

# STRATEGIC DEVELOPMENT COMMITTEE

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Thursday, 10 December 2015 at 7.00 p.m.

Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove  
Crescent, London, E14 2BG

## UPDATE REPORT

**This meeting is open to the public to attend.**

**Contact for further enquiries:**

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6.1 Bishopsgate Goods Yard, Braithwaite Street, E1

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WARD(S)  
AFFECTED

Weavers

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**LONDON BOROUGH OF TOWER HAMLETS**

**STRATEGIC DEVELOPMENT COMMITTEE**

**10<sup>th</sup> December 2015**

**UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL**

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**Bishopsgate Goods Yard, Braithwaite Street, E1**

<p><b>Report of:</b> Director of Development and Renewal</p> <p><b>Case Officer:</b> Richard Humphreys</p>	<p><b>Title:</b></p> <p><b>Applications</b> for part outline and part full Planning Permission and Listed Building Consent.</p> <p><b>Recommendations:</b> To agree observations to the Mayor of London on applications for part outline and part full Planning Permission and Listed Building Consent.</p> <p>Tower Hamlets Refs: PA/14/02011 &amp; PA/14/02096 LB Hackney Refs: 2014/2425 &amp; 2014/2427. GLA Ref. D&amp;P/1200B&amp;C/JPC</p> <p><b>Ward:</b> Weavers</p>
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**1.0 Typographical errors**

- 1.1 Refusal Reason 5 page 15 '*Site design principles*'. Last line should read '*Cygnets Lane*' not '*Cygnets Street*.'
- 1.2 Financial contribution c) page 16 missing word '*Hamlets*.'
- 1.3 Paragraph 6.2 page 27. A synopsis of the Bishopsgate Goods Yard IPG is provided in '*Section 7*' of the report not '*Section 10*.'
- 1.4 Paragraph 9.3 page 54. Last line should read '*the social infrastructure*' not '*social the infrastructure*.'
- 1.5 Paragraph 10.88 page 73. 2<sup>nd</sup> line should read '*Cygnets Lane*' not '*Cygnets Street*.'
- 1.6 Paragraph 10.149 page 83. Cross reference to guidance provided by the Bishopsgate Goods Yard IPG should refer to '*paragraphs 7.22 to 7.38*' of the report not '*paragraphs 10.22 to 10.35*.'
- 1.7 Paragraph 10.174 page 89. Line 4 should read '*the setting of the Tower of London WHS*'.
- 1.8 Paragraph 10.178 page 90. Superfluous '*are not considered*' in line 5. The sentence should read:

*“Whilst the harm caused is considered less than substantial, the public benefits arising from the redevelopment of the Goods Yard are not considered to outweigh that harm and could accrue from lower buildings that would not impinge on the WHS.”*

1.9 Paragraph 10.306 page 110. Possible Heads of Agreement appear at ‘*paragraph 3.2*’ of the report not ‘*paragraph 1.12*.’

1.10 Paragraph 10.313 page 111. Line 1 should read ‘*current*’ not ‘*currently*.’

## **2.0 Additional representations**

2.1 The Hackney Society has written to both LBH and LBTH objecting to the planning application. Material representations may be summarised as:

- Planners should seek to limit any detailed decisions to narrow time-scales and include review mechanisms by way of conditions.
- This massive development causes significant harm - most notably to the environment.
- The internal development area is enclosed in a scheme whose scale and massing is locally unprecedented. The commitment to providing any social benefits is minimal. The levels of affordable housing are contrary to the development plan and amount to the largest lost opportunity for providing affordable homes and social mix that London has seen in recent years. It is a decision that will have an effect for generations to come.
- The viability reports are hidden.
- By building so high and so densely the accommodation offered may not be suitable as long term social rented family housing. It is patently designed to for temporary or short terms stays in central London.
- The application fails to come even close to the Bishopsgate Goods Yard IPG’s 35% target for affordable homes though exceeding its height and massing guidance by some margin.
- On this long phased delivery it will be practically impossible to anticipate what might be financially and logistically deliverable towards the end of the scheme.
- The developer must be asked to return with an understandable, piecemeal scheme that hits the Planning Guidance targets more squarely.

## **3.0 Air quality**

3.1 ‘*Internal consultation*’ paragraph 8.62 advises that no comments had been received from Environmental Protection regarding Air Quality. Paragraphs 10.272 to 10.274 go on to report the findings of the applicant’s submitted Environmental Statement (ES) regarding the impact of the proposed development on air quality.

3.2 The ES concludes that the development would not have a significant impact on air quality and is considered consistent with London Plan Policy 7.14 ‘*Improving air quality*’ and Tower Hamlets Core Strategy Policy SP03 ‘*Creating healthy and liveable neighbourhoods*’ that seek to achieve reductions in pollutant emissions and minimise public exposure to pollution.

- 3.3 LBTH Environmental Protection Service has subsequently advised that the Air Quality Neutral Requirements of the Mayor's London Plan Policy 7.14 are not met. The ES Technical Appendix N details the Air Quality Neutral Assessment & Table 6 shows that the proposed building emissions do not meet the calculated building emissions benchmark.
- 3.4 For nitrogen dioxide and particles (specifically PM10) the Council has designated an Air Quality Management Area (AQMA) across the borough that sets air quality objectives.
- 3.5 The results and impacts of the proposed development are set out at ES Table 12.29 which shows Change in Air Quality Statistics predicted with and without the development in year 2032. Within LBTH this shows that there will be an increase of  $0.5 \mu\text{gm}^{-3}$  NO<sub>2</sub> at receptor R25a (32-42 Bethnal Green Road) that is claimed to represent a small adverse impact. In this location, Environmental Protection class even a small adverse impact as a significant impact as ES Table 12.26 states that the predicted annual NO<sub>2</sub> concentration in the '*with development scenario*' at this receptor is  $57.33 \mu\text{gm}^{-3}$ . This vastly exceeds the annual Air Quality Objective within the Air Quality Action Plan and an increase of this magnitude is unacceptable.
- 3.6 The energy centre emissions are expected to have adverse impacts on 12 of the modelled receptors. Of these locations, 9 receptors are within LBTH at the buildings proposed at Plots C and E. The highest would be an increase of  $8 \mu\text{gm}^{-3}$  which is a '*major adverse impact*.' The other impacts are '*minor adverse*.' It is noted that only a limited number of floors have been modelled and it is likely that other floors would experience similar or more severe impacts.
- 3.7 Overall, the impacts associated with the energy centres are too high to be acceptable. Other impacts such as the residential exposure could be dealt with via conditions. It is recommended that the energy centres be re-examined to reduce the emissions impacts attributed with them and to meet the Air Quality Neutral emissions of the development plan. It is likely that either less polluting engines or emissions mitigation equipment would need to be installed.

#### **4.0 Planning obligations - Heads of Agreement**

- 4.1 The Mayor of London's representation hearing has now been scheduled for 10.00 am on 26<sup>th</sup> February 2016.
- 4.2 Paragraph 3.2 of the Committee report recommends without prejudice that should the Mayor of London decide to grant planning permission this should be subject to the prior completion of a legal agreement with the developer to secure planning obligations set out under Heads a) to y).
- 4.3 The Greater London Authority has instructed solicitors (Ashurst) to commence preparatory work on the format of a section 106 agreement that would be required in the event that the Mayor decide to grant planning permission. Officers of both LBH and LBTH have been invited to participate in this process but both boroughs have informed the GLA & Ashurst that they are

unable to participate in these discussions until after their respective committee meetings this evening.

- 4.4 Both boroughs together with the GLA would need to be parties to any section 106 agreement. Advanced involvement in the format of any section 106 agreement would not affect the Mayor of London's decision on the applications and would not prejudice the borough's position.
- 4.5 Regardless of the decision of members in respect of the application itself; officers seek authority from the Strategic Development Committee to both negotiate and, in the event that the Mayor decides to grant planning permission, to enter into a section 106 agreement for the proposed development.

## 5.0 RECOMMENDATION

### **Observations to the Mayor of London on application for Planning Permission (PA/14/02011)**

- 5.1 Officer's recommendation that the Committee resolves to inform the Mayor of London that were it empowered to determine the application for planning permission the Council would have **REFUSED** permission remains unchanged **SAVE** that a seventh reason is added regarding failure to achieve policy complaint air quality.

#### Additional Refusal Reason No. 7

The submitted Environmental Assessment fails to demonstrate that the proposed development would be air quality neutral. There would be significant adverse impacts on air quality that would not be mitigated. This includes increasing air quality levels at existing residential receptors and significant impacts associated with the energy centres. This is inconsistent with the air quality objectives of the Tower Hamlets Air Quality Action Plan, the Mayor's London Plan Policy 7.14 '*Improving air quality*' and Tower Hamlets Core Strategy Policy SP03 '*Creating healthy and liveable neighbourhoods.*'

#### **Planning obligations - Heads of Agreement**

- 5.2 To grant officers authority to negotiate and, in the event that the Mayor of London decides to grant planning permission, enter into a section 106 agreement for the proposed development.
- 5.3 To negotiate and secure the delivery of the maximum viable amount of affordable housing on site in accordance with the requirements of the Mayor's London Plan Policy 3.8 '*Housing choice,*' Policy 3.11 '*Affordable housing targets,*' Policy 3.12 '*Negotiating Affordable Housing on Individual Private Residential and Mixed Use Sites,*' Tower Hamlets Core Strategy Policy SP02 '*Urban living for everyone*' and the Managing Development Document Policy DM3 '*Delivering homes.*'

**Drawings**

The list of drawings set out in Section 1 of the Committee Report is incomplete. The following is a complete list of the submitted drawings:

<p><b>Plots A, B, D &amp; E</b></p> <p><b>Existing Plans</b>            PL(9)1000            PL(9)1001            PL(9)1002            PL(9)1003</p> <p><b>Parameter Plans</b>            PL(9)1004            PL(9)1005            PL(9)1006            PL(9)1007            PL(9)1008            PL(9)1009            PL(9)1010            PL(9)1011            PL(9)1012            PL(AB)100            PL(AB)50            PL(D)100            PL(D)110            PL(D)50            PL(E)100            PL(E)110            PL(E)50            PL(HIJ)100            PL(HIJ)110            PL(HIJ)50            PL(K)50            PL(K)100            PL(9)1033            PL(9)1034            PL(9)1035            PL(9)1036</p>	<p><b>Access Plans</b>            PL(9)1027            PL(9)1028            PL(9)1029            PL(9)1030            PL(9)1031            PL(9)1032</p> <p><b>Masterplans</b>            PL(9)1100            PL(9)1101            PL(9)1102            PL(9)1103</p> <p><b>Listed Building Application            Extent of Red Line</b>            BGY11-PA-03-301</p> <p><b>Constraints Drawings</b>            PL(9)1200            PL(9)1201            PL(9)1202            PL(9)1203</p>
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<p><b>Plot C, F &amp; G</b></p> <p>PLP-1207-A-M-000 Rev P01            PLP-1207-A-M-010 Rev P00            PLP-1207-A-M-020 Rev P00            PLP-1207-A-M-021 Rev P01            PLP-1207-A-M-022 Rev P01</p> <p><b>Plot C</b></p> <p>PLP-1207-A-C-100 Rev P01            PLP-1207-A-C-100-M Rev P01            PLP-1207-A-C-101 Rev P01            PLP-1207-A-C-102 Rev P01            PLP-1207-A-C-103 Rev P01</p>	<p>PLP-1207-A-C-200 Rev P01            PLP-1207-A-C-201 Rev P01            PLP-1207-A-C-202 Rev P01            PLP-1207-A-C-203 Rev P01            PLP-1207-A-C-204 Rev P01            PLP-1207-A-C-251 Rev P01            PLP-1207-A-C-252 Rev P01            PLP-1207-A-C-253 Rev P01            PLP-1207-A-C-254 Rev P01            PLP-1207-A-C-255 Rev P01            PLP-1207-A-C-260 Rev P01            PLP-1207-A-C-261 Rev P01            PLP-1207-A-C-262 Rev P01            PLP-1207-A-C-263 Rev P01            PLP-1207-A-C-264 Rev P01</p>
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PLP-1207-A-C-104 Rev P01 PLP-1207-A-C-105 Rev P01 PLP-1207-A-C-105-M Rev P01 PLP-1207-A-C-106 Rev P01 PLP-1207-A-C-107 Rev P01 PLP-1207-A-C-108 Rev P01 PLP-1207-A-C-109 Rev P01 PLP-1207-A-C-123 PLP-1207-A-C-124 PLP-1207-A-C-125 PLP-1207-A-C-126 PLP-1207-A-C-127 Rev P01 PLP-1207-A-C-128 Rev P01 PLP-1207-A-C-129 Rev P01 PLP-1207-A-C-130 Rev P01 PLP-1207-A-C-131 Rev P01 PLP-1207-A-C-132 Rev P01 PLP-1207-A-C-189 Rev P00	PLP-1207-A-C-265 Rev P01 PLP-1207-A-C-301 Rev P01 PLP-1207-A-C-302 Rev P01 PLP-1207-A-C-303 Rev P01 PLP-1207-A-C-304 Rev P01 PLP-1207-A-C-305 Rev P01 PLP-1207-A-C-340 Rev P01 PLP-1207-A-C-350 Rev P01 PLP-1207-A-C-360 Rev P01 PLP-1207-A-C-370 Rev P01 PLP-1207-A-C-390 Rev P01
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<b>Plot F &amp; G</b>  PLP-1207-A-FG-999 Rev P01 PLP-1207-A-FG-1000 Rev P01 PLP-1207-A-FG-1001 Rev P01 PLP-1207-A-FG-1002 Rev P01 PLP-1207-A-F-103 Rev P01 PLP-1207-A-F-104 Rev P01 PLP-1207-A-F-105 Rev P01 PLP-1207-A-F-106 Rev P01 PLP-1207-A-F-107 Rev P01 PLP-1207-A-F-108 Rev P01 PLP-1207-A-F-109 Rev P01 PLP-1207-A-F-110 Rev P01 PLP-1207-A-F-111 Rev P01 PLP-1207-A-F-112 Rev P01 PLP-1207-A-F-113 Rev P01 PLP-1207-A-F-114 Rev P01 PLP-1207-A-F-115 PLP-1207-A-F-116 PLP-1207-A-F-117 PLP-1207-A-F-118 PLP-1207-A-F-119 PLP-1207-A-F-120 PLP-1207-A-F-121 PLP-1207-A-F-122 PLP-1207-A-F-123 PLP-1207-A-F-124 PLP-1207-A-F-125 PLP-1207-A-F-126 PLP-1207-A-F-127 PLP-1207-A-F-128 PLP-1207-A-F-129 PLP-1207-A-F-130 PLP-1207-A-F-131	PLP-1207-A-G-103 Rev P01 PLP-1207-A-G-104 Rev P01 PLP-1207-A-G-105 Rev P01 PLP-1207-A-G-106 Rev P01 PLP-1207-A-G-107 Rev P01 PLP-1207-A-G-108 Rev P01 PLP-1207-A-G-109 Rev P01 PLP-1207-A-G-110 Rev P01 PLP-1207-A-G-111 Rev P01 PLP-1207-A-G-112 Rev P01 PLP-1207-A-G-113 Rev P01 PLP-1207-A-G-114 Rev P01 PLP-1207-A-G-115 PLP-1207-A-G-116 PLP-1207-A-G-117 PLP-1207-A-G-118 PLP-1207-A-G-119 PLP-1207-A-G-120 PLP-1207-A-G-121 PLP-1207-A-G-122 PLP-1207-A-G-123 PLP-1207-A-G-124 PLP-1207-A-G-125 PLP-1207-A-G-126 PLP-1207-A-G-127 PLP-1207-A-G-128 PLP-1207-A-G-129 PLP-1207-A-G-130 PLP-1207-A-G-131 PLP-1207-A-G-132 PLP-1207-A-G-133 PLP-1207-A-G-134 PLP-1207-A-G-135 PLP-1207-A-G-136 PLP-1207-A-G-137
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<p>PLP-1207-A-F-132  PLP-1207-A-F-133  PLP-1207-A-F-134  PLP-1207-A-F-135  PLP-1207-A-F-136  PLP-1207-A-F-137  PLP-1207-A-F-138  PLP-1207-A-F-139  PLP-1207-A-F-140  PLP-1207-A-F-141  PLP-1207-A-F-142  PLP-1207-A-F-143  PLP-1207-A-F-144  PLP-1207-A-F-145  PLP-1207-A-F-146  PLP-1207-A-F-147  PLP-1207-A-F-148  PLP-1207-A-F-149</p> <p>PLP-1207-A-G-138  PLP-1207-A-G-139  PLP-1207-A-G-140  PLP-1207-A-G-141</p>	<p>PLP-1207-A-FG-200 Rev P01  PLP-1207-A-FG-201 Rev P01  PLP-1207-A-FG-202 Rev P01  PLP-1207-A-FG-203 Rev P01  PLP-1207-A-FG-204 Rev P01  PLP-1207-A-FG-211 Rev P01  PLP-1207-A-FG-212 Rev P01  PLP-1207-A-FG-213 Rev P01  PLP-1207-A-FG-214 Rev P01  PLP-1207-A-FG-251 Rev P01  PLP-1207-A-FG-252 Rev P01  PLP-1207-A-FG-253 Rev P01  PLP-1207-A-FG-254 Rev P01</p> <p>PLP-1207-A-FG-310 Rev P01  PLP-1207-A-FG-311 Rev P01  PLP-1207-A-FG-320 Rev P01  PLP-1207-A-FG-330 Rev P01</p>
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<p><b>Plots H, I, J &amp; L</b></p> <p><b>Existing drawings</b>  PL(E)500  PL(E)501  PL(E)502</p> <p><b>Proposed drawings</b>  PL(9)500  PL(9)501  PL(9)502</p> <p><b>Shopfronts and Railside Units</b>  <b>Proposed</b>  PC(31)1  PC(31)2  PC(31)3  PC(31)4  PC(31)5  PC(31)6  PC(31)7  PC(31)8  PC(31)9  PC(31)10  PC(31)50</p>	<p><b>Plot H</b></p> <p><b>Existing Building Drawings</b>  PLH(E)000  PLH(E)100  PLH(E)200  PLH(E)10-11  PLH(E)12-13  PLH(E)14  PLH(E)15-16  PLH(E)50  PLH(E)51  PLH(E)52  PLH(E)53  PLH(E)54  PLH(E)55</p> <p><b>Proposed Building Drawings</b>  PLH(0)000  PLH(0)100  PLH(0)200  PLH(0)10-11  PLH(0)12-13  PLH(0)14  PLH(0)15-16  PLH(0)50  PLH(0)51  PLH(0)52  PLH(0)53  PLH(0)54  PLH(0)55</p>
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<p><b>Plot I</b></p> <p><b>Existing Building Drawings</b>          PLI(E)100          PLI(E)200          PLI(E)10-11          PLI(E)12-13          PLI(E)14-15          PLI(E)50          PLI(E)51          PLI(E)52          PLI(E)53</p>	<p><b>Proposed Building Drawings</b>          PLI(0)100          PLI(0)200          PLI(0)10-11          PLI(0)12-13          PLI(0)14-15          PLI(0)50          PLI(0)51          PLI(0)52          PLI(0)53</p>
<p><b>Plot J</b></p> <p><b>Existing Building Drawings</b>          PLJ(E)100          PLJ(E)200          PLJ(E)10-11          PLJ(E)12-13          PLJ(E)14-15          PLJ(E)50          PLJ(E)51          PLJ(E)52</p>	<p><b>Proposed Building Drawings</b>          PLJ(0)100          PLJ(0)200          PLJ(0)10-11          PLJ(0)12-13          PLJ(0)14-15          PLJ(0)50          PLJ(0)51          PLJ(0)52</p>
<p><b>Plot L</b></p> <p><b>Existing Building Drawings</b>          PLL(E)100-200          PLL(E)10-11          PLL(E)12-13          PLL(E)50          PLL(E)51          PLL(E)52          PLL(E)53          PLL(E)54          PLL(E)55</p>	<p><b>Proposed Building Drawings</b>          PLL(0)100-200          PLL(0)10-11          PLL(0)12-13          PLL(0)50          PLL(0)51          PLL(0)52          PLL(0)53          PLL(0)54          PLL(0)55</p>
<p><b>Public Realm &amp; Landscaping</b></p> <p>8182-201          8182-203          8182-204</p>	<p>8182-205          8182-206          8182-207          8182-208          8182-209</p>
<p><b>Demolition and Intervention Works</b></p> <p>DDN 118 Rev A</p>	