

Committee: Cabinet	Date: 2 December 2009	Classification: Unrestricted	Report No: (CAB081/090)	Agenda Item:
Report of: Aman Dalvi Corporate Director, Development and Renewal		Title: Adoption of Bishopsgate Goods Yard as Interim Planning Guidance		
Originating officer(s) Paul Buckenham, Principal Planner Development Schemes		Wards Affected: Weavers Spitalfields and Banglatown		

1. **SUMMARY**

- 1.1 Bishopsgate Goods Yard is a 4.7 hectare site lying across the boundary between the London Borough of Tower Hamlets and the London Borough of Hackney and is identified as an opportunity for major mixed use development in the Tower Hamlets Unitary Development Plan (UDP) and the draft Core Strategy (submission version 2009).
- 1.2 The Council, in partnership with LB Hackney and the Mayor of London, has produced 'Interim Planning Guidance' (IPG) to set out clear planning and design principles for the future comprehensive development of the site, including priorities for community benefits.
- 1.3 Cabinet approved the draft IPG for statutory public consultation on 14 January 2009. Public consultation commenced on 23 February 2009 for an initial period of six weeks, subsequently extended to ten weeks finishing on 8 May 2009. The purpose of this report is to feedback the main consultation responses to the draft IPG, how the document has been amended to take account of these and to seek approval of the revised document as interim planning guidance.
- 1.4 Following approval, the IPG will be a material consideration in the determination of future planning applications for the redevelopment of the site.

2. **RECOMMENDATIONS**

- 2.1 To note the results of statutory public consultation and the amendments made to the draft Interim Planning Guidance.
- 2.2 To approve the planning guidance for Bishopsgate Goods Yard as Interim Planning Guidance for the purposes of development control.

- 2.3 To authorise the Corporate Director of Development & Renewal (or their nominated officer) to make any minor amendments to the Interim Planning Guidance in discussion with the Leader and Lead Members, including those contained in the key recommendations of the Sustainability Appraisal (Appendix 4), prior to its formal approval.

3. BACKGROUND

- 3.1 Bishopsgate Goods Yard is a 4.7 hectare site, located between Brick Lane and Shoreditch High Street (Hackney), and bounded to the north by Sclater Street and Bethnal Green Road and to the south by rail lines into Liverpool Street Station (see site plan in Appendix 1). Approximately 3.6 hectares of the site falls within LB Tower Hamlets, the remainder falls within LB Hackney.
- 3.2 The site has been derelict and largely unused for over forty years since the former railway goods yard was destroyed by fire. Shoreditch High Street Station on the extended East London Line is being constructed on part of the site and will open to passengers in June 2010. The site includes some important listed historic structures including the Braithwaite Viaduct with arches below (Tower Hamlets) and the former entrance gate, forecourt wall and oriel (Hackney).
- 3.3 The Council, the London Borough of Hackney and the Mayor of London recognise the need to ensure that re-development of Bishopsgate Goods Yard occurs in a comprehensive manner. The guidance is being prepared now given that the opening of the East London Line in 2010 is likely to be a catalyst for re-development of the site and the authorities are keen to avoid piecemeal development.
- 3.4 The IPG will set out a clear development framework for the site which will help to give the private and public sectors and the local community certainty and confidence about future regeneration proposals and provide the framework to ensure that the necessary supporting infrastructure is delivered.
- 3.5 The planning guidance will be used by planning officers when determining planning applications on the site and will supplement existing planning policies in Tower Hamlets UDP (until superseded by the Council's Local Development Framework), emerging LDF Core Strategy and the London Plan to provide an additional level of detailed planning and design guidance for the site.
- 3.6 The IPG for Bishopsgate Goods Yard is consistent with the policies contained in the draft LDF Core Strategy submission version approved for public consultation on 2 September 2009. The process of preparing the IPG has followed the requirements of national planning legislation, including public consultation, for the production of supplementary planning documents (SPDs)

in order that it can form part of the Council's Local Development Framework following the adoption of the Core Strategy (anticipated autumn 2010).

4. SUMMARY OF THE KEY ELEMENTS OF THE IPG

- 4.1 The key objectives of the Bishopsgate Goods Yard IPG are to ensure that re-development of the site, whilst responding to the access opportunities created by the new Shoreditch High Street Station, occurs in a comprehensive manner so that new development is of the highest standard, is sustainable and integrates with the surrounding area.
- 4.2 In summary, the interim planning guidance sets out the local, historic and planning context for the site, explains the key physical constraints that would need to be addressed and provides a vision for a mixed use development including housing, employment, retail, leisure, community facilities and public open space based on a framework of sustainable urban design principles.
- 4.3 The IPG shows how the urban design principles and existing policies come together to create a new and integrated place structured around a place to live, a place to work and a place to enjoy.
- 4.4 The key opportunities for Tower Hamlets that will arise from re-development include:
- Provision of up to 2000 new homes with an emphasis on affordable and family homes, towards the east of the site, taking into account existing Tower Hamlets, Hackney and GLA housing policies and Tower Hamlets emerging housing strategy. This will secure a minimum of 35% affordable housing.
 - A network of new pedestrian and cycle routes through the site, reconnecting the surrounding communities.
 - Opening up access to the new Shoreditch High Street Station, including new links from Brick Lane, improving public transport and promoting sustainable transport options.
 - Provision of large areas of publicly accessible open space for the local community (approximately 1.7 hectares), falling mainly within Tower Hamlets, including a new green park on top of the Braithwaite Viaduct.
 - Potential to link the new open spaces within the site to existing green spaces nearby such as Allen Gardens, creating a linked chain of green spaces.

- Opportunities to provide accommodation for small businesses, for example within refurbished space in the railway arches.
 - Provision of new community infrastructure to support new and existing communities including a new primary care health centre.
 - New large scale office development on the western part of the site (predominantly in LB Hackney)
- 4.5 Detailed guidance is included on the location and design of tall buildings, with the key principle that tall buildings should be located towards the west of the site (Shoreditch High Street) with development reducing in height eastwards towards Brick Lane, reflecting the context of the surrounding area.
- 4.6 Clear guidance is provided on the phasing of the development of Bishopsgate Goods Yard. The IPG promotes delivery of some or all, of the new park as part of the first phase of development as a major opportunity to deliver community benefits early on in the re-development process. The IPG also provides the basis to secure temporary access routes to Shoreditch High Street Station to ensure ongoing safe and convenient public access throughout the re-development process.
- 4.7 The IPG lists priorities for the negotiation of community benefits and the necessary social and physical infrastructure required to support development of the site. Examples include affordable housing, primary health care centre, sustainable transport measures, contributions to education facilities, access to employment opportunities and environmental improvements to the surrounding areas. The Council will work with the London Borough of Hackney to prepare a joint framework for determining planning obligations ahead of the submission of any planning application for the site.

5. PUBLIC CONSULTATION

Consultation strategy

- 5.1 Preparation of the Bishopsgate Goods Yard IPG has taken place through an ongoing consultative process beginning in January 2008 involving the local authorities, the Mayor, lead members, ward councillors, the local community, land owners, statutory bodies and internally within the Council.
- 5.2 The consultation strategy for the IPG aimed to engage with the widest possible cross section of the local community and offer different opportunities for comments to be made. The consultation that has been undertaken has exceeded the requirements set out in national planning legislation and the Council's own Statement of Community Involvement (SCI).

- 5.3 Details of the overall consultation programme and findings are set out in the Consultation Summary Report (Appendix 4). The response to the preliminary consultation which informed the draft IPG was reported to members in the January 2009 cabinet report.
- 5.4 A summary of the key elements of the statutory public consultation undertaken between February and May 2009 is provided below:
- The initial six week period extended to ten weeks.
 - The consultation was advertised on Tower Hamlets and Hackney websites, East End Life and Hackney Today and in the local ethnic minority press.
 - Copies of the draft IPG, sustainability appraisal and equalities impact assessment were available to view on the Council's website, all borough libraries and Idea Stores and at the Town Hall.
 - Three public drop in events were held at accessible locations close to the site in Tower Hamlets and Hackney during the daytime, evening and at the weekend.
 - Members were invited to attend the drop in sessions through the Members Bulletin
 - Five focussed workshops were held with stakeholders including local business organisations, young people, older people, open space users, tenants and residents associations and OPEN Shoreditch.
 - Statutory consultees were notified in writing.
- 5.5 Interested parties were able to make comments in writing, on-line, by completing a feedback form or taking part in a workshop.

Statutory Public consultation response

- 5.6 A total of 70 written responses were received raising a total of 304 individual comments. Of these 35% were in support of the draft IPG, 53% objected and 12% did not state support or objection. 142 people attended the public drop in sessions. The most popular being at Spitalfields Market on Sunday 22 March 2009.
- 5.7 70 people attended the focussed workshops with the most popular being the workshop with local business representatives.

5.8 Key statutory consultees included English Heritage and the Environment Agency.

5.9 Diversity monitoring demonstrates that those who responded came from a range of backgrounds in terms of race, faith, age, disability, gender and sexuality. Further information is contained in the Consultation Report (Appendix 3).

5.10 Overall there is was a positive response and support for the preparation of planning guidance for Bishopsgate Goods Yard. Key issues that were raised were:

- Concern about the impact of tall buildings on the setting of adjacent conservation areas, living conditions and local environment;
- Clearer guidance needed on appropriate height and mass, particularly for areas where tall building opportunities are identified;
- Some concerns about the proposed overall scale and density of future development;
- Strong support for the re-use of the arches beneath the Braithwaite Viaduct;
- Support for health care facilities to be incorporated into the development;
- Expectation that the development will contribute to improvements to local community facilities and public open spaces;
- Concern about the impact of the cumulative impact of evening economy uses (bars and restaurants) on residential amenity;.
- Support for the provision of affordable workspace that would benefit local small businesses and creative industries as part of a mix of employment space;
- Requirement for the guidance to promote the need for affordable and family housing;
- Support for the provision of new public open space above the Braithwaite Viaduct subject to access for all being achieved

6. AMENDMENTS TO THE IPG

- 6.1 The overall structure of the IPG for Bishopsgate Goods Yard has not changed. Several detailed areas of guidance have been amended to address the key issues raised through public consultation. Of the 160 responses raising objection, officers agreed, or part agreed with 64%, a further 10% were not supported. The remainder (26%) related to matters outside the scope of the IPG and were noted, but did not lead to an amendment. In summary, over half of the comments received led to amendments to the draft IPG.
- 6.2 The justification and assessment criteria for tall buildings has been strengthened and amended to follow more closely the guidance provided by Commission for Architecture and the Built Environment (CABE) and English Heritage. The IPG maintains the strategy for building heights, with the tallest buildings closest to Shoreditch High Street with a transition to lower scale development eastwards. The guidance has been amended to provide a robust assessment framework for considering tall building proposals taking into account environmental impacts, strategic views, local views, surrounding conservation areas and topography.
- 6.3 The guidance has been amended to provide more detail on appropriate townscape response to the adjoining conservation areas by drawing on adopted and draft conservation area management plans. The guidance on listed structures has been strengthened to require retention and re-use on site.
- 6.4 The guidance provides a balanced approach between residential density determined by access to public transport and the need for a high quality design response which takes into account local character and context.
- 6.5 Re-use of the Braithwaite arches has been an important principle the guidance from an early stage. The IPG has been amended to highlight the opportunity for re-use on a temporary basis – e.g. for commercial, community, arts, markets, events and festivals - between the opening of the new station and the commencement of the main development as the first phase of development activity on the site.
- 6.6 The guidance on restaurants, cafes, bars and other uses relating to the evening economy has been strengthened to restrict these to not more than 25% of overall retail floor space and to require developers to demonstrate that there would be no adverse impact on residential amenity.
- 6.7 The approach to phasing is amended to allow increased flexibility, recognising the impact of adverse market conditions but retaining the key requirement that open space is delivered within the initial phase of the main development,

7 COMMUNITY BENEFITS

- 7.1 Redevelopment of Bishopsgate Goods Yard has the potential to deliver important community benefits through re-development of the site itself or through benefits secured through planning obligations.
- 7.2 Redevelopment of the site would deliver a number of community benefits in terms of affordable housing, job creation, new public open space, including the park, a new local primary care health centre and re-using heritage assets by bringing the historic structures back into use with public access.
- 7.3 Major development of the scale anticipated at Bishopsgate would have other impacts which may require mitigation through contributions towards improvements to community infrastructure. The IPG identifies the main priorities as:
- improvements to existing public open spaces, such as Allen Gardens and improvements to the links between them;
 - contributions towards idea stores, libraries, sport and leisure facilities;
 - contributions to community facilities and projects;
 - contributions towards increasing the capacity of local schools;
 - environmental improvements to Brick Lane, Shoreditch High Street, Wheler Street and Bethnal Green Road;
 - environmental enhancements to surrounding conservation areas and listed buildings;
 - Local training and employment initiatives;
 - improvements to public transport services and facilities;
 - sustainable transport improvements, including cycle hire schemes;
 - opportunities for local biodiversity enhancements.
- 7.4 Any financial contributions would need to meet the requirements set out in national planning legislation and guidance. It should also be noted that the site is within the area subject to the Mayor's draft Crossrail Section 106 contributions Supplementary Planning Guidance (SPG).
- 7.5 The guidance recommends that a planning obligations framework is prepared by the Council, in partnership with LB Hackney, prior to the submission of any

planning application to set priorities, guide future negotiations around planning obligations and to ensure appropriate apportionment of community benefits across both boroughs.

8. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 8.1 Following the statutory public consultation that has recently been completed, Members are asked to approve the planning guidance for Bishopsgate Goods Yard as Interim Planning Guidance for the purposes of development control.
- 8.2 The consultation was undertaken jointly between the Council, the London Borough of Hackney and the Mayor of London, with the direct costs (e.g. advertising, printing, hiring venues) being funded by the joint venture developers. The only expense falling on the Authority was the cost of officer time.
- 8.3 The scale and location of the site will provide many key opportunities for the Authority. These are summarised in paragraph 4.4 and listed in paragraph 7.3. It is anticipated that significant Section 106 agreements will be entered into as part of the development process. These will be negotiated in accordance with national legislation and local Council requirements.

9. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL)

- 9.1 As noted at paragraph 3.6, the Bishopsgate Goods Yard interim planning guidance (IPG) will ultimately be adopted as a Supplementary Planning Document (“SPD”) in accordance with Regulation 19 of the Town and Country Planning (Local Development) (England) Regulations 2004.
- 9.2 SPDs will underpin the Council’s LDF Development Plan Documents (DPDs), which are not yet adopted. The Council is not proposing to adopt any SPDs in advance of adopting its DPDs, and therefore at this stage in the Council’s DPD programme it is recommended to Cabinet to adopt the Bishopsgate Goods Yard as Interim Planning Guidance.
- 9.3 Adoption as an IPG will see the planning guidance in the Bishopsgate Goods Yard IPG represent a material consideration to be taken into account in the development control process, as a statement of Council policy.

10. ONE TOWER HAMLETS CONSIDERATIONS

- 10.1 An Equalities Impact Assessment has been carried out and has been used to inform the drafting of the interim planning guidance. The IPG includes

measures that seek to reduce inequalities, for example through provision of affordable housing, improving local community facilities and creating access to employment opportunities.

- 10.2 The objectives of the IPG include providing new routes through the site, that will help to link up surrounding communities, provide opportunities to integrate new and existing communities and ensure strong community cohesion.
- 10.3 Local communities have been engaged during preparation of the IPG. The statutory development control process ensures that there will be further opportunities for the community to influence the re-development of the site.

11. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 11.1 An independent Sustainability Appraisal has been completed for the Bishopsgate Goods Yard Interim Planning Guidance, in accordance with statutory requirements. The objectives of the interim planning guidance were tested against 14 sustainability objectives and demonstrated a positive relationship in the majority of cases. Where the relationship is less certain, the Sustainability Appraisal includes recommendations for further improvements together with ongoing monitoring of the IPG. The key recommendations of the sustainability appraisal are listed in Appendix 4. Members are asked to approve changes to the IPG based on the recommendations of the sustainability appraisal, as stated in paragraph 2.3 of this report.

12. RISK MANAGEMENT IMPLICATIONS

- 12.1 The key risk identified with preparing draft interim planning guidance ahead of the adoption of either Tower Hamlets or Hackney's Core Strategy is the possibility of inconsistencies arising which prevent the IPG from being adopted as a supplementary planning document (SPD).
- 12.2 Officers consider that this risk is outweighed by a greater risk of development coming forward on the site in a piecemeal fashion, without the context of detailed planning guidance. A joint local authority steering group has been established which has worked closely with the joint venture developers – who are proposing to redevelop the site - to ensure that the guidance is consistent with existing planning policies and the emerging Core Strategy of both boroughs. The steering group has also secured a commitment from the joint venture to delay the submission of any planning applications to allow for preparation of this planning guidance.

13. APPENDICES

- Appendix 1 – Bishopsgate Goods Yard Site Plan
- Appendix 2 – Bishopsgate Goods Yard interim planning guidance
- Appendix 3 – Consultation Summary Report
- Appendix 4 – Sustainability Appraisal – key recommendations

Local Government Act, 1972 Section 100D (As amended) List of “Background Papers” used in the preparation of this report

Brief description of back ground papers	Name and telephone number of holder and address where open to inspection.
Cabinet Report – Bishopsgate Goods Yard Draft Interim Planning Guidance - 14 January 2009	Paul Buckenham Principal Planning Officer 020 7364 2502
Table of written representations and joint local authority responses	
Sustainability Appraisal and non-technical summary	
Equalities impact assessment	

Appendix 1 – Bishopsgate Goods Yard Site Plan (not to scale)

