

# **OLD TRUMAN BREWERY DEVELOPMENT PROPOSALS**

## **PLANNING APPLICATIONS:**

**PA/24/01439/A1 ELY'S YARD/DRAY WALK**

**PA/24/01450/A1 GREY EAGLE STREET/CALVIN STREET**

**PA/24/01451/A1 BUXTON, SPITAL, WOODSEER, HANBURY  
STREETS**

## **LISTED BUILDING CONSENT APPLICATION:**

**PA/24/01475/NC BOILER HOUSE**

## **APPRAISAL AND OBJECTION SUBMISSION BY THE SPITALFIELDS TRUST**

### **METHOD FOR APPRAISING THE PROPOSALS**

1. This document appraises the proposals for the development of the Old Truman Brewery (OTB) comprising three planning applications and one listed building consent application submitted and validated on 6<sup>th</sup> September 2024. It covers their various impacts on the Spitalfields area, the Brick Lane District Centre, designated and non-designated heritage assets, and the merits of the proposals in benefitting and sustaining the local community. It assesses the applications against the following material planning considerations:

- Planning (Listed Buildings and Conservation Areas) Act 1990
- National Planning Policy Framework and Policy Guidance December 2023
- National Planning Policy Guidance
- The London Plan 2021
- Historic England Good Practice Advice in Planning
- Historic England Archaeological Priority Area Appraisal London Borough of Tower Hamlets October 2017
- Tower Hamlets Local Plan 2031 (adopted January 2020)
- Tower Hamlets Draft New Local Plan Reg.19 Submission Autumn 2024
- Tower Hamlets City Fringe Action Area Plan 2007
- Tower Hamlets Brick Lane District Centre 2015
- Tower Hamlets Spitalfields & Banglatown Masterplan SPD 2024

- Tower Hamlets Brick Lane and Fournier Street Conservation Area Appraisal and Management Guidelines 2009
- Previous schemes and applications for the site

2. These four applications have been submitted together as a package of proposals ('The Project') by the same owner and applicant. Although the sites do not directly adjoin, they are all part of a wider estate in the same ownership. The Environmental Impact Assessment (EIA), the Heritage Townscape and Visual Impact Assessment (HTVIA) and the Statement of Community Engagement submitted by the applicant cover all the applications together. The proposals are therefore evaluated by the Spitalfields Trust (the 'Trust') as a whole in terms of their overall impact as well as considering particular issues arising from individual parts of the applications.

## **DESCRIPTION OF SITE AND PROPOSALS**

**PA/24/01439/A1** Land bounded by Grey Eagle Street and Drays Walk, Ely's Yard, Grey Eagle Street E1

Construction of part 4/part 5/part 6-storey building (maximum height approximately 29m) to provide market space (Use Class E) at ground floor and 4,500 sq.m GIA of offices (Use Class E(g)(i)) on upper floors. Creation of new landscaping and pedestrian link.

**PA/24/01450/A1** Land at the corner of Grey Eagle Street and Calvin Street

Demolition of existing buildings on site and construction of new buildings comprising 5,200 sqm GIA of Use Class B8 floorspace for use as a data centre, reaching a maximum height of approximately 29 m (41.78m AOD).

**PA/24/01451/A1** Truman's Brewery: Land fronting Brick Lane, Buxton Street, Spital Street, Woodseer Street and Hanbury Street E1

Demolition of existing structures and buildings, not including the Boiler House and Cooperage buildings which will be refurbished. Construction of five new buildings comprising approximately 35,000 sqm GIA of Residential, Office, Retail, Food & Beverage, Community Use, Supermarket, Microbrewery, Market space, Event space and Public Toilets of Use Classes E (a), (b) and (g), Use Classes F1, F2 and Sui Generis, and Use Class C3, reaching a maximum height of approximately 29m (42.78 AOD).

Block O – The Boiler House: To be retained and refurbished with a new extension to the east and a viewing platform. To provide event and exhibition space.

Blocks 3A and 3B – on Buxton Street. Construction of new buildings part 2/ part 3/part 6/part 8 storeys with a maximum height of approximately 29m. To provide food and drink, cinema/event space and public toilets (use classes E (b) and sui generis) at ground floor, and office (use class E (g)(i)) on upper floors.

Block K – The Cooperage Building – on Spital Street. Retention and refurbishment to provide event space and microbrewery at ground floor (use classes sui generis) and retention of existing art studio space at first floor (use class E (g)(iii)).

Block 1 – on Spital Street. Construction of new building part single/part 3 storeys to provide retail (Use class E (a)) at ground floor and offices (Use class E (G)(i)) on upper floors.

Block 2 - Construction of new 7-storey building with maximum height of approximately 29m, to provide a market space (Use Class E) and public toilets (sui generis) at ground floor and office space (Use Class E (G)(i)) on upper floors.

Block J – Demolition of existing cash and carry building on Spital Street, Woodseer street and Hanbury Street, Construction of a new part 4/ part 5/part 7-storey building, with a maximum height of approximately 27m. To provide retail floorspace (Use Class E (a)) at ground floor. On upper floors 44 new homes (Use Class C3) fronting Spital Street and Hanbury Street. Office space (Use Class E (g)(i)) fronting Woodseer Street

Provision of new publicly accessible routes through the site from Brick Lane, Buxton Street and Spital Street, landscaping, a vehicle and servicing loading bay, and two new publicly accessible squares.

**PA/24/01475/NC** Truman’s Brewery. Land fronting Brick Lane, Buxton Street, Spital Street, Woodseer Street and Hanbury Street E1.

Listed Building Consent for external and internal alterations to the Boiler House including: (i) two storey extension to the 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 and addition of Sedum ‘green roof’; (iv) existing rooflights replaced with conservation rooflights; (v) demolition of mid twentieth century additions including extensions, staircases, gates, toilet block, sheds and courtyard wall

## Summary of floorspace

3. Taken together the three planning applications propose the following new or additional floorspace in terms of separate Use Classes. Percentages are shown of the overall total:

Class B 8 – data centre	5,266 sqm	12%
Class C3 – 44 residential units	4,933 sqm	11%
Class E – office, workspace, retail, F&B	31,908 sqm	70%
Class F1 – exhibition space	2,544 sqm	5%
Class F2 – community space	112 sqm	0.2%
Sui Generis – cinema/events/WCs	823 sqm	1.8%
<b>TOTAL</b>	<b>45,589 sqm</b>	<b>100%</b>

4. It should be noted that following changes to the Use Classes Order in September 2020, planning permission is NOT required to change uses with Use Class E, which encompasses a very wide range of uses including offices, workspaces, shops, restaurants, museums and indoor sports facilities. While the application descriptions indicate particular subdivisions within Use Class E, this would be difficult for the Local Planning authority to control without Article 4 Directions.

## PLANNING HISTORY AND CONTEXT

5. The three application sites comprise important parts of the Old Truman Brewery (OTB) which were acquired by the applicant when the brewery ceased trading in the late 1980s. While the owner has undertaken comparatively minor works to existing buildings on the site, requiring a number of planning permissions and listed building consents, the main activities have involved reoccupation of the existing buildings, sheds and open yards for a variety of business, market and entertainment uses.

6. In October 2019 (PA/16/01832) planning permission was granted for a large Data Centre in the north-east corner of the OTB, but this has not been built. The redevelopment of the 140 and 146 Brick Lane and the north side of Woodseer Street for offices over ground floor retail (PA/20/01415) was approved by Tower Hamlets Planning Committee in November 2021 but has been subject to Judicial Review awaiting decision of the Supreme Court.

7. In its wider context the OTB lies entirely within the Brick Lane and Fournier Street Conservation Area, with its remarkable mix of uses and historic buildings

and its rich cultural diversity and tradition. As part of the north-east City Fringe the OTB is close to major redevelopments that have been carried out recently at Norton Folgate, Spitalfields Market, Bishopsgate and the Fruit and Wool Exchange, and it is close to the proposed redevelopment of Bishopsgate Goodsyards which straddles Tower Hamlets and Hackney.

## **PLANNING POLICY**

8. In its Planning Statement the applicant relies heavily on planning policies in the Tower Hamlets Local Plan adopted in January 2020. It is significant that these policies have been the subject of subsequent review and public consultation. This is entirely in line with the requirement for Local Planning Authorities to keep abreast of changing needs and priorities and to adjust and refine its planning policies accordingly.

### **Spitalfields and Banglatown Masterplan SPD**

9. Following extensive public consultation by the Council the Spitalfields and Banglatown Masterplan was formally adopted by LBTH on 11<sup>th</sup> September 2024 as a Supplementary Planning Document (SPD). The Spitalfields Trust has strongly supported and encouraged its preparation. Indeed, the Brick Lane/Fournier Street Conservation Area Management Guidelines proposed in 2009 that a development brief should be prepared for the OTB but this never happened. The Trust welcomes the adoption of the Masterplan SPD and believes that it is now an important material consideration that should guide the development of the application sites.

10. The Trust strongly supports the key themes and objectives set out in the SPD:

- **Housing:** prioritise the development of social and affordable housing, to ensure residents from the area can afford to stay in the area.
- **Community:** ensure that affordable and Council-run community services, including cultural, sporting, artistic and educational provisions, are embedded in the plan.
- **Public Realm:** identify opportunities for public realm improvement, including urban greening and public amenity provision
- **Land use mix and activity:** support development that respects and enhances the diverse range of existing uses and local businesses, exploring ways that local businesses can support the residents and the development of the area, and vice-versa

- **Character and heritage:** support high quality development that reinforces and responds appropriately to the character and heritage of the neighbourhood
- **Engagement:** encourage continuous engagement with local stakeholders and the local community whose experiences and knowledge can help shape the neighbourhood and proposed development

11. It should be noted that, in addition to the somewhat complicated numbering and lettering of the proposed new blocks in the largest of applications, east of Brick Lane, this site is misleadingly described by the applicant as the ‘Masterplan’ site. It should not be confused with the Spitalfields and Banglatown Masterplan area which covers not only the whole of the three application sites, but also other land in the applicant’s ownership and much more besides. The applicant’s nomenclature is not used in this appraisal.

### **Tower Hamlets Draft New Local Plan Regulation 19 Submission Autumn 2024**

12. The proposed Draft New Local Plan is still undergoing consultation and can therefore only be considered as emerging policy. Nevertheless, the inclusion of the entirety of the Spitalfields and Banglatown Masterplan SPD as a Site Allocation in the draft Plan is a significant matter, specifying in greater detail the aspirations of the SPD on particular sites, including those covered by the current planning applications. This should also be a material consideration.

## **EVALUATION OF THE IMPACT OF THE PROPOSALS**

13. The Trust sets out its analysis and evaluation of the proposals under the stated headings of the priorities of the Spitalfields and Banglatown Masterplan SPD.

### **A) HOUSING**

14. The shortage of affordable housing is arguably the greatest crisis facing the whole country, but it is particularly acute in Tower Hamlets and Spitalfields. Inadequate and sub-standard housing is a root cause of poor physical and mental health service, educational under-achievement, and reduced economic productivity. Homelessness and the need to provide temporary accommodation place a huge strain on Council budgets and services. The housing waiting list in Tower Hamlets is one of the largest in the country. Bad housing conditions are a major contributor to the high levels of deprivation in Tower Hamlets.

15. The creation of more social housing with a mix of unit sizes that will cater for the varying needs of local communities is the absolute priority of Tower Hamlets Council. It is the top priority for the Spitalfields and Banglatown Masterplan SDP. It must also be the top priority for development of the OTB.

16. The Trust considers the amount of social and affordable housing proposed across the three applications to be derisory. It is wholly inadequate in terms of meeting the needs of the local community. The Trust would like to see a much higher proportion of residential development across the sites.

17. The opportunities for new housing identified in the Spitalfields and Banglatown Masterplan and Site Allocations of the Draft Local Plan would reinforce existing residential locations in Calvin Street, Grey Eagle Street, Spital Street, Hanbury Street, Woodseer Street and Buxton Street, overlooking Allen Gardens. The Site Allocation (page 414 of the Draft Local Plan) envisages 250 homes on the Truman Brewery East and Cash-and-Carry sites (the area covered by PA/24/01451) and 95 homes on two sites in Grey Eagle of which the Data Centre application site is the larger of the two sites.

18. For those who need reminding, the efforts of Tower Hamlets Council to require and achieve residential accommodation as part of the Fruit & Wool Exchange and Norton Folgate developments were thwarted by an unsympathetic London Mayor. These completed schemes are entirely commercial. Norton Folgate actually involved a loss of existing housing.

19. The London Plan 2021 envisages that 15,500 new homes should be built within the City Fringe, in which the current application sites are located, by 2041. Given the size and opportunities of the three application sites to provide housing, the 44 units offered are wholly inadequate. Of these 44 units, only six are social housing and five are 'intermediate'.

20. The Trust strongly disagrees with the applicant's assertion in paragraph 7.97 of its Planning Statement that "the introduction of significant residential use would conflict with Local Plan policies for the area and with the London Plan (N2) town centre designation as having a night-time economy of sub-regional importance". The existing residents of Spitalfields are already protected from adverse impacts of night-time disturbance by licensing, which is controlled by the local Council. The Trust would not wish to see any dilution of this. The presence of existing residential accommodation in Woodseer Street, Spital Street and Code Street must already inhibit the potential for night-time activities in this part of the OTB. It is a concern for existing residents and the Trust that the applicant sees new housing as a threat to an expanded night-time economy.

It might explain why the applicant has over recent years been buying up residential accommodation near to OTB when it comes onto the market.

## **B) SUSTAINING THE LOCAL COMMUNITY**

21. The amount of community space is minimal (0.2% of the total floorspace), and it is not clear even what these tiny spaces might be used for or how they might be managed and offered to local community groups and organisations. There appears to be nothing significant offered exclusively to the local community. The applicant's Planning Statement acknowledges that "the exact nature of the uses is not yet defined but will come forward once known". This gives no comfort that the Council's wish for affordable and Council-run community services including cultural, sporting, artistic and educational activities will be embedded in the proposals.

## **C) PUBLIC REALM**

22. Historically it should be remembered that before the expansion of the Truman Brewery in the late 19<sup>th</sup> and 20<sup>th</sup> centuries the OTB site, either side of Brick Lane, was crossed by long-established public streets, notably Black Eagle Street and Carter Street running east-west, and Wilkes Street and George Street running north-south. These became extinguished and closed off to the public when the brewery expanded, in order to prevent theft and protect customs and excise requirements. The Truman Brewery became a secure gated site. That justification has gone, and it is entirely logical and rightful to reinstate these public streets once more.

23. The Spitalfields and Banglatown Masterplan SPD indicates that there is an enormous opportunity to provide new public realm within the OTB and to radically improve permeability and accessibility for pedestrians. The applications have failed to grasp that opportunity because the spaces provided in the scheme are too small in proportion to the proposed footprint and scale of the new buildings and the through routes are too narrow.

24. In terms of the new open spaces the largest, Cooperage Yard, is only 20m at its widest, yet is flanked on the west by the 29m height of Block 2. Cooperage Passage, the through route to Allen Gardens from Cooperage Yard, is only 5 metres wide and is bridged over for much of its 20m length making it seem like a tunnel or canyon. Moreover, most of the length of both sides of Cooperage Passage are 'dead' frontages with no activity apart from the entrance to public toilets. It could become a rather unpleasant place.

25. The combined area of Chimney and Cooperage Yards is only 1200 sqm. It is a very small element of the overall 8,230 sqm ground-floor area of OTB East application, most of which is currently open yard and surface car parking. The proposed public realm lacks the generosity and extent of public realm space envisaged in the Masterplan.

26. The visualisations shown in the applicant's Landscape proposals, all using a wide-angle lens depiction, suggest spaces much larger than they will actually be. Chimney Yard is only 12m wide, yet it appears far bigger in the day and night images. The pictures of Cooperage Yard also appeared stretched, but even these projections do not show the full height and extent of the new buildings enclosing the space.

27. The Yard Function and Activities maps (Figures 2.4 and 2.5) in the applicants Landscape proposals, show the spaces to be primarily ancillary to the ground floor uses of the buildings that front them. It seems highly likely that external tables and chairs from the restaurants, cafes, microbrewery and events spaces will spill out onto the yards, reserved for their customers. There is no clear indication of where a dedicated and safe children's play space might be, as promised in the applicant's Public Benefits Statement, free for example from dogs. Far from being a "vibrant public realm for everyone" the spaces appear to be intended for users of the ground floor activities rather than inviting any form of through traffic. Existing local residents including school children or the elderly wishing to walk to Allen Gardens are unlikely to be attracted to pass through. of

28. Allen Gardens is the most important public park in the area and there are opportunities as part of the development to improve its use, accessibility and surveillance. The proposals fail to do this. The height and horizontal extent of the proposed Blocks 3A and 3B facing Buxton Street will have an adverse impact on Allen Gardens by overshadowing the southern area of grass. Instead of offering broad open vistas south towards the City, the proposal will present a wall of large office blocks. Residential use on the upper floors of any new buildings would provide far better 24/7 surveillance than offices. Allen Gardens itself would provide a wonderful outlook for new residents.

29. The application proposes setting back the frontage of Block 3A in order to provide a wider pavement on the south side of Buxton Street. It would be better to consider a shared surface treatment for the whole section of Buxton Street between Brick Land and Spital Street, raising the carriageway to pavement level, and introducing traffic calming measures that ensure better pedestrian connectivity with Allen Gardens. Such treatment would allow retention of the existing

historic building line on the south side of Buxton Street and would not require the demolition of the existing historic fabric (see paragraph 68 below).

30. Within the scheme the quality of the new spaces proposed are compromised by the scale of the buildings. Block 2 will obscure afternoon sun from Cooperage Yard, and morning/midday sun from Chimney Yard, most particularly in winter when any sun is at a premium. Block 2 rises 29m sheer on the south side of Chimney Lane.

31. In Ely's Yard the proposed new opening into the site from Grey Eagle Street opposite the eastern end of Corbet Place is welcome, but it appears from Drawing 06101 to be almost invisible from within Ely Yard, blocked by a 'green' wall. This should be a wider and more obvious access point, encouraging access from Corbet Place.

32. There is also a case for reinstating the original east-west route of historic Black Eagle Street, which ran from Brick Lane to Grey Eagle Street, by continuing the route of Dray Walk at ground floor level through the proposed new commercial block, with an additional entrance onto Grey Eagle Street. This would reinstate a direct visual connection between Brick lane and Grey Eagle Street, avoiding any dog-leg, and would be more convenient for pedestrians approaching from Calvin Street.

33. The Trust would also like the original northern half of Wilkes Street to be opened up to the public, providing a continuous pedestrian route from Fournier Street to Quaker Street, as used to be the case.

34. It appears that the proposed new routes and spaces will be gated and closed at certain times, and the narrowness of the entrances conspires towards this. The Trust considers that there should be wider and more legible routes through the site that are open 24/7 just like other streets and alleys in Spitalfields. Plainly they need to be well lit, well designed and ideally overlooked by uses that will be occupied, including residential. The logic of restoring Spitalfields' historic streets is undeniable.

35. There is no reason why public realm on privately-owned land should be gated. Paternoster Square in the City, Granary Square and the UCL campus in Camden, or the Cannon Brewery in Clerkenwell are all completely open and unrestricted. The King's Cross Railway Lands and the Cannon Brewery, like OTB, were once secure industrial sites but have been opened up to the public with generous spaces and permanent through-routes.

36. In terms of surface material the Trust is extremely disappointed that the historic granite setts and slabs that covered the eastern part of the OTB yards until they were removed five years ago are not being reinstated more widely and more authentically. Chimney Yard, for example, an area that was covered until recently with a wonderful pattern of granite slabs and setts, ingrained with the patina of use by brewery carts, is proposed now to be surfaced by a “hardworking concrete surface”. In Cooperage Yard there are patches of reclaimed materials shown on the landscape plans but no indication of how these relate to the historic layout. There were enough historic materials in the original yard to pave the whole of the proposed new public realm. The robust simplicity adopted by Argent at Coal Drops Yard and Granary Square, King’s Cross, shows what can be done.

#### **D) LAND USE MIX AND ACTIVITY**

37. Far from being a residentially-led development, as required by the Spitalfields and Banglatown Masterplan SPD, the vast majority (87%) of the proposed development is commercial floorspace of one kind or another. If one adds in the 5,941 sqm of Class E development (offices and retail) included in the Woodseer Street redevelopment (PA/20/00415), which contained zero residential, then the overall picture is even worse. The Site Allocation in the Draft New Local Plan suggests that the Truman Brewery East and Cash & Carry sites could accommodate up to 5,000 sqm of non-residential floorspace, as opposed to the 35,000 sqm proposed in the application. The Grey Eagle Street site could accommodate up to 1,500 sqm, as opposed to the 5,266 sqm proposed. Of all the blocks proposed in the three planning applications only Ely’s Yard, Block 2, the Boiler House and the Cooperage make a case for fully commercial use.

38. The reality is that the proposed development is very similar to the office-led redevelopments nearby at Norton Folgate and The Fruit & Wool Exchange. It appears that the applicant is relying heavily on the precedent of such schemes, and the premise that commercial office development in the City Fringe is an entirely acceptable and desirable form of development, to the virtual exclusion of residential. While the applicant claims in Paragraph 7.12 of its Planning Statement that proposal represent the applicant’s aspiration to deliver a truly mixed scheme, it is palpably commercially led and does not respond to the priority needs of Tower Hamlets or the local community. Vast amounts of Grade A office floorspace have been recently completed, are under construction or have been given planning permission within less than a mile of the application sites, including large developments in Shoreditch, Aldgate and Bishopsgate. By contrast, the amount of social and affordable housing in the pipeline in the same area is minute compared to the demand.

39. While the provision of ground floor retail and leisure accommodation does accord with Tower Hamlet's policies for Brick Lane Town Centre the overwhelming provision of offices on all upper floors does not. It is also important that new retail and leisure does not cater exclusively for the tourist and visitor trade or undermine the provision of and continuation of local shops and services to meet the day-to-day needs of local communities. The survival of local facilities can only be achieved and sustained if those local communities are catered for by the provision of adequate and affordable housing. The stated vision of the existing Local Plan City Fringe is that "By 2031 the City Fringe will become a more attractive place to live, work and visit." That order is surely important: residents should come first.

40. It is significant that the 'Retail and Centres Study' commissioned in September 2023 as evidence for the draft New Local Plan stated that: "Brick Lane is a District Centre with medium potential for commercial growth and potential for residential growth and is within a Strategic area for regeneration".

41. It should also be noted that much of the OTB site was originally in residential use, some of it until well in the 20<sup>th</sup> century. The houses on the north side of Woodseer Street, for example, were demolished in the late 1960s. The 1910 OS map shows that both sides of Grey Eagle Street were residential, and the west side of the northern extension of Wilkes Street. The 1896 OS map and Booth's 1903 Poverty maps show that the west side of Spital Street was lined with housing either side of the Cooperage Building. The Cash and Carry site was also occupied by housing facing Woodseer and Hanbury Streets until wartime bomb damage. It is misleading for the applicant to claim that the sites have always been in commercial and industrial use.

42. In terms of the type of commercial floorspace to be provided the applicant consistently promotes the notion that occupants of the new commercial buildings will be similar to those that currently occupy existing buildings on the OTB estate. This was pushed continuously during pre-application consultations and is set out again on pages 13 and 14 of the applicant's Public Benefits Statement. However, the Trust believes that the low and flexible rents that have been offered on the rough-and-ready existing buildings will not be realistic on new-build Class A offices. The high capital construction costs will require consequently high rents and service charges. Even if, as set out in the applicant's Planning Statement, 10% of the new commercial floorspace is offered at below market rents for 10 years, there is no guarantee that this reduction will be affordable to local businesses or local residents wishing to set up a business. Nor the need for affordable business space, or affordable housing, something that will disappear in ten years time.

43. While the ground floor plans of the new blocks at 47 Grey Eagle Street/Ely's Yard, and Blocks 2 and 3 indicate a variety of commercial, retail, market and entertainment uses, the upper floors are all shown as large open-plan offices, each block with a single core of lifts and services. They do not appear to be designed for easy sub-division into small workshop spaces. They will no doubt be marketed as Grade A offices. Their deep plans would make any future conversion into other uses, such as housing, extremely difficult.

44. The proposed Data Centre on Grey Eagle Street/Calvin Street is particularly undesirable, providing very 'dead' and unattractive street frontages. The Trust does not accept that this is an 'acceptable' replacement for the consented 2016 scheme off Spital Street. That scheme has not been built, and while technically it may be the case that the local planning authority has accepted a theoretical commencement (through the ripping up of historic granite setts in the yard) it does not seem that there has been any realistic intention to implement that scheme.

45. The Trust considers that an additional data centre is unacceptable in principle. Data centres may be a necessary part of the digital revolution, but rather like huge distribution warehouses they do not need to be in city centres, let alone in an area in such need of regeneration and enhancement as this part of Spitalfields.

46. Large data centres already occupy 91 Brick Lane and the post-war former brewery building immediately north of the Ely's Yard site, between Grey Eagle Street and the northern section of Wilkes Street. They are already an unfortunate presence in the area. It would be entirely wrong to compound these with another built on the west side of Grey Eagle Street. While the existing site, left derelict by the applicant for decades, seriously detracts from the vitality of the area the opportunity must be taken to provide a new development which will reinvigorate this neglected corner of the area. The applicant admits that the 5,266 sqm new data centre would likely employ only 20 full-time jobs. The Masterplan and Site Allocation correctly identify the site for residential use which would enhance the existing housing nearby in Calvin and Grey Eagle Streets

47. It should also be noted that data centres use huge amounts of energy and require massive power infrastructure to support them. They give off considerable amounts of heat, and the Trust is not aware of any plans for a district heating system that would harness this waste product.

48. The Trust is anxious that the proposed relocation of the existing double-height Cash & Carry supermarket on the ground floor of Block J will provide the volume of space needed by the current occupiers, and the vehicular access to enable its efficient operation. The proposed internal ceiling height for the retail looks tight for such a large space. The applicant identifies this as a ‘key element’ of the overall retail space. Satisfactory temporary relocation is clearly also essential.

## **E) PRESERVING CHARACTER AND HERITAGE**

### **(1) THE CHARACTER AND APPEARANCE OF THE CONSERVATION AREA**

49. The Brick Lane and Fournier Street Conservation Area Appraisal and Management Guidelines 2009 admirably describe the character and appearance of the conservation area: “Brick Lane is made up of narrow frontage 19<sup>th</sup> century shopfronts in buildings of 2, 3 and 4 storeys. The rest of the area is predominantly low-rise, of 3 to 4 storeys. This low-rise character emphasises the landmark value of Christ Church Spitalfields whose spire towers over the area at a height of 225 feet (68m), and of the chimney of Truman’s Brewery (49m). Both these features act as focal points for views and important points of reference...” The Trust believes that this is the context by which the proposals should be judged.

50. It is acknowledged that several of the existing buildings and structures on the sites are in a poor or dilapidated condition and of no architectural merit. However, these have become so under the stewardship of the applicant who has owned all these sites for over 30 years.

51. As a general point the Trust notes the many townscape views included in the applicant’s HTVIA. Several important views are not included, referenced below, whereas some are taken from places where the development is clearly not going to be visible. The views, though ‘verified’, are generated using a wide-angle or fish-eye lens which tends to make spaces look wider and building more distant and smaller. They are generally not a good simulation of what the human eye and brain perceives.

52. The Trust is concerned that the proposed scale and massing of several of the proposed blocks is excessive for their context and will harm the character and appearance of the Conservaton Area.

53. The height of 29m for the proposed Block A Data Centre at 47 Grey Eagle Street is much higher than the existing ruin or its neighbours. As stated in the

Conservation Area Appraisal, “the narrow and intimate proportions of the old 17<sup>th</sup> century network of streets, lanes and courtyards can still be perceived in Corbet Place, Calvin Street...”. The proposed scale and massing together with the dismal elevational treatment, inevitably blank and monolithic, will seriously harm the character and appearance of this part of the Conservation Area. Views in the Design and Access Statement (DAS) show that the massive upper floors will completely dominate the area. While there is an attempt in Calvin Street to mimic the adjacent scale and apply fake fenestration the proposal remains a completely inappropriate neighbour to the adjoining existing residential properties.

54. The blank ground floor frontages provide no surveillance to either Calvin Street or Grey Eagle Street, something that no amount of ‘art’ can mitigate. The existing buildings are similarly adorned with graffiti which do little to hide their condition. Retention of the post-war bridge across Grey Eagle Street, presumably to link the existing and proposed data centres, is also regrettable. This is not a particularly attractive existing feature (unlike the bridge in Brick Lane).

55. On the east side of Grey Eagle Street the proposed Ely’s Yard block rises 6 storeys, or 23m, sheer onto the back-edge of pavement, turning Grey Eagle Street into a canyon. Only the top two floors, rising to 29m, are set back. The existing building Block B immediately north, and adjoining, is lower and further set back from Grey Eagle Street, as is clearly shown in the proposed north elevation drawing 06202. The proposal will be over-dominant in Grey Eagle Street and the vista along Corbet Place. Arguably it will also over-dominate Ely’s Yard, being considerably taller than any of the existing former brewery buildings that front the space, including existing Block F. It is also taller than the historic brewery building that occupied the site until the 1980s which is shown in 5.1 of the DAS. The comparative scale is apparent from Sections A-A and B-B drawings 06301 and 06302. The proposal will hide the existing blank south wall of Block B but will rise much higher and be very much more dominant.

56. The proposed ground floor treatment of the new building to Grey Eagle Street is a solid blank wall, supposedly a location for artwork, but it will present a very defensive barrier and provide no surveillance of the street. Coupled with the existing west elevation of Block B it will be a lifeless frontage to the east side of Grey Eagle Street.

57. East of Brick Lane the scale proposed for Block 2, in the middle of the site, may well be appropriate (although it should be noted that this is an eight-storey building including the full height plant storey, not seven as repeatedly stated by

the applicant). It will be visible in the gap from Brick Lane as a backdrop to Clockhouse Lane, but will not be seen against the Truman chimney from there.

58. The Trust has greater concerns about the scale and massing of Blocks 3A and 3B. As with Block 2 these are in fact eight storeys including plant, not seven. The scale and massing of Blocks 3A and 3B have a significant impact on the setting of the landmark Truman brewery chimney of which the finest and most extensive views are from the north, particularly from Allen Gardens and Buxton Street. Views of the chimney from the south and west are very limited.

At present the chimney is an extremely dominant feature as a backdrop to Allen Gardens, contrasting with the low ranges of old and newer buildings along Buxton Street and Spital Street. The Trust considers the new development will rival and challenge the existing dominance of the chimney, and radically alter the character and appearance of this part of the Conservation Area.

Views 7 and 8 of the HTVIA illustrate this, albeit with the lens projection making everything seem very far away. The existing long views of a distant horizon beyond the low structures on Buxton and Spital Street will be lost.

59. While the south and west elevations of Block 3 are relieved by a number of set-backs of upper floors and a gradation of height, the north elevation is sheer to Buxton Street. The position of the chimney within the Boiler House means that the continuum of existing views of the chimney from along the southern pavement of Buxton Street, approaching from the east, will be completely blocked by the new building. It is a significant loss to the Conservation Area and beyond.

60. Viewed from Buxton Street the massing of Block 3 will be formidable and will radically change the character and appearance of this part of the Conservation Area. Despite the wide-angle lens View 15, taken closer to the corner of Buxton Street and Spital Street is unable to include the full height of the proposed new building.

61. Block 2 directly abuts the Cooperage and its modest chimney which contributes positively to the character and appearance of the Conservation Area. While the chimney is kept, its presence will be overwhelmed and dwarfed by the scale of Block 3B immediately against it. This is mentioned further in paragraph 66 below.

62. The Trust has no particular concerns about Block I, which appears to sit reasonably comfortably in terms of scale and massing between the Cooperage and the flats at 35 Woodseer Street. Ventilation equipment for the ground floor cafes will require careful treatment given the residential neighbours.

63. The Trust share the concerns of Historic England (HE) about the scale and massing of Block J in terms of its impact on Hanbury Street, Spital Street and Woodseer Street. HE states that this is a significance concern requiring a reduction in scale to align with the more domestic parts of the Conservation Area. The sudden transition from four to seven storeys plus parapet is a significant jump in scale. Existing residents of 35 Woodseer Street on the north corner with Spital Street will also be concerned about the proposed scale on the south side of Woodseer Street where the late 19<sup>th</sup> century warehouse at No.28 is already the highest building on that side. It is noted that the HTVIA does not include any views close to the site looking east from the south side of Hanbury, east of Brick Lane, or from the north wide of Woodseer Street looking east. These should be provided.

64. Overall the Trust considers that the proposals cause harm to the character and appearance of the Brick Lane and Fournier Street Conservation Area. The cumulative instances of harm caused by the three applications outweighs those heritage benefits that the scheme might provide. The Trust considers that the harm is at the middle-to-upper end of the ‘less-than-substantial’ scale, in terms of assessment under the requirements of Paragraph 208 of NPPF. The applications fail to meet the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 which places a duty to preserve or enhance.

## **(2) IMPACT ON STATUTORILY LISTED BUILDINGS**

65. The proposals for the Boiler House, Block O, which are also subject to Listed Building Consent, contain internal alterations that will be scrutinised by HE and Tower Hamlets conservation officers. The Trust makes no comments on these. The extensions and external alterations generally appear acceptable, and the quirky, rather theatrical design and metallic materials certainly distinguishes the old from the new. Part of the brick boundary wall to Buxton Street, currently swathed in ivy, is proposed for demolition to ‘facilitate vehicle tracking’, which is potentially an unfortunate erosion of the historic perimeter. It is not clear why this is necessary; it is not a desirable place for a vehicular loading bay next to this pedestrian entrance to Chimney Yard.

66. The adverse impact caused by Blocks 3A and 3B on the setting of the listed Truman brewery chimney, which rises from the centre of the Boiler House is set out in paragraphs 58 and 59 above. The landmark nature of this structure means that its setting is an extremely important element of its heritage significance. The existing continuous view of the chimney along the length of Buxton Street is a remarkable feature and its almost total erosion is a great loss. The Trust

considers the harm to be at the upper-middle range of ‘less-than-substantial’ harm, within the criteria required for consideration on Paragraph 208 of NPPF.

### **(3) IMPACT ON NON-DESIGNATED HERITAGE ASSETS**

67. The Cooperage is an important non-designated heritage asset. While the Trust welcomes the amendment of the original pre-application proposals so that the original roof is retained, there is a continuing concern about the setting of its modest chimney. At present this stands higher than the existing structures to the north, but it will now immediately abut the new Block 3B. The relationship is not clear. Drawing 06202 of the west elevation of Block 3B fails to show any adjoining buildings.

68. The Trust is very concerned about the total loss of the boundary walls and single-storey structures fronting Buxton Street (Block N) and notes HE’s similar comments. HE considers that these elements contribute positively to OTB’s historic industrial character. They should therefore be regarded as non-designated heritage assets. The Trust rejects the assertions in Paragraphs 7.27 – 7.29 of the applicant’s Planning Statement which dismisses any possibility of their retention or incorporation into its scheme. The Trust objects to their total loss. Imaginative efforts should be made to retain some of this fabric at ground floor level facing Buxton Street. There are already several attractive windows within the boundary wall and these could be augmented with new openings to facilitate active frontages and through routes, and with new accommodation built above. The total loss of Block N represents a high degree of harm when considering Paragraph 209 of NPPF

### **(4) ARCHAEOLOGY**

69. The Trust notes the likelihood of significant archaeology within the sites, and the impact that may be caused by the proposed extensive new basement excavations at Ely’s Yard, the Data Centre site in Grey Eagle Street/Calvin Street, the Cash and Carry site and Blocks 2 and 3. These are areas where there may not previously have been deep basements and where archaeology might be near the surface. The Trust expects that all the requirements of HE’s archaeological advisors will be adhered to.

### **(5) DESIGN**

70. While the allocation of different parts of the three sites to different architectural practices is noted and welcomed, the Trust is concerned that a very ‘generic’ style of design dominates the proposals, with the exception of the Boiler House. More should be done to create individuality between different elements

of the scheme. Blocks 3A and 3B, for example, should be far less monolithic, as well as being reduced in height, and more clearly differentiated or broken up, to avoid such an overwhelmingly dominant frontage to Buxton Street and Allen Gardens.

71. Generally the smaller buildings such as Blocks I and O are more successful. The sheer scale of the large blocks involve monotonous repetition of punched openings in huge areas of masonry, in a vaguely sub-warehouse/industrial genre. Good public art can be a welcome feature but it should not be a disguise for dull or bland architecture.

72. The proposed Data Centre presents dismal blank elevations to both Calvin Street and Grey Eagle. It is completely alien and unsympathetic to the historic character of the area.

## **F) ENGAGEMENT**

73. The Trust has had several pre-application meetings with the applicant and its advisors where strong views were expressed and suggestions made of which little heed has been taken. The Trust repeatedly stated that there should be more housing and more generous public realm, together with greater engagement with the requirements of local community organisations. Given the amount of community engagement that the applicant claims to have taken place over many months it is surprising and disappointing that there are no proposed uses or activities for the very small amounts of community space that are offered in the scheme. The strong likelihood is that the retail, events, food and drink, market and entertainment spaces will simply be a continuation and proliferation of the existing tourist-based activities that have evolved on the OTB. These do little at present to improve the lives for many local residents or offer opportunities for more deprived members of the local community.

## **BALANCING HARM AGAINST PUBLIC BENEFITS**

74. The applicant suggests that several public benefits would arise from the scheme. The Trust comments on these in turn:

### **A) Affordable workspace**

75. While it may be the case that 10% of the proposed commercial workspace will be offered at a reduced percentage of the market rental for 10 years, it remains the case that owing to the cost of construction and the high-grade specification, the market rental will be high and quite possibly unaffordable to local business-

es even at a reduced rate. The vast majority of the commercial floorspace provided above ground-floor level in Ely's Yard and Blocks 3 are single core large floorplate offices, most likely to attract corporate firms, rather than small local businesses. The applicant's planning statement suggests that the scheme will provide 1,495 FTE jobs, of which 260 will be for local residents, but there is no evidence to substantiate or guarantee this.

76. Rather employing a 0.5 FTE Community Manager within and under the control of the Truman Estate it would be better for that post to be under the wing of the Council or similar, paid for by the applicant.

### **B) Flexible Community Space**

77. The proposals appear very vague, with no specific commitments to particular spaces or times when they would be available to local community organisations or charges. There are plenty of warm words but little to rely on.

### **C) Enhanced public realm**

78. The limitations of the proposals have been discussed in paragraphs 22-35 above. The Trust regards the provision as mean and limited in its scope, focussing on retaining people within the development rather than facilitating movement through it. The scheme represents a huge lost opportunity.

### **D) Affordable homes**

79. As discussed above the six social housing units and five intermediate units is a very small public benefit in terms of the potential of the sites to provide much more residential accommodation. The aspiration in the applicant's Public Benefits Statement to "provide quality and affordable housing surrounded by welcoming public spaces which are easy to navigate, feel safe, and are accessible to all" is hardly achieved by the one housing block proposed on top of the Cash-and-Carry facility. Were housing to be provided on Buxton Street, for example, facing Allen Gardens, then that scenario might be achieved.

80. The Trust notes that the HTVIA also claims heritage benefits for various aspects of the scheme but the Trust considers that these are far outweighed by harm caused to heritage assets discussed above. The Trust considers that, overall, the degree of public benefits deriving from the scheme is modest.

**Allocating weight to harm.**

81. Set against those public benefits the Trust considers that the proposals cause harm to designated heritage assets, comprising the character and appearance of the Conservation Area and to the setting of listed buildings, and harm to undesignated heritage assets, comprising the demolition of the Buxton Street frontage and the setting of the Cooperage.

82. In heritage terms, Paragraph 205 of NPPF 2023 requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

83. Paragraph 208 requires that where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits. Paragraph 209 requires that in determining applications that directly or indirectly affect non-designated heritage assets a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

84. There are also other important elements of non-heritage harm including loss of sunlight and overshadowing to Allen Gardens and adverse impacts on amenity and daylighting to existing residents. In addition, the Council will wish to consider the harm to the sustainability of the local community caused by what is a predominantly office and visitor attraction scheme.

## **CONCLUSION**

85. Proposals to develop the derelict and under-used land and buildings at the OTB have been long overdue. Despite pre-application discussions between the Trust and the applicant the proposals submitted for the three planning application sites are deeply unsatisfactory. Instead of a mixed use development that will benefit and strengthen the local Spitalfields and Banglatown community, the applications propose an office-led commercial development where ground floor retail, food and drink, market and event space is overlain by large amounts of Grade A offices and a data centre. In terms of the Council's priorities:

- The very small amount of social and affordable housing is little more than a token gesture.
- There is inadequate affordable community provision.
- The public realm offered within the sites is modest, and seemingly gated and geared to users of the new buildings, who are likely to be mainly visitors to the area.

- The mix of uses and activities do not appear to support local businesses and residents.
- The proposals cause harm to the character and appearance of the Conservation Area and to the setting of listed buildings, failing to respond to the character and heritage of the neighbourhood
- There is little evidence that local stakeholders and the local community will benefit from or be able to shape the proposals

86. The Trust considers that, considering the required planning balance, the harm caused by the proposals greatly outweigh the public benefits and it urges the Council to refuse all the four applications before it.

### **The Spitalfields Trust October 2024**

#### **The Author**

Alec Forshaw (MRTPI, IHBC) worked as a town planning, urban designer and conservation officer with the London Borough of Islington from 1975 to 2007. He appeared as an expert witness for SAVE Britain's Heritage at the Public Inquiries on Smithfield Market and the Liverpool Welsh Streets in 2014, the Anglia Square Norwich PLI in February 2020, Custom House PLI and Marks & Spencer Oxford Street PLI in 2022. He lectures, campaigns and acts as a trustee and committee member in a volunteer capacity for many heritage organisations, including the Victorian Society, the 20<sup>th</sup> Century Society, the London Historic Buildings Trust, the Churches Conservation Trust, and the Islington Building Preservation Trust. He is a trustee of the Spitalfields Trust. He is the author of *The Markets of London* (1989), *Smithfield, Past and Present* (2016), *1970s London* (2012), *1980s London* (2021) and *New City: Contemporary Architecture in the City of London* (March 2013).