Rev.P1: BLOCK 2 - EXISTING BLOCK U EAST ELEVATION

1264-BGY-2-02-DR-A-GA102 Rev.P1: BLOCK 2 - PROPOSED SECOND FLOOR PLAN

1264-BGY-2-02-DR-A-GE202 Rev.P1: BLOCK 2 - PROPOSED EAST ELEVATION

1264-BGY-2-03-DR-A-GA103 Rev.P1: BLOCK 2 - PROPOSED THIRD FLOOR PLAN

1264-BGY-2-03-DR-A-GE203 Rev.P1: BLOCK 2 - PROPOSED SOUTH ELEVATION

1264-BGY-2-04-DR-A-GA104 Rev.P1: BLOCK 2 - PROPOSED FOURTH FLOOR PLAN

1264-BGY-2-04-DR-A-GE204 Rev.P1: BLOCK 2 - PROPOSED WEST ELEVATION

1264-BGY-2-05-DR-A-GA105 Rev.P1: BLOCK 2 - PROPOSED FIFTH FLOOR PLAN

1264-BGY-2-06-DR-A-GA106 Rev.P1: BLOCK 2 - PROPOSED SIXTH FLOOR PLAN

1264-BGY-2-07-DR-A-GA107 Rev.P1: BLOCK 2 - PROPOSED SEVENTH FLOOR PLAN

1264-BGY-2-08-DR-A-GA108 Rev.P1: BLOCK 2 - PROPOSED ROOF PLAN

1264-BGY-2-AA-DR-A-ES301 Rev.P1: BLOCK 2 - EXISTING BLOCK U SECTION AA

1264-BGY-2-AA-DR-A-GS301 Rev.P1: BLOCK 2 - PROPOSED SECTION A-A

1264-BGY-2-B1-DR-A-GA099 Rev.P1: BLOCK 2 - PROPOSED BASEMENT PLAN

1264-BGY-2-BB-DR-A-ES302 Rev.P1: BLOCK 2 - EXISTING BLOCK U SECTION BB

1264-BGY-2-BB-DR-A-GS302 Rev.P1: BLOCK 2 - PROPOSED SECTION B-B

1264-BGY-2-CC-DR-A-GS303 Rev.P1: BLOCK 2 - PROPOSED SECTION C-C

1264-BGY-2-DD-DR-A-GS304 Rev.P1: BLOCK 2 - PROPOSED SECTION D-D

1264-BGY-2-RF-DR-A-EX101 Rev.P1: BLOCK 2 - EXISTING BLOCK U ROOF PLAN

23004-MCO-03-00-DR-A-12101 Rev.P1: BLOCK 3 – SITE LOCATION PLAN

23004-MCO-03-00-DR-A-05100 Rev.P01: BLOCK 3 - EXISTING GROUND FLOOR PLAN

23004 MCO 03 00 DR A 01100 Rev.P02: BLOCK 3 – PROPOSED GROUND FLOOR PLAN

23004 MCO 03 01 DR A 01101 Rev.P02: BLOCK 3 – PROPOSED FIRST FLOOR PLAN

23004-MCO-03-02-DR-A-06102 Rev.P01: BLOCK 3 - PROPOSED SECOND FLOOR PLAN

23004-MCO-03-03-DR-A-06103 Rev.P01: BLOCK 3 - PROPOSED THIRD FLOOR PLAN

23004-MCO-03-04-DR-A-06104 Rev.P01: BLOCK 3 - PROPOSED FOURTH FLOOR PLAN

23004-MCO-03-05-DR-A-06105 Rev.P01: BLOCK 3 - PROPOSED FIFTH FLOOR PLAN

23004-MCO-03-06-DR-A-06106 Rev.P01: BLOCK 3 - PROPOSED SIXTH FLOOR PLAN

23004-MCO-03-07-DR-A-06107 Rev.P01: BLOCK 3 - PROPOSED SEVENTH FLOOR PLAN (PLANT)

23004-MCO-03-R1-DR-A-06108 Rev.P01: BLOCK 3 – PROPOSED ROOF PLAN

23004-MCO-03-B1-DR-A-06099 Rev.P01: BLOCK 3 - PROPOSED BASEMENT PLAN

23004-MCO-03-XX-DR-A-05200 Rev.P01: BLOCK 3 - EXISTING BLOCK L&M ELEVATIONS

23004-MCO-03-XX-DR-A-05201 Rev.P01: BLOCK 3 - EXISTING BLOCK N ELEVATIONS

23004-MCO-03-XX-DR-A-05300 Rev.P01: BLOCK 3 - EXISTING BLOCK L&M SECTIONS

23004-MCO-03-XX-DR-A-05301 Rev.P01: BLOCK 3 - EXISTING BLOCK N SECTIONS

23004-MCO-03-XX-DR-A-06200 Rev.P01: BLOCK 3 - PROPOSED NORTH ELEVATION

23004-MCO-03-XX-DR-A-06201 Rev.P01: BLOCK 3 - PROPOSED EAST ELEVATIONS

23004-MCO-03-XX-DR-A-06202 Rev.P01: BLOCK 3 - PROPOSED WEST ELEVATIONS

23004-MCO-03-XX-DR-A-06203 Rev.P01: BLOCK 3 - PROPOSED SOUTH ELEVATION

23004-MCO-03-XX-DR-A-06300 Rev.P01: BLOCK 3 - PROPOSED SECTION AA

23004-MCO-03-XX-DR-A-06301 Rev.P01: BLOCK 3 - PROPOSED SECTION BB

23004-MCO-03-XX-DR-A-06302 Rev.P01: BLOCK 3 - PROPOSED SECTION CC
 23004-MCO-03-XX-DR-A-06303 Rev.P01: BLOCK 3 - PROPOSED SECTION DD
 23004-MCO-03-XX-DR-A-12101 Rev.P01: BLOCK 3 - DEMOLITION PLAN GROUND FLOOR
 92306-HHB-000-100L-PL-A-001100 Rev.C01: BLOCK J – SITE LOCATION PLAN
 92306-HHB-000-100L-PL-A-002100 Rev.C01: Existing Ground Floor
 92306-HHB-000-110L-PL-A-002110 Rev.C01: Existing Roof Plan
 92306-HHB-000-200S-PL-A-002200 Rev.C01: Existing Section AA
 92306-HHB-000-201S-PL-A-002201 Rev.C01: Existing Section 22
 92306-HHB-000-300E-PL-A-002300 Rev.C01: Existing North Elevations
 92306-HHB-000-301E-PL-A-002301 Rev.C01: Existing East Elevations
 92306-HHB-000-302E-PL-A-002302 Rev.C01: Existing South Elevations
 92306-HHB-000-100L-PL-A-003100 Rev.C01: Demolition Plan
 92306-HHB-001-100L-PL-A-120100 Rev.C01: Proposed Ground Floor Plan
 92306-HHB-001-101L-PL-A-120101 Rev.C02: Proposed First Floor Plan
 92306-HHB-001-102L-PL-A-120102 Rev.C02: Proposed Second Floor Plan
 92306-HHB-001-103L-PL-A-120103 Rev.C02: Proposed Third Floor Plan
 92306-HHB-001-104L-PL-A-120104 Rev.C02: Proposed Fourth Floor Plan
 92306-HHB-001-105L-PL-A-120105 Rev.C01: Proposed Fifth Floor Plan
 92305-HHB-001-106L-PL-A-120106 Rev.C01: Proposed Sixth Floor Plan
 92306-HHB-001-107L-PL-A-120107 Rev.C01: Proposed Roof Plan
 92306-HHB-001-099L-PL-A-120099 Rev.C01: Proposed B1 Plan
 92306-HHB-001-202S-PL-A-120202 Rev.C01: Proposed Section 22
 92306-HHB-001-203S-PL-A-120203 Rev.C02: Proposed Section 33
 92306-HHB-001-210S-PL-A-120210 Rev.C01: Proposed Section AA
 92306-HHB-001-211S-PL-A-120211 Rev.C01: Proposed Section BB
 92306-HHB-001-212S-PL-A-120212 Rev.C02: Proposed Section CC
 92306-HHB-001-213S-PL-A-120213 Rev.C01: Proposed Section DD
 92306-HHB-001-214S-PL-A-120214 Rev.C01: Proposed Section EE
 92306-HHB-001-300E-PL-A-101300 Rev.C01: Proposed North Elevation
 92306-HHB-001-301E-PL-A-101301 Rev.C01: Proposed East Elevation
 92306-HHB-001-302E-PL-A-101302 Rev.C01: Proposed South Elevation
 0499-CDA-A-0010 Rev.P02: Site and Location Plan
 0499_CDA_A_0000 Rev.P01: EXISTING BLOCK O - BASEMENT PLAN SHOWING DEMOLITION
 499_CDA_A_0001 Rev.P01: EXISTING BLOCK O - GROUND FLOOR PLAN SHOWING DEMOLITION

0499_CDA_A_0002 Rev.P01: EXISTING BLOCK O - FIRST FLOOR PLAN SHOWING DEMOLITION

0499_CDA_A_0003 Rev.P01: EXISTING BLOCK O - SECOND FLOOR PLAN SHOWING DEMOLITION

0499_CDA_A_0004 Rev.P01: EXISTING BLOCK O - THIRD FLOOR PLAN SHOWING DEMOLITION

0499_CDA_A_0005 Rev.P01: EXISTING BLOCK O - ROOF PLAN SHOWING DEMOLITION

0499_CDA_A_0101 Rev.P01: EXISTING BLOCK O - NORTH ELEVATION SHOWING DEMOLITION

0499_CDA_A_0102 Rev.P01: EXISTING BLOCK O - EAST ELEVATION SHOWING DEMOLITION

0499_CDA_A_0103 Rev.P01: EXISTING BLOCK O - WEST ELEVATION SHOWING DEMOLITION

0499_CDA_A_0104 Rev.P01: EXISTING BLOCK O - SOUTH ELEVATION SHOWING DEMOLITION

0499_CDA_A_0200 Rev.P01: EXISTING BLOCK O - SECTION AA SHOWING DEMOLITION

0499_CDA_A_0201 Rev.P01: EXISTING BLOCK O - SECTION BB SHOWING DEMOLITION

0499_CDA_A_0202 Rev.P01: EXISTING BLOCK O - SECTION CC SHOWING DEMOLITION

0499_CDA_A_1203 Rev.P01: PROPOSED BLOCK O - SECTION DD

0499_CDA_A_1202 Rev.P01: PROPOSED BLOCK O - SECTION CC

0499_CDA_A_1201 Rev.P01: PROPOSED BLOCK O - SECTION BB

0499_CDA_A_1200 Rev.P01: PROPOSED BLOCK O - SECTION AA

0499_CDA_A_1106 Rev.P01: PROPOSED BLOCK O - NORTH ELEVATION – COLOURED

0499_CDA_A_1105 Rev.P01: PROPOSED BLOCK O - EAST ELEVATION – COLOURED

0499_CDA_A_1104 Rev.P01: PROPOSED BLOCK O - SOUTH ELEVATION

0499_CDA_A_1103 Rev.P01: PROPOSED BLOCK O - WEST ELEVATION

0499_CDA_A_1102 Rev.P01: PROPOSED BLOCK O - EAST ELEVATION

0499_CDA_A_1101 Rev.P01: PROPOSED BLOCK O - NORTH ELEVATION

0499_CDA_A_1005 Rev.P01: PROPOSED BLOCK O - ROOF PLAN

0499_CDA_A_1004 Rev.P01: PROPOSED BLOCK O - THIRD FLOOR PLAN

0499_CDA_A_1003 Rev.P01: PROPOSED BLOCK O - SECOND FLOOR PLAN

0499_CDA_A_1002 Rev.P01: PROPOSED BLOCK O - FIRST FLOOR PLAN

0499_CDA_A_1001 Rev.P01: PROPOSED BLOCK O - GROUND FLOOR PLAN

0499_CDA_A_1000 Rev.P01: PROPOSED BLOCK O - BASEMENT FLOOR PLAN

8435-PL-GA-100: LANDSCAPE AND PUBLIC REALM URBAN GREENING FACTOR

8435-PL-101 Rev.01: LANDSCAPE AND PUBLIC REALM GENERAL
ARRANGEMENT GROUND LEVEL

8435-PL-102: LANDSCAPE AND PUBLIC REALM GENERAL ARRANGEMENT ROOF
LEVEL

- 3) Prior to the commencement of development, a phasing plan requiring details of the sequence of construction and first use of buildings and public realm shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the plan thereby approved.
- 4) No development shall take place, including any works of demolition, until the Council's Code of Construction Practice Checklist (CoCP Checklist) has been submitted to and approved in writing by the Council alongside all of the supporting documents including: (a) a Construction Management Plan including a Construction Traffic Management Plan; (b) a Site Environmental Management Plan; (c) Part A: Noise & Vibration Management Plan; (d) Part B: Dust and Air Quality Management Plan; (e) Part C: Site Waste Management Plan; and (f) Application for consent under Section 61 of the Control of Pollution Act 1974. The Construction Management Plan and Site Environmental Management Plan must follow the Council template, and the development must then be carried out in accordance with the approved CoCP Checklist and supporting documents.
- 5) No piling shall take place until a Piling Method Statement (detailing the depth, location and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details.
- 6) All Non-Road Mobile Machinery (NRMM) used during the course of the development that is within the scope of the Greater London Authority 'Control of Dust and Emissions during Construction and Demolition' Supplementary Planning Guidance (SPG) 2014, or any subsequent amendment or guidance, shall comply with the emission requirements: (a) all plant and machinery to be used at the demolition and construction phases is required to meet Stage IV of EU Directive 97/68/ EC for both NO_x and PM; (b) all NRMM and plant to be used on the site of net power between 37kW and 560 kW must have been registered at <http://nrmm.london/>; and (c) an inventory of all NRMM must be kept on site during the course of the demolition, site preparation and construction phases of the development, and must be registered on the online register. All machinery should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment. This documentation should be made available to local authority officers as required until development is completed

- 7) A. No works shall take place (save for demolition works, site preparation, erection of fencing, laying of, or provision of, any services, laying of temporary surfaces and erection of temporary site buildings for construction purposes) until a remediation scheme to deal with the potential ground contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include: (a) a site investigation scheme, based on (Tier 1 Contamination Risk Assessment report) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site; (b) the results of the site investigation and detailed risk assessment referred to in (i) and based on these, an options appraisal and remediation strategy giving full details of the remediation and mitigation measures required and how they are to be undertaken; (c) a verification plan setting out the details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in B. are complete to a satisfactory standard; and (d) a monitoring and maintenance plan, setting out provisions for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The contamination remediation works shall be carried out in accordance with the approved details and completed prior to the first occupation of the development. The provisions of the monitoring and maintenance plan shall be in force from the first occupation of the development and retained for its lifetime. B. If during the works any additional contamination is encountered, all works in the relevant part of the site shall cease immediately and not resume until either: (a) the potential contamination has been assessed, and a remediation scheme has been submitted to and approved in writing by the local planning authority; or (b) timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing by the local planning authority. Any additional land contamination shall be fully remedied prior to the first occupation of the development. C. The development shall not be occupied until a post completion verification report, including results of sampling and monitoring carried out, has first been submitted to and approved in writing by the local planning authority demonstrating that the site remediation criteria have been met.
- 8) No development (excluding site clearance, demolition and enabling works) shall commence until a site-specific Groundwater Assessment has been submitted to and approved in writing by the local planning authority. The assessment shall include: (a) a detailed hydrogeological investigation to establish baseline groundwater levels across the site, including seasonal monitoring where appropriate; (b) an assessment of potential impacts of the proposed development on groundwater levels, flows and quality; and (c) identification of any necessary mitigation measures to protect groundwater resources and nearby receptors. The development shall thereafter be carried out in full accordance with the approved assessment and any mitigation measures identified, which shall be implemented prior to occupation/use of the development and retained thereafter for the lifetime of the development.
- 9) No development (excluding site clearance, demolition and enabling works) shall take place until a final Sustainable Urban Drainage Scheme (SUDS) including on-going maintenance provisions has been submitted to and approved in writing by the local

planning authority. Nature based sustainable drainage, source control and greywater re-use measures high in the SUDS management/ treatment train shall be prioritised. The approved SUDS scheme shall be completed prior to the first occupation of the development and thereafter maintained in operational condition for the lifetime of the development.

- 10) No development, other than demolition to ground level, shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development, other than demolition to ground level, shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no development, other than demolition to ground level, shall take place other than in accordance with the agreed stage 2 WSI which shall include: (a) the statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; (b) where appropriate, details of a programme for delivering related positive public benefits; and (c) the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.
- 11) No development (including demolition, site clearance and tree-works) shall commence until a Bat Survey Report, prepared by a suitably qualified ecologist, has been submitted to and approved in writing by the local planning authority. Where impacts on bats or their roosts are identified, the report shall include appropriate mitigation and enhancement measures, together with a timetable for their implementation. The development shall thereafter be carried out in full accordance with the approved details.
- 12) All removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall carry out any inspection of the areas concerned immediately prior to the clearance works (preferably within 5 days) to ensure that no nesting or nest-building birds are present. If any nesting birds are present, then the vegetation around the nest shall not be removed until an ecologist confirms that the birds have finished nesting. If no nesting birds are found, there is no need to report the survey findings to the Council before clearance of vegetation. Once the site has been cleared, details of measures taken to ensure no nesting birds were harmed shall be subsequently submitted to and approved in writing by the local planning authority. This could be that the site has been cleared between the months of September and February; that a survey has been undertaken, and no nests were found; or that nests

were found, protection measures put in place around the nest(s), and a subsequent survey found that birds were no longer nesting.

- 13) No above ground construction works shall take place for the relevant phase until samples (to be provided on-site and those relevant agreed with the Council) and full particulars of all external facing materials to be used in the construction of the relevant phase (those agreed with the Council) have been submitted to and approved in writing by the local planning authority. Details submitted pursuant to this condition shall include but are not restricted to: (a) Mock-up panels of no less than 1m by 1m of each external cladding material (those relevant to be agreed in advance of submission with the Council). Details of external cladding, where relevant, shall include all types of brick or other cladding material to be used, details of bond, mortar and pointing for brick and details of joints, panel sizes and fixing method for other types of cladding. If an off-site manufactured cladding system is to be used, the full details of the system shall be provided, and the mock-up panel shall include at least one junction between pre-assembled panels. (b) Samples and drawings of fenestration. Details of fenestration, where relevant, shall include reveals, sills and lintels. Drawings shall be at a scale of no less than 1:20. (c) Drawings and details of entrances. Details of entrances, where relevant, shall include doors, reveals, canopies, signage, entry control, post boxes, CCTV, lighting and soffit finishes. Drawings shall be at a scale of no less than 1:20. (d) Drawings and details of shopfronts. Details of shopfronts, where relevant, shall include doors, glazing, reveals, stallrisers, pilasters, fascias, awnings and signage zones or indicative signage. Drawings shall be at a scale of no less than 1:20. (e) Details and samples of roofing. (f) Details of any balconies, terraces or wintergardens and associated balustrades, soffits and drainage. (g) Details of any external rainwater goods, flues, grilles, louvres and vents. (h) Details of any external plant, plant enclosures and safety balustrades. (i) A Green Procurement Plan for sourcing the proposed materials. The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably sourced, reused and recycled materials and the reuse of demolition waste. The development for each phase shall not be carried out other than in accordance with the approved details.
- 14) No above ground construction works shall take place for the relevant phase until a landscaping scheme for the relevant phase has been submitted to and approved in writing by the local planning authority. The scheme shall achieve a minimum Urban Greening Factor (UGF) of 0.26. The scheme shall comprise details of: (a) hard landscaping, including palette of high quality, sustainable and inclusive public realm materials including planter enclosures, accessibility features, drainage, kerbs, size and location of permeable and impermeable paving surfaces. The historic cobbles or setts that have been previously removed and stored shall be re-used unless agreed otherwise with the local planning authority; (b) accessibility and inclusivity, including ground levels, gradients, thresholds and inclusive access provisions, characteristics and features which signal open and public access and belonging, without cues to keep away, or cues of private use; (c) soft landscaping, including urban greening integrated

through the site including, but not limited to green roofs, green walls, ground surface planting and nature based sustainable urban drainage features integrated with the site design and designed for multiple benefits including recreation, biodiverse habitat and resilience, amelioration of heat and rain events, noise and air quality; (d) provisions for communal gardening and details of any other play and social activities supported by communal amenity spaces; (e) a Landscape Management Plan for lifetime maintenance, giving details of proactive maintenance, including watering provision for soft landscape, appropriate pest control measures not resulting in harm to the planting, monitoring, and remediation to avoid major infestations or damage by non-chemical interventions, ensuring all drainage features fully remain operational, and provide schedules and measures to maintain or improve biodiversity as shown in the Urban Greening Factor details; (f) hard infrastructure, including external lighting (within and around the frontages of the site) and light spill drawings and proposed Lux levels, drain inlets and outlets, manholes and covers for access to drainage, services and utilities, CCTV and other security measures; (g) play equipment and playable landscape features, including the location and size of each of the play areas according to age groups, situated away from higher levels of air pollution, design and playable contents and equipment well integrated into surroundings and landscape features with natural surveillance, and any other details to demonstrate compliance with the Supplementary Planning Guidance 'Shaping Neighbourhoods: Play and Informal Recreation'; (h) street furniture, including street furniture palette demonstrating contribution to the area's character and supporting infrastructure for active travel, external cycle parking stands, benches, litter bins for separated collection allowing recycling, ash trays, informal and dedicated seating areas, signage and wayfinding measures including Legible London signage, and any other street furniture; (i) boundary treatments including number, location, materials and surface finishes and colours of all bollards, fences, gates, railings, walls and other access control measures and means of enclosure; (j) environmental measures to make landscape conducive, provisions for use during weather events and other microclimatic considerations such as wind, heavy rain, and heat: shade, shelter and where possible, areas of direct sunlight; (k) public art locations, fixings and materials including surface finishes; and (l) Urban Greening Factor and Biodiversity Net Gain tables. The landscaping scheme for the relevant phase shall be completed in accordance with the approved details no later than during the first planting season following practical completion of the development and retained for the lifetime of the development. Any trees or shrubs which die, are removed or become seriously damaged or diseased within 5 years of the completion of the landscaping works shall be replaced in the next planting season with the same species or an approved alternative as agreed in writing by the local planning authority.

- 15) Prior to the commencement of above ground construction works for the relevant building, a scheme for artificial internal lights at the following parts of the development shall be submitted to and approved by the local planning authority: (a) East windows of Block 3B facing towards Stuttle House; (b) South-west facing upper floor windows of Block 1 in relation to 35 Woodseer Street; and (c) South office windows of Block J facing toward residential properties of Block J. The scheme shall include, but not be

limited to the following: (a) details of the proposed lights and their illumination levels; (b) an assessment of the light spill from the development towards the identified neighbouring residential properties, in accordance with ILP GN01:21 Guidance (or ILP guidance that may supersede that); and (c) identification of which windows (if any) in the development are required to be covered with blinds between sunset and sunrise in order to comply with the ILP Guidance. The development shall only be operated in accordance with the lighting scheme as may be approved. In respect of the windows where blinds are required the following shall apply: (a) the blinds shall be installed prior to first occupation of the development; (b) the blinds shall not allow light to pass through them; (c) the blinds shall be automatically operated so that they come down and fully cover the windows every day between sunset and sunrise;; and (d) the blinds shall be maintained in good working order and operated in this way for the life of the development.

- 16) Prior to the completion of the superstructure for a relevant phase, a Secured by Design strategy detailing the measures to be incorporated into the relevant phase in order to meet Secured by Design accreditation shall be submitted to and approved in writing by the local planning authority. Once approved in writing by the local planning authority the relevant phase shall be carried out in accordance with the agreed details. Prior to first occupation of the relevant phase a Secure by Design certificate or letter from the Metropolitan Police Designing Out Crime Officer showing full compliance with the details approved shall be submitted to and approved by the local planning authority. The approved and implemented details shall be maintained for the life of the development.
- 17) Prior to commencement of above ground construction works for a relevant phase detailed plans shall be submitted to and approved by the local planning authority demonstrating the provision of sufficient ducting space for full fibre connectivity and infrastructure within the development. The development shall be implemented in accordance with the plans as may be approved.
- 18) Prior to the commencement of above ground construction works of Block J details of the provision of active electric charging points to the 2 Blue Badge parking spaces at Block J shall be submitted to and approved by the local planning authority. The approved details shall be implemented prior to first occupation of Block J by residents and maintained in good working order thereafter for the lifetime of the development.
- 19) The following residential units shall comply with the Building Regulations 2010 (as amended) optional requirement M4(3)(2)(a) 'wheelchair adaptable': (a) 1B2P and 2B4P units at Third Floor labelled 'WCA'. The following residential unit shall comply with the Building Regulations 2010 (as amended) optional requirement M4(3)(2)(b) 'wheelchair accessible': (b) 4B6P unit at first floor. All of the other approved residential units shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4 (2) 'accessible and adaptable' and shall not thereafter be occupied other than in accordance therewith. No residential unit identified in (b) above shall be fitted out, have internal partitions erected or be subject to any

construction works other than shell and core works until floor layouts at a scale of no less than 1:50 and full details of fixtures and fittings including ceiling hoists, floor gullies, automatic doors to communal entrances and any other reasonable adaptations to make the units suitable for occupation by a wheelchair user have been submitted to and approved in writing by the local planning authority and shall not thereafter be occupied other than in accordance with such approval. The local planning authority shall be notified in writing at least 9 months prior to Practical Completion of the residential units identified in (b) above. Any lifts shown on the approved drawings for Block J shall be installed and in an operational condition prior to the first occupation of the relevant residential access cores. The lifts shall be retained and maintained in an operational condition for the lifetime of the development.

- 20) The short-stay and long-stay cycle storage (in the proportions of stackers, Sheffield stands, and oversized spaces) and showers and lockers shown on the approved plans and counted at Tables 3.3 and 3.4 of the submitted Transport Statement (12th July 2024) shall be provided prior to the first occupation of each relevant block and thereafter shall be made permanently available to occupiers, residents and visitors at no cost.
- 21) The development shall be carried out in accordance with the approved Energy Statement TRU-ARUP-M-XX-RP-M-000001 which achieve a minimum of 22% reduction in carbon emissions from the commercial and a 77% reduction from the residential component. The energy efficiency and sustainability measures set out therein shall be completed prior to practical completion of the development and retained for its lifetime. (a) The photovoltaic array system shall be installed prior to practical completion of the relevant phase of the development, have an annual output of no less than 88 kWh overall and be retained for the lifetime of the development. (b) The development shall achieve compliance with at least the 'Excellent' BREEAM standard. (c) The heat and hot water supply system shall be designed and constructed so as to enable a future connection of the supply system to a district heating network (DHN). Within 3 months following practical completion of the development, a post completion verification report (including a microgeneration certificate relating to photovoltaic array system), shall be submitted to and approved in writing by the local planning authority to confirm that the above minimum standards outlined in (a), (b) and (c) have been achieved and that all of the approved energy efficiency and sustainability measures have been implemented.
- 22) Prior to the first occupation of the relevant phase of development the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance. Together with any supporting information, it should be submitted to and approved in writing by the local planning authority.
- 23) Prior to the first occupation of the relevant phase of development a post-construction monitoring report for the relevant phase should be completed in line with the GLA's

Circular Economy Statement Guidance. The report should be submitted to and approved in writing by the local planning authority.

- 24) Prior to first occupation of the relevant phase, a Deliveries, Servicing and Site Waste Management Plan shall be submitted to and approved in writing by the local planning authority. Vehicles shall only arrive at or leave the servicing yard between the hours of 07:00 and 21:00. The deliveries, servicing and management of waste and recycling relating to the approved uses shall not take place otherwise than in accordance with the approved details.
- 25) Prior to first occupation of the relevant non-residential building, a Public Space Noise and Disturbance Management Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall reasonably address management of the following: (a) external seating; (b) disturbance or noise from visitors and occupants; (c) communication to visitors and occupants regarding noise and disturbance; (d) obligations on site tenants; (e) events and outside activities – including locations and expected frequency; and (f) engagement of neighbouring residents – including in respect of outside activities. The development shall not be operated other than in accordance with the approved details.
- 26) Prior to the first occupation of any ground (or part ground) floor commercial unit details of hours of operation and areas of outside seating facing a public highway shall be submitted to and approved in writing by the local planning authority. The unit shall only be operated in accordance with the approved details.
- 27) Prior to first occupation of the residential units at Block J, details of privacy screening to the first floor affordable unit private amenity areas on the podium shall be submitted to and approved by the local planning authority. The details as may be approved shall be implemented prior to first occupation of the residential units at Block J. The details shall be retained in good order for the life of the development.
- 28) None of the approved residential units shall be occupied unless they have first been constructed to ensure that they are adequately protected against external transportation noise sources and external noise without specific character likely to enhance its impact such as tones, impulsive elements or dominant low frequency content, and that: (a) the construction accords with BS8233 'Sound Insulation and Noise Reduction for Buildings'; (b) internal ambient noise levels in habitable rooms do not exceed 35dB LAeq,16 hour, between the hours 07:00 - 23:00 and within bedrooms do not exceed both 30 dB LAeq, 8 hour and LAmax 45 dB more than 10 times between the hours 23:00 - 07:00; (c) ground and structure-borne noise does not exceed LAmax 35 dB; and (d) it has regard to non-transportation noise sources and noise with specific character likely to enhance its impact; such as tones, impulsive elements or dominant low frequency content. The above noise level criteria shall apply minus an appropriate correction to take account of the enhanced impact. For example, where the noise has tonal or impulsive elements the corrections for such features from the reference methods described in BS 4142, and where low frequency content is dominant a fixed

correction of -5 dB. Where the noise contains more than 1 characteristic likely to enhance its impact the corrections shall be added linearly. None of the residential units shall be occupied until a post-completion verification report, including acoustic test results, has been submitted to and approved in writing by the local planning authority confirming that the requirements of part (1) have been achieved.

- 29) Prior to first occupation of the relevant building, details of any kitchen extract(s) for commercial uses shall be submitted to and agreed in writing by the Council. The details shall include extraction hoods, internal fans, flexile couplings, three-stage filtration (grease filters, pre-filters and activated carbon filters), height of extract duct discharge and anti-vibration mounting. The air extraction system shall be retained and maintained for the lifetime of the use in accordance with the approved details. Flues must be at least one metre above the highest part of the nearby buildings, and in many circumstances will need to be significantly higher. The appropriate stack height should be determined using dispersion modelling, and not only by using the Memorandum on Chimney Heights or the Technical Guidance Note (Dispersion) (known as a D1 calculation), which are not suitable when considering annual mean NO₂ concentrations. Flues should not be 'hidden' behind structures likely to impact of the dispersion of emissions. No hot food preparation shall take place within any of the non-residential uses hereby permitted until all relevant kitchen and hot food preparation areas have first been provided with air extraction and filtration systems designed in accordance with details which have been submitted to and approved in writing by the local planning authority.
- 30) The external masonry of the Cooperage Building shall not be cleaned (other than a gentle surface clean using a nebulous water spray) and the brickwork shall not be repointed without prior approval of details including the methodology. Proposals shall be submitted to and approved in writing by the local planning authority before the work is begun, and the work shall be carried out in accordance with such approved proposals.
- 31) The fire safety measures set out in the submitted Fire Statement dated 7th October 2022 by Arup shall be implemented prior to first occupation of the development and maintained for the life of the development, unless amended by the Building Safety Regulator, Building Control, the Fire Brigade or other relevant body.
- 32) The roofs of the approved development shall only be accessible to occupants and residents of the development in those locations identified as a 'terrace' on the approved plans.
- 33) Any mechanical plant and equipment within the development shall be designed and maintained for the lifetime of the development so that the rating level of noise does not exceed the representative measured background noise level (LA₉₀, T) without the plant in operation as measured one metre from the nearest affected window of a habitable room in the nearest affected residential property. The rating level of the plant noise and the background noise level shall be determined using the methods from the

version of BS 4142 current at the time of the granting planning permission. Vibration from the plant hereby approved (when assessed as per advice of the version of BS6472 current at the time granting of the planning permission) in the centre of any habitable room shall cause vibration no higher than the values equivalent to “low probability of adverse comment” in accordance with BS6472 ‘Evaluation of Human Exposure to Vibration in Buildings’.

- 34) The development shall be operated subject to the following conditions: (a) no use of outdoor seating or serving customers outside between 22:00 and 08:00; (b) music and amplified sound played from inside a building shall be limited to LAeq,5min 60 dB at 1m outside the nearest sensitive receptor façades during 08:00-22:00; and (c) no music (recorded and/or live) and amplified sound shall be played outside.
- 35) Unless otherwise specified by a S61 Consent granted under the Control of Pollution Act 1974, demolition, building, engineering or other operations associated with the construction of the development (including arrival, departure and loading and unloading of construction vehicles): (a) shall be carried out in accordance with the Tower Hamlets Code of Construction Practice; (b) shall only be carried out within the hours of 08:00 and 18:00 Monday to Friday. No works shall take place on Saturdays, Sundays and/or Public Holidays; (c) ground-borne and/or structure-borne vibration shall not exceed 1.0mm/s Peak Particle Velocity (PPV) at residential neighbouring the site; and (d) noise levels measured 1 metre from the façade of any occupied building neighbouring the site shall not exceed 75dB(A) at residential and commercial properties, and 65dB(A) at schools and hospitals (LAeq,T where T = 10 hours Monday to Friday and 5 hours for Saturday).
- 36) No external roller shutters shall be installed on any shopfront, commercial entrance or display façade hereby approved.
- 37) For the life of the development, for each ground floor unit, a minimum of 80% of the external glazed surface areas to the frontage hereby approved shall be maintained wholly transparent, and shall not be mirrored, painted or otherwise obscured by blanket window transfers placed on the glazing.
- 38) A clear and unobstructed 2.5m width for pedestrian movement shall be provided as a minimum at all times through all publicly accessible outside space.
- 39) The approved employment and commercial uses marked on the approved plans as ‘workspace’, ‘café’, ‘restaurant’, ‘retail’ and ‘market’, are not permitted to change use within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 40) The ground floor and first floor commercial units labelled as ‘café’, ‘restaurant’, ‘retail’ and ‘market’ shall not be amalgamated.

Annex B3 List of conditions for Appeal C

Appeal C: APP/E5900/W/25/3367179

- 1) The development shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

23020-MCO-ZZ-XX-DR-A-05001 Rev.P01: Site Location Plan
23020-MCO-ZZ-00-DR-A-05101 Rev.P01: Existing Ground Floor Plan
23020-MCO-ZZ-XX-DR-A-05201 Rev.P01: Existing East Elevation
23020-MCO-ZZ-XX-DR-A-05203 Rev.P01: Existing West Elevation
23020-MCO-ZZ-XX-DR-A-05301 Rev.P01: Existing Section A-A
23020-MCO-ZZ-XX-DR-A-05302 Rev.P01: Existing Section B-B
23020-MCO-ZZ-XX-DR-A-12101 Rev.P01: Demolition Plan
23020-MCO-ZZ-0B-DR-A-06100 Rev.P01: Proposed Basement Floor Plan
23020-MCO-ZZ-0M-DR-A-06102 Rev.P01: Proposed Mezzanine Floor Plan
23020-MCO-ZZ-RL-DR-A-06109 Rev.P01: Proposed Roof Plan
23020-MCO-ZZ-06-DR-A-06108 Rev.P01: Proposed Sixth Floor Plan
23020-MCO-ZZ-05-DR-A-06107 Rev.P01: Proposed Fifth Floor Plan
23020-MCO-ZZ-04-DR-A-06106 Rev.P02: Proposed Fourth Floor Plan
23020-MCO-ZZ-03-DR-A-06105 Rev.P02: Proposed Third Floor Plan
23020-MCO-ZZ-02-DR-A-06104 Rev.P02: Proposed Second Floor Plan
23020-MCO-ZZ-01-DR-A-06103 Rev.P02: Proposed First Floor Plan
23020-MCO-ZZ-00-DR-A-06101 Rev.P04: Proposed Ground Floor
23020-MCO-ZZ-XX-DR-A-06201 Rev.P04: Proposed East Elevation
23020-MCO-ZZ-XX-DR-A-06301 Rev.P01: Proposed Section A-A
23020 MCO-ZZ-XX-DR-A-06303 Rev.P03: Proposed Section C-C
23020 MCO-ZZ-XX-DR-A-06302 Rev.P03: Section B-B
23020 MCO-ZZ-XX-DR-A-06203 Rev.P04: Proposed West Elevation
23020 MCO-ZZ-XX-DR-A-06202 Rev.P04: Proposed North and South Elevations

- 3) No development shall take place, including any works of demolition, until the Council's Code of Construction Practice Checklist (CoCP Checklist) has been submitted to and approved in writing by the Council alongside all of the supporting documents including:
(a) a Construction Management Plan including a Construction Traffic Management Plan; (b) a Site Environmental Management Plan; (c) Part A: Noise & Vibration Management Plan; (d) Part B: Dust and Air Quality Management Plan; (e) Part C: Site

Waste Management Plan; and (f) Application for consent under Section 61 of the Control of Pollution Act 1974. The Construction Management Plan and Site Environmental Management Plan must follow the Council template, and the development must then be carried out in accordance with the approved CoCP Checklist and supporting documents

- 4) No piling shall take place until a Piling Method Statement (detailing the depth, location and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details.
- 5) All Non-Road Mobile Machinery (NRMM) used during the course of the development that is within the scope of the Greater London Authority 'Control of Dust and Emissions during Construction and Demolition' Supplementary Planning Guidance (SPG) 2014, or any subsequent amendment or guidance, shall comply with the emission requirements: (a) all plant and machinery to be used at the demolition and construction phases is required to meet Stage IV of EU Directive 97/68/ EC for both NO_x and PM; (b) all NRMM and plant to be used on the site of net power between 37kW and 560 kW must have been registered at <http://nrmm.london/>; and (c) an inventory of all NRMM must be kept on site during the course of the demolition, site preparation and construction phases of the development, and must be registered on the online register. All machinery should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment. This documentation should be made available to local authority officers as required until development is completed
- 6) A. No works shall take place (save for demolition works, site preparation, erection of fencing, laying of, or provision of, any services, laying of temporary surfaces and erection of temporary site buildings for construction purposes) until a remediation scheme to deal with the potential ground contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include: (a) a site investigation scheme, based on (Tier 1 Contamination Risk Assessment report) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site; (b) the results of the site investigation and detailed risk assessment referred to in (i) and based on these, an options appraisal and remediation strategy giving full details of the remediation and mitigation measures required and how they are to be undertaken; (c) a verification plan setting out the details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in B. are complete to a satisfactory standard; and (d) a monitoring and maintenance plan, setting out provisions for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The contamination remediation works shall be carried out in accordance with the approved details and completed prior to the first occupation of the development. The provisions

of the monitoring and maintenance plan shall be in force from the first occupation of the development and retained for its lifetime. B. If during the works any additional contamination is encountered, all works in the relevant part of the site shall cease immediately and not resume until either: (a) the potential contamination has been assessed, and a remediation scheme has been submitted to and approved in writing by the local planning authority; or (b) timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing by the local planning authority. Any additional land contamination shall be fully remedied prior to the first occupation of the development. C. The development shall not be occupied until a post completion verification report, including results of sampling and monitoring carried out, has first been submitted to and approved in writing by the local planning authority demonstrating that the site remediation criteria have been met.

- 7) No development (excluding site clearance, demolition and enabling works) shall commence until a site-specific Groundwater Assessment has been submitted to and approved in writing by the local planning authority. The assessment shall include: (a) a detailed hydrogeological investigation to establish baseline groundwater levels across the site, including seasonal monitoring where appropriate; (b) an assessment of potential impacts of the proposed development on groundwater levels, flows and quality; and (c) identification of any necessary mitigation measures to protect groundwater resources and nearby receptors. The development shall thereafter be carried out in full accordance with the approved assessment and any mitigation measures identified, which shall be implemented prior to occupation/use of the development and retained thereafter for the lifetime of the development.
- 8) No development (excluding site clearance, demolition and enabling works) shall take place until a final Sustainable Urban Drainage Scheme (SUDS) including on-going maintenance provisions has been submitted to and approved in writing by the local planning authority. Nature based sustainable drainage, source control and greywater re-use measures high in the SUDS management/ treatment train shall be prioritised. The approved SUDS scheme shall be completed prior to the first occupation of the development and thereafter maintained in operational condition for the lifetime of the development.
- 9) No development, other than demolition to ground level, shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development, other than demolition to ground level, shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no development, other than demolition to ground level, shall take place other than in accordance with the agreed stage 2 WSI which shall include: (a) the

statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; (b) where appropriate, details of a programme for delivering related positive public benefits; and (c) the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

- 10) No above ground construction works shall take place until samples (to be provided on-site) and full particulars of all external facing materials to be used in the construction of the development (those agree with the Council) have been submitted to and approved in writing by the local planning authority. Details submitted pursuant to this condition shall include but are not restricted to: (a) Mock-up panels of no less than 1m by 1m of each external cladding material (those relevant to be agreed in advance of submission with the Council). Details of external cladding, where relevant, shall include all types of brick or other cladding material to be used, details of bond, mortar and pointing for brick and details of joints, panel sizes and fixing method for other types of cladding. If an off-site manufactured cladding system is to be used, the full details of the system shall be provided, and the mock-up panel shall include at least one junction between pre-assembled panels. (b) Samples and drawings of fenestration. Details of fenestration, where relevant, shall include reveals, sills and lintels. Drawings shall be at a scale of no less than 1:20. (c) Drawings and details of entrances. Details of entrances, where relevant, shall include doors, reveals, canopies, signage, entry control, post boxes, CCTV, lighting and soffit finishes. Drawings shall be at a scale of no less than 1:20. (d) Drawings and details of shopfronts. Details of shopfronts, where relevant, shall include doors, glazing, reveals, stallrisers, pilasters, fascias, awnings and signage zones or indicative signage. Drawings shall be at a scale of no less than 1:20. (e) Details and samples of roofing; (f) Details of any balconies, terraces or wintergardens and associated balustrades, soffits and drainage. (g) Details of any external rainwater goods, flues, grilles, louvres and vents. (h) Details of any external plant, plant enclosures and safety balustrades. (i) A Green Procurement Plan for sourcing the proposed materials. The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste. The development shall not be carried out other than in accordance with the approved details.
- 11) No above ground construction works shall take place until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall achieve a minimum Urban Greening Factor (UGF) of 0.16. The scheme shall comprise details of: (a) hard landscaping, including palette of high quality, sustainable and inclusive public realm materials including planter enclosures, accessibility features, drainage, kerbs, size and location of permeable and impermeable paving surfaces; (b) accessibility and inclusivity, including ground levels, gradients, thresholds and inclusive

access provisions, characteristics and features which signal open and public access and belonging, without cues to keep away, or cues of private use; (c) details of a 'Pedestrian Priority' area around the building and across Dray Walk; (d) Soft landscaping, including urban greening integrated through the site including, but not limited to green roofs, green walls, ground surface planting and nature based sustainable urban drainage features integrated with the site design and designed for multiple benefits including recreation, biodiverse habitat and resilience, amelioration of heat and rain events, noise and air quality; (e) a Landscape Management Plan for lifetime maintenance, giving details of proactive maintenance, including watering provision for soft landscape, appropriate pest control measures not resulting in harm to the planting, monitoring, and remediation to avoid major infestations or damage by non-chemical interventions, ensuring all drainage features fully remain operational, and provide schedules and measures to maintain or improve biodiversity as shown in the Urban Greening Factor details; (f) hard infrastructure, including external lighting (within and around the frontages of the site) and light spill drawings and proposed Lux levels. A particular focus on the lighting on the west elevation facing Grey Eagle Street, CCTV and other security measures; (g) boundary treatments including number, location, materials and surface finishes and colours of all bollards, fences, gates, railings, walls and other access control measures and means of enclosure; (h) environmental measures to make landscape conducive, provisions for use during weather events and other microclimatic considerations such as wind, heavy rain, and heat: shade, shelter and where possible, areas of direct sunlight; and (i) Urban Greening Factor and Biodiversity Net Gain tables. The landscaping scheme shall be completed in accordance with the approved details no later than during the first planting season following practical completion of the development and retained for the lifetime of the development. Any trees or shrubs which die, are removed or become seriously damaged or diseased within 5 years of the completion of the landscaping works shall be replaced in the next planting season with the same species or an approved alternative as agreed in writing by the local planning authority.

- 12) Prior to the completion of the superstructure, a Secured by Design strategy detailing the measures to be incorporated into the development in order to meet Secured by Design accreditation shall be submitted to and approved in writing by the local planning authority. Once approved in writing by the local planning authority the development shall be carried out in accordance with the agreed details. Prior to first occupation of the development a Secure by Design certificate or letter from the Metropolitan Police Designing Out Crime Officer showing full compliance with the details approved shall be submitted to and approved by the local planning authority. The approved and implemented details shall be maintained for the life of the development.
- 13) Prior to the first occupation of the development hereby approved, details of the layout, design and materials of cycle stands/storage; details of shower, changing area and locker facilities shall be submitted to and approved in writing by the local planning authority. No less than 65 long-stay and 29 short-stay cycle parking spaces shall be provided. The proposals shall be in accordance with the London Cycle Design

Standards. The development shall not be occupied until the approved details have been fully implemented. The approved details shall be maintained in good working order for the lifetime of the development.

- 14) The development shall be carried out in accordance with the approved Energy Statement dated 12th July 2024 by Arup which achieve a minimum of 16% site wide reduction in carbon emissions. The energy efficiency and sustainability measures set out therein shall be completed prior to practical completion of the development and retained for its lifetime. (a) The photovoltaic array system shall be installed prior to practical completion of the relevant phase of the development, have an annual output of no less than 7,174kWh overall and be retained for the lifetime of the development. (b) The development shall achieve compliance with at least the 'Excellent' BREEAM standard. (c) The heat and hot water supply system shall be designed and constructed so as to enable a future connection of the supply system to a district heating network (DHN). Within 3 months following practical completion of the development, a post completion verification report (including a microgeneration certificate relating to photovoltaic array system), shall be submitted to and approved in writing by the local planning authority to confirm that the above minimum standards outlined in (a), (b) and (c) have been achieved and that all of the approved energy efficiency and sustainability measures have been implemented.
- 15) The following parts of the approved development shall be fully implemented prior to first occupation of the development and maintained for the life of the development. (a) The two pedestrian routes (a stepped access and ramped access) from the application site to Grey Eagle Street shown on the approved ground floor plans. (b) The projecting balconies and Juliet balconies at first, second, third and fourth plans shown on the approved elevations and floor plans. (c) The pedestrian links shall be accessible to the public, except between the hours of 2am and 6am.
- 16) Prior to the first occupation of the development the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance. Together with any supporting information, it should be submitted to and approved in writing by the local planning authority.
- 17) Prior to the first occupation of the development a post-construction monitoring report should be completed in line with the GLA's Circular Economy Statement Guidance. The report should be submitted to and approved in writing by the local planning authority.
- 18) Prior to first occupation of the development, a Deliveries, Servicing and Site Waste Management Plan shall be submitted to and approved in writing by the local planning authority. There shall be no deliveries or servicing between 23:00 and 07:00. The deliveries, servicing and management of waste and recycling relating to the approved uses shall not take place otherwise than in accordance with approved details.

- 19) Prior to first occupation of the development, details of any kitchen extract(s) for commercial uses shall be submitted to and agreed in writing by the Council. The details shall include extraction hoods, internal fans, flexile couplings, three-stage filtration (grease filters, pre-filters and activated carbon filters), height of extract duct discharge and anti-vibration mounting. The air extraction system shall be retained and maintained for the lifetime of the use in accordance with the approved details. Flues must be at least one metre above the highest part of the nearby buildings, and in many circumstances will need to be significantly higher. The appropriate stack height should be determined using dispersion modelling, and not only by using the Memorandum on Chimney Heights or the Technical Guidance Note (Dispersion) (known as a D1 calculation), which are not suitable when considering annual mean NO₂ concentrations. Flues should not be 'hidden' behind structures likely to impact of the dispersion of emissions. No hot food preparation shall take place until all relevant kitchen and hot food preparation areas have first been provided with air extraction and filtration systems designed in accordance with details which have been submitted to and approved in writing by the local planning authority.
- 20) Prior to application/installation, details of art on either the chamfered corner or south elevation of the approved building shall be submitted to and approved in writing by the local planning authority. Art on the chamfered corner or south elevation of the approved building shall only be in accordance with the approved details.
- 21) The fire safety measures set out in the submitted Fire Statement dated 12th July 2024 by Arup shall be implemented prior to first occupation of the development and maintained for the life of the development, unless amended by the Building Safety Regulator, Building Control, the Fire Brigade or other relevant body.
- 22) The roofs of the approved development shall only be accessible to occupants of the development in those locations identified as an 'accessible terrace' on the approved plans.
- 23) Any mechanical plant and equipment within the development shall be designed and maintained for the lifetime of the development so that the rating level of noise does not exceed the representative measured background noise level (LA₉₀, T) without the plant in operation as measured one metre from the nearest affected window of a habitable room in the nearest affected residential property. The rating level of the plant noise and the background noise level shall be determined using the methods from the version of BS 4142 current at the time of the granting planning. Vibration from the plant hereby approved (when assessed as per advice of the version of BS6472 current at the time granting of the planning permission) in the centre of any habitable room shall cause vibration no higher than the values equivalent to "low probability of adverse comment" in accordance with BS6472 'Evaluation of Human Exposure to Vibration in Buildings'.
- 24) The development shall be operated subject to the following conditions: (a) music and amplified sound played from inside the building shall be limited to LA_{eq,5min} 60 dB at

1m outside the nearest sensitive receptor façades during 08:00-22:00; and (b) no music (recorded and/or live) and amplified sound shall be played outside.

- 25) Unless otherwise specified by a S61 Consent granted under the Control of Pollution Act 1974, demolition, building, engineering or other operations associated with the construction of the development (including arrival, departure and loading and unloading of construction vehicles): (a) shall be carried out in accordance with the Tower Hamlets Code of Construction Practice; (b) shall only be carried out within the hours of 08:00 and 18:00 Monday to Friday. No works shall take place on Saturdays, Sundays and Public Holidays; (c) ground-borne and/or structure-borne vibration shall not exceed 1.0mm/s Peak Particle Velocity (PPV) at residential neighbouring the site; and (d) noise levels measured 1 metre from the façade of any occupied building neighbouring the site shall not exceed 75dB(A) at residential and commercial properties, and 65dB(A) at schools and hospitals (LAeq,T where T = 10 hours Monday to Friday and 5 hours for Saturday).
- 26) No external roller shutters shall be installed on any shopfront, commercial entrance or display façade on the west elevation facing Grey Eagle Street hereby approved.
- 27) For the life of the development, for the west-facing ground floor units fronting Grey Eagle Street, a minimum of 80% of the external glazed surface areas to the west facing frontages hereby approved shall be maintained wholly transparent, and shall not be mirrored, painted or otherwise obscured by blanket window transfers placed on the glazing.
- 28) The approved employment space marked on the approved plans as 'workspace', are not permitted to change use within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 29) Notwithstanding what is shown on the approved drawing 23020-MCO-ZZ-00-DR-A-06101 P04, details of the new stepped and ramped pedestrian routes from the application site to Grey Eagle Street, which details may include (but are not limited to) matters such as soft landscaping, signage, surface treatment, opening widths and lighting, shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. Such details shall be in substantial accordance with the approved drawing.

Annex B4 List of conditions for Appeal D

Appeal D: APP/E5900/Y/25/3367369

- 1) The works shall begin no later than three years from the date of this decision.
- 2) The works hereby granted listed building consent shall not be implemented until such time as planning permission has been granted for the associated development under application reference PA/24/01451 or such other planning permission that includes the works approved under this listed building consent. For the avoidance of doubt, no works authorised by this listed building consent shall commence independently of, or in advance of, an associated planning permission.
- 3) All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work in terms of the methods used and material(s), colour(s), texture(s) and profile(s), unless shown otherwise on the relevant drawings or other documentation, or required by any condition(s) attached to this consent.
- 4) No works of repointing shall take place until details of that repointing have been submitted to and approved in writing by the local planning authority. Any works of repointing shall be carried out in accordance with the approved details.
- 5) Detailed method statements relating to the structural works, prepared by a suitably qualified and experienced heritage construction/renovation professional, shall be submitted to and approved in writing by the local planning authority prior to the commencement of those works. Works shall be carried out in accordance with the approved details.
- 6) No works shall take place until samples and full particulars of all external and internal facing materials have been submitted to and approved in writing by the local planning authority. Details submitted pursuant to this condition shall include but are not restricted to: (a) detailed method statements for all internal and external works including works of making good, prepared by a suitably qualified and experienced heritage construction/renovation professional; (b) details and samples of all internal works of any new or replacement fabric, including new openings, staircase, lift etc - drawings shall be at a scale of no less than 1:5; (c) samples and details of external cladding - details and sample panels of external cladding, where relevant, shall include all types of brick or other cladding material to be used, details of bond, mortar and pointing for brick and details of joints, panel sizes and fixing method for other types of cladding; (d) samples and drawings of fenestration - details of fenestration, where relevant, shall include reveals, sills and lintels - drawings shall be at a scale of no less than 1:5; (e) drawings and details of entrances - details of entrances, where relevant, shall include doors, reveals, canopies, signage, entry control, post boxes, CCTV, lighting and soffit finishes - drawings shall be at a scale of no less than 1:5; (f) drawings and details of

shopfronts - details of shopfronts, where relevant, shall include doors, glazing, reveals, stallrisers, pilasters, fascias, awnings and signage zones or indicative signage - drawings shall be at a scale of no less than 1:5; (g) samples and details of roofing; (h) details of any balconies, terraces or winter gardens and associated balustrades, soffits and drainage; (i) details of any external rainwater goods, flues, grilles, louvres and vents; and (j) details of any external plant, plant enclosures and safety balustrades. Works shall be carried out in accordance with the approved details.

- 7) Other than through a gentle surface clean using a nebulous water spray, no cleaning of masonry shall take place until details of that cleaning process have been submitted to and approved in writing by the local planning authority. Any cleaning of masonry, other than through a gentle surface clean using a nebulous water spray, shall be carried out in accordance with the approved details.



Report to the Secretary of State

by Paul Griffiths BSc(Hons) BArch IHBC

Inspector appointed by the Secretary of State

Date 18 May 2026

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

APPEALS BY

Truman Estates Ltd and Zeloof Ltd

**47 Grey Eagle Street, London E1 6SN;
Land Bounded by Buxton Street, Spital Street, Woodseer Street, and
Brick Lane, and Land bounded by Woodseer Street and Hanbury
Street, London E1; and
Ely's Yard, Dray Walk, London E1 6NJ**

Inquiry opened on 14 October 2025; Site visits on 13 October 2025 and 30 October 2025.

47 Grey Eagle Street, London E1 6SN; Land Bounded by Buxton Street, Spital Street, Woodseer Street, and Brick Lane, and Land bounded by Woodseer Street and Hanbury Street; and Ely's Yard, Dray Walk, London E1 6NJ

File Refs: APP/E5900/W/25/3367041; APP/E5900/W/25/3367172; APP/E5900/W/25/3367179; and APP/E5900/Y/25/3367369

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Appeal A: APP/E5900/W/25/3367041
47 Grey Eagle Street, London E1 6SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against the failure of the Council of the London Borough of Tower Hamlets to make a decision within the prescribed period on an application for planning permission.
- The appeal is made by Truman Estates Ltd.
- The application Ref.PA/24/01450 was dated 12 August 2024.
- The development proposed was described as: the demolition of existing buildings on the site and the construction of a new building comprising 5,200 square metres GIA of Use Class B8 floor space for use as a data centre, reaching a maximum height of approximately 29m (41.78 AOD) (including lift overrun and plant).
- The reason for recovery by the Secretary of State was given as: The appeals relate to proposals for developments of major importance having more than local significance.

Summary of Recommendation: The appeal be allowed and planning permission granted, subject to conditions.

Appeal B: APP/E5900/W/25/3367172
Land Bounded by Buxton Street, Spital Street, Woodseer Street, and Brick Lane, and Land bounded by Woodseer Street and Hanbury Street, London E1

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against the failure of the Council of the London Borough of Tower Hamlets to make a decision within the prescribed period on an application for planning permission.
- The appeal is made by Truman Estates Ltd.
- The application Ref.PA/24/01451/A1 was dated 12 August 2024.
- The development proposed was described as: partial demolition of existing structures and refurbishment of Boiler House and Cooperage and construction of five new buildings comprising approximately 35,000 sqm GIA of residential, office, retail, food and beverage, community use, supermarket, microbrewery, market space, event space of Use Classes E (a) (b) and (g), Use Class F1 and F2, sui generis and Use Class C3 reaching a maximum height of approximately 29m (42.78 AOD).
- The reason for recovery by the Secretary of State was given as: The appeals relate to proposals for development of major importance having more than local significance.

Summary of Recommendation: The appeal be allowed and planning permission granted subject to conditions.

Appeal C: APP/E5900/W/25/3367179
Ely's Yard, Dray Walk, London E1 6NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against the failure of the Council of the London Borough of Tower Hamlets to make a decision within the prescribed period on an application for planning permission.
- The appeal is made by Zeloof LLP.
- The application Ref.PA/24/01439/A1 was dated 12 August 2024.
- The development proposed was described as the construction of a building comprising approximately 4,500 sqm GIA of office, retail and mixed use space including workspace and affordable workspace of Use Class E (a) (b) and (g) reaching a maximum height of approximately 29m (43.49 AOD) and creation of new landscaping and pedestrian link.
- The reason for recovery by the Secretary of State was given as: The appeals relate to proposals for development of major importance having more than local significance.

Summary of Recommendation: The appeal be allowed and planning permission granted subject to conditions.

Appeal D: APP/E5900/Y/25/3367369

Land Bounded by Buxton Street, Spital Street, Woodseer Street, and Brick Lane, and Land bounded by Woodseer Street and Hanbury Street, London E1

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against the failure of the Council of the London Borough of Tower Hamlets to make a decision within the prescribed period on an application for listed building consent.
- The appeal is made by Truman Estates Ltd.
- The application Ref.PA/24/01475/NC was dated 12 August 2024.
- The works proposed were described as external and internal alterations to the Boiler House including (i) two storey extension to eastern elevation comprising event space; (ii) fabric removal and refurbishment works on all floors, including western façade of the hopper; (iii) repair works to roof; (iv) existing roof-lights replaced with conservation roof-lights; and (v) demolition of mid twentieth century additions including extensions, staircases, gates, toilet blocks, sheds and courtyard walls.
- The reason for recovery by the Secretary of State was given as: The appeals relate to proposals for development of major importance having more than local significance.

Summary of Recommendation: The appeal be allowed and listed building consent granted, subject to conditions.

1. PROCEDURAL MATTERS

- 1.1 The Inquiry opened on 14 October 2025 and closed on 31 October 2025 after a total of ten sitting days.
- 1.2 I carried out an accompanied visit to the different sites and the area in general on 13 October 2025, and did so again, in accordance with an itinerary prepared and agreed by the main parties, on 30 October 2025.
- 1.3 I also made a number of unaccompanied visits to the area of the proposals at various times during the course of the Inquiry, and afterwards. These visits took in the wider area, including many of the housing complexes around the Brick Lane area, highlighted in the evidence.
- 1.4 As well as the appellants, and the Council, a Rule 6(6) Party - Save Brick Lane¹ (SBL), a grassroots campaign group, loosely formed of diverse community groups, charity groups, residents, and those who are connected to the Brick Lane area - took a full part in the Inquiry and alongside that, very helpfully assisted in the co-ordination of submissions by third parties.
- 1.5 The proposals and the Inquiry have been the subject of a lot of local interest. I heard from third parties at various times during the course of proceedings but mostly during a public session that took place on the afternoon and early evening of 21 October 2025.
- 1.6 While in some ways the proposals are presented as one large scheme, as set out in the headers above, there are four separate appeals at issue and it is important to highlight that while related, they are subject to separate recommendations from myself, as part of this report, and in time, separate decisions by the Secretary of State².

¹ Referred to hereafter as SBL

² Referred to hereafter as SoS

- 1.7 Appeal A concerns a proposal for (in simple terms) a data centre on Grey Eagle Street while Appeal C relates to the addition of a commercial building in Ely's Yard. Appeal B relates to the redevelopment of the former Truman Brewery site(s), sometimes termed 'the main site'. This includes (briefly) new commercial space, the refurbishment and extension of the Boiler House (a Grade II listed building) and the Cooperage, and some housing, along with public space. Appeal D covers the works proposed to the Boiler House as part of the scheme in Appeal B.
- 1.8 Unsurprisingly, the proposals generated a good deal of documentation. The Council kindly agreed to host these core documents electronically and these can be following the link [Truman Appeal Documents](#) accessed via [Search and comment on planning applications](#). The document references used throughout this report relate to those documents.
- 1.9 The Council and the appellants helpfully agreed Statements of Common Ground relating to each separate appeal³. I have made reference to these within the report. In particular, the Statements of Common Ground refer to amendments made to the schemes in the time these schemes were before the Council. I have dealt with the various proposals on the basis of the schemes as revised.
- 1.10 While there are four separate appeals, and three notionally separate schemes, the overall scheme was considered to be EIA development. The originating applications were accompanied by a single Environmental Statement⁴ (ES). After a request from the Council under Regulation 25⁵, on 11 April 2025, the appellant submitted an Environmental Statement Addendum that dealt further with issues around air quality and ecology and updated the Construction and Environmental Management Plan alongside the Non-Technical Summary⁶.
- 1.11 All four appeals were recovered by the SoS in the course of the Inquiry, by letter dated 23 October 2025⁷. The reason given for the direction is that the appeals relate to proposals for developments of major importance having more than local significance.
- 1.12 Three draft Agreements under s.106 were presented for discussion at the Inquiry, relating to proposals subject to Appeals A, Appeal B and Appeal C respectively⁸. I allowed time after the Inquiry closed for these to be completed and they were duly received on 13 November 2025⁹.
- 1.13 As set out in the headers above, all four appeals were lodged in the light of the Council's failure to make a decision in the prescribed period on the applications before it. Subsequently, Officers prepared reports, which were the subject of various updates, so that the Council could confirm its putative position in relation to the proposals.

³ ID.07 to ID.10 – referred to hereafter as SOCGs

⁴ Referred to hereafter as ES – CDA.33 to CDA.36 (inclusive)

⁵ Of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017

⁶ CDA.37 and CDA.38

⁷ CDN.01

⁸ CDK.01, CDK.02 and CDK.03

⁹ ID.36

- 1.14 These reports¹⁰ recommended that had the Council retained jurisdiction, it should have granted planning permission and listed building consent for the proposals subject to Appeal B and Appeal D, and granted planning permission for the proposals subject to Appeal C, but refused planning permission for the proposals subject to Appeal A.
- 1.15 Having considered the contents of the various applications, and those reports, members of the Council resolved that had they been able to do so, they would have refused planning permission and listed building consent for the proposals in their entirety and articulated a series of reasons for refusal¹¹. Those reasons formed the basis of the cases presented to the Inquiry by the Council and the appellants, and to a significant extent, SBL.
- 1.16 Arrangements for the Inquiry, including the venue, and timetabling, were discussed at a Case Management Conference that took place on 26 August 2025¹².

2. THE SITES AND THEIR SURROUNDINGS

- 2.1 As set out above, there are three notionally separate schemes to consider, that are on three, or arguably four different sites on and around the site of the former Truman Brewery that straddles Brick Lane.
- 2.2 The site of the proposed data centre (aka Block A), the subject of Appeal A, is on the corner of Grey Eagle Street and Calvin Street. The site is currently occupied by a building formerly used for the storage of beer. It is largely derelict, with roofs and internal floors missing. The building is connected by an enclosed bridge that crosses Grey Eagle Street to a Truman Brewery Estate building on the east side of Grey Eagle Street that is currently used as a data centre. There are buildings in residential use to the north and west of the site, and to the south, there is a building housing a telephone exchange.
- 2.3 The site of the proposed commercial building in Ely's Yard (the subject of Appeal C) is part of a yard on the western side of the Truman Brewery Estate, adjacent to Dray's Walk. This runs north-south through the Estate and connects Hanbury Street in the south, to Quaker Street, in the north.
- 2.4 To the north of the site of the proposed commercial building is the data centre referred to above. To the east is a large building plot formed of a number of adjoining and connected buildings, while to the south is a three-storey building with a single-storey extension that wraps around the base. To the west of the site is Grey Eagle Street, and there is a tall brick wall on the boundary. On the opposite side of Grey Eagle Street, is the site that is the subject of Appeal A.
- 2.5 The site of the proposals under Appeal B, in places referred to as the main site, is in effect two sites that form part of the Truman Brewery Estate to the east of Brick Lane. The larger site is bounded to the north by Buxton Street, with Allen Gardens opposite, to the east by Spital Street, and to the west by Brick Lane itself with other part of the Truman Estate to the south.

¹⁰ CDL.01, CDL.02 and CDL.03

¹¹ CDL.04

¹² The notes of the CMC can be found at CDL.13

- 2.6 Of note within the larger part of the main site are the Boiler House with its chimney, a Grade II listed building¹³ (in places referred to as Block A) on the north west corner - proposed works to which being the subject of Appeal D; the Cooperage Building (Block E) fronting Spital Street; and a single-storey building (Block B) fronting Buxton Street that appears to be a remnant of a wider collection of buildings that used to cover the yard. The second part of the main site lies a little further to the south and is currently occupied by a 'Cash and Carry' supermarket (Block J) fronting Spital Street to the east, with Woodseer Street to the north, and Hanbury Street to the south.
- 2.7 I deal with the various policy designations in play below, but it is important to note here that all the sites lie within the Brick Lane and Fournier Street Conservation Area.

3. RELEVANT PLANNING HISTORY

- 3.1 Full planning histories for all the appeal sites can be found in the relevant Statement of Common Ground relating to each particular site¹⁴. Of particular note in relation to the main site is the grant of planning permission for a three storey with basement data centre fronting Buxton Street. The Council has confirmed through the grant of a Certificate of Lawfulness that this permission has been lawfully commenced.
- 3.2 It is also relevant to note that planning permission was granted for the redevelopment of the site known as 140-146 Brick Lane and 25 Woodseer Street, adjoining the southern boundary of the larger element of the main site, for a five-storey building with rooftop plant to provide (in summary) office and commercial accommodation. Again, the Council has confirmed through the grant of a Certificate of Lawfulness that this permission has been lawfully commenced¹⁵.

4. THE PROPOSALS

- 4.1 The scheme that is the subject of Appeal A proposes the demolition of the existing building on the site and the construction of a new building providing 5,200 square metres of Use Class B8 floor-space for use as a Data Centre. The proposed building includes a basement with four storeys above along with plant at roof level behind a screen.
- 4.2 The first to floors of the façade would be formed in brickwork, with pre-cast elements and architectural metalwork. The upper two floors would be set back further metalwork, and a further set back plant screen above. The total height of the building would be 26 metres.
- 4.3 The pedestrian entrance to the building, with the security office, would be on the Grey Eagle Street frontage. There would be a loading bay accessed from Calvin Street. There would be the opportunity for art installations on the first floor of the brick facades to Grey Eagle Street and Calvin Street.

¹³ The building was designed to provide stables – the list description is at CDL.06

¹⁴ CDJ.01 to CDJ.04 and ID.07 to ID.10

¹⁵ A fuller account of the progress of this scheme, including various Judicial Reviews in the High Court, the Court of Appeal, and the Supreme Court are referenced in CDL.01 Page 40

- 4.4 The building in Appeal C comprises a basement, with six storeys and plant above. At ground floor there would be a market and food stalls, two small commercial units and other facilities. Above that there would be offices. There would be a total of 293 square metres GIA of Use Class E(a) (shops) and 4,483 square metres GIA of Class E(g)(i) (offices). The building would have a regular grid-based elevation with expressed piers on the east and west elevations. The base of the building would be defined with a double-height, angled columns with a distinct chamfer on the south-east corner. There would be balconies on the south elevation at first, second, and third floors. On the west elevation, overlooking Grey Eagle Street, there would be projecting 'Juliet' balconies as well as opportunities for artwork. A new east/west connection would be provided between Grey Eagle Street and Ely's Yard.
- 4.5 In relation to the main site (Appeals B and D) the proposals are (i) the demolition of all existing buildings and structures apart from the Grade II listed Boiler House, and the Cooperage building; (ii) the construction of five new buildings (Blocks 1, 2, 3A, 3B and J); (iii) refurbishment and extension of the Grade II listed Boiler House (Block O) for use as an events and arts exhibition space; (iv) refurbishment of the Cooperage Building (Block K) to house a microbrewery and office and exhibition/event space; (v) a mix of uses in Block J including retail/supermarket (the rehousing of the existing 'Cash and Carry') and community space at ground floor, with 44 new homes above; (vi) a mix of uses at ground floor including retail, cinema, community space and food and drink used in Blocks 1, 2, 3A and 3B with office floor-space above; (vii) a delivery and servicing yard at the ground floor of Block 3B serving all the buildings on the larger part of the main site; (viii) public toilets in Blocks 2 and 3A; and (ix) two new public spaces, (to be closed between 0200 and 0600) to be known as Chimney Yard and Cooperage Yard.

5. THE ENVIRONMENTAL STATEMENT

- 5.1 As set out above, the proposals, taken together, were considered to be EIA development and the applications were accompanied by a single ES that was subsequently amended and supplemented. While aspects of the assessment drew some criticism, there was no concerted suggestion that the ES as it stood at the time of the Inquiry did not meet the requirements of the relevant Regulations. I accord with that view, and I have taken the ES, alongside what I saw and heard during the Inquiry, fully into account in reaching my conclusions.

6. POLICY AND GUIDANCE

- 6.1 The development plan for the area includes the London Plan¹⁶ of March 2021, and the Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits¹⁷ that dates from January 2020. The various Statements of Common Ground¹⁸ set out all the policies within these documents that are considered relevant to the proposals. I summarise below those policies that in my view are most important for determining the applications¹⁹.

¹⁶ CDE.04

¹⁷ CDF.01 – referred to hereafter as the Local Plan

¹⁸ CDJ.01 to CDJ.04 (inclusive)

¹⁹ Noting that some I highlight are not included in the Statements of Common Ground

- 6.2 In terms of the London Plan, Policy GG1: Building strong and inclusive communities is in many ways the starting point. It maintains that good growth is inclusive growth and sets out a range of requirements that those involved in planning and development must secure in order to build on the city's tradition of openness, diversity, and equality.
- 6.3 Following on from that, Policy GG2: Making the best use of land sets out a range of requirements for those involved in planning and development in order to create successful, sustainable, mixed-use places that make the best use of land. I would highlight: A: to enable the development of brownfield land, particularly in Opportunity Areas, or surplus public sector land, and sites within and on the edge of town centres, as well as utilising small sites; B: prioritise sites which are well-connected by existing or planned public transport; C: proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations that are well-connected to jobs, services, infrastructure, and amenities, by public transport, walking and cycling; and D: apply a design-led approach to determine the optimum development capacity of sites; and understand what is valued about existing places and use this as a catalyst for growth, renewal, and place-making, strengthening London's distinct and varied character.
- 6.4 Policy GG4: Delivering the homes Londoners need says that to create a housing market that works better for all Londoners, those involved in planning and development must, amongst other things: A: ensure that more homes are delivered; B: support the strategic target of 50% of all new homes being genuinely affordable; and C: create mixed and inclusive communities with good quality homes that meet high standards of design and provide for identified needs, including for specialist housing.
- 6.5 In terms of the London economy, Policy GG5: Growing a good economy sets out that to conserve London's global economic competitiveness and ensure that economic success is shared amongst all Londoners, those involved in planning and development must of particular relevance: A: promote the strength and potential of the wider city region; B: seek to ensure that London's economy diversifies and that the benefits of economic success are shared more equitably across London; C: plan for sufficient employment and industrial space in the right locations to support economic development and regeneration; ensure that sufficient high-quality and affordable housing, as well as physical and social infrastructure is provided to support London's growth; E: ensure that London continues to provide leadership in innovation, research, policy and ideas, supporting its role as an international incubator and centre for learning; and F: promote and support London's rich heritage and cultural assets, and its role as a 24 hour city.
- 6.6 The various sites lie within the City Fringe Opportunity Area. Policy SD1: Opportunity Areas says under B that decision-makers should inter alia: 1) clearly set out how they will encourage and deliver the growth potential of Opportunity Areas; 2) support development that creates employment opportunities and housing choice for Londoners; 4) recognise the role of heritage in place-making; 8) support wider regeneration and ensure that development proposals integrate into the surrounding area; and 5) establish the capacity for growth in Opportunity Areas taking account of the indicative

capacity for homes and jobs in Table 2.1. Table 2.1 sets out that the City Fringe/Tech City Opportunity Area has an indicative capacity to provide 15,500 homes, and 50,500 jobs in the period 2016 to 2041.

- 6.7 Allied to that, Policy E1 that refers to Offices says in Part A that improvements to office space of different sizes should be supported by new office provision, refurbishment, and mixed-use development. Part B sets out that increases in the current stock of offices should be supported in the locations in Parts C and D of the policy. Part C explains that the unique agglomerations and dynamic clusters of world city businesses and other specialist functions of the central London office market, including, amongst others, Tech City, should be developed and promoted.
- 6.8 While the site of the proposed data centre (Appeal A) lies close to but outside its boundaries, the sites covered by Appeals B and C lie within the Brick Lane District Centre. Policy SD6: Town centres and high streets is therefore in play. Under A the vitality and viability of London's varied town centres should be promoted and enhanced through a range of measures. These include 1) encouraging strong, resilient, accessible and inclusive hubs with a diverse range of uses that meet the needs of Londoners, including main town centre uses, night-time economy civic, community, social and residential uses; 2) identifying locations for mixed-use or housing-led intensification to optimise residential growth potential, securing a high-quality environment and complementing local character and heritage assets; 4) strengthening the role of town centres as a main focus for Londoners' sense of place and identity in the capital; and 5) ensuring town centres are the primary locations for commercial activity beyond the CAZ²⁰ and important contributors to the local as well as London-wide economy. Under C we are told that the potential for new housing within and on the edges of town centres should be realised through mixed-use or residential development that makes best use of land, capitalising on the availability of services within walking and cycling distance, and their current and future accessibility by public transport. That said, Table A1.1 under entry 183 says that the Brick Lane Centre has but 'incremental' residential growth potential.
- 6.9 Of great importance to consideration of the proposals is Policy D3: Optimising site capacity through the design-led approach. This says under A that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. We are told that optimising site capacity means ensuring development is of the most appropriate form and land use for the site.
- 6.10 Under B it is explained that higher density developments should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities by public transport, walking, and cycling.
- 6.11 In terms of form and layout D 1) tells us that local context should be enhanced by buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, and building types, forms, and proportions. Moreover, form and layout should 11)

²⁰ None of the sites here at issue are in the Central Activities Zone (CAZ)

respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character; and 12) be of high quality, with architecture that pays attention to detail.

- 6.12 Policy D4: Delivering good design looks to secure high-quality design and place-making based on the requirements in Part B of Policy D3 Optimising site capacity through the design-led approach. In simple terms, Policy D8: Public realm seeks to ensure that new public realm is well-designed, safe, accessible, inclusive, attractive, well-connected, related to local and historic context, and easy to understand, service, and maintain. Policy G1: Green infrastructure requires a broadly similar approach to this element of any design proposal.
- 6.13 Policy H1: Increasing housing supply sets out ten-year housing targets for the London Boroughs. Table 4.1 sets a target of 34,730 for the London Borough of Tower Hamlets, the highest of any London Borough. Policy H4 Delivering affordable housing sets a strategic target for 50% of all new homes delivered across the capital to be genuinely affordable. Policy H5: Threshold approach to applications sets out the way this provision is to be calculated, depending on the route taken while Policy H6: Affordable housing tenure deals with the precise nature of affordable products.
- 6.14 Finally, London Plan Policy HC1: Heritage conservation and growth explains under C that development proposals affecting heritage assets, and their settings, should conserve their significance by being sympathetic to that significance and appreciation within their surroundings.
- 6.15 Turning to the Local Plan²¹, which it should be noted pre-dates the London Plan, Policy S.DH1 seeks to ensure the delivery of high-quality design. Under the aegis of this policy, development is expected to meet the highest standards of design, layout and construction which respects and positively responds to its context, townscape, landscape and public realm at different spatial scales, including the character and distinctiveness of the Borough's 24 places and their features²².
- 6.16 To achieve this, development must: a. be of an appropriate scale, height, mass, bulk and form in its site and context; b. represent good urban design providing coherent building lines, roof lines and set-backs, complement streetscape rhythm and associated landscapes (including boundary treatment), and ensure optimal plot coverages to avoid over-development; c. ensure the architectural language, scale composition and articulation of building form, design of detailing, elements and materials applied on elevations, complements and enhances their immediate and wider surroundings; d. protect important views of and from landmark buildings and vistas; e. use high-quality design, materials and finishes to ensure buildings are robust, efficient and fit for the life of the development; f. create well-connected, inclusive and integrated spaces and buildings which can be easily adaptable to different uses and the changing needs of users; g. incorporate

²¹ CDF.01

²² Figure 4: 24 Places of Tower Hamlets (CDF.01 Page 18), shows the sites in Spitalfields

features of positive biodiversity value within the site, where possible; h. use design and construction techniques to ensure that the development does not result in unacceptably harmful impacts arising from overheating, wind, air pollution, light pollution and noise pollution and the loss of sunlight and daylight, whilst optimising energy and waste efficiency; and i. provide a mix and range of publicly accessible open space and water spaces that promote biodiversity, health and well-being.

- 6.17 Local Plan Policy S.DH3 is concerned with heritage and the historic environment. Under 1. Proposals must preserve or, where appropriate, enhance the Borough's designated and non-designated heritage assets in a manner appropriate to their significance as key and distinctive elements of the Borough's 24 places that I have referred to above. As far as 2. is concerned, proposals to alter, extend or change the use of a heritage asset or proposals that would affect the setting of a heritage asset will only be permitted where of direct relevance here a. they safeguard the significance of the heritage asset, including its setting, character, fabric, or identity; b. they are appropriate in terms of design, height, scale, form, detailing and materials in their local context; c. they enhance or better reveal the significance of assets or their settings; and d. they preserve strategic and locally important views and landmarks, as defined in Policy D.DH4 (covered below). Criterion 5. says that alterations, extensions or changes of use, or development in the vicinity of listed buildings will be expected to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings. Significant weight will be given to the protection and enhancement of the Borough's conservation areas, including their setting (6.). Development within a conservation area will be expected to preserve or, where appropriate, enhance those elements which contribute to their special character or appearance. Planning applications should explore opportunities from new development within conservation areas and their settings to enhance or better reveal their significance.
- 6.18 Local Plan Policy D.DH2 is aimed at securing attractive streets, spaces and public realm. The first part of the policy requires development to contribute to improving and enhancing connectivity, permeability, and legibility across the Borough, ensuring a well-connected, joined-up, and easily accessible street network and wider network of public spaces through three measures. The first is improving connectivity to public transport hubs, town centres, open spaces, water spaces, social and community facilities and surrounding areas; the second is maintaining existing public routes or appropriately re-providing access routes during the construction phases of new development; and the third – incorporating the principles of 'Secured by Design' to improve safety and perception of safety for pedestrians and other users.
- 6.19 The second part of the policy expects development to positively contribute to the public realm by means of a series of measures. These include: a. optimising active frontages towards public streets and spaces; b. providing clear definitions and enclosure through building frontage and massing, and connection and continuity of pedestrian desire lines and street activities, at a human scale; c. providing a range of public spaces that can function as places for social gatherings and other recreational uses; d. reducing visual clutter and obstacles in the public realm of the scheme and the adjacent area; f.

resisting the creation of gated communities which do not promote socially inclusive and cohesive neighbourhoods or connectivity between places; g. integrating refuse and recycling facilities within the building envelope; h. using high-quality paving materials for footways, parking spaces, and local streets to create attractive, accessible, comfortable and usable development; i. integrating high-quality public art into the public realm, especially at gateway locations or other appropriate landmarks, and retaining existing good quality art in the locality of new development, where possible; j. ensuring that soft landscaping is maximised to soften the streetscape and provide visual and environmental relief from hard landscaping, buildings and traffic; k. locating entrances in visible, safe, and accessible locations; l. creating opportunities for natural surveillance, particularly at ground floor level; and n. creating clear sightlines and improving legibility and lighting of the surrounding area at all times of the day and night.

- 6.20 Policy D.DH4 obliges development to positively contribute to views and skylines that are components of the character of the 24 places in Tower Hamlets. Of relevance in these cases, development should demonstrate how it preserves or enhances the prominence of Borough-designated landmarks and the skyline of strategic importance in the Borough-Designated Views shown in Figure 6²³; preserves or enhances local views identified in conservation area appraisals and management guidelines; and preserves or enhances townscape and views to and from the site which are important to the identity and character of the place.
- 6.21 Local Plan Policy S.H1 looks to meet the Borough's housing needs by securing the delivery of at least 58,965 new homes across the Borough between 2016 and 2031 through, amongst other things, focusing the majority of new housing in the opportunity areas and site allocations (as shown on the Policies Map). Development will also be required to contribute towards the creation of mixed and balanced communities that respond to local and strategic need setting an overall target for 50% of all new homes to be affordable. All housing is required to be well-designed, and sustainable and development that meets the needs of specific communities is supported. Alongside that, Policy D.H2 seeks to maximise the delivery of affordable housing, on-site with a 70% rented and 30% intermediate tenure split.
- 6.22 Local Plan Policy S.SG1 refers to areas of growth and opportunity in the Borough. We are told in 1. that new development will be directed towards a. the opportunity areas, including the City Fringe, and highly accessible locations. 3. Makes clear that the majority of new housing and employment provision will be focused on the Isle of Dogs and South Poplar opportunity area, but significant amounts of new housing will also be delivered in the City Fringe opportunity area.
- 6.23 That said under 6., we are informed that alongside Canary Wharf, the City Fringe will continue to act as a key focus for financial and business services. Biotech, life sciences and digital industries will be primarily concentrated in

²³ Figure 6: Key Views, Landmarks and the Skyline of Strategic Importance (CDF.01 Page 56) identifies the view from Spitalfields to Christ Church, Spitalfields as Borough Designated View No.1

the City Fringe opportunity area (including Whitechapel) to support the development of the Tech City and the Med City clusters.

- 6.24 Local Plan Policy S.EMP1 supports development that protects and enhances the role and function of the Borough's designated employment locations, as defined on the Policies Map and maximises the provision of employment floorspace to contribute towards the Borough's target of creating 125,000 new jobs in the period to 2031. In relation to the Tower Hamlets Activity Area and District Centre, it states that they in particular have the potential to accommodate substantial employment growth to support the strategic role of the Primary and Secondary POLs and other parts of the CAZ.
- 6.25 As far as Local Plan Policy S.TC1 is concerned, this states that development is required to support the role and function of the Borough's town centre hierarchy and the provision of town centre uses in line with a series of principles. District Centres are to be promoted as vibrant hubs containing a wide range of shops, services, and employment.
- 6.26 Local Plan Policy D.EMP2 is aimed towards new employment space. Under 1. new or intensified employment floor-space is supported in designated employment locations, the Tower Hamlets Activity Areas, and identified site allocations. Outside those locations, 2. directs new employment space to town centres and accessible locations along major transport routes.
- 6.27 Below that raft of regional and local development plan sits the City Fringe Opportunity Area Planning Framework published by the Mayor of London and adopted in December 2015²⁴. Paragraph 1.6 of the OAPF says that the City Fringe Opportunity Area is assessed as having capacity for over 53,000 new jobs and 15,000 new homes. Paragraph 1.7 sets out that Tech City is recognised as a significant business cluster within the City Fringe but does not cover the whole of the Opportunity Area. For planning purposes, we are told, Tech City represents that commercial core of the City Fringe – around Shoreditch, Old Street, Bishopsgate, and Spitalfields, extending north to Hackney Central and Dalston, and south and east to include Aldgate and Whitechapel.
- 6.28 Paragraph 1.9 explains that the City Fringe Opportunity Area contains significant development capacity in relatively central areas and there is particular scope not only to support London's critical mass of financial and business services but also the diverse cluster of digital businesses that constitute Tech City. Importantly, we are told that consolidation of the digital cluster and continued growth in the core areas of the City Fringe Opportunity Area are considered strategically vital.
- 6.29 Following on from that paragraph 1.52 makes it clear that Tech City's role as innovation and start up hub for the knowledge economy in London is strategically significant. The document then goes on to discuss the role of Tech City UK and London & Partners before setting out the vision in paragraph 1.57 as: *enabling the business cluster to continue to grow as a mix of large corporations, SMEs, micro businesses and start up and become*

²⁴ CDE.05 – referred to hereafter as OAPF

the innovation hub driving growth in London and the UK's digital economy , while delivering housing and other supporting uses such as retail and leisure.

- 6.30 Then, in paragraph 1.58, five objectives are outlined in order to achieve that vision: ensuring there is the space for continued business growth in City Fringe; striking the appropriate balance between residential and commercial development; supporting the mix of uses that makes City Fringe special; identifying the key strategic development sites; and connecting the City Fringe.
- 6.31 While the Inquiry was in progress, the London Borough of Tower Hamlets Draft New Local Plan (Autumn 2024)²⁵ was awaiting approval from Full Council for submission to the SoS for independent examination. On 19 November 2025, after the Inquiry closed, Full Council decided to approve the submission and the eLP was submitted to the SoS on 16 February 2026²⁶.
- 6.32 Of particular relevance in the eLP is Site Allocation 1.7: Brick Lane and Pedley Street²⁷. All of the sites at issue in these appeals lie within the proposed allocation. Under the heading 'Site Proposal', the proposed allocation has indicative capacities of 800 homes, including 250 on the Truman East and Banglatown Cash and Carry sites (the Appeal B site) and 95 on Grey Eagle Street sites (that include the Appeal A site), and up to 33,000 square metres of non-residential floorspace, including 5,000 square metres on the Truman East and Banglatown Cash and Carry sites (the Appeal B site), and 1,500 square metres on Grey Eagle Street sites (that include the Appeal A site). Put simply, the allocation envisages a mixed-use, residential-led scheme. This proposal was informed by a Site Capacity Assessment dated April 2024²⁸.
- 6.33 This proposed allocation was, in large part, presaged by the Spitalfields and Banglatown Supplementary Planning Document (SPD) of 11 September 2024. This SPD had been adopted by the Council, but that adoption was challenged in the High Court by the appellants.
- 6.34 The result was a Consent Order issued by the High Court that quashed the adoption of the SPD²⁹. Having been quashed, the SPD can attract no weight in planning terms but there are matters connected to it that are relevant. I deal with those in my conclusions below.
- 6.35 Linked to all that, in some respects, reference has been made to s.149 of the Equality Act 2010 which established the Public Sector Equality Duty³⁰.
- 6.36 Under (1), s.149 sets out that a public authority must, in the exercise of its functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) enhance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c)

²⁵ CDF.06 - referred to hereafter as the eLP (emerging Local Plan)

²⁶ It should be noted that I did not revert to the parties for comment on the progress of the eLP as the question of weight is clearly addressed in paragraph 49 of the Framework

²⁷ CDF.06 Page 412 onwards

²⁸ CDF.05

²⁹ CDH.08

³⁰ Referred to hereafter as the PSED

foster good relations between persons who share a relevant protected characteristic and persons who do not share it. It is said in (3) that having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

- 6.37 The sites lie within the Brick Lane and Fournier Street Conservation Area. The main site includes a listed building to which alterations and extensions are proposed as part of the scheme to be considered under Appeal B. The settings of this listed building, and other listed buildings in the vicinity of the sites will be affected by the proposals at issue.
- 6.38 All that means that various provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)³¹ are in play. Conservation Areas are the focus of s.72(1) which provides that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas in the exercise of planning functions.
- 6.39 In terms of listed buildings, s.66(1) says that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision-maker 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. As far as works to a listed building are concerned, s.16(2) says much the same as s.66(1).
- 6.40 The conservation area is the subject of the Brick Lane and Fournier Street Conservation Area Character Appraisal and Management Guidelines SPD (2009)³² which describes the conservation area as 'one of the most important historic areas in London'. The list description for the Boiler House (Former Stables at Truman's Brewery) has been provided³³ as have those for other listed buildings close to the site – the Director's House, the Engineer's House, the Vat House, the Brewmaster's House, and the Black Eagle Brewery³⁴.
- 6.41 The National Planning Policy Framework³⁵ is of obvious relevance too. There seems to me no need to rehearse the detailed contents here but I would highlight, in particular, the chapters that deal with achieving sustainable development (2); decision-making (4); delivering a sufficient supply of homes (5); building a strong, competitive economy (6); ensuring the vitality of town centres (7); promoting healthy and safe communities (8); making effective use of land (11); achieving well-designed places (12); and

³¹ Referred to hereafter as 'the Act'

³² CDE.09 – the CAA

³³ CDL.06

³⁴ CDL.07 – CDL.11 (inclusive)

³⁵ CDE.01 – referred to hereafter as the Framework

conserving and enhancing the historic environment (16). All that is underpinned by the content of the National Planning Practice Guidance³⁶.

- 6.42 As I write, consultation on a revised version of the Framework is currently underway but in the absence of an understanding of what its final form will take, or any formal timetable for its final adoption as Government policy, I have not asked the main parties to comment on the consultation draft.

7. AGREED MATTERS

- 7.1 I have dealt with the most important agreed matters above but the full compass of what has been agreed between the Council, and the appellants, can be found in the various SoCGs³⁷.

8. THE CASE FOR TRUMAN ESTATES & ZELOOF LLP

Introduction

- 8.1 I present here, in the main part, the case that was presented to the Inquiry by the appellants in closing³⁸. Nevertheless, to gain an appreciation of the appellants' position in full, it will be necessary to consider the various documents submitted by the appellant to explain their case to the Inquiry³⁹.
- 8.2 These appeals concern a unique and remarkable place. The Truman Brewery Estate occupies a very particular spatial niche in London's make up, one which has been carefully curated by the appellant over the last 30 years, who has steered the estate from a derelict former brewery to the independent, dynamic cultural and creative hub that exists today; one which makes a significant contribution to the economy and culture of London and the UK.
- 8.3 In line with the Government's economic growth agenda, which seeks to encourage areas such as this to capitalise on their performance and potential the appellant has identified significant areas of underused, brownfield parcels of land at the heart of the existing quarter which are neither making the best use of their location, nor reflective of their history or significance. In accordance with the NPPF, the scheme brings forward transformational proposals that would allow the area to build on its strengths and in so doing play a larger role in meeting the needs of the capital and beyond.
- 8.4 New, much needed, adaptable workspace specifically catered to the SME sector is brought forward in the heart of Tech City, recognised to be one of London's most nationally-significant office locations – helping to grow and strengthen not only the London and national economy, but also providing a beneficial 'halo' effect on the fragile local economy by contributing significantly to local footfall and spend.

³⁶ CDE.02 – referred to hereafter as the PPG

³⁷ CDJ.01 to CDJ.04 and ID.08 to ID.10

³⁸ ID.30

³⁹ To be found throughout the Core and Inquiry Documents but CDA.01 to CDA.40, CDB.01 to CDB.17, CDC.01 to CDC.17, CDJ.01 to CDJ.04, CDM.04 to CDM.09, CDM.21 to CDM.28, ID.02, ID.05 ID.07 to ID.10, and ID.30, in particular

- 8.5 At the same time, the proposals at Block A provide critically needed co-locational Data Centre capacity at possibly the best remaining data centre location in the capital for meeting the needs of the City cluster. Finally, the proposals make an appropriate and significant contribution to meeting housing needs on a site away from the heart of the main Truman East site - without dimming the bright light of that wider contribution.
- 8.6 All these applications (save that relating to the Data Centre) were recommended for approval by Council Officers who over several years have been helping to guide and curate the transformation of the Estate.
- 8.7 They found that the multiple building Truman East proposals and the Ely's Yard proposal were all in accordance with the up-to-date development plan both as to uses proposed, and as to design and would both transform and enhance the contribution of the estate to the wider area.
- 8.8 In relation to Block A, low levels of less than substantial harm to the significance of the Brick Lane and Fournier Street Conservation Area were found and it was said that the 'limited' or 'modest' public benefit associated with the proposed Data Centre did not outweigh that level of harm.
- 8.9 As we set out below, given the urgent, national need for Data Centres of this type, the suggestion that a Data Centre on this profoundly well-located site should be afforded only 'limited' weight is clearly awry even if one were to accept (which for reasons set out below the decision-maker should not) that the development harms the conservation area in a limited way bearing in mind its existing condition.
- 8.10 Once that fundamental misstep is corrected, the same conclusion must be reached on Block A that was reached by the Council's Officers for the other applications, and planning permission for these important series of proposals should be granted without further delay.
- 8.11 With that by way of introduction, we address the main issues identified by the Inspector as follows: (1) Matters relating to land use and its consequences; and (2) design and heritage impact.

Main Issue (1): Land Use

- 8.12 At no material stage during the application process were the principles of the proposed land-uses and their consistency with the Development Plan and national policy and guidance ever seriously in issue in these cases.
- 8.13 Even now, the Council has no objection to the principle of the proposed Data Centre use on Block A in land-use terms⁴⁰. Nor does it raise any objection in principle to the mix of uses on the Ely's Yard site⁴¹. Therefore, we must focus on the land-use considerations raised by the Truman East Site.

⁴⁰ ID9 Para 6.11

⁴¹ ID10 Paras 6.4-6.5 - the R6 Party's case goes further, and appears to raise a land-use concern in relation to Ely's Yard, albeit that the concerns raised are the same as for the main site

- 8.14 The adopted development plan comprises the London Plan (2021) (the London Plan)⁴² and the Tower Hamlets Local Plan 2031: Managing Growth and Sharing Benefits (the Local Plan)⁴³. The Truman East site lies in the heart of Tech City within the Inner Core Area of the London Plan's City Fringe Opportunity Area (CFOA), within the Tower Hamlets City Fringe Activity Area, and the Brick Lane District Centre, in the Local Plan.
- 8.15 These multiple overlapping designations make clear that an employment-led development is required in this strategically important location. The proposals deliver workspace-led, town centre type uses consistent with these designations, together with an appropriate element of residential development in a location that the Council accepts is suitable for a residential use.
- 8.16 The aim to build on the unique success of the existing land uses at this location, whose workspace-led shape has been directed, supported and driven by the planning system, was (rightly) agreed by Planning Officers at all levels in London at all times. In particular: (1) Officers, in their report on the Truman East Site and in the Committee meeting, clearly and unambiguously (and on several occasions) reiterated that: *a commercial-led or commercial only scheme is in accordance with the development plan*⁴⁴; and (2) The appellant received precisely the same advice from the GLA in relation to the Truman East Site which stated in its Stage 1 report that *The principle of commercial led development is supported*⁴⁵.
- 8.17 Those now representing elected Members' overturn of this consistent and unambiguous position seek to argue that a draft and as yet un-submitted allocation in the Council's emerging Draft Local Plan (the eLP)⁴⁶ should somehow be given 'moderate' weight, and that this is sufficient to set aside the clear (and obvious) development plan policy and land use justification for the site to continue and to enhance its present workplace-based contribution.
- 8.18 There is a simple answer to this novel suggestion – even taking the Council's case at its highest. Firstly, the Council's planning witness accepts that an employment-led (or even an employment-only) proposal on the Truman East site would be in accordance with the development plan read as a whole⁴⁷.
- 8.19 It is also accepted by the Council that paragraph 11(d) of the NPPF is not engaged in this case. That means that the policies which are most important for determining the application (including those relating to land-use) are not *out of date* within the meaning of that paragraph. The Council's planning

⁴² CDE.04.

⁴³ CDF.01

⁴⁴ CDL.01 Para 0.5

⁴⁵ CDD.01 Para 17

⁴⁶ CDF.06

⁴⁷ As volunteered in e-in-c and confirmed in x-e, it was accepted that an employment-led development, or even a development solely employment related, would be in accordance with the relevant policies of the development plan

witness accepted⁴⁸ that the relevant part of paragraph 11 of the NPPF in this case was paragraph 11(c), which relates to proposals *that accord with an up-to-date development plan*. Further, there is no coherent reason to reduce the weight to policies that are not out of date. Those policies should accordingly be given full weight. Indeed, paragraph 11(c) of the NPPF is clear that in these circumstances permission should be granted *without delay*.

- 8.20 In any event, the Council accepts that – at most – the eLP should be given moderate weight. Even if this weighting was justified (and it clearly is not for the reasons set out below), policies deserving of only moderate weight cannot on any basis outweigh policies in an adopted development plan which are not out of date. Indeed, the only way that conclusion could rationally be reached is if the adopted development plan policies were given less than moderate weight – that is limited weight. That is a case that no party to the Inquiry has positively advanced.
- 8.21 Therefore, in terms of section 38(6) of the Planning and Compulsory Purchase Act 2004⁴⁹, the proposals are agreed, in land-use terms, to be a type of use which complies with the provisions of the development plan. That development plan is agreed to be up-to-date within the meaning of paragraph 11(c) of the NPPF. There are no material considerations which can, rationally, indicate an outcome contrary to the adopted, in-date, development plan.
- 8.22 A finding that the eLP could do so would effectively mean that land-use decisions on the site were being made, not by the adopted in-date development plan, but by an eLP which has not even been submitted, let alone examined, and which even the Council accepts can be given no more than moderate weight. That is a bizarre contention.
- 8.23 Therefore, the proposed land-uses on the Truman East site are acceptable even if it is accepted (as the Council contends) that a residential-led development on the Truman East site would also accord with the development plan and that the eLP should be given moderate weight.
- 8.24 In fact, both of these propositions advanced by the Council are self-evidently wrong.
- 8.25 In terms of the suggestion that there is any development-plan support for residential-led development in this location, this issue has already been determined by the High Court.
- 8.26 In September 2024 (and in the face of these applications) elected members purported to adopt a Supplementary Planning Document (SPD) seeking in effect to impose the residential-led provisions of the eLP on the Truman East site under the guise of ‘supplementary policy’. The High Court quashed the SPD on two grounds, and it is now common ground between all parties that

⁴⁸ In x-e

⁴⁹ CDH.02

the SPD should be given no weight. The first ground was that it was unlawful to seek to introduce new policies for this area outside the development plan process. The second ground is highly relevant to this Main Issue.

- 8.27 It was said that: *no reasonable planning authority could have reached a judgment that the SPD did not conflict with the adopted development plan in circumstances where the plan makes clear that employment and commercial town centre uses are to be the priority in the area of the SPD*⁵⁰.
- 8.28 In other words, not only would a residential-led development on the Truman East be contrary to the development plan, but it would be irrational to reach any other conclusion. This wording was expressly signed up to by the Council's Officers⁵¹ and endorsed and effectively incorporated into the Court's Order.⁵² The suggestion by the Council⁵³ to the effect that (because the Court Order refers to the parties agreed reasons for quashing, but then does not repeat them in the Order itself) the Judge may have quashed the SPD for different reasons (and that having devised his own reasons, decided not to tell anyone what they were) is ridiculous.
- 8.29 It was extraordinary that the Council's planning witness sought to look behind this Order of the Court and suggest that these words do not mean what they say. It appeared to be suggested that this part of the High Court's determination was effectively an irrelevant afterthought, and that in any event the true meaning of the Order was that only part of the SPD (relating to Osborn Street) conflicted with the development-plan. This is a remarkably flawed contention.
- 8.30 First, The Council consented to the terms of the consent order after elected Members had received legal advice from leading planning counsel. In the normal way, the Council would not have consented on both grounds if the Council did not agree that both grounds disclosed a separate and free-standing basis for quashing the SPD.
- 8.31 Second, the Order quashed the entirety of the SPD in relation to both grounds, which would have been wholly inappropriate if the second ground only related to part of the area of the SPD. The Order itself explains why the SPD was quashed on the second ground – and it has nothing to do with the retrospective explanation provided by the Council's planning witness for the purposes of this Inquiry. Paragraph 9 states: '*...the Defendant accepts that the SPD could not have been lawfully adopted even as a supplementary planning document for the reasons set out at [Statement of Facts and Grounds/59-63]*'⁵⁴.

⁵⁰ CDH.07

⁵¹ CDH.07

⁵² CDH.08

⁵³ Council closing (ID.31) at Para 91

⁵⁴ ID.24

- 8.32 Those reasons relate to the development plan framework for the entire area of the SPD and have nothing to do with the location of Osborn Street (which is not even mentioned).
- 8.33 Not only is it wholly inappropriate to look behind this Order (still less to suggest that it may be a distraction)⁵⁵, but the conclusion of the Court (accepted by Council Officers and then endorsed by the High Court) is self-evidently correct. In the first instance, this site is in the heart of Tech City, a significant business cluster within the CFA⁵⁶. Tech City is described by the London Plan as a *nationally significant office location*⁵⁷. Policy E1 of the London Plan is clear that new office provision in this *unique agglomeration* and *dynamic cluster* should be supported: see E1(A) and (C)⁵⁸. As it is put at paragraph 6.8.3 – with emphasis added: *In the City Fringe, the Tech City cluster should be supported as one of London's nationally-significant office locations and complemented by Development Plan policies to enable entrepreneurs to locate and expand there and to provide the flexibility and range of space that this sector needs, including affordable space.*
- 8.34 Turning down the opportunity to deliver a significant employment-led development on what is almost certainly one of the biggest opportunity sites in this nationally and internationally important agglomeration of work-space provision would be fundamentally contrary to this aspiration.
- 8.35 The Local Plan is entirely consistent with the approach adopted in the London Plan. The plan identifies the City Fringe as a *strategically important employment location of national and international importance* (paragraph 2.12)⁵⁹ and makes clear that economic growth will be *concentrated* in the City Fringe, including Tech City as *one of London's most significant areas for economic growth*⁶⁰. This is then reflected in the *Vision for City Fringe*⁶¹: *The world-class economic hub of the City of London will expand and opportunities arising from the Tech City and Med City initiatives will be maximised.*

⁵⁵ The suggestion that *Practice Direction (Citation of Authorities)* [2001] 1 WLR 1001 (ID.26) has any bearing on this is misguided. This limits the ability to other parties to cite, and rely on, permission decisions which relate to in a different case. Permission was granted in this case and the Consent Order is a final order – the PD therefore does not apply. In any event, it plainly can be 'cited' and relied on by the parties who signed up to the order – in an appeal that raises the same issues.

⁵⁶ As it is put at paragraph 1.7 of the OAPF (CDE.05): '*For planning purposes Tech City represents the commercial core of the City Fringe - around Shoreditch, Old Street, Bishopsgate and Spitalfields, extending north to Hackney Central and Dalston, and south and east to include Aldgate and Whitechapel*'. The suggestion in the Council's closing (ID.31 Para. 72) that this is 'not a firm policy designation' is not at all understood. It is clearly marked on the Key Diagram.

⁵⁷ CDE.04 Policy E1(c)

⁵⁸ Wording that relates directly to Tech City. As it is put at CDE.04 – Policy E.1(c): '*the unique agglomerations and dynamic clusters of world city businesses and other specialist functions of the central London office market, including the CAZ, NIOD (Northern Isle of Dogs) and other nationally-significant office locations (such as Tech City and Kensington & Chelsea), should be developed and promoted.*'

⁵⁹ CDF.01 PDF Page 16

⁶⁰ CDF.01 PDF Page 20

⁶¹ CDF.01 PDF Page 202

Whitechapel, Cambridge Heath, Shoreditch, Spitalfields and Aldgate will all have 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 benefiting from the arrival of the Elizabeth line and improved accessibility to the local area. Whitechapel and the surrounding area will benefit from a new state-of-the-art research and education facilities and will accommodate start-ups and other supporting businesses.

- 8.36 Within this area, the Local Plan seeks: *employment uses across the area that contribute towards the Tech City and Med City initiatives (in accordance with the City Fringe Opportunity Area Planning Framework and any equivalent replacement document), including a range of flexible workspaces for small-to-medium enterprises and significant floorspace around the secondary preferred office locations*⁶².
- 8.37 This approach in the Local Plan is also consistent with the CFOA Planning Framework⁶³ supplementary planning guidance to the London Plan. This makes clear that whilst the CFOA as a whole seeks the delivery of both homes and jobs (albeit with a very strong steer towards jobs)⁶⁴ in this Inner Core location there is a strong policy presumption in favour of employment-led proposals. It states: *development proposals for employment floorspace (including refurbishment; and demolition and redevelopment) will be encouraged and supported, in order to support the process of the core expanding and prevent supply diminishing.*⁶⁵
- 8.38 The priority for employment-led development in this location is then reinforced by the site's dual Local Plan designation within the Tower Hamlets City Fringe Activity Area and the Brick Lane District Centre.
- 8.39 As to the Activity Area designation, Policy S.EMP1 in the Local Plan is clear that Activity Areas have the potential to accommodate substantial employment growth. Accordingly, the policy provides as follows⁶⁶: *proposals will be supported which provide opportunities to maximise and deliver investment and job creation in the borough through...c. ensuring a range of job opportunities at all levels are provided throughout the borough, particularly within designated employment locations, the Central Activities Zone, Tower Hamlets Activity Areas and Major, District and Neighbourhood Centres.*
- 8.40 Similarly, Policy D.EMP2 of the Local Plan states that *new or intensified employment floorspace will be supported* within various areas which include *the Tower Hamlets Activity Areas*⁶⁷. There is no hierarchy of support in the

⁶² CDF.01 PDF Page 205 – given effect through Policy S.SG1(2) on Page 33

⁶³ CDE.05

⁶⁴ CDE.05 Para 1.6.

⁶⁵ CDE.05 PDF Page 40

⁶⁶ CDF.01 PDF Page 96

⁶⁷ CDF.01 PDF Page 102

policy between the support for new employment floorspace in the Preferred Office Locations in Policy S.EMP1 compared with the Activity Area.

- 8.41 In terms of the District Centre designation, Policy S.TC1 of the Local Plan states that *Development is required to support the role and function of the borough's town centre hierarchy and the provision of town centre uses*⁶⁸. In this respect, the *function and role* of the Brick Lane District Centre, is as a *vibrant hub.....containing a wide range of shops, services and employment*⁶⁹.
- 8.42 This is not a policy focussed on ground-floor uses only (as suggested by the Council's planning witness). Not only is there no support for that approach in the policy wording itself but, as the appellants' planning witness explained, above ground uses also play a vital role in ensuring the vitality and viability of the town centre.
- 8.43 Therefore, there is consistency between all parts of the development plan (and the NPPF) – in this location falling in the heart of Tech City, in the Inner Core of the City Fringe, in a Town Centre location within an Activity Area, the development plan (unsurprisingly) seeks to enhance and promote employment uses in recognition of the site's unique status and function within London.
- 8.44 In this location residential uses are only supported *where appropriate*⁷⁰. The proposals deliver on that aspiration by providing an appropriate level of housing provision within Block J.
- 8.45 The mistake elected Members made (but Officers, the GLA and the High Court did not) was to seize on the fact that residential uses are not prohibited in this location, and to seek to elevate that to a suggestion that they should or could be the predominant use. That is not what the development plan, read as a whole, envisages for this large town-centre site in the heart of Tech City.
- 8.46 Brick Lane is the one of the only district centres within the Tech City designation. Far from opening the floodgates to a residential-led proposal in this location (contrary to every other indication in the development plan), the cautious support in Policy S.TC1 for some residential uses, but only *where appropriate*, is a recognition that residential uses in this location may not be suitable and must therefore be appropriately and proportionately scaled. Indeed, the London Plan's Town Centre Network (Table A1.1) identifies the Brick Lane District Town Centre as only having *incremental* residential growth potential, the lowest growth potential identified in the plan⁷¹.
- 8.47 If the Development Plan supported residential-led uses on this site, then there would have been no need for the Council to seek to introduce support for such uses through the unlawful back-door of the quashed SPD.

⁶⁸ CDF.01 PDF Page 109

⁶⁹ CDF.01 PDF Page 109

⁷⁰ See Local Plan Policy S. TC1(3)(c)) at CDF.01 PDF Page 111

⁷¹ CDE.04 - Table A1 on page 483 and Figure A1.3 on page 472.

- 8.48 As the Rule 6 party's design witness rightly accepted⁷² the *policies are not in place* for the residential-led scheme the Rule 6 Party promotes, and *it would fall foul of current policies*.
- 8.49 As such, not only does the proposed mix of uses comply with the relevant policies in the development plan (as all parties appear to accept), in reality it is the only use on the site that so complies. The development plan demands the delivery of a scheme exactly like this on this site.
- 8.50 In this strategically important employment location, central to the economic growth of London and the country as a whole, the development plan does not provide any support for the decision-maker to pick and choose between an employment-led or a residential-led uses, and to decide the most appropriate use for themselves at the decision-making stage. The development plan mandates an employment-led proposal.
- 8.51 In any event, there is no alternative residential-led application before the Secretary of State. There is therefore simply no basis in planning policy or law to turn away this policy compliant employment-led proposal in favour of a hypothetical, as yet (and may never be submitted) residential-led application. The effect of refusing permission on the basis of such obviously faulty reasoning would simply be the loss of much needed SME-based workspace in this strategic location, with the significant boost to the local and national economy that would bring, together with the loss of the rapid delivery of policy-compliant market and affordable housing contributing towards the Government's housing delivery target over the lifetime of this Parliament.
- 8.52 Turning to the weight to be given to these policies, the Council has adopted a tortuous and confusing position which appears to be that the policies in the development plan are simultaneously up-to-date (within the meaning of the NPPF) but nonetheless should be given reduced weight (although strikingly the Council's planning witness refused to disclose how much weight he would give the adopted policies).
- 8.53 The reason for this obviously contorted approach no doubt lies in the fact that the Council knows that if, in seeking to uphold Member's reasoning, it accepts the relevant land-use policies in its development plan are out of date, then the tilted balance in paragraph 11(d)(ii) would be engaged – which would have obvious ramifications both for the overall planning balance to be struck for these applications, but also in any other application engaging similar land-use policies.
- 8.54 This incoherent stance should be rejected for a number of reasons. Firstly, policies within the development are only out of date within the meaning of the NPPF where they have been overtaken by things that have happened since they were adopted, either on the ground or through some change in national policy, or for some other reason. It follows from the Council's (correct) acceptance that the policies are not out of date that none of these

⁷² Mr Burrell in x-e

things has happened. In those circumstances, there is no rational reason to reduce the weight to be given to the relevant land-use policies. This was all recognised by the Council's own Officers and the GLA as strategic planning authority. Both authorities were clear that the policies in question were fully applicable and relevant to this application.

- 8.55 In this respect, whilst there is plainly a housing crisis in London and nationally – something that the appellant both acknowledges and relies on (see further below) - the policies in the adopted development plan remain wholly consistent with the latest version of the NPPF, itself published as recently as December 2024 in full recognition of that housing crisis. The NPPF recognises the importance of both delivering economic growth and addressing the housing crisis. It urges decision-makers to give *significant weight to the need to support economic growth and productivity* (paragraph 85). There is nothing in the NPPF to support the contention that housing should be preferred to work-space provision within this nationally important employment location. Both objectives are of vital importance and obviously linked.
- 8.56 The same approach is taken in the London Plan – which supports the twin-aims of both housing delivery (Good Growth objective four)⁷³ and delivering economic growth (Good Growth objective five)⁷⁴ without suggesting that one should give way to the other. The existence of the housing crisis is “baked in” to the policies in the London Plan considered above, which are then given effect, in a manner entirely consistent with the London Plan, in the Local Plan.
- 8.57 There is good reason for this consistency in approach across local and national policy. The Government and the GLA recognises that the existence of a housing crisis does not and cannot mean that housing automatically becomes a preferred use on any site in London, much less on a series of sites which have the potential to deliver very particular economic cultural and social benefits which are unique to this location⁷⁵ as a result of what the Appellant has curated over more than 30 years.
- 8.58 The demand for employment floorspace in this unique location remains as strong as ever. As recognised by letting agents BELCOR, the Truman Brewery is *one of London's most distinctive destinations* highly sought after by SME businesses⁷⁶. It operates as a *micro-market of its own with a unique offering and strong demand*⁷⁷. The scheme seeks to meet this demand by offering flexible, affordable and creative-sector appropriate floorspace, providing a range of small and medium sized floorspaces across the Truman East site and

⁷³ CDE.04 Policy GG4 PDF Page 37

⁷⁴ CDE.04 Policy GG5 PDF page 39

⁷⁵ This has never been seriously challenged – and will be apparent from any visit in any event

⁷⁶ CDM.23 Appendix C - 3.2

⁷⁷ CDM.23 Appendix C - 7.20 - as we also heard from a Truman tenant at the public session

Ely's Yard - with a total of 13 of the floorplates under 500 sqm NIA⁷⁸. This provides flexibility for tenants to expand within the estate (and often the same building) as their operational needs evolve. Further flexibility is provided by the ability to sub-divide the floorplates, as has been achieved successfully elsewhere on the estate. In doing so, the proposal directly addresses the structural shortfall and *very limited pipeline of supply*⁷⁹ in SME-oriented space identified in the Council's Employment Land Review⁸⁰.

- 8.59 Therefore, the aim, objectives and wording of the policies for the spatial, commercial and cultural one-off that is the Truman Brewery remain appropriate and valid and urgently in need of being met. The scheme's compliance with those policies should be given full weight.
- 8.60 As against this, the eLP and the draft allocation for the site in particular, can only sensibly be given limited weight. That was the approach taken by the Council's Officers who were clear that: *Given the Draft Local Plan is at Regulation 19 stage and there are unresolved objections to the Plan, it carries minimal weight in the assessment of the land uses for the proposal* (emphasis added)⁸¹.
- 8.61 That is plainly right; the eLP has not even been submitted to the Secretary of State. Even if, and when, it is submitted it has to go through examination. There are a number of objections to the draft site allocation. It is of course highly relevant that one of these objections is from the appellant – who is not only the largest and most significant landowner within the draft allocation but also has expressed no interest in housing-led development on the site.
- 8.62 This objection cannot be ignored or minimised. It is the appellant who would ultimately be responsible for converting the allocation from words and aspirations on paper to actual delivery on the ground. In any event, that there has been no viability assessment either by the Council or the Rule 6 Party of its residential-led proposals on the site. This is a key omission in the context where residential starts in London are at an all-time low, with a number of large sites stalled for viability reasons. This all obviously goes to the heart of the deliverability of what is proposed – one of the key soundness tests in paragraph 36(c) of the NPPF.

⁷⁸ See CDM.25 at Table 2.1 as further explained in CDM.26, Block 3A can be easily subdivided into four units per floor and Block 3B can be easily subdivided into two units per floor resulting in unit sizes ranging from approximately 175 m² to 305 m² NIA

⁷⁹ CDF.04 Page 132: *The ELR has noted that whilst there is more than sufficient supply for large corporate uses there is a very limited pipeline of supply to meet the needs of micro, small and medium-sized enterprises*

⁸⁰ As it is put in the Council's Employment Land Report (CDF.04 Page 123): *It also cannot be over-emphasised that the demand for large, corporate office space is not the same as the demand for SME space. Thus, the great majority of the enormous supply capacity will never be appropriate to SMEs: it is designed, specified and priced according to the priorities of the corporate office occupier market. There is thus a real danger that within an apparent overall picture of plenty, there will be acute shortages of certain types of space*

⁸¹ CDL.1 Para 7.40

- 8.63 And even if a residential-led proposal was deliverable, there has been simply no consideration by the Council to date, or evidence before this Inquiry, that it would be capable of delivering the significant quantum of social-rent homes sought by the Rule 6 Party. There are 100s of objections to the eLP in relation to affordable housing, including an objection from the GLA on general conformity⁸².
- 8.64 Finally, even if a residential-led proposal was deliverable, the draft allocation policy would represent, in the words of Officers, *a significant difference from the adopted Local Plan*⁸³. The impact of proposing significant housing-led development in the heart of this globally important cultural and entertainment area, which is critical to the supply of smaller specialist city fringe needs and one of the key designated nighttime economy hubs in the area, will no doubt be scrutinised with great care at examination. As will the heritage impact of what is sought⁸⁴. That consideration cannot be pre-judged. In those circumstances, the Council's planning witness was right to accept that the Inspector could not know whether a housing-led proposal would ultimately be adopted on the site.
- 8.65 Accordingly, in accordance with paragraph 49 of the NPPF, the eLP can only be given limited weight. The proposals comply with the development plan in land-use terms, and there are not material considerations of sufficient weight to indicate a decision other than in accordance with the development plan.

Main Issue (2): Character and Appearance

Truman East (the Main Site)

- 8.66 In terms of the Truman East, or Main Site, the main yard is located within the CA but, as paragraph 220 of the NPPF makes clear, not every part of CA contributes to significance. The yard is an area within the CA that is currently clearly failing to positively contribute to its character and appearance or significance.
- 8.67 As the Council's heritage witness accepts⁸⁵ the main site is a hard industrial landscape. It consists of a number of low slung, low quality modern shed buildings of no particular architectural or historic interest, and which are clear detractors from the CA. The site is introverted and inaccessible, yet at the same time open, undefined and sprawling in character. The open space that characterises the site is recent and lacks historic consistency⁸⁶. This is not a well-preserved site; there is little evidence of the historically dense and fine-grained urban structures that previously existed. Instead, what remains is a

⁸² CDM.32

⁸³ CDL.01 – 7.38.

⁸⁴ As Mr. Froneman, the Council's heritage witness, noted in x-e, the capacity study prepared as part of the evidence-base to justify the allocation *has not been informed by the significance of the CA*

⁸⁵ CDM.03 Para 5.28 and confirmed in x-e

⁸⁶ See the changes to the yard over time in CDM.05 Page 39

- modern space created as the result of clearance when the brewery closed in 1989; the legibility of its former and historic use is completely lost.
- 8.68 The yard is therefore a fractured, accidental, "left over", space of poor-quality fronting onto Allen Gardens, an important post-war modern open space, but one which lacks activation or definition.
- 8.69 This was all recognised by HE, who correctly identified that the yard had a *fragmented industrial character, containing a large central car park and a mix of buildings*. They described the site as being *of poor townscape value with very limited public access*⁸⁷.
- 8.70 Therefore, in line with paragraph 219 of the NPPF, this is an opportunity area within the CA where development can "*enhance or better reveal*" the significance both of the CA and of the Cooperage and Boiler House. This was, again, recognised by HE who noted that: *These proposals present opportunities to enliven this part of the conservation area and improve public access with high-quality buildings and public realm that draw influence from its heritage context. We therefore consider that there are opportunities presented to enhance the conservation area's character...*⁸⁸.
- 8.71 This opportunity is also identified in the CA's Character Appraisal and Management Guidelines SPD (the CA Appraisal), which identifies the Truman Brewery as an area which has the *potential for enhancement*⁸⁹. As the appellants' master-planning witness put it, the yard represents the *missing piece in the jigsaw*.
- 8.72 It is with this opportunity in mind that the appellant has brought together a team of internationally renowned architects - all of whom have profound and deep-seated local connections, and who were supported by a top of its class technical team - to produce a series of routes, spaces, uses and buildings to create a new and well stitched in heritage led heart for the area. The main site has been master-planned by Buckley Gray Yeoman. It has already won an award at the World Architecture Festival 2025 for best masterplan and re-use.
- 8.73 A core principle of the masterplan is to create logical and clear routes to open up the eastern part of the site to better reveal that which was of historic significance to the public for the first time and to connect the site into Allen Gardens and the wider community. Early decisions were made to retain enhance and reuse all of the buildings with true historic significance (namely the Cooperage and the Grade II listed Boiler House) which were to be freed from their surrounding detractors, enabling them to sit within a denser and more appropriate framework.

⁸⁷ CDD.02

⁸⁸ CDD.02

⁸⁹ CDE.09 Pages 23-25

- 8.74 Careful thought was given to the identification of spaces associated with the routes in order to better reflect the historic disposition and scale of spaces in the brewery and the wider area. The result is new spaces which excite and delight, but which are also appropriate to their hierarchy and context - with the entrance to Chimney Yard, closer to the bustle of Brick Lane and connecting into the exhibition space and cinema, being the primary entrance, and the entrance to the softer and quieter Cooperage Yard, itself nearer to the quieter Spital Street, being appropriately more subservient. As Officers recognised, *the public realm (including Cooperage Passage) would provide good Pedestrian Comfort Levels...*⁹⁰. The historic setts, removed for operational and safety reasons, will be re-used as was always intended, and is now secured by suggested condition 14.
- 8.75 Active and vibrant community uses are sensitively distributed throughout the masterplan, resulting in an almost 700% increase in active frontages compared to existing, including new restaurant and café uses fronting onto Buxton Street bringing life and animation to this important frontage. All this in the context of a fundamental opening up of a site that has been private for hundreds of years⁹¹.
- 8.76 The GLA Stage 1 report provides a glowing assessment of the masterplan's ability to successfully open up the site, both letting the vibrancy of the surroundings in, and giving back to the community for the first time: *The masterplan shows that the development would be highly permeable through the provision of a series of yards and passages which lead visitors into and through the site. This has the potential to be a positive addition to the already vibrant Brick Lane neighbourhood. Each yard has more than one route option for entering and exiting, and generally good sight lines into the key spaces. This should help facilitate a greater sense of safety and inclusion for all than currently exists on the routes around the site. Generally, the proposals provide good street level activation into the yards and onto the adjacent streets providing much needed passive surveillance*⁹².
- 8.77 Notably, the Council's heritage witness takes no issue with the principle of a re-development of the site or with the footprint of the proposed buildings⁹³. Rather, the focus of criticism largely centred on Blocks 3A and 3B.
- 8.78 Designed by Morris and Co, these buildings have been designed to reflect the juxtaposed scales, stacked shapes, threshold passages and infrastructural forms found in the local context. The network of bridges would animate the site, drawing on the Truman Estate's industrial language to create a

⁹⁰ CDL.01 Para 7.33

⁹¹ The suggestion that a "gated community" will be created – with reference to Local Plan policy D.DH2(2)(f) – at paragraph 37 of the Rule 6 closing (ID.29) – is badly misplaced – the gates into the site will only be locked from 2am to 6am in exactly the same way that public parks are locked at night.

⁹² CDD.01 Para 28

⁹³ As confirmed in x-e so the suggestion in the Council's closing (ID.31) that the scale of Block 3A and 3B would squeeze the public realm on the main site is hard to understand.

contextually rich but also exponentially low carbon and lean flexible office space – the bridges being the decisive means allowing only one core to service the building⁹⁴.

- 8.79 The buildings give back to their external surroundings, giving pedestrians a 9-fold increase in the depth of the useable space on Buxton Street (from 0.5 metres to 4 metres) and introducing new active frontages (and much needed overlooking) onto Allen Gardens helping to address existing anti-social behaviour issues. This exponential increase in ground floor activity (and the increase in permeability achieved by driving Cooperage Passage through the building) is a massive benefit of the proposal. The design also creates a new greeting point to the Brick Lane area at its eastern corner - whilst being appropriately sensitive both to the retained Cooperage building and the quieter nature of Spital Street. The buildings will be an exemplar of low carbon and sustainable design, with passive features such as 100% natural ventilation⁹⁵.
- 8.80 The Council's concern relates to the scale, height and massing of these buildings. However, driving this was a suggestion that the buildings somehow upheld a 'hierarchy' that exists in the conservation area townscape. This suggestion is completely misplaced.
- 8.81 As the appellants' heritage witness explained, there is no legible hierarchy of building heights within this part of the CA which has changed significantly since the 19th Century and is now very mixed in terms of building character, scale, heights and footprint. Buildings at height exist both to the east and west of Brick Lane (for example, the large and blocky Block H at 20 metres to the east, and Block Z at 28 metres to the west)⁹⁶.
- 8.82 That is reflected in the Council's own CA Appraisal⁹⁷ which makes no reference to the yard area requiring protection, or indeed to any notion of a 'hierarchy' which exists in this part of the CA or at all. It was also recognised by HE, who appreciated that enhancing or better revealing the significance of the CA does not require reconstructing buildings at the same height that may have existed well over a hundred years ago. Those buildings have gone. These proposals are a response to what is there now.
- 8.83 In that respect, Allen Gardens is a cleared housing site and now presents a townscape feature of remarkable scale and openness but one which lacks an urban edge. It calls for, and can accept, buildings of this height (meaning that a comparison with building heights elsewhere, facing a different context, is largely meaningless)⁹⁸. Indeed, the Council's townscape and design witness accepted that Allen Gardens is a large scalar site that can accommodate

⁹⁴ As explained by Mr Morris

⁹⁵ CDM.06 Para 2.2.5

⁹⁶ CDM.06 Para 2.22.1.

⁹⁷ CDE.09

⁹⁸ ID.31 Para. 15

height⁹⁹. The proposed height is consistent with, or lower, than Blocks Z, D and C of the existing brewery¹⁰⁰ and tapers appropriately towards Spital Street. The massing of the buildings has been developed with conscious regard for how they can add positively to the townscape of the area; the buildings are broken into three distinct volumes, with set-backs on upper floors, and variation in height, materials, detail and colour further breaking up the built form¹⁰¹.

- 8.84 This was all recognised by the GLA who said that the *proposed heights and overall scale of the proposals are considered acceptable*¹⁰² and also by HE who had no significant concern about the scale and massing¹⁰³.
- 8.85 In any event, this is a site for which everyone accepts that 'do nothing' is not an option. In that respect, it is highly relevant that the concept of the Council's heritage witness that the site makes an important hierarchical contribution to the CA is inconsistent with the Council's own eLP which seeks to put buildings of height fronting onto Allen Gardens¹⁰⁴ (as does the Rule 6 Party's evidence¹⁰⁵) – indeed, the eLP even suggests appropriate heights of 40 metres at the Truman Brewery (a third taller than the tallest buildings in this scheme, and a threshold measured in metres, not storey heights – and therefore unaffected by any difference in storey heights between residential and commercial)¹⁰⁶.
- 8.86 In truth, far from a need to recreate an imagined (and in any event lost) hierarchy of building heights across the CA, the most sensitive heritage consideration for this application is the relationship of the development with the relatively modern (but important and iconic) Truman chimney.
- 8.87 This was all recognised by Officers, the GLA, HE and the appellant. As the GLA put it: *it is particularly important that the chimney of the brewery remains the key 'marker' built form in the area*¹⁰⁷. This also informed the approach taken to agreeing the HTVIA viewpoints. It is regrettable that the Council now seeks to criticise the appellant for emphasising the relationship of the scheme to the chimney¹⁰⁸. At all stages, until the Inquiry, every heritage expert who has looked at this site has agreed that this was the key heritage consideration – and the fact that the Council now has so little to say about it speaks volumes.
- 8.88 The reason for that is because a successful and design-led solution has been forged which ensures that the chimney remains the dominant landmark, with

⁹⁹ Mr Reynolds in x-e

¹⁰⁰ CDM.06 Para 2.95.3

¹⁰¹ CDM.08 Paras 5.24-5.29 and CDM.06 Para 2.95

¹⁰² CDD.01 Para 26

¹⁰³ CDD.02

¹⁰⁴ As accepted in x-e and CDF.05 Page 25 Figure 1.15

¹⁰⁵ Through Mr Burrell

¹⁰⁶ ID.31 Para 59 and CDF.06 PDF page 415

¹⁰⁷ CDD.01 Para 27

¹⁰⁸ ID.31 Para 13

Block 3A in particular deliberately stepping down and pulling back to the west. This means that existing important views from Allen Gardens and along Buxton Street are protected, and brand-new public views of the chimney are created from within the site from the aptly named Chimney Yard. There are currently no public views of the chimney from within the yard, and the masterplan and individual plots would seek to frame it in unique and varied ways, bringing joy and delight to an otherwise bare and inaccessible plot¹⁰⁹. As Members were rightly told: "*officers concur with the assessment of the GLA and Historic England that from Allen Gardens the [Truman] Chimney would remain the dominant feature and retain its landmark status*"¹¹⁰.

- 8.89 Accordingly, Blocks 3A and 3B represent a fine and exemplary piece of optimisation in an underused part of the area. They cause no harm, less than substantial or otherwise, to the significance of the CA.
- 8.90 Nor do any of the other elements of the proposal give rise to any harm to the CA or any other asset. Whilst reference has been made to the loss of the boundary walls, these are of very low quality and prevent activation of the Buxton Street frontage. There is in any event an existing consent to remove the boundary wall and Block N as part of the existing and implemented data centre permission on the main site¹¹¹. In considering that application, HE's concern about the loss of the boundary wall and Block N was tepid at best¹¹². In any event, as the appellant's heritage witness explained, even if it is found that the removal of the wall (and demolition of Block N) is harmful – that existing consent is a highly material consideration when considering how much weight to attach to it, since these structures can be removed regardless of whether permission is granted.
- 8.91 However, to the extent that harm is found from any aspect of these proposals, this must be weighed against the heritage benefits delivered by the proposal. These include the other high-quality and largely uncriticised buildings which have been designed across the site, including the sensitive proposals for the listed Boiler House by internationally renowned and local practice Chris Dyson Architects, which would remove the modern elements of no architectural or historic interest and better reveal the significance of the most important elements of the building. Together with the wider opening up of the Truman East site, and animation of this landlocked site in the heart of the CA, these benefits would significantly outweigh any identification of harm.
- 8.92 Having weighed up all aspects of the proposal, including the heritage benefits that the scheme would bring, HE was clear that it had no objection and welcomed the scheme (something that appears to have been overlooked by the Council with its repeated, and incorrect, suggestions that the appellant's heritage witness was somehow an outlier). That reasoned conclusion from

¹⁰⁹ The new Block O proposals include an accessible roof terrace at the base of the chimney – so that one could literally touch it

¹¹⁰ CDL.01 Para 7.229

¹¹¹ CDM.06 Paras 2.8.1 – 2.10.3.

¹¹² See ID.12 and ID.13.

HE, supported by both Officers and the GLA, is commended to the Secretary of State.

- 8.93 Turning to Block J, the existing block makes no contribution to the character and appearance of the CA. It contains a low slung, unexceptional utilitarian Cash and Carry store which, whilst a valuable local amenity, is contained within a building of no heritage or townscape value. The buildings lack quality, are not contextual, and are a detractor in the CA. The site represents a gap in the townscape. The Council's heritage witness accepts that the existing site is clearly harmful to the CA¹¹³.
- 8.94 It must follow, for the reasons set out, that an allegation that the proposal results in less than substantial harm to the significance of the CA can only get off the ground if it can be demonstrated that what is proposed is more harmful than the existing building, which itself causes harm.
- 8.95 This is not a plausible allegation and becomes even less so since the Council's townscape and design witness accepts that Block J is an improvement in townscape terms over what is there at present (a concession regrettably overlooked by the Council in closing)¹¹⁴.
- 8.96 In truth, Block J represents a significant improvement to the townscape. Henley Halebrown have delivered a high-quality building on this corner site – repairing the street shape and stitching back lost townscape. The proposed height onto Spital Street is appropriate to its corner context, facing the more open townscape to the east, and would sit well within its context. The neighbouring 68 Hanbury Street is of a comparable height to the Spital Street frontage, and the scale of the building sits comfortably between this building and the 5-storey residential block at 35 Woodseer Street.
- 8.97 The building steps down appropriately to meet the lower density terracing along Woodseer Street and Hanbury Street. The building footprint is also set back from both Woodseer and Hanbury Street to minimise the presence of building in views from these streets. In any event, there are regular jumps in scale and grain adjacent to the site as well as within the wider CA¹¹⁵.
- 8.98 Further, as Officers recognised, a reduction in height "*...would have implications for the delivery of new homes*"¹¹⁶. The building responsibly optimises the contribution to housing having regard to Policy D3 of the London Plan¹¹⁷ and the varying contexts and constraints of the various parts of the site.
- 8.99 Finally, it is necessary to deal with the repeated (and misguided) refrain from the Council that these proposals are not "heritage-led".

¹¹³ Mr Froneman in x-e

¹¹⁴ Mr Reynolds in x-e

¹¹⁵ See CDM.28 at Paras 2.2.2-2.2.3

¹¹⁶ CDL.01 Para 0.11

¹¹⁷ CDE.04 Page 110

- 8.100 This is an allegation that should never have been put in the first place. The appellant has had a heritage expert engaged on the project from a very early stage. Mr. Murphy of KM Heritage, who had extensive experience working at and within the Truman Estate, was first instructed in February 2023 before the first pre-app. He was engaged throughout the pre-app process. He worked with the Council's conservation officers to choose and identify relevant views and prepared an appraisal¹¹⁸ which helped inform the key principles of the masterplan, the conclusions of which remain entirely consistent with the approach that has subsequently been adopted by GLA, HE and Officers. And, of course, his involvement and shaping of the proposals was not limited to what was written down on the page – he would have been involved in the numerous meetings and discussions that feed into the process of developing and finessing a detailed scheme.
- 8.101 Having initially put the suggestion that there had been no heritage involvement prior to the appellant's heritage and architectural witnesses¹¹⁹ on an incorrect basis, the point should really have been dropped. Instead, nearly every witness called by the appellant was dragged through a painful and often partial review of the pre-application process in an attempt to try and rescue the initial (and incorrect) allegation. This has been repeated in closing¹²⁰, with no less than 4.5 pages devoted to seeking to justify this regrettable distraction. All this served to demonstrate was that the pre-application process achieved exactly what it was meant to, namely a refinement and improvement of the initial design concept with the assistance of appropriate townscape and heritage expertise from the appellant's own experts, the GLA, HE, and the Council's Officers.
- 8.102 For all the words devoted to this topic, the simple answer is probably found in the words of the final QRP – who concluded that the scheme: *offer[s] a clear link to, and celebration of, the heritage of the site*¹²¹ and *were very supportive and excited by the work undertaken and felt that the level of investigation was one of the best seen at QRP*¹²².
- 8.103 That is not a surprising outcome (and of course it is the outcome of the proposals which must ultimately be considered). Not only did the appellant have expert heritage input throughout the process¹²³, but (as they were at pains to emphasise) each of the individual architects has extensive experience and knowledge of bringing forward heritage-sensitive schemes in London, and there is the expertise from the townscape consultant team, also heritage accredited. Indeed, this whole line of argument only served to show a fundamental misunderstanding about how schemes of this nature are developed to final design – with heritage in mind.

¹¹⁸ ID15

¹¹⁹ Mr Dunn and Mr Morris

¹²⁰ ID.31

¹²¹ CDL.01 Para 5.54

¹²² CDD.10 Para 66

¹²³ From Mr Murphy and Mr Dunn

- 8.104 Overall, these are proposals that will deliver a clear enhancement to the CA – a benefit which must be given considerable weight in the overall balance in line with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and paragraph 212 of the NPPF.

Ely's Yard

- 8.105 There are two important pieces of context for this application. The first is the unusual stance taken by the Council – which takes a townscape objection to this proposal but, notwithstanding the fact that the Ely's Yard site is in the CA (as are nearly all of the views considered by the witnesses), raises no heritage objection. That was on the specific advice of their heritage witness who advised the Council that such a position would be unsustainable.
- 8.106 It follows that it is common ground with the Council that this proposal conserves the significance of the CA, and also that any townscape impact identified by the Council's townscape and design witness falls short of giving rise to harm to the character and appearance of the CA. Given that the CA forms a key part of the context in which the proposal sits, this is an unpromising start for a townscape objection.
- 8.107 The second is that the existing townscape contribution of this plot is very limited. Ely's Yard is an unhistorical, hard surfaced, conspicuous gap in the townscape created following the demolition of a large dense industrial building. It is characterised by ad-hoc structures and back-of-house areas and is used in part as a service yard. It is a clear detractor in the CA, and no doubt it was one of the sites that the CA Appraisal had in mind as a potential opportunity area which would help enhance the significance of the CA.
- 8.108 Into this space, the proposals provide a new high-quality commercial development with a market space at ground floor and flexible Brick Lane type workspace above. As the Architect¹²⁴ explained, his design took into account careful consideration of the existing characteristics and uses of Ely's Yard. The materials are contextual and appropriate and follow a forensic analysis of the immediate and wider context. The building is deliberately designed to be a supporting act to a better defined and enhanced yard with increased publicly accessible space, supported by new active ground floor uses. It would create a new pedestrian connection to Grey Eagle Street.
- 8.109 The Council's objection is narrow in focus. There are two main concerns raised. The first is concerned with height. Much time was spent comparing the height of the building with its immediately surrounding neighbours (an exercise now repeated at length in the Council's closing¹²⁵). However, as was explained, this is not a particularly helpful exercise generally, and especially not here given the existing and successful juxtaposition of scale across the estate. The proposal would be subservient to Block C (within the brewery)

¹²⁴ Mr Morris

¹²⁵ ID.31

and Jack's Place (6 Corbet Place),¹²⁶ and have a smaller footprint than the building which historically stood on the site.¹²⁷ In any event, the stepped form will reduce any perception of dominance from street level (which is the key consideration, rather than the various birds eye views relied on by the Council). This was all understood by Officers who advised¹²⁸: *The proposal would be a similar height or lower than other nearby buildings and whilst substantial in scale it would be in keeping with the industrial scale of the surrounding context. The building would have a chamfered corner and several setbacks to open up views into the yard and reduce the visual impact of the scale.* Overall, Officers raised no concerns relating to height, mass and scale¹²⁹. That was the right conclusion¹³⁰.

- 8.110 The second relates to the pedestrian link to Grey Eagle Street. This objection is very hard to understand. The Council accepts that the pedestrian connection to Grey Eagle Street is a benefit of the proposal¹³¹. That is plainly right, since it would significantly increase permeability through the site and with the wider area. The concern, such as it is, appears to be that the opening widths are too narrow and that the connection may not be sufficiently noticeable. These are bad points. At no stage has any concern been raised about pedestrian comfort in this location, and to the extent necessary the route could be advertised through the type of signage which is awash throughout the wider estate.
- 8.111 In truth, the pedestrian connection is at exactly the right scale having regard both to the nature of the yard, and Grey Eagle Street's role as a secondary street. It has been deliberately designed to maintain the enclosed sense of the yard, and to allow for a sense of discovery – one of the characteristic features of the Truman Estate. Those design choices are the right ones, and the link achieves those aims. However, should the Secretary of State take a different view, then there is a condition which enables a revised design to be secured. With that condition, this point falls away in its entirety.
- 8.112 Finally, the suggestion by the R6 Party (but notably not from the Council) that the interaction of the proposal with a very distant glimpse of the spire of Christ Church might harm the setting of that wonderfully powerful church was badly aimed. The extent to which existing views are materially impacted is moot, but in any event, they are all incidental views which do not make a material contribution to the significance of the building, which largely lies in its fabric and in views from the west. The suggestion¹³² that the appellant's

¹²⁶ CDM.06 Para 3.48.3 and associated image

¹²⁷ Which was almost certainly higher than 3 storeys (as suggested in the R6 closing - ID.29 Para 47) – see CDM.06 Page 138

¹²⁸ CDL.03 Para 8.37

¹²⁹ CDL.03 Para 8.142

¹³⁰ So far as the specific concern identified by Mr. Reynolds at Viewpoint 36 – the building is clearly a positive addition in this view providing greater interest in backdrop of view and sitting and sitting appropriately in its context

¹³¹ Albeit, it is said, not a significant one

¹³² ID.29 Para 45

heritage witness had not considered the impact on the spire is simply wrong and it is of course considered in detail in the HTVIA. Neither HE nor the Council's Officers consider that there would be harm, with Officers reminding members that *there would be no harm to the CA or nearby listed buildings from the proposed development*¹³³. They were right to do so¹³⁴.

- 8.113 In truth, the proposal gives rise to no harm at all either to heritage or townscape. Rather, through the creation of a cohesive high-quality piece of townscape and a high-quality sense of place, it would give rise to significant and profound benefits.

Block A

- 8.114 The existing contribution of the site to the CA in which it sits is central to a determination of this application. As a building in a CA, the "senior" (but not only) concern of the decision-maker is the character, appearance and thus significance of that asset which must be given considerable importance and weight.
- 8.115 The existing contribution of the block is self-evidently entirely negative. The existing building on the site is a 1970s industrial former cold store. It has no intrinsic architectural or historic interest and additionally has been derelict and roofless for well over 30 years. It has no beneficial use, and it is agreed that there is no prospect of it having a beneficial use. It generates no activity, apart from the occasional comings and goings of cars. It is a harmful element in the CA – and is accepted to be so by the Council's heritage witness¹³⁵ (notwithstanding the suggestion in the Council's closing that this building *makes a small positive contribution to the CA*)¹³⁶.
- 8.116 It now being confirmed that no party raises a case of "deliberate neglect" under paragraph 209 of the NPPF (the unfortunate and entirely un evidenced invitations to do so in the written evidence being effectively withdrawn), it follows that the existing condition of this part of the CA is the condition against which the statutory test relating to preservation or enhancement falls to be considered.
- 8.117 For the reasons set out above, that existing condition is clearly harmful to the character and appearance of the CA, and significantly so. That is of crucial importance, since for the proposal to give rise to any heritage harm, it must

¹³³ CDL.03 Para 8.58.

¹³⁴ Nor would there be any harm to the CA (see ID.29 Para 42(2)). At views 41 and 42, the Georgian buildings still dominate view in foreground. Whilst there would be a change to the view, it is not a harmful change. At the moment, the view is terminated by a building of no interest with a blank façade which contributes nothing to the significance of the Georgian buildings in this view. Replacing it with a high-quality building changes the view, adds something different but does not harm the view or the significance of those listed buildings.

¹³⁵ See paragraph 3.6 and confirmed by Mr Froneman in x-e

¹³⁶ Mr Froneman in x-e

be established that it has an impact on the CA that is worse than the existing harmful position.

- 8.118 That is simply not a credible assertion in circumstances where the Council's townscape and design witness accepts that what is proposed is better than what is currently there in townscape terms (a concession that is all but ignored in the Council's closing)¹³⁷. In truth, the new building is of high quality in of its own right (for the reasons set out below) and in any event a much better offer than what is there now. It would therefore enhance the character and appearance of the CA – an enhancement that must be given great weight in accordance with paragraph 212 of the NPPF.
- 8.119 So far as the townscape impact of the proposal is concerned, the Council's heritage witness accepts that *there has been a good deal of consideration to the detailed design and appearance of the building, unlike most data centres* and that the proposal is *generally well-designed*¹³⁸. He was right to do so.
- 8.120 In terms of height and massing the building responds to height of existing industrial buildings within the Brick Lane area¹³⁹. Whilst higher than the immediately adjacent buildings, the series of step-backs at upper level reduces the perception of mass and the scale of the proposal appropriately steps down on Calvin Street to address the scale of the brick terrace.
- 8.121 The facades provide a variety of depth, form and materiality. The carefully articulated brick bays reflect similar devices employed across the brewery and allow for street art both curated and informal. The lighter upper parts of the building reflect the more modern use of the building and are high quality and interesting, with planting improving the townscape. By bringing the building line forward, the proposal would reinstate the historic street edge, and a generous pavement width of 3 metres, new street trees and cycle parking would improve the site's engagement with, and animation of, the street scene.
- 8.122 Importantly, the townscape impact of the proposal cannot be considered in isolation from its proposed use – which will itself drive the design of the building in which that use sits. The use of a data centre inevitably brings with it architectural constraints and security requirements. The building has been designed in close partnership with Arup who explain that its height and scale is *the minimum required for the site to be viable as a colocation datacentre*¹⁴⁰. That evidence has not been seriously engaged with or challenged, and certainly not by anyone with the requisite expertise in designing data centres to do so¹⁴¹.

¹³⁷ In x-e

¹³⁸ CDM.03 Para 3.8 and accepted by Mr Froneman in x-e

¹³⁹ CDM.06 Para 4.59.2.

¹⁴⁰ CDM.09 Appendix A and Section 16.2.

¹⁴¹ To the extent that comparisons with LON1-3 are still being relied on, this is answered in CDM.27 Paras 2.14-2.24.

- 8.123 This is of course highly relevant both in considering the acceptability of what is proposed in townscape terms (this is a building whose form closely follows its function) – but also in balancing the considerable benefits of this proposal (as explained further below) against any identified harms. Those benefits could not be realised in a less harmful way on this site. To the extent that there is any harm (which is not accepted), it is the inevitable consequence of meeting a critical national need for new retail co-location facilities in this unique data centre cluster.
- 8.124 The proposed use is also highly pertinent when considering the complaints made about activation. It is common ground that the existing site has little to no activity – and that what is proposed will amount to an improvement in activation over the existing situation (again, plainly right, but not acknowledged in the Council’s closing)¹⁴².
- 8.125 Instead, the allegation of harm is that the proposal could have gone further, and that opportunities to maximise activity on Grey Eagle Street have not been maximised. However, in truth, this amounts to no more than a suggestion that a data centre is the wrong type of use in this location. As the Council’s townscape and design witness puts it: *it is not possible to improve [the existing poor pedestrian environment] with a building which inherently requires large blank facades...*¹⁴³.
- 8.126 However, it is common ground with the Council that a B8 use such as this is acceptable in principle in this location¹⁴⁴ which the Local Plan deliberately identifies as falling outside of the District Centre¹⁴⁵. Given that, not only is it unfair to expect a level of activity on this site commensurate with a retail/leisure town centre use, but the question then becomes whether the proposal has done as much as it can to activate the site within the bounds of a use type seen as appropriate in principle in this location.
- 8.127 In this respect, the only additional improvement suggested by the Council which (it is said) has not been ‘taken up’ is a failure to include some sort of mixed-use element (such as a café) at ground floor. However, as the appellant’s data centre witness explained, this suggestion is wholly inappropriate for buildings classed as Critical National Infrastructure (CNI) which require exceptionally stringent security and resilience measures. The historic precedents relied on by the Council’s design and townscape, and planning, witnesses are examples of existing operators being forced to make unacceptable compromises in order to expand their existing operation (evidence which was given clearly on behalf of the appellant but appears to

¹⁴² Reynolds in xx. That is plainly a correct concession. To just give one example, the security office, located at the Grey Eagle Street entrance to the building, will be staffed 24 hours a day, seven days a week – providing street-level natural surveillance

¹⁴³ CDM.02 Para 4.1.6.

¹⁴⁴ ID09 Para 6.11

¹⁴⁵ CDL.02 Para 2.6 (the SoCG is wrong in this regard to note that the site is within the District Centre).

have been overlooked)¹⁴⁶. No modern data centre operator would accept a mixed-use ground floor when considering the viability of a new standalone facility¹⁴⁷.

- 8.128 Therefore, the absence of a mixed-use element is not “missed opportunity” – it is a technical and operational necessity. The appellant has done all they can to maximise activation within the constraints of a land-use that is acceptable in principle in this location.
- 8.129 Overall, therefore, this is a design-led proposal which has sought to maximise the opportunities of the site within the constraints of a use that is both desperately needed and land-use compliant. It accordingly complies with the relevant local and national policies.
- 8.130 For that reason, it is not ‘necessary’ within the meaning of paragraph 57 of the NPPF to impose a condition effectively linking the delivery of this application with the adjacent Ely’s Yard proposal. However, should any activation harm be identified from the Block A proposal, this would be clearly outweighed by the benefits of associated with the Ely’s Yard scheme, including the new pedestrian routes created between Grey Eagle Street and Ely’s Yard and new retail kiosks opening onto and overlooking Grey Eagle Street¹⁴⁸. As was recognised by Officers,¹⁴⁹ and accepted by the Council’s townscape and design witness¹⁵⁰, this would offer a significant improvement to activation. Therefore, should it be the difference between a grant of planning permission and a refusal, the appellant would accept a condition linking the two schemes.
- 8.131 However, real care must be exercised before imposing such a condition – not least because a requirement to link the two schemes could lead to a delay in the delivery of much needed data centre capacity and CNI in this location.

Other Matters

- 8.132 There has been considerable commentary on the pre-application consultation carried out by the appellant. Ultimately, it is not clear where these criticisms go. The focus for consideration needs to be on the output of that consultation (i.e. the schemes before the Secretary of State). If, as they are, those proposals are acceptable then little is to be gained by looking at the minutiae of what was, or was not, said or done at various consultation events.
- 8.133 All parties accept that the consultation and publicity carried out complies with the relevant legislation and guidance. The Council accordingly raises no consultation-based objection. In truth, as will be clear from the Statement of Community Involvement, the Appellant went above and beyond what was

¹⁴⁶ See ID.31 Para. 102 - this point is addressed in CDM.27 Para 3.12

¹⁴⁷ CDM.27 Paras 3.7-3.14

¹⁴⁸ See CDD.13. There would also be extra passive surveillance from the upper floors of that development

¹⁴⁹ CDL.03 Para 1.5

¹⁵⁰ Mr Reynolds in x-e

required¹⁵¹. By the end of that process, the appellant had a good idea of the views of the local community¹⁵² and was able to incorporate much of this into the final design (see further below). It cannot be criticised for not bringing forward everything that the Rule 6 Party wanted (much of which is simply incompatible with the adopted development plan in any event). That is not the purpose of consultation – and planning is not a referendum (otherwise very little would be built).

- 8.134 What is important is that at the end of this process which involves consultation pre-application, consultation on the application itself, consultation by the Rule 6 party, and evidence being called by the Rule 6 at the Inquiry, the views of the community are clearly fully understood and can be taken into account in the decision.
- 8.135 In terms of the Public Sector Equality Duty (PSED) it is agreed that it does not require a public authority decision-maker to achieve any particular outcome and that provided that the relevant potential impacts on those with a protected characteristic (both positive and negative) are taken into account by the Secretary of State in substance, with rigour and with an open mind, then the duty will be complied with.
- 8.136 The appellants have carefully taken the PSED into account. Its analysis of the impact of the application on those with a protected characteristic is set out in the Equalities Impact Assessment¹⁵³ which includes a full assessment of the potential for the proposed development to result in disproportionate or differential equality impacts on people with all protected characteristics.
- 8.137 As the Architects¹⁵⁴ explained, in accordance with paragraph 131 of the NPPF, the needs of the community have been integrated into the proposals following the pre-application consultation process. This included ensuring that the site included new and affordable community spaces for the local community (see further below), and that Block J had family sized homes with a separate kitchen to dining/living room which was a specific request from the Bangladeshi heritage community¹⁵⁵.
- 8.138 A number of steps have been taken to ensure that the benefits of the proposal are realised by the immediately local Bangladeshi community. These proposals can only be seen as beneficial in that respect¹⁵⁶. In particular, the proposals deliver everything expected by the Council's Planning Obligations SPD in order to ensure that employment opportunities can be taken up by the

¹⁵¹ CDA.28.

¹⁵² See CDA.20 – section 4.1.

¹⁵³ CDA.20.

¹⁵⁴ Mr Yeoman and Mr Henley

¹⁵⁵ The allegation – ID.29 Para 35 – that Block J has not been informed by inclusive design considerations (based on the absence of a separate written inclusive design statement in the DAS) is misjudged. There, rightly, is no allegation that the final design is not inclusive – and as Mr. Henley explained in both his presentation and in cross-examination, inclusive design considerations were at the heart of the design process. See also the DAS at CDA.07 Page 50

¹⁵⁶ Even if the Rule 6 party would have preferred the appellant to have gone even further

local population and go still further, with funding provided for a job within the Council's Growth and Economic Development team to identify residents who can benefit from on-site employment, work experience and training opportunities.

- 8.139 New construction apprenticeships (43 across the sites) will be offered first to people living in the Ward of Spitalfields & Banglatown and new job vacancies (both during construction and on completion) will be offered first to Tower Hamlets residents with the associated Employment Strategy ensuring that these jobs will be targeted at residents in the ward. The affordable workspace will be targeted at small businesses and offered first to local people – again beyond the requirements of policy.
- 8.140 Further, the new community space in Block 3A and 3B will be located at the heart of the masterplan area, bringing the local community into the site - and will be offered for 30 hours a week free to residents and community groups in (i) the Ward of Spitalfields and Banglatown and (ii) the Ward of Weavers. It will be offered at a 50% discount for the rest of the time – as will the new community space in Block J.
- 8.141 A new community manager will ensure that the community space, and the wider cultural offer at the development, will be aligned with the needs and wants of the local community. There is a specific strategy to relocate and then re-provide for the Cash and Carry business at Block J – the owner of which is fully supportive of the proposals. Finally, the significant public benefits which arise from opening up this inaccessible site, and creating new high-quality public realm, would be a benefit to everyone in the local area.
- 8.142 Whilst the concerns about gentrification (i.e. in this context, rent-based displacement) are recognised, there is no quantitative analysis or evidence that these particular proposals will give rise to any such impact. Further, that concern may be more understandable were this scheme being brought forward by a standard corporate developer. It is not. The appellant has done all it can over the last 30 years (and succeeded) in avoiding the type of sterile corporate, chain-heavy, environment that we see all too often.
- 8.143 Instead, as will have been readily apparent, and is set out in detail in the Grow Places note in any event¹⁵⁷ through its careful long-term stewardship the appellant has created the unique, layered and collaborative ecosystem of creative and independent uses that exists at the estate today, one that is fully embedded and helps support the local community – with not a chain operation in sight. This careful balance will continue to be maintained over the next 30 years and more in this next chapter of development.
- 8.144 Overall, therefore, as recognised by the Council, there is no PSED harm to weigh into the overall planning balance.

¹⁵⁷ CDM.21.

Main Issue (3) The Planning Balance

- 8.145 These are four separate applications, and therefore it is necessary to carry out four separate planning balances.

Truman East

- 8.146 For the reasons set out above, the scheme entirely accords with the development plan in terms of its land-use. It also leads to both an enhancement of the CA, and an improvement in townscape. For that reason alone, planning permission should be granted without delay.
- 8.147 It follows from the above that there is no harm to heritage assets caused by the proposals, and therefore no need for a balance to be carried out pursuant to paragraph 215 of the NPPF.
- 8.148 However, even if a finding of less than substantial harm to significance was made, the public benefits of the development would far outweigh this harm (even the 'moderate' level of less than substantial harm identified by the Council's heritage witness, even though such a finding of harm would not be credible).
- 8.149 In this respect, the package of public benefits that the scheme will deliver are overwhelming, as detailed in the appellant's planning evidence¹⁵⁸. They include the delivery of much needed workspace. The proposal will provide 24,629 sq.m GIA of office floorspace in the heart of the CFOA. The floorplates would be flexible, being capable of sub-division, offering the opportunity to deliver a range of office floorplates to meet the needs of small, medium and large sized businesses in LBTH and London. There is sustained demand for offices in the City Fringe, particularly flexible, creative and SME-oriented workspace envisaged at the Truman Brewery¹⁵⁹. The proposals would deliver high quality workspace to meet this need. This includes the provision of new affordable workspace at a *significant*¹⁶⁰ discount of 45% against market rent (over and above the policy requirement for 10%) for a (again, beyond policy compliant) 15-year period and (again) going beyond policy in giving first refusal for people in the Spitalfields and Banglatown ward. In so doing, it would help meet the identified shortfall for affordable workspace in LBTH¹⁶¹.
- 8.150 In accordance with paragraph 85 of the NPPF, this would allow this area to *build on its strengths* and enable this area to continue to be a *global leader in driving innovation*. The development would support the creative industries and digital and technology businesses in particular - identified as *priority sectors for growth and support* in the national industrial strategy: see paragraph 87(a) of the NPPF. The development provides an opportunity to

¹⁵⁸ CDM.04 Paras 7.90-7.114.

¹⁵⁹ CDM.04 Para 1.20 and Appendix B.

¹⁶⁰ CDL.01 Para 7.52.

¹⁶¹ CDM.22 Paras 1.17-1.22.

enable the Truman Estate to play its full role in supporting the London and the UK in its wider context.

- 8.151 In terms of the wider economic benefits, the proposal would deliver £80 million of annual expenditure outside of the site, including £48 million locally – providing a much-needed boost to the fragile local economy. The increased footfall (31,400 extra people visiting the area a week)¹⁶² will provide a much-needed boost to the businesses and curry-houses on Brick Lane, and addressing the decline in the number of curry houses identified by the Rule 6¹⁶³ in line with the recommendations of the Beyond Banglatown report¹⁶⁴. The total gross development value added by the development would be £130m¹⁶⁵. The proposal would generate 1,495 net FTE jobs, with first priority being given to residents in the local area¹⁶⁶. As set out above, the proposals also go above and beyond policy by securing funding for a new post within the Council's economic growth team specifically to focus on finding job and training opportunities within the development for members of the local community. In accordance with paragraph 85 of the NPPF, significant weight should be given to the benefit of delivering wider economic benefits to the local and national economy.
- 8.152 In terms of housing delivery, there is a pressing need for housing in LBTH and London at a time of falling delivery across London over the last 3-4 years. In particular, there is a need to deliver affordable housing to meet the local community needs. The Truman East site includes 44 residential units of which 36% by habitable room would be affordable housing including 6 social rented residential units of 3 and 4 bedroom which have been specifically designed to meet local housing needs and accommodate larger Bangladeshi heritage families. These new affordable homes have been designed to be fully integrated into the block – with shared entrances and a shared courtyard and play-space.
- 8.153 These new market and affordable homes would be delivered in the first phase of the proposals. The impact of refusal would therefore ironically result in the loss and non-delivery of housing which would otherwise contribute to Local Plan and London Plan housing targets. To suggest that this housing application should be turned away in any reasonable circumstances much less a housing crisis is wayward¹⁶⁷.
- 8.154 As far as Town Centre and Community Uses are concerned, the proposals on the Truman East site include workspace, cinema, exhibition/event space,

¹⁶² CDA.18 Pages 16-17

¹⁶³ ID.29 Para. 63 for example

¹⁶⁴ CDM.14 at AA88 – recommendation 7

¹⁶⁵ CDA.18 Page 16

¹⁶⁶ The new jobs for local people – whether 95 or 305 – ID.29 at Para 82(a) – can only be seen as a benefit of the proposal

¹⁶⁷ In respect of ID.29 Para 32, whilst there is no modelling work before the Inquiry, Mr. Morris explained that the adaptability of buildings from commercial to residential had been considered and, as he put it, a number of buildings would be very easy to convert

restaurants, retail shops, market, microbrewery and community uses totalling an additional 6,261 sq.m GIA of floorspace. A diverse range of uses are proposed, including a significant quantum of town centre uses that will contribute positively to the function, vitality and viability of the Brick Lane District Centre. The community floorspace would secure new much needed space for the local community at a significantly discounted rate (as set out above).

- 8.155 There is new public open space to consider too. The proposals on the Truman East site involve opening up the largest part of the site (the service yard) to the public and removing the 'physical boundary'¹⁶⁸ between the Truman Brewery and the local community in this location. Two new high-quality and vibrant public spaces – Cooperage Yard and Chimney Yard – would be created together with new active uses along Buxton Street fronting onto Allen Gardens. The proposals include high quality hard and soft landscaping that will enhance the existing buildings and the character of the area. There will be a literal opening of the doors to the underutilised and private areas of the site.
- 8.156 Any one of these benefits alone would be sufficient to outweigh any reasonable finding of harm in this case.
- 8.157 These benefits would all be achieved through the sensitive redevelopment of a large under-utilised, urban piece of brownfield land in a highly accessible location. In accordance with paragraph 125 of the NPPF, this is exactly the type of site that the Government would prioritise for development of this nature and seek to optimise.
- 8.158 In terms of townscape, the appellant's case endorsed by the GLA and the Council's Officers, is that there is no townscape harm caused by the development but rather significant enhancement over the existing position. However, even if some townscape harm is caused, this would not fall to be weighed in the special way reserved for heritage harm and would even more comfortably be outweighed by these same benefits.
- 8.159 Therefore, on any view of the evidence, and whatever stage of the planning balance is reached, planning permission should be granted for this urgently needed development, which delivers substantial public benefits within an award-winning masterplan.

The Listed Building

- 8.160 The Council's reasons for refusal identifies no harm that would arise from the grant of listed building consent. Rather, as recorded in the Statement of Common Ground, the Council accepts that if planning permission is granted on the Truman East site, then listed building consent on Block O should follow¹⁶⁹.

¹⁶⁸ Referred to by various speakers at the public session

¹⁶⁹ ID08 Para 6.2

Ely's Yard

- 8.161 The planning balance for this development is even more straightforward. The only harm identified by the Council relates to the townscape impact of the proposal. For the reasons set out above, the proposal is entirely policy compliant in this respect.
- 8.162 However, even if some limited townscape harm is caused, this would clearly be outweighed by the benefits of the proposal. These are not repeated here but are set out in full in the appellant's planning evidence¹⁷⁰.

Block A

- 8.163 For the reasons set out above, the scheme entirely accords with the development plan. It leads to both an enhancement of the Conservation Area, and an improvement in townscape. For that reason alone, planning permission should be granted without delay.
- 8.164 However, should the Secretary of State agree with the Council that the scheme would result in less than substantial harm to significance at the lower end of the scale to the Conservation Area (as identified by the Council's heritage witness), then that harm falls to be balanced against the public benefits of the proposal in accordance with paragraph 215 of the NPPF. The same approach should be adopted should there be a finding of townscape/activation harm (albeit that this harm would not be 'weighted').
- 8.165 Therefore, all parties agree that the planning balance for this application involves weighing the harms identified by the Council and Rule 6 Party against the public benefits of the proposal, including the benefits of a data centre. If those benefits outweigh the identified harm, then permission should be granted.
- 8.166 It is, rightly, common ground between the parties that there is a pressing need for data centre capacity in this part of London. Data Centres are CNI and central to the future of the UK. The scale of need is acute, urgent and of national importance. Forecasts published by the Government have estimated that between 2,250 MW and 3,100 MW of additional data centre capacity will be required in London alone by 2027 to keep pace within digital growth¹⁷¹. Government research has also highlighted the necessity of timely delivery of data centres to meet the escalating demand driving by emerging technologies such as AI and increased digital services¹⁷². It is for this reason that the Secretary of State has consistently given significant weight to the benefits of additional data centre capacity¹⁷³.
- 8.167 There also can be no doubt about the pressing need for the type of data centre this development provides: a retail co-location facility, offering third-

¹⁷⁰ And also in the Officers' Report at CDL.03 Paras 8.14-8.17

¹⁷¹ CDM.09 Para 7.23

¹⁷² CDM.09 Para 7.33

¹⁷³ See ID.19-ID.21

party data centre space primarily (but not exclusively) catering to the significant number of financial institutions in the City and Docklands area¹⁷⁴. The considerable distance of alternative data centre locations, such as in Slough or Hayes, means that these options are unsuitable for financial institutions headquartered in the City who require the ultra-low latency connectivity which underpins financial transactions and business operations essential to maintaining the UK's status as a leading global financial sector. While Slough and Hayes are firmly established as the key cloud availability zones for London and the wider UK, the City and Docklands remain the heartland of retail co-location, serving institutions that depend on proximity-driven performance. This sector is reliant on retail co-location solutions. Such facilities also offer secure, scalable and affordable space that is fundamental to the growth and resilience of a wide range of other businesses.

- 8.168 There is an acute shortage in the supply of this vital retail co-location space. As was explained, retail colocation providers in the City and Docklands (such as Digital Realty, Telehouse and Equinix) are operating at full capacity¹⁷⁵ and there is intense demand for such facilities from the concentration of financial centres close to the site. Demand outstrips available capacity – and the future supply of such facilities is limited due to a lack of suitable land (given the specific locational requirements for new data centres) and high land values in inner-city locations. There is an urgent and growing need to ensure that supply matches this demand.
- 8.169 The failure to meet this need would potentially be catastrophic to the UK economy. The growth of businesses and their performance would be stunted by the lack of suitable infrastructure. Businesses would stop investing in the UK, and established businesses would look to leave. As the appellant's witness¹⁷⁶ put it: *You can't have a business in the UK if you don't have the IT capacity to match*. This risk is very real for the competitiveness of the City of London as a global financial and IT hub, which requires data capacity close by, and with limited latency, in order to remain competitive.
- 8.170 Further, whilst the UK is currently a market leader in terms of its digital infrastructure, this position is fragile and under constantly under threat¹⁷⁷. Other economic centres, such as Amsterdam and Dublin, have seen a decline in their competitiveness due to difficulties in building new capacity. The Government's aspiration to be a market leader in this sector would be set back if permission were refused. As the Inspector put it in the Court Lane

¹⁷⁴ Contrary to the Council's closing - ID.31 at Para 127(iii) – Ms. McGinley made clear that the majority user of the data centre was likely to be financial institutions. As she put it: "what I envisage based on location would be a co-lo operator who does retail colocation who could lease out to 1 gaming company, 4 financial services, 1 law firm"

¹⁷⁵ CDM.09 Para 8.12 and Ms McGinley e-in-c and see also the table at 9.11 of CDM.09

¹⁷⁶ Ms McGinley

¹⁷⁷ CDM.09 Section 11

appeal: *failure to meet this need could have significant negative consequences for the UK digital economy*¹⁷⁸.

- 8.171 This is reflected in Government policy which has been rightly pushing for growth in digital capacity. In December 2024, data centres were identified as CNI – the first such designation in 11 years. That was followed by updates to the NPPF to reflect the criticality of this infrastructure. Paragraph 85 requires the planning system to *pay particular regard to facilitating development to meet the needs of a modern economy* and identifies data centres as one such need. Paragraph 87 requires planning decisions to make provision for new data centre facilities to support the growth of data-drive, creative or high technology industries. This is to be achieved by identifying *suitable locations* for new data centres.
- 8.172 This proposal is entirely in line with this new and up to date expression of the Government’s priorities. It would address the urgent capacity shortfalls identified above in a highly connectivity-rich and latency-sensitive location within a well-established and strategically important data centre cluster. It is common ground that the proposal meets the very specific locational requirements for this type of data centre¹⁷⁹. But the benefits and uniqueness of this location goes further than this.
- 8.173 The site is in the heart of a retail co-location cluster, surrounded on all sides by fibre carriers¹⁸⁰, directly opposite the internet exchange at LON1 and in close proximity to the Osborn Street Primary Substation. As was explained, it could not be in a better location¹⁸¹. Whilst designed as a standalone facility, its locational advantages would mean that it had a unique ability to tap into the dense network of fibres that already surround the Digital Realty campus. These are benefits that will be of benefit to every potential user of the facility. Further, its location right on the edge of the city is vital to the businesses (such as the financial sector) who rely on super-latency in circumstances where the difference between success and failure is a matter of micro-seconds.
- 8.174 Against all this, the Council’s case appears to turn on the suggestion that the data centre does not need to be located in this particular location. This is a fundamentally flawed contention for multiple reasons.
- 8.175 The Council’s planning witness accepted that the demand for new data centre capacity is significantly more than just this site can provide and that the need could only be met through the grant of permission on this site together with many others (a concession yet again unacknowledged by the Council in closing)¹⁸².

¹⁷⁸ ID.20 IR Para 227.

¹⁷⁹ Accepted by Mr Kiely in x-e

¹⁸⁰ CDM.09 Para 16.20.

¹⁸¹ CDM.09 Paras 16.11-16.28, generally

¹⁸² Accepted by Mr Kiely in x-e

- 8.176 Therefore, even if there was an alternative and sequentially preferable site, that would provide no justification for reducing the weight to be given to the benefits of this proposal. As the appellant's planning witness noted, there is also no planning policy support in either local or national policy for some sort of locational sequential test for data centres.
- 8.177 In any event, the Council does not actually identify any specific suitable and deliverable alternative site in the local area at all¹⁸³. Rather, the Council's planning witness relied on the emerging local plan approach (in Policy EG6)¹⁸⁴ which supports new data centres on various employment sites in the Borough¹⁸⁵. However, as was accepted, in neither the adopted or the eLP, or their associated evidence bases, has any consideration been given to the specific locational requirements for data centres (latency, power, fibre considerations etc)¹⁸⁶ as required by paragraph 87 of the NPPF.¹⁸⁷ Unsurprisingly, the eLP data centre policy is subject to profound objection by the data centre industry.
- 8.178 The appellant¹⁸⁸ therefore was forced to do the Council's job for them. The witness went through every suggested location and identified a series of fundamental issues with each¹⁸⁹. The complaint that this analysis was not "written down" really is a bad point. It was the Council who raised the spectre of alternative sites in the first place, and if it was going to raise the issue it really should have turned its mind to whether any were in fact suitable or deliverable - not least to support its eLP policy.
- 8.179 Further, the suggestion that an operator might move into one of these unattractive locations and seek to build up the fibre network itself¹⁹⁰ again totally misunderstands how this sector works. As was explained, building up fibre takes years, and requires physical trenching. No operator would move into a new fibre-poor facility and seek to carry out that work themselves¹⁹¹.
- 8.180 In short, all that this diversion into potential alternatives achieved was a realisation that there is no better site out there for this type of facility.
- 8.181 A suggestion also emerged in the course of the Inquiry that somehow the weight to be attached to this facility should be reduced because of its size. This profoundly misunderstands the nature of the data centre market, and the nature of the identified need. The larger hyperscale data centres referred

¹⁸³ Accepted by Mr Kiely x-e

¹⁸⁴ CDF.06 Page 250

¹⁸⁵ CDG.06 Page 232.

¹⁸⁶ CDM.09 Section 10

¹⁸⁷ The evidence base for the eLP policy (Policy EG6 – page 250) cross-references only to the ELR (see page 251), which contains no consideration of the locational requirements of data centres

¹⁸⁸ Through Ms McGinley

¹⁸⁹ As set out Ms McGinley in e-in-c and x-e

¹⁹⁰ See ID.31 Para 127(vii) and (viii)

¹⁹¹ Digital Realty, relied on by the Council ID.31 Para 127(vii), have not gone ad hoc to any location that has no fibre - they have followed where you can extend existing fibre networks

to by the Council are catering to a fundamentally different market, and demand, to this proposal (cloud-based providers as opposed to retail co-location serving multiple clients). Retail co-location facilities, such as this, will by definition be smaller. It's like saying we need planes more than we need cars because they fit more people. We need planes and cars – and we need both cloud-based hyperscale data centres, and a need for smaller co-locational centres.

- 8.182 Were the Council's argument to be accepted it would apply to each and every retail co-location application leading to a death by a thousand cuts of the sectors of the economy which rely on this type of facility – one which is small in raw 'MW quantum' but which makes a powerful contribution to the economy of London and the wider UK.
- 8.183 Overall, given the urgent, national need for Data Centres of this type, the suggestion that a Data Centre on this profoundly well-located site should be afforded only 'limited' weight is clearly awry and demonstrates that the Council has failed to learn the lessons from the Mulberry decision (where an initial finding of 'limited' weight was upgraded to an acceptance of 'significant' weight by the end of the Inquiry – and that pre-dated the CNI designation which should justify even an greater weighting)¹⁹². Such a finding would also be an outlier compared to recent Secretary of State decisions (and it is hard to see how it helps the Council to point out that these decisions have consistently given significant weight to data centres¹⁹³ in circumstances where Members took the view that it should be afforded 'limited' weight in this case – and even now it is only suggested that 'moderate' weight should be given).
- 8.184 The Council's case ultimately reflects a profound misunderstanding of the locational requirements for this type of data centre, and an overly local and parochial focus on benefits to the immediate local community. As the Secretary of State's recovery letter¹⁹⁴ correctly identified this appeal (in line with the others) has *more than local significance*.
- 8.185 Therefore, even if the Council's case in relation to a lower end LTSH to the CA is accepted and even if it is found that (notwithstanding the agreed townscape enhancements delivered by the proposal, and the agreed improvement to activation) there is a 'missed opportunity' harm arising – that would be comprehensively outweighed by the overwhelming benefits that this proposal would bring.

Overall Conclusion

- 8.186 Overall, these proposals deliver a package of very significant, development-plan compliant, benefits.

¹⁹² CDH.09

¹⁹³ ID.31 Para 123

¹⁹⁴ CD.N.01

- 8.187 Not only is there no planning policy justification for refusing permission for any of these applications, but to do so would mean turning away new tailor-made SME high quality workspace in a highly strategic and dynamic cluster; turning away the significant boost that the development would give to the local and national economy; turning away new housing, including new affordable housing, and turning away vital new data centre capacity – all delivered in buildings of exceptional quality, within the context of an award-winning masterplan. That would represent an incredible missed opportunity for the Government's priorities across a range of areas.
- 8.188 Planning permission (and listed building consent) for this important series of proposals should accordingly be granted without further delay.

9. THE CASE FOR THE LONDON BOROUGH OF TOWER HAMLETS

- 9.1 What follows here is (broadly) the case that was presented to the Inquiry by the Council in closing¹⁹⁵. However, to understand the Council's case in full, it is necessary to consider the various documents submitted by the Council to underpin their case to the Inquiry¹⁹⁶.
- 9.2 The Council intends to deal first with the Truman East appeal, secondly the Block A appeal (the Data Centre on Grey Eagle Street), and finally the Ely's Yard appeal. The Council believes that the Inspector should recommend refusal of planning permission for the three (planning) appeals, and that the Secretary of State to refuse permission accordingly. The sites which are the subject of these appeals lie at the heart of the unique and important Brick Lane area. All of the sites fall within the Brick Lane and Fournier Street Conservation Area which is agreed by all parties to the inquiry to be one of the most important historic areas in London¹⁹⁷, and by extension one of the most important historic areas in the country.
- 9.3 The Council has been working to support regeneration opportunities within the area, including within the Truman Estate, for many years, in order to realise the potential for sustainable redevelopment which both meets the needs of Tower Hamlets' diverse communities and respects the sensitive heritage and cultural context. The proposals do not achieve that. They are over-scaled and unsympathetic to the area's heritage and townscape, they introduce a lifeless data centre on a street already severely suffering from inactivity and anti-social behaviour, and they maximise office floorspace at the expense of making a significant contribution to addressing Tower Hamlets' much more pressing housing needs (the most acute in London), on a site which is ideally suited to that purpose.

The Truman East Appeal (Appeal B)

- 9.4 There are three principal issues on the Truman East appeal, which can be summarised at a very high level as heritage, townscape, and housing. They

¹⁹⁵ ID.31

¹⁹⁶ To be found throughout the Core and Inquiry Documents but CDI.01 to CDI.05, CDJ.01 to CDJ.04, CDL.01 to CDL.04, and CDM.01 to CDM.03, CDM.40, ID.03, ID.07 to ID.10, and ID.31, in particular

¹⁹⁷ CDE.05 Page 4

are all equally important. There were moments when it appeared to be suggested by the Appellant that housing was the only issue; that is incorrect.

Block 3A/3B: Heritage

- 9.5 The historic and cultural importance of the Brick Lane and Fournier Street Conservation Area is agreed by all heritage experts at this inquiry.
- 9.6 The Old Truman Brewery, which has operated in one form or other since the 1600s and was once the largest brewery in the world, sits at the heart of the CA¹⁹⁸ and is an important part of the CA. In the words of Pevsner, it is “a wonderfully complete example of a brewery with distinguished survivals from the C18 – C20”¹⁹⁹.
- 9.7 The Appellant was keen to emphasise that other parts of the CA, particularly the preserved Georgian streets around Fournier Street, are “amongst the best anywhere in the country”²⁰⁰. That comparative exercise should not be used to denigrate the significance or contribution of the Brewery, which is, on any assessment, central to this unique and enormously important place.
- 9.8 As noted by the CAA, Brick Lane generally has a low rise, fine grain character: the character [of Brick Lane] is characterised by a general consistency of height and architecture, especially amongst the terraces, and a rich, fine-grain mix of land uses. ... In the central section [of Brick Lane], around the Brewery and Goodsyards, and in the northern section, the buildings are generally 3-4 storeys; and This low-rise character emphasizes the landmark value of Christ Church Spitalfields ... and of the chimney of Truman’s Brewery²⁰¹.
- 9.9 The Truman East main site is part of and reflects this character. As the Council’s heritage witness explains, its form comprises the “grandiose public face of the brewery on Brick Lane, and the former stables/boiler house”, and the yard and buildings behind it which “would historically have been, and still are, hierarchically subservient (in scale and architecture)”, being “evocative of the functional yard and the low-scale, authentic industrial buildings of the brewery complex”²⁰².
- 9.10 As demonstrated by the Council’s heritage witness’ explanation of the progression of the historic photographs, the main site has never contained anything other than low-rise buildings (with the sole exception of the Boiler House facing Brick Lane)²⁰³. Historically it was housing, and then as the brewery expanded it contained low-rise buildings or sheds, many with open sides, set around yard space. The respective quantities of buildings and yard space fluctuated over time and their locations shifted, but the character remained consistent. Most strikingly, the current view into the yard from the east²⁰⁴ enables the viewer to understand the same historic relationship of the

¹⁹⁸ Agreed by Mr Dunn in x-e

¹⁹⁹ CDM.03 Para 2.16 and extract in CDM.10 Appendix Page AF37

²⁰⁰ Mr Dunn x-e

²⁰¹ CDE.09 Pages 9 and 13

²⁰² IF PoE Para 4.13

²⁰³ Mr Froneman e-in-c; and see HTVIA (CDA.34) Pages 21-24

²⁰⁴ CDM.03 Page 43 Photo 11

yard to the grander buildings on Brick Lane as captured in the 1931 view into the Cooperage yard from the east²⁰⁵.

- 9.11 The appellants' heritage witness referred to the Truman East site being more densely developed historically, but that misses the critical two facts that (1) the historic development was only denser in terms of footprint, not height and (2) in any event the brewery has always been characterised by open yard space. The Council is concerned that this assessment is only a 2D assessment, rather than a 3D assessment.
- 9.12 The Council's heritage evidence shows clearly that the historic relationship between the yard/low-rise buildings and the grander brewery building and landmark chimney on Brick Lane remains legible and can be understood today: "the yard can be seen to 'belong' to (or with) the former Boiler House. There is a direct physical, visual, historic and functional link between the yard and the brewery"²⁰⁶. It is industrial in character, but that is no reason to dismiss it (as the appellants do) as a detractor. That would be to ignore the heritage value of the site (which illustrates how the brewery functioned and how the townscape was historically arranged) and its role as part of the former brewery complex, which is a key component of the CA. It makes an important contribution to the significance of the CA.
- 9.13 The CAA observes that the brewery site "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"²⁰⁷. That development potential does not indicate that the site makes a limited contribution to the CA, as the appellants mistakenly appear to think. If anything it suggests the very opposite, noting the need for appropriate redevelopment that respects historic character. Furthermore, as the Council's heritage witness pointed out, given the relative brevity of the CAA it is unsurprising that the CAA does not descend into more detail about the Truman East site²⁰⁸.
- 9.14 The scale and massing of Blocks 3A and 3B would erode the historic character of the brewery and disrupt the townscape of the CA. The scale, mass and height would dwarf the historic brewery buildings, completely upending the established scale and hierarchy. In the views from Allen Gardens in particular²⁰⁹, Blocks 3A and 3B would stand much taller than the historic buildings to the west on Brick Lane, inverting the existing and historic subservient relationship between the yard and those buildings. The scheme would visually dominate and overwhelm the historic townscape, as also seen in views along Buxton Street looking west, on Quaker Street looking east, and on Brick Lane looking south²¹⁰.
- 9.15 The appellants have been at pains to emphasise that the new buildings are lower than the landmark chimney, but that ignores the existing and historic building heights all around this part of the CA. Nor is it an appropriate or

²⁰⁵ CDA.34 Page 23 Fig. 4.19

²⁰⁶ CDM.03 Para. 4.6 and Photo 11

²⁰⁷ CDE.09 Page 25

²⁰⁸ As Mr Froneman's thorough and comprehensive analysis does

²⁰⁹ CDA.34 View 7 and View 8

²¹⁰ CDA.34 View 12, View 34 and View 5

meaningful point of comparison; the chimney has a completely different form and function, being a landmark structure deliberately standing much taller than everything around it. That such a comparison is even attempted speaks volumes about the appellants' own discomfort at the scale, bulk and massing of what it proposes.

- 9.16 Block 2 is a similar height to Blocks 3A and 3B and has only not been singled out as harmful in the reason for refusal (which says "Blocks 3A, 3B and J in particular") because it does not appear that it would be widely visible from the surrounding area, being masked by intervening buildings (particularly Blocks 3A and 3B). It would be visible from within the site, however, and the Council's heritage witness explains that where that would occur, those concerns are broadly the same as in respect of Blocks 3A and 3B²¹¹.
- 9.17 The relative height of the new buildings is significantly in excess of those in the immediate vicinity: the heights from the street of Blocks 3A and 3B are 29.43m (to top of parapet) and 28.3m (to top of parapet / ridge) respectively²¹², compared with Stuttle House at 20m, the Code Street block at 12m, Block O/Boiler House at 15–18m, and Block H at 20m²¹³. The appellants²¹⁴ relied on taller buildings on the west side of Brick Lane, but as the Council explained, the historic character on the west side is different, being denser and without the open yard character of the appeal site. Furthermore, the largest building on the west side and principal point of comparison for the appellants, Block Z, was expressly stated by the appellants to be a detractor: "The detrimental visual impact of this larger building on its immediate context is tempered by a row of street trees"²¹⁵.
- 9.18 More generally, the large scale, large floorplate modern office buildings that are proposed on the main site do not "meaningfully relate ... to anything else in the CA aside from, in the general sense, the use of brick". They have a fairly "generic appearance" that is "rather stark and homogenous"²¹⁶. The dense network of bridges between Blocks 3A and 3B²¹⁷ do not successfully reference the occasional and simpler bridges across the rest of the Truman estate. The appellants agreed that in the part of the CA in which the main site sits, there are no "buildings remotely like" what is proposed, nor have any buildings been proposed previously like these in this CA²¹⁸.
- 9.19 Much was made by the appellants²¹⁹ about the alleged need to provide Allen Gardens with more "enclosure" or "definition". It is not a particularly convincing opinion, given that Allen Gardens is already enclosed by the brewery wall on Buxton Street to the south, the Code Street block to the west, and the railway to the north. But even if some further definition might be seen to be positive, there is no basis to suggest that eight storeys or 29m

²¹¹ CDM.03 Para. 4.19

²¹² ID.07 Page 11

²¹³ CDM.06 Page 42

²¹⁴ Through Mr Morris in oral and written evidence (CDM.06 Para 2.71.1 Page 93)

²¹⁵ CDM.07 Para 9.11

²¹⁶ CDM.03 Para 4.32

²¹⁷ 11 in total it seems: CDM.03 Para 4.34

²¹⁸ Mr Dunn in x-e

²¹⁹ Mr Dunn e-in-c for example

of development along a large section of Buxton Street is needed to achieve this. Indeed, on the appellants' own case, such enclosure, should it be considered necessary or desirable, is achieved by development of only 4 storeys or 12m on the east side (the Code Street block) and 3 or 4 storeys on the north side (the train line including the rail bridge).

- 9.20 The main site proposals present very limited heritage benefits, essentially confined to repairs to the fabric of the Cooperage Building on Spital Street, the provision of public access, and some interpretative signage. The benefit of increased public access in heritage terms is confined to enabling experience of the significance of the listed Block O and the rear of the Cooperage Building on Spital Street. The rest of the site would be so radically transformed that access would not allow the public to experience the site's contribution to the significance of the CA²²⁰.
- 9.21 The heritage harm, on the other hand, would be considerable. This part of the CA would suffer harm, and that harm would be experienced to varying extents from views around the site, leading to a moderate degree of less than substantial harm²²¹.
- 9.22 Expert heritage consultees across the board agree with the Council's heritage witness that there would be heritage harm. The conservation officer stated that: Blocks 3A and B are large buildings which will negatively impact the character of the conservation area in terms of bulk, scale and massing, the elevations are not successfully broken down in any way, and the proposals will impact harmfully the setting of the iconic Trumans Chimney and the listed boiler house. The impact of the proposals for these buildings can be seen in views from Allen Gardens, from Brick Lane and from the junction of Buxton Street and Hunton where they obscure the brewery chimney. I would suggest that these elements of the proposals cause a moderate degree of less than substantial harm to the heritage significance of the conservation area and to the setting of the listed boiler house and chimney²²².
- 9.23 The QRP²²³ similarly stated that: Whilst there is a much [sic] to recommend the scheme members noted that there are still reservations regarding the height of the proposals within the conservation area. There are still elements of the scheme which feel too high given the low-rise nature of the Brewery buildings and the character of the broader conservation area²²⁴.
- 9.24 The appellants²²⁵ confirmed that no significant reductions to the height of Blocks 3A and 3B were subsequently made, notwithstanding this advice.
- 9.25 The Historic England (HE) consultation response also found heritage harm, in particular from "the loss of the boundary wall and ancillary structures that contribute to the enclosed industrial character of the Truman Brewery site", ascribing a "relatively low" level of harm to that. On scale and massing,

²²⁰ CDM.03 Paras 4.59 – 4.61

²²¹ CDM.03 Paras 4.43 – 4.44

²²² CDD.03 Para. 1.57

²²³ CDD.10 Para.24 Page 5 (AM)

²²⁴ These adverse QRP comments are notably absent from CDM.04 Paras. 7.33 – 34 – Mr Marginson accepted in x-e that he should have included these comments

²²⁵ Mr Morris x-e

Historic England stated that they “do not wish to raise **significant concerns** about the scale and massing as proposed”²²⁶ (emphasis added). That is only capable of being read as the author having conducted a planning balance, rather than staying within HE’s role (and expertise) of identifying whether there is heritage harm or not, and that within that balance some degree of heritage harm had been identified and weighed. The consultation response therefore needs to be read in this way or else approached with great caution. The appellants’ suggestion²²⁷ that this was a “positive” consultation response simply does not accord with what the letter actually says. As the Council’s heritage witness²²⁸ explained when a concern about the interpretation of this letter was expressed: “I share the concern. They’re not giving it a clean bill of health, but they don’t want to object”.

- 9.26 The GLA identify some heritage harm due to the demolition of the wall along Buxton Street²²⁹, but do not go on to give any express consideration to whether there is harm to the CA by reason of the scale and massing of the buildings. The engagement by the GLA with the heritage context is focused on the listed buildings and there is limited consideration of the conservation area context, such that little can be taken from the GLA’s response on this.
- 9.27 The appellants’ heritage witness is entirely out on a limb in finding no heritage harm whatsoever.
- 9.28 There was some criticism of the Council’s heritage witness²³⁰ on the basis that he had not engaged in a critique of the views of the other heritage experts who had looked at the scheme. That was unjustified. It was confirmed that the consultation responses of the other heritage experts had been read and considered, but that in setting out his own professional views it was not necessary to undertake a compare and contrast exercise with the views of other heritage experts. That was entirely appropriate and indeed commendable.
- 9.29 It is abundantly clear that the Council’s heritage evidence has been approached on a truly independent basis, as any independent expert properly doing their job should, considering matters with great rigour and care, and setting out their methodology and conclusions with transparency, fairness and balance.
- 9.30 The appellants have repeatedly and boldly suggested that the scheme was heritage-led²³¹. The evidence shows very clearly that heritage-led it was not. This is a significant failing and a surprising omission in a scheme as significant and well-resourced as this. Whatever the reasons for this omission, the absence of a heritage-led approach may explain why a scheme has emerged which is significantly harmful in heritage terms.

²²⁶ CDD.02 Page 5

²²⁷ Through Mr Dunn

²²⁸ Mr Froneman in response to a question from the Inspector

²²⁹ CDD.01 Para 40

²³⁰ Mr Froneman x-e

²³¹ Albeit in fairness to Mr Dunn, he does not do so at any point in his written evidence, whereas the scheme’s designers make that claim with remarkable frequency

- 9.31 The principal designer of Blocks 3A and 3B²³² has no professional heritage qualifications, is not a heritage expert, and does not profess to be one. The practice concerned does not have any in-house heritage experts²³³. When asked whether there was any expert heritage input into his design, they were unaware of any at all until the appellants' heritage witness came on board in February 2024. But the fundamentals of the design, scale and massing of Blocks 3A and 3B had long been established by that point: a 6–7 storey version of the scheme had been presented at a pre-application meeting in July 2023, and a 7–8 storey version had been presented at the QRP in December 2023²³⁴. No significant changes to the height, bulk and massing of Blocks 3A and 3B occurred after the appellants' heritage witness came on board. Accordingly, the inescapable reality is that the scale and massing of Blocks 3A and 3B was not informed by any heritage advice as to what scale and massing would be appropriate in this very sensitive heritage context.
- 9.32 The appellants' heritage witness' input was essentially a review exercise. As was confirmed, by the time he was instructed "the massing and general proportions had been set ... I interrogated those proposals and I agree with what the Inspector sees behind him [i.e. the model]. The application was more or less where it is now at the time I got involved"²³⁵. A review exercise, long after the fundamentals of the scale and massing had been set, is quite different to the scheme being informed by heritage advice at the outset. Even if the scheme had not been repeatedly described by its designers as heritage-led, such an after the event review exercise in this very sensitive heritage context would be insufficient. Given how the appellants have chosen to describe the design process, it is far worse than that.
- 9.33 Heritage-led, on any natural and contextual meaning, must mean that heritage leads and guides the process. It cannot do so if expert heritage advice is not obtained until after the fundamentals of the scheme have already been worked up.
- 9.34 The appellants belatedly relied on the involvement of KM Heritage. The appellant did not point to any reference in the application or appeal documentation to the involvement of KM Heritage (there appears to be none). Rather, at the end of the first week of the Inquiry, the appellants adduced a document entitled "Truman Brewery masterplan initial heritage commentary", which was described as a "note"²³⁶. It is dated 2023 and the appellants have indicated that it was produced in June 2023. Of all its pages of text, only page 13 has any commentary on "the emerging masterplan"; despite the best efforts of the appellants to elevate the first dozen pages of the document to something else, they are limited to a description of the heritage context and significance. There is within those pages no substantive or adequate analysis or discussion of what the appropriate form and scale of proposed development should be having regard to that heritage context. On scale and massing, there is simply the bald statement that the emerging

²³² Mr Morris

²³³ Mr Morris x-e

²³⁴ CDD.09 Page 28

²³⁵ Mr Dunn x-e

²³⁶ ID.15 Para 1

proposals “are of an appropriate scale, bulk and massing”²³⁷. The Council has no record of this document ever having been submitted to them. That is unsurprising given its very limited contents.

- 9.35 The appellant itself described this document as a “baseline assessment” when challenged by the QRP as to whether any heritage assessment had taken place²³⁸. That is an accurate description of the document.
- 9.36 The appellants also relied on an agenda for a pre-application meeting on 2 October 2023, which listed KM Heritage as an attendee and included heritage on the agenda. That agenda only related to Blocks O and J, not the rest of the main site. Nor have any minutes from the meeting been produced to evidence any substantive input from KM Heritage at this stage.
- 9.37 The appellant gave evidence that KM Heritage were involved in meetings regarding the masterplan during the design development stage²³⁹. But no-one was able to provide any specific evidence of heritage advice having been given which influenced the fundamentals of the scale and massing of the proposals. It is notable that despite ample opportunity, the appellants have still not produced any contemporaneous written heritage evidence other than the KM Heritage ‘note’ or baseline assessment.
- 9.38 Moreover, even to the extent that KM Heritage were involved in masterplan meetings, it is highly revealing that when one of the architects²⁴⁰ was challenged at length about whether there was any heritage input prior to their heritage witness’ involvement, no reference whatsoever was made to KM Heritage and they appeared to be entirely oblivious to their instruction (or that of anyone else for that matter). The appellants have been clear that the block-specific architects are the principal designers of the blocks for which they are responsible²⁴¹. The appellants suggested at one point that the master-planner²⁴² should have been asked about heritage involvement, but that is to contradict what they say about the primary responsibility for block designs lying with the block specific architects. When those block specific architects asked questions about their designs, none of them said that the questions should be directed at the master-planner.
- 9.39 In similar vein, the appellants suggested that that the eight-storey height “comes from the masterplan”²⁴³. They²⁴⁴ did not in fact say that. Instead, a reference was made to “a judgement on the ambition of the master plan”²⁴⁵, but that is quite different to suggesting that eight storeys came from the masterplan, or that KM Heritage’s involvement in masterplan meetings somehow filtered down into the specific designs for Blocks 3A and 3B. Furthermore, we know that 8 storeys did not originate in the masterplan, as

²³⁷ ID15 Para 44

²³⁸ CDD.11 Page 3 Para.13: “A baseline heritage assessment was undertaken ...”

²³⁹ Mr Dunn, Ms Killilea and Mr Henley

²⁴⁰ Mr Morris

²⁴¹ Mr Yeoman states that “the Block specific architects are best placed to evidence and explain the merits of their own designs” CDM.05 Para 6

²⁴² Mr Yeoman

²⁴³ Mr Morris re-e

²⁴⁴ Mr Morris

²⁴⁵ Mr Morris x-e

the architect's original designs for Blocks 3A and 3B were for 6–7 storey blocks and only increased at a later date (for still unexplained reasons, let alone for reasons explained by reference to heritage considerations).

- 9.40 It was suggested that the architect may have made a “mistake” in his evidence about the absence of heritage input²⁴⁶. But there is no basis to suggest that they made any mistake about the absence of any expert heritage advice influencing his designs, as the principal designer of Blocks 3A and 3B (and Block A). That much is clear. And it was equally clear that this attempt by to resurrect parts of the evidence faltered by confusing an error as to the involvement of external heritage consultations (which the Council does not accept) and the architect's state of mind or awareness as to any such involvement, which is the key issue and one not capable of correction.
- 9.41 In short, it is abundantly clear that no expert heritage advice influenced the Block 3A/3B scale and massing at the critical, initial stage when the fundamentals of the scale and massing were being developed.
- 9.42 The appellants' heritage witness²⁴⁷ stated that this level and timing of heritage input was what he would expect in such a scheme. That drains the term 'heritage-led' of any real meaning.
- 9.43 Officers and the QRP have long been concerned about this important issue. That is revealed by the QRP's 13 December 2023 question to the appellants set out above. It is even more stark in the Council's pre-application response dated 12 February 2024, which evidences a level of exasperation on the part of Officers having to repeatedly ask the appellants to take proper heritage advice²⁴⁸: At this juncture, planning officers are concerned that there is **an important gap** in the applicant team's analysis of the pre-application site, and therefore the development being proposed; **There has been no heritage assessment prepared for the whole site that has been shared with Officers. There is very little reference to heritage and no substantive heritage analysis included in the masterplan proposals presented. This raises the question of the role heritage analysis and the heritage constraints of the site have played in formulating the proposals;** and These concerns have been set out in the Council's previous letter (see para. 1.176 part 5). The applicant team are encouraged, **as a bare minimum**, to provide their baseline heritage assessment for the site. The discussion then needs to move to how the masterplan proposals, and the approach of the individual architects is delivering a scheme that is respectful to and enhances the heritage assets here.
- 9.44 Overall, on Blocks 3A and 3B in respect of heritage, the Council says that there a moderate level of less than substantial harm to the significance of the CA, which the heritage-specific benefits do not come close to outweighing. This heritage harm attracts considerable importance and weight, in accordance with the statutory duty in s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, case law, and policy in the NPPF (para.

²⁴⁶ Mr Marginson x-e

²⁴⁷ Mr Dunn

²⁴⁸ CDD.08 Pages 15-16; Paras 1.50 1.52 and 1.57 (emphasis added)

212). There is therefore conflict with NPPF paras. 213 and 215, London Plan policy HC1, and Local Plan policy S.DH3.

- 9.45 Two final points require mention. First, the appellants have advanced a case that the Truman East site is currently a detractor in the CA, and that the appeal scheme represents an improvement on that baseline. The Council disagrees with both points. But even if the Inspector and/or the Secretary of State were to agree in whole or part with the appellants' analysis, care needs to be taken not to fall into the error of adopting an approach that, provided the appeal scheme is an improvement on the baseline, an otherwise unacceptable proposal becomes acceptable. Any such approach would be misconceived. The statutory requirement in s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is to pay special attention to the desirability of preserving or enhancing the character and appearance of the area. Preserve means to do no harm. A harmful scheme, albeit one less harmful than the status quo, does not meet that requirement.
- 9.46 Secondly, high architectural quality has been front and centre of the appellants' case to the Inquiry. But it is well-established that a scheme may well be unacceptable in heritage and townscape terms despite being of high architectural quality: see e.g. *Starbones Ltd. v Secretary of State for Housing, Communities and Local Government* [2020] EWHC 526²⁴⁹.

Block 3A/3B: Townscape

- 9.47 In townscape terms also, the Truman East site lies at a point of transition in the urban fabric, between the denser and taller development along the frontages of Brick Lane and to the west of Brick Lane, and the looser more residential townscape to the east, with more greenery and open space. The appellants sought to suggest²⁵⁰ that this transition only starts to the east of site, on Spital Street but that does not correspond to what is seen on the ground, with the low-rise, more loosely spaced buildings of the yard behind the Boiler House stepping down from the Brick Lane frontage.
- 9.48 The transition in fact is not just to the east but also to the north, given that the site is bordered for most of its northern boundary by the open green space of Allen Gardens. As was agreed, although the appellants' HTVIA puts Allen Gardens in Townscape Character Area A, in fact Allen Gardens is at least as characteristic of Area C, which is described as being more residential and greener²⁵¹. The CAA also emphasises this character which Allen Gardens lends to the area: The fields east of Code Street and north of Buxton Street

²⁴⁹ ID.27 Para 67 but see also to the same effect the GLA Planning Practice Note: Heritage Impact Assessments and the Setting of Heritage Assets (November 2023) cited in the 12 February 2024 pre-application response at para 1.54 (CDD.08) which states that: "It is common for HTVIAs state [sic] that the proposed development is of high design or architectural quality. If substantiated, these attributes relate to townscape character and may, in those terms, weigh in favour of the scheme. However, claimed architectural quality does not avoid or minimise harm and is not of itself a justification for harm. This was established in Chiswick Curve case where the High Court clarified that that there was no contradiction between a conclusion of high design or architectural quality and a finding of heritage harm: a building of high design or architectural quality can be harmful.

²⁵⁰ Ms Killilea x-e

²⁵¹ CDA.34 Para 9.25; Ms Killilea x-e

were created by demolishing houses, and today have a quiet, almost rural character, created by the line of trees and the isolated cluster of buildings on Shuttle Street, and emphasized by the city farm at the easternmost point²⁵².

- 9.49 The appeal scheme is discordant with this character and townscape. As set out above, the heights of the Blocks 3A and 3B are significantly (50%+) higher than any buildings around them, as well as being of significant bulk, extending deep into the site. Block 3B has no set-backs at all on its northern elevation, and Block 3A has only limited set-backs, such that much of what faces Allen Gardens is a sheer eight storeys of development. Even to the east, there is only a single step down to three storeys in order to tie into the Cooperage Building.
- 9.50 This scale of development, significantly exceeding that on all sides, disrupts the townscape and will appear "monolithic in scale" and "overbearing"²⁵³. As with the heritage impacts, these townscape impacts are acutely felt at the Allen Gardens viewpoints, along Buxton Street, on Quaker Street, and on Brick Lane²⁵⁴.
- 9.51 The contrast with the Boiler House extension and the far west corner of Block A where the proposed heights, at two to three storeys, cohere with the surrounding townscape is illustrative²⁵⁵. At this view, the Council identifies the effect as a moderate to major beneficial one in townscape terms²⁵⁶. It is the only one that receives this positive verdict. It serves to show what could have been achieved across the rest of the site if a more contextual approach had been taken.
- 9.52 The appellants²⁵⁷ could not point to any other buildings in TCA A which were of comparable form to Blocks 3A and 3B, that is large-floorplate, modern office buildings of the size and bulk proposed, with the exception of Block Z which the appellant has agreed²⁵⁸ has a detrimental impact on the CA. Reference was made to the Norton Folgate development, but that is outside both the CA and TCA A, in a more central location at the northern end of Bishopsgate.
- 9.53 No convincing rationale has been provided for the 8 storey / 28-29m heights of Blocks 3A and 3B. The relevant evidence²⁵⁹ describes the design process as starting with the Block 3 site being "extruded to eight storeys", and then the overall mass being sculpted in various respects. But that does not answer the fundamental question of why eight storeys in the first place. The closest this evidence came to explaining it was to look at the buildings on the west side of Brick Lane²⁶⁰, but as set out above the townscape is bigger and bulkier there and it is not part of the transition to TCA C.

²⁵² CDE.09 Page 14

²⁵³ CDM.02 Paras 4.3.10 - 12

²⁵⁴ CDA.34 Views 7 and 8, View 12, View 34 and View 5 respectively

²⁵⁵ CDA.34 View 13

²⁵⁶ CDM.02 Appendix A Page A-3

²⁵⁷ Through Ms Killilea

²⁵⁸ Through Mr Dunn

²⁵⁹ CDM.06 Page 47

²⁶⁰ CDM.06 Page 93

- 9.54 Further, it emerged in oral evidence that the first step of “extrusion to eight storeys” was in fact an after the event rationalisation²⁶¹. The actual design process started with a lower building: six storeys for Block 3B and seven storeys for Block 3A, as shown in the visualisation presented at the July 2023 pre-application meeting, and the blocks only increased to seven and eight storeys in advance of the December 2023 QRP meeting²⁶². The upshot is that there is no precise or clear account of how the scale and mass of Blocks 3A and 3B were arrived at.
- 9.55 It is striking that the maximum heights of the buildings across all three appeals are just below 30m: 28-29m for Blocks 3A and 3B (and Block 2), 29m for Ely’s Yard, and 29m for Block A (to highest point of building; 26m to top of parapet)²⁶³. The tall building policy in LBTH is engaged by, you guessed it, buildings of 30m and above²⁶⁴. When it was put to the architect²⁶⁵ that the buildings were designed to be just below 30m because of the policy, they initially described it as a “remarkable coincidence” and then stated that it was not a “driver”, eventually conceding that “it’s a default position isn’t it, that we don’t end up in a position where we’re referable to the GLA for its height” and that “everyone in the industry is aware of that as a factor”. On the basis of that evidence, and the obvious inference to be drawn from these proposed buildings spread across the Truman’s estate all being just under 30m, it is clear that a primary reason for the scale was simply to avoid exceeding the 30m threshold. That is not the design-led approach required by Policy D3 of the London Plan²⁶⁶.
- 9.56 The consequences of the over-scaled Blocks 3A and 3B include a squeezing of the public realm on the main site. The Council is concerned about Cooperage Passage, which despite being the longest route on the main site, and being a particularly important one as it leads to the open space at Allen Gardens, is the narrowest passage at only 5.3m wide²⁶⁷, and its openness is further compromised by the numerous bridges above it.
- 9.57 The harm which identified by the Council’s witness²⁶⁸ is supported by the expert views of the design officer, who considered that: The majority of the block would rise to 8 storeys, with lower sections positioned next to the neighbouring heritage assets. The block is quite deep and extends significantly south into the site, potentially overwhelming the adjacent public realm, particularly next to Block 2. At 8 storeys, the buildings exceed the height of their surroundings, appearing monolithic in mass and scale from Allen Gardens; While there are several large industrial buildings within the conservation area, the proposed buildings would be much larger and more visible due to their positioning along Allen Gardens. Local Plan policy S.DH1 emphasises that new developments must ensure the scale of buildings complements their surroundings, fitting appropriately within the context of

²⁶¹ Mr Morris x-e

²⁶² CDD.09 Fig.12 -13 on Page 28 and also Para 1.122 on Page 27

²⁶³ ID.07 Page 11; ID.09 Page 8; and ID.10 Page 7

²⁶⁴ (D.DH6 of the Local Plan, para. 8.64 CDF.01)

²⁶⁵ Mr Morris x-e

²⁶⁶ CDE.04

²⁶⁷ CDM.05 Page 234

²⁶⁸ Mr Reynolds

the area. The National Design Guide highlights that well-designed developments should be demonstrably informed by the scale of nearby buildings, considering existing patterns of built form and scale. At the proposed scale, the buildings would not be in keeping with the character of the conservation area; and The scale and bulk of the buildings can be seen in view 7 from Allen Gardens, where they are fully visible, but in incidental views such as View 5 from in front of the railway bridge on Brick Lane, the imposing scale and uniform bulk of the proposals is clear, when viewed behind the existing townscape²⁶⁹.

- 9.58 The QRP also remained unsatisfied with Blocks 3A and 3B. Although commenting that across the main site as a whole the heights were broadly appropriate, they state that "local conditions did need to be explored further", which included that: In views of the proposals from Allen Gardens, panel members felt that all three visible blocks were the same height. They felt that some variety in the heights was required. It was suggested that the heights need to reduce towards the east and that block 3A would ideally be reduced in scale²⁷⁰.
- 9.59 It was confirmed that no further significant reductions in height took place, notwithstanding this advice²⁷¹. The appellants pray in aid the fact that the main site was put before the QRP in suggesting that a design-led process was undertaken, but a design-led process involves demonstrably responding to, and not just obtaining, external design review.
- 9.60 To the extent that the Inspector and/or Secretary of State considers that there are elements of the site in its existing condition which are detractors in townscape terms, it is important (as in the heritage context so too in that of townscape) not to take the approach that simply because what is proposed may be an improvement in some respects on the existing baseline, it is therefore acceptable. That is not the approach of policy²⁷². National Policy in the NPPF (chapter 12) and development plan policy in the London Plan (D3) and the Local Plan (S.DH1; D.DH2) requires high quality design and a design-led approach which positively enhance the surroundings.
- 9.61 The appellants' heavy reliance on the quality of its architecture and track record of its design team is also no substitute for design which successfully integrates into and respects its surroundings, as set out above in respect of heritage, and the conclusions of the *Starbones* case, referenced above.
- 9.62 The appellants have relied on the Site Capacity Assessment (April 2024) produced for the Brick Lane and Pedley Street allocation²⁷³. But it does not assist the appellants' case. First, the nature of the document needs to be understood. It expressly is "high-level guidance" only and intended only to "provide indicative capacities for the potential sites"²⁷⁴. Therefore, at most it will inform a subsequent development management process where a full

²⁶⁹ CDD.03 Paras 1.2, 1.3 and 1.5

²⁷⁰ CDD.10 (AM) Para 14 Page 4

²⁷¹ Mr Morris x-e

²⁷² Mr Reynolds re-e

²⁷³ CDF.04

²⁷⁴ CDF.04 Section 1.1 Page 4

heritage and townscape analysis will determine the detailed form and scale of development that is appropriate in this location. Secondly, careful regard needs to be had to what the Site Capacity Assessment actually proposes. The "Residential Led Options" 1 and 2 for the main site show buildings facing Allen Gardens indicated to be "G+5" and "G+7", which involve an eight-storey building facing Allen Gardens, but for a much shorter length than the combined elevations of Blocks 3A and 3B²⁷⁵. Furthermore, the storey heights are residential, estimated at 3–3.5m for all floors above ground, compared to 4–4.5m for commercial floors. As explained²⁷⁶, that results in significantly lower buildings than the 28-29m Blocks 3A and 3B. A simple arithmetic miscalculation lay behind the appellants' approach here, with real and significant consequences.

- 9.63 The consented Data Centre on the corner of Buxton Street and Spital Street is also significantly lower, at around 19m, a similar height to the neighbouring Stuttle House²⁷⁷.

Block J: Heritage and Townscape

- 9.64 The Council's objection to Block J concerns the Spital Street elevation. Although the appellants describe it as seven storeys plus plant, the parapet rises up to enclose much of the plant, so it reads as if it is an eight-storey building. At 25.51m to the top of the parapet, and 27.10m to the top of the plant²⁷⁸, it is significantly taller than anything around it: the new building to the south east is 16m, the residential block to the north on the corner of Woodseer and Spital Street is 14.5m, and the post-war Boden House and McGlashon House are about 10-15m²⁷⁹. The Second Home building on Hanbury Street is 21.8m, but the Hanbury Street elevation is significantly set back which reduces the bulk and massing.
- 9.65 The express design concept of the architects was to 'complete the urban block' of which the site forms a part, an aspiration which the Council supports given the low-quality buildings on site at present. But the eight-storey element does not respond to that urban block, which is 3–4 storeys and rising only to 13–14m or so²⁸⁰. The eight-storey element will therefore be almost double the height of the block. Reference was made to the 'bookend' on the Brick Lane elevation of the block²⁸¹, but that is only 3–4 storeys and provides no precedent for what is proposed on the other end.
- 9.66 The architects suggest that the "open" Spital Street end justifies greater height, along with the desire to optimise the number of homes to be provided²⁸². But even if some form of step up might be justified at the end of the block, no clear rationale has been put forward for how eight storeys is justified.

²⁷⁵ CDF.04 Pages 26–29

²⁷⁶ CDM.40 Paras 3.1 – 3.12 and agreed by Mr Marginson x-e

²⁷⁷ CDM.06 Page 27

²⁷⁸ ID.07 Page 11

²⁷⁹ Mr Henley's estimate in x-e but see also the heights in CDL.01 Page 95

²⁸⁰ CDA.07 Pages 24–25

²⁸¹ By Mr Henley in evidence

²⁸² CDA.07 and Mr Henley in x-e and responding to a question from the Inspector

- 9.67 In heritage terms, the Council explains how the eight-storey part of Block J would harm the significance of the CA as an over-scaled and incongruous addition to the modestly scaled and fine grain largely residential block of which it forms part²⁸³. It would relate more to the modern blocks outside the CA (although significantly exceeding them in scale as well), rather than the street block which is within the CA and of which it forms part. It is notable that the appellants in written and oral evidence²⁸⁴ focused on the visualisations looking east along Hanbury Street and Woodseer Street, where the taller part of Block J will be less prominent. But the views looking into the CA are equally important.
- 9.68 The harm identified by the Council is at the lower end of the less than substantial scale, not because the harm is relatively inconsequential, but because the site and proposed buildings are relatively small parts of the CA²⁸⁵. There would be heritage benefit in the lower, four storey component of Block J beneficially reinstating something of the original street block, but this does not outweigh the heritage harm, overall.
- 9.69 There is a consistency of views between the Council and other heritage experts. HE notes that the block of which Block J forms part is of: modest scale and domestic character; and that the proposed large 7-storey scale and massing would be at odds with the more domestic 4-storey scale of buildings further west along Hanbury Street. They conclude that: the proposed development does not take the opportunity to reinstate a more contextual and modest form of development. We consider that a low level of harm to the conservation area's character would result through the overbearing scale of proposed Block J²⁸⁶.
- 9.70 The conservation officer likewise concluded that the scale of the taller element of Block J "is at odds with the lower height of the residential sections of the conservation area" and that "The overall scale of building is considered to cause some harm to the character of the conservation area"²⁸⁷.
- 9.71 These heritage objections can be seen to have their roots in the absence of a heritage-led approach. The written evidence²⁸⁸ makes no mention of having received any expert heritage advice prior to establishing the fundamentals of the scale and massing of Block J. So, a pattern emerges in respect of the designers. Masterplan meetings were referred to at which it was understood that a heritage professional was present, although they themselves were not at those meetings²⁸⁹. No evidence was provided to show how those or any other heritage professionals had inputted into, or materially influenced, the design. Reliance was placed on their own experience, and that of the practice, in working in heritage-sensitive contexts, but that is to underestimate the expertise and understanding which heritage experts can bring to the process.

²⁸³ The evidence of Mr Froneman

²⁸⁴ Mr Henley

²⁸⁵ CDM.03 Para 4.58

²⁸⁶ CDD.02 Pages 1-2

²⁸⁷ CDD.03 Paras 1.59–1.60

²⁸⁸ CDM.28

²⁸⁹ Mr Henley x-e

We had the rather odd spectacle of the appellants' planning witness²⁹⁰ suggesting that these architects did not need heritage expertise. But this also exposes the inconsistency of the appellants' position; on the one hand suggesting that heritage expertise was unnecessary (because of the wealth of experience of the scheme's designers), but on the other asserting that heritage expertise was both necessary and made available by KM Heritage (which, as to the latter, it clearly was not).

- 9.72 There is harm in townscape terms for similar reasons, in particular by the failure of the taller element of Block J to cohere with the lower-rise, finer grain urban block of which it forms part. Reference has been made²⁹¹ to the block "intentionally speaking" to the modern blocks to the east, but even leaving aside the heritage issues that this presents, Block J is significantly taller than those blocks as well²⁹².

Housing-led v Commercial-led Development

- 9.73 On this issue the Council says, in summary, that: the adopted development plan, read fairly and as a whole, plainly does not dictate that development must be residential-led or employment-led on this site. Either can be appropriate; the emerging plan, which attracts moderate weight, supports a residential-led scheme and weighs against the appeal scheme; and the up-to-date evidence as to housing and employment need is a further important material consideration weighing heavily in favour of a residential-led scheme and against the appeal scheme.
- 9.74 In understanding the policy position in the adopted plan as to what is appropriate on the Truman East site, it is essential to have careful regard to the London Plan and Local Plan as a whole, to look at what the land use policies specifically say about this site and local area, and not to cherry-pick.
- 9.75 The Truman East site lies within the **City Fringe**, as designated in the London and Local Plans²⁹³. Policy supports a mix of housing and employment use in this area: in the City Fringe as a whole (i.e. including those areas outside LBTH), the London Plan identifies it will provide 15,500 homes and 50,500 jobs; in the part of the City Fringe falling within LBTH, the Local Plan figure is 10,334 homes and 3,908 jobs. The 'development principles' for the City Fringe in the Local Plan include "Meeting housing needs". Policy S.SG1 provides that "Significant amounts of new housing will also be delivered in the City Fringe ...". It is expressly not the position that development must be employment-led in the City Fringe.
- 9.76 The site is also within the broad area identified as **Tech City**. This is not a firm policy designation, but a general and less well-defined area where tech industries have developed. In the Local Plan, it is not shown by a clear policy boundary on the Key Diagram or Vision for City Fringe²⁹⁴, but a more permeable sweep across the western half of the City Fringe. The clearest

²⁹⁰ Mr Marginson

²⁹¹ In the evidence of Mr Henley both written (CDM.28) and oral

²⁹² CDA.34 View 19

²⁹³ CDE.04 Fig. 2.11 Page 59 and CDF.01 Fig.5 Page 29 – the Key Diagram

²⁹⁴ CDF.01 Pages 29 and 203

articulation of Tech City is in the OAPF, which explains that: Tech City is recognised as a significant business cluster within the City Fringe but does not cover the whole of the OA. For planning purposes Tech City represents the **commercial core** of the City Fringe - around Shoreditch, Old Street, Bishopsgate and Spitalfields, extending north to Hackney Central and Dalston, and south and east to include Aldgate and Whitechapel. The wider boundary covers the hinterland area, which is mixed-use in many places but more residential in nature²⁹⁵.

- 9.77 The Truman East site, set back behind the east side of Brick Lane, cannot sensibly be said to fit that description of the "commercial core". It is evidently in a more transitional location.
- 9.78 It must also be remembered that the OAPF is expressly guidance only, not policy²⁹⁶ and is now 10 years old, which is relevant when considering the more up to date evidence as to housing and employment need.
- 9.79 The Truman East site also sits within the "Inner Core areas", "where demand is expected to be highest"²⁹⁷. That designation needs to be properly understood. In the Inner Core, the OAPF refers to sites designated as "priority employment land" by LPAs and on these sites the OAPF seeks "an employment-led scheme"²⁹⁸. The LBTH Local Plan includes 'priority employment land', but the Truman East site is **not** within such a designation²⁹⁹.
- 9.80 Outside such land, but still within the Inner Core, the guidance is only that "strong consideration" should be given to developing employment-led schemes. Further, para. 3.9 makes clear that this is only to be a "starting point". It is also notable that the Truman East site is close to the boundary between the Inner Core and the "Hinterland areas", where para 3.9 says that "proposals are more likely to be residential in nature". Indeed, the precise boundary clearly should not be relied on too heavily, as it has been drawn to include the residential blocks on the east side of Spital Street³⁰⁰, which is hardly a location where a strong employment focus is appropriate. Standing back, one has to have regard to the character or grain of the area without slavishly applying designations.
- 9.81 Local Plan Policy S.EMP1³⁰¹ has various tiers of "designated employment locations". It is highly relevant that the Truman East site is in none of the principal employment locations³⁰².
- 9.82 It is not in a **Primary Preferred Office Location** or a **Secondary Preferred Office Location**. That language of 'preference' is important. The appellants' final position was to suggest that the development plan has a

²⁹⁵ CDE.05 Para 1.7 Page 4 (emphasis added)

²⁹⁶ CDE.05 Para 1.2

²⁹⁷ CDE.05 Pages 29 and 28

²⁹⁸ CDE.05 Para 3.9

²⁹⁹ As agreed by Mr Marginson

³⁰⁰ CDE.05 Page 29

³⁰¹ CDF.01 Page 96

³⁰² As Mr Marginson accepted in x-e

"preference" for an employment-led scheme on this site³⁰³. But that is flatly contradicted by the site not being in a location where the development plan 'prefers' offices.

- 9.83 The third tier in S.EMP1 is the "**Central Activities Zone (tertiary area)**". This designation supports employment-led or mixed-use use schemes, but not residential-led ones. The London Plan policy on the CAZ goes no further³⁰⁴. It is again highly relevant that the appeal site is not in the CAZ: see Local Plan Key Diagram and Vision for City Fringe³⁰⁵. Indeed, it is clear from those diagrams that the Brick Lane area, including the Truman East site, has been carefully carved out of the CAZ (the boundary has been drawn to the west at Commercial Street, to the south at Wentworth Street, with the only exception being the Bishopsgate Goods Yard, where very substantial and tall development is coming forward).
- 9.84 Below the CAZ sit **Local Employment Locations, Strategic Industrial Locations**, and **Local Industrial Locations**. The appeal site is in none of those either.
- 9.85 The final tier in S.EMP1, other than "Other employment sites", is "**Tower Hamlets Activity Areas and Major, District and Neighbourhood Centres**"³⁰⁶. The appeal site is within an Activity Area and the Brick Lane District Centre³⁰⁷. The primary policy on Activity Areas and District Centres is S.TC1. As to the **Activity Area**, S.TC1 provides that these are "areas of transition", where the direction is to "b. Support a mix of uses which make a positive contribution to health and well-being" and "c. Promote active uses at ground floor level"³⁰⁸. None of that dictates an employment-led scheme.
- 9.86 As to **District Centres**, S.TC1 states: "Promote as vibrant hubs containing a wide range of shops, services and employment"³⁰⁹. Further, it is said that the "scale and type of development within the town centres hierarchy should reflect the character, scale and role of each centre through ... c. promoting mixed-use and multi-purpose town centres (**which include new residential uses where appropriate**) ..." ³¹⁰. The supporting text confirms that District Centres "**are also generally suitable locations for housing and employment**"³¹¹. Again, a residential-led scheme is entirely in accordance with that policy and supporting text, particularly considering that the Truman East site is set back from the shopping parade along Brick Lane and is bordered by residential development to the south and east, and has public open space to the north. As was explained³¹², town centre policy (which is expressly what S.TC1 is) is concerned principally with ground floor usage, to keep town centres vital and viable. Residential use, certainly on upper floors,

³⁰³ Mr Marginson x-e

³⁰⁴ CDE.04 Policy SD4 Pages 70-71

³⁰⁵ CDF.01 Fig.5 Page 29, and Fig.20 Page 203 respectively

³⁰⁶ CDF.01 Page 98

³⁰⁷ ID.07 Para 2.5

³⁰⁸ CDF.01 Page 109

³⁰⁹ CDF.01 Page 109

³¹⁰ CDF.01 Para 3c Page 111 (emphasis added)

³¹¹ CDF.01 Para 11.12 Page 113 (emphasis added)

³¹² Mr Kiely e-in-c

is entirely compatible with and supported by town centre policy (see S.TC1 above). It should also be borne in mind that policy on district centres is a local level designation, not concerned with the strategic functions of supporting London's Tech City which the appellants have focused on.

- 9.87 The reality is that, when the rhetoric is stripped away, the policies that the appellants are relying on to suggest a policy preference for employment-led development are: (i) the City Fringe designation; (ii) the Activity Area designation; and (iii) the Brick Lane District Centre designation. Properly analysed, none of those policies, individually or cumulatively, expresses any preference whatsoever for employment-led development. They all contemplate a mix of uses. They are equally permissive of residential and employment development.
- 9.88 Other policy in the development plan also strongly supports housing on the appeal site. The London Plan is strongly supportive of optimising housing delivery, particularly in LBTH, and on suitably located brownfield sites like the Truman East site³¹³. Policy H1 seeks to "optimise the potential for housing delivery on all suitable and available brownfield sites through ... planning decisions, especially the following sources of capacity: a) sites with existing ... public transport accessibility levels (PTALs) 3 – 6 ..." (which applies to the site³¹⁴; and "c) housing intensification on other appropriate low-density sites in commercial ... uses"³¹⁵. LBTH has the highest housing target across the whole of London³¹⁶. The Local Plan provides that the very high target will be achieved by "focusing the majority of new housing in the opportunity areas" (which include the City Fringe Opportunity Area)³¹⁷, including by "regeneration of previously developed land, [and] intensification of the built form in opportunity areas"³¹⁸.

The Emerging Plan

- 9.89 The Council's emerging plan goes further than the adopted plan and specifically allocates the appeal site for residential-led development: site allocation 1.7 Brick Lane and Pedley Street, assessing the indicative capacity as 250 homes³¹⁹.
- 9.90 The Council says that this allocation in the emerging plan is a material consideration that should attract moderate weight, having regard to the approach in NPPF para. 49, for the reasons set out³²⁰. In short, the only 'unresolved objection' to the principle of a residential-led development on the appeal site is from the appellants themselves³²¹. The plan has not yet been submitted but is well-advanced and continues to progress. The Council's Cabinet agreed that the emerging plan should proceed to full Council on 19

³¹³ CDE.04 Policy GG4 and Policy H1

³¹⁴ ID.07 Para 2.8

³¹⁵ CDE.04 Page 157

³¹⁶ CDE.04 Table 4.1 Page 163 and agreed by Mr Marginson in x-e

³¹⁷ CDF.01 Policy S.H1a Page 76

³¹⁸ CDF.01 Para 9.14 Page 77

³¹⁹ CDF.06 Pages 412 – 414

³²⁰ CDM.40 Paras 2.1–2.9

³²¹ Mr Marginson x-e

November 2025 where the full Council will be asked to approve the submission of the plan to PINS³²².

- 9.91 Highly relevant is the GLA's consideration of the emerging policy allocating the site for residential-led use. The GLA's reg.19 response shows that the GLA has carefully considered the emerging plan as a whole and the Brick Lane and Pedley Street allocation specifically, and the only observation the GLA had on that allocation was that it should include step-free access at Aldgate East³²³. The appellants sought to suggest that a residential-led allocation might have "strategic implications on economic growth in London"³²⁴. That is entirely contrary to the view of the body with oversight of strategic planning in London, the GLA, who have looked at the policy and have no objection to the residential-led approach.
- 9.92 The appellants further suggested³²⁵ that the GLA may consider the affordable housing policy in the emerging plan to be out of line with the London Plan. NPPF paragraph 49 is concerned with the weight to be given to "relevant policies" and in the present case the relevant policy is the policy allocating the appeal site for residential-led development, not the separate affordable housing policy³²⁶.

Other Material Considerations

- 9.93 Optimising housing delivery, particularly on brownfield sites such as the appeal site, is strongly supported by national policy in the NPPF³²⁷.
- 9.94 Evidence of housing need is also a highly material consideration. The housing numbers which LBTH are required to meet are huge. As set out in the Housing Topic Paper (June 2025) for the eLP and not disputed by any party to this Inquiry: Tower Hamlets faces one of the most significant housing challenges in London. Tower Hamlets exhibits acute housing pressures, evidenced by severe overcrowding (there are approximately 19,000 households living in overcrowded conditions in LBTH), extensive waiting lists (over 28,000 households were on the housing waiting list at the end of 2024), and high levels of deprivation³²⁸. The Inquiry has heard powerful first-hand evidence from very many Tower Hamlets residents as to the intolerable real-life impacts of insufficient housing provision.
- 9.95 Housing delivery at the level required in Tower Hamlets is challenging, with the latest Housing Delivery Test data from MHCLG showing 9,865 homes being delivered against the requirement of 10,479, triggering the need for an action plan³²⁹.

³²² As set out above, the eLP was submitted for examination by the SoS on 16 February 2026

³²³ CDM.32 Page 8

³²⁴ Mr Marginson e-in-c

³²⁵ Mr Marginson e-in-c

³²⁶ CDF.06 Policy HF2 Page 79

³²⁷ CDE.01 Paras 61, 124, and 125(d)

³²⁸ CDF.07 Para. 1.2; see also CDF.03 at Paras 1.1–1.13

³²⁹ CDM.01 Para 5.48

- 9.96 The housing need and requirement has been rapidly increasing – from 2,070 per year in LBTH in 2004 to 3,473 per year in LBTH in 2021 and is likely to increase further in the next iteration of the London Plan.
- 9.97 The picture in respect of need for additional commercial floorspace is very different. Overall, there is likely oversupply. As to provision for SMEs, the position is more equivocal³³⁰, but it is in no way comparable to the urgent and acute need for housing. The Council's Employment Land Review concluded that "Whilst quantitatively there is more than sufficient office supply in the pipeline, we are **less sure** that there is provision for the range of business space that Policy E2 requires³³¹". The appellants have produced market evidence that there would be demand for the commercial floorspace created in the appeal scheme³³², but that is different to an assessment of the need, noting of course that new floorspace may simply divert demand from elsewhere.
- 9.98 The appeal site is ideally suited to residential use: a large, accessible, brownfield site, surrounded on three sides by residential use and by open space. In that context, the very significant level of housing need, which is of a completely different scale to that in respect of commercial floorspace, is a material consideration that weighs heavily against the appeal scheme. Delivering only 44 residential units within a 35,000 sqm mixed-use scheme, with residential use comprising just 14% of the gross internal area, is clearly a disproportionately low housing contribution given the site's location, accessibility, policy context and housing need within Tower Hamlets. If LBTH is to have any chance of providing the level of housing, including affordable housing, that its residents need, then sites like the appeal site must come forward for residential-led schemes.

The Consent Order

- 9.99 The appellants' reliance on the consent order does not assist. First, the consent order must be properly understood. Contrary to the appellants' inaccurate characterisation of it during this Inquiry, the High Court has not given a 'judgment' or 'ruling', or made any 'finding'. The High Court's decision does not extend beyond the sealed order dated 19 February 2025³³³. That sealed order does not incorporate or endorse the 'Statement of Reasons' attached to the consent order (it simply records that the Judge has considered the draft consent order, along with other documents filed). The High Court gave no reasons at all. The draft consent order and the Statement of Reasons attached to it signed by the parties³³⁴ is a separate document. The High Court order does not explain the specific basis on which the Judge considered it appropriate to quash the adoption of the SPD.
- 9.100 As was explained³³⁵, the knockout blow in the legal challenge was Ground 1, whereby it was agreed that the SPD should have been prepared as a

³³⁰ As Mr Marginson accepted in x-e

³³¹ CDF.04 Para 7.5 Page 118 (emphasis added)

³³² CDM.23 Para 1.2 of the Belcor evidence

³³³ CDH.08

³³⁴ CDH.07

³³⁵ Mr Kiely e-in-c and x-e

development plan document. Ground 2 was not strictly necessary to the case succeeding. Further, the statement in Ground 2 that “employment and commercial town centre uses are to be the priority in the area of the SPD” must properly be understood. As was further explained³³⁶, it is categorically not the case that the development plan requires development to be commercial-led throughout the area of the SPD. There is one part of the “area of the SPD” where it might be said that there is a preference for commercial-led schemes (or at least not residential-led schemes). That is the southern part of the SPD area which is contained in the CAZ (i.e. the part of the SPD area which extends south of Wentworth Street / Old Montague Street³³⁷. The Truman East site does not lie in that part of the SPD area, however. The statement is therefore irrelevant to the Truman East site.

- 9.101 Further, the Courts have issued a practice direction that judicial decisions on applications for permission to apply for judicial review or for permission to appeal cannot be cited unless the Judge expressly states that it can (Practice Direction (Citation of Authorities) [2001] 1 WLR 1001³³⁸). It follows that consent orders, which are even less authoritative than such permission decisions, can certainly not be relied on for any legal principle.
- 9.102 More generally, argument about the precise meaning of parts of the consent order is not a proper basis on which to determine this planning appeal. The appeal must be determined in accordance with the development plan, properly understood. Even if the appellants’ (mis)interpretation of the Statement of Reasons were correct, that is not the correct interpretation of the development plan, and it is not the Council’s case to this Inquiry. The appellants’ forensic arguments based on the statement of reasons attached to the consent order are a distraction from the Inspector’s and the Secretary of State’s task. This includes the appellants’ reference to advice from “leading planning counsel”³³⁹, given that the content of any legal advice is entirely a matter for a legal advisor and his or her client and no legal advice has been disclosed.

Overall Planning Balance on the Main Site

- 9.103 There would be direct and significant conflict with townscape and heritage policy in the development plan and in the NPPF, by reason of the design and heritage harm set out above: London Plan Policies D3 (Optimising site capacity through the design led approach) and HC1 (Heritage conservation and growth), Local Plan policies S.DH1 (Delivering high quality design), D.DH2 (Attractive streets, spaces and public realm), and S.DH3 (Heritage and the historic environment), and NPPF paras. 131, 135 and 139 which stress the importance of good design, and para. 215 which requires heritage harm to be weighed against public benefits. Nor would the scheme accord with the duty in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay “*special attention ... to the desirability of preserving or enhancing the character or appearance*” of the Conservation Area.

³³⁶ By Mr Kiely

³³⁷ See the SPD area at CDM.17 Page JB013

³³⁸ ID.26

³³⁹ ID.02 Para 38

- 9.104 The failure to optimise housing delivery, in the context of acute (the most acute in London) and overwhelming housing need, attracts substantial adverse weight.
- 9.105 As to the benefits (with any heritage benefits already having been taken into account in the heritage balance above) (i) The employment generation from the commercial floorspace and the affordable workspace are benefits attracting significant weight; (ii) The provision of town centre and community uses, and the provision of public open space and new streets, including the activation of Buxton Street, attract moderate weight; (iii) Taken in isolation the provision of 44 homes would be a significant benefit, but it needs to be seen alongside the failure to optimise housing delivery on the site, with residential use comprising just 14% of the gross internal area, which attracts substantial (i.e. greater) adverse weight; (iv) The construction and operational employment and economic benefits attract minimal weight given that they are short term and would arise from most developments³⁴⁰; (v) Any increase in biodiversity and greening attracts minimal weight, given the total provision is limited. The percentage increase figure is not a helpful guide to the benefit, given that any increase is from a very low base; and (vi) The other alleged benefits relied on by the appellants are not in fact benefits (e.g. there are no net heritage benefit or townscape benefits).
- 9.106 Overall, there is conflict with the development plan read as a whole, and other material considerations do not indicate that a decision should be made otherwise than in accordance with the plan.
- 9.107 In this case members chose to disagree with the recommendation of its officers on the Truman East site. But the nature of that officer recommendation needs properly to be understood. It was expressly an “on balance” recommendation³⁴¹. There was evident concern in Officers’ report about the heritage and townscape harms which have formed the Council’s case on appeal³⁴². On further scrutiny, the Council says that those harms, along with the very low level of housing which was also identified as an issue in LBTH pre-application responses³⁴³, outweigh the benefits of the scheme.

Block A (Grey Eagle Street) (Appeal A)

Block A: Public Realm

- 9.108 Grey Eagle Street currently suffers from very poor public realm, with an almost total absence of active frontages, a lack of overlooking and natural surveillance, narrow pavements, and anti-social behaviour issues. The appellants nowhere dispute the existence of these problems, but the position is in any event very clear. It will have been obvious to the Inspector on his site visits and is also apparent from the vivid testimony of the residents who

³⁴⁰ See Holgate J (as he then was) in *Vistry Homes v SSLUHC* [2024] EWHC 2088 (ID.28 Para 128): “But I accept the submission of Mr. Robert Williams for the Secretary of State that when deciding how much weight to give to a benefit, a decision maker *may* take into account the fact that the type of economic benefit relied upon would arise in any housing development or, in a similar way, any employment development.”

³⁴¹ CDL.01 Para 7.551

³⁴² CDL.01 Paras 7.547–7.550 for example

³⁴³ CDD.09 Para 1.106 for example

live on Calvin Street. One resident explained how “We are also unfortunately an anti-social behaviour hotspot and spend much of our time talking to the police about incidents in the area. I think a part of that is because of the facade on Grey Eagle Street and the things that that allows in terms of anti-social behaviour. As we look at this proposal, I don't see that changing the situation in our area at all in a positive way. I don't walk on Grey Eagle at night ...”³⁴⁴. Another observed that Calvin Street “is quiet most of the time unless people are selling drugs, which is not really ideal”³⁴⁵. The Designing Out Crime Officer from the Metropolitan Police states that “The crime figures for the area show quite significant numbers for such a tight area around the build site”³⁴⁶.

- 9.109 A large data centre building is the last thing that Grey Eagle Street needs. Data centres are inherently inactive buildings, given that they create limited footfall and have large blank frontages³⁴⁷, which do not provide for any natural surveillance. The proposed data centre is no exception, with a single entrance and security office offering no meaningful activation and large blank elevations compounding the unwelcoming pedestrian environment that exists at present.
- 9.110 It is said³⁴⁸ that an active use at the ground floor is unfeasible and would not be accepted by an operator today. That does not correspond to what is seen in other data centres nearby, including the existing data centre on Dray Walk, which has retail uses at ground floor, and the consented but not built out data centre on Buxton Street which has a significant amount of B1 (enterprise) and D1 (training) floorspace on the ground floor facing Buxton Street³⁴⁹. Both are relatively recent: the Dray Walk data centre was energised in 2018³⁵⁰ and the Buxton Street data centre planning permission was applied for in 2016³⁵¹. No compelling reasons have been put forward for why the attitude of data centre operators would have so shifted against a separate use on the ground floor in that space of time. The designation of data centres as Critical National Infrastructure in September 2024 was referred to³⁵², but it is difficult to see why this designation would have affected the operators’ operational requirements. The Council say there is insufficient evidence to show that a more acceptable mixed-use building is unfeasible.
- 9.111 But importantly, to the extent that the Inspector or Secretary of State accepts that a mixed-use is unfeasible, then that is simply part of the objectionable nature of seeking to introduce this land use into this particular street.
- 9.112 The appellants appear to place some reliance on the fact that the Council accepts that a B8 land use, which generally includes data centres, is

³⁴⁴ ID.22 Page 17

³⁴⁵ ID.22 Page 19

³⁴⁶ CDL.02 Para 6.19

³⁴⁷ Mr Yeoman described the consented data centre on Buxton Street as “fortress like”

³⁴⁸ By Mr Morris

³⁴⁹ CDH.04 and also the oral evidence of Mr Reynolds and Mr Kiely

³⁵⁰ CDM.27 Para 2.21

³⁵¹ CDH.04

³⁵² By Ms McGinley

acceptable in principle in this broad area. That is simply an acceptance that planning policy on land use does not preclude such land uses in this area. It is not an acceptance that a data centre is acceptable on this particular street. The Officer report was quite clear on this matter, stating as follows³⁵³ (which continues to represent the Council's position): In conclusion, the assessment of the application demonstrates **this is an inappropriate location for a data centre in respect of the design, scale and lack of active frontages**. The design and lower floors of the building is an inappropriate response to the townscape setting, the character of land uses, and the significant challenges with anti-social behaviour and public safety.

- 9.113 The appellants' evidence estimates that the data centre will give rise to 15 full time equivalent jobs³⁵⁴. It is not entirely clear if those will all be on site, but even assuming that they are, that is an extremely limited amount of footfall which will do nothing to meaningfully activate Grey Eagle Street. There was some evidence presented³⁵⁵ that data centres attract more footfall than is commonly thought, but no detailed evidence was provided on that and given that the data centre is largely filled with plant and machinery, it clearly is not going to be of a level which would significantly activate Grey Eagle Street.
- 9.114 The appellants' written evidence refers to street art 'activating' the street, but it was agreed that street art does not activate a place³⁵⁶. That is obvious from Grey Eagle Street at the moment, which is awash with street art but suffers severely from inactive frontages.
- 9.115 The appellants, in response to adverse consultee comments, made some minor amendments to the scheme, in order to place the security office at the front of the building (rather than deeper into the building), and to increase the amount of glazing next to the ground floor entrance on Grey Eagle Street³⁵⁷. But it is evident that a security office which was originally felt suitable to be a windowless room in the centre of the building is not going to house activities that are likely to meaningfully activate the street when moved to the frontage. Even after the amendments, the entrance and glazing are only a modest portion of the Grey Eagle Street frontage, and the Calvin Street frontage has no pedestrian entrances at all, only a large industrial loading bay. Other than the limited glazing around the entrance, the entire of the Grey Eagle Street and Calvin Street facades is completely windowless and provides no natural surveillance whatsoever, despite it being a large building with a 26m parapet height. The overbearing scale will compound the public realm and activation issues.
- 9.116 The appellants have also referred to the security infrastructure that comes with a data centre, but CCTV cameras plainly do not activate a street.
- 9.117 Remarkably, the appellants seek to rely on the current problems from which Grey Eagle Street suffers to justify the data centre. The appellants accept

³⁵³ CDL.02 Para 8.44 (emphasis added)

³⁵⁴ CDC.06 Appendix 1 at Page 9

³⁵⁵ By Ms McGinley

³⁵⁶ Mr Morris x-e

³⁵⁷ CDD.14 Pages 5-8

that Grey Eagle Street is currently “underutilised and secondary” and “subdued” but goes on to state that “owing to the inactive nature of this route, the muted frontage of the proposed data centre would be an appropriate addition”³⁵⁸. The appellants are using the inactivity to justify more inactivity. That is to exacerbate and compound the very problem that the appellants (and everyone else) identifies. It is obviously not an appropriate or positive placemaking response.

- 9.118 The appellants relies on the fact that Grey Eagle Street is outside the Brick Lane District Centre³⁵⁹. That policy position provides no support whatsoever for perpetuating the poor public realm issues from which Grey Eagle Street suffers. Design and place-shaping policy demands that these issues are addressed, not exacerbated.
- 9.119 Further, the site is within an “Activity Area” as designated in the Local Plan and shown on the Policies Map³⁶⁰. Policy S.TC1 provides that in Activity Areas, the “Functions / roles” include “c. Promote active uses at ground floor level”³⁶¹. The scheme is doing exactly the opposite of what this development plan policy directs. Although conflict with this policy is not expressly alleged in the putative reason for refusal, it aligns with the putative reason for refusal’s objection to the “inactive frontages” and the allegation of conflict with Policy D8. As the Officer report similarly observed, “Redevelopment of the site for a data centre would prevent an alternative mix of uses coming forward that could have a more beneficial impact on the local economy, complimenting the vibrancy and vitality of the adjacent Brick Lane town centre, the City Fringe Activity Area and regeneration of a brownfield site in the Opportunity Area”³⁶².
- 9.120 The Council recognises that the Ely’s Yard proposal, if granted planning permission and built out, will provide some benefit in this respect. Some activation will be provided by the new pedestrian link between Grey Eagle Street and Ely’s Yard. Some natural surveillance will be provided by the overlooking windows, albeit given the commercial use this will primarily only be daytime. The same applies to the kiosk on the corner of the building which opens out onto Ely’s Yard but has ground floor glazing on Grey Eagle Street. The kiosk opening onto Grey Eagle Street at the bottom of the ramp is of questionable viability, given its small size and the lack of footfall on Grey Eagle Street. Overall, these aspects of the Ely’s Yard scheme will provide only a limited improvement and are insufficient to compensate for the major adverse impacts in public realm terms to which the data centre will give rise. If the Inspector and/or SoS was to disagree, then the Council says that it is essential that a Grampian condition is imposed so that the data centre can only come forward once the Ely’s Yard development is fully built out, as per the Council’s version of the draft condition provided. For the avoidance of doubt, however, this is without prejudice to the Council’s case that neither the data centre nor Ely’s yard should be granted planning permission.

³⁵⁸ CDM.08 Para 5.37, 5.43, and 6.13

³⁵⁹ Albeit adjacent to it – CDF.01 Page 112

³⁶⁰ ID.09 Para 2.5

³⁶¹ CDF.01 Page 109

³⁶² CDL.02 Para 8.148

- 9.121 The architect explained that the brief to which they worked for Block A was a data centre³⁶³. There was no study with design input undertaken to understand whether a data centre was the most appropriate use for this site. That is contrary to the requirement in London Plan policy D3 for a design-led approach, which involves “ensuring that development is of the most appropriate land use for the site”³⁶⁴. It is inconceivable that the outcome of a truly design-led process would have been a proposal for a data centre on this street. The fact that the Block A proposal did not go before the QRP further explains how it has delivered such unsatisfactory outcomes.
- 9.122 The Council witness’ judgment on the harm to public realm is entirely in accordance with that of the design officer, whose view was that the proposals “are very harmful from an urban design perspective, failing to offer an active frontage at ground floor or any kind of passive surveillance to Grey Eagle Street”³⁶⁵, being a street which “suffers from a severe lack of active frontages, making it an undesirable and unsafe route for pedestrians, leaving it vulnerable to anti-social behaviour”. The appellants’ minor amendments post-dating these comments do not materially improve the situation, as discussed above.
- 9.123 It is important to note that the public realm issues with which the Council is concerned have been considered sufficiently important to be given the force of specific development plan design policy. For example, Local Plan policy D.DH2³⁶⁶ requires development to “positively contribute to the public realm through: a. optimising active frontages towards public streets and spaces ... l. creating opportunities for natural surveillance, particularly at ground floor level”. See also London Plan policies D3 and D8³⁶⁷ on activation and natural surveillance. There is stark conflict with these policies.

Block A: Townscape and Heritage

- 9.124 The townscape impacts of the Block A proposal are closely related to the public realm impacts, in particular the fact that the significant scale and mass of the proposal exacerbate the lack of active frontages. However, the proposed scale and mass is also significantly harmful in itself in townscape and visual terms.
- 9.125 The scheme, with a parapet height of 26m and a highest point of 29m, is significantly taller and bulkier than its immediate neighbours on all four sides: the telephone exchange directly to the south is 19m, the flats on the north side of Calvin Street are 19m, the terraced housing to the east on Calvin Street is 11m and the existing data centre on Grey Eagle Street is 19m³⁶⁸. Only the Jack’s Place building, at 26m, is comparable to the height of Block A, and that does not face onto Grey Eagle Street or adjoin the low-rise residential housing on Calvin Street.

³⁶³ CDM.06 Page 224 Para 4.3.1 and Mr Morris x-e

³⁶⁴ CDE.04

³⁶⁵ CDD.05 Para 5

³⁶⁶ CDF.01

³⁶⁷ CDE.04

³⁶⁸ CDM.06 Page 239

- 9.126 The massing on Grey Eagle Street is also overbearing and oppressive. At the ground floor, the proposed building breaks the existing building line on Grey Eagle Street by stepping forward, notwithstanding that Grey Eagle Street is already narrow. Above the brick base the upper storeys clad in metal present a largely sheer vertical face³⁶⁹. On the Calvin Street frontage, there are set backs which respond to the rights of light envelope³⁷⁰, but on Grey Eagle Street the set backs are very limited, which appears to show the designers only responding to 'hard constraints' and not the townscape issues which policy requires. The cumulative townscape and visual impacts also need to be appreciated: the impacts of the new Block A and Ely's Yard facing each other across the narrow and largely inactive Grey Eagle Street, both rising around to 29m well above the existing buildings.
- 9.127 The HTVIA accepts that the proposed development's "ground floor facades are blank due to its proposed use as a data centre, so offers little to the street scene"³⁷¹. In the cumulative view with the Goods Yard addition, the HTVIA notes that "These elements would create a taller backdrop and more of a feeling of being surrounded by larger scale developments"³⁷². It is evident from the view that the Goods Yard is a relatively limited contributor to the feeling of being surrounded. It is also notable that in these views, even the Appellant describes the impact as 'neutral', i.e. not actually beneficial despite the new development.
- 9.128 In heritage terms, while the building is currently derelict, it makes a small positive contribution to the CA as sharing a design language with the former functional group of brewery buildings which are an important component of the CA; the building has some group value with those and fits well into the street block in which it sits³⁷³. The proposed scheme results in the loss of these positive attributes and while it is conceivable that there could be some benefit in replacing a derelict building, the appeal scheme does not achieve this. For essentially the same reasons as in respect of townscape matters, the replacement building would not enhance the significance of the CA. The Council says that the building's inappropriate scale and the vast, lifeless elevations would lead to heritage harm in respect of impact on the significance of the CA³⁷⁴. That harm is at the lower end of the category less than substantial harm. That is not because the harm is relatively inconsequential, but because the site, and the appeal scheme, are relatively small components of the CA, and the harm has to be weighed against the significance of the CA as a whole³⁷⁵. These findings accord with those of the conservation officer, who also identified a low level of less than substantial harm for the same reasons³⁷⁶. No heritage benefits would arise, such that the net heritage position remains harmful overall³⁷⁷.

³⁶⁹ CDA.34 View 31

³⁷⁰ As explained in CDM.06 Page 286 Para 4.61.5

³⁷¹ CDA.34 Page 216 Para 10.437

³⁷² CDA.34 Page 217 Para 10.441

³⁷³ CDM.03 Paras 3.5 and 3.25

³⁷⁴ CDM.03 Para 3.24

³⁷⁵ CDM.03 Para. 3.27

³⁷⁶ CDD.05 Page 3

³⁷⁷ CDM.03 Para 3.26

Block A: Need and Benefit

- 9.129 There is no dispute that there is a general need for further data centre capacity both nationally and in London, and that provision of new capacity is a benefit. There is, however, an important issue between the parties about the weight to be given to the benefit of what is actually to be provided, and the extent to which there is any locational imperative for data centre capacity to be here, on this specific street with all the problems it suffers from.
- 9.130 What is proposed is a 3MW data centre³⁷⁸. The building as a whole will be 5,200sqm GIA (c.56,000sqft). Although tall and bulky in townscape and visual terms on this narrow street in the generally low/mid-rise CA, it was explained³⁷⁹ that in terms of data centre capacity it is "quite small". That limited scale of contribution to meeting need for data centre capacity is obviously relevant to assessing the weight which the contribution attracts; just as a greater contribution would get greater weight, so a smaller contribution gets less weight, all other things being equal. If it right that 3MW is as compact as possible, it militates against its inclusion at this location.
- 9.131 There is a clear and consistent line of recent Secretary of State decisions in which the contribution to meeting need for data centre capacity by large or even very large data centres gets no more than 'significant' weight. In none of them does it rise to 'substantial' weight. Further, in those cases the weighting is expressly calibrated to the scale of contribution. The appellants' 'substantial weight'³⁸⁰ – the top of the scale – for a much smaller data centre is out of line with all these SoS decisions³⁸¹.
- 9.132 The data centres in each of these Secretary of State decisions all make more than 20 times the contribution to meeting the need for data centre capacity compared to the appeal scheme, and the relative weight to be accorded to the appeal scheme needs to be calibrated accordingly.
- 9.133 The Appellant has relied on the Mulberry Place appeal decision, where the Inspector ascribed "very substantial weight" to the benefit of data centre provision³⁸². However, the data centre in question was again many times bigger than the appeal scheme – 376,000sqft³⁸³, over six times bigger than the present appeal scheme. Secondly, there is little to no supporting reasoning why it should receive such weighting, in excess of the Secretary of State's approach. Thirdly, it is obviously out of line with those Secretary of State decisions.
- 9.134 The Council accepts of course that scale is only one factor, and there may be others – but scale is obviously an important one. While there may be specialised pockets of need within the overall need, that overall need is highly relevant, and the reality is that the appeal scheme makes a very small contribution to meeting that need.

³⁷⁸ CDM.09 Para 16.3

³⁷⁹ Ms McGinley x-e and re-e

³⁸⁰ Expressed by Mr Marginson

³⁸¹ ID18, ID19, ID20, and ID21 are SoS decisions where meeting data centre needs attracted 'significant weight' not the top of the scale 'substantial weight'

³⁸² CDH.06 Para 104

³⁸³ CDM.09 Para. 14.1

- 9.135 The appellants suggest that despite the very small quantitative contribution, the development meets a specific need and attracts weight for that reason. As was said, "just because it is small does not mean that it is insignificant"³⁸⁴. The evidence in support of this is limited and does not suggest that the weight can be upgraded notwithstanding the very modest scale of capacity.
- 9.136 In particular the overall focus of the written evidence is that the appeal scheme meets a need arising in the City and Docklands area and that any site in that area would meet the need that the appeal scheme meets "five key submarkets: City & Docklands, ..."; "The City of London and Docklands remain the primary locations fulfilling this need due to their connectivity density and proximity to financial institutions of the City and Canary Wharf"; and rebuttal paras 2.5 – 2.8³⁸⁵.
- 9.137 There is one brief reference in the evidence to retail colocation facilities designed specifically for financial trading activities needing to be located within "a few hundred metres of transaction hubs" to satisfy latency requirements³⁸⁶. There is no detailed analysis of latency speeds or specific end-users to support that statement. But in any event, even to the extent that this may be correct, there is no analysis of any supply shortfall for this very specific category of end user or of how other existing data centres spread across the City of London³⁸⁷ might meet this need.
- 9.138 Further and importantly, it was accepted that the end users of the appeal scheme – the retail users renting rack space – are as yet unknown and could come from a range of sectors³⁸⁸. It was envisaged that "what is most likely is a colocation operator who does retail colocation – who could lease out to two financial operators, one law firm, one gaming operator etc.", and that those users would have a range of latency requirements³⁸⁹. That does not indicate a highly specialised or targeted facility which can only be located here.
- 9.139 Notably, she states the following requirement in respect of retail colocation facilities generally: "Location – Within a 10km radius of core network facilities for retail facilities"³⁹⁰. The proposed data centre would serve that need for a 10km radius, which significantly undermines the suggestion that the scheme must be here, rather than elsewhere in the City and Docklands area.
- 9.140 Likewise, in looking at alternatives, it is said that "In considering potential alternative schemes, it is necessary to broaden the scope to include the wider Docklands market. This area similarly offers extremely low-latency connectivity into the City of London, while also providing strategic advantages for serving enterprises based in and around Canary Wharf"³⁹¹. That again shows that the City and Docklands area as a whole is the relevant area of search.

³⁸⁴ Ms McGinley re-e

³⁸⁵ CDM.09 Paras 1.7 and 1.8 and CDM.27 Paras 2.5 to 2.8

³⁸⁶ CDM.09 Para 1.8

³⁸⁷ CDM.09 Fig.2 Page 13

³⁸⁸ Ms McGinley referred in x-e to finance, law, education, gaming etc

³⁸⁹ Ms McGinley x-e

³⁹⁰ CDM.09 Para 12.1 (underlining added)

³⁹¹ CDM.09 Para 13.2

- 9.141 An example given is highly illustrative: I recently acted on behalf of one of the world's most critical financial institutions in securing colocation space within the London market. This facility was intended to serve as their primary UK deployment location and one of their key European sites. Although we explored a wide range of data centre options across Greater London, including sites in Harlow, Romford, Chessington, and Crawley, none of these locations could meet the stringent latency and connectivity requirements demanded by this client's mission-critical financial applications. Ultimately, the only viable solution was to secure space within the City & Docklands data centre cluster, which uniquely offers the density of fibre connectivity and ultra-low latency required for such deployments"³⁹².
- 9.142 Entirely in line with this evidence, the Council is not suggesting that the need can be met in Harlow, Romford, Chessington or Crawley. On the Appellants' own evidence here, however, the capacity can be located somewhere in the City and Docklands area, rather than necessarily on Grey Eagle Street or for that matter any other street situated within a sensitive and important CA and which is afflicted by public realm problems.
- 9.143 While it was noted that the present site has the particular attraction for operators of being next door to the existing fibre connections of the adjacent Digital Realty data centre cluster, it was also accepted that such fibre networks can be built up, as Digital Realty has themselves done over the years in the Ely's Yard site³⁹³. While that might involve time and investment, there is no suggestion that such work is unfeasible or unviable, and it needs to be kept in perspective relative to the public realm, townscape and heritage harm that would be caused by locating the data centre on Grey Eagle Street.
- 9.144 Other locational advantages cited – proximity to the internet exchange and fibre density generally – do not indicate that the data centre needs to be located here, as evidenced by the spread of existing data centres around the City of London and the Docklands area³⁹⁴. There is a significant existing fibre network throughout the City and Docklands area³⁹⁵, and "From a connectivity standpoint, the City of London and Docklands submarket is the most fibre-rich and network-dense area in the UK. It serves as the UK's principal hub for interconnection, with direct paths to all major national and international telecoms carriers"³⁹⁶. There are also substations to provide the necessary power elsewhere³⁹⁷.
- 9.145 In summary, the proposed data centre provides only a very small contribution in capacity terms to meeting data centre need, by comparison with all the data centre decisions which the appellants specifically requested were put into the Inquiry; and the suggestion that the proposed data centre serves a specialised need that can only be met on or around this particular street is simply not supported by the clear evidence before the Inquiry.

³⁹² CDM.09 Para 17.18 (emphasis added)

³⁹³ Ms McGinley x-e

³⁹⁴ CDM.09 Fig.2 Page 13, and for the Docklands area Fig.8 Page 25

³⁹⁵ CDM.09 Fig.4 Page 16

³⁹⁶ CDM.09 Para 16.18

³⁹⁷ Ms McGinley cites that at East Ham in the Docklands – CDM.09 Para 10.3

- 9.146 Nor has it been shown that there are no alternative sites in the City and Docklands area where the data centre capacity could come forward, especially for a small capacity data centre such as that under consideration. The Council explained, by reference to the plan³⁹⁸ drawn from the adopted and emerging Local Plan policies map, the designated Local Employment Locations (LELs) and Local Industrial Locations (LILs) which were suitable in principle for data centre use, numbering 10 in total. They are areas, not specific sites, and individually and cumulatively they cover a significant amount of land. All these designations are identified in both the adopted Local Plan and the emerging Local Plan, with the emerging Local Plan further stating that data centres will be supported in these locations³⁹⁹ and will not be supported outside of these locations.
- 9.147 The appellants' written evidence only considers existing or pipeline data centres as alternatives, rather than new sites⁴⁰⁰. That is obviously not an adequate alternatives assessment. In any event, even that shows significant future pipeline capacity, for example at Telehouse London West 2, Global Switch House and Docklands Exchange. Although the Appellants say that it is likely to be absorbed quickly, it undermines a suggestion of no emerging capacity.
- 9.148 The appellants referred to a desktop review apparently undertaken of the LELs and LILs in the adopted and emerging Local Plans, and made some sweeping assertions that the areas suffered from various constraints or, in the case of LEL no.4 on the Council's plan⁴⁰¹, i.e. Blackwall, that it was already full to capacity with data centres. That evidence does not begin to constitute the sort of robust and transparent alternative sites assessment necessary to support an assertion that the Grey Eagle Street site is the only available site (or even one of only a few available sites). The appellants presented no evidence which could be properly tested and weighed on this point, particularly when the areas in question are large and spread out over the City and Docklands. The desktop review should attract no weight.
- 9.149 A separate and also important reason why the need relied on by the appellants should attract reduced weight is because it is based on very short-term evidence. The appellants' evidence explains that the market has been moving towards cloud services in recent years, but that recently there has been a resurgence in retail colocation demand. For example: **Over the past 12 months**, several of Europe's leading financial institutions have secured colocation space ranging from 0.5MW to 3MW in London and other key European data centre markets and financial centres. **This provides unequivocal evidence that the retail colocation market is not only alive but experiencing a resurgence.** And **In the last 12-24 months** there has been growing demand among financial institutions and enterprise clients for smaller-scale retail colocation capacity within the City and adjacent inner London areas⁴⁰².

³⁹⁸ Mr Kiely spoke to ID23

³⁹⁹ CDF.06 Policy EG6: Data Centres Page 250

⁴⁰⁰ CDM.09 Para 13.2

⁴⁰¹ ID23

⁴⁰² CDM.06 Paras 7.7 and 9.9

- 9.150 Need based on such a short-term trend and the uncertainty that inevitably comes with it should attract less weight as a result. It is to be contrasted with the long-term public realm, townscape and heritage harm that would arise from the scheme.
- 9.151 The appellants have relied on the designation of data centres as critical national infrastructure. That designation is not land use planning policy and does not dictate where such uses should be located.
- 9.152 NPPF para 87(a) provides that planning decisions should address the specific locational requirements of, inter alia, data centres. But as set out above, the evidence before the inquiry does not show that there is a specific locational requirement for the data centre to be located on this specific street.
- 9.153 For all those reasons, the Council was right to give the contribution of the Block A scheme to meeting data centre need moderate (not significant or substantial) weight. This essentially aligns with the Officer report, which attributed the benefit “modest” weight⁴⁰³, not ‘limited’, as inaccurately suggested by the appellants. The report observed: While there is an established cluster of large-scale data centres elsewhere in Tower Hamlets (notably in Blackwall, within managed estates and with strategic links to Canary Wharf) this proposal is materially different. It is smaller in scale, located outside a managed estate, and lacks evidence of strategic importance to the wider digital infrastructure network. No compelling justification has been provided to demonstrate that this facility would serve a critical role for the City of London or the wider region⁴⁰⁴.

Block A: Overall Planning Balance

- 9.154 There would be direct and significant conflict with townscape and heritage policy in the development plan and in the NPPF, by reason of the design and heritage harm set out in detail above: London Plan policies D3 (Optimising site capacity through the design led approach), D4 (Delivering good design), D8 (Public realm) and HC1 (Heritage conservation and growth), Local Plan policies S.DH1 (Delivering high quality design), D.DH2 (Attractive streets, spaces and public realm), and S.DH3 (Heritage and the historic environment), and NPPF paragraphs 131, 135 and 139 which stress the importance of good design, and paragraph 215 which requires heritage harm to be weighed against public benefits. Nor would the scheme accord with the duty in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 9.155 It is important to correct the appellants’ mischaracterisation of the Council’s townscape evidence on the Block A proposal during the Inquiry. The appellants have suggested⁴⁰⁵ that the Council’s townscape/design evidence only indicates a “missed opportunity” in design terms on Block A. That is emphatically not the position. The Council’s evidence shows significant harm in both public realm terms and in townscape and visual terms. It is supported by the opinion of the design officer that the scheme is “**very harmful** from

⁴⁰³ CDL.02 Paraa 8.148 and 8.152

⁴⁰⁴ CDL.02 Para 8.147

⁴⁰⁵ Mr Marginson e-in-c

an urban design perspective"⁴⁰⁶. This harm should attract significant weight, along with the considerable importance and weight to be given to the heritage harm and leads to the planning balance coming down firmly against the scheme.

- 9.156 As to the benefits: (i) The contribution to meeting data centre need attracts moderate weight, as set out above; (ii) The construction and operational employment and economic benefits attract minimal weight given that, in respect of the construction benefits, they are short term and would arise on any development and, in respect of the operational benefits, the data centre will only support 15 FTE jobs; and (iii) Any increase in biodiversity and greening attracts minimal weight, given how modest the increase is.
- 9.157 Overall, there is conflict with the development plan read as a whole, and other material considerations do not indicate that a decision should be made otherwise than in accordance with the plan. That accords with the strong Officer recommendation against planning permission in this case, and the evidence heard subsequently has done nothing to indicate a different conclusion should be reached.
- 9.158 The Council says that no more than moderate weight should be attributed to the benefit of contributing to meeting need for data centre capacity, for the reasons set out above, but even if the weighting was increased to significant (which for the avoidance of doubt the Council says is unjustified) then the planning balance would still come down in favour of refusal, given the high level of townscape and heritage harm, and the failure to show that there are no other opportunities to meet that need in more appropriate areas of the City and Docklands.

Ely's Yard (Appeal C)

Townscape and Public Realm

- 9.159 Ely's Yard is a distinctive and vibrant open space, serving as a flexible, multifunctional area that supports market activity, cultural events and informal public use, including as a spill out space for visitors and attracting huge numbers of people at weekends. The immediate surroundings are characterised by predominantly full-plot developed buildings with little in the way of open setting. The yard offers a relief from that and provides an inviting sense of openness, adding character and positively contributing to the townscape. Historically, significant amounts of it were occupied by buildings, but that has not been the case for decades. Any development needs to recognise and respect its value in its present condition.
- 9.160 The appeal scheme does not do that. The proposed building is over-scaled. Currently, the buildings fronting the four sides of Ely's Yard are: 21m on the north side (the existing data centre); 19m on the east side; 19m on the south side; and 17m to 19m on the west side⁴⁰⁷. The proposed building, at

⁴⁰⁶ CDD.05 Section 5 (emphasis added)

⁴⁰⁷ CDM.06 Page 236

29m⁴⁰⁸ is almost 50% taller than any of those buildings, despite facing onto the same yard as them. It will feel overbearing and oversized by comparison.

- 9.161 The appellants draw attention to: Jack's Place at 26m, but that is set back to the south-west; and Block C at 30m, but that is set back to the north-east and does not front onto the yard.
- 9.162 There is little design rationale put forward in the appellants' evidence for the first and crucial step of extruding the building up to 29m. The approach again appears to be to build up to fractionally under the policy threshold of 30m, and/or to build up to the height of the tallest existing building in the Truman's Estate, rather than adopting a design-led approach which considers what is appropriate in the specific townscape context.
- 9.163 The Council's analysis of the adverse impact of this scale of building is compelling. From the west on Grey Eagle Street, there is the oppressive feeling of two 29m buildings on each side of the narrow street⁴⁰⁹. From the east, the view looking down Dray Walk is completely closed off⁴¹⁰. Whereas currently the open space of Ely's Yard can be appreciated, the sightline will be blocked, and any sense of permeability is lost with what will appear to be a modern office building that has no obvious relationship to the character of the Truman Estate around it. The impact when the viewer is closer to the building further west on Dray Walk, as illustrated⁴¹¹, is even more stark and discordant. From the south on Fournier Street and Wilkes Street⁴¹², the building will appear out of scale with the generally domestic and fine grain buildings in the foreground. The south elevation of the data centre in the current view, while plain and functional in appearance, is at least recessive. In any event, the policy test is not simply to provide an improvement on the existing baseline, but to optimise with high quality design. As with the data centre, the scheme may have suffered from the lack of external design review by the QRP.
- 9.164 The Appellant has sought to make a forensic point about the fact that a townscape, but not heritage, reason for refusal has been advanced on the Ely's Yard scheme. The point is without substance. On Ely's Yard, the Council⁴¹³ considered that there was some heritage harm, including because the overall scale of the proposed building is greater than would be preferable in heritage terms and it could be considered harmful in several views⁴¹⁴, but this was mitigated by the context of a large historic building in this location. Further, it was considered that there was also heritage benefit from the activation of the new pedestrian connection. Only on that basis was it concluded that "the overall impact of this building is neutral" in heritage terms, which was said to be a "finely balanced conclusion"⁴¹⁵. It is entirely

⁴⁰⁸ ID.10 Page 7

⁴⁰⁹ CDA.34 Views 31 and 33

⁴¹⁰ CDA.34 View 36

⁴¹¹ CDM.06 Page 195

⁴¹² CDM.08 Appendix B Views 41 and 42

⁴¹³ Through Mr Froneman

⁴¹⁴ CDA.34 Views 31, 33 and 41

⁴¹⁵ CDM.03 Para. 1.9

possible for a heritage expert to reach that on balance conclusion but a townscape expert to conclude that the impacts are harmful and not outweighed by other benefits. They are conducting different tasks and balancing exercise. In particular, whereas the existence of a large historic building on the site was a relevant consideration for one, that understandably would be of much less relevance for the other, who is more concerned with the current value and appearance of the site. More generally, heritage and townscape evidence is not a science, and differences across the two disciplines may vary. Complete uniformity in opinion might be as concerning as subtle differences, or maybe more so.

- 9.165 The Council's heritage witness was also right to resist the suggestion that his conclusion of the proposed building being "neutral" in heritage terms meant that the scheme should attract considerable importance and weight in the planning balance, on the basis that conservation is achieved. While the conservation of the heritage asset is to be given considerable importance and weight in general terms, a neutral position is not a beneficial outcome to weigh in the planning balance. Any other approach is entirely counter-intuitive.
- 9.166 The pedestrian connection proposal in Ely's Yard is also deficient from a design point of view. It comprises only two ungenerous 1.5m doorways which provide limited permeability and fail to take the opportunity to properly integrate Ely's Yard with Grey Eagle Street, which would have place-shaping benefits both by activating Grey Eagle Street and connecting Ely's Yard into the wider network of streets. The inadequacy of the approach is revealed by comparison with the appellants' own approach on the Truman East site, where the appellants explain how a network of passages and lanes is created, linking various yards and streets, and with virtually all the routes between 5m–8m wide, and certainly nothing as narrow as 1.5m⁴¹⁶. The Ely's Yard and Block A sites were not part of the masterplan and appear to have suffered as a result. It was said⁴¹⁷ that the new connection was a secondary route compared with the entrances to Ely's Yard from the south and east, but even the secondary routes on the main site are much wider and given the issues on Grey Eagle Street, it is crying out for something more substantial. The appellants have belatedly during the Inquiry offered up a condition (notwithstanding that this issue was raised clearly in the Council's statement of case in August) which would substitute a new plan for the existing one setting out the connection. If planning permission was to be granted, then the Council say that such a condition is certainly necessary in order to seek to improve this pedestrian connection, but it does not remove the Council's objection given the uncertainty over what any improved provision could look like (with no revised plan having yet been provided); and it of course does not deal with the concerns regarding scale and mass of the building.

Planning Balance

- 9.167 There would be clear conflict with townscape policy in the development plan and in the NPPF, by reason of the townscape harm set out in detail above:

⁴¹⁶ CDM.05 Page 234

⁴¹⁷ By Mr Morris

London Plan policies D3 (Optimising site capacity through the design led approach), D4 (Delivering good design) and D8 (Public realm), Local Plan policies S.DH1 (Delivering high quality design) and D.DH2 (Attractive streets, spaces and public realm), and NPPF paras. 131, 135 and 139 which stress the importance of good design.

- 9.168 As to the benefits: (i) The benefits of new market space and workspace, including affordable workspace, in the Ely's Yard building are recognised, but they do not need a building which is harmful to the townscape in order to house them. They fall well short of outweighing the harm. Further, as set out above in relation to the Truman East site, the weight to new commercial floorspace is reduced given the lack of any overall need for new commercial floorspace in LBTH, and an equivocal position in respect of the need for new commercial floorspace for SMEs; and (ii) The construction and operational employment and economic benefits attract minimal weight, as does any increase in biodiversity and greening, for the same reasons as set out in respect of the main site.
- 9.169 Overall, there is conflict with the development plan read as a whole, and other material considerations do not indicate that a decision should be made otherwise than in accordance with the plan.

The Listed Building Consent (Appeal D)

- 9.170 In respect of the listed building consent appeal, the Council does not object to the proposed works themselves and in the event that planning permission were to be granted on the Truman East appeal, the Council would not object to listed building consent also being granted, subject to the (now agreed) Grampian style condition preventing implementation of any of the works authorised by the consent until a planning permission for those works is granted.

Degree of Public Attendance and Community Concern

- 9.171 Some representations have been put into the inquiry which are in support of the scheme, although it should be recognised that they are all made by a small selection of existing tenants of the Truman Estate in support of arrangements which the proposals will help to perpetuate.
- 9.172 Those relatively few representations in support of the appeals sit in marked contrast to the number and nature of members of the public (in addition to the Rule 6 Party) who have attended this public inquiry and the depth of feeling and concern at these proposals which they have expressed. This has been a remarkable Inquiry from that point of view. We make this point because it is a feature that may not be obvious to the Secretary of State, notwithstanding that it will have been obvious to the Inspector conducting the Inquiry. These closing submissions therefore record this important feature of the Inquiry process.

Final Conclusion

- 9.173 For all the above reasons, the Council respectfully asks the Inspector to recommend refusal of the appeal schemes, and the Secretary of State to dismiss the appeals accordingly.

10. THE CASE FOR SAVE BRICK LANE (SBL)

Introduction

- 10.1 I repeat here (in the main) the case that was presented to the Inquiry by SBL in closing⁴¹⁸. To appreciate the case presented by SBL in its entirety, it is necessary to consider the various documents submitted to explain their case to the Inquiry⁴¹⁹ alongside the submissions from third parties (set out below) in support of their position⁴²⁰.
- 10.2 Save Brick Lane (SBL) is a grassroots campaign group, loosely formed of diverse community groups, charity groups, residents, and those who are connected to the Brick Lane area. The group has worked for many years to ensure community involvement in planning matters that affect their local environment. It has taken a leading role in assisting the community to engage with the Council on matters concerning the local area, including the Brick Lane Master Plan, the Brick Lane site allocation in the eLP, and the appeals at issue.
- 10.3 SBL came to this Inquiry to provide a voice to the community and to support the Council's case, set out in its putative reasons for refusal and its evidence before this Inquiry, that planning permission for each of the appeal schemes be refused. SBL's concerns related primarily to the design of the proposals; their failure to deliver housing; their impacts on townscape and heritage; and their economic, cultural and equality impacts. Despite its limited resources and the limited time it has had to prepare for this Inquiry, SBL hopes that at the close of the Inquiry it has demonstrated to the Inspector both the importance of Brick Lane and Banglatown to members of the local community, and the potential that these schemes have to cause harm in the local area.
- 10.4 These submissions will address the following topics: (a) what Brick Lane and Banglatown mean to the local community; (b) the needs of the local community; (c) the failure of the appeal schemes to deliver on those needs; and (d) the planning balance, and why planning permission should be refused.
- 10.5 SBL will invite the Inspector to recommend that the Secretary of State refuse planning permission for the proposals.

What do Brick Lane and Banglatown mean to the local community?

- 10.6 Brick Lane is a street that is famous both nationally and internationally. As Mr Rahman, the Mayor of Tower Hamlets, told this Inquiry: *People come from all around the world to this cobblestoned street, to take in the vibrant street art, to join a walking tour to learn about our rich history and to experience our*

⁴¹⁸ ID.29

⁴¹⁹ To be found throughout the Core and Inquiry Documents but CDI.06, CDM.10 to CDM.11, CDM.14 to CDM.20, ID.04, and ID.29, in particular

⁴²⁰ ID.22, ID.25, ID.33, ID.34, ID.37 and also CDM.12 and CDM.13

*cultural and culinary diversity - from the historic beigel shops which reflect the East End's Jewish heritage, to the Bangladeshi Curry Houses, in what has been dubbed the country's 'Curry Capital'*⁴²¹.

- 10.7 Brick Lane's attractiveness as a destination for visitors was evidenced by the success of the recently reinstated Brick Lane Curry Festival, which was attended by 20,000 people this year⁴²².
- 10.8 However, Brick Lane is more than just a tourist destination. It is home to a dedicated local community that has worked tirelessly to preserve and enhance its cultural and historic significance, including through their efforts at this Inquiry.
- 10.9 Spitalfields and Banglatown Ward has a special history of diversity and inclusion. It has acted as a safe haven for successive migrant communities fleeing persecution and seeking better lives, from the French Huguenots in the 17th Century, to the Eastern European Jews fleeing pogroms in the late-19th Century, to the Bengali community that resides in the area in significant numbers today⁴²³.
- 10.10 Brick Lane is a *breathing archive* that captures the resilience and reinvention of the area by waves of migrants⁴²⁴. In the words of one local resident, Brick Lane is made up of a *mosaic* of different communities from different walks of life, ethnicities, faith backgrounds, and non-faith backgrounds⁴²⁵. Brick Lane's diverse and immigrant history is written into the fabric of the Lane. This is best exemplified by the Brick Lane Mosque, on the corner of Brick Lane and Fournier Street, which sits in a building that previously served as a Synagogue to the Jewish community, and before that as a Huguenot Protestant Chapel⁴²⁶.
- 10.11 The Bengali community remains a significant part of Tower Hamlets. The 2021 Census showed that Tower Hamlets has the largest proportion (34.6%) of residents of Bangladeshi origin in England and Wales⁴²⁷. The cultural significance of Brick Lane to the Bengali community has been demonstrated at this Inquiry through the words of its residents, some of whom have lived in Banglatown for decades. In the words of Jalal Rajunuddin *Spitalfields and Banglatown Ward is known as the spiritual, cultural and heritage heart of the Bengali community in the UK*⁴²⁸. It is a place of *migration, resistance and resilience*, which the Bengali community has transformed into a *thriving hub of restaurants, shops, mosques, and community life*⁴²⁹. It is a *site of cultural memory and identity, especially for the Bangladeshi and immigrant*

⁴²¹ ID.22 Page 32 (the Statement of Mayor Rahman)

⁴²² ID.22 Page 32 (the Statement of Mayor Rahman)

⁴²³ CDM.14 Page AA65 (PoE Adam Almeida)

⁴²⁴ ID.22 Page 25 (statement of Dr Fatima Rajina, senior lecturer at the Stephen Lawrence Research Centre)

⁴²⁵ ID.22 Page 27 (statement of Abdul Kahar Ali).

⁴²⁶ Mr Forshaw e-in-c

⁴²⁷ CDM.15, Para 2.6 (PoE Saif Osmani)

⁴²⁸ ID.22 Page 5 (the Statement of Jalal Rajunuddin).

⁴²⁹ ID.22 Page 7 (the Statement of Cllr Asma Islam, Councillor for the neighbouring Weavers Ward).

*communities who have lived, worked, and built social networks there*⁴³⁰. Brick Lane is the first Banglatown in the global west and has since given rise to other Banglatowns in the USA, Europe, and the Middle East⁴³¹.

- 10.12 This population and its history gives the area a rich and unique cultural heritage. The importance of that heritage is reflected in the name of the ward itself, which was changed from 'Spitalfields' to 'Spitalfields and Banglatown' in 2002⁴³². It is also reflected in the Bengali street signs that adorn Brick Lane, the Banglatown arch at the southern end of the lane, the multi-cultural street art that adorns the area, and the streetlamps on Brick Lane that are painted in the green and red of the Bangladeshi flag. It is reflected in the iconic stretch of curry houses that runs along Brick Lane⁴³³. The history of those curry houses is well documented in Professor Claire Alexander's study *Beyond Banglatown: Continuity, change, and new urban economies in Brick Lane* (2020)⁴³⁴.
- 10.13 The Bengali community of Tower Hamlets has persevered for decades, even in the face of racial harassment and violence, building on the resilience of the waves of Huguenot and Jewish migrants that preceded them⁴³⁵. In the 1970s, the community mobilised against the racism of the National Front. In 1978 they organised a resistance movement known as the 'Battle for Brick Lane', following the racist murder of textile worker Altab Ali⁴³⁶. Generations of Bangladeshi families have since stayed in the area, fighting for recognition and belonging in the face of hardship⁴³⁷. Banglatown is *not just a historical footnote – it is a living story of resilience and renewal*⁴³⁸. Brick Lane's Bengali population has undoubtedly contributed to the economic and cultural vitality of the area; as one resident expressed, the prosperity of Brick Lane was *born from its people – from their homes, their kitchens, their workshops, and their streets*⁴³⁹.
- 10.14 Brick Lane is also a place that has inspired art – including the street art for which the area is famous – and poetry. During the second public session, we heard from Stephen Watts, a nationally and internationally recognised poet, who described Brick Lane as his *blood and [his] breath*⁴⁴⁰.
- 10.15 Brick Lane and its environs is also rich in more traditional forms of built heritage. The local community is committed to preserving that heritage. The Spitalfields Trust, formed in 1977, was established as part of a campaign by architects, architectural historians, and journalists to save the early Georgian

⁴³⁰ ID.22, Page 40 (the Statement of Dr Farhana Malique).

⁴³¹ CDM.15 Para 2.1 (PoE Saif Osmani)

⁴³² CDM.14, Page AA66 (PoE Adam Almeida)

⁴³³ CDM.15 Page SO26 (PoE Saif Osmani) and Page AA66 CDM.14 (PoE Adam Almeida)

⁴³⁴ CDM.14 Page AA62ff (PoE Adam Almeida)

⁴³⁵ ID.22 Page 3 (the Statement of Rafique Ullah); ID.22, p.10 (the Statement of Abdul Shukur Khalisadar, p.10)

⁴³⁶ ID.22, Page 4 (the Statement of Jalal Rajunuddin); and Page 41 (the Statement of Henna Khanom)

⁴³⁷ ID.22 Pages 7-9 (CIIR Islam); and ID.22 Page 9 (the Statement of Abdul Shukur Khalisadar)

⁴³⁸ ID.22 Page 10 (the Statement of Abdul Shukur Khalisadar)

⁴³⁹ ID.22 Page 10 (the Statement of Abdul Shukur Khalisadar)

⁴⁴⁰ Statement of Mr Stephen Watts (ID.33)

buildings of Spitalfields. It has undertaken many of its own projects to save, repair, and restore historic buildings in the area, and to achieve the best possible outcomes for major development sites. The contribution that the local community has made to the historic preservation of the area is recognised in the Brick Lane and Fournier Street Conservation Area (BLFSCA) Appraisal and Management Guidelines 2009, which expressly recognise that the quality of the townscape in the Conservation Area is in part due to a *committed local community which has acted to protect and restore historic buildings at risk*⁴⁴¹.

- 10.16 In short, Brick Lane acts not only as a nationally and internationally famous and vibrant destination for visitors, but also as the home and heart of the residents who live in the surrounding wards.

The needs of the local community

- 10.17 Housing: The single most pressing need of the local community, as the Inspector will have heard repeated numerous times during the course of this inquiry, is housing and social housing. For decades, ever since the proposed Community Development Plan of 1989⁴⁴², the local community has felt as though the promise of more housing on the Truman Brewery Estate is within grasp, and for decades they have been let down.
- 10.18 The critical need for more housing and affordable housing in Tower Hamlets is starkly illustrated by the following figures: (a) as of July 2025, 28,852 households in Tower Hamlets were on the housing waiting list; (b) 13,209 households in Tower Hamlets live in overcrowded conditions, with 2,668 living in severely overcrowded conditions; (c) 3,220 households in Tower Hamlets are living in temporary accommodation; and (d) 602 households in Tower Hamlets require rehousing due to medical needs⁴⁴³.
- 10.19 This demand must be seen against the backdrop of a rapidly growing population. According to the ONS, Tower Hamlets is the fastest growing local authority in the UK⁴⁴⁴. While there is therefore an acute need for low-cost rented homes in Tower Hamlets⁴⁴⁵, the Council is unfortunately failing to deliver the market and affordable housing it needs. The Council failed its latest Housing Delivery Test, meaning that it has been required to prepare an action plan to assess the causes of under-delivery, and to identify actions to increase delivery in future years, in accordance with paragraph 79(a) of the NPPF⁴⁴⁶.
- 10.20 The reality of what these figures mean for those living in Tower Hamlets has been vividly outlined in the words of its residents: *As a teenager I shared a bunk bed with my mother, my grandmother, and my sister. I joined the social housing waitlist in 2020. It is 2025 and I am no closer to accessing housing than I was 5 years ago. As Tower Hamlets Council regularly tells me,*

⁴⁴¹ CDE.09 Page 4

⁴⁴² ID.22 Appendix B

⁴⁴³ CDM.16 Page SM1

⁴⁴⁴ CDM.16 Page SM1.

⁴⁴⁵ CDM.16 Para 3.3.3 Page 6

⁴⁴⁶ CDM.16 Para 3.3.4 (PoE Seema Manchanda)

waiting lists can extend as long as 12 years⁴⁴⁷; My home is just not right. My house is infested with mould and mice, and it even has asbestos. I've been living in this condition for months. Several people in the house have asthma. I have been standing up for my rights continuously, I've stayed strong and fought. I am struggling with fibromyalgia, diabetes, and high blood pressure. We have one toilet for five of us and the house is too small. When my daughter has outbursts of her overwhelming autistic situation, there's no space and she doesn't feel safe. So she locks herself in the toilet⁴⁴⁸; We are a family, five persons, three children and two adults. My husband is disabled and we have a one bedroom home. When my husband wakes up in the night feeling sick or can't breathe, I haven't a space to sit with him, just the kitchen. We stay in the kitchen and the kitchen doesn't fit us together. I'll put [a] chair for him in the kitchen and I'll sit in the bathroom away from him⁴⁴⁹; I have just a small room for me and my son and my husband. It's very overcrowded. My husband sleeps on the floor because there is no space for my son's bed. The landlord locked the living room and rents it as a bedroom so there is no access to a living room in this house. The health visitor came to my house and sent a letter to the Council to say that this house is not suitable for a baby for their health, cognitive behaviour and development and there is no space for a baby to play or for movement. In my room there is a lot of mould. I'm trying to kill the mould every time, but it comes again. My son has pneumonia and an inflammation of the lung, and he was hospitalized⁴⁵⁰; and For the last 54 years every day we have been begging...Please help us....Please bless us...Living in Tower Hamlets, in an overcrowding situation, unless one lives here you won't understand...We don't have enough housing⁴⁵¹.

- 10.21 This is, therefore, a local population that is crying out for more and better housing.
- 10.22 Economic prosperity: The community of Spitalfields and Banglatown want to see development in the area that will allow local people, and locally-owned businesses, to prosper. As Abdus Shukur, a community elder, explained to the Inquiry, what the community wants *is small business units for local businesses along the frontage of Brick Lane, thus keeping the Brick Lane Bangla town identity rather than dissipating it by putting up...large scale shops that very few local people are able to use*⁴⁵².
- 10.23 Respect for culture and heritage: members of the local community want the culture and heritage of the area to be respected and protected. In particular they do not want to be forced out of the area⁴⁵³. As the Rule 6 Party's survey of the local community indicates, a majority is concerned about the potential for redevelopment to erase the cultural heritage and history of the area⁴⁵⁴.

⁴⁴⁷ ID.22 Page 41 (the Statement of Henna Khanom).

⁴⁴⁸ The Statement of Asma Rukia Ahmed (ID.33)

⁴⁴⁹ The Statement of Walaa Abdelbaky Eishikh Ahmed Ali Elsayy (ID.33)

⁴⁵⁰ The Statement of Rim Moustafa (ID.33)

⁴⁵¹ ID.22 Page 3 (the Statement of Rafique Ullah).

⁴⁵² ID.22 Page 2 (the Statement of Abdus Shukur).

⁴⁵³ ID.22 Page 5 (the Statement of Jalal Rajunuddin)

⁴⁵⁴ CDM.19 Pages 8-9 (Rebuttal PoE Saif Osmani)

- 10.24 Integration not exclusion: the local Bengali community wants to see development that removes the sense of exclusion from the Truman Estate that they have historically felt. Abdul Shukur Khalisadar, a local resident who was born in Banglatown in 1978, spoke powerfully to this Inquiry about his experience growing up in a flat that overlooked the eastern wall of the Truman Brewery. He described that wall as *a physical and psychological barrier that separated our overcrowded homes from acres of vacant land beyond*⁴⁵⁵. The local community wants to see development proposals that remove that barrier and serve the local community.
- 10.25 Members of the community and SBL are not 'NIBMYs'. They are not opposed to redevelopment of the appeal sites. To the contrary, they have actively participated in masterplanning exercises for the Main Site, both through the SPD and through SBL's alternative masterplan⁴⁵⁶. What the local community wants to see in this area is a responsible development that takes into account the community's needs, and is rooted in collaboration, respect, and long-term benefit for the community⁴⁵⁷.

The failure of the appeal schemes to deliver on the needs of the local community

- 10.26 SBL's case is that the proposals under consideration at this Inquiry are harmful and fail to deliver the type of development that is so desperately needed in the area. These closing submissions address the following harms: (a) a failure to deliver sufficient housing and associated design failures; (b) harm to designated and non-designated heritage assets; (c) townscape harms; (d) the economic harms and displacement caused by the appeal schemes; and (e) equality impacts and failure to deliver on the PSED equality objectives.

Housing, Land Use, and Design

- 10.27 In contrast to the Brick Lane and Pedley Street Site Allocation in the eLP, which would see up to 345 homes delivered on the Main and GES Sites⁴⁵⁸, the appeal schemes offer only 44 homes. This number includes 6 low-cost rented and 5 intermediate units. This equates to only 11% of the new development floorspace being provided as residential⁴⁵⁹. When considered together with the extant retail and office development that has already been consented on the Main Site⁴⁶⁰, this figure falls even lower as a proportion of developable land on these key brownfield sites. This is insufficient in the face of an acute national and local housing crisis and, as the R6 party identifies, represents a failure to make the best use of land or to optimise the site in accordance with Policy D3 of the London Plan⁴⁶¹.

⁴⁵⁵ ID.22 Page 9 (the Statement of Abdul Shukur Khalisadar)

⁴⁵⁶ ID.22 Pages 28-29 (statement of Faysul Ahmed) (the masterplan having been designed by Mr Burrell and referred to in CDM.17 and CDM.20)

⁴⁵⁷ ID.22 Page 7 (the Statement of Cllr Asma Islam).

⁴⁵⁸ CDF.06 Page 414.

⁴⁵⁹ CDM.10 Para 2.5

⁴⁶⁰ The Woodseer Street development described in CDL.01, p.40, paragraphs 3.13-3.18.

⁴⁶¹ CDM.16 Para 20.21 (PoE Seema Manchanda)

- 10.28 SBL therefore supports the Council's case that the development fails to optimise housing delivery on strategically significant brownfield sites. SBL also supports the Council's case that weight should be given to the eLP, and in particular site allocation 1.7 (Brick Lane and Pedley Street)⁴⁶², in the determination of these appeals. As has been explained, this is a site allocation that has been subject to numerous rounds of consultation, not only as part of the Regulation 19 process but also beforehand⁴⁶³. The type of development and land use that the allocation envisages on the appeal sites largely reflects the uses set out in the now-quashed Spitalfields and Banglatown SPD, on which the local community were consulted and to which they contributed. To fail to give weight to the views of the local community, as reflected in the allocation, would represent a democratic deficit⁴⁶⁴.
- 10.29 SBL's position is further that the failure of the appeal schemes to deliver more housing for members of the local community is reflective of the following wider failures in the design process: (a) the failure to properly engage the local community in the design of the schemes; (b) the failure to design the schemes inclusively; and (c) the failure to deliver high-quality public open space.
- 10.30 Failure of engagement early in the design process: As the appellants have rightly accepted⁴⁶⁵, engagement with the local community is an important aspect of good design. Paragraph 131 of the NPPF makes clear that good design is a key aspect of sustainable development, creating better places and making development acceptable to local communities. Paragraph 131 describes effective engagement as *essential* for achieving good design. The importance of engaging with local communities early in the design process is also reflected in National Planning Practice Guidance (NPPG)⁴⁶⁶. Notwithstanding this, none of the documentation before the Inquiry clearly explains how the views of members of the public were taken into consideration in the design process.
- 10.31 As SBL has explored over the course of this Inquiry, members of the community do not feel as though they were properly consulted or listened to by the appellants in the design of these proposals. In this regard, it is relevant that Tower Hamlets has a high proportion of residents (25%) who cannot speak English well or at all. While the appellants did rightly provide Bengali translations of consultation materials⁴⁶⁷, the unchallenged evidence of the Rule 6 Party is that there were issues with the appellants' Bengali translations, sometimes producing nonsensical results. As was explained, the consultation materials had not been translated colloquially, and the word-for-word dictionary translations used in the consultation materials likely would not have been understood by members of the Bengali community⁴⁶⁸. Similarly, several local people who visited the appellants' consultation events said that the Sylheti translator present did not appear to be familiar with the

⁴⁶² CDF.06

⁴⁶³ CDM.16 (PoE Seema Manchanda)

⁴⁶⁴ CDM.18 Para 3.3 (Rebuttal PoE Seema Manchanda)

⁴⁶⁵ Messrs Yeoman, Morris and Marginson in x-e

⁴⁶⁶ CDE.02 NPPG 'Design: process and tools' Para: 019 Reference ID: 26-019-20191001

⁴⁶⁷ See the SCI CDA.28 and CDM.14 Page AA101 (PoE Adam Almeida)

⁴⁶⁸ Dr Tanzil Shafique e-in-c

Appeal Schemes⁴⁶⁹. The appellants do not appear to have taken any steps to ask the local community whether its consultation materials had been understood by the Bengali community.

- 10.32 These failures to effectively engage the local community early in the design process cannot be rectified retrospectively by reliance upon the statutory planning consultations that have taken place since the submission of the planning applications. By the time that later engagement took place, the design of the schemes had already been fixed. The ineffectiveness of the appellants' consultation events may go some way to explaining why the appeal schemes fail to reflect both the needs and identity of large sections of the local community in the ways explained below.
- 10.33 Failure to meet the needs of the local community: the appeal schemes have not been designed to deliver on the community's most pressing need: housing. This is not because such a design cannot be accommodated on the site. The community masterplan⁴⁷⁰, which was designed in collaboration with local people, is residential-led. Rather, it is because the appellants chose, before even engaging with the local community, that its brief would not involve any significant quantum of housing⁴⁷¹. The resulting provision of only 44 homes as part of the scheme with only 6 low-cost rented homes has therefore been seen as *an insult to the local community*⁴⁷².
- 10.34 To make matters worse, as has been explained the design of the appeal schemes is such that it would be very difficult for the proposals, once built out, to ever be converted to residential use. The building floorplates are not adaptable and will not comply with current residential design standards such as avoiding single aspect, providing adequate light and amenity space, and safe access in the case of fire⁴⁷³. As was confirmed, no modelling work has been carried out for blocks 3, A and Ely's Yard to see whether they could deliver residential units in the future⁴⁷⁴. The appeal sites (save for Block J) will therefore be lost as an opportunity to deliver housing for the lifetime of the appeal schemes.
- 10.35 Failure to reflect local character and identity: Paragraph 135(c) of the NPPF requires development to be sympathetic to local character and history. The National Design Guide (NDG) provides that well-designed new development will respond positively to the features of a site and its surrounding context, including non-physical features such as the *aspirations, concerns and perceptions of local communities*⁴⁷⁵. Well-designed development will have positive and coherent identities that everyone can identify with, including residents and local people⁴⁷⁶.

⁴⁶⁹ CDM.15 (PoE Saif Osmani)

⁴⁷⁰ CDM.17 Paras JB1-JB5.

⁴⁷¹ CDM.17 (PoE Mr Burrell) and Messrs Morris, Henley and Marginson in x-e

⁴⁷² CDE.01.

⁴⁷³ CDM.17 Page 10 Para 5.17 (PoE Mr Burrell)

⁴⁷⁴ Mr Morris in x-e

⁴⁷⁵ CDE.03 Para 41 Page 11

⁴⁷⁶ CDE.03 Para 50 Page 14

- 10.36 Taking the design proofs of evidence and design and access statements together, the appellants have submitted to this Inquiry a total of 1,516 pages of design documentation. In these documents, the scheme architects purport to document a *forensic* analysis of the character and history of the Brick Lane area⁴⁷⁷. Despite these apparently forensic analyses, there is a striking lack of any discussion of the well-documented contribution made by the Bangladeshi and wider immigrant communities to the physical and cultural fabric and vitality of Brick Lane. It is unsurprising in light of this that both the Rule 6 Party and members of the local community see the appeal schemes as corporate, generic, and not reflective of the intangible multicultural heritage of the area⁴⁷⁸. As one local resident expressed, the 'campus' style of the scheme masterplan will simply represent another example of the encroachment of the City of London into the East End⁴⁷⁹. The schemes therefore clearly fail to adhere to both the spirit of the National Design Guide and paragraph 135(c) of the NPPF.
- 10.37 Inclusive design: The schemes' lack of inclusivity is further reflected in failures to adhere to London Plan policy D5 (Inclusive Design). The DAS for Block J⁴⁸⁰, for example, fails to adhere to policy D5(C), which requires design and access statements submitted as part of development proposals to include an inclusive design statement⁴⁸¹. As the London Plan makes clear, inclusive design is indivisible from good design. Inclusive design statements should explain how inclusive design has been incorporated into design concepts, and show that the potential impacts of the proposal on people and communities who share a protected characteristic, which in this case includes the Bangladeshi community, and who would be affected by it have been considered⁴⁸². In the present case, it seems as though this exercise did not take place as it should have done.
- 10.38 Public open space: Finally in respect of design, the proposed opening up of the main site fails to take advantage of the opportunity presented by the vast amounts of open space on the existing site to deliver high-quality public realm⁴⁸³. As was explained, the new public spaces and routes included in the Appeal Scheme are deficient⁴⁸⁴. Cooperage Yard will be only 20m at its widest, flanked by the 29m height of Block 2. The scale of Chimney Yard is similarly disappointing, and the space will be bordered by Blocks 2 (29m) and 3A (29m). Cooperage Passage is only 5 metres wide and will be dwarfed on either side by Blocks 3A (29m) and 3B (28m), which will present mostly 'dead' frontages to the passage⁴⁸⁵. Block 2 will rise 29m sheer on the south side of Chimney Lane⁴⁸⁶. These will not be attractive spaces for the use of the local community.

⁴⁷⁷ CDM.05, CDM.06, CDM.26, CDM.28; CDA.03, CDA.04, CDA.05, CDA.06, CDA.07, CDA.08, CDA.09; CDB.02 and CDC.02

⁴⁷⁸ CDM.11 Para 3.3.2 Page 5 (PoE Tanzil Shafique)

⁴⁷⁹ ID.22 Page 16 (the Statement of Lucy Rogers)

⁴⁸⁰ CDA.07

⁴⁸¹ CDE.04 Page 122

⁴⁸² CDE.04 Pages 122-3 Paras 3.5.1 and 3.5.3

⁴⁸³ Mr Burrell e-in-c

⁴⁸⁴ CDM.10 Para 5.39 (PoE Alec Forshaw)

⁴⁸⁵ CDM.10 Para 5.39 (PoE Alec Forshaw)

⁴⁸⁶ CDM.10 Para 5.46 (PoE Alec Forshaw)

- 10.39 Compounding this is the fact that the appeal sites are proposed to be gated at night, contrary to Local Plan Policy D.DH2(2)(f)⁴⁸⁷. Gates will therefore be visible at the entries to the three sites, acting as a visual signifier that the appeal sites are private land. These spaces will not be inviting or attractive to members of the public.
- 10.40 In summary, the proposals fail to adhere to national, regional and local planning policy on design. SBL therefore supports the Council's position that the proposals should be refused on design grounds.

Heritage

- 10.41 As has been demonstrated, the proposals will cause heritage harm to the following designated and non-designated heritage assets: (a) the BLFSCA; (b) Christ Church Spitalfields (Grade I listed); (c) the Boiler House (Grade II listed); (d) No.35 Buxton Street (Grade II listed); and Block N.
- 10.42 The BLFSCA: As the appellants have agreed, the BLFSCA is a highly significant heritage asset⁴⁸⁸. As the Conservation Area Appraisal and Management Guidelines explain, the area is one of the most important historic areas in London, containing some of the most architecturally and historically significant buildings in Tower Hamlets⁴⁸⁹. The exceptional group of 18th Century houses around Fournier Street comprise the most important early Georgian quarter in England and includes Nicholas Hawksmoor's Grade I listed Christ Church Spitalfields⁴⁹⁰. As was accepted, the conservation area is also of cultural significance due to the unique history of migration to the Brick Lane area described above⁴⁹¹. This is expressly recognised in the Conservation Area Appraisal, which sets out the history of migration to the area. The high importance of the BLFSCA increases the weight that the SoS should give to its conservation, in line with paragraph 212 of the NPPF.
- 10.43 SBL supports the Council's case that the Block A, Masterplan (the main site) and Block J proposals will cause less than substantial harm to the BLFSCA. SBL agrees with the careful and detailed assessment of the Council's heritage witness that the heritage benefits of the appeal scheme should be given only limited weight.
- 10.44 SBL also considers that appeal schemes will cause harm to the BLFSCA in a number of ways.
- 10.45 First, Blocks 3A and 3B will harm the BLFSCA by detracting from views of the iconic Grade II listed Boiler House chimney. The chimney is a local landmark in the Conservation Area, and the Conservation Area Management Guidelines provide that views towards it from publicly accessible locations should be protected⁴⁹². As was explained, the chimney is currently an *exceptionally dominant* feature in views towards the Main Site from Allen Gardens⁴⁹³. From

⁴⁸⁷ CDF.01 Page 46; see also paragraph 3.6.8 of the London Plan CDE.04 Page 129

⁴⁸⁸ CDM.10 Para 4.11 Page 8 (PoE Alec Forshaw) and Mr Dunn in x-e

⁴⁸⁹ CDE.09 Page 4

⁴⁹⁰ CDE.09 Page 4

⁴⁹¹ Mr Dunn in x-e

⁴⁹² CDE.09 Page 19.

⁴⁹³ CDA.34 Page 104 (View 7).

the gardens, the low-lying nature of the conservation area to the east of Brick Lane is apparent, and the chimney is the dominant feature up to the distant skyscrapers on the horizon. Once built out, Blocks 3A and 3B will clearly reduce the dominance of the chimney when viewed from Allen Gardens.⁴⁹⁴ This will reduce its status as a landmark, harming the character and appearance of the Conservation Area. Moreover, the Rule 6 party's heritage witness is the only heritage expert to have considered fully the views of the chimney from the public thoroughfare of Buxton Street. As will have been seen from the site visit, these views of the chimney from the east are far-reaching and continuous; the longest unbroken view of the chimney from any direction. These views will be either obscured or completely lost as a result of proposed Block 3⁴⁹⁵. The masterplan therefore fails to preserve publicly accessible views of the Boiler House chimney, as is required by the Conservation Area Management Guidelines, harming the character and appearance of the Conservation Area.

- 10.46 Second, the Ely's Yard development will also harm the BLFSCA. The proposals lead to an encroachment of large-scale industrial development along Wilkes Street, into a part of the Conservation Area approaching Fournier Street that all parties accept is currently characterised by low-lying, well-preserved Georgian terraces⁴⁹⁶. This encroachment is evident from View 23 of the HTVIA⁴⁹⁷, and views 41 and 42⁴⁹⁸. Moreover, southward views of the landmark Christ Church Spire on Wilkes Street will clearly be diminished or obscured by the Ely's Yard development, as will views of the spire from Grey Eagle Street. This is apparent when views 33⁴⁹⁹ and 35⁵⁰⁰ of the HTVIA are compared with Mr Forshaw's photographs 7-9⁵⁰¹ and 22-29⁵⁰². During the site visit, it was also noticed that glimpsed views of Christ Church can be seen from Allen Gardens and Spital Street, and these views will also be occluded by the proposals. As with the Boiler House chimney, the Christ Church spire is recognised as a defining landmark of the Conservation Area⁵⁰³. The Management Guidelines provide that views towards it from publicly accessible places should be protected, as well as referring to glimpsed views of the spire⁵⁰⁴. The Ely's Yard development fails to protect public views of the spire, thereby harming the character and appearance of the BLFSCA.
- 10.47 Third, the appeal scheme has the potential to displace members of the local Bengali community, as will be explored further below. This is not just a socio-economic issue, but also a heritage concern. As the High Court has made clear, the character and appearance of conservation areas is not to be judged

⁴⁹⁴ CDA.34 Page 107 (View 7).

⁴⁹⁵ CDA.34 Views 10-12 Page 122 onwards; see also CDM.10 (PoE Alec Forshaw) AF10 onwards.

⁴⁹⁶ Dunn in x-e

⁴⁹⁷ CDA.34 Page 191.

⁴⁹⁸ CDM.08 Pages 238-243 (PoE Ms Killilea)

⁴⁹⁹ CDA.34 Page 221.

⁵⁰⁰ CDA.34 Pages 230-233.

⁵⁰¹ CDM.10 Pages AF7-AF9 (PoE Alec Forshaw)

⁵⁰² CDM.10 Pages AF22-AF29 (PoE Alec Forshaw)

⁵⁰³ CDE.09, Pages 13 and 19

⁵⁰⁴ CDE.09 Pages 8 and 19

solely by reference to the historic built fabric of the area⁵⁰⁵. In this case, the rich history of Banglatown and the cultural heritage and memory of the Bengali community, is an important aspect of the character of the BLFSCA. The potential economic displacement of the Bengali community would therefore represent a heritage harm for the purposes of s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 10.48 The view of SBL, in light of these additional harms to the BLFSCA identified above, is that the proposals would cause a medium/high degree of less than substantial harm to the BLFSCA. In light of this, there is a strong statutory presumption against granting planning permission for the appeal schemes⁵⁰⁶.
- 10.49 Christ Church Spitalfields: Christ Church Spitalfields is a Grade I listed building. While it is an important landmark in the BLFSCA, any harms to the setting of the listed building must therefore also be separately weighed in the planning balance, in accordance with s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.50 Christ Church is a listed building of the highest significance. It is one of London's most important early 18th century buildings⁵⁰⁷. According to Pevsner, it is *the most overpowering of Hawksmoor's three great Baroque churches of the East End, with a mighty tower and spire dominating views from the West*⁵⁰⁸. The Conservation Area Appraisal describes it as *one of the most significant Baroque churches in Europe*⁵⁰⁹. Despite this, and despite the proximity of the schemes to Christ Church, the appellants' evidence gives no separate consideration to the impact of the appeal schemes on the Church. Nor does the appellants' evidence include any analysis of how views of the spire contribute to the extent or importance of the setting of the listed building, or how that setting contributes to the significance of the Church.
- 10.51 The position of SBL is that views of the spire, and hence the setting of Christ Church, clearly do form a major part of the significance of the listed building⁵¹⁰. The Christ Church spire and tower were importantly not designed only to be seen from locations which, today, are better known, such as from Brushfield Street to the west of the Church. To the contrary, they were designed to be seen, and to be viewed as local landmarks from all directions. This is apparent from the square base of the spire, which has clock faces on each side⁵¹¹. The distinctive spire has been one of the most important landmarks in the area for nearly 300 years. Views of the spire are important to the setting and significance of the Church, enabling its significance to be appreciated in the wider Spitalfields area.
- 10.52 As outlined above in relation to the Conservation Area, the Ely's Yard proposals will obscure views of the spire both from Wilkes Street and Grey

⁵⁰⁵ *R (Historic Buildings and Monuments Commission for England) v Milton Keynes Council* [2019] JPL 28 at [63]

⁵⁰⁶ *Barnwell Manor Wind Energy Ltd v East Northamptonshire DC* [2015] 1 WLR 45

⁵⁰⁷ CDM.10 Page 6 Para 4.3 (PoE Mr Forshaw)

⁵⁰⁸ CDM.10 Page AF33 (PoE Alec Forshaw)

⁵⁰⁹ CDE.09 Page 8

⁵¹⁰ Mr Forshaw e-in-c

⁵¹¹ Mr Forshaw e-in-c

Eagle Street. It was suggested that these views of Christ Church were not designed views, as an even bigger building would originally have been on the Ely's Yard site than currently is proposed⁵¹². This suggestion is simply wrong, not only because the church was designed to be viewed from all sides, but also because the appellants' own historic evidence shows that in the 19th Century, the Ely's Yard site was occupied by a three-storey bottling store (compared to the 6 storeys proposed) and surrounded by residential terraces⁵¹³.

- 10.53 Views of the tower and spire from Wilkes Street and Grey Eagle Street cannot be dismissed as 'incidental'. These streets, originally laid out in the early 18th century with housing, have always enjoyed views of Christchurch. While 20th century development has encroached on these views, those that remain are important. Given that the Ely's Yard proposals will obscure views of the spire, SBL's case is that the development will harm the setting and therefore the significance of Christ Church. Christ Church is a heritage asset of such high status that any harm to its significance must be given very great weight under Paragraph 212 of the NPPF.
- 10.54 The Boiler House: Harms to the Grade II listed Boiler House, on which the Truman Brewery chimney sits, must also be separately weighed in the planning balance. As was set out, the chimney, while clearly serving a functional purpose, was also designed to be seen and experienced as a distinctive landmark and an advertisement for the Brewery in the low-lying surrounding area⁵¹⁴. This is evident from the 'Truman' white tiled lettering that adorns the chimney⁵¹⁵. SBL's evidence is that views of the chimney from the north and east, including from Allen Gardens and Buxton Street, do form part of the setting of the listed building⁵¹⁶. The harm caused by Blocks 3A and 3B to those views should therefore be given great weight in the planning balance. Harm to the setting of the Boiler House will also be caused by the demolition of the Buxton Street boundary wall and Block N structures, which is explored further below⁵¹⁷.
- 10.55 35 Buxton Street: 35 Buxton Street is another Grade II listed building which sits on the northern side of Buxton Street, enclosed by Allen Gardens. It is described by Pevsner as a *demure, three-storey former Vicarage*, and it was once associated with the now-demolished All Saints Church⁵¹⁸. The appellants' HTVIA assesses the setting of the building as making no contribution to its significance, based on the incorrect assertion that no other structures associated with the former vicarage survive.⁵¹⁹ As was explained in evidence, associated structures do survive, notably the former church school that sits next to the vicarage. Similarly, remnants of the cobbled streets that once surrounded vicarage can be seen around Allen Gardens. The history of

⁵¹² Mr Forshaw x-e

⁵¹³ CDM.06 Page 138 (PoE Mr Morris)

⁵¹⁴ Mr Forshaw e-in-c

⁵¹⁵ CDM.10 Page 7 (PoE Alec Forshaw)

⁵¹⁶ Mr Forshaw e-in-c

⁵¹⁷ CDM.10 Pages 19-20 Para 5.52

⁵¹⁸ CDM.10 Page 7 Para 4.9 (PoE Mr Forshaw)

⁵¹⁹ CDA.34 Page 63.

the site is there; one simply needs to understand it and look for it⁵²⁰. The appellants do not appear to have done so. As has been identified, the modest scale of the vicarage building will be overpowered by the proximity and scale of Block 3B. The setting and significance of the listed building will therefore be harmed⁵²¹.

- 10.56 Block N: The workshops comprising Block N of the development run along the northern edge of the Main Site⁵²². They are physically adjacent to the boundary wall that acts as a barrier between the main site and Buxton Street. These workshops are in beneficial use, including as a long-established joinery workshop, with access from the yard and windows onto Buxton Street. The Council's heritage witness has described these workshops as being a *remnant of the former cooperage building along the north...[which] retains some C19 character and represents part of the development of the brewery in its heyday*⁵²³. SBL agrees with this assessment and also considers these structures to be sufficiently significant that they should be treated as a non-designated heritage asset by the Secretary of State⁵²⁴. The appellants are proposing to demolish the boundary wall and associated Block N structures entirely.
- 10.57 All the heritage experts who have considered the main site, save for appellants', agree that Block N and/or the Buxton Street boundary wall contribute to the character and appearance of the BLFSCA and/or the setting of the listed Boiler House.
- 10.58 In its assessment of the main site application (now Appeal B), Historic England (HE) advised that the Buxton Street boundary walls and ancillary structures do preserve the enclosed industrial character of the Brewery and the legibility of its historic boundary⁵²⁵. HE concluded that some harm would result from the loss of the boundary wall and ancillary structures⁵²⁶.
- 10.59 In its consultation response to a 2012 planning application made on the main site, HE (then English Heritage) advised the Council that the proposed demolition of the Buxton Street boundary wall would be unfortunate. HE considered the boundary wall to be sufficiently important that conditions to secure its accurate rebuilding should be attached to any planning permission issued⁵²⁷.
- 10.60 In its consultation responses to a later 2016 planning application on the Main Site – at which time it should be noted that the appellants' heritage witness was HE's Team Leader in the London Region, and was therefore accountable for the advice given in the letter⁵²⁸ – HE sent two letters to the Council

⁵²⁰ Mr Forshaw e-in-c

⁵²¹ CDM.10 Page 16 Para 5.32 (PoE Mr Forshaw)

⁵²² CDM.10 Page AF4 (PoE Mr Forshaw)

⁵²³ CDM.03 Page 92 (PoE Mr Froneman)

⁵²⁴ Mr Forshaw e-in-c

⁵²⁵ CDD.24 Page 2

⁵²⁶ CDD.24 Page 5

⁵²⁷ ID.12 Page 2

⁵²⁸ CDM.07 Para 1.2 (PoE Mr Dunn) and Mr Dunn e-in-c

advising that the 19th Century Block N workshops contributed positively to the character of the Conservation Area⁵²⁹.

- 10.61 The GLA, advising on the present application, advised that the Buxton Street boundary wall is intrinsic to the character of the former brewery, and that harm would therefore be caused to the listed Boiler House by its demolition⁵³⁰.
- 10.62 The Council's officers, advising members on the planning applications, concluded that the demolition of the existing Buxton Street boundary wall would harm the BLFSCA⁵³¹.
- 10.63 The appellants' heritage witness has advanced no credible reason why the Secretary of State should depart from the advice of HE in this case, particularly when that advice has been mirrored in the conclusions of others. No reason has been offered as to why his views on Block N and the boundary wall have changed since 2016. As the appellants' heritage witness volunteered, no historic research into Block N has been carried out⁵³². Nor have the appellants made Block N accessible to its own heritage expert to assess its archaeological significance or to rebut the views of all the other heritage experts who have considered the main site, despite the proposals involving the total loss of Block N⁵³³. The suggestion that it would be *irrational* to treat Block N as a building which positively contributes to the character and appearance of the conservation area, or is not a non-designated heritage asset, cannot therefore be treated with any seriousness⁵³⁴. It is concerning that an experienced heritage expert saw fit to invite the Secretary of State to make such a finding.
- 10.64 In the absence of any credible competing analysis of the significance of Block N and the boundary wall by the appellants, SBL invites the SoS to treat Block N as a non-designated heritage asset for the purposes of paragraph 216 of the NPPF. Its total loss should be given great weight, as should the harm its loss (together with the boundary wall) will cause to the BLFSCA and the setting of the listed Boiler House.
- 10.65 Historic Setts: SBL has produced photographs of historic setts that previously covered extensive parts of the main site yard before their removal by the appellants in 2020⁵³⁵. These images clearly contradict the appellants' suggestion that the concrete surface proposed for Chimney Yard would be *entirely appropriate and contextual* to the main site⁵³⁶. The failure to restore those setts more extensively across the main site represents a failure to enhance or better reveal the significance of the Conservation Area (NPPF paragraph 219).

⁵²⁹ ID.13 Pages 1-2 and ID.14

⁵³⁰ CDD.01 Para 40 Page 10

⁵³¹ CDL.01 Para 7.261 Page 110

⁵³² Mr Dunn e-in-c

⁵³³ Mr Dunn x-e

⁵³⁴ Mr Dunn e-in-c but in x-e Mr Dunn sought to suggest that he had only said that it would be irrational to treat Block N as a non-designated heritage asset.

⁵³⁵ CDM.10, Page 7 Para 4.5 and AF1-5 (PoE Mr Forshaw)

⁵³⁶ CDM.08 Para 7.25 (PoE Ms Killilea)

- 10.66 In summary, the appeal schemes will together cause harm to numerous designated and non-designated heritage assets. These harms should separately be afforded great weight by the SoS, in line with national policy and statute.
- 10.67 Finally, it has been suggested that similar levels of harm would be caused to heritage assets should SBL's masterplan, or a similar residential-led scheme, be delivered. This argument is wrong. SBL's scheme would, for example, retain Block N, and therefore allow more views of the Boiler House chimney from Buxton Street. The proposed housing blocks are more fragmented and broken up, reflecting the finer grain of the BLFSCA⁵³⁷. In any case, both SBL's masterplan and the emerging Brick Lane and Pedley Street Site Allocation are starting points that would require further work in order to ensure that heritage impacts are minimised.

Townscape

- 10.68 SBL supports the Council's case that the three development proposals will be harmful in townscape terms. SBL also invites the SoS to take into consideration two further matters.
- 10.69 First, the appellants' assessment of the historic development of, and current townscape character of, the area surrounding the Appeal Sites is misleading. The area is described as historically having had a *predominant industrial and commercial character*⁵³⁸. This is not a description of the area that SBL recognises, nor is it borne out by evidence of current or historic uses of the buildings within TCA A (Brick Lane). Both historic and current mapping show the area as being characterised by a mix of residential and commercial uses existing side-by-side. Even on the main brewery site, residential uses persisted on the northeastern corner until the mid-19th century⁵³⁹. Terraced houses are still shown on the 1945 OS map of the site, both north and south of the Cooperage occupying the west side of Spital Street⁵⁴⁰. Houses remained along the north side of Woodseer Street until the 1970s. The main site is therefore currently an anomaly. A better way to resolve the detachment that the appellants identify⁵⁴¹ between the mixed character of Brick Lane and the more residential TCA C (Whitechapel) would be to reintroduce residential uses and a residential character to the main site.
- 10.70 Second, existing publicly accessible views of Christ Church spire and the Boiler House chimney are clearly of townscape as well as heritage value. This is apparent from the Appellants' HTVIA itself. The only adverse visual impact identified in the HTVIA is in relation to view 32, in which the appeal schemes will obscure an extremely glimpsed view of the Christ Church spire from a currently degraded vantage point on the junction between Quaker Street and Quaker Court⁵⁴². The impact of the proposed development on views of the

⁵³⁷ Mr Forshaw e-in-c

⁵³⁸ CDM.08 Para 4.27 Page 20 (PoE Ms Killilea)

⁵³⁹ See the historic mapping included at CDM.05 Page 39 (PoE Mr Yeoman), and current use mapping at CDM.05 Pages 56-57

⁵⁴⁰ CDA.34 Fig.4.22 Page 24

⁵⁴¹ CDM.08 Para 4.27 Page 20 (PoE Ms Killilea)

⁵⁴² CDA.34 Pages 218-220

Christ Church Spire and the Truman Brewery Chimney, described above, should therefore also be considered by the SoS in the assessment of the townscape impacts of the proposals and given far greater weight than the loss in view 32.

Economic Impacts and Displacement

- 10.71 The appeal schemes will have the harmful effect of displacing local people and businesses from the Brick Lane area.
- 10.72 SBL's evidence has highlighted the fragility of the small business ecology in the Brick Lane area. Part of this fragility comes from the ownership structure of the units from which Brick Lane's small businesses and restaurants operate. In 2020, the *Beyond Banglatown* report found that the majority of units on Brick Lane are independent (91%), and most proprietors rent their premises (86%)⁵⁴³. They are therefore particularly vulnerable to rent increases. As the research revealed, the cost of property on Brick Lane was a key issue for restaurant owners. In 2020, average property prices in the Brick Lane area were 20% above the London average and were continuing to rise, making freehold purchase of properties almost impossible⁵⁴⁴.
- 10.73 The *Beyond Banglatown* research identified that, as a result of these and other pressures, there had been a severe decline in the number of Bengali curry houses on Brick Lane. The number of curry restaurants on Brick Lane dropped from 35 in 2014 to 20 in 2019⁵⁴⁵. This decline coincided with large-scale shifts in investment around Brick Lane, despite the increased footfall that would presumably have accompanied such investment⁵⁴⁶.
- 10.74 The testimonies of local people before this Inquiry suggest that the difficulties experienced by local business owners have not improved since 2020. For example, during his 2021-22 study one restaurateur said that *[o]ver the last three years profit has declined by about 20% and that's mainly because the rent has gone up 50%. Business rates have gone up too – about 25%. Nowadays you can't save a single penny*⁵⁴⁷. As of 29 September of this year, 56% of respondents to a survey of local residents, which began on 8 September 2025, identified *gentrification and rising rents* as being one of their main concerns around the Truman Brewery redevelopment⁵⁴⁸.
- 10.75 Deprivation in the local community extends beyond just the fragility of the local small business ecosystem. Tower Hamlets is home to the highest proportion of Bangladeshi residents in the UK. According to DWP figures, Bangladeshi and Pakistani adults have the lowest employment rate of any ethnic group in the UK⁵⁴⁹. The poverty rate among Bangladeshi working adults is 45%, and 60% of Bangladeshi children live in poverty⁵⁵⁰. Less than 5% workers from Bangladeshi and Pakistani backgrounds are in the top

⁵⁴³ CDM.14 Page AA75 (PoE Adam Almeida)

⁵⁴⁴ CDM.14 Page AA80 (PoE Adam Almeida)

⁵⁴⁵ CDM.14 Page AA77 (PoE Adam Almeida)

⁵⁴⁶ CDM.14 Pages AA75-AA76 (PoE Adam Almeida)

⁵⁴⁷ CDM.11 Para 3.1.1 (PoE Tanzil Shafique)

⁵⁴⁸ CDM.19 Page 9 (Rebuttal PoE Saif Osmani)

⁵⁴⁹ CDM.14 Page AA49 (PoE Adam Almeida)

⁵⁵⁰ CDM.14 Page AA36 (PoE Adam Almeida)

income quintile⁵⁵¹. In 2019, Spitalfields and Banglatown ward was ranked as the most deprived ward in London on the Index of Deprivation⁵⁵².

- 10.76 It is perhaps unsurprising that one of SBL's witness' research for the Runnymede Trust has therefore identified high levels of displacement in Tower Hamlets. *Pushed to the Margins* carried out a quantitative analysis of 'gentrification', in London. The metric was based on the population churn (i.e. the number of households that changed in the area) during the study period; the change in ethnicity of the area; decreases in deprivation levels; and increased house prices⁵⁵³. Put simply, a higher metric score showed that during the study period there had been more displacement in the area, decreases in ethnic diversity, and above-average house price rises. In the study, Tower Hamlets received the highest metric score of any London Borough⁵⁵⁴. Dr Fatima Rajina, a senior lecturer at the Stephen Lawrence Research Centre, De Montfort University, spoke to the Inquiry of a similar analysis by the Trust for London, which identified Spitalfields as being in the top three most gentrified neighbourhoods in London⁵⁵⁵. These analyses support the testimonies of local residents who have spoken to the outward pressures that they feel as a result of rising rents.
- 10.77 The *Beyond Banglatown* report recommended that the planning system recognise the hidden social and economic costs of regeneration and global investment in East London, in particular recognising the punitive nature of spiralling property rates and rental costs for small-scale street businesses. This is a recommendation that aligns with the spirit of the London Plan Good Growth objectives, which define 'good growth' as growth that is socially and economically inclusive⁵⁵⁶. As London Plan policy GG1 recognises, good growth is inclusive growth, which builds on the city's tradition of openness, diversity and equality. Those involved in planning and development must, according to GG1(D), ensure that everyone is able to benefit from economic and other opportunities to ensure that London is a fairer, more inclusive and more equal city. Policy GG5 makes clear that economic success should be shared amongst all Londoners, requiring those involved in planning and development to seek to ensure that the benefits of economic success are shared more equitably across London.
- 10.78 As was explained, these development proposals do have the potential to increase property prices in the Brick Lane area, while failing to deliver the housing that the local community needs. The potential for large-scale development proposals such as those under consideration to increase rents is not controversial, and has been recognised in the residential context both by CBRE⁵⁵⁷ and the appellants' own equality analysis⁵⁵⁸. As experts from UCL's Bartlett Development Planning Unit stated in 2024, in a letter written in support of SBL, commercial rents typically track these wider property and

⁵⁵¹ CDM.14 Para 2.3.1 Page 6 (PoE Adam Almeida)

⁵⁵² CDM.16 Para 3.7.2 Page 16 (PoE Seema Manchanda)

⁵⁵³ CDM.14 Page 138ff (PoE Adam Almeida)

⁵⁵⁴ CDM.14 Page AA149 (PoE Adam Almeida)

⁵⁵⁵ ID.22 Pages 25-26 (Statement of Dr Fatima Rajina).

⁵⁵⁶ CDE.04 Para 1.0.1 Page 11

⁵⁵⁷ CDM.14 Para 2.6.1 Page 8 and Pages AA136-AA137 (PoE Adam Almeida)

⁵⁵⁸ CDA.20 Page 34.

land value trends⁵⁵⁹. SBL's evidence suggests that displacement may be worse in opportunity areas such as the City Fringe/Tech City Opportunity Area⁵⁶⁰.

- 10.79 In pushing up rental prices the appeal schemes will continue the existing trend of displacement identified in the *Beyond Banglatown* report. As one local resident noted, this development may therefore lead to the demise of the remaining retail outlets on Brick Lane that cater to local residents⁵⁶¹.
- 10.80 The cost of rising rents will not only affect local businesses, but also local residents who will also be at risk of displacement. This will erode the cultural heritage of the area, making it less attractive to visitors and tourists⁵⁶². As Dr Fatima Rajina stated during the public information session: *As an academic and researcher, I can attest to the fact that [the East End] forms a key part of multiple university degrees...Students from across the world walk down these streets to learn about immigration, class struggle, post-industrial Britain, and the role of multiculturalism in shaping modern London...You can't teach the lessons of Brick Lane from a glass walled office complex that's been scrubbed of all memory. You can't understand the story of the East End if you remove its storytellers*⁵⁶³.
- 10.81 In light of the above, SBL invites the SoS to conclude that while the development proposals will bring some economic benefits, those benefits will not be shared equitably and will not amount to 'good growth'. Good growth in this area would involve a recognition of the social cost of large-scale development, and steps being taken to address the local community's pressing needs – including the need for housing.

Equality Impacts

- 10.82 As the SoS will be aware, they must have regard to the public sector equality duty (PSED; s.149 Equality Act 2010) in their decision whether or not to grant planning permission for the appeal schemes. This involves having due regard to the need to: (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.83 As the appellants have suggested, the PSED is not a duty to achieve a result. However, that does not mean that its discharge is unimportant in the planning process. The PSED is an integral and important mechanism for ensuring that the aims of Parliament's anti-discrimination legislation are met. Many other equally important duties, such as environmental impact assessment, are also procedural in nature. No-one would suggest that decision-makers can simply disregard environmental information as a result.

⁵⁵⁹ CDM.14 Page AA134 (PoE Adam Almeida)

⁵⁶⁰ CDM.14 Para 2.6.2 Page 8 (PoE Adam Almeida)

⁵⁶¹ ID.22 Pages 4-5 (Statement of Jalal Rajunuddin).

⁵⁶² See, for example, CDM.15 Para 2.3 Page 3 (PoE Saif Osmani)

⁵⁶³ ID.22 Page 26 (Statement of Dr Rajina)

The PSED must similarly be carried out in substance, with rigour, and with an open mind⁵⁶⁴.

- 10.84 In the planning context the PSED objectives are reinforced by the London Plan good growth objectives which, as outlined above, emphasise the need for the planning system to recognise the importance of diversity to the success of London's communities, and to build upon the city's tradition of openness, diversity and equality⁵⁶⁵.
- 10.85 The PSED is particularly relevant to these planning appeals due to the significant Bangladeshi population that lives and works in and around Spitalfields and Banglatown. As set out above, the Bangladeshi population is one of the most deprived in the UK when it comes to employment rates, poverty, and wealth.
- 10.86 The clear message to this Inquiry from members of the Bengali community is that these proposals will fail to achieve the second and third PSED objectives. Members of the local Bengali community do not feel as though they have been adequately involved in or consulted on this large-scale redevelopment, which will sit at the heart of Banglatown. They have expressed the view that the schemes will represent the *erasure* of their community, and of the rich textured history of the area.⁵⁶⁶
- 10.87 As was eloquently expressed during the public information session, members of the community do not believe that they will benefit from these proposals, or that the proposals will remove the sense of exclusion that they already feel from the Truman Brewery sites: *Many of us feel that a wedge is being driven through our community, designed not to unite, but to disperse and displace. That is why we are here today — in solidarity. We are not against prosperity. We are not against progress. We are not against development. We embrace change; we embrace prosperity. Who better than the people of Tower Hamlets — from the Huguenots to the Jewish tailors to the Bangladeshi garment workers — to demonstrate prosperity through perseverance? We have done it time and again. We are for development — but for the right kind of development. One that reflects the needs of its people, that preserves our homes, and that honours our history. I grew up behind [the] Eastern Wall of the Truman Brewery, dreaming of the day it would come down to make way for homes — for families like mine who needed space, dignity, and stability. Forty years later, that wall still stands. And today, the proposal before you would, in many ways, build it higher*⁵⁶⁷.
- 10.88 And further: *I question whether this development will bring about employment for the local community, whether this will be aspirational for children here, or whether it will deepen inequality, foster feelings of*

⁵⁶⁴ *R (Bracking) v Secretary of State for Work and Pensions* [2013] EWCA Civ 1435; [2014] EqLR 60

⁵⁶⁵ CDE.04 Para 1.1.2 Page 13 and Policy GG1(D) Page 14

⁵⁶⁶ ID.22 Page 25 (Statement of Dr Fatima Rajina) and Page 14 (Statement of Dr Mohammed Ahmedullah).

⁵⁶⁷ ID.22 Page 11 (Statement of Abdul Shukur Khalisadar).

*resentment, humiliation and alienation, and disempower and isolate local communities from their neighbours*⁵⁶⁸.

- 10.89 Local people fear that these redevelopment proposals will lead to the demise of the remaining retail outlets which cater specifically to the Bengali community⁵⁶⁹. Concerns were expressed in relation to the Banglatown Cash and Carry, which will be reincorporated into the proposals for Block J. As was explained, the cash and carry is currently used by residents to bulk buy goods such as rice. The new cash and carry site will not include a car park for local residents or customers to use, reducing its utility for members of the Bengali community. As it was put: *[w]hat do you expect people to do? Lumber up 20 kilogram rice packs on their bikes or something?*⁵⁷⁰
- 10.90 In light of these testimonies by the local community and the evidence of economic and cultural displacement outlined above, SBL invites the SoS to agree with them⁵⁷¹ that the proposals will: (a) have a negative impact on advancing equality of opportunity between the Bangladeshi community and others. As has been identified, this community is more likely to suffer the disbenefits of gentrification, rising costs, and higher entry costs to doing business than they are likely to benefit from regeneration, jobs, affordable workspace or housing; and (b) fail to foster good relations between the Bangladeshi community and others, as the lack of understanding of the development may lead to internal resentment in the community.

Planning balance and conclusion

- 10.91 These schemes will cause less than substantial harm to various designated heritage assets, as set out above. The SoS must therefore weigh those harms against the public benefits of the schemes, in accordance with paragraph 216 of the NPPF.
- 10.92 SBL's has set out the view that the public benefits of the appeal schemes have been overstated.
- 10.93 Employment: the construction jobs associated with the scheme will be transient in nature and should be afforded limited weight. Similarly, the appellants' own socio-economic assessment indicates that the schemes will only deliver 95 jobs for local people out of the total 1,520 FTE jobs⁵⁷², rather than the 305 referred to in the economic statement⁵⁷³. The data centre will deliver a small number of highly skilled and specialised jobs, which will not be accessible for members of the local community with low levels of English proficiency or low educational attainment⁵⁷⁴. Moreover, there is nothing in the s.106 agreements that expressly requires the appellants to take steps to ensure that employment opportunities are promoted to the local Bangladeshi community. In light of this, these benefits should be afforded no more than moderate weight.

⁵⁶⁸ ID.22 Page 41

⁵⁶⁹ ID.22 Pages 4-5 (Statement of Jalal Rajunuddin).

⁵⁷⁰ ID.22 Page 44 (Statement of Puru Miah).

⁵⁷¹ CDM.16 Para 3.7.8 Page 19

⁵⁷² CDA.33 Para 15.8.2 Page 441

⁵⁷³ CDA.18 Page 17.

⁵⁷⁴ CDM.14 Para 2.4.1 Page 7 (PoE Adam Almeida)

- 10.94 Community space: the community spaces proposed as part of the Appeal Schemes comprise only 0.5% of the total floorspace of the development. As was explained, the offer of 30 hours' free use by local residents will be insufficient for those residents to foster a sense of ownership of the space or to establish regular uses. It is unlikely that members of this community will be able to afford the discounted market rent conditions for any additional use of the space⁵⁷⁵.
- 10.95 Housing: the delivery of housing on the Block J site needs to be seen in the context of the need for housing and affordable housing across Tower Hamlets, and the proposals in the eLP for the main site and GES Site to be used to meet that need. The appeal schemes will freeze these sites out of use for residential-led development for their lifetimes. Due to the small quantum of housing delivered by the schemes, this benefit should be afforded only limited weight. The poor quality of the social housing units, owing to sub-standard daylighting, has been referred to too⁵⁷⁶. This reinforces the limited weight that should be given to the delivery of housing provided by the overall scheme.
- 10.96 Affordable workspace: the Class E(g)(i) affordable office space offered as part of the development will not benefit independent retail or food and beverage businesses. Currently these types of businesses are dominant on Brick Lane⁵⁷⁷. There is no evidence that the workspaces will be truly affordable for local businesses, and these benefits can therefore only be afforded limited weight in the planning balance⁵⁷⁸.
- 10.97 Publicly accessible routes and spaces: for the reasons set out above, these benefits only be attributed limited weight.
- 10.98 Data centre: the benefits of the data centre proposed for Block A must be weighed against its amenity impacts for local residents, who already live in close proximity to a number of data centres. As one local resident expressed during the public information session, many local residents *[cannot] imagine a worse use of the land than a data centre*⁵⁷⁹.
- 10.99 Against the benefits of the appeal schemes must also be weighed the design, townscape, economic and equality harms identified above. The benefits that would arise as a result of the proposals would, as SBL has concluded, clearly be outweighed by substantial harms.
- 10.100 In summary, SBL invites the Inspector to recommend that the SoS refuse planning permission for the appeal schemes. This is not the type of development that the local community needs. As local residents who spoke at this Inquiry made clear, this appeal process is the first time that they have felt heard by the planning system⁵⁸⁰. SBL urges the SoS not to let the needs and aspirations of the local community once again fall on deaf ears.

⁵⁷⁵ Seema Manchanda e-in-c; CDM.16 Para 3.8.2 (PoE Seema Manchanda)

⁵⁷⁶ By Mr Ball (ID.25)

⁵⁷⁷ CDM.14 Page A.77 (PoE Adam Almeida)

⁵⁷⁸ CDM.14 Para 3.8.2 (PoE Seema Manchanda)

⁵⁷⁹ ID.22 Page 18 (statement of Dana Zimmerman)

⁵⁸⁰ ID.22 Page 2 (Statement of Akiku Roman); and Page 5 (Statement of Jalal Rajunuddin)

11. THE CASES FOR INTERESTED PARTIES APPEARING AT THE INQUIRY

- 11.1 As indicated above, I made provision for interested persons to speak at various times during the Inquiry, but in particular during a public session that took place on the afternoon and early evening of 21 October 2025. Very helpfully, SBL co-ordinated the various appearances and provided transcripts of most of what was said⁵⁸¹. In the light of those transcripts, which should be read in full to gain a full understanding of the points made, I record below brief summaries of the submissions made.
- 11.2 **Akiku Roman** a local resident of long standing, made points about the local community, and the need for that community to have a say about development proposals within the area where it lives and works.
- 11.3 **Abdus Shakur** a community worker in the area stressed the need for the development to provide small units for local businesses rather than large scale shops, to retain the Banglatown identity. Moreover, given the pressure for housing, the proposals should include social housing.
- 11.4 **Abdul Mukit Chunu** a local resident also stressed that the development should provide social housing, and opportunities for small businesses.
- 11.5 **Md Rafique Ullah** a local resident described the nature of the local area, in particular overcrowded housing and the social problems that result from that, and the lack of community facilities, and said that the development proposals should be addressing those issues, rather than economic considerations.
- 11.6 **Jalal Rajunuddin** spoke on behalf of the East London Community Alliance in the light of an enduring connection to Brick Lane and Spitalfields, and long experience of many regeneration projects that have taken place in and around the area, making the point that the main site should be prioritised for social housing, affordable workspace and accessible community facilities, and that the proposed Data Centre is not appropriate for the area. The proposed office space will lead to gentrification and increased rents which will have a detrimental impact on those facilities that currently serve local residents rather than tourists.
- 11.7 **Chris Cooper** a resident who lives close to the site of the proposed Data Centre explained that a positive use on the Grey Eagle Street site would be welcomed but a Data Centre would not be, given the proximity of many residential uses close by. The Data Centres already in place in the Truman Brewery complex have caused significant issues for local residents because of noise, and further detriment of this type should not be facilitated.
- 11.8 **Asma Islam** a Local Councillor for Weavers Ward stated that the proposals pose a threat to the cultural, economic and social fabric of Brick Lane and Banglatown and disregard the acute housing crisis in the Borough. The development should be rooted in collaboration, respect and long-term benefit for the community, not speculative, commercial interests.
- 11.9 **Abdul Shukur Khalisadar** a local resident, shared his experience of poverty, everyday racism, and squalid living conditions, growing up in the area and

⁵⁸¹ ID.22, ID.33 and ID.34

spoke of the physical and psychological barrier that the walls around the Truman Brewery represented, with vacant land beyond that could have gone some way to addressing the desperate need for housing. The situation persists – what is proposed here is not regeneration but the further encroachment of the City of London into the historic areas of Spitalfields and Banglatown – the main site should be used to provide homes for those that are in dire need of them.

- 11.10 **Dr Mohammed Ahmedullah** made submissions on behalf of the Brick Lane Circle drawing the link between the area and Bengal and tracing the history of various regeneration initiatives, and the contribution the Bangladeshi community has made to the area, concluding that the development proposals need to work with that community, not against it.
- 11.11 **Mohammed Bodrul Alom** a local resident raised concerns about the failure of the proposals to address the acute housing crisis in the Borough. The sites should be used to provide a balanced, community-led redevelopment that incorporates affordable housing, commercial space, and community facilities, in partnership with the Council. A Compulsory Purchase Order (CPO) ought to be considered.
- 11.12 **Lucy Rogers** a local resident saw the development proposals here as a continuation of the eastern expansion of the City of London, in a similar vein to what has happened to Spitalfields Market, where local small businesses have been priced out.
- 11.13 **Dina Zimmerman** a local resident spoke of her opposition to the proposed Data Centre; there is a good deal of anti-social behaviour on Grey Eagle Street, and the proposal will do nothing to address that. Furthermore, the Data Centre would cause noise and disturbance during its construction and operation. It will use a significant amount of electricity and lead to lots of emissions in terms of heat and carbon. It will bring no benefit to the local community.
- 11.14 **Nichola Cola** a local resident also raised concerns about the potential impact of the proposed Data Centre.
- 11.15 **Terry McGreener** a journalist made a series of points about the approach of the Council to housing in the Borough in general, and more specific points about the circumstances surrounding the abortive Neighbourhood Plan for the area.
- 11.16 **Fatima Regina** a Senior Lecturer at the Stephen Lawrence Research Centre DMU spoke about the diverse nature of the area and of the way in which the proposals would be divisive through, amongst other things, their failure to provide social housing alongside other facilities for those in need, persisting in the Thatcherite ideology of 'there is no such thing as society'.
- 11.17 **Abdul Kahar Ali** a local resident and business owner questioned the nature of the consultation that took place and expressed concern about the impact an office development of the scale proposed would have on local businesses.
- 11.18 **Faysul Ahmed** a local resident stressed the potential of the site and the failure of the scheme to address the housing crisis or meet the real needs of local residents, instead it would accelerate gentrification and displacement.

The scheme should serve the needs of the local community, not stand apart from them.

- 11.19 **Lutfur Rahman** the Mayor of Tower Hamlets spoke of his strong objection to the proposals, and of the unanimous decision taken by the Council's Strategic Development Committee to oppose the proposals in the light of, in particular, the acute situation in the Borough in relation to housing, and affordable housing, with many people living in unacceptable accommodation. The proposal does very little to address those issues. There are seven principles that underpin the Spitalfields and Banglatown Masterplan Vision for the sites: prioritise the development of social and affordable housing; embed community services; support local businesses; retain historic and cultural identity; develop and enhance green space; be culturally sensitive to residents' needs; and provide a space for all stakeholders to have their say. The proposals fail to meet a single one of those principles and indeed actively undermines some of them. The proposals should be rejected.
- 11.20 **Dan Cruickshank** a Trustee of the Spitalfields Trust and local resident highlighted the longstanding sense of community in the area, characterised by tolerance and harmony and offered no objection in principle to redevelopment of the site. However, they must reflect the area's distinct small scale and mixed use character and serve the particular needs of the long-established and vibrant Bangladeshi community. The proposals fail to do either, proposing the introduction of large scale buildings and bland commercial uses that are alien to Spitalfields. The proposals are unacceptable.
- 11.21 **Md Rahman Jr** a local resident described how their family came to the area and formed part of the community; a community that the Truman Brewery has never felt part of. This must change and the site should become part of the community by providing homes, spaces and opportunities for people who live in the area.
- 11.22 **Muhammed Miah** argued against the proposals from an economic perspective, largely on the basis that London does not require more office space. The provision of new office accommodation here will just lead to organisations relocating from elsewhere with no net economic benefit.
- 11.23 **Dr Farhana Malique** a Clinical Psychologist and local resident talked about the linkage between gentrification, displacement and the undermining of heritage and community identity with a loss of residents' well-being, and the impact of that on the psychology and mental health of communities that reside in the Borough.
- 11.24 **Henna Khanom** spoke as one of 28,000 on the waiting list for social housing and questioned the failure of the proposals to address local needs, making the point that they would deepen inequality, and foster feelings of resentment, humiliation and alienation, and disempower and isolate local communities from their neighbours.
- 11.25 **Puru Miah** a former Councillor but local resident highlighted the requirements of the Equalities Act and the PSED. Facilities on and around Brick Lane, like the 'Cash and Carry' and the curry houses provide an important social function that helps many who suffer the effects of poverty.

These will be undermined by the proposals whether through rising rents, or the failure to provide a car park for the relocated 'Cash and Carry'. Harm will be caused to the community, aggravated by their protected characteristics.

- 11.26 **Susanna Kow** a local resident spoke about her experiences campaigning with and on behalf of SBL and the nature of the various consultation exercises. An analysis of the responses shows that housing is a marked priority for local respondents.
- 11.27 **Jonathan Moberly** Vice Chair of the Boundary Estates Tenants and Residents Association, chair of Weavers Ward Safer Neighbourhoods Panel, Committee Member of the Shoreditch Town Centre Police Team Safer Neighbourhoods Panel, and one of the founding members of SBL shared concerns about the desperate lack of housing and overcrowded living conditions in the area; the lack of any meaningful relationship between the Truman Brewery site and local residents; and the already excessive disturbance caused by the night-time economy in the area. The proposals would only serve to accentuate these existing issues.
- 11.28 **Asma Rukia Ahmed** a local resident described the poor living conditions she and her family have to suffer and expressed concern that the proposals pay no heed to the needs of the local community.
- 11.29 **Stephen Watts** a Poet and a resident of East London spoke about the cultural significance of Brick Lane and the likely harmful impact of the proposals on the urban landscape, in particular the enclosure of Allen Gardens, an important conduit for the movement of people towards Brick Lane⁵⁸².
- 11.30 **Suad Chantouki** a local resident discussed the living history of Brick Lane and the contribution successive groups of migrants have formed a community that has contributed significantly to its vitality and its character. This community, and its needs in terms of housing and affordable workspace especially, have been ignored by the proposals.
- 11.31 **Walaa Abdelbaky Eishikh Ahmed Ali Elsawy** a local resident outlined the paucity of her overcrowded living conditions and the need for better housing.
- 11.32 **Suluk Ahmed** Councillor for the Spitalfields and Banglatown Ward and local resident covered the history of the area in general and in familial terms and highlighted the need for better housing – development must serve the interests of the local community.
- 11.33 **Rim Moustafa** a local resident described to the Inquiry the overcrowded and unhealthy nature of her and her family's accommodation.
- 11.34 **Mikael Ahmed** a local resident gave the Inquiry a flavour of the diversity and the welcoming nature of Brick Lane and explained why the proposals would undermine all that. Brick Lane should remain as a place for everyone; not just the rich.

⁵⁸² Brick Lane, a poem by Stephen Watts (after the death of Altab Ali, and for Bill Fishman) can be found at Appendix A to ID.33

- 11.35 **Jahed Ahmed** a local resident told of the relationship of the Truman Brewery site with the surrounding housing and of growing up with overcrowding; a situation that persists. Development of the site is potentially beneficial, but it could and should provide much more housing.
- 11.36 **Shilpa Akher** lives in overcrowded conditions and objects to the proposals because they fails to address the need for more social housing and open space.
- 11.37 **Shamsun Choudhury** lives and works in the area but housing is a problem, and it needs to be addressed. The proposals fail to do that.
- 11.38 **Ayrun Begum** has been on the waiting list for housing for 8 years and lives in crowded conditions that holds back the education of children. These issues need to be addressed through the provision of more and better housing.
- 11.39 **Shah Rayhan Uddin** says that the building of offices will not address the need for social housing.
- 11.40 **Gabrielle Kleinberg** outlined the character of Brick Lane, drawing a contrast between activities on the current site of the brewery, and further south, making the point that renewal should come organically from within, produced rather than imposed. Brick Lane, a place that has always stood for resilience and resistance, should not be turned into a monument to exclusion.
- 11.41 **Deba Malique** Vice Chair of one of the Tenant Resident Associations in Spitalfields and Banglatown spoke about her and her family's place in Spitalfields and went on to address the nature of the consultation process and the way it excluded and disenfranchised the community. Residents were not included in the decision-making and their voices were marginalised. The community is being suffocated by gentrification as heritage and homes are gradually erased without meaningful consultation or consent.
- 11.42 **Michael Ball** of Just Space raised issues around the new housing proposed in terms of daylighting of the new flats, sunlight in relation to the attached amenity space, and overshadowing of Allen Gardens, and went on to highlight the likely impacts in daylight/sunlight terms on existing dwellings on Calvin Street, and at McGlashon House, drawing parallels with other decisions by the SoS⁵⁸³.
- 11.43 **Peter Gold** a Local Councillor made the point that the sites are far better suited to housing and affordable housing than the uses proposed and regretted the fact that the Neighbourhood Plan did not come to fruition.

12. WRITTEN REPRESENTATIONS

- 12.1 There were very many representations on the original applications, and a petition⁵⁸⁴. Following on from that, there was a good deal of representation at appeal stage too⁵⁸⁵.

⁵⁸³ Given the technical nature of these submissions, I allowed the appellants to submit a written rebuttal which can be found at ID.25

⁵⁸⁴ Helpfully summarised in the Officer's reports to Committee – CDL.01–CDL.04 but available for the SoS to peruse as part of the Questionnaires

⁵⁸⁵ Also available for the SoS to peruse as part of the documentation

- 12.2 A substantial written submission with photographic appendices was put into the Inquiry by the Spitalfields Historic Buildings Trust⁵⁸⁶, separate from their input into SBL's case. This put forward a critical analysis of the schemes in heritage and land-use terms concluding that any benefits the schemes might bring forward would be significantly outweighed by their harmful impacts suggesting on that basis that the appeals should be dismissed.
- 12.3 A submission was also made by Richard Buxton Solicitors⁵⁸⁷ acting for residents near the site of the proposed Data Centre making various criticisms of the assessment of the proposals in noise terms, and suggesting that residents' living conditions would be undermined by noise.
- 12.4 Some written submissions were made in the course of the Inquiry too. The first was received from the Research & Policy Division of ConserveConnect News⁵⁸⁸ and is an objection based around many suggested failures on the part of the schemes to accord with the provisions of the development plan.
- 12.5 Alongside that, a bundle of 6 separate representations was also received expressing support from proposals and attesting to the supportive nature of the existing accommodation provided as part of the Truman complex, and its management, which has allowed small business, in the creative sector in particular, to grow and thrive. It is suggested that the proposals would operate in a similar way, to the benefit of tenants, but also the wider area.

13. CONDITIONS AND PLANNING OBLIGATIONS

Conditions

- 13.1 Most helpfully, the Council and the appellants prepared lists of agreed conditions⁵⁸⁹ and proposed conditions that had been suggested but not agreed that I was able to consider in detail before they were discussed in the course of the Inquiry.
- 13.2 That discussion took place against the background of what we are told about planning conditions in the Framework. Paragraph 57 sets out that planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects.
- 13.3 We are also told that conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification. Footnote 24 points out that Sections 100ZA(4-6) of the Town and Country Planning Act 1990 will require the applicant's written agreement to the terms of a pre-commencement condition, unless prescribed circumstances apply. I have taken the presence of conditions of this nature in lists of conditions agreed by the appellants as that written agreement.

Grey Eagle Street (Appeal A)

⁵⁸⁶ CDM.12

⁵⁸⁷ CDM.13

⁵⁸⁸ ID.37

⁵⁸⁹ ID.39

- 13.4 The agreed conditions relating to the proposed Data Centre include conditions to deal with commencement and to set out the approved plans⁵⁹⁰, and a series of conditions to ensure that the construction of the building is carried out in a way that does not unduly interfere with the living conditions of nearby residents. These include a condition requiring details to show compliance with the Council's Code of Construction Practice Checklist, a piling method statement, a condition to address Non-Road Mobile Machinery, another to set restrictions on demolition and construction activities and finally one to secure the submission of a Dust Management Plan⁵⁹¹.
- 13.5 Allied to those conditions are promulgated to secure bat surveys and the protection of nesting birds⁵⁹² and others to address the potential for land contaminations, to assess groundwater, and to secure a written scheme of archaeological investigation⁵⁹³.
- 13.6 In relation to the form of the new building proposed itself, conditions are put forward to secure a sustainable urban drainage scheme, details of external materials and associated matters, a landscaping scheme, including external lighting, and compliance with the principles of Secure by Design⁵⁹⁴.
- 13.7 A series of conditions are then suggested to deal with the performance of the building in operation. These include one to ensure adequate cycle parking and associated facilities, energy use and sustainability, a Circular Economy Carbon Post-Construction Assessment, a Whole Life-Cycle Carbon Post-Construction Assessment, a Delivery, Servicing and Site Waste Management Plan, the provision of the security office, and compliance with the submitted Fire Statement⁵⁹⁵.
- 13.8 Further conditions are agreed that seek to control the use of roof areas, noise from mechanical plant, emergency generator testing, impacts on air quality, the nature of any generators, the performance of mechanical ventilation, and the installation of roller shutters and provision of clear glazing.
- 13.9 In my view, all these conditions are necessary to ensure that the development takes place in an acceptable manner and that the building manifests itself and performs properly. They readily meet the tests of the Framework.
- 13.10 The condition that is the subject of dispute between the parties concerns the necessity for a tie between the Data Centre (Appeal A) and the proposal for Ely's Yard (Appeal C)⁵⁹⁶. Put simply the dispute centres around whether, in order to secure an appropriate level of activation on Grey Eagle Street, the Data Centre should only be occupied (or operated) if and when the active frontage on to Grey Eagle Street provided by the proposal on Ely's Yard, alongside the pedestrian connection on to Grey Eagle Street, have been provided.

⁵⁹⁰ Conditions 1 and 2

⁵⁹¹ Conditions 3, 4, 5, 26, and 29

⁵⁹² Conditions 10 and 11

⁵⁹³ Conditions 6, 7 and 9

⁵⁹⁴ Conditions 8, 12, 13, and 14

⁵⁹⁵ Conditions 16, 17, 18, 19, 20, 21, and 22

⁵⁹⁶ Condition 15

- 13.11 The Council's position is that such a condition is necessary and suggests it should take such a form that the Data Centre Building could not be occupied until the development on Ely's Yard has been fully completed and that the pedestrian link that forms part of the Ely's Yard development should remain accessible at all times. The appellants do not accept that the condition is necessary but suggest that if the SoS concludes that it is, then the condition should only require the Ely's Yard development to be partially completed in order to allow the Data Centre to be occupied (or operated).
- 13.12 I have referred to this issue below and for the reasons set out there, I do not consider this condition to be necessary. I reach that conclusion because while the proposed Data Centre would provide only a very limited degree of activation on to Grey Eagle Street (and for that matter, Calvin Street), it would provide more activation than the existing building on the site, that provides nothing favourable in those terms. On that basis, what is proposed would be a benefit. It does not require the development on Ely's Yard to come forward to ameliorate its impact, therefore.

Ely's Yard (Appeal C)

- 13.13 Most of the agreed conditions for the Ely's Yard proposal take a similar, generic form to the corresponding conditions relating to the Data Centre (Appeal A)⁵⁹⁷ and all are necessary for the same reasons rehearsed above.
- 13.14 The suggested condition relating to external materials and details⁵⁹⁸ reflects the particular nature of the proposal and includes reference to details of shopfronts, entrances and similar design features that are necessary to control. Similarly, the landscaping condition⁵⁹⁹ is aimed at the specifics of the scheme and includes reference to the pedestrian realm, soft landscaping, and boundary treatments, amongst other things, that need to be approved in order to ensure that the interface of the building with the public realm, is properly designed.
- 13.15 A further bespoke condition⁶⁰⁰ is put forward to ensure that the elements of the proposal that would provide activation on to Grey Eagle Street, notably the pedestrian links, and the times when they would be in use, and the balconies, cited as townscape benefits of the scheme, are brought forward as part of the development. This condition is necessary to secure those benefits. For similar reasons, further conditions⁶⁰¹ must be attached to ensure that no roller shutters can be installed over openings on the west elevation, and to ensure that ground floor glazing is clear.
- 13.16 The proposal includes the potential for kitchens and as such, a condition⁶⁰² is needed to secure details of any extract equipment and to ensure it is operated in an acceptable manner. The proposal also includes provision for public art so a condition⁶⁰³ is reasonably required to allow the Council to

⁵⁹⁷ Conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 14, 15, 17, 18, 19, 22, and 26

⁵⁹⁸ Condition 11

⁵⁹⁹ Condition 12

⁶⁰⁰ Condition 16

⁶⁰¹ Condition 27 and 28

⁶⁰² Condition 20

⁶⁰³ Condition 21

approve whatever might come forward. The scheme makes provision for accessible roof terraces so to prevent any undue noise and/or disturbance, a condition⁶⁰⁴ is needed to limit access to those terraces to occupiers of the building.

- 13.17 Bespoke noise conditions⁶⁰⁵ are required to address the use of mechanical plant and to restrict noise levels from any recorded and/or live music. Finally, a condition is needed to prevent changes within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) that might otherwise be possible as 'permitted development'.
- 13.18 The only disputed condition between the appellant and the Council in relation to the Ely's Yard proposal relates to the proposed pedestrian access between Ely's Yard and Grey Eagle Street. The Council is of the view that what is proposed as part of the scheme should be made more generous and as such, a condition⁶⁰⁶ is needed to secure details of a redesigned facility. The appellant does not consider this to be necessary but in the event the SoS feels that a redesign ought to come forward, is prepared to accept the condition suggested.
- 13.19 Again, I address this matter fully in my conclusions below. Put simply, given that there is no such link at present, and because Grey Eagle Street is not on any obvious pedestrian desire line, I am content that the link proposed is wide enough to provide a reasonable level of beneficial activation on Grey Eagle Street. On that basis, I do not consider the suggested condition to be necessary.

The Main Site (Appeal B)

- 13.20 In the event that the SoS decides to grant planning permission for the scheme, the standard conditions relating to commencement and setting out the approved plans would be necessary⁶⁰⁷. It is necessary too to apply a condition to secure a Phasing Plan so that the Council is aware of the sequence in which the different elements of the development would be brought forward⁶⁰⁸.
- 13.21 Moreover, in order to protect those living, working and visiting the area, a series of conditions is required to deal with the conduct of the construction process – the Code of Construction Practice Checklist, Piling Method Statement, Non-Road Mobile Machinery, and s.61 Restrictions on Demolition and Construction Activities⁶⁰⁹. Linked to that, pre-commencement conditions are required to deal with the potential for land contamination, to secure a groundwater assessment, to allow for a Written Scheme of Archaeological Investigation, to ascertain whether bats or their roosts are present, and to provide protection for nesting birds⁶¹⁰.

⁶⁰⁴ Condition 23

⁶⁰⁵ Conditions 24 and 25

⁶⁰⁶ Condition 10

⁶⁰⁷ Conditions 1 and 2

⁶⁰⁸ Condition 3

⁶⁰⁹ Conditions 4, 5, 6, and 35

⁶¹⁰ Conditions 7, 8, 10, 11, and 12

- 13.22 In terms of the form development would take, a condition is needed to procure details of a sustainable urban drainage scheme⁶¹¹. As with the other appeals, a condition is required to secure details of external materials, and important elements of the design, and given the presence of public spaces within the scheme, a landscaping scheme that deals with the legion of elements within it, but also urban greening, biodiversity net gain, and external lighting, to show compliance with the principles of Secure by Design, and to ensure that what comes forward is in accord with the submitted Fire Statement⁶¹². These are necessary in order to ensure that the development that is built attains the high standards of design claimed for it.
- 13.23 In order to protect the living conditions of existing occupiers around the different parts of the main site from light pollution, a condition is needed to control internal artificial light levels and to provide for the installation of blinds⁶¹³. In a broadly similar way, a condition must be applied to ensure that the various buildings contain sufficient ducting space to provide for full-fibre connectivity, and another is necessary to ensure the provision of sufficient electric vehicle charging points and cycle parking⁶¹⁴.
- 13.24 The housing element of the scheme is proposed to contain units suitable or adaptable for wheelchair users. This provision must be covered by a suitably worded condition⁶¹⁵.
- 13.25 A number of conditions are promulgated which deal with the performance of the various elements of the scheme, notably in terms of energy and sustainability, a whole-life cycle carbon post-construction assessment, and a circular economy carbon post-construction assessment. These are necessary in order to satisfy the Council that the scheme performs in a way that accords with the design principles put forward⁶¹⁶.
- 13.26 To make sure that the development does not unduly affect the living conditions of existing residents, or the free flow of traffic on the highway, there is a need for conditions to deal with the submission and subsequent approval of a Delivery, Servicing and Site Waste Management Plan, a Public Space Noise and Disturbance Management Plan, and to control operating hours⁶¹⁷. Linked to those, and for similar reasons relating to local residents, it is imperative that the Council has some control over any kitchen extract systems, the use of roof terraces, noise from mechanical plant, and the use of outdoor seating areas serving commercial units⁶¹⁸.
- 13.27 For the sake of those who will live in the residential element of the scheme, it is necessary to apply conditions to deal with the screening that is needed for outdoor amenity spaces, and to ensure that noise insulation between units is properly handled⁶¹⁹.

⁶¹¹ Condition 9

⁶¹² Conditions 13, 14, 16, and 31

⁶¹³ Condition 15

⁶¹⁴ Conditions 17, 18, and 20

⁶¹⁵ Condition 19

⁶¹⁶ Conditions 21, 22, and 23

⁶¹⁷ Conditions 24, 25, and 26

⁶¹⁸ Condition 29, 32, 33, and 34

⁶¹⁹ Conditions 27 and 28

- 13.28 A number of controls are required to retain active frontages so restrictions on the use of roller shutters, and non-transparent glazing are necessary through the vehicle of conditions⁶²⁰.
- 13.29 The refurbishment of the Cooperage Building, a non-designated heritage asset, is an important part of the scheme. It is imperative that the cleaning and repointing of external surfaces is properly managed, and this control needs to take place through a condition⁶²¹.
- 13.30 The scheme includes a number of public spaces and thoroughfares and it is clearly important that people can move freely amongst them. On that basis a condition requiring a clear width of 2.5 metres to be provided throughout is reasonable⁶²².
- 13.31 Finally, controls on the ability to move between different uses within Use Class E are needed to ensure that the appropriate balance within the commercial element is maintained, and in a similar way, a condition is required to prevent amalgamation of smaller units into larger ones without recourse to the Council⁶²³.
- 13.32 A condition has been suggested that identifies the grant of planning permission as one that is phased for the purposes of the Community Infrastructure Levy Regulations 2010. I do not consider the condition put forward⁶²⁴ necessary – all are aware that the development would be phased and indeed, that is made clear through one of the earlier conditions⁶²⁵.

The Boiler House (Appeal D)

- 13.33 This appeal concerns an application for listed building consent, so the suggested conditions are specifically tailored to the works applied for and bear no relation to the conditions referred to above that are suggested as attachments to grants of planning permission.
- 13.34 First of all, a condition⁶²⁶ is necessary to govern commencement but it needs to refer to 'works' rather than 'development'. The next suggested condition⁶²⁷ seeks to tie implementation of the works to the implementation of the linked grant of planning permission (Appeal B) or another grant of planning permission that includes the same works. I deal with the potential for alternative scenarios in terms of the SoS's approach to decision-making in these cases below, but there is no suggestion that the works proposed under Appeal D would fail to preserve the special interest of the listed building.
- 13.35 Some of those works, for example the proposed extension, would also require planning permission, but some, like the works to the roof would, in all likelihood not. That said, it would be difficult to disentangle the various works

⁶²⁰ Conditions 36 and 37

⁶²¹ Condition 30

⁶²² Condition 38

⁶²³ Conditions 39 and 40

⁶²⁴ Condition 41

⁶²⁵ Condition 3

⁶²⁶ Condition 1

⁶²⁷ Condition 2

proposed from each other and no-one has suggested that a split decision on the works would be possible. The same is true of the proposals for which planning permission is sought under Appeal B.

- 13.36 In that context, I do not consider that the works proposed could or should take place without a parallel grant of planning permission, and as such the condition proposed is necessary.
- 13.37 I take a different view in relation to the suggested condition setting out the approved plans⁶²⁸. This type of condition is applied to grants of planning permission in order to facilitate subsequent applications for 'minor material amendments' but there is no parallel provision in relation to grants of listed building consent. As such the suggested condition, while it might add some clarity, is superfluous.
- 13.38 A condition is put forward⁶²⁹ to ensure that any making good required is carried out in a way that matches whatever is adjacent. That is necessary in order to ensure that the works are carried out in a satisfactory manner. Similarly, a condition⁶³⁰ is put forward to deal with details of any repointing that might prove necessary. Again, such a condition would be a reasonable imposition as the Council needs to have some control over the nature of any required repointing. The same reasoning applies to the suggested condition⁶³¹ that relates to cleaning of masonry.
- 13.39 The Council seeks control over the nature of the structural work proposed through a condition⁶³². It is clearly essential that any structural work is properly controlled so this condition is a necessary imposition.
- 13.40 Finally, to ensure that the permission and consent read across each other correctly, it is necessary to apply a condition⁶³³ that mirrors the 'details of materials' condition that would be applied to any parallel grant of planning permission on the main site, covered by Appeal B.

Planning Obligations

- 13.41 Drafts of the proposed Agreements under Section 106 were provided for discussion at the Inquiry and the Council prepared CIL Compliance Statements to inform that discussion⁶³⁴. As I have set out above, completed versions of the Agreements were submitted after the Inquiry closed⁶³⁵.
- 13.42 Paragraph 58 of the Framework makes it clear that planning obligations should only be sought where they meet a series of tests that derive from Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. Obligations must be necessary to make the development acceptable in

⁶²⁸ Condition 3

⁶²⁹ Condition 4

⁶³⁰ Condition 5

⁶³¹ Condition 8

⁶³² Condition 6

⁶³³ Condition 7

⁶³⁴ ID35

⁶³⁵ ID36

planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

Grey Eagle Street (Appeal A)

- 13.43 There is a series of obligations relating to the proposed Data Centre. First, there are some financial contributions. A total of £291,200 is put forward to secure carbon offsetting; £21,064 as a Construction Phase Employment and Training Contribution; £6,120 as an End User Employment and Training Contribution; and £5,266 as a Development Co-ordination and Integration Contribution. As the relevant CIL Compliance Statement shows, the principle of these contributions has a very clear basis in development plan policy, and the sums involved are based on accepted calculators. As such, I am content that the contributions are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 13.44 Obligations designed to secure a minimum of 20% employment for local residents in the construction and end-user phases of the development, and to secure apprenticeships, and to develop further employment opportunities; to secure a minimum 20% of the total value of contracts from firms within the Borough; to report actual energy performance in use through the 'Be Seen' process; to implement a public art strategy; to secure a Highway Works Agreement; to ensure retention of the original architect, and design certification; and to ensure that there is the option to benefit to connection to a District Heating Network and for consideration of opportunities around the utilisation of waste heat all have a firm footing in development plan policy. On that basis, I am happy that the obligations are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

Ely's Yard (Appeal C)

- 13.45 Again, there is a series of Obligations relating to this particular development. The financial contributions £33,125 in relation to Carbon Offsetting; £19,104 as a Construction Phase Employment and Training Contribution; £95,880 as an End User Employment and Training Contribution; and £4,776 as a Development Co-ordination and Integration Contribution take a similar path to those set out above and are likewise soundly based in policy. As such, they are obviously necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 13.46 There are other obligations put forward too. Some, relating to employment, training and construction, local goods and services, 'Be Seen' energy monitoring, public art, highway works, architect retention and design certification, and local heat network and waste heat utilisation follow the line of those set out above and are similarly consistent with the relevant 'tests' for obligations.
- 13.47 There are other obligations too. One is put forward to address the provision of affordable workspace to be made available to local small businesses; another seeks to encourage the use of sustainable forms of transport through

a Travel Plan; and finally there is an obligation designed to re-provide for those small businesses (primarily catering vans that park in the existing yard) that would be displaced by the proposal. All have a proper basis in policy and as such are, in my view, necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

The Main Site (Appeal B)

- 13.48 First, there is a range of Obligations put forward that concern financial contributions. In a similar way to what I have dealt with above, there is £335,546 in relation to Carbon Offsetting; £143,292 as a Construction Phase Employment and Training Contribution; £573,240 as an End User Employment and Training Contribution; and £35,290 as a Development Co-ordination and Integration Contribution. There is an evident policy justification for all of them and so, they readily meet the relevant 'tests' for obligations.
- 13.49 There are two other financial contributions proposed by obligation. The first of these is termed the Allen Gardens Improvements Contribution and it amounts to £500,000. The development will lead to an increase in visitors to the site itself and the area in general and provide housing that will bring additional residents to the area. This increase will without doubt place an additional demand on Allen Gardens, as a breakout space for visitors, and in terms of the use of play-space by residents and their children. It is relevant to note that the main part of the development will introduce two pedestrian entrances/exits that will open out on to Buxton Street, directly opposite Allen Gardens. In that overall context, the principle of a contribution towards the improvement of Allen Gardens is clearly necessary to make the development acceptable in planning terms and directly related to the development.
- 13.50 The question then is whether a sum of £500,000 can be said to be fairly and reasonably related in scale and kind to the development. All accept that Allen Gardens, as it stands, falls well below the standards of other large parks in the Borough including 14 that have 'Green Flag' status. I saw that for myself during my site visits. The figure of £500,000 has been agreed between the Council and the appellants and importantly, has been based on the appellants' cost projections for bringing Allen Gardens up to the standard required to cater for the increased demands that would be placed upon it by the development. Other parallel funding streams might well allow Allen Gardens to be brought up to 'Green Flag' status in future.
- 13.51 Against that background, there is nothing to suggest that the figure of £500,000 is in any way arbitrary and as such it is my conclusion that this proposed financial contribution is fairly and reasonably related in scale and kind to the development.
- 13.52 The second financial contribution is £10,000 for the provision of one 'Blue Badge' parking bay on Spital Street, and the relocation of one on-street residents' parking bay from Spital Street to Hanbury Street. Providing parking for those with accessibility needs is a requirement of policy, and the figure involved seems to me a reasonable one in relation to the highway works that would be required. On that basis, it meets the 'tests' for Obligations set out in the Framework.

- 13.53 In terms of the other obligations, a number repeat those I have dealt with above, and for the same reasons, accord with the 'tests' there rehearsed. These obligations include those relating to employment, training and construction, local goods and services, the provision of affordable workspace, 'Be Seen' energy monitoring, travel plans, displaced businesses, architect retention and design certification, and local heat network and waste heat utilisation.
- 13.54 Alongside those, there are a number of obligations that are peculiar to the scheme covered by Appeal B. First is the provision of an Economic and Growth post, funded by the appellants, designed to provide support for local start-up enterprises rooted in the local community and to provide more general economic based social mobility benefits for those living locally. Given the importance of ensuring that the development is integrated into the area, and not seen as something that functions separately from what is around it, matters I deal with below, I am satisfied that the provision of such a post is fully in line with the 'tests' for obligations in the Framework.
- 13.55 The proposals include some provision for community spaces. An obligation is clearly necessary to ensure that these operate in a way that is readily accessible to local people. The housing element of the scheme includes affordable housing. This provision needs to be governed by a suitable planning obligation. The housing is intended to be 'car free' so an obligation is needed to deal with access to parking permits and to ensure that all parking associated with the development overall is provided off-street. There are some works to the public highway involved in the scheme, so an obligation is needed to secure a suitable Highways Works Agreement.
- 13.56 Finally, an obligation is put forward to deal with the provision of open space, play space for children, and public art, as part of the development, and to fund a Community Manager to deal with associated cultural events. In my view all are necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

14. INSPECTOR CONCLUSIONS

- 14.1 References within these conclusions to earlier paragraphs in the Report are in square brackets [.....]. I have added these references as best as I can given that closing arguments were not structured in the way that I have arranged my conclusions. The lack of a reference to a paragraph in the parties' cases should not therefore be taken as an indication of an argument being missed. These conclusions need to be considered alongside the parties' cases as set out in full above.
- 14.2 There are four separate appeals at issue here for schemes on 3 (or to be exact 4) different sites. In EIA terms, the proposals have been considered as one large development. Nevertheless, it is possible to separate out elements of the proposals overall and indeed, significant parts of the cases presented by the Council and SBL in opposition to the proposals are directed towards those different elements. In responding to those cases, the appellants have made submissions likewise.
- 14.3 Notwithstanding what I have set out in dealing with the conditions above, and in my recommendations below, where I deal with this matter further, it would be possible to deal with Appeal A, Appeals B and D (that are linked s.78 and s.20 appeals), and Appeal C, separately, and reach different decisions upon them.
- 14.4 For that reason, in dealing with the main issues below, in relation to some aspects of them, I have separated out the different elements of the overall scheme and assessed them individually.
- 14.5 In opening the Inquiry, bearing in mind what was discussed at the CMC, and having read the evidence, I presented the main issues for consideration at the Inquiry as: (1) the effect of the different elements of the overall development and works (considered singly and together) on the character and appearance of the area, encompassing the design of the proposals and any attendant effects, whether direct or indirect, on the various heritage assets affected; (2) the acceptability or otherwise of the mix of uses proposed and their effects on local businesses and residents; and (3) any planning balance flowing from all that.
- 14.6 I also stressed that there may be other matters to consider beyond those and if anyone wishes to draw my attention to anything else of relevance, then they were free to bring it to my attention. Having held the Inquiry and considered carefully the submissions of the main parties and the very many interested parties, I would formulate those main issues in a different order.

Main Issues

- 14.7 First of all, there is a need to consider the acceptability, or otherwise, of the various land uses proposed in the schemes, in the context of the development plan, the eLP, and other matters. This needs to be considered first because it is a matter of principle and if the scheme(s) fall at this hurdle, then in all likelihood, there would be no need to go further.
- 14.8 The second main issue relates to the effect of the schemes on the character and appearance of the area, with reference to their design, and their effect on the significance of various heritage assets that would be affected, notably

the CA, but also listed buildings and their settings, and non-designated heritage assets.

- 14.9 Thirdly, there are other matters to consider, notably the effect of the proposals on the living conditions of those who would live and work nearby.
- 14.10 Finally, and depending on the conclusions reached on the main issues outlined above, there may be a need to carry out a planning balance, having regard to the development plan, and other material considerations.

Main Consideration #1: Land Use

- 14.11 The starting point for land use considerations must be the development plan. There is no cogent suggestion from anyone that the land uses proposed, whether that is the B8 use Data Centre use in Appeal A, the commercial-led mixed-use scheme in Appeal B, or the commercial scheme in Appeal C, offend any land use policies in the London Plan, or the Local Plan.
- 14.12 Given the location of the sites in the in the heart of Tech City within the Inner Core Area of the London Plan's City Fringe Opportunity Area (CFOA), and within the Tower Hamlets City Fringe Activity Area, and, apart from the Appeal A site, within the Brick Lane District Centre, in the Local Plan, that is understandable.
- 14.13 The proposals draw ready support from London Plan Policies GG1 to GG5, SD1, E1, and SD6 and Local Plan Policies S.SG1, S.TC1, S.EMP1, and D.EMP2, and the OAPF, and I do not take there to be any effective dispute about that from those who stand opposed to the proposals.
- 14.14 Instead, the Council and SBL suggest that more weight be given to the approach of the eLP to the sites at issue through Allocation 1.7, and the housing-led mixed-use scheme therein. That, it is said, warrants setting aside the support for the schemes, in land use terms, in the development plan.
- 14.15 I consider that argument to be very difficult to sustain. First, neither the Council nor SBL present a case that the land use policies referred to above are not up-to-date, and in fairness to them, neither could they reasonably do so. What is suggested instead is that more weight be attached to the approach of the eLP. While the eLP has advanced further from where it stood at the Inquiry in that it has now been submitted to the SoS for examination, and so can attract more weight, it is still at a relatively early stage of the process and, having regard to paragraph 49 of the Framework, cannot sensibly attract more weight than an adopted development plan that is acknowledged to be up-to-date.
- 14.16 But even if the possibility that the approach of the eLP at its relatively early stage could attract more weight than an up-to-date development plan was to be entertained, that would have to be contingent on a good degree of confidence that what is proposed in the allocation would proceed to adoption. I have serious doubts about that.
- 14.17 It is correct to say that the housing-led mixed-use scheme proposed in Allocation 1.7 might not be contrary to the policy approach taken to the City Fringe Opportunity Area and Tech City in the London Plan, the Local Plan, and the OAPF. That might explain why there appears to be no objection to it, in

principle, from the GLA. However, that in itself does not justify setting aside development proposals that also accord with that policy approach.

- 14.18 It is said in support of the Council and SBL's stance that there is only one significant objection to the allocation and that should magnify the weight attached to the allocation. However, that objection comes from a major landowner; a landowner who has made it clear that they have no interest in a residential-led scheme on the sites under their control. In that context it is difficult to see how the allocation would be deliverable, having regard to the tests for soundness set out in paragraph 36 c) of the Framework.
- 14.19 That said, having listened carefully to many of the submissions made to the Inquiry, particularly those relating to the availability of social housing (or lack of it), and the damp, and overcrowded conditions people are forced to live in, with little prospect of anything better, one must be careful not to approach these questions in too cold and calculating a way. One cannot fail to appreciate why local people, reflected in the case presented by SBL and the Council, have had such a visceral response to the proposals. The PSED is a factor in this question of approach too.
- 14.20 But, for that sort of conclusion on this land use question to be justified, it seems to me that one would have to have some confidence that the result would bring forward what the proponents of the approach want. I am none too sure that it would.
- 14.21 Allocation 1.7 Brick Lane and Pedley Street is for a mixed-use, residential-led scheme on various sites that include the appeal sites. The indicative capacity across the entire allocation is for 800 homes. Policy HF2 of the eLP says that development proposals will be required to optimise the delivery of affordable homes on-site and contribute to the London Plan and Tower Hamlets strategic target for 50% of all new homes to be affordable. Residential development proposals would have to deliver a minimum of 40% affordable housing (by habitable room) on-site.
- 14.22 I understand that this particular policy has been the subject of much objection, including from the GLA, but on its face, it would require 40% of the units (by habitable room) to be affordable. At its simplest, this would mean 320 affordable units across the sites, though I accept that the 'habitable room' qualification might mean more, or indeed fewer affordable units, depending on the profile of those units. For the Appeal B (Truman East) site that figure would be of the order of 100 units⁶³⁶ and for the Appeal A (Grey Eagle Street) site, it would be around 20 units⁶³⁷.
- 14.23 I heard many references to the extent of the waiting list for social housing in Tower Hamlets, but the Council said in closing that there are upwards of 28,000 upon it and 19,000 or so people living in overcrowded conditions. Those are alarming figures and it is plain that around 120 units (if the allocation came forward as promulgated), could hardly scratch the surface of

⁶³⁶ That is 40% of the 250 units in total

⁶³⁷ The allocation includes 95 units across two sites on Grey Eagle Street – I have assumed 50 units on the Appeal A site for the sake of argument

the extent of need there is.

- 14.24 It was put to me that the 6 units of social housing proposed as part of Appeal D was 'an insult' but in the context of the figures of 28,000 and 19,000 referred to above, 120 does not seem a whole lot better. But there must be some doubt too about whether the allocation would deliver even those 120 units. No viability assessment has been carried out it seems but more fundamental still, is the question of how the Council could compel an unwilling landowner to deliver housing on the sites beyond what is proposed as part of the Appeal B scheme. SBL's suggested scheme for the site founders on that point too.
- 14.25 There were hints and suggestions, not from the Council I might add, about the potential for the site(s) to be compulsorily purchased in order to provide housing. Bearing in mind the high bar required to justify a CPO, that seems to me a most unlikely prospect.
- 14.26 There is plainly frustration about the scale of the need for affordable housing in Tower Hamlets, and the lack of progress towards meeting that need. While perfectly understandable, it seems to me that this frustration is being directed at the wrong target.
- 14.27 The delivery of affordable or social housing depends in large part, on the parallel delivery of housing for the 'open market'. That delivery, as we all know, rests very heavily on the performance of the economy, and growth. That is one of the reasons why the Framework places such stress on the need to build a strong, competitive economy as well as the need to significantly boost the supply of homes⁶³⁸. These aspects are both important, and they are inter-related.
- 14.28 It appears to me then, that in order to secure all that, we should not stand in the way of commercial development in appropriate places, because without that, and the economic growth it facilitates, there is very unlikely to be any parallel growth in the supply of housing, and affordable housing. It might be argued that our reliance on this (neoliberal) economic model is misplaced because it leads to inequality, and I detect that in some of the submissions made to the Inquiry. However, these appeals are not the appropriate place for that debate. It is in my view a much wider, and largely political, question.
- 14.29 I form similar conclusions in relation to the issues raised around gentrification. It is plainly the case that the London Plan, the Local Plan, and the OAPF, identify the area where the appeal sites lie as one where there is the opportunity for development to deliver economic growth. That is done through locating it within the City Fringe Opportunity Area and at the heart of Tech City and the application of a raft of associated policies, notably London Plan Policies GG1, GG2, GG3, GG4, and GG5, SD1, E1, and SD6, and Local Plan Policies S.SG1, S.TC1, S.EMP1 and D.EMP2.
- 14.30 It seems to me that this strategic decision has been taken at a regional level, and followed through at a local level, cognisant, I imagine, of the nature of the area, and the PSED. That decision envisages change in the way the area

⁶³⁸ CDE.01 Parts 6 and 5

operates in economic terms. It might be that this change is unwelcome to some, and I can appreciate that, but it seems to me very difficult to justify going behind that decision through resistance to development proposals that accord with this strategy. The correct place to take that resistant stand is the forum in which those strategic decisions are taken. One cannot reasonably conduct a mini review of elements of the London Plan, the Local Plan, and the OAPF, through decisions on specific development proposals that draw support from the strategy within those documents.

- 14.31 In more specific terms, I would say that there is a distinct difference in the nature and scale between the commercial accommodation that would be on offer on the appeal sites, which it seems to me follows in large part the pattern of the existing Truman Brewery offer to SMEs, and the smaller-scale units of accommodation available on Brick Lane and its environs. In that context, it does not necessarily follow that the developments proposed will lead to rent rises more generally. But more importantly perhaps, the appeal schemes would doubtless increase economic activity in the area, and lead to greater footfall. It is difficult to see how all this would not be of benefit to existing businesses on Brick Lane, and the area more generally.
- 14.32 Bringing those points together, I see no difficulty whatsoever with the land uses proposed on any of the sites. The proposals accord with the development plan in this regard and the suggestion that more weight should be applied to the approach of the eLP is simply not sustainable. Neither the statutory requirements of the PSED or other material considerations point to a decision not in accord with the development plan in this regard either. **[8.12 -8.65, 9.73-9.102, 9.129-9.153, and 10.26-10.40]**
- 14.33 Naturally, it is open to the SoS to disagree with that approach. If the SoS is of the view that more weight should be attached to the approach of the eLP to land use, than that of the development plan, then it would be necessary to explain what factors justified setting aside the guidance in paragraph 49 of the Framework in the cases individually, and/or as a whole.

Main Consideration #2: Character and Appearance (Design and Heritage)

- 14.34 In relation to this main issue, the schemes can be dealt with individually, though there are some elements of crossover.
- 14.35 The first point to acknowledge is that all the proposals lie within the very important Brick Lane and Fournier Street Conservation Area (CA)⁶³⁹, and there are listed buildings and non-designated heritage assets affected physically (notably the Boiler House), and there are listed buildings that could be affected in terms of their significance, by changes proposed to their settings. I deal with those in what follows, but obviously these are very important constraints.
- 14.36 Notwithstanding those constraints, and indeed others, the second important point of context relates to the need to make best use of the resource

⁶³⁹ I take no issue with the description of the Brick Lane and Fournier Street Conservation Area as one of the most important in the country

represented by the sites. Paragraph 124 of the Framework promotes an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment.

- 14.37 Following on from that we are told in paragraph 125 that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused⁶⁴⁰. Much the same approach is taken in London Plan Policy GG2.
- 14.38 One can see the potential for tension between the need to make effective use of land on sites such as those at issue here, and the workings of the Planning (Listed Buildings and Conservation Areas) Act 1990⁶⁴¹, the need to attach great weight to the conservation of the significance of designated heritage assets (such as the CA and the listed buildings)⁶⁴², and the fact that we must take account of the significance of non-designated heritage assets⁶⁴³.
- 14.39 It seems to me that the aim ought to be to optimise the sites without causing harm, or at least undue harm, to the significance of the designated and/or non-designated heritage assets affected by any proposal. That must underpin the analysis of the proposals under this main issue, but it is also necessary to approach other visions for the sites, whether that is Allocation 1.7 in the eLP, or the alternative housing scheme presented by SBL in that way.
- 14.40 One must also have regard to paragraph 131 of the Framework which tells us that the creation of high quality, beautiful⁶⁴⁴ and sustainable buildings and places is fundamental to what the planning and development process should achieve. The design-based policies in the development plan tread a similar path, as I have rehearsed above.
- 14.41 Linked to all that, points were raised by the Council about whether the schemes were 'heritage led'. Whether or not that is or was the case is not conclusive in my view. It is possible for a scheme that was not 'heritage led' to be found acceptable and in the same way a scheme that was 'heritage led' might prove unacceptable, nevertheless. It is the assessment of the scheme itself that matters, not necessarily how it arrived at its final form. **[8.99-8.103, 9.30-9.43]**
- 14.42 With all that in mind, I turn to the individual sites. I deal with each in turn, though there is something of a relationship between the proposals for the sites fronting Grey Eagle Street in Appeals A and C.

Appeal A

⁶⁴⁰ No point was taken on this matter at the Inquiry, but I feel the need to clarify that I do not take this reference to 'substantial harm' to mean substantial harm to the significance of a designated heritage asset as referred to in paragraph 214 of the Framework

⁶⁴¹ Sections 16(2), 66(1) and 72(1) of the Act

⁶⁴² Paragraph 212 of the Framework

⁶⁴³ Paragraph 216 of the Framework

⁶⁴⁴ I must record that I find the word 'beautiful' difficult to apply in this context because unlike the other descriptors used in the quoted passage, it is manifestly subjective and therefore serves no useful purpose in any assessment that claims to be objective

- 14.43 The starting point for an analysis of the scheme under Appeal A – the Data Centre – must be the site as it exists now. It is home to a building that shares some characteristics with other buildings in the brewery complex.
- 14.44 However, the building is utterly derelict, and home to anti-social and criminal activity. In my view, even though it might be identifiable as a building that once contributed to the brewery function, it had no particular architectural distinction, and has now, through its ruinous state, become a profoundly negative element in the CA. There is no sustained suggestion that this position has been reached through deliberate neglect.
- 14.45 That is the baseline against which the new building proposed for the site must be assessed⁶⁴⁵.
- 14.46 The proposed Data Centre would be of significantly greater height and mass than the existing building⁶⁴⁶. However, bearing in mind the need to optimise the site, there is nothing objectionable about that, in itself.
- 14.47 It appears to me that the scale of the building proposed would relate in a reasonable way to other buildings in the vicinity, notably the telephone exchange adjacent, and the existing Data Centre in the former brewery building on the opposite side of Grey Eagle Street. The set-backs in the form of the building, and the use of the contrast between brick and metallic cladding in the lower and upper levels, would respond well to the immediate context of the site. The same is true of the fact that the proposal would reinstate the building line on Grey Eagle Street.
- 14.48 Overall, having considered the DAS⁶⁴⁷ in the context of my own observations on and around the site, I consider that the building, while large and functional, would be highly articulate and of a good quality of design. It would be a very clear improvement in visual terms on what is on the site at present.
- 14.49 That improvement would carry through in activation terms too. The existing site provides nothing positive to the area in activation terms. While the proposal would not provide a great deal of activation, and was much criticised for that, through the location of the office, and the loading bay, and the comings and goings thereto, it would provide more activation than what is on site at present.
- 14.50 Bringing those points together, it seems to me that, in these respects, the proposal would very clearly enhance both the character and the appearance of the CA.
- 14.51 I turn then to Christ Church Spitalfields; a Grade I listed building and a designated heritage asset of the highest degree of significance. Pevsner described it as the most overpowering of Hawksmoor's three great Baroque churches of the East End, amply heeding Vanburgh's recommendation to the 1711 Commissioners that the new churches should possess magnificence and 'a solemn and awful appearance'.

⁶⁴⁵ The nature of the existing building can be seen in the DAS (CDC.02 Page 30 onwards)

⁶⁴⁶ As shown in the DAS (CDC.02) and View 31 of the HTVIA (CDA.34) amongst other places

⁶⁴⁷ CDC.02

- 14.52 The distinctive tower with spire has been and remains one of the most important landmarks in the area and was obviously designed to act in this way. The setting of the church is much changed from when Hawksmoor conceived of it, but it remains a very important part of its overall significance. Moreover, views of the tower and spire, and I might add the church overall, from within the CA, make an important contribution to the significance of the CA as a designated heritage asset.
- 14.53 There is a point on Quaker Street⁶⁴⁸ where the top part of the spire of Christ Church is visible in the distance over the top of some buildings that are not characteristic of the better parts of the CA. Having considered it during my site visits, I regard this view as very much an incidental, unimportant one. Of course, it is pleasing to be able to see and identify the top of the spire as a part of the church, but I do not consider that ability, from this particular place, adds anything to the significance of the church as a designated heritage asset. On that basis, while closing off this view of the church from Quaker Street as a result of the proposal would change the setting of the church, it would not do so in a way that would cause harm to its significance.
- 14.54 That said, as I have outlined above, views of the church from within and around the CA are an important, and pleasing, feature. The closure of a view, even one like that from Quaker Street, would have something of a negative impact on the character and appearance, and the significance, of the CA. However, given the nature of the view involved, and the foreground of that view in particular, I consider that the harmful impact would be very minor.
- 14.55 There is then the need to consider the impact of the proposal on the character and appearance, and the significance of the CA in the round. As I have set out above, having regard to the state of the site at present, there are elements of the design of the building that would bring very clear enhancements. However, closing off the view of Christ Church from Quaker Street would have a very minor harmful impact. Overall, I consider that the positive features of the proposal, in terms of the character and appearance and significance terms, far outweigh the negative impact.
- 14.56 Of course, another form of development on the site, for the sake of argument that proposed in Allocation 1.7 in the eLP, might provide for a different form of building on the site. While that different form of building would have to optimise the site, it could have all the positive impacts that the proposal would bring without closing off the view from Quaker Street, and through a different use, it could bring a much greater degree of activation. However, the question of whether another form of development on the site might bring a greater degree of enhancement is not the correct test.
- 14.57 I take a similar view to the suggestion that the proposal at issue could include active uses and frontages at ground floor level, with the Data Centre housed above. I heard evidence as to why Data Centre operators do not favour that approach, but again, alternative approaches that might be taken are in large part, a distraction from the central question.

⁶⁴⁸ View 32 in the HTVIA (CDA.34

- 14.58 What I consider to be that central question at issue here is very simple: does the proposal preserve or enhance the character or appearance of the CA? In my view, notwithstanding the closure of a view of Christ Church from Quaker Street, because the building would be a more architecturally coherent presence in the street-scene, housing a use, not inappropriate in development plan terms, that would increase activation, in what is, let us not forget, a secondary street without very much pedestrian traffic, it would very clearly enhance the CA in both character and appearance and significance terms. There is no good reason to resist the proposal, for this reason, therefore.
- 14.59 Given my conclusions about the activation that would be provided, I do not consider that this proposal needs to rely on the additional activation that would be provided by the Ely's Yard scheme (Appeal C) that I deal with further below. That is why the suggested condition tying the two schemes together, is not necessary.
- 14.60 Of course, a different scheme for the site might lead to a greater degree of enhancement, but that cannot justify rejecting a scheme, in these terms at least, that meets the requirements of the statutory test in s.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 14.61 On that overall basis, I am content that the proposal is acceptable in terms of its effect on the character and appearance of the area, taking into account design and heritage considerations. It properly optimises the use of the site in my view, and as such there is ready accord with London Plan Policies D3, D4, HC1 and GG2, and Local Plan Policies S.DH1, S.DH3, D.DH2 and D.DH4, and the Framework. **[8.114-8.144, 9.108-9.128]**
- 14.62 Naturally, it is open to the SoS to disagree with these findings. For example, the SoS might agree with the Council and SBL that the scale of the proposed building is too great, and/or that it fails to sufficiently activate the street, in ways that fail to preserve or enhance the character or appearance of the CA. Moreover, the SoS might consider that the closure of a view of Christ Church from Quaker Street causes harm to the setting and thereby the significance of the church, and as a result, the significance of the CA. This would bring the proposal into conflict with policies of the development plan referred to above.
- 14.63 Taking the Council's and SBL's cases at their highest, the result would be less than substantial harm to the significance of both assets at the lower end of the scale. Considerable importance and weight would have to be attached to these matters and this would have to be balanced against the public benefits of the proposal in accordance with paragraph 215 of the Framework. The public benefits of a Data Centre of the nature proposed, as Critical National Infrastructure, would be very significant indeed.

Appeal C

- 14.64 The proposal under Appeal C is for a commercial building in a yard space to the immediate south of the large building, referred to as Block B, that is home to a Data Centre. The proposal would front Grey Eagle Street to the west, and sit to the south-east of the proposal at issue in Appeal A. An opening would be formed in the existing boundary wall that would allow access from Ely's Yard on to Grey Eagle Street.

- 14.65 It is important to state at the outset that the Council, having balanced some conflicting impacts, does not suggest that the proposal would have any harmful impact in heritage terms overall, but raises issues in terms of townscape effects. The case presented by SBL goes more widely. In any event, it is incumbent upon me, and in time the SoS, to consider both potential heritage and townscape issues.
- 14.66 The proposal would be a significant insertion into the yard, but it is fair to note that there was a large brewery building on the site until the 1980s. As the DAS demonstrates⁶⁴⁹, the footprint and height of the building would not be incongruous, having regard to buildings adjacent, and in particular, those that are part of the brewery complex, that it would be read alongside.
- 14.67 The design of the building, with its setbacks and chamfered corner, would break up its mass. The articulation of the facades, and the use of materials, with nods to other buildings in the CA, and in particular Christ Church, would be contextually appropriate, but in a well-considered way rather than through mimicry⁶⁵⁰. Moreover, it would provide beneficial oversight of Grey Eagle Street through the windows on the west elevations and a small kiosk, and the balconies on the south elevation. Overall, I consider that this is a proposal that attains a very high standard of design.
- 14.68 The Council has raised concerns about two principal matters. The first relates to the closure of the existing view along Dray Walk as a result of the scheme⁶⁵¹ that is said to have a harmful impact in townscape terms. I do not agree. While the view along Dray Walk would be closed, the focus of the view will become the façade of a well-designed building. This would serve to attract the pedestrian along Dray Walk and make for a much better end point to the vista than the rather disparate hotch-potch of forms currently seen. Far from having a harmful impact, the proposal would represent a significant enhancement in townscape terms.
- 14.69 Secondly, the Council express concern about the pedestrian connection from what would remain of Ely's Yard through to Grey Eagle Street. Put very simply the point taken is that this connection could be more generous. I do not share that concern. Access to Ely's Yard is currently gained from Hanbury Street to the south and Dray Walk, which connects to Brick Lane, to the east. Both are significant pedestrian thoroughfares and the accesses to Ely's Yard from them reflect the volume of pedestrian traffic they carry.
- 14.70 By contrast, Grey Eagle Street is a secondary street that does not carry any significant pedestrian traffic. In that context, the relatively limited width of access proposed on to Grey Eagle Street, properly reflects the hierarchy that is currently in place. It would provide entry for those approaching Ely's Yard from Grey Eagle Street or exit for those who wish to leave Ely's Yard for Grey Eagle Street. However, I do not consider the numbers involved would be significant because unlike Dray Walk or Hanbury Street, there is nothing of very much interest on Grey Eagle Street that might attract large numbers of pedestrians. As such, I consider the pedestrian link proposed to be adequate,

⁶⁴⁹ CDB.02 Page 57

⁶⁵⁰ CDB.02 Pages 62 onwards

⁶⁵¹ View 36 of the HTVIA (CDA.34)

and well-designed for its purpose. That is why I do not consider a condition that seeks a modified design to be necessary.

- 14.71 There are some heritage issues that require examination too. First, I would highlight the view from Fournier Street, from a point adjacent to Christ Church along Wilkes Street, and the view from Wilkes Street itself, towards the appeal site⁶⁵². As things stand, these views are closed by the blank brick wall that forms the south elevation of Block B, with its grey metal fire escape stairs. Given the quality of the houses fronting Wilkes Street in the foreground of these views, this is a most unfortunate situation that causes a good deal of harm to the character and appearance, and the significance, of the CA. The view of this blank façade with its escape stair would be replaced by a view of the proposal with its carefully articulated chamfered elevation, with its circular opening that acts as a (respectful, in my view) nod or reference back to Christ Church which has a circular opening in its north wall that is the focus of the view in the opposite direction along Wilkes Street⁶⁵³. This would be a significant enhancement of the character and appearance, and significance of the CA.
- 14.72 On top of that, the carefully articulated façade on to Grey Eagle Street, with windows overlooking it, and balconies on the south elevation⁶⁵⁴, doing likewise, and the kiosk, would enliven Grey Eagle Street, and provide passive surveillance. Some doubt was cast about whether that would extend into the evening and night-times when it would be most valuable but experience of modern working practices, particularly in the SME sector, suggests to me that it would. This would also make a small, but nevertheless tangible positive contribution to the character and appearance of the CA.
- 14.73 There would be some negative aspects too. There are currently view of the tower and spire of Christ Church from Ely's Yard and from Grey Eagle Street. In relation to the former there is a striking view of the tower and spire of Christ Church from Ely's Yard⁶⁵⁵ itself and other views from the passage that leads north alongside Block B. While it might interfere with some views of Christ Church, and maybe block them off completely, from certain angles within this passage, I do not consider that these views add anything to the significance of the church. Put simply, I do not see how the significance of Christ Church would be dimmed because of an inability to see it fully from a little used passage within the brewery complex. There would be no impact from what would remain of Ely's Yard, and views that would be lost because of the footprint of the proposed building, would be more than compensated for by additional views from higher up, from the south-facing façade of the new building, with its balconies.
- 14.74 While I do not consider that there would be any loss of the significance of Christ Church in this respect, as I have found above, the CA is a different matter. Views of the church from within and around the CA are an important constituent of its character and appearance, and significance. Closing off or

⁶⁵² Views 41 and 42 in CDM.08 and CDM.10 Photos 6A and 6B

⁶⁵³ CDB.02 (the DAS) Page 64 and also CDM.10 Photo 30

⁶⁵⁴ CDB.02 (the DAS) Page 59

⁶⁵⁵ View 35 of the HTVIA (CDA.34) shows the view from further north alongside the eastern faced of Block B as do CDM.10 Photos 25 to 29

interfering with some of these views would have something of a negative impact on the character and appearance, and the significance, of the CA. However, given the nature of the views involved, I am of the view that the harmful impact would be very minor

- 14.75 There is also the prospect of the church from, Grey Eagle Street to consider. There is a view of the top of the spire of Christ Church from the northern end of Grey Eagle Street near its junction with Quaker Street⁶⁵⁶ over the top of the bridge that runs across the street. The site visit showed that there would also be a potential view of the spire from Quaker Street along the passage to the east of Block B. There are other views of the top of the spire from Grey Eagle Street⁶⁵⁷. As the visuals demonstrate, the proposal would block off many of the views shown from Grey Eagle Street for sure, and it would do likewise from the point on Quaker Street referred to above. Again, I regard these views as incidental and not ones that contribute anything to the significance of Christ Church. There would be change to the setting of the church because of the proposal, but that change would not be harmful to its significance as a designated heritage asset.
- 14.76 Following the line I have taken above however, these views do add something to the significance of the CA and the loss of these views would therefore have something of a negative impact on the character and appearance, and the significance, of the CA. However, given the nature of the view involved, I consider that the harmful impact would be very minor
- 14.77 There is then the need to consider the impact of the proposal on the character and appearance, and the significance of the CA in the round. In my view the positive features, and in particular the improved closure of the view along Wilkes Street, far outweigh the harmful loss of views of Christ Church from parts of Ely's Yard, and the passage to the north from it, Grey Eagle Street and Quaker Street.
- 14.78 Bringing all those points together, I am of the view that the proposal at issue in Appeal C would bring a significant enhancement to the character and appearance of the conservation area, and its significance, and it would optimise the site. As such, the proposal complies with London Plan Policies D3, D4, HC1 and GG2, Local Plan Policies S.DH1, S.DH3, D.DH2 and D.DH4, and the Framework.
- 14.79 Again, I appreciate that the SoS might disagree with those findings and find harm in relation to townscape and heritage considerations. If so, that harm would need to be weighted appropriately, and in particular any heritage harm would have to be accorded considerable importance and weight, and balanced against the public benefits of the proposal, which are themselves, considerable, as the appellant has outlined.

Appeals B and D

- 14.80 These elements of the proposals can be dealt with in two parts because while they are part of one application (Appeal B), there are two different uses involved, and two different sites.

⁶⁵⁶ CDA.34 View 33

⁶⁵⁷ CDM.10 Photo 7, Photo 8 and Photo 9

- 14.81 First, I turn to the housing proposed on what is termed in the evidence as Block J – the site of the existing ‘cash and carry’. As I have set out above, the starting point for consideration of this proposal in design and heritage terms is the situation as it stands now.
- 14.82 The site is currently occupied by a functional, relatively low-slung building that is non-descript in architectural terms. While the use it houses, and the activity generated, is a pleasing feature of the character of the CA, overall, the incongruity of the existing building, in terms of its appearance and height, make it a significant detractor in CA terms⁶⁵⁸.
- 14.83 As I have set out above, the central question for the decision maker in design and heritage terms is whether the scheme proposed preserves or enhances the character or appearance of the CA. That assessment must take account of what occupies the site at present.
- 14.84 The Council is concerned that what is proposed fails to complete the urban blocks fronting Hanbury Street and Woodseer Street in an acceptable manner and that the proposal is, put simply, too big. First of all, I take the view that the concept of a perimeter block that would reinstate the lost building line is clearly the correct conceptual approach here. The highest part of the block that would have its frontage on to Spital Street, would be significantly higher than the existing Hanbury Street and Woodseer Street frontages but as the massing strategy⁶⁵⁹ shows the proposal would ‘build up’ to its peak and the transition upwards, in my view, be dealt with in an architecturally sophisticated way; the change would not be abrupt but graduated. While it would provide a much more prominent presence on to Spital Street⁶⁶⁰ the frontage would not appear out of scale in relation to its surroundings. Instead, it would be pleasingly articulated, with intelligent references to its immediate and wider context⁶⁶¹.
- 14.85 On top of that, the plan form of the scheme would be a well-thought-out response to the site, providing attractive housing units, including some specifically arranged for Bangladeshi families, and communal areas⁶⁶², and a new home for the ‘cash and carry’ so that the beneficial activity it already provides is maintained.
- 14.86 Taking all those points together, I consider that the proposal for Block J would result in a massive uplift over what is on site at present; a very well-designed building would replace something that I consider to be distinctly underwhelming. The result would be an enhancement of both the character and appearance of the CA.
- 14.87 Added to that, the proposal would optimise the use of the site, providing much-needed housing, and affordable housing, as well as accommodating the ‘cash and carry’.

⁶⁵⁸ CDA.34 Views 18 and 19 and CDA.07 (DAS) Page 14 onwards

⁶⁵⁹ CDA.07 (DAS) Page 37

⁶⁶⁰ CDA.34 View 19

⁶⁶¹ CDA.07 (DAS) Page 79 onwards

⁶⁶² CDA.07 (DAS) Page 59 onwards

- 14.88 On that overall basis, the proposal is in ready compliance with London Plan Policies D3, D4, HC1, and GG2, Local Plan Policies S.DH1, S.DH3, D.DH2, D.DH4, and the Framework.
- 14.89 Of course, a building could be designed for the site, that followed not only the building lines, but also the generally prevailing heights on Hanbury Street, Woodseer Street, and Spital Street. Such a building would be smaller, overall, than what is proposed and therein lies the difficulty with the Council's and SBL's arguments. I agree with all the parties about the importance of the provision of housing and affordable housing. Further, I accept that there is a balance to be struck between matters relating to design and heritage and that provision, but a smaller proposal would almost certainly mean less housing would be accommodated on the Block J site, and as a result, less affordable housing.
- 14.90 In my view, the appellants are right to have sought to provide as much housing as they could on the site, thereby maximising the number of affordable housing units. Given my conclusions above about the impact of the proposal on the CA, the result has been the optimisation of the site, as London Plan Policy GG2 requires.
- 14.91 I turn then the proposals for the main site – the subject of Appeals B and, in terms of the works proposed to the listed building, Appeal D. As with the other elements of the overall scheme, it is important to start with the context. The main site occupies the area of (put simply) the former brewery yard. As recorded in the Brick Lane and Fournier Street Conservation Area Character Appraisal and Management Guidelines⁶⁶³: *The brewing industry was active in the area from around 1666, and a brewery was purchased by Joseph Truman in 1679. This was expanded in the 18th Century, when the Director's House on Brick Lane was enlarged to its present form. Expansion continued throughout the 19th Century when the brewery of Truman, Hanbury, Buxton & Co. became one of the largest in London.*
- 14.92 It continues⁶⁶⁴: *Industrial development at the Truman's Brewery site continued as late as the early 1970s, before it finally closed in 1988. From 1991 onwards, it has been redeveloped within its existing form as a major centre for the arts and creative industries, start-up spaces for entrepreneurs, night clubs and most recently, a street of coffee lounges (Dray Walk).*
- 14.93 It is clear then that brewery operations on the site are long gone and that different uses have been growing up on the site for some time now. It is in that context that we are told under the heading 'Opportunities and Potential for Enhancement' that the Truman's Brewery site will be the subject of a development brief and should be appropriately redeveloped in a way that respects the character of the existing historic buildings⁶⁶⁵.
- 14.94 It is right to say that the openness of the former brewery yard, and the historic buildings that define it – the Boiler House, the Cooperage, and the building fronting Buxton Street that has been called 'Block N' – provide an

⁶⁶³ CDE.09 Page 6

⁶⁶⁴ CDE.09 Page 7

⁶⁶⁵ CDE.09 Page 25

evocative echo of that former use. I appreciate that this makes a tangible contribution to the character and the appearance of the CA. It might be argued that the loss of this echo, as a consequence of the scheme, would have something of a harmful impact on the character and appearance of the CA. However, I would note that its redevelopment, albeit in a way that respects the character of the existing historic buildings, is presaged in the Brick Lane and Fournier Street Conservation Area Character Appraisal and Management Guidelines.

- 14.95 In that context, there can be no sensible objection to the principle of redevelopment of the site. In fairness, the Council and SBL do not present their cases in that way. Both refer to alternative redevelopment options through eLP Allocation 1.7, or the SBL alternative vision for the site. It can be taken from all that that the central question is not whether the main site is redeveloped, but how that takes place?
- 14.96 That leads on to the various uses proposed. I have dealt with this matter in policy terms above but in terms of the CA, I would also highlight what the Brick Lane and Fournier Street Conservation Area Character Appraisal and Management Guidelines says about land use⁶⁶⁶: *Brick Lane is predominantly retail shops, pubs, restaurants and cafes at ground floor level with offices storage and residential uses above. There is a cluster of restaurants between Fournier Street and Woodseer Street, and the Brewery now contains cultural venues, art galleries, restaurants, night clubs, start-up spaces and retail shops. There are many clothing shops scattered along the route, and a small cluster of leather clothes shops and internet cafes at the northern end of Brick Lane at Bethnal Green Road. The rest of the area is mainly residential in character, but also includes light industry, warehouse retail, art galleries, museums, health centres and educational buildings.*
- 14.97 Some time has passed since that assessment took place⁶⁶⁷ but it remains broadly correct. The land uses proposed as part of the proposals for the main site are a continuation of the sorts of uses recorded above, and therefore part of the established character of the CA. As I have found above, there is no basis for an objection to those uses in policy terms, but neither is there any sustainable foundation for any objection to them in CA terms. Indeed, it might reasonably be argued that the housing schemes promoted by the Council and SBL would be incongruous impositions on the main site, in use terms, that are likely to result in tension with existing commercial uses; commercial uses that are themselves a continuation of the historic commercial use of the site for brewing.
- 14.98 With all that in mind, it seems to me that the acceptability of the scheme for the main site (under Appeals B and D) turns on the design and heritage implications of the buildings proposed as a part of it.
- 14.99 It is appropriate to begin that analysis with the general arrangement of the masterplan. Having regard to the DAS⁶⁶⁸, this seems to me to have been

⁶⁶⁶ CDE.09 Page 13

⁶⁶⁷ The Brick Lane and Fournier Street Conservation Area Character Appraisal and Management Guidelines (CDE.04) was adopted in November 2009

⁶⁶⁸ CDA.03 is the DAS for the Masterplan

arrived at in a sensible manner. It would allow for public access into, and across, the site, providing permeability between Brick Lane and Buxton Street/Allen Gardens, and Spital Street, in particular, save for the depths of the night when access would be closed off – a matter I return to below.

- 14.100 The only significant criticism I heard of the layout relates to the 'tightness' of some of the passages and public spaces within it. I do not share that concern – thoroughfares and public spaces do not need to be particularly generous in size to have interest and utility and the illustrations in the DAS⁶⁶⁹ suggest that the passages and 'yards' would be attractive spaces where the correct balance has been struck between built footprint and open space within the scheme. That is important because, as I have set out above, making the best use of the resource that the former Brewery yard represents is an important facet of the overall design.
- 14.101 Bringing all those points together, I am of the view that the masterplan layout is thoughtfully composed and of a very high standard of design in conceptual terms. That finding might explain why the masterplan received a prestigious architectural award.
- 14.102 The main thrust of the objections raised by the Council and SBL relates to elements of the masterplan; the individual buildings within it; and their impact on heritage assets. I can deal with those in turn.
- 14.103 First there is the Boiler House, with its iconic chimney⁶⁷⁰. No issue is taken with the extension proposed to the Boiler House or the associated works and the DAS, alongside the Heritage Impact Assessment⁶⁷¹ show very convincingly that these elements of the proposals are very-well designed⁶⁷². Viewed in isolation (I deal with other impacts on the setting of the Boiler House and its iconic chimney below) they will very clearly enhance the special architectural and historic interest of the Boiler House, and its significance.
- 14.104 The Cooperage (Block K) is an attractive vestige of the brewing operations that once took place on the site and a non-designated heritage asset. The alterations proposed are light touch⁶⁷³, and include the re-instatement of the former opening on to Spital Street, and I see no difficulty with any of this.
- 14.105 Block 1 to the south would infill the gap between the Cooperage and No.35 Woodseer Street, in a sensitive way, and include another opening on to Spital Street. Block 1 would relate well to the No.35 and the Cooperage and significantly improve the Spital Street frontage⁶⁷⁴.
- 14.106 It became apparent at the site visit that there are views of the tower and spire of Christ Church from Spital Street and that Block 1 would very likely

⁶⁶⁹ CDA.03 Page 100 shows the entrances; Page 111 shows Chimney Yard; Page 112 Cooperage Yard; Page 113 Cooperage Passage; Page 114 Cooperage Lane; and Page 115 Black Eagle Yard

⁶⁷⁰ Also referred to as Block O - CDA.08 is the DAS

⁶⁷¹ CDA.13

⁶⁷² CDA.34 View 13

⁶⁷³ CDA.04 is the DAS (which also covers Block 1)

⁶⁷⁴ CDA.34 View 20, View 14 and View 15

close these views off⁶⁷⁵. For similar reasons that I have covered above, I do not consider that the closure of this view will take away anything from the significance of Christ Church but it would have a harmful impact on the character and appearance of the CA, and its significance. In my view, that impact would be very minor but material, nevertheless.

14.107 Block N, the single storey structure that fronts Buxton Street is also a vestige of the brewing operations that used to take place on the site. In my view it is, in some ways, an attractive building⁶⁷⁶, and given its links to the former function of the site as a brewery, it makes a positive contribution to the character and the appearance of the CA, and merits treatment as a non-designated heritage asset. The proposals would lead to its demolition and replacement by Block 3, which I deal with below.

14.108 On the face of it, the removal of this building would mean the complete loss of its significance, and a harmful impact on the character and appearance of the CA, and its significance. However, the analysis is not as simple as that for a number of reasons.

14.109 First, the previous grant of planning permission for a Data Centre on this part of the site also involved the demolition of Block N. That permission has been lawfully implemented so it appears to me that Block N could be removed at any time, without recourse to the Council⁶⁷⁷.

14.110 On top of that, and perhaps reflective of it, the proposed allocation in the eLP⁶⁷⁸ suggests that, alongside (it seems) the Cooperage (Block K), Block N would be removed to accommodate new urban blocks that would contain a mix of commercial uses and housing. Obviously, the Council does not view the significance of Block N (or it appears Block K) as a barrier to making the best use of the site. I accept that the SBL scheme includes the retention of Block N (and Block K) but I might question whether, in doing so, the scheme tips too far in favour of conservation rather than efficient use of land. In any event, this finding is not conclusive given that Block N could be removed at any time.

14.111 I turn then to Block 3⁶⁷⁹ which excited the most criticism in design and heritage terms. What I took to be the main point relates to the scale of Blocks 3A and 3B and the frontage they would present to Buxton Street and Allen Gardens opposite, as a replacement for Block N that I have referred to above.

14.112 The first point I would make in relation to this aspect of Blocks 3A and 3B concerns the nature of the Buxton Street frontage. As I have set out above, Block N is an attractive building, in some ways, but it presents a largely dead frontage to Buxton Street, and Allen Gardens.

14.113 As things stand, as one leaves the exciting hustle and bustle of Brick Lane for Buxton Street, one is struck by the abrupt drop-off in activity. I do not regard

⁶⁷⁵ There is no visual representation of this view from Spital Street in the documentation

⁶⁷⁶ CDA.34 View 8 shows the Buxton Street frontage

⁶⁷⁷ ID11 gives a visual representation of the Buxton Street frontage

⁶⁷⁸ Allocation 1.7 CDF.06 Page 412

⁶⁷⁹ CDA.06

this as a positive feature, and it may have something to do with the anti-social behaviour that pervades in Allen Gardens. Blocks 3A and 3B would provide units with active frontages at ground floor level, opening out on to Buxton Street, facing Allen Gardens. Windows on the upper floors would overlook Allen Gardens and provide passive surveillance. To my mind, all this would provide a significant lift to this part of Buxton Street and go some way towards addressing some of the issues that blight Allen Gardens.

- 14.114 Linked to that, in some ways, is the prospect of the site from Allen Gardens, and the question of 'definition'. As things stand, while Block N has some attractive features, as a remnant of former activities on the site, the frontage it presents to Buxton Street and Allen Gardens is a weak one, in my view⁶⁸⁰. There is a significant drop-off in scale from the Boiler House and its chimney and a sense of under-use, which gives the appearance of a 'gap site'. This is not something that is a positive feature of this part of the CA.
- 14.115 To my mind this Buxton Street frontage is in sore need of an intervention; the issue centres around its design and scale. What has been proposed for Blocks 3A and 3B has been criticised as being too great in scale, and too tall. However, I consider the design of these Blocks to be well composed; they would have well-articulated elevations with clear bases, middles, and tops, and visual interest in the treatment of set-backs, and openings, and in the use of materials. The bridges between Blocks 3A and 3B are an attractive echo of those found around the brewery site. The build-up from the Boiler House adjacent would be respectful. Moreover, Block 3B would turn the corner into Spital Street, and form a junction with the Cooperage (Block K) in an architecturally coherent fashion⁶⁸¹.
- 14.116 I accept that the blocks would be significant in terms of their heights and scale, but I do not consider that they would dominate, or overpower, Buxton Street, Allen Gardens, or Spital Street. Instead, they would provide an attractive frontage that would be much stronger in visual terms than what is in place at present⁶⁸². I regard that as a positive intervention that would enhance both the character and the appearance of the CA.
- 14.117 It might be said that these Blocks could be less tall and with reduced mass. However, in the context of policy requirements (in the Framework and the London Plan) to make the best use of land, I believe that that the appellants are right to seek to push height and massing to the limits of what is acceptable. I consider that they have achieved an appropriate balance here, optimising the use of the resource that the main site represents.
- 14.118 There are other aspects of concern too, notably the suggestion that Blocks 3A and 3B would compete with, and undermine, the status of the Boiler House chimney. In views from Allen Gardens, I do not agree that this would be the case – alongside the skilful use of set-backs, there would be sufficient separation between Block 3A and the Boiler House chimney to ensure that the chimney easily retained its dominance or primacy in these views⁶⁸³.

⁶⁸⁰ CDA.34 View 7 and View 8 Existing (Winter/Summer)

⁶⁸¹ CDA.34 View 14

⁶⁸² CDA.34 View 7 and View 8

⁶⁸³ CDA.34 View 7, View 8 and View 13

- 14.119 There are other issues concerning the Boiler House Chimney too. It is apparent from the various visualisations⁶⁸⁴ that on the approach towards the main site, from the east along Buxton Street, the Boiler House chimney would be obscured in part or wholly by Blocks 3A and 3B.
- 14.120 I consider that the approach to this point is the same as that relating to views of Christ Church that I have dealt with above. I do not consider that these views of the Boiler House chimney on the approaches from Buxton Street add anything to the significance of the designated heritage asset concerned (the listed building). On that basis, while the intervening presence of Blocks 3A and 3B would change the setting of the Boiler House and its chimney, that change would not be harmful to its significance.
- 14.121 Even if the position was taken that closing off these views would harm the setting and thereby the significance of the Boiler House, that harm would have to be balanced against the multifarious heritage benefits of the works proposed to the Boiler House. Overall, the result would be in favour of the overall proposals.
- 14.122 Again though, I take a different view in relation to the CA. As with views of Christ Church from within it, views of the Boiler House chimney from the CA are positive characteristics of its character and its appearance. Closing off those views would have something of a harmful impact on that character and appearance.
- 14.123 In a similar way, there are views of the spire of Christ Church across the main site from Allen Gardens, against the backdrop of the City Cluster⁶⁸⁵. I do not consider that the loss of those views as a result of the proposals would harm the setting or the significance of Christ Church because those views add nothing to the significance of the church. However, the ability to see the spire of Christ Church from Allen Gardens is a pleasing feature of the character and appearance of the CA that adds to its significance.
- 14.124 But, as I have referred to above, that harm to the significance of the CA has to be balanced against the enhancing characteristics of the Appeal B scheme and when I carry out that balance, it comes out firmly in favour of the proposals. Overall, both the character and the appearance of the CA would be enhanced by them.
- 14.125 The views from Buxton Street I have referred to above also take in No.35 Buxton Street, a Grade II listed building⁶⁸⁶. No.35 is a remnant of clearance that took place after the Blitz; clearance that also allowed the formation of Allen Gardens. It used to be the vicarage to All Saints Church – the church having been demolished in 1951.
- 14.126 No.35 is an attractive early 19th Century house that sits adjacent to Allen Gardens, alongside the former church school building, on the north side of Buxton Street. As a remnant of the pre-war nature of the area, the relationship of the listed building to Buxton Street and Allen Gardens is an important element of its setting, and contributor to its significance. However,

⁶⁸⁴ CDA.34 Views 10, 11 and 12 and also CDM.10 Photo 10 to Photo 21

⁶⁸⁵ CDA.34 View 8 – the spire is to the left of the Gherkin

⁶⁸⁶ CDA.34 View 10 and CDM.10 Photos 11, 13 and 14

the changes proposed to the main site, and the addition of Blocks 3A and 3B diagonally opposite would not change that relationship in any harmful way. Some views of No.35 would change as a result of the presence of the proposals, but it would remain a pleasing reminder of the pre-war nature of the area. There would be no harm to the setting or the significance of No.35 as a result of the proposals.

- 14.127 It must be borne in mind throughout this analysis of the proposals for the main site, that if eLP Allocation 1.7 was ever taken forward, then it too would have to meet the requirement to make the best use of the resource represented by the main site. Indeed, it would make obvious sense to do so in order to optimise the amount of housing and thereby affordable housing that was provided. It seems to me that if that was ever to be the case, the residential-led mixed-use scheme that came forward would be very likely to have similar impacts on both the CA, and the settings of nearby listed buildings. The same would almost certainly be true of the housing scheme that is favoured by SBL. The proposals for the main site at issue here have to be seen in that context.
- 14.128 Bringing all those points together, I am firmly of the view that the proposals for the main site attain a very high standard of design in terms of the masterplan, the individual new buildings involved, and the treatment of existing buildings. Considered in the round, the proposals would have no harmful impact on the significance of any designated heritage asset. Indeed, I am of the view that the character and appearance of the CA would be enhanced by the proposals, and the special architectural and historic interest of the Boiler House would benefit likewise. The Cooperage (Block K) would be enhanced by the proposals and in the circumstances, the loss of Block N as a non-designated heritage asset is acceptable.
- 14.129 On that basis, there is compliance with London Plan Policies D3, D4, HC1 and GG2, Local Plan Policies S.DH1, S.DH3, D.DH2 and D.DH4, and the Framework, and there are no material considerations that point in a different direction for decision-making. **[8.66-8.98, 8.104, 9.4-9.29, 9.44-9.72]**
- 14.130 Of course, the SoS might reach a different view of the proposals in design and heritage terms. In such an instance the harmful aspects would have to be identified and calibrated and set against the benefits of the scheme.

Main Consideration #3: Other Matters

- 14.131 Concerns have been raised by residents who live adjacent to the site of the proposed Data Centre – the subject of Appeal A – about the potential for noise and disturbance as a result of its operation and the effect this could have on their living conditions⁶⁸⁷.
- 14.132 In large part, this concern is led by their experience of the existing Data Centre within the brewery complex, on the opposite side of Grey Eagle Street to the proposal. However, that Data Centre is of some vintage, relatively speaking, and bearing in mind how the cooling technology has moved on, I

⁶⁸⁷ CDM.04

have no cogent reason to believe that the Data Centre proposed in Appeal A would have similar impacts in noise and disturbance terms. Indeed, the suggested conditions, that I have covered above, suggest that it could operate in a way that would not be audible in general terms. On that basis, I have no reason to believe that there would be any harmful impact on the living conditions of adjacent residents in noise and disturbance terms as a result of the proposal.

- 14.133 In more general terms, the replacement of the existing, derelict building, that is home to anti-social behaviour and crime, with a secure building that is home to more savoury activities would result in a significant improvement in the general ambience of this part of Grey Eagle Street. Alongside the increased activity, and passive surveillance, that would come from the Ely's Yard scheme (Appeal C), there would be a significant improvement in the living conditions of residents of the area as a result of the schemes overall.
- 14.134 Some concerns were raised too about late night uses as part of the schemes and the potential for those to create issues in noise and disturbance terms for local residents. However, there is no barrier to those types of uses in the development plan and conditions (that I have rehearsed above) can be used to govern those activities and the times within which they can take place. Moreover, it seems to me contradictory for objectors to criticise the scheme for the main site in these terms on the one hand, but also to complain about it being closed off to the public overnight.
- 14.135 There are points too to be made about public participation, and those points need to be considered in the light of the PSED. The first point relates to the manner to which public participation has been facilitated. There may well have been some issues with the way the scheme was publicised and explained, through inaccurate translations and the like, but I do not detect any cynicism on the part of the appellants in the way those issues came about. It seems to me that the appellant has been at pains to let the local community know about the nature of the scheme. The level of public participation at the Inquiry is a testament to how that local community has been energised by the proposals. While I fully accept that SBL has been prominent in this too, that would surely not be the case had the schemes somehow slipped under the radar.
- 14.136 The many well informed, eloquent submissions that were made to the Inquiry, summarised above, and helpfully transcribed by SBL, demonstrated to me that the local community was very well informed about what was under consideration at the Inquiry.
- 14.137 On that overall basis, taking full account of the PSED, I see no difficulties with the schemes in this respect.
- 14.138 The central issue here, in equality and PSED terms, is that the local community, whether through SBL, the Council, or as individuals, are so very strongly opposed to the proposals. Given the pressing need for housing, and affordable housing in particular, in Tower Hamlets (and indeed London overall), I can appreciate and understand the basis for that opposition. However, as I have set out above, the development plan supports a commercial-led approach on these sites, and there are question marks, at best, about the housing-led allocation proposed in the eLP, not least in

deliverability terms. In any event, that allocation would be unlikely to achieve a great deal more in terms of meeting the enormous housing need than the schemes at issue here. Public opposition to these schemes cannot justify setting aside the development plan in these cases.

14.139 I would observe too that the main site – covered by the scheme in Appeal B – which drew the most significant opposition, as I have found above, is set apart from Brick Lane in general, and distinct because of its historic use and the nature of the buildings that stand, and have stood, on the site. Reference were made by local residents to this sense of the brewery complex standing apart from its surroundings. In that context, the proposed use of the site for commercial purposes would not involve the loss of any facility that is currently enjoyed by the local community.

14.140 What might be lost as a consequence of any grant of planning permission for commercial development on the site is the potential for it to provide housing that might be accessible to the local community, but as I have set out above, the likelihood of housing ever coming forward on the site seems very slim indeed. And even if it did, there is nothing to suggest that it would or even could deliver affordable housing in the way the local community might wish to see. With all that in mind, this opposition to the proposal does not, in my view, justify setting aside the very clear provisions of the development plan. **[8.132-8.144, 9.171-9.172, 10.2-10.25, 10.41-10.90]**

Main Consideration #4: The Planning Balance and Conclusions

14.141 In the light of my findings above, I am content that the various proposals, considered singly, or together, are in full accord with the development plan. There is no need for any planning balance because what harmful impacts I have identified, in relation to the significance of designated heritage assets, are outweighed by positive impacts on that same significance. The result is that, overall, the significance of all the designated heritage assets affected is preserved, or in some cases, enhanced. There is no departure from the statutory requirements of the Planning (listed Buildings and Conservation Areas) Act 1990. There are no material considerations, whether that is the eLP, or indeed anything else, that would point to a finding other than in accord with the development plan. **[8.145-8.188, 9.103-9.107, 9.154-9.158, 9.167-9.169, 9.173, 10.91-10.100]**

14.142 Of course, the SoS may take a contrary view in relation to some, or all, elements of the scheme, and I have dealt with what would be required in such an instance in my conclusions above.

15. Recommendations

Appeal A

15.1 I recommend that the appeal is allowed, and planning permission is granted in accordance with the conditions set out in Annex D.

Appeals B and D

- 15.2 I recommend that the (linked) appeals are allowed, and planning permission and listed building consent are granted for the development and works proposed subject to the conditions set out in Annex D.

Appeal C

- 15.3 I recommend that the appeal is allowed, and planning permission is granted in accordance with the conditions set out in Annex D.

Paul Griffiths

INSPECTOR

ANNEX A: APPEARANCES

FOR THE LONDON BOROUGH OF TOWER HAMLETS

Advocates: Richard Wald KC and Hugh Flanagan instructed by LBTH

They called⁶⁸⁸:

Ignus Froneman BArch Stud ACIfA IHBC	Director, Cogent Heritage
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Paul Reynolds BA(Hons) PGDip MA CMLI UDGRP FRSA	Director, Tapestry
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Mike Kiely BTP MBA MRTPI	Maddox Planning
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FOR THE APPELLANT

Advocates: Russell Harris KC and Andrew Parkinson instructed by CMS LLP

They called:

Matt Yeoman BA(Hons) DipArch ARB RIBA	Founding Partner, Buckley Gray Yeoman
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Joe Morris BA(Hons) DipArch ARB RIBA	Founding Director, Morris+Company Ltd
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Michael Dunn BA MA DipUD IHBC	Director, The Townscape Consultancy
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Simon Henley BA(Hons) BArch ARB RIBA FRSA	Principal, Henley Halebrown Architects
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Ailish Killilea MSc IHBC	Director, The Townscape Consultancy
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Celeste McGinley BA MSc MRICS	Knight Frank LLP
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Jonathan Marginson	Senior Director, DP9
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⁶⁸⁸ Gareth Gwynne took part in the discussion about the various planning obligations

MA(Hons) MRTPI

FOR SAVE BRICK LANE

Advocate: Flora Curtis instructed by SBL

They called:

John Burrell
MA AADip RIBA MSAI
FRSA

Founding Partner, BFF Architects and Urban
Designers

Alec Forshaw
IHBC MRTPI

Dr Tanzil Shafique
BArch MArch PhD FHEA

Lecturer in Urban Design, University of Sheffield

Saif Uddin Osmani

Co-Founder, Bengali East End Heritage Society

Adam Almeida

Data Analyst

Seema Manchanda
BA MPhil DipFA RTPI

Director, Co Produce It CIC and Company Drinks
CIC

INTERESTED PERSONS

Akiku Roman

Local Resident

Abdus Shukur

Community Worker

Abdul Mukit Chunu

Local Resident

Md Rafique Ullah

Local Resident

Jalal Rajunuddin

East London Community Alliance

Chris Cooper

Local Resident

Asma Islam

Local Councillor, Weavers Ward

Abdul Shukur Khalisadar

Local Resident

Dr Mohammed Ahmedullah

Brick Lane Circle

Mohammed Bodrul Alom

Local Resident

Lucy Rogers

Local Resident

Dina Zimmerman	Local Resident
Nichola Cola	Local Resident
Terry McGrenera	Journalist
Fatima Regina	Senior Lecturer, Stephen Lawrence Research Centre DMU
Abdul Kahar Ali	Local Resident
Faysul Ahmed	Local Resident
Lutfur Rahman	Mayor of Tower Hamlets
Dan Cruickshank	Trustee of the Spitalfields Trust
Md Rahman Jr	Local Resident
Muhammed Miah	Local Resident
Dr Farhana Malique	Clinical Psychologist and Local Resident
Henna Khanom	Local Resident
Puru Miah	Local Resident
Susanna Kow	Local Resident and Campaign Member of SBL
Jonathan Moberly	Founding Member of SBL
Asma Rukia Ahmed	Local Resident
Stephen Watts	Poet and Local Resident
Suad Chantouki	Local Resident
Walaa Abdelbaky Eishikh Ahmed Ali Elsayy	Local Resident
Suluk Ahmed	Councillor, Spitalfields and Bangla Town Ward
Rim Moustafa	Local Resident
Mikael Ahmed	Local Resident
Jahed Ahmed	Local Resident
Shilpa Akher	Local Resident
Shamsun Chowdhury	Local Resident

Ayrun Begum	Local Resident
Shah Rayhan Uddin	Local Resident
Gabrielle Kleinberg	
Deba Malique	Local Resident
Peter Gold	Councillor,
Michael Ball	Just Space

ANNEX B: CORE AND INQUIRY DOCUMENTS

Core and Inquiry Documents can be accessed at: [Search and comment on planning applications](#)

CDA Application Documents

- CDA.01 Planning Application Forms
- CDA.02 Listed Building Consent Application Forms
- CDA.03 Masterplan DAS
- CDA.04 Block 1 & K DAS
- CDA.05 Block 2 DAS
- CDA.06 Block 3 DAS
- CDA.07 Block J DAS
- CDA.08 Block O DAS
- CDA.09 Landscape and Public Realm Strategy
- CDA.10 Arboricultural Impact Assessment Method Statement
- CDA.11 Basement Impact Assessment
- CDA.12 Biodiversity Net Gain Report
- CDA.13 Block O Heritage Impact Assessment
- CDA.14 Circular Economy Statement
- CDA.15 Construction Environmental Management Plan
- CDA.16 Contextual Summary of the Daylight and Sunlight Assessment
- CDA.17 Delivery and Servicing Management Plan
- CDA.18 Economic Statement and Commercial Use Needs Assessment
- CDA.19 Energy Statement
- CDA.20 Equality Impact Assessment
- CDA.21 Fire Statement
- CDA.22 Flood Risk Assessment and Drainage Strategy
- CDA.23 Framework Travel Plan

CDA.24	Outline Construction Logistics Plan
CDA.25	Planning Statement
CDA.26	Public Benefits Statement
CDA.27	Site Waste Management Plan
CDA.28	Statement of Community Involvement
CDA.29	Sustainability Statement
CDA.30	Transport Statement
CDA.31	Ventilation and Extraction Statement
CDA.32	Whole Life Cycle Carbon Assessment
CDA.33	ES Volume 1
CDA.34	ES Volume 2 – Heritage, Townscape and Visual Impact Assessment
CDA.35	ES Volume 3 – Appendix A – Ely’s Yard BNG
CDA.35	ES Volume 3 – Appendix B – Air Quality
CDA.35	ES Volume 3 – Appendix C1 – Archaeology
CDA.35	ES Volume 3 – Appendix C2 – Grey Eagle Street Archaeological DBA
CDA.35	ES Volume 3 – Appendix C3 – Masterplan Site Archaeological DBA
CDA.35	ES Volume 3 – Appendix C4 – Ely’s Yard Archaeological DBA
CDA.35	ES Volume 3 – Appendix E – Ecology
CDA.35	ES Volume 3 – Appendix E1 – Grey Eagle Street PEA
CDA.35	ES Volume 3 – Appendix E2 – Masterplan Site PEA
CDA.35	ES Volume 3 – Appendix E3 – Ely’s Yard Truman Brewery PEA
CDA.35	ES Volume 3 – Appendix E4 – Bat Mitigation TN
CDA.35	ES Volume 3 – Appendix E5 – Grey Eagle Street BNG
CDA.35	ES Volume 3 – Appendix E6 – Masterplan Site BNG
CDA.35	ES Volume 3 – Appendix E7 – Ely’s Yard BNG
CDA.35	ES Volume 3 – Appendix F – Greenhouse Gases

- CDA.35 ES Volume 3 – Appendix G1 – Ground Contamination Preliminary Risk Assessment
- CDA.35 ES Volume 3 – Appendix G4 – Assessment Methodology
- CDA.35 ES Volume 3 – Appendix H – Health
- CDA.35 ES Volume 3 – Appendix I – Noise and Vibration
- CDA.36 ES Non-Technical Summary
- CDA.37 ES Addendum
- CDA.38 ES Addendum Non-Technical Summary
- CDA.40 All Plans

CDB Application Documents – Ely’s Yard

- CDB.01 Planning Application Form
- CDB.02 DAS
- CDB.03 Circular Economy Statement
- CDB.04 Construction Environmental Management Plan
- CDB.05 Delivery and Servicing Management
- CDB.06 Economic Statement and Commercial Use Needs Assessment
- CDB.07 Energy Statement
- CDB.08 Fire Statement
- CDB.09 Framework Travel Plan
- CDB.10 Outline Construction Logistics Plan
- CDB.11 Planning Statement
- CDB.12 Site Waste Management Plan
- CDB.13 Sustainability Statement
- CDB.14 Transport Statement
- CDB.15 Ventilation and Extraction Statement
- CDB.16 Whole Life Cycle Carbon Assessment

CDB.17 Plans

CDC Application Documents – Block A

CDC.01 Planning Application Form

CDC.02 DAS

CDC.03 Basement Impact Assessment

CDC.04 Circular Economy Statement

CDC.05 Construction Environmental Management Plan

CDC.06 Economic Statement and Commercial Use Needs Assessment

CDC.07 Energy Statement

CDC.08 Fire Statement

CDC.09 Flood Risk Assessment and Drainage Strategy

CDC.10 Planning Statement

CDC.11 Site Waste Management Plan

CDC.12 Sustainability Statement

CDC.13 Transport Statement

CDC.14 Utilities Statement

CDC.15 Ventilation and Extraction Statement

CDC.16 Whole Life Carbon Assessment

CDC.17 Plans

CDD Correspondence and Consultation Responses

CDD.01 GLA Stage 1 Report 28 October 2024

CDD.02 HE Consultation Response 7 October 2024

CDD.03 LBTH Place Shaping Officer Comments 23 December 2024 (Main Site)

CDD.04 LBTH Place Shaping Officer Comments 23 December 2024 (Ely's Yard)

CDD.05 LBTH Place Shaping Officer Comments 23 December 2024 (Block A)

- CDD.06 Anstey Horne Daylight and Sunlight Review Report
- CDD.07 LBTH Highways Officer Comments 24 December 2024
- CDD.08 LBTH Pre-App Response 12 February 2024 (Main Site and Ely's Yard)
- CDD.09 LBTH Pre-App Response 19 December 2023 (Main Site)
- CDD.10 QRP Response 26 March 2024 (AM)
- CDD.10 QRP Response 26 March 2024 (PM)
- CDD.11 QRP Response 13 December 2023 (AM)
- CDD.11 QRP Response 13 December 2023 (PM)
- CDD.13 Appellant Design Response to LBTH 10 April 2025 (Ely's Yard)
- CDD.14 Appellant Design Response to LBTH 10 April 2025 (Block A)
- CDD.15 Appellant Response to ES Final Review Report June 2025
- CDD.16 LBTH Final Review Report 001 30 May 2025
- CDD.18 Appellant Response to ES Final Review Report July 2025
- CDD.19 LBTH Final Review Report 002 15 July 2025
- CDD.20 Appellant Response to LBTH Design and Heritage Comments April 2025
- CDD.21 Appellant Response to LBTH Place Shaping Officer Comments (Block 3) 8 April 2025
- CDD.22 Interim Review Report 28 October 2024
- CDD.23 GLA Pre-App Response 3 May 2024
- CDD.25 HE's GLAAS response 7 October 2024
- CDD.27 SBL Petition Wording
- CDD.28 Historic Buildings and Places Consultation Response 12 June 2025

CDE National and Regional Planning Policy and Guidance

- CDE.01 National Planning Policy Framework (2024)
- CDE.02 National Planning Practice Guidance (2025)
- CDE.03 National Design Guide (2021)

- CDE.04 The London Plan (2021)
- CDE.05 City Fringe Opportunity Area Planning Framework (2015)
- CDE.06 HE - Historic Environment Good Practice Advice Planning Note 2: Managing Significance in Decision Taking in the Historic Environment (2015)
- CDE.07 HE – Historic Environment Good Practice Advice Note 3 (2nd Edition) – The Setting of Heritage Assets (2017)
- CDE.08 HE Advice Note 12: Statements of Heritage Significance – Analysing Significance in Heritage Assets (2019)
- CDE.09 Brick Lane and Fournier Street CA Character Appraisal and Management Guidelines SPD (2009)
- CDE.10 HE Advice Note 4: Tall Buildings
- CDE.11 LVMF Planning Guidance Part 1 (2012)
- CDE.11 LVMF Planning Guidance Part 2 (2012)
- CDE.11 LVMF Planning Guidance Part 3 (2012)
- CDE.12 GLVIA3
- CDE.13 Towards a New London Plan

CDF LBTH Planning Policy and Documents

- CDF.01 LBTH Local Plan 2031 (January 2020)
- CDF.02 LBTH Planning Obligations SPD (2021)
- CDF.03 Local Needs Housing Assessment (October 2023)
- CDF.04 Employment Land Review (March 2023)
- CDF.05 Brick Land and Pedley Street Site Capacity Assessment (April 2024)
- CDF.06 Regulation 19 LBTH Draft Local Plan (2024)
- CDF.07 LBTH Housing Topic Paper (June 2025)
- CDF.08 Regulation 19 LBTH Draft Local Plan Focused Policies Consultation (2025)
- CDF.09 Five Year Housing Land Supply and Housing Trajectory Statement (2018)
- CDF.10 LBTH Annual Monitoring Report for 2020-2022 (2024)

CDH Legislation, Case Law and Planning Decisions

- CDH.01 Town and Country Planning Act 1990
- CDH.02 Planning and Compulsory Purchase Act 2004
- CDH.03 Planning (Listed Buildings and Conservation Areas) Act 1990
- CDH.04 PP Ref.PA_20_00415: Site at 140, 146 Brick Lane and 25 Woodseer Street London E1
- CDH.05 PP Ref.PA_16_01832: Site at the Corner of Buxton Street and Spital Street London E1
- CDH.06 Appeal Decision APP/E5900/W/23/3320336 – Mulberry Place
- CDH.07 Draft High Court Consent Order
- CDH.08 High Court Decision in relation to the Spitalfields and Banglatown SPD (19 February 2025)
- CDH.09 Appeal Decision APP/E5900/W/23/3320336 – Mulberry Place – Appellants’ Closing Submissions

CDI Statements of Case

- CDI.01 LBTH SoC
- CDI.01 Appendix 1a to LBTH SOC
- CDI.01 Appendix 1b to LBTH SoC
- CDI.01 Appendix 1c to LBTH SoC
- CDI.01 Appendix 2 (SDC Decisions 31 July 2025) to LBTH SoC
- CDI.02 Appellant SoC – Main Site
- CDI.03 Appellant SoC – Block A
- CDI.04 Appellant SoC – Ely’s Yard
- CDI.05 Appellant SoC – LBC
- CDI.06 SBLC SoC

CDJ Statements of Common Ground

- CDJ.01 Appellant and LBTH SoCG – Main Site

CDJ.02 Appellant and LBTH SoCG – Block A

CDJ.03 Appellant and LBTH SoCG – Ely’s Yard

CDJ.04 Appellant and LBTH SoCG – LBC

CDK Draft Agreements under s.106

CDK.01 Main Site - Draft Agreement under s.106

CDK.02 Ely’s Yard - Draft Agreement under s.106

CDK.03 Block A - Draft Agreement under s.106

CDL Miscellaneous

CDL.01 LBTH SDC Report and Update Report – Main Site and LBC

CDL.02 LBTH SDC Report and Update Report – Block A

CDL.03 LBTH SDC Report and Update Report – Ely’s Yard

CDL.04 LBTH SDC decisions on planning applications

CDL.05 Appellant’s Reps to the Reg 19 LBTH Draft Local Plan

CDL.06 Former Stables at Truman’s Brewery List Description

CDL.07 Black Eagle Brewery List Description

CDL.08 Brewmaster’s House List Description

CDL.09 Vat House List Description

CDL.10 Director’s House List Description

CDL.11 Engineer’s House List Description

CDL.12 HDT Measurement

CDL.13 Notes of CMC (26 August 2025)

CDM Proofs of Evidence

CDM.01 PoE of Mr Kiely (LBTH)

CDM.02 PoE of Mr Reynolds (LBTH)

CDM.03 PoE of Mr Froneman (LBTH)

- CDM.04 PoE and Appendices of Mr Marginson (Appellant)
- CDM.05 PoE and Appendices of Mr Yeoman (Appellant)
- CDM.06 PoE and Appendices of Mr Morris (Appellant)
- CDM.07 PoE of Mr Dunn (Appellant)
- CDM.08 PoE and Appendices of Ms Killilea (Appellant)
- CDM.09 PoE of Ms McGinley (Appellant)
- CDM.10 PoE of Mr Forshaw (SBL)
- CDM.11 PoE of Dr Tanzil Shafique (SBL)
- CDM.12 3P Submission from Spitalfields Historic Buildings Trust
- CDM.13 Appendix to letter from Richard Buxton Solicitors
- CDM.14 PoE and Appendix of Adam Almeida (SBL)
- CDM.15 PoE and Appendix of Saif Osmani (SBL)
- CDM.16 PoE and Appendix of Seema Manchanda (SBL)
- CDM.17 PoE and Appendix of John Burrell (SBL)
- CDM.18 Rebuttal Evidence and Appendices of Seema Manchanda
- CDM.19 Rebuttal Evidence and Appendices of Saif Osmani
- CDM.20 Rebuttal Evidence and Appendix of John Burrell
- CDM.21 Rebuttal Evidence of Mr Marginson – Appendix A
- CDM.22 Rebuttal Evidence of Mr Marginson – Appendix B
- CDM.23 Rebuttal Evidence of Mr Marginson Appendix C
- CDM.24 Rebuttal Evidence of Mr Marginson Appendix D
- CDM.25 Rebuttal Evidence of Mr Marginson
- CDM.26 Rebuttal Evidence of Mr Yeoman
- CDM.27 Rebuttal Evidence of Ms McGinley
- CDM.28 Rebuttal Evidence of Mr Henley
- CDM.29 MK Rebuttal Appendix A1 (Blue Coast Capital)

- CDM.30 MK Rebuttal Appendix A2 (Digital Reality)
- CDM.31 MK Rebuttal Appendix A3 (Environment Agency)
- CDM.32 MK Rebuttal A4 (GLA)
- CDM.33 MK Rebuttal A5 (Historic Royal Palaces)
- CDM.34 MK Rebuttal A6 (IM Land)
- CDM.35 MK Rebuttal A7 ((Nags Head Ltd)
- CDM.36 MK Rebuttal A8 (TfL)
- CDM.37 MK Rebuttal A9 (Truman Estates)
- CDM.38 MK Rebuttal A10 (Workspace Group PLC)
- CDM.39 MK Rebuttal A11 (Zeloof LLP)
- CDM.40 Rebuttal Evidence of Mr Kiely (MK)

CDN SoS Recovery of Appeals

- CDN.01 SoS Recovery Letter (23 October 2025)

ID	Inquiry Documents
ID.01	Appellant's List of Appearances
ID.02	Appellant's Opening Submissions
ID.03	LBTH Opening Submissions
ID.04	SBLC Opening Submissions
ID.05	Appellant's Architects' Presentations
ID.06	Appellant's Architects' Presentations (in Bengali)
ID.07	Agreed/Signed SoCG – Main Site (15 October 2025)
ID.08	Agreed/Signed SoCG – LBC (15 October 2025)
ID.09	Agreed/Signed SoCG – Grey Eagle Street (15 October 2025)
ID.10	Agreed/Signed SoCG – Ely's Yard (15 October 2025)
ID.11	Proposed Data Centre – View from Corner of Buxton St and Spital St
ID.12	English Heritage Letter (29 February 2012)
ID.13	HE Letter (25 August 2016)
ID.14	HE Letter (27 September 2016)
ID.15	Truman Brewery Masterplan Initial Heritage Commentary – KM Heritage (2023)
ID.16	Pre-App 1 Document (24 May 2023)
ID.17	Agenda and Attendees for Pre-App Meeting with LBTH on 3 October 2023
ID.18	Appeal Decision – Woodlands Park Landfill Site (30 October 2023)
ID.19	Appeal Decision – Woodlands Park Landfill Site (9 July 2025)
ID.20	Appeal Decision – Court Lane Industrial Estate (6 December 2024)
ID.21	Appeal Decision – Land off Bedmond Road (12 May 2025)
ID.22	Transcript of 3P Speakers (21 October 2025)
ID.23	Employment and Industrial Map
ID.24	Statement of Facts and Grounds (relating to quashed SPD)
ID.25	Submission of Mr Ball (Point2) and the appellants' rebuttal

- ID.26 Practice Direction (Citation of Authorities)
- ID.27 Starbones v SSCLG
- ID.28 Vistry Homes v SSLUHC
- ID.29 Closing Submissions of SBL
- ID.30 Closing Statement of the Appellants
- ID.31 Closing Statement LBTH
- ID.32 Rule 6 Party Closing Submissions (repeat of ID.29)
- ID.33 Transcript of 3P Speakers (28 October 2025)
- ID.34 Transcript of 3P Speaker (31 October 2025)
- ID.35 LBTH CIL Compliance Statement
- ID.36 Completed Agreements under s.106
- ID.37 Submission from ConserveConnect News
- ID.38 Various written submissions in support
- ID.39 Lists of agreed conditions (Final)

ANNEX D – SCHEDULE OF RECOMMENDED CONDITIONS

Appeal A: APP/E5900/W/25/3367041

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

297966-ARUP-DR-00-A-11100 Rev.P01: EXISTING SITE PLAN
297966-ARUP-DR-01-A-10100 Rev.P01: SITE LOCATION PLAN
297966-ARUP-DR-01-A-12100 Rev.P01: EXISTING GROUND FLOOR
297966-ARUP-DR-01-A-20100 Rev.P01: EXISTING FIRST FLOOR
297966-ARUP-DR-02-A-20200 Rev.P01: EXISTING SECOND FLOOR
297966-ARUP-DR-03-A-20300 Rev.P01: EXISTING ROOF PLAN
23037-MCO-ZZ-XX-DR-A-05251 Rev.P01: EXISTING NORTH ELEVATION
23037-MCO-ZZ-XX-DR-A-05252 Rev.P01: EXISTING SOUTH ELEVATION
23037-MCO-ZZ-XX-DR-A-05253 Rev.P01: EXISTING EAST ELEVATION
23037-MCO-ZZ-XX-DR-A-05254 Rev.P01: EXISTING WEST ELEVATION
297966-ARUP-DR-00-A-25000 Rev.P01: DEMOLITION PLAN GROUND FLOOR
297966-ARUP-DR-01-A-25100 Rev.P01: DEMOLITION PLAN FIRST FLOOR
297966-ARUP-DR-02-A-25200 Rev.P01: DEMOLITION SECOND FLOOR PLAN
297966-ARUP-DR-03-A-25300 Rev.P01: DEMOLITION ROOF PLAN
297966-ARUP-DR-01-A-30000 Rev.P01: PROPOSED BASEMENT
297966-ARUP-DR-01-A-30100 Rev.P02: PROPOSED GROUND FLOOR
297966-ARUP-DR-01-A-30200 Rev.P01: PROPOSED FIRST FLOOR
297966-ARUP-DR-01-A-30300 Rev.P01: PROPOSED SECOND FLOOR
297966-ARUP-DR-01-A-30400 Rev.P01: PROPOSED THIRD FLOOR
297966-ARUP-DR-01-A-30500 Rev.P01: PROPOSED PLANT LEVEL
297966-ARUP-DR-01-A-30600 Rev.P01: PROPOSED ROOF PLAN
297966-ARUP-DR-XX-A-31100 Rev.P02: PROPOSED LONG SECTION A-A
297966-ARUP-DR-XX-A-31120 Rev.P02: PROPOSED SHORT SECTION B-B
297966-ARUP-DR-XX-A-31130 Rev.P02: PROPOSED SHORT SECTION C-C
23037-MCO-ZZ-XX-DR-A-06203 Rev.P02: PROPOSED EAST ELEVATION
23037-MCO-ZZ-XX-DR-A-06201 Rev.P01: PROPOSED NORTH ELEVATION
23037-MCO-ZZ-XX-DR-A-06202 Rev.P01: PROPOSED SOUTH ELEVATION
23037-MCO-ZZ-XX-DR-A-06204 Rev.P01: PROPOSED WEST ELEVATION
297966-ARUP-DR-XX-A-21100 Rev.P01: EXISTING SECTIONS A-A
297966-ARUP-DR-XX-A-21200 Rev.P01: EXISTING SECTIONS B-B

297966-ARUP-DR-XX-A-21300 Rev.P01: EXISTING SECTIONS C-C

297966-ARUP-DR-XX-A-21400 Rev.P01: EXISTING SECTIONS D-D

- 3) No development shall take place, including any works of demolition, until the Council's Code of Construction Practice Checklist (CoCP Checklist) has been submitted to and approved in writing by the Council alongside all of the supporting documents including: (a) a Construction Management Plan including a Construction Traffic Management Plan; (b) a Site Environmental Management Plan; (c) Part A: Noise & Vibration Management Plan; (d) Part B: Dust and Air Quality Management Plan; (e) Part C: Site Waste Management Plan; and (f) Application for consent under Section 61 of the Control of Pollution Act 1974. The Construction Management Plan and Site Environmental Management Plan must follow the Council template, and the development must then be carried out in accordance with the approved CoCP Checklist and supporting documents.
- 4) No piling shall take place until a Piling Method Statement (detailing the depth, location and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details.
- 5) All Non-Road Mobile Machinery (NRMM) used during the course of the development that is within the scope of the Greater London Authority 'Control of Dust and Emissions during Construction and Demolition' Supplementary Planning Guidance (SPG) 2014, or any subsequent amendment or guidance, shall comply with the emission requirements: (a) all plant and machinery to be used at the demolition and construction phases is required to meet Stage IV of EU Directive 97/68/ EC for both NO_x and PM; (b) all NRMM and plant to be used on the site of net power between 37kW and 560 kW must have been registered at <http://nrmm.london/>; and (c) an inventory of all NRMM must be kept on site during the course of the demolition, site preparation and construction phases of the development, and must be registered on the online register. All machinery should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment. This documentation should be made available to local authority officers as required until development is completed.
- 6) A. No works shall take place (save for demolition works, site preparation, erection of fencing, laying of, or provision of, any services, laying of temporary surfaces and erection of temporary site buildings for construction purposes) until a remediation scheme to deal with the potential ground contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include: (a) a site investigation scheme, based on (Tier 1 Contamination Risk Assessment report) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site; (b) the results of the site investigation and detailed risk assessment referred to in (i) and based on these, an options appraisal and remediation strategy giving full details of the remediation and mitigation measures required and how they are to be undertaken; (c) a verification plan setting out the details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in B. are complete to a satisfactory standard; and (d) a monitoring and maintenance plan, setting out

provisions for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The contamination remediation works shall be carried out in accordance with the approved details and completed prior to the first occupation of the development. The provisions of the monitoring and maintenance plan shall be in force from the first occupation of the development and retained for its lifetime. B. If during the works any additional contamination is encountered, all works in the relevant part of the site shall cease immediately and not resume until either: (a) the potential contamination has been assessed, and a remediation scheme has been submitted to and approved in writing by the Local Planning Authority; or (b) timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing by the Local Planning Authority. Any additional land contamination shall be fully remedied prior to the first occupation of the development. C. The development shall not be occupied until a post completion verification report, including results of sampling and monitoring carried out, has first been submitted to and approved in writing by the local planning authority demonstrating that the site remediation criteria have been met.

- 7) No development (excluding site clearance, demolition and enabling works) shall commence until a site-specific Groundwater Assessment has been submitted to and approved in writing by the local planning authority. The assessment shall include: (a) a detailed hydrogeological investigation to establish baseline groundwater levels across the site, including seasonal monitoring where appropriate; (b) an assessment of potential impacts of the proposed development on groundwater levels, flows and quality; and (c) identification of any necessary mitigation measures to protect groundwater resources and nearby receptors. The development shall thereafter be carried out in full accordance with the approved assessment and any mitigation measures identified, which shall be implemented prior to occupation/use of the development and retained thereafter for the lifetime of the development.
- 8) No development (excluding site clearance, demolition and enabling works) shall take place until a final Sustainable Urban Drainage Scheme (SUDS) including on-going maintenance provisions has been submitted to and approved in writing by the local planning authority. Nature based sustainable drainage, source control and greywater re-use measures high in the SUDS management/treatment train shall be prioritised. The approved SUDS scheme shall be completed prior to the first occupation of the development and thereafter maintained in operational condition for the lifetime of the development.
- 9) No development, other than demolition to ground level, shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development, other than demolition to ground level, shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no development, other than demolition to ground level, shall take place other than in accordance with the agreed stage 2 WSI which shall include: (a) the statement of significance and research objectives, the programme and methodology of site investigation and recording and the

nomination of a competent person(s) or organisation to undertake the agreed works; (b) where appropriate, details of a programme for delivering related positive public benefits; and (c) the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

- 10) No development (including demolition, site clearance and tree-works) shall commence until a Bat Survey Report, prepared by a suitably qualified ecologist, has been submitted to and approved in writing by the local planning authority. Where impacts on bats or their roosts are identified, the report shall include appropriate mitigation and enhancement measures, together with a timetable for their implementation. The development shall thereafter be carried out in full accordance with the approved details.
- 11) All removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall carry out any inspection of the areas concerned immediately prior to the clearance works (preferably within 5 days) to ensure that no nesting or nest-building birds are present. If any nesting birds are present, then the vegetation around the nest shall not be removed until an ecologist confirms that the birds have finished nesting. If no nesting birds are found, there is no need to report the survey findings to the Council before clearance of vegetation. Once the site has been cleared, details of measures taken to ensure no nesting birds were harmed shall be subsequently submitted to and approved in writing by the local planning authority. This could be that the site has been cleared between the months of September and February; that a survey has been undertaken, and no nests were found; or that nests were found, protection measures put in place around the nest(s), and a subsequent survey found that birds were no longer nesting.
- 12) No above ground construction works shall take place until samples (to be provided on-site) and full particulars of all external facing materials to be used in the construction of the development (those relevant to be agreed in advance of submission with the Council) have been submitted to and approved in writing by the local planning authority. Details submitted pursuant to this condition shall include but are not restricted to: (a) Mock-up panels of no less than 1m by 1m of each external cladding material (those relevant to be agreed in advance of submission with the Council). Details of external cladding, where relevant, shall include types of brick or other cladding material to be used, details of bond, mortar and pointing for brick and details of joints, panel sizes and fixing method for other types of cladding. If an off-site manufactured cladding system is to be used, the full details of the system shall be provided, and the mock-up panel shall include at least one junction between pre-assembled panels. (b) Samples and drawings of fenestration. Details of fenestration, where relevant, shall include reveals, sills and lintels. Drawings shall be at a scale of no less than 1:20. (c) Drawings and details of entrances. Details of entrances, where relevant, shall include doors, reveals, canopies, signage, entry control, post boxes, CCTV, lighting and soffit finishes. Drawings shall be at a scale of no less than 1:20. (d) Drawings and details of security office and entrance frontage. The development shall not be carried out other than in accordance with the approved details.

- 13) No above ground construction works shall take place until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall achieve a minimum Urban Greening Factor (UGF) of 0.28 and a minimum Biodiversity Net Gain (BNG) of 10%. The scheme shall comprise details of: (a) hard landscaping, including palette of high quality, sustainable and inclusive public realm materials including planter enclosures, accessibility features, drainage, kerbs, size and location of permeable and impermeable paving surfaces; (b) soft landscaping, including urban greening integrated through the site including, but not limited to green roofs, green walls, ground surface planting and nature based sustainable urban drainage features integrated with the site design and designed for multiple benefits including recreation, biodiverse habitat and resilience, amelioration of heat and rain events, noise and air quality; (c) a Landscape Management Plan for lifetime maintenance, giving details of proactive maintenance, including watering provision for soft landscape, appropriate pest control measures not resulting in harm to the planting, monitoring, and remediation to avoid major infestations or damage by non-chemical interventions, ensuring all drainage features fully remain operational, and provide schedules and measures to maintain or improve biodiversity as shown in the Urban Greening Factor details; (d) hard infrastructure, including external lighting and light spill drawings and proposed Lux levels, drain inlets and outlets, manholes and covers for access to drainage, services and utilities, CCTV and other security measures; (e) boundary treatments including number, location, materials and surface finishes and colours of all bollards, fences, gates, railings, walls and other access control measures and means of enclosure; (f) environmental measures to make landscape conducive, provisions for use during weather events and other microclimatic considerations such as wind, heavy rain, and heat: shade, shelter and where possible, areas of direct sunlight; (g) public art locations, fixings and materials including surface finishes; and (h) Urban Greening Factor and Biodiversity Net Gain tables. The landscaping scheme shall be completed in accordance with the approved details no later than during the first planting season following practical completion of the development and retained for the lifetime of the development. Any trees or shrubs which die, are removed or become seriously damaged or diseased within 5 years of the completion of the landscaping works shall be replaced in the next planting season with the same species or an approved alternative as agreed in writing by the local planning authority.
- 14) Prior to the completion of the superstructure, a Secured by Design strategy detailing the measures to be incorporated into the development in order to meet Secured by Design accreditation shall be submitted to and approved in writing by the local planning authority. Once approved in writing by the local planning authority the development shall be carried out in accordance with the agreed details. Prior to first occupation of the development a Secure by Design certificate or letter from the Metropolitan Police Designing Out Crime Officer showing full compliance with the details approved shall be submitted to and approved by the local planning authority. The approved and implemented details shall be maintained for the life of the development.
- 15) Prior to the first occupation of the development hereby approved, details of the layout, design and materials of cycle stands/storage; details of shower, changing area and locker facilities shall be submitted to and approved in writing by the local planning authority. No less than 11 long-stay and 6 short-stay cycle

parking spaces shall be provided. The proposals shall be in accordance with the London Cycle Design Standards. The development shall not be occupied until the approved details have been fully implemented. The approved details shall be maintained in good working order for the lifetime of the development.

- 16) The development shall be carried out in accordance with the approved Energy Statement dated 12th July 2024 by Arup which achieves a minimum of 55% site wide reduction in carbon emissions. The energy efficiency and sustainability measures set out therein shall be completed prior to practical completion of the development and retained for its lifetime: (a) The development shall achieve compliance with at least the 'Excellent' BREEAM standard; and (b) The heat and hot water supply system shall be designed and constructed so as to enable a future connection of the supply system to a district heating network (DHN). Within 3 months following practical completion of the development, a post completion verification report (including a microgeneration certificate relating to photovoltaic array system), shall be submitted to and approved in writing by the local planning authority to confirm that the above minimum standards outlined in (a) and (b) have been achieved and that all of the approved energy efficiency and sustainability measures have been implemented.
- 17) Prior to the first occupation of the development the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance. Together with any supporting information, it should be submitted to and approved in writing by the local planning authority.
- 18) Prior to the first occupation of the development a post-construction monitoring report should be completed in line with the GLA's Circular Economy Statement Guidance. The report should be submitted to and approved in writing by local planning authority.
- 19) Prior to first occupation of the development, a Deliveries, Servicing and Site Waste Management Plan shall be submitted to and approved in writing by the local planning authority. Vehicles shall only arrive at or leave the servicing yard between the hours of 07:00 and 21:00. The deliveries, servicing and management of waste and recycling relating to the approved uses shall not take place other than in accordance with the approved details.
- 20) The security office shown on the approved ground floor plan shall be provided prior to first occupation and maintained in this location for the life of the development.
- 21) The fire safety measures set out in the submitted Fire Statement dated 12th July 2024 by Arup shall be implemented prior to first occupation of the development and maintained for the life of the development, unless amended by the Building Safety Regulator, Building Control, the Fire Brigade or other relevant body.
- 22) The roofs of the approved development shall not be accessible to occupiers/users of the development, except for the purposes of maintenance.
- 23) Any mechanical plant and equipment within the development shall be designed and maintained for the lifetime of the development so that the rating level of noise does not exceed the representative measured background noise level (LA90, T) without the plant in operation as measured one metre from the nearest affected window of a habitable room in the nearest affected residential

property. The rating level of the plant noise and the background noise level shall be determined using the methods from the version of BS 4142 current at the time of the grant of planning permission. Vibration from the plant hereby approved (when assessed as per advice of the version of BS6472 current at the time granting of the planning permission) in the centre of any habitable room shall cause vibration no higher than the values equivalent to "low probability of adverse comment" in accordance with BS6472 'Evaluation of Human Exposure to Vibration in Buildings'.

- 24) (1) Generator testing shall not be carried out more than once per calendar month and each test shall be no longer than 2 hours. (2) Generator testing shall be scheduled on a normal working day (i.e. Monday to Friday, excluding Bank and/or Public Holidays) between 1000-1600 hours. (3) Total noise level of emergency plant shall not exceed 10dB above existing background noise level (i.e. LA90,15m 46dB + 10dB = LAeq,15m 56dB) at 1m outside the nearest NSRs façade. The development shall not be first occupied until a post-completion verification report, including acoustic test results, has been submitted to and approved in writing by the local planning authority confirming that the requirements of part (3) above have been achieved.
- 25) Unless otherwise specified by a S61 Consent granted under the Control of Pollution Act 1974, demolition, building, engineering or other operations associated with the construction of the development (including arrival, departure and loading and unloading of construction vehicles): (a) shall be carried out in accordance with the Tower Hamlets Code of Construction Practice; (b) shall only be carried out within the hours of 08:00 and 18:00 Monday to Friday with no works taking place on Saturdays, Sundays and/or Public Holidays; (c) ground-borne and/or structure-borne vibration shall not exceed 1.0mm/s Peak Particle Velocity (PPV) at residential neighbouring the site; and (d) noise levels measured 1 metre from the façade of any occupied building neighbouring the site shall not exceed 75dB(A) at residential and commercial properties, and 65dB(A) at schools and hospitals (LAeq,T where T = 10 hours Monday to Friday and 5 hours for Saturday).
- 26) Prior to the completion of the superstructure, an Air Quality Assessment (AQA) shall be submitted to and approved, in writing, by the local planning authority. The updated AQA must: (a) include detailed dispersion modelling of all relevant on-site combustion and generator sources, using the latest London Atmospheric Emissions Inventory (LAEI) data for background concentrations; (b) incorporate all proposed generators within the Air Quality Neutral (AQN) calculation, except where robust technical evidence demonstrates that a unit serves an essential life-safety function for which no cleaner alternative (such as battery, hybrid, fuel cell or hydrogen) can meet the required emergency load; (c) demonstrate that all non-life-safety generators have been assessed for their emissions impact, with appropriate mitigation or offsetting measures identified where AQN benchmarks are exceeded; and (d) assess pollutant concentrations at all relevant heights and façade locations, including proposed mechanical ventilation (MVHR) intake points.
- 27) No generators shall be installed within the development until details have been submitted to and approved in writing by the local planning authority. The details shall include: (a) number and type of generators; (b) locations and emission stack heights; (c) operation, testing and maintenance schedules; (d) confirmation of compliance with relevant emission standards and the findings of

the approved Air Quality Assessment; and (e) evidence that cleaner alternative technologies (battery, hybrid, fuel cell, or hydrogen) have been prioritised before any diesel option is considered. The development shall be operated in accordance with the approved details.

- 28) Prior to the commencement of development, a Dust Management Plan (DMP) based on an Air Quality and Dust Risk Assessment (AQDRA), shall be submitted to and approved in writing by the local planning authority. The DMP shall be in accordance with The Control of Dust and Emissions during Construction and Demolition SPG 2014. The DMP shall detail the measures to reduce the impacts during the construction phase. The development shall be undertaken in accordance with the approved plan. During each four construction sub-phases of the proposed development (demolition, earthworks, construction, and trackout), PM10 continuous monitoring shall be carried out on site. The duration, locations and monitoring techniques must be approved in writing by the local planning authority prior to commencement of monitoring.
- 29) Prior to the commencement of the development hereby permitted, full details of a mechanical ventilation system to protect nearby residential occupiers of the development from external air pollution shall be submitted to and approved in writing by the local planning authority. Air intakes shall be located on upper floor levels. The system shall ensure appropriate air quality through either: (a) air intake from a location guaranteeing supply of clean air; or (b) treating polluted air and removing pollutants. The systems shall be designed to minimise energy usage, minimise disturbance to occupiers, be sufficient to prevent summer overheating and have robust maintenance arrangements. The submitted details shall include full calculations for heating, cooling & ventilation, equipment data sheets & specifications of all filtration, deodorising systems, noise output and termination points, along with full details of the routing of the mechanical ventilation and the passive provision of associated ducting including scaled plans. Particular attention shall be given to the discharge of toxic or odoriferous extract air where a high level of discharge is usually essential. Development shall be operated in accordance with the approved details.
- 30) No external roller shutters shall be installed on Grey Eagle Street, and a minimum of 80% of the external glazed surface areas shall be maintained wholly transparent, shall not be mirrored, painted or otherwise obscured by blanket window transfers placed on the glazing, at the security office and entrance frontage on Grey Eagle Street.

Appeal B: APP/E5900/W/25/3367172

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

1253-BGY-M-00-DR-A-LP000 Rev.P1: Masterplan Site Location Plan

1253-BGY-M-00-DR-A-DE100-P1 Rev.P1: Masterplan Demolition Ground Floor Plan

1253-BGY-M-00-DR-A-LP001 Rev.P1: Plots Location Plan - Main Site

1253-BGY-M-B1-DR-A-EX099 Rev.P1: Existing Masterplan - Basement

1253-BGY-M-00-DR-A-EX100 Rev.P1: Existing Masterplan - Ground Floor Plan

1253-BGY-M-RF-DR-A-EX101 Rev.P1: Existing Masterplan - Roof Plan

1253-BGY-M-01-DR-A-EE201 Rev.P2: Existing Masterplan - Buxton Street Elevation

1253-BGY-M-02-DR-A-EE202 Rev.P2: Existing Masterplan - Spital Street Elevation

1253-BGY-M-03-DR-A-EE203 Rev.P2: Existing Masterplan - Hanbury Street North Elevation

1253-BGY-M-04-DR-A-EE204 Rev.P2: Existing Masterplan - Woodseer Street South Elevation

1253-BGY-M-05-DR-A-EE205 Rev.P2: Existing Masterplan - Woodseer Street North Elevation

1253-BGY-M-06-DR-A-EE206 Rev.P2: Existing Masterplan - Brick Lane Elevation

1253-BGY-M-AA-DR-A-ES301 Rev.P2: Existing Masterplan - Section AA

1253-BGY-M-BB-DR-A-ES302 Rev.P2: Existing Masterplan - Section BB

1253-BGY-M-CC-DR-A-ES303 Rev.P2: Existing Masterplan - Section CC

1253-BGY-M-DD-DR-A-ES304 Rev.P2: Existing Masterplan - Section DD

1253-BGY-M-EE-DR-A-ES305 Rev.P2: Existing Masterplan - Section EE

1253-BGY-M-FF-DR-A-ES306 Rev.P2: Existing Masterplan - Section FF

1253-BGY-M-GG-DR-A-ES307 Rev.P2: Existing Masterplan - Section GG

1253-BGY-M-B1-DR-A-GA099 Rev.P1: Proposed Masterplan - Basement Plan

1253-BGY-M-00-DR-A-GA100 Rev.P2: Proposed Masterplan - Ground Floor Plan

1253-BGY-M-01-DR-A-GA101 Rev.P2: Proposed Masterplan - First Floor Plan

1253-BGY-M-02-DR-A-GA102 Rev.P2: Proposed Masterplan - Second Floor Plan

1253-BGY-M-03-DR-A-GA103 Rev.P2: Proposed Masterplan - Third Floor Plan

1253-BGY-M-04-DR-A-GA104 Rev.P2: Proposed Masterplan - Fourth Floor Plan

1253-BGY-M-05-DR-A-GA105 Rev.P2: Proposed Masterplan - Fifth Floor Plan

1253-BGY-M-06-DR-A-GA106 Rev.P2: Proposed Masterplan - Sixth Floor Plan

1253-BGY-M-07-DR-A-GA107 Rev.P2: Proposed Masterplan - Seventh Floor Plan

1253-BGY-M-RF-DR-A-GA108 Rev.P2: Proposed Masterplan - Roof Plan
1253-BGY-M-01-DR-A-GE201 Rev.P2: Proposed Masterplan - Buxton Street Elevation;
1253-BGY-M-02-DR-A-GE202 Rev.P2: Proposed Masterplan - Spital Street Elevation;
1253-BGY-M-03-DR-A-GE203 Rev.P2: Proposed Masterplan - Hanbury Street North Elevation;
1253-BGY-M-04-DR-A-GE204 Rev.P2: Proposed Masterplan - Woodseer Street South Elevation;
1253-BGY-M-05-DR-A-GE205 Rev.P2: Proposed Masterplan - Woodseer Street North Elevation;
1253-BGY-M-06-DR-A-GE206 Rev.P2: Proposed Masterplan - Brick Lane Elevation;
1253-BGY-M-AA-DR-A-GS301 Rev.P2: Proposed Masterplan - Section AA
1253-BGY-M-BB-DR-A-GS302 Rev.P3: Proposed Masterplan - Section BB
1253-BGY-M-CC-DR-A-GS303 Rev.P2: Proposed Masterplan - Section CC
1253-BGY-M-DD-DR-A-GS304 Rev.P2: Proposed Masterplan - Section DD
1253-BGY-M-EE-DR-A-GS305 Rev.P2: Proposed Masterplan - Section EE
1253-BGY-M-FF-DR-A-GS306 Rev.P2: Proposed Masterplan - Section FF
1253-BGY-M-GG-DR-A-GS307 Rev.P2: Proposed Masterplan - Section GG
341-CGA-00-A-01110 Rev.P1: EXISTING BLOCK 1 AND K LOCATION PLAN
341-CGA-00-A-02300 Rev.P1: EXISTING BLOCK 1 AND K EAST ELEVATION
341-CGA-00-A-00101 Rev.P1: EXISTING BLOCK 1 AND K FIRST FLOOR PLAN DEMOLITION
341-CGA-00-A-02101 Rev.P1: EXISTING BLOCK 1 AND K FIRST FLOOR PLAN
341-CGA-00-A-00100 Rev.P1: EXISTING BLOCK 1 AND K GROUND FLOOR PLAN DEMOLITION
341-CGA-00-A-02100 Rev.P1: EXISTING BLOCK 1 AND K GROUND FLOOR PLAN
341-CGA-00-A-00103 Rev.P1: EXISTING BLOCK 1 AND K ROOF PLAN DEMOLITION
341-CGA-00-A-02103 Rev.P1: EXISTING BLOCK 1 AND K ROOF PLAN
341-CGA-00-A-00102 Rev.P1: EXISTING BLOCK 1 AND K SECOND FLOOR PLAN DEMOLITION
341-CGA-00-A-02102 Rev.P1: EXISTING BLOCK 1 AND K SECOND FLOOR PLAN
341-CGA-00-A-02200 Rev.P1: EXISTING BLOCK 1 AND K SECTION AA
341-CGA-00-A-02201 Rev.P1: EXISTING BLOCK 1 AND K SECTION BB
341-CGA-00-A-02202 Rev.P1: EXISTING BLOCK 1 AND K SECTION DD
341-CGA-00-A-02301 Rev.P1: EXISTING BLOCK 1 AND K WEST ELEVATION
341-CGA-00-A-06304 Rev.P1: PROPOSED BLOCK 1 AND K EAST ELEVATION

341-CGA-00-01-DR-A-06151 Rev.P1: PROPOSED BLOCK 1 AND K FIRST FLOOR PLAN

341-CGA-00-02-DR-A-06152 Rev.P1: PROPOSED BLOCK 1 AND K SECOND FLOOR PLAN

341-CGA-00-A-06153 Rev.P1: PROPOSED BLOCK 1 AND K ROOF PLAN

341-CGA-00-A-06250 Rev.P1: PROPOSED BLOCK 1 AND K SECTION AA

341-CGA-00-A-06251 Rev.P1: PROPOSED BLOCK 1 AND K SECTION BB

341-CGA-00-A-06252 Rev.P1: PROPOSED BLOCK 1 AND K SECTION DD

341-CGA-00-A-06303 Rev.P1: PROPOSED BLOCK 1 AND K WEST ELEVATION

1264-BGY-2-00-DR-A-S1100 Rev.P1: BLOCK 2 - SITE LOCATION PLAN

1264-BGY-2-00-DR-A-DE100 Rev.P1: DEMOLITION BLOCK U GROUND FLOOR PLAN

1264-BGY-2-00-DR-A-EX100 Rev.P1: EXISTING BLOCK U GROUND FLOOR PLAN

1264-BGY-2-00-DR-A-GA100 Rev.P1: BLOCK 2 - PROPOSED GROUND FLOOR PLAN

1264-BGY-2-01-DR-A-EE201 Rev.P1: BLOCK 2 - EXISTING BLOCK U NORTH ELEVATION

1264-BGY-2-01-DR-A-GA101 Rev.P1: BLOCK 2 - PROPOSED FIRST FLOOR PLAN

1264-BGY-2-01-DR-A-GE201 Rev.P1: BLOCK 2 - PROPOSED NORTH ELEVATION

1264-BGY-2-02-DR-A-EE202 Rev.P1: BLOCK 2 - EXISTING BLOCK U EAST ELEVATION

1264-BGY-2-02-DR-A-GA102 Rev.P1: BLOCK 2 - PROPOSED SECOND FLOOR PLAN

1264-BGY-2-02-DR-A-GE202 Rev.P1: BLOCK 2 - PROPOSED EAST ELEVATION

1264-BGY-2-03-DR-A-GA103 Rev.P1: BLOCK 2 - PROPOSED THIRD FLOOR PLAN

1264-BGY-2-03-DR-A-GE203 Rev.P1: BLOCK 2 - PROPOSED SOUTH ELEVATION

1264-BGY-2-04-DR-A-GA104 Rev.P1: BLOCK 2 - PROPOSED FOURTH FLOOR PLAN

1264-BGY-2-04-DR-A-GE204 Rev.P1: BLOCK 2 - PROPOSED WEST ELEVATION

1264-BGY-2-05-DR-A-GA105 Rev.P1: BLOCK 2 - PROPOSED FIFTH FLOOR PLAN

1264-BGY-2-06-DR-A-GA106 Rev.P1: BLOCK 2 - PROPOSED SIXTH FLOOR PLAN

1264-BGY-2-07-DR-A-GA107 Rev.P1: BLOCK 2 - PROPOSED SEVENTH FLOOR PLAN

1264-BGY-2-08-DR-A-GA108 Rev.P1: BLOCK 2 - PROPOSED ROOF PLAN

1264-BGY-2-AA-DR-A-ES301 Rev.P1: BLOCK 2 - EXISTING BLOCK U SECTION AA

1264-BGY-2-AA-DR-A-GS301 Rev.P1: BLOCK 2 - PROPOSED SECTION A-A

1264-BGY-2-B1-DR-A-GA099 Rev.P1: BLOCK 2 - PROPOSED BASEMENT PLAN

1264-BGY-2-BB-DR-A-ES302 Rev.P1: BLOCK 2 - EXISTING BLOCK U SECTION BB

1264-BGY-2-BB-DR-A-GS302 Rev.P1: BLOCK 2 - PROPOSED SECTION B-B

1264-BGY-2-CC-DR-A-GS303 Rev.P1: BLOCK 2 - PROPOSED SECTION C-C

1264-BGY-2-DD-DR-A-GS304 Rev.P1: BLOCK 2 - PROPOSED SECTION D-D

1264-BGY-2-RF-DR-A-EX101 Rev.P1: BLOCK 2 - EXISTING BLOCK U ROOF PLAN

23004-MCO-03-00-DR-A-12101 Rev.P1: BLOCK 3 – SITE LOCATION PLAN

23004-MCO-03-00-DR-A-05100 Rev.P01: BLOCK 3 - EXISTING GROUND FLOOR PLAN

23004 MCO 03 00 DR A 01100 Rev.P02: BLOCK 3 – PROPOSED GROUND FLOOR PLAN

23004 MCO 03 01 DR A 01101 Rev.P02: BLOCK 3 – PROPOSED FIRST FLOOR PLAN

23004-MCO-03-02-DR-A-06102 Rev.P01: BLOCK 3 - PROPOSED SECOND FLOOR PLAN

23004-MCO-03-03-DR-A-06103 Rev.P01: BLOCK 3 - PROPOSED THIRD FLOOR PLAN

23004-MCO-03-04-DR-A-06104 Rev.P01: BLOCK 3 - PROPOSED FOURTH FLOOR PLAN

23004-MCO-03-05-DR-A-06105 Rev.P01: BLOCK 3 - PROPOSED FIFTH FLOOR PLAN

23004-MCO-03-06-DR-A-06106 Rev.P01: BLOCK 3 - PROPOSED SIXTH FLOOR PLAN

23004-MCO-03-07-DR-A-06107 Rev.P01: BLOCK 3 - PROPOSED SEVENTH FLOOR PLAN (PLANT)

23004-MCO-03-R1-DR-A-06108 Rev.P01: BLOCK 3 – PROPOSED ROOF PLAN

23004-MCO-03-B1-DR-A-06099 Rev.P01: BLOCK 3 - PROPOSED BASEMENT PLAN

23004-MCO-03-XX-DR-A-05200 Rev.P01: BLOCK 3 - EXISTING BLOCK L&M ELEVATIONS

23004-MCO-03-XX-DR-A-05201 Rev.P01: BLOCK 3 - EXISTING BLOCK N ELEVATIONS

23004-MCO-03-XX-DR-A-05300 Rev.P01: BLOCK 3 - EXISTING BLOCK L&M SECTIONS

23004-MCO-03-XX-DR-A-05301 Rev.P01: BLOCK 3 - EXISTING BLOCK N SECTIONS

23004-MCO-03-XX-DR-A-06200 Rev.P01: BLOCK 3 - PROPOSED NORTH ELEVATION

23004-MCO-03-XX-DR-A-06201 Rev.P01: BLOCK 3 - PROPOSED EAST ELEVATIONS

23004-MCO-03-XX-DR-A-06202 Rev.P01: BLOCK 3 - PROPOSED WEST ELEVATIONS

23004-MCO-03-XX-DR-A-06203 Rev.P01: BLOCK 3 - PROPOSED SOUTH ELEVATION

23004-MCO-03-XX-DR-A-06300 Rev.P01: BLOCK 3 - PROPOSED SECTION AA

23004-MCO-03-XX-DR-A-06301 Rev.P01: BLOCK 3 - PROPOSED SECTION BB

23004-MCO-03-XX-DR-A-06302 Rev.P01: BLOCK 3 - PROPOSED SECTION CC

23004-MCO-03-XX-DR-A-06303 Rev.P01: BLOCK 3 - PROPOSED SECTION DD

23004-MCO-03-XX-DR-A-12101 Rev.P01: BLOCK 3 - DEMOLITION PLAN GROUND FLOOR

92306-HHB-000-100L-PL-A-001100 Rev.C01: BLOCK J – SITE LOCATION PLAN

92306-HHB-000-100L-PL-A-002100 Rev.C01: Existing Ground Floor

92306-HHB-000-110L-PL-A-002110 Rev.C01: Existing Roof Plan

92306-HHB-000-200S-PL-A-002200 Rev.C01: Existing Section AA

92306-HHB-000-201S-PL-A-002201 Rev.C01: Existing Section 22

92306-HHB-000-300E-PL-A-002300 Rev.C01: Existing North Elevations

92306-HHB-000-301E-PL-A-002301 Rev.C01: Existing East Elevations

92306-HHB-000-302E-PL-A-002302 Rev.C01: Existing South Elevations

92306-HHB-000-100L-PL-A-003100 Rev.C01: Demolition Plan

92306-HHB-001-100L-PL-A-120100 Rev.C01: Proposed Ground Floor Plan

92306-HHB-001-101L-PL-A-120101 Rev.C02: Proposed First Floor Plan

92306-HHB-001-102L-PL-A-120102 Rev.C02: Proposed Second Floor Plan

92306-HHB-001-103L-PL-A-120103 Rev.C02: Proposed Third Floor Plan

92306-HHB-001-104L-PL-A-120104 Rev.C02: Proposed Fourth Floor Plan

92306-HHB-001-105L-PL-A-120105 Rev.C01: Proposed Fifth Floor Plan

92305-HHB-001-106L-PL-A-120106 Rev.C01: Proposed Sixth Floor Plan

92306-HHB-001-107L-PL-A-120107 Rev.C01: Proposed Roof Plan

92306-HHB-001-099L-PL-A-120099 Rev.C01: Proposed B1 Plan

92306-HHB-001-202S-PL-A-120202 Rev.C01: Proposed Section 22

92306-HHB-001-203S-PL-A-120203 Rev.C02: Proposed Section 33

92306-HHB-001-210S-PL-A-120210 Rev.C01: Proposed Section AA

92306-HHB-001-211S-PL-A-120211 Rev.C01: Proposed Section BB

92306-HHB-001-212S-PL-A-120212 Rev.C02: Proposed Section CC

92306-HHB-001-213S-PL-A-120213 Rev.C01: Proposed Section DD

92306-HHB-001-214S-PL-A-120214 Rev.C01: Proposed Section EE

92306-HHB-001-300E-PL-A-101300 Rev.C01: Proposed North Elevation

92306-HHB-001-301E-PL-A-101301 Rev.C01: Proposed East Elevation

92306-HHB-001-302E-PL-A-101302 Rev.C01: Proposed South Elevation
0499-CDA-A-0010 Rev.P02: Site and Location Plan
0499_CDA_A_0000 Rev.P01: EXISTING BLOCK O - BASEMENT PLAN SHOWING DEMOLITION
499_CDA_A_0001 Rev.P01: EXISTING BLOCK O - GROUND FLOOR PLAN SHOWING DEMOLITION
0499_CDA_A_0002 Rev.P01: EXISTING BLOCK O - FIRST FLOOR PLAN SHOWING DEMOLITION
0499_CDA_A_0003 Rev.P01: EXISTING BLOCK O - SECOND FLOOR PLAN SHOWING DEMOLITION
0499_CDA_A_0004 Rev.P01: EXISTING BLOCK O - THIRD FLOOR PLAN SHOWING DEMOLITION
0499_CDA_A_0005 Rev.P01: EXISTING BLOCK O - ROOF PLAN SHOWING DEMOLITION
0499_CDA_A_0101 Rev.P01: EXISTING BLOCK O - NORTH ELEVATION SHOWING DEMOLITION
0499_CDA_A_0102 Rev.P01: EXISTING BLOCK O - EAST ELEVATION SHOWING DEMOLITION
0499_CDA_A_0103 Rev.P01: EXISTING BLOCK O - WEST ELEVATION SHOWING DEMOLITION
0499_CDA_A_0104 Rev.P01: EXISTING BLOCK O - SOUTH ELEVATION SHOWING DEMOLITION
0499_CDA_A_0200 Rev.P01: EXISTING BLOCK O - SECTION AA SHOWING DEMOLITION
0499_CDA_A_0201 Rev.P01: EXISTING BLOCK O - SECTION BB SHOWING DEMOLITION
0499_CDA_A_0202 Rev.P01: EXISTING BLOCK O - SECTION CC SHOWING DEMOLITION
0499_CDA_A_1203 Rev.P01: PROPOSED BLOCK O - SECTION DD
0499_CDA_A_1202 Rev.P01: PROPOSED BLOCK O - SECTION CC
0499_CDA_A_1201 Rev.P01: PROPOSED BLOCK O - SECTION BB
0499_CDA_A_1200 Rev.P01: PROPOSED BLOCK O - SECTION AA
0499_CDA_A_1106 Rev.P01: PROPOSED BLOCK O - NORTH ELEVATION – COLOURED
0499_CDA_A_1105 Rev.P01: PROPOSED BLOCK O - EAST ELEVATION – COLOURED
0499_CDA_A_1104 Rev.P01: PROPOSED BLOCK O - SOUTH ELEVATION
0499_CDA_A_1103 Rev.P01: PROPOSED BLOCK O - WEST ELEVATION
0499_CDA_A_1102 Rev.P01: PROPOSED BLOCK O - EAST ELEVATION
0499_CDA_A_1101 Rev.P01: PROPOSED BLOCK O - NORTH ELEVATION
0499_CDA_A_1005 Rev.P01: PROPOSED BLOCK O - ROOF PLAN

0499_CDA_A_1004 Rev.P01: PROPOSED BLOCK O - THIRD FLOOR PLAN

0499_CDA_A_1003 Rev.P01: PROPOSED BLOCK O - SECOND FLOOR PLAN

0499_CDA_A_1002 Rev.P01: PROPOSED BLOCK O - FIRST FLOOR PLAN

0499_CDA_A_1001 Rev.P01: PROPOSED BLOCK O - GROUND FLOOR PLAN

0499_CDA_A_1000 Rev.P01: PROPOSED BLOCK O - BASEMENT FLOOR PLAN

8435-PL-GA-100: LANDSCAPE AND PUBLIC REALM URBAN GREENING FACTOR

8435-PL-101 Rev.01: LANDSCAPE AND PUBLIC REALM GENERAL
ARRANGEMENT GROUND LEVEL

8435-PL-102: LANDSCAPE AND PUBLIC REALM GENERAL ARRANGEMENT ROOF
LEVEL

- 3) Prior to the commencement of development, a phasing plan requiring details of the sequence of construction and first use of buildings and public realm shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the plan thereby approved.
- 4) No development shall take place, including any works of demolition, until the Council's Code of Construction Practice Checklist (CoCP Checklist) has been submitted to and approved in writing by the Council alongside all of the supporting documents including: (a) a Construction Management Plan including a Construction Traffic Management Plan; (b) a Site Environmental Management Plan; (c) Part A: Noise & Vibration Management Plan; (d) Part B: Dust and Air Quality Management Plan; (e) Part C: Site Waste Management Plan; and (f) Application for consent under Section 61 of the Control of Pollution Act 1974. The Construction Management Plan and Site Environmental Management Plan must follow the Council template, and the development must then be carried out in accordance with the approved CoCP Checklist and supporting documents.
- 5) No piling shall take place until a Piling Method Statement (detailing the depth, location and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details.
- 6) All Non-Road Mobile Machinery (NRMM) used during the course of the development that is within the scope of the Greater London Authority 'Control of Dust and Emissions during Construction and Demolition' Supplementary Planning Guidance (SPG) 2014, or any subsequent amendment or guidance, shall comply with the emission requirements: (a) all plant and machinery to be used at the demolition and construction phases is required to meet Stage IV of EU Directive 97/68/ EC for both NO_x and PM; (b) all NRMM and plant to be used on the site of net power between 37kW and 560 kW must have been registered at <http://nrmm.london/>; and (c) an inventory of all NRMM must be kept on site during the course of the demolition, site preparation and construction phases of the development, and must be registered on the online register. All machinery should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment. This documentation should be made available to local authority officers as required until development is completed

- 7) A. No works shall take place (save for demolition works, site preparation, erection of fencing, laying of, or provision of, any services, laying of temporary surfaces and erection of temporary site buildings for construction purposes) until a remediation scheme to deal with the potential ground contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include: (a) a site investigation scheme, based on (Tier 1 Contamination Risk Assessment report) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site; (b) the results of the site investigation and detailed risk assessment referred to in (i) and based on these, an options appraisal and remediation strategy giving full details of the remediation and mitigation measures required and how they are to be undertaken; (c) a verification plan setting out the details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in B. are complete to a satisfactory standard; and (d) a monitoring and maintenance plan, setting out provisions for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The contamination remediation works shall be carried out in accordance with the approved details and completed prior to the first occupation of the development. The provisions of the monitoring and maintenance plan shall be in force from the first occupation of the development and retained for its lifetime. B. If during the works any additional contamination is encountered, all works in the relevant part of the site shall cease immediately and not resume until either: (a) the potential contamination has been assessed, and a remediation scheme has been submitted to and approved in writing by the local planning authority; or (b) timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing by the local planning authority. Any additional land contamination shall be fully remedied prior to the first occupation of the development. C. The development shall not be occupied until a post completion verification report, including results of sampling and monitoring carried out, has first been submitted to and approved in writing by the local planning authority demonstrating that the site remediation criteria have been met.
- 8) No development (excluding site clearance, demolition and enabling works) shall commence until a site-specific Groundwater Assessment has been submitted to and approved in writing by the local planning authority. The assessment shall include: (a) a detailed hydrogeological investigation to establish baseline groundwater levels across the site, including seasonal monitoring where appropriate; (b) an assessment of potential impacts of the proposed development on groundwater levels, flows and quality; and (c) identification of any necessary mitigation measures to protect groundwater resources and nearby receptors. The development shall thereafter be carried out in full accordance with the approved assessment and any mitigation measures identified, which shall be implemented prior to occupation/use of the development and retained thereafter for the lifetime of the development.
- 9) No development (excluding site clearance, demolition and enabling works) shall take place until a final Sustainable Urban Drainage Scheme (SUDS) including on-going maintenance provisions has been submitted to and approved in writing by the local planning authority. Nature based sustainable drainage, source control and greywater re-use measures high in the SUDS management/treatment train shall be prioritised. The approved SUDS scheme shall be

completed prior to the first occupation of the development and thereafter maintained in operational condition for the lifetime of the development.

- 10) No development, other than demolition to ground level, shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development, other than demolition to ground level, shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no development, other than demolition to ground level, shall take place other than in accordance with the agreed stage 2 WSI which shall include: (a) the statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; (b) where appropriate, details of a programme for delivering related positive public benefits; and (c) the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.
- 11) No development (including demolition, site clearance and tree-works) shall commence until a Bat Survey Report, prepared by a suitably qualified ecologist, has been submitted to and approved in writing by the local planning authority. Where impacts on bats or their roosts are identified, the report shall include appropriate mitigation and enhancement measures, together with a timetable for their implementation. The development shall thereafter be carried out in full accordance with the approved details.
- 12) All removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall carry out any inspection of the areas concerned immediately prior to the clearance works (preferably within 5 days) to ensure that no nesting or nest-building birds are present. If any nesting birds are present, then the vegetation around the nest shall not be removed until an ecologist confirms that the birds have finished nesting. If no nesting birds are found, there is no need to report the survey findings to the Council before clearance of vegetation. Once the site has been cleared, details of measures taken to ensure no nesting birds were harmed shall be subsequently submitted to and approved in writing by the local planning authority. This could be that the site has been cleared between the months of September and February; that a survey has been undertaken, and no nests were found; or that nests were found, protection measures put in place around the nest(s), and a subsequent survey found that birds were no longer nesting.
- 13) No above ground construction works shall take place for the relevant phase until samples (to be provided on-site and those relevant agreed with the Council) and full particulars of all external facing materials to be used in the construction of the relevant phase (those agreed with the Council) have been submitted to and approved in writing by the local planning authority. Details submitted pursuant

to this condition shall include but are not restricted to: (a) Mock-up panels of no less than 1m by 1m of each external cladding material (those relevant to be agreed in advance of submission with the Council). Details of external cladding, where relevant, shall include all types of brick or other cladding material to be used, details of bond, mortar and pointing for brick and details of joints, panel sizes and fixing method for other types of cladding. If an off-site manufactured cladding system is to be used, the full details of the system shall be provided, and the mock-up panel shall include at least one junction between pre-assembled panels. (b) Samples and drawings of fenestration. Details of fenestration, where relevant, shall include reveals, sills and lintels. Drawings shall be at a scale of no less than 1:20. (c) Drawings and details of entrances. Details of entrances, where relevant, shall include doors, reveals, canopies, signage, entry control, post boxes, CCTV, lighting and soffit finishes. Drawings shall be at a scale of no less than 1:20. (d) Drawings and details of shopfronts. Details of shopfronts, where relevant, shall include doors, glazing, reveals, stallrisers, pilasters, fascias, awnings and signage zones or indicative signage. Drawings shall be at a scale of no less than 1:20. (e) Details and samples of roofing. (f) Details of any balconies, terraces or wintergardens and associated balustrades, soffits and drainage. (g) Details of any external rainwater goods, flues, grilles, louvres and vents. (h) Details of any external plant, plant enclosures and safety balustrades. (i) A Green Procurement Plan for sourcing the proposed materials. The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably sourced, reused and recycled materials and the reuse of demolition waste. The development for each phase shall not be carried out other than in accordance with the approved details.

- 14) No above ground construction works shall take place for the relevant phase until a landscaping scheme for the relevant phase has been submitted to and approved in writing by the local planning authority. The scheme shall achieve a minimum Urban Greening Factor (UGF) of 0.26. The scheme shall comprise details of: (a) hard landscaping, including palette of high quality, sustainable and inclusive public realm materials including planter enclosures, accessibility features, drainage, kerbs, size and location of permeable and impermeable paving surfaces. The historic cobbles or setts that have been previously removed and stored shall be re-used unless agreed otherwise with the local planning authority; (b) accessibility and inclusivity, including ground levels, gradients, thresholds and inclusive access provisions, characteristics and features which signal open and public access and belonging, without cues to keep away, or cues of private use; (c) soft landscaping, including urban greening integrated through the site including, but not limited to green roofs, green walls, ground surface planting and nature based sustainable urban drainage features integrated with the site design and designed for multiple benefits including recreation, biodiverse habitat and resilience, amelioration of heat and rain events, noise and air quality; (d) provisions for communal gardening and details of any other play and social activities supported by communal amenity spaces; (e) a Landscape Management Plan for lifetime maintenance, giving details of proactive maintenance, including watering provision for soft landscape, appropriate pest control measures not resulting in harm to the planting, monitoring, and remediation to avoid major infestations or damage by non-chemical interventions, ensuring all drainage features fully remain operational, and provide schedules and measures to maintain or

improve biodiversity as shown in the Urban Greening Factor details; (f) hard infrastructure, including external lighting (within and around the frontages of the site) and light spill drawings and proposed Lux levels, drain inlets and outlets, manholes and covers for access to drainage, services and utilities, CCTV and other security measures; (g) play equipment and playable landscape features, including the location and size of each of the play areas according to age groups, situated away from higher levels of air pollution, design and playable contents and equipment well integrated into surroundings and landscape features with natural surveillance, and any other details to demonstrate compliance with the Supplementary Planning Guidance 'Shaping Neighbourhoods: Play and Informal Recreation'; (h) street furniture, including street furniture palette demonstrating contribution to the area's character and supporting infrastructure for active travel, external cycle parking stands, benches, litter bins for separated collection allowing recycling, ash trays, informal and dedicated seating areas, signage and wayfinding measures including Legible London signage, and any other street furniture; (i) boundary treatments including number, location, materials and surface finishes and colours of all bollards, fences, gates, railings, walls and other access control measures and means of enclosure; (j) environmental measures to make landscape conducive, provisions for use during weather events and other microclimatic considerations such as wind, heavy rain, and heat: shade, shelter and where possible, areas of direct sunlight; (k) public art locations, fixings and materials including surface finishes; and (l) Urban Greening Factor and Biodiversity Net Gain tables. The landscaping scheme for the relevant phase shall be completed in accordance with the approved details no later than during the first planting season following practical completion of the development and retained for the lifetime of the development. Any trees or shrubs which die, are removed or become seriously damaged or diseased within 5 years of the completion of the landscaping works shall be replaced in the next planting season with the same species or an approved alternative as agreed in writing by the local planning authority.

- 15) Prior to the commencement of above ground construction works for the relevant building, a scheme for artificial internal lights at the following parts of the development shall be submitted to and approved by the local planning authority: (a) East windows of Block 3B facing towards Stuttle House; (b) South-west facing upper floor windows of Block 1 in relation to 35 Woodseer Street; and (c) South office windows of Block J facing toward residential properties of Block J. The scheme shall include, but not be limited to the following: (a) details of the proposed lights and their illumination levels; (b) an assessment of the light spill from the development towards the identified neighbouring residential properties, in accordance with ILP GN01:21 Guidance (or ILP guidance that may supersede that); and (c) identification of which windows (if any) in the development are required to be covered with blinds between sunset and sunrise in order to comply with the ILP Guidance. The development shall only be operated in accordance with the lighting scheme as may be approved. In respect of the windows where blinds are required the following shall apply: (a) the blinds shall be installed prior to first occupation of the development; (b) the blinds shall not allow light to pass through them; (c) the blinds shall be automatically operated so that they come down and fully cover the windows every day between sunset and sunrise;; and (d) the blinds shall be maintained in good working order and operated in this way for the life of the development.

- 16) Prior to the completion of the superstructure for a relevant phase, a Secured by Design strategy detailing the measures to be incorporated into the relevant phase in order to meet Secured by Design accreditation shall be submitted to and approved in writing by the local planning authority. Once approved in writing by the local planning authority the relevant phase shall be carried out in accordance with the agreed details. Prior to first occupation of the relevant phase a Secure by Design certificate or letter from the Metropolitan Police Designing Out Crime Officer showing full compliance with the details approved shall be submitted to and approved by the local planning authority. The approved and implemented details shall be maintained for the life of the development.
- 17) Prior to commencement of above ground construction works for a relevant phase detailed plans shall be submitted to and approved by the local planning authority demonstrating the provision of sufficient ducting space for full fibre connectivity and infrastructure within the development. The development shall be implemented in accordance with the plans as may be approved.
- 18) Prior to the commencement of above ground construction works of Block J details of the provision of active electric charging points to the 2 Blue Badge parking spaces at Block J shall be submitted to and approved by the local planning authority. The approved details shall be implemented prior to first occupation of Block J by residents and maintained in good working order thereafter for the lifetime of the development.
- 19) The following residential units shall comply with the Building Regulations 2010 (as amended) optional requirement M4(3)(2)(a) 'wheelchair adaptable': (a) 1B2P and 2B4P units at Third Floor labelled 'WCA'. The following residential unit shall comply with the Building Regulations 2010 (as amended) optional requirement M4(3)(2)(b) 'wheelchair accessible': (b) 4B6P unit at first floor. All of the other approved residential units shall be constructed and fitted out to comply with the Building Regulations 2010 (as amended) optional requirement M4 (2) 'accessible and adaptable' and shall not thereafter be occupied other than in accordance therewith. No residential unit identified in (b) above shall be fitted out, have internal partitions erected or be subject to any construction works other than shell and core works until floor layouts at a scale of no less than 1:50 and full details of fixtures and fittings including ceiling hoists, floor gullies, automatic doors to communal entrances and any other reasonable adaptations to make the units suitable for occupation by a wheelchair user have been submitted to and approved in writing by the local planning authority and shall not thereafter be occupied other than in accordance with such approval. The local planning authority shall be notified in writing at least 9 months prior to Practical Completion of the residential units identified in (b) above. Any lifts shown on the approved drawings for Block J shall be installed and in an operational condition prior to the first occupation of the relevant residential access cores. The lifts shall be retained and maintained in an operational condition for the lifetime of the development.
- 20) The short-stay and long-stay cycle storage (in the proportions of stackers, Sheffield stands, and oversized spaces) and showers and lockers shown on the approved plans and counted at Tables 3.3 and 3.4 of the submitted Transport Statement (12th July 2024) shall be provided prior to the first occupation of each relevant block and thereafter shall be made permanently available to occupiers, residents and visitors at no cost.

- 21) The development shall be carried out in accordance with the approved Energy Statement TRU-ARUP-M-XX-RP-M-000001 which achieve a minimum of 22% reduction in carbon emissions from the commercial and a 77% reduction from the residential component. The energy efficiency and sustainability measures set out therein shall be completed prior to practical completion of the development and retained for its lifetime. (a) The photovoltaic array system shall be installed prior to practical completion of the relevant phase of the development, have an annual output of no less than 88 kWh overall and be retained for the lifetime of the development. (b) The development shall achieve compliance with at least the 'Excellent' BREEAM standard. (c) The heat and hot water supply system shall be designed and constructed so as to enable a future connection of the supply system to a district heating network (DHN). Within 3 months following practical completion of the development, a post completion verification report (including a microgeneration certificate relating to photovoltaic array system), shall be submitted to and approved in writing by the local planning authority to confirm that the above minimum standards outlined in (a), (b) and (c) have been achieved and that all of the approved energy efficiency and sustainability measures have been implemented.
- 22) Prior to the first occupation of the relevant phase of development the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance. Together with any supporting information, it should be submitted to and approved in writing by the local planning authority.
- 23) Prior to the first occupation of the relevant phase of development a post-construction monitoring report for the relevant phase should be completed in line with the GLA's Circular Economy Statement Guidance. The report should be submitted to and approved in writing by the local planning authority.
- 24) Prior to first occupation of the relevant phase, a Deliveries, Servicing and Site Waste Management Plan shall be submitted to and approved in writing by the local planning authority. Vehicles shall only arrive at or leave the servicing yard between the hours of 07:00 and 21:00. The deliveries, servicing and management of waste and recycling relating to the approved uses shall not take place otherwise than in accordance with the approved details.
- 25) Prior to first occupation of the relevant non-residential building, a Public Space Noise and Disturbance Management Plan shall be submitted to and approved in writing by the local planning authority. The Plan shall reasonably address management of the following: (a) external seating; (b) disturbance or noise from visitors and occupants; (c) communication to visitors and occupants regarding noise and disturbance; (d) obligations on site tenants; (e) events and outside activities – including locations and expected frequency; and (f) engagement of neighbouring residents – including in respect of outside activities. The development shall not be operated other than in accordance with the approved details.
- 26) Prior to the first occupation of any ground (or part ground) floor commercial unit details of hours of operation and areas of outside seating facing a public highway shall be submitted to and approved in writing by the local planning authority. The unit shall only be operated in accordance with the approved details.

- 27) Prior to first occupation of the residential units at Block J, details of privacy screening to the first floor affordable unit private amenity areas on the podium shall be submitted to and approved by the local planning authority. The details as may be approved shall be implemented prior to first occupation of the residential units at Block J. The details shall be retained in good order for the life of the development.
- 28) None of the approved residential units shall be occupied unless they have first been constructed to ensure that they are adequately protected against external transportation noise sources and external noise without specific character likely to enhance its impact such as tones, impulsive elements or dominant low frequency content, and that: (a) the construction accords with BS8233 'Sound Insulation and Noise Reduction for Buildings'; (b) internal ambient noise levels in habitable rooms do not exceed 35dB LAeq,16 hour, between the hours 07:00 - 23:00 and within bedrooms do not exceed both 30 dB LAeq, 8 hour and L_{Amax} 45 dB more than 10 times between the hours 23:00 - 07:00; (c) ground and structure-borne noise does not exceed L_{Amax} 35 dB; and (d) it has regard to non-transportation noise sources and noise with specific character likely to enhance its impact; such as tones, impulsive elements or dominant low frequency content. The above noise level criteria shall apply minus an appropriate correction to take account of the enhanced impact. For example, where the noise has tonal or impulsive elements the corrections for such features from the reference methods described in BS 4142, and where low frequency content is dominant a fixed correction of -5 dB. Where the noise contains more than 1 characteristic likely to enhance its impact the corrections shall be added linearly. None of the residential units shall be occupied until a post-completion verification report, including acoustic test results, has been submitted to and approved in writing by the local planning authority confirming that the requirements of part (1) have been achieved.
- 29) Prior to first occupation of the relevant building, details of any kitchen extract(s) for commercial uses shall be submitted to and agreed in writing by the Council. The details shall include extraction hoods, internal fans, flexible couplings, three-stage filtration (grease filters, pre-filters and activated carbon filters), height of extract duct discharge and anti-vibration mounting. The air extraction system shall be retained and maintained for the lifetime of the use in accordance with the approved details. Flues must be at least one metre above the highest part of the nearby buildings, and in many circumstances will need to be significantly higher. The appropriate stack height should be determined using dispersion modelling, and not only by using the Memorandum on Chimney Heights or the Technical Guidance Note (Dispersion) (known as a D1 calculation), which are not suitable when considering annual mean NO₂ concentrations. Flues should not be 'hidden' behind structures likely to impact of the dispersion of emissions. No hot food preparation shall take place within any of the non-residential uses hereby permitted until all relevant kitchen and hot food preparation areas have first been provided with air extraction and filtration systems designed in accordance with details which have been submitted to and approved in writing by the local planning authority.
- 30) The external masonry of the Cooperage Building shall not be cleaned (other than a gentle surface clean using a nebulous water spray) and the brickwork shall not be repointed without prior approval of details including the methodology. Proposals shall be submitted to and approved in writing by the

local planning authority before the work is begun, and the work shall be carried out in accordance with such approved proposals.

- 31) The fire safety measures set out in the submitted Fire Statement dated 7th October 2022 by Arup shall be implemented prior to first occupation of the development and maintained for the life of the development, unless amended by the Building Safety Regulator, Building Control, the Fire Brigade or other relevant body.
- 32) The roofs of the approved development shall only be accessible to occupants and residents of the development in those locations identified as a 'terrace' on the approved plans.
- 33) Any mechanical plant and equipment within the development shall be designed and maintained for the lifetime of the development so that the rating level of noise does not exceed the representative measured background noise level (LA90, T) without the plant in operation as measured one metre from the nearest affected window of a habitable room in the nearest affected residential property. The rating level of the plant noise and the background noise level shall be determined using the methods from the version of BS 4142 current at the time of the granting planning permission. Vibration from the plant hereby approved (when assessed as per advice of the version of BS6472 current at the time granting of the planning permission) in the centre of any habitable room shall cause vibration no higher than the values equivalent to "low probability of adverse comment" in accordance with BS6472 'Evaluation of Human Exposure to Vibration in Buildings'.
- 34) The development shall be operated subject to the following conditions: (a) no use of outdoor seating or serving customers outside between 22:00 and 08:00; (b) music and amplified sound played from inside a building shall be limited to LAeq,5min 60 dB at 1m outside the nearest sensitive receptor façades during 08:00-22:00; and (c) no music (recorded and/or live) and amplified sound shall be played outside.
- 35) Unless otherwise specified by a S61 Consent granted under the Control of Pollution Act 1974, demolition, building, engineering or other operations associated with the construction of the development (including arrival, departure and loading and unloading of construction vehicles): (a) shall be carried out in accordance with the Tower Hamlets Code of Construction Practice; (b) shall only be carried out within the hours of 08:00 and 18:00 Monday to Friday. No works shall take place on Saturdays, Sundays and/or Public Holidays; (c) ground-borne and/or structure-borne vibration shall not exceed 1.0mm/s Peak Particle Velocity (PPV) at residential neighbouring the site; and (d) noise levels measured 1 metre from the façade of any occupied building neighbouring the site shall not exceed 75dB(A) at residential and commercial properties, and 65dB(A) at schools and hospitals (LAeq,T where T = 10 hours Monday to Friday and 5 hours for Saturday).
- 36) No external roller shutters shall be installed on any shopfront, commercial entrance or display façade hereby approved.
- 37) For the life of the development, for each ground floor unit, a minimum of 80% of the external glazed surface areas to the frontage hereby approved shall be maintained wholly transparent, and shall not be mirrored, painted or otherwise obscured by blanket window transfers placed on the glazing.

- 38) A clear and unobstructed 2.5m width for pedestrian movement shall be provided as a minimum at all times through all publicly accessible outside space.
- 39) The approved employment and commercial uses marked on the approved plans as 'workspace', 'café', 'restaurant', 'retail' and 'market', are not permitted to change use within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 40) The ground floor and first floor commercial units labelled as 'café', 'restaurant', 'retail' and 'market' shall not be amalgamated.

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- 1) The development shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 23020-MCO-ZZ-XX-DR-A-05001 Rev.P01: Site Location Plan
 - 23020-MCO-ZZ-00-DR-A-05101 Rev.P01: Existing Ground Floor Plan
 - 23020-MCO-ZZ-XX-DR-A-05201 Rev.P01: Existing East Elevation
 - 23020-MCO-ZZ-XX-DR-A-05203 Rev.P01: Existing West Elevation
 - 23020-MCO-ZZ-XX-DR-A-05301 Rev.P01: Existing Section A-A
 - 23020-MCO-ZZ-XX-DR-A-05302 Rev.P01: Existing Section B-B
 - 23020-MCO-ZZ-XX-DR-A-12101 Rev.P01: Demolition Plan
 - 23020-MCO-ZZ-0B-DR-A-06100 Rev.P01: Proposed Basement Floor Plan
 - 23020-MCO-ZZ-0M-DR-A-06102 Rev.P01: Proposed Mezzanine Floor Plan
 - 23020-MCO-ZZ-RL-DR-A-06109 Rev.P01: Proposed Roof Plan
 - 23020-MCO-ZZ-06-DR-A-06108 Rev.P01: Proposed Sixth Floor Plan
 - 23020-MCO-ZZ-05-DR-A-06107 Rev.P01: Proposed Fifth Floor Plan
 - 23020-MCO-ZZ-04-DR-A-06106 Rev.P02: Proposed Fourth Floor Plan
 - 23020-MCO-ZZ-03-DR-A-06105 Rev.P02: Proposed Third Floor Plan
 - 23020-MCO-ZZ-02-DR-A-06104 Rev.P02: Proposed Second Floor Plan
 - 23020-MCO-ZZ-01-DR-A-06103 Rev.P02: Proposed First Floor Plan
 - 23020-MCO-ZZ-00-DR-A-06101 Rev.P04: Proposed Ground Floor
 - 23020-MCO-ZZ-XX-DR-A-06201 Rev.P04: Proposed East Elevation
 - 23020-MCO-ZZ-XX-DR-A-06301 Rev.P01: Proposed Section A-A
 - 23020 MCO-ZZ-XX-DR-A-06303 Rev.P03: Proposed Section C-C
 - 23020 MCO-ZZ-XX-DR-A-06302 Rev.P03: Section B-B
 - 23020 MCO-ZZ-XX-DR-A-06203 Rev.P04: Proposed West Elevation
 - 23020 MCO-ZZ-XX-DR-A-06202 Rev.P04: Proposed North and South Elevations
- 3) No development shall take place, including any works of demolition, until the Council's Code of Construction Practice Checklist (CoCP Checklist) has been submitted to and approved in writing by the Council alongside all of the supporting documents including: (a) a Construction Management Plan including a Construction Traffic Management Plan; (b) a Site Environmental Management Plan; (c) Part A: Noise & Vibration Management Plan; (d) Part B: Dust and Air Quality Management Plan; (e) Part C: Site Waste Management Plan; and (f) Application for consent under Section 61 of the Control of Pollution Act 1974. The Construction Management Plan and Site Environmental Management Plan must follow the Council template, and the development must then be carried out in accordance with the approved CoCP Checklist and supporting documents

- 4) No piling shall take place until a Piling Method Statement (detailing the depth, location and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in accordance with the approved details.
- 5) All Non-Road Mobile Machinery (NRMM) used during the course of the development that is within the scope of the Greater London Authority 'Control of Dust and Emissions during Construction and Demolition' Supplementary Planning Guidance (SPG) 2014, or any subsequent amendment or guidance, shall comply with the emission requirements: (a) all plant and machinery to be used at the demolition and construction phases is required to meet Stage IV of EU Directive 97/68/ EC for both NO_x and PM; (b) all NRMM and plant to be used on the site of net power between 37kW and 560 kW must have been registered at <http://nrmm.london/>; and (c) an inventory of all NRMM must be kept on site during the course of the demolition, site preparation and construction phases of the development, and must be registered on the online register. All machinery should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment. This documentation should be made available to local authority officers as required until development is completed
- 6) A. No works shall take place (save for demolition works, site preparation, erection of fencing, laying of, or provision of, any services, laying of temporary surfaces and erection of temporary site buildings for construction purposes) until a remediation scheme to deal with the potential ground contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include: (a) a site investigation scheme, based on (Tier 1 Contamination Risk Assessment report) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site; (b) the results of the site investigation and detailed risk assessment referred to in (i) and based on these, an options appraisal and remediation strategy giving full details of the remediation and mitigation measures required and how they are to be undertaken; (c) a verification plan setting out the details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in B. are complete to a satisfactory standard; and (d) a monitoring and maintenance plan, setting out provisions for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The contamination remediation works shall be carried out in accordance with the approved details and completed prior to the first occupation of the development. The provisions of the monitoring and maintenance plan shall be in force from the first occupation of the development and retained for its lifetime. B. If during the works any additional contamination is encountered, all works in the relevant part of the site shall cease immediately and not resume until either: (a) the potential contamination has been assessed, and a remediation scheme has been submitted to and approved in writing by the local planning authority; or (b) timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing by the local planning authority. Any additional land contamination shall be fully remedied prior to the first occupation of the development. C. The development shall not be occupied until a post completion

- verification report, including results of sampling and monitoring carried out, has first been submitted to and approved in writing by the local planning authority demonstrating that the site remediation criteria have been met.
- 7) No development (excluding site clearance, demolition and enabling works) shall commence until a site-specific Groundwater Assessment has been submitted to and approved in writing by the local planning authority. The assessment shall include: (a) a detailed hydrogeological investigation to establish baseline groundwater levels across the site, including seasonal monitoring where appropriate; (b) an assessment of potential impacts of the proposed development on groundwater levels, flows and quality; and (c) identification of any necessary mitigation measures to protect groundwater resources and nearby receptors. The development shall thereafter be carried out in full accordance with the approved assessment and any mitigation measures identified, which shall be implemented prior to occupation/use of the development and retained thereafter for the lifetime of the development.
 - 8) No development (excluding site clearance, demolition and enabling works) shall take place until a final Sustainable Urban Drainage Scheme (SUDS) including on-going maintenance provisions has been submitted to and approved in writing by the local planning authority. Nature based sustainable drainage, source control and greywater re-use measures high in the SUDS management/treatment train shall be prioritised. The approved SUDS scheme shall be completed prior to the first occupation of the development and thereafter maintained in operational condition for the lifetime of the development.
 - 9) No development, other than demolition to ground level, shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development, other than demolition to ground level, shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no development, other than demolition to ground level, shall take place other than in accordance with the agreed stage 2 WSI which shall include: (a) the statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works; (b) where appropriate, details of a programme for delivering related positive public benefits; and (c) the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.
 - 10) No above ground construction works shall take place until samples (to be provided on-site) and full particulars of all external facing materials to be used in the construction of the development (those agree with the Council) have been submitted to and approved in writing by the local planning authority. Details submitted pursuant to this condition shall include but are not restricted to: (a) Mock-up panels of no less than 1m by 1m of each external cladding

material (those relevant to be agreed in advance of submission with the Council). Details of external cladding, where relevant, shall include all types of brick or other cladding material to be used, details of bond, mortar and pointing for brick and details of joints, panel sizes and fixing method for other types of cladding. If an off-site manufactured cladding system is to be used, the full details of the system shall be provided, and the mock-up panel shall include at least one junction between pre-assembled panels. (b) Samples and drawings of fenestration. Details of fenestration, where relevant, shall include reveals, sills and lintels. Drawings shall be at a scale of no less than 1:20. (c) Drawings and details of entrances. Details of entrances, where relevant, shall include doors, reveals, canopies, signage, entry control, post boxes, CCTV, lighting and soffit finishes. Drawings shall be at a scale of no less than 1:20. (d) Drawings and details of shopfronts. Details of shopfronts, where relevant, shall include doors, glazing, reveals, stallrisers, pilasters, facias, awnings and signage zones or indicative signage. Drawings shall be at a scale of no less than 1:20. (e) Details and samples of roofing; (f) Details of any balconies, terraces or wintergardens and associated balustrades, soffits and drainage. (g) Details of any external rainwater goods, flues, grilles, louvres and vents. (h) Details of any external plant, plant enclosures and safety balustrades. (i) A Green Procurement Plan for sourcing the proposed materials. The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste. The development shall not be carried out other than in accordance with the approved details.

- 11) No above ground construction works shall take place until a landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall achieve a minimum Urban Greening Factor (UGF) of 0.16. The scheme shall comprise details of: (a) hard landscaping, including palette of high quality, sustainable and inclusive public realm materials including planter enclosures, accessibility features, drainage, kerbs, size and location of permeable and impermeable paving surfaces; (b) accessibility and inclusivity, including ground levels, gradients, thresholds and inclusive access provisions, characteristics and features which signal open and public access and belonging, without cues to keep away, or cues of private use; (c) details of a 'Pedestrian Priority' area around the building and across Dray Walk; (d) Soft landscaping, including urban greening integrated through the site including, but not limited to green roofs, green walls, ground surface planting and nature based sustainable urban drainage features integrated with the site design and designed for multiple benefits including recreation, biodiverse habitat and resilience, amelioration of heat and rain events, noise and air quality; (e) a Landscape Management Plan for lifetime maintenance, giving details of proactive maintenance, including watering provision for soft landscape, appropriate pest control measures not resulting in harm to the planting, monitoring, and remediation to avoid major infestations or damage by non-chemical interventions, ensuring all drainage features fully remain operational, and provide schedules and measures to maintain or improve biodiversity as shown in the Urban Greening Factor details; (f) hard infrastructure, including external lighting (within and around the frontages of the site) and light spill drawings and proposed Lux levels. A particular focus on the lighting on the west elevation facing Grey Eagle Street, CCTV and other security measures; (g) boundary treatments including number, location, materials and surface finishes and

colours of all bollards, fences, gates, railings, walls and other access control measures and means of enclosure; (h) environmental measures to make landscape conducive, provisions for use during weather events and other microclimatic considerations such as wind, heavy rain, and heat: shade, shelter and where possible, areas of direct sunlight; and (i) Urban Greening Factor and Biodiversity Net Gain tables. The landscaping scheme shall be completed in accordance with the approved details no later than during the first planting season following practical completion of the development and retained for the lifetime of the development. Any trees or shrubs which die, are removed or become seriously damaged or diseased within 5 years of the completion of the landscaping works shall be replaced in the next planting season with the same species or an approved alternative as agreed in writing by the local planning authority.

- 12) Prior to the completion of the superstructure, a Secured by Design strategy detailing the measures to be incorporated into the development in order to meet Secured by Design accreditation shall be submitted to and approved in writing by the local planning authority. Once approved in writing by the local planning authority the development shall be carried out in accordance with the agreed details. Prior to first occupation of the development a Secure by Design certificate or letter from the Metropolitan Police Designing Out Crime Officer showing full compliance with the details approved shall be submitted to and approved by the local planning authority. The approved and implemented details shall be maintained for the life of the development.
- 13) Prior to the first occupation of the development hereby approved, details of the layout, design and materials of cycle stands/storage; details of shower, changing area and locker facilities shall be submitted to and approved in writing by the local planning authority. No less than 65 long-stay and 29 short-stay cycle parking spaces shall be provided. The proposals shall be in accordance with the London Cycle Design Standards. The development shall not be occupied until the approved details have been fully implemented. The approved details shall be maintained in good working order for the lifetime of the development.
- 14) The development shall be carried out in accordance with the approved Energy Statement dated 12th July 2024 by Arup which achieve a minimum of 16% site wide reduction in carbon emissions. The energy efficiency and sustainability measures set out therein shall be completed prior to practical completion of the development and retained for its lifetime. (a) The photovoltaic array system shall be installed prior to practical completion of the relevant phase of the development, have an annual output of no less than 7,174kWh overall and be retained for the lifetime of the development. (b) The development shall achieve compliance with at least the 'Excellent' BREEAM standard. (c) The heat and hot water supply system shall be designed and constructed so as to enable a future connection of the supply system to a district heating network (DHN). Within 3 months following practical completion of the development, a post completion verification report (including a microgeneration certificate relating to photovoltaic array system), shall be submitted to and approved in writing by the local planning authority to confirm that the above minimum standards outlined in (a), (b) and (c) have been achieved and that all of the approved energy efficiency and sustainability measures have been implemented.
- 15) The following parts of the approved development shall be fully implemented prior to first occupation of the development and maintained for the life of the

development. (a) The two pedestrian routes (a stepped access and ramped access) from the application site to Grey Eagle Street shown on the approved ground floor plans. (b) The projecting balconies and Juliet balconies at first, second, third and fourth plans shown on the approved elevations and floor plans. (c) The pedestrian links shall be accessible to the public, except between the hours of 2am and 6am.

- 16) Prior to the first occupation of the development the post-construction tab of the GLA's Whole Life-Cycle Carbon Assessment template should be completed in line with the GLA's Whole Life-Cycle Carbon Assessment Guidance. Together with any supporting information, it should be submitted to and approved in writing by the local planning authority.
- 17) Prior to the first occupation of the development a post-construction monitoring report should be completed in line with the GLA's Circular Economy Statement Guidance. The report should be submitted to and approved in writing by the local planning authority.
- 18) Prior to first occupation of the development, a Deliveries, Servicing and Site Waste Management Plan shall be submitted to and approved in writing by the local planning authority. There shall be no deliveries or servicing between 23:00 and 07:00. The deliveries, servicing and management of waste and recycling relating to the approved uses shall not take place otherwise than in accordance with approved details.
- 19) Prior to first occupation of the development, details of any kitchen extract(s) for commercial uses shall be submitted to and agreed in writing by the Council. The details shall include extraction hoods, internal fans, flexible couplings, three-stage filtration (grease filters, pre-filters and activated carbon filters), height of extract duct discharge and anti-vibration mounting. The air extraction system shall be retained and maintained for the lifetime of the use in accordance with the approved details. Flues must be at least one metre above the highest part of the nearby buildings, and in many circumstances will need to be significantly higher. The appropriate stack height should be determined using dispersion modelling, and not only by using the Memorandum on Chimney Heights or the Technical Guidance Note (Dispersion) (known as a D1 calculation), which are not suitable when considering annual mean NO₂ concentrations. Flues should not be 'hidden' behind structures likely to impact of the dispersion of emissions. No hot food preparation shall take place until all relevant kitchen and hot food preparation areas have first been provided with air extraction and filtration systems designed in accordance with details which have been submitted to and approved in writing by the local planning authority.
- 20) Prior to application/installation, details of art on either the chamfered corner or south elevation of the approved building shall be submitted to and approved in writing by the local planning authority. Art on the chamfered corner or south elevation of the approved building shall only be in accordance with the approved details.
- 21) The fire safety measures set out in the submitted Fire Statement dated 12th July 2024 by Arup shall be implemented prior to first occupation of the development and maintained for the life of the development, unless amended by the Building Safety Regulator, Building Control, the Fire Brigade or other relevant body.

- 22) The roofs of the approved development shall only be accessible to occupants of the development in those locations identified as an 'accessible terrace' on the approved plans.
- 23) Any mechanical plant and equipment within the development shall be designed and maintained for the lifetime of the development so that the rating level of noise does not exceed the representative measured background noise level (LA90, T) without the plant in operation as measured one metre from the nearest affected window of a habitable room in the nearest affected residential property. The rating level of the plant noise and the background noise level shall be determined using the methods from the version of BS 4142 current at the time of the granting planning. Vibration from the plant hereby approved (when assessed as per advice of the version of BS6472 current at the time granting of the planning permission) in the centre of any habitable room shall cause vibration no higher than the values equivalent to "low probability of adverse comment" in accordance with BS6472 'Evaluation of Human Exposure to Vibration in Buildings'.
- 24) The development shall be operated subject to the following conditions: (a) music and amplified sound played from inside the building shall be limited to LAeq,5min 60 dB at 1m outside the nearest sensitive receptor façades during 08:00-22:00; and (b) no music (recorded and/or live) and amplified sound shall be played outside.
- 25) Unless otherwise specified by a S61 Consent granted under the Control of Pollution Act 1974, demolition, building, engineering or other operations associated with the construction of the development (including arrival, departure and loading and unloading of construction vehicles): (a) shall be carried out in accordance with the Tower Hamlets Code of Construction Practice; (b) shall only be carried out within the hours of 08:00 and 18:00 Monday to Friday. No works shall take place on Saturdays, Sundays and Public Holidays; (c) ground-borne and/or structure-borne vibration shall not exceed 1.0mm/s Peak Particle Velocity (PPV) at residential neighbouring the site; and (d) noise levels measured 1 metre from the façade of any occupied building neighbouring the site shall not exceed 75dB(A) at residential and commercial properties, and 65dB(A) at schools and hospitals (LAeq,T where T = 10 hours Monday to Friday and 5 hours for Saturday).
- 26) No external roller shutters shall be installed on any shopfront, commercial entrance or display façade on the west elevation facing Grey Eagle Street hereby approved.
- 27) For the life of the development, for the west-facing ground floor units fronting Grey Eagle Street, a minimum of 80% of the external glazed surface areas to the west facing frontages hereby approved shall be maintained wholly transparent, and shall not be mirrored, painted or otherwise obscured by blanket window transfers placed on the glazing.
- 28) The approved employment space marked on the approved plans as 'workspace', are not permitted to change use within Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended).

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- 1) The works shall begin no later than three years from the date of this decision.
- 2) The works hereby granted listed building consent shall not be implemented until such time as planning permission has been granted for the associated development under application reference PA/24/01451 or such other planning permission that includes the works approved under this listed building consent. For the avoidance of doubt, no works authorised by this listed building consent shall commence independently of, or in advance of, an associated planning permission.
- 3) All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work in terms of the methods used and material(s), colour(s), texture(s) and profile(s), unless shown otherwise on the relevant drawings or other documentation, or required by any condition(s) attached to this consent.
- 4) No works of repointing shall take place until details of that repointing have been submitted to and approved in writing by the local planning authority. Any works of repointing shall be carried out in accordance with the approved details.
- 5) Detailed method statements relating to the structural works, prepared by a suitably qualified and experienced heritage construction/renovation professional, shall be submitted to and approved in writing by the local planning authority prior to the commencement of those works. Works shall be carried out in accordance with the approved details.
- 6) No works shall take place until samples and full particulars of all external and internal facing materials have been submitted to and approved in writing by the local planning authority. Details submitted pursuant to this condition shall include but are not restricted to: (a) detailed method statements for all internal and external works including works of making good, prepared by a suitably qualified and experienced heritage construction/renovation professional; (b) details and samples of all internal works of any new or replacement fabric, including new openings, staircase, lift etc - drawings shall be at a scale of no less than 1:5; (c) samples and details of external cladding - details and sample panels of external cladding, where relevant, shall include all types of brick or other cladding material to be used, details of bond, mortar and pointing for brick and details of joints, panel sizes and fixing method for other types of cladding; (d) samples and drawings of fenestration - details of fenestration, where relevant, shall include reveals, sills and lintels - drawings shall be at a scale of no less than 1:5; (e) drawings and details of entrances - details of entrances, where relevant, shall include doors, reveals, canopies, signage, entry control, post boxes, CCTV, lighting and soffit finishes - drawings shall be at a scale of no less than 1:5; (f) drawings and details of shopfronts - details of shopfronts, where relevant, shall include doors, glazing, reveals, stallrisers, pilasters, fascias, awnings and signage zones or indicative signage - drawings shall be at a scale of no less than 1:5; (g) samples and details of roofing; (h) details of any balconies, terraces or winter gardens and associated balustrades, soffits and drainage; (i) details of any external rainwater goods, flues, grilles, louvres and vents; and (j) details of any external plant, plant enclosures and safety balustrades. Works shall be carried out in accordance with the approved details.

- 7) Other than through a gentle surface clean using a nebulous water spray, no cleaning of masonry shall take place until details of that cleaning process have been submitted to and approved in writing by the local planning authority. Any cleaning of masonry, other than through a gentle surface clean using a nebulous water spray, shall be carried out in accordance with the approved details.



Ministry of Housing, Communities & Local Government

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RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, King's Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.