

Committee: Strategic Development	Date: 10 December 2015	Classification: Unrestricted	Agenda Item Number:
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<p>Report of: Director of Development and Renewal</p> <p>Case Officer: Richard Humphreys</p>	<p>Title:</p> <p>Applications for part outline and part full Planning Permission and Listed Building Consent.</p> <p>Recommendations: 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 & PA/14/02096 LB Hackney Refs: 2014/2425 & 2014/2427. GLA Ref. D&P/1200B&C/JPC</p> <p>Ward: Weavers</p>
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1 APPLICATION DETAILS

Location:	Bishopsgate Goods Yard, Braithwaite Street, E1
Existing Use:	Vacant land, temporary football pitches, temporary shops and cafes.
Proposals:	<p>PA/14/02011 – Application for planning permission:</p> <p>In OUTLINE with all matters reserved the comprehensive mixed use redevelopment of the site comprising:</p> <ul style="list-style-type: none"> • Residential (Class C3) - up to 1,356 residential units; • Business Use (Class B1) – up to 65,859 sq. m. (GIA); • Retail, financial and professional services, restaurants and cafes and hot food takeaways (Classes A1, A2, A3 and A5) – up to 17,499 sq. m. (GIA) of which only 2,184 sq. m. (GIA) can be Class A5; • Non-residential Institutions (Class D1) – up to 495 sq. m. (GIA); • Assembly and Leisure (Class D2) – up to 661 sq. m. (GIA); • Public conveniences (sui generis) – up to 36 sq. m. (GIA); • Ancillary and plant space – up to 30,896 sq. m. (GIA); • Basement – up to 8,629 sq. m (GIA); • Formation of new pedestrian and vehicular access and means of access and circulation within the site; and

- Provision of 22,642 sq. m. of new public open space and landscaping.

The application proposes a total of 12 buildings that range in height, with the highest being 177.6 m AOD (47 storeys).and the lowest being 23.6 m AOD.

All matters reserved save that FULL DETAILS are submitted for alterations to and the partial removal of existing structures and the erection of three buildings for residential (Class C3), namely Plot C (ground level, plus 26-30 storeys, plus plant); Plot F (ground level, plus 46 storeys, plus plant); Plot G (ground level, plus 38 storeys, plus plant) comprising up to 940 of the total residential units; and retail and food and drink uses (A1, A2, A3, A5); and use of the ground and basement levels of the Braithwaite Viaduct for retail and food and drink / community uses (A1, A2, A3, A5/D1). Works to and use of the Oriel and adjoining structures for retail and food and drink uses (A1, A2, A3, A5).

The application represents EIA development for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Both the Council and the Mayor of London as local planning authority must take the environmental information into consideration in formulating their decision.

PA/14/02096. Connected application for listed building consent:

Restoration and repair of the Grade II listed Braithwaite Viaduct and adjoining structures for Class A1/A2/A3/A5/D1 uses at ground and basement levels. Structural interventions proposed to stabilise the London Road structure, removal of sections of London Road roof to create openings over proposed new public squares; formation of new shop front openings, installation of new means of public access up to park level. Part removal of adjoining unlisted wall on Brick Lane to provide improved public realm and pedestrian access into the site.

Drawings:

<p>Existing Plans PL(9)1000, PL(9)1001, PL(9)1002, PL(9)1003, Parameter Plans PL(9)1004, PL(9)1005, PL(9)1006,</p>	<p>Access Plans PL(9)1027, PL(9)1028, PL(9)1029, PL(9)1030, PL(9)1031, PL(9)1032, Masterplans PL(9)1100,</p>
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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,	PL(9)1101, PL(9)1102, PL(9)1103, Constraints Drawings PL(9)1200, PL(9)1201, PL(9)1202, PL(9)1203.
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Documents:

Updated Environmental Statement, prepared by AECOM Infrastructure and Environment UK Ltd (AECOM), comprising:

- Written Statement (Volume I);
- Townscape and Visual Impact Assessment (Volume II);
- Technical Appendices (Volume III)
- Non-Technical Summary

Design Guidelines, prepared by FaulknerBrowns Architects;

Development Specification prepared by DP9 Ltd;

Design and Access Statement prepared by PLP Architecture, FaulknerBrowns Architects, SpaceHub, Chris Dyson Architects and Peter Connell Associates;

Planning Statement (including Leasing Prognosis and Marketing Strategy and Retail Management Strategy) prepared by DP9 Ltd; Cushman and Wakefield and Shackleton;

Transport Assessment prepared by WSP;

Regeneration Statement prepared by AECOM;

Masterplan Sustainability Statement prepared by Hoare Lea;

Masterplan Energy Strategy prepared by Hoare Lea;

Retail Assessment prepared by DP9 Ltd;

Affordable Housing Statement prepared by DS2;

Heritage Statement prepared by KM Heritage;

Operational Waste Strategy prepared by AECOM;

Statement of Community Involvement prepared by Soundings;

Utilities and Services Statement prepared by Hoare

Lea;
Structural Engineering Condition Survey prepared by
Alan Baxter Associates

Applicant:	Bishopsgate Goodsyrd Regeneration Limited
Ownership:	Network Rail Infrastructure Ltd, London Underground Ltd, Rail for London Ltd, Powerleague, Joseph Donovan, Stephen Ratzker, Stephen Parker.
Listed buildings:	Braithwaite Viaduct grade II Forecourt wall and gates and Oriel window grade II (in LBH) Two hundred and seventy two Grade I, II & II* buildings in the vicinity
Conservation Areas:	Surrounded by five conservation areas: Redchurch Street, Brick Lane / Fournier Street, Boundary Estate, Elder Street, & South Shoreditch (within LB Hackney)

2 EXECUTIVE SUMMARY

- 1.1. Two identical applications for planning permission, and two connected applications for listed building consent, have been submitted to the London Boroughs of Hackney (LBH) and Tower Hamlets (LBTH) for the proposals summarised above and described in more detail in Section 5 below.
- 1.2. By letter dated 23rd September 2015, the Mayor of London directed both LBH and LBTH that he will act as the local planning authority for the purposes of determining the planning application and the connected listed building applications. Neither council is consequently able to determine either the planning application or the applications for listed building consent.
- 1.3. This report informs the Strategic Development Committee of the content of the applications and representations received following statutory consultation and publicity.
- 1.4. Officers have assessed the applications made to LBTH against the National Planning Policy Framework (NPPF), the National Planning Practice Guidance (NPPG), the development plan for the area that comprises the Mayor's London Plan 2015 and the Tower Hamlets Local Plan, and other material considerations including the Bishopsgate Goods Yard Interim Planning Guidance 2010 (IPG) The assessment does not include those parts of the development within LBH except where they impact on the interests of LBTH.
- 1.5. Officers identify conflict with planning policy as a result of a design that would cause both substantial and less than substantial harm to surrounding designated heritage assets. The development would also result in unacceptable impact on the amenity of many surrounding residential properties due to loss of daylight and sunlight with a commensurate unacceptable increased sense of enclosure. The Mayor's Stage 1 report is silent on daylight and sunlight issues and officers consider planning permission should not be granted until this matter has been properly assessed as policy compliant. The affordable housing offer of 10% within LBTH and a £12 million payment in lieu

to LBH is not financially justified. The development would fail to provide an adequate amount of affordable housing and both the residential tenures and dwelling mix proposed would fail to achieve a mixed and balance community. There would be a failure to provide an east-west pedestrian link north of the grade II listed Braithwaite Viaduct between Braithwaite Street and Brick Lane and other north-south access routes advocated in the IPG and the Tower Hamlets Local Plan. Many proposed 2-person residential 'suites' would fail to meet the Mayor's minimum housing space standard and the Government's nationally described standard.

- 1.6. The Mayor of London intends to hold a Representation Hearing in February 2016 when the applications will be determined. This report recommends that the Council informs the Mayor that objection is raised to a grant of planning permission for the reasons set out in Section 3 below.
- 1.7. LBH is to make separate representations to the Mayor of London.
- 1.8. The officer recommendation is that the Council should request the Mayor of London to refuse planning permission. Should the Mayor decide to grant planning permission, a set out Heads of Agreement are recommended, without prejudice, concerning matters that officers consider should be included in any agreement under section 106 of the Town and Country Planning Act that the Mayor may execute with the developer. Whilst the development is considered unacceptable in planning terms; these are directly related to the development; fairly and reasonably related in scale and kind and would help mitigate the development should it proceed.
- 1.9. Should the Mayor decide to grant planning permission a set of indicative conditions and informatives are recommended at Appendix 1 that officers consider necessary to enable the development to proceed.
- 1.10. Historic England, endorsed by the Secretary of State, has raised no objection to the grant of the connected applications for listed building consent. It is further recommended that the Mayor be advised that the Council is satisfied for the Mayor to determine Listed Building Consent application Ref. PA/14/2096 as he sees fit. Should the Mayor decide to grant listed building consent a set of indicative conditions and informatives are also recommended at Appendix 1 that are considered necessary to enable the works to proceed.

3 RECOMMENDATIONS

Application for Planning Permission (PA/14/02011)

- 3.1 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 for the following reasons:

Reasons for refusal

Heritage and townscape

1. Both the detailed and the outline elements of the proposals indicate a design proposing excessively tall buildings that would cause substantial and less than substantial harm to the surrounding context comprising significant

and extensive designated heritage assets, particularly the setting of five surrounding conservation areas and many buildings included within the Statutory List of Buildings of Architectural or Historic Interest including the Tower of London World Heritage Site. As a result of these failings, the proposed development would not successfully integrate into the existing townscape. There would be a failure to create a human scale of development at street level with an oppressive form of development that would loom uncomfortably over the public realm. Whilst the development of this site has the potential to generate substantial public benefits, the constraints of developing Bishopsgate Goods Yard do not justify building towers to a height that would cause such harm to designated heritage assets and the public benefits of the development would not outweigh the harm.

The proposed development would conflict with Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and be inconsistent with the NPPF, the Mayor's London Plan 2015 Policy 2.10 *'Central Activities Zone Strategic Priorities,'* Policy 3.4 – *'Optimising housing potential,'* Policy 7.4 *'Local Character,'* Policy 7.6 *'Architecture,'* Policy 7.7 *'Location and Design of Tall Buildings,'* Policy 7.8 *'Heritage Design and Archaeology,'* Policy 7.10 *'World Heritage Sites,'* Tower Hamlets Core Strategy 2010 Policy SP10 *'Creating distinct and durable places'* and Tower Hamlets Managing Development Document 2013 Policy DM24 *'Place-sensitive design,'* Policy DM26 *'Building Heights'* and Policy DM27 *'Heritage and the Historic Environment'* together with Design Principles BG10, BG11 and BG14 of the Bishopsgate Goods Yard Interim Planning Guidance 2010.

Affordable housing

2. Bishopsgate Goods Yard is a crucial element within Tower Hamlets supply of land for both market and affordable housing. The affordable housing offer within the proposed development would fail to meet the minimum requirement of the Tower Hamlets local plan, is also not financially justified and would fail to provide an adequate amount of affordable housing to meet targets. The development is consequently not consistent with the NPPF, 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'* or Design Principle BG21 in the Bishopsgate Goods Yard Interim Planning Guidance 2010.

Housing mix and choice

3. The proposed dwelling mix within both the market and affordable housing sectors would fail to provide a satisfactory range of housing choices in terms of the mix of housing sizes and types. There would be a failure to provide a mixed and balanced community, particularly insufficient affordable family housing, caused by an unacceptable overemphasis towards one bed 2-person units. The development consequently is inconsistent with the Mayor's London Plan Policy 3.8 *'Housing Choice,'* Policy 3.9 *'Mixed and balanced communities,'* Tower Hamlets Core Strategy Policy SP02 *'Urban living for everyone'* and Managing Development Document Policy DM3 *'Delivering Homes.'*

Residential amenity

4. The development would result in unacceptable impacts on the amount of daylight and sunlight that would be received by many surrounding properties, with a commensurate increased sense of enclosure, breaching guidance in the Building Research Establishment handbook '*Site Layout Planning for Daylight and Sunlight*' 2011. The extent and severity of the impacts are such that the development would not be consistent with the Mayor's London Plan Policy 7.6 '*Architecture*', Tower Hamlets Core Strategy Policy SP10 '*Creating Distinct and durable places*' and the Managing Development Document Policy DM25 '*Amenity*'. There would also be conflict with Development Principle BG14 in the Bishopsgate Goods Yard Interim Planning Guidance 2010 that requires the location of tall buildings not to create unacceptable impacts on the amenity of existing and future residents in terms of access to daylight and sunlight.

Site design principles

5. The development would not comply with Site Allocation 1 '*Bishopsgate Goods Yard*' and Policy DM23 '*Streets and the public realm*' in the Tower Hamlets Managing Development Document; nor Development Principle BG3 in the Bishopsgate Goods Yard Interim Planning Guidance 2010 and the Strategic Design Principles of the Mayor's Draft City Fringe Opportunity Area Planning Framework. This is due to the failure to provide a secondary east-west pedestrian link north of the grade II listed Braithwaite Viaduct between Braithwaite Street and Brick Lane resulting in a missed opportunity to increase permeability and better reveal the designated heritage asset as advised by the NPPF paragraph 137 and required by Policy DM27 (2) '*Heritage and the historic environment*' of the Managing Development Document. There would also be a failure to provide a north-south route between Plots A and B and no southern onward north-south connection from either Cygnet Street or Farthing Lane.

Housing standards

6. Many proposed 2-person residential '*suites*' within the detailed elements of the application would fail to meet the Mayor's minimum size standards set out at Table 3.3 of the Mayor's London Plan and '*Housing*' Supplementary Planning Guidance 2012. This would conflict with London Plan 2015 Policy 3.5 '*Quality and design of housing developments*' and Tower Hamlets Managing Development Document Policy DM4 '*Housing Standards and Amenity Space*' that has adopted the Mayor's standards. There would also be a failure to meet the minimum standard set by the Government's '*Technical housing standards – nationally described space standard*' March 2015.

Planning obligations - Heads of Agreement

- 3.2 The Council requests that the Mayor of London does not grant planning permission for the reasons given above. Should the Mayor decide to grant planning permission, it is recommended without prejudice that this should be subject to the prior completion of a legal agreement with the developer to secure the following planning obligations:

Financial contributions:

- a) A contribution of £1,162,497 towards employment, skills, training and enterprise for local residents within the London Borough of Tower Hamlets;
- b) £250,000 contribution to the London Borough of Tower Hamlets for improvements to pedestrian crossing along Bethnal Green Road in vicinity of the development;
- c) £150,000 contribution to the London Borough of Tower for a safety review & improvements at the Bethnal Green Rd / Brick Lane junction;
- d) £250,000 contribution to the London Borough of Tower Hamlets to fund cycle route improvements along Bethnal Green Road including up-grading facilities between St. Matthews Row & Chilton Street;
- e) £300,000 contribution to the London Borough of Tower Hamlets for cycle route improvements and pedestrian linkages in the vicinity of the development including southwards in Quaker Street, Wheler Street, Braithwaite Street;
- f) A cash in lieu carbon offset payment to the London Borough of Tower Hamlets to offset the proposed 18% shortfall against energy policy requirements (930 tonnes of regulated CO₂) currently at a cost of £1,800 per tonne = £1,674,000;
- g) A section 106 Monitoring fee payable to the London Borough of Tower Hamlets at £500 per clause applicable to the borough.

Total Financial Contribution £3,786,497 (excluding monitoring fee)

Non-financial obligations

- h) Delivery of and early phasing of affordable housing.
- i) Periodic Affordable Housing Reviews of the affordable housing provision relating to the phasing of the development.
- j) Permit free arrangements to ensure that all future residents of the development (except for registered Blue Badge holders and those that qualify under the Tower Hamlets Permit Transfer Scheme) are exempt from purchasing on street parking permits from the London Borough of Tower Hamlets.
- k) To provide in perpetuity the Braithwaite Park (including access ways and stairs) and other public open spaces within the development;
- l) To provide in perpetuity the pedestrian routes running east–west to Shoreditch High Street (via the Oriel Gateway in LBH) and from Brick Lane to Braithwaite Street (south of the Braithwaite Viaduct along the existing London Road) and north–south from Sclater Street via the new routes Farthing Lane and Cygnet Lane;
- m) To ensure the Braithwaite Park, other public open spaces, pedestrian routes and stairs within the development are maintained, cleansed and lit and made available for public access 24 hours a day except in emergency or at times to be agreed;
- n) To ensure that the Braithwaite Park and access to the Park is delivered within Phase 1 of the development and the other public open spaces and access routes are delivered within phases corresponding to the development of the individual plots.
- o) To provide within the retail area of the development on 30 year leases at peppercorn rents a public facing unit circa 1,650 sq. m. NIA to deliver a Tower Hamlets Idea Store (access to library, learning and information) together with an enclosed storage/service area circa 1,500 sq. m. NIA

within close proximity of the public facing area to provide local history archive services. Should on-site provision be unfeasible or the Council declines to take up the option the option, a financial contribution should be secured to enable the facility to be delivered elsewhere in the local area.

- p) To provide and retain within the development a GP surgery of no less than 553 sq. m.
- q) To implement a Retail Management Strategy to ensure that Class A3, A4 or A5 uses do not exceed 25% of the total number of A Class units, that the total percentage of A5 uses does not exceed 5% of the total number of units and that there are at least two non-A3, A4 and A5 units between every A3, A4 and A5 unit.
- r) To provide within the development approximately 30% of the B1 (Business) floor space for SME and start-up companies split equally between units of less than 250 sq. m. and units of less than 100 sq. m.
- s) Access to employment by local residents (20% Local Procurement; 20% Local Labour in Construction; 20% End Phase jobs) with all vacancies advertised through the London Borough of Tower Hamlets Employment and Skills Centre.
- t) The developer to use best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets.
- u) The developer to use best endeavours to ensure that 20% of the goods/services used during the construction phase should be procured from businesses in Tower Hamlets.
- v) The developer to use best endeavours to ensure that 20% of the end phase workforce will be local residents of Tower Hamlets.
- w) Provide a minimum of 100 apprenticeships for local residents during the construction period and 50 apprenticeships during full occupation by the end users leading to minimum of NVQ Level 2 qualification.
- x) The provision of a Scheme of Interpretation comprising displays explaining the history of Bishopsgate Station and Goods Yard.
- y) Any other planning obligation(s) considered necessary by the Corporate Director Development Renewal.

- 3.3 Should the Mayor decide to grant planning permission a set of indicative conditions and informatives are recommended at Appendix 1.

Application for Listed Building Consent (PA/14/02096)

- 3.4 That the Committee resolves to inform the Mayor that the Council raises no objection and is satisfied for the Mayor to determine Listed Building Consent application Ref. PA/14/2096 as he sees fit.
- 3.5 Should the Mayor decide to grant listed building consent a set of indicative conditions and informatives are also recommended at Appendix 1.

4 SITE AND SURROUNDINGS

- 4.1 The application site is located on the western edge of the borough within the City Fringe Core Area between Shoreditch, Brick Lane and Spitalfields with the City of London to the south west.
- 4.2 The site lies south of Bethnal Green Road & Sclater Street, west of Brick Lane, east of Shoreditch High Street & Commercial Street and north of Quaker Street

and open cut railway lines running to Liverpool Street Station. It is bisected east-west by the new London Overground railway box and Shoreditch High Street Station on Braithwaite Street (formerly Wheler Street) that runs north-south through the site. The portion of the site west of Shoreditch High Street Station is within the London Borough of Hackney. Across both boroughs the site comprises some 4.4 hectares.



Figure 1. Bishopsgate Goods Yard. Aerial view

- 4.3 The site comprised Shoreditch Station that was opened by the Eastern Counties Railway in 1840 to serve as its new terminus in London. Following the opening of Liverpool Street Station in 1874, it was converted to a goods station known as Bishopsgate Goods Depot. It has been largely vacant following a fire in 1964 that destroyed the warehousing and office building that was built above a series of vaults below. Approximately half of the remaining structures on the site were demolished in 2002/3 to allow the construction of the London Overground railway.
- 4.4 The site is currently vacant or in temporary use as football pitches and Shoreditch Box Park comprising shopping and restaurant uses accommodated in shipping containers.
- 4.5 The structures now remaining provide some evidence of the former use as a passenger terminus and operations of Bishopsgate Goods Yard. The key remaining historic assets are the inactive grade II listed Braithwaite Viaduct that led into the terminus; the grade II listed forecourt wall, Oriel window and gateway to Shoreditch High Street. These structures are in poor repair and have been placed on the Historic England's Heritage at Risk Register. Also retained on site are other remnants of the Goods Yard including the boundary wall on Sclater Street; areas of original boundary walls to the south and east; and structures to the south and west of the Braithwaite Viaduct containing coal stores, a hydraulic accumulator, rails and a turntable. London Road, an internal street that runs east-west along the full length of the Viaduct's arches on the south side is a strong feature of the historic plan.
- 4.6 A small section of the site fronting Sclater Street lies within the Brick Lane / Fournier Street Conservation Area. The majority of the site lies outside the

designated areas but is surrounded to the north by the Redchurch Street Conservation Area, the Boundary Estate Conservation Area and the South Shoreditch Conservation Area (within LBH), to the east and south by the remainder of the Brick Lane / Fournier Street Conservation Area and to the south west by the Elder Street Conservation Area.

- 4.7 To the north on Bethnal Green Road the context consists of low to mid rise predominantly Victorian former warehouses converted to new uses including the '*Tea Building*' (designated by LBH as a Building of Townscape Merit) within the South Shoreditch Conservation Area, the 2-storey Huntingdon Industrial Estate, the modern 25 storey '*Avant-Garde*' residential tower, small scale shops and restaurants including the grade II listed 3-storey '*Les Trois Garçons*' restaurant No. 25 Bethnal Green Road / 1 Club Row and the '*Rich Mix*' centre. Planning permission has recently been granted on appeal for the redevelopment of the Huntingdon Industrial Estate by a 2-14 storey building to provide 78 residential units and 1,946 sq. m. of commercial floor space.
- 4.8 Further north, the Redchurch Street Conservation Area is characterised by a tightly packed grid of streets, some of them remnants from the mid-18th century. Redchurch Street is a historic remnant of a very old road and noteworthy for being one of the few remnants of a historic street pattern on the City Fringe. Its narrow width and small scale buildings typically 19th century 2 and 3-storey terraces with traditional shop fronts.
- 4.9 The Boundary Estate abutting the Redchurch Street Conservation Area to the north is both architecturally and historically significant. It was the world's first municipal housing development, erected by the London County Council (LCC) in 1894-1900 to replace the '*The Nichol*' or '*Jago*' (a Victorian slum) when it was razed. The estate is made up of twenty purpose-built housing blocks and two school buildings all listed grade II. The majority of the residential blocks are 5 storeys high each individually designed to reflect its position within the estate and its relationship to its surroundings. A raised central garden and band stand known as Arnold Circus is the centre point of the estate with the housing blocks arranged on seven unequally placed streets radiating from this focal point. The architectural language of the estate is of the Arts and Crafts Movement. Arnold Circus is included in English Heritage's Register of Parks and Gardens of Historic Interest.
- 4.10 On the south side of Sclater Street within the Fournier Street and Brick Lane Conservation Area the site includes an unlisted terrace of 18th century former weavers' cottages and a 19th century non-conformist chapel.
- 4.11 To the west and north Shoreditch High Street is a busy main road within Hackney Council's South Shoreditch Conservation Area characterised by shops and commercial uses typically 4-5 storeys.
- 4.12 The area to the south is characterised by a network of small streets comprising a mix of residential, commercial and retail uses within the Brick Lane / Fournier Street Conservation Area that extends south towards Spitalfields. The eastern edge of the site is defined by Brick Lane, a vibrant area with a mix of small 2-4 storey shops, bars and restaurants, some with residential above.
- 4.13 The south west, the Elder Street Conservation Area is defined on its north-eastern side by Commercial Street to the west by Norton Folgate and to the south by Spital Square and Folgate Street. The area is predominantly 3-4

storeys high with 3-storey grade II listed Georgian terraced houses in its core. The buildings along Commercial Street are more substantial 5-6 storey buildings to address the larger scale of the road. There is a mixed frontage to Norton Folgate including modern office blocks, Georgian residential development, later 19th century mixed-use commercial buildings and the 1930s Nichols & Clark showroom at the north-west corner of the Conservation Area.

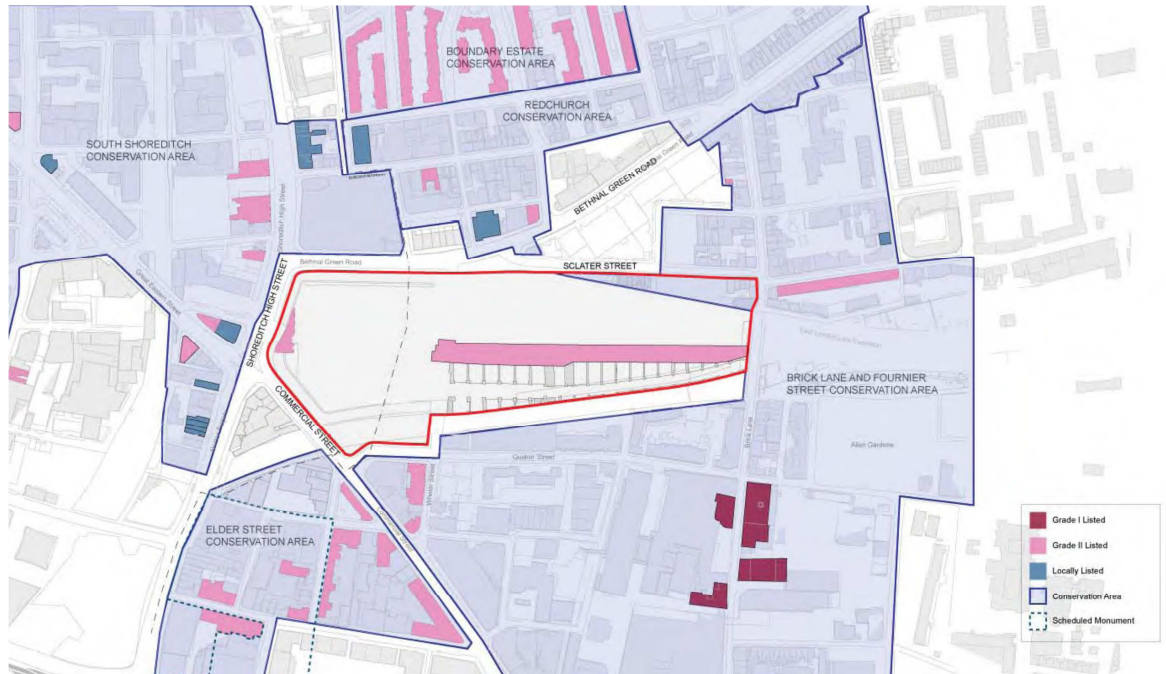


Figure 2. Bishopsgate Goods Yard and location of designated heritage assets

- 4.14 Further to the south and west, Bishopsgate and the City of London are characterised by mix of mid and large scale office buildings.
- 4.15 The location of the site means that development on it has the potential to impact on the setting of a number of designated heritage assets over a wider area including the internationally significant Tower of London World Heritage Site (1.7 kilometres to the south) and St. Paul's Cathedral (1.9 kilometres to the south west).
- 4.16 London Underground Central Line tunnels cross the site diagonally from the corner of Commercial Street and Quaker Street. A BT tunnel runs north-south across the site almost directly below the line of Braithwaite Street between 23 m. and 25.m. below ground.
- 4.17 The north western corner of the Goods Yard lies within the London View Management Framework's Background Wider Setting Consultation Area of the Westminster Pier to St Paul's Cathedral Protected Vista (View 8A1). The central and south eastern part of the Goods Yard lies in the Background Wider Setting Consultation Area of the King Henry VIII's Mound Richmond to St Paul's Cathedral Protected Vista (View 9A.1).
- 4.18 The western section of the site has a Transport for London (TfL) Public Transport Accessibility Level (PTAL) 6b 'Excellent.' The eastern part fronting Brick Lane achieves PTAL 5. In addition to Shoreditch High Street Station on the London Overground orbital rail service, numerous bus services operate along Shoreditch High Street, Great Eastern Street, Commercial Street, Norton

Folgate / Bishopsgate and Bethnal Green Road. The site is approximately 400 m. north of Liverpool Street station.

- 4.19 Crossrail is programmed to open in 2018 with stations at Liverpool Street and Whitechapel being closest to the Goods Yard.
- 4.20 Shoreditch High Street and Commercial Street are part of the Transport for London Road Network (TLRN). Other roads in the vicinity are borough roads. The site lies within a controlled parking zone.
- 4.21 There are three cycle hire docking stations within a walking distance of the site: Commercial Street, Bethnal Green Road and Brick Lane.
- 4.22 The site lies in Flood Zone 1 with a 1 in 1,000 year annual probability of flooding (0.1%) and suitable for all types of development in terms of flood risk.
- 4.23 The site lies within an area exempt from the office to residential change of use permitted development right 2013.

5 PROPOSALS

Application for planning permission

- 5.1 Bishopsgate Goods Yard lies partially within LBTH and partially within LBH. Two identical planning applications were first submitted – one to LBTH and one to LBH on 21st July 2014.
- 5.2 The planning application divides the site up into a number of plots. Plots A, F and L are wholly within LBH. Plots C, D, E, H, I, and J are wholly within LBTH. The borough boundary runs through Plots B, G and K.

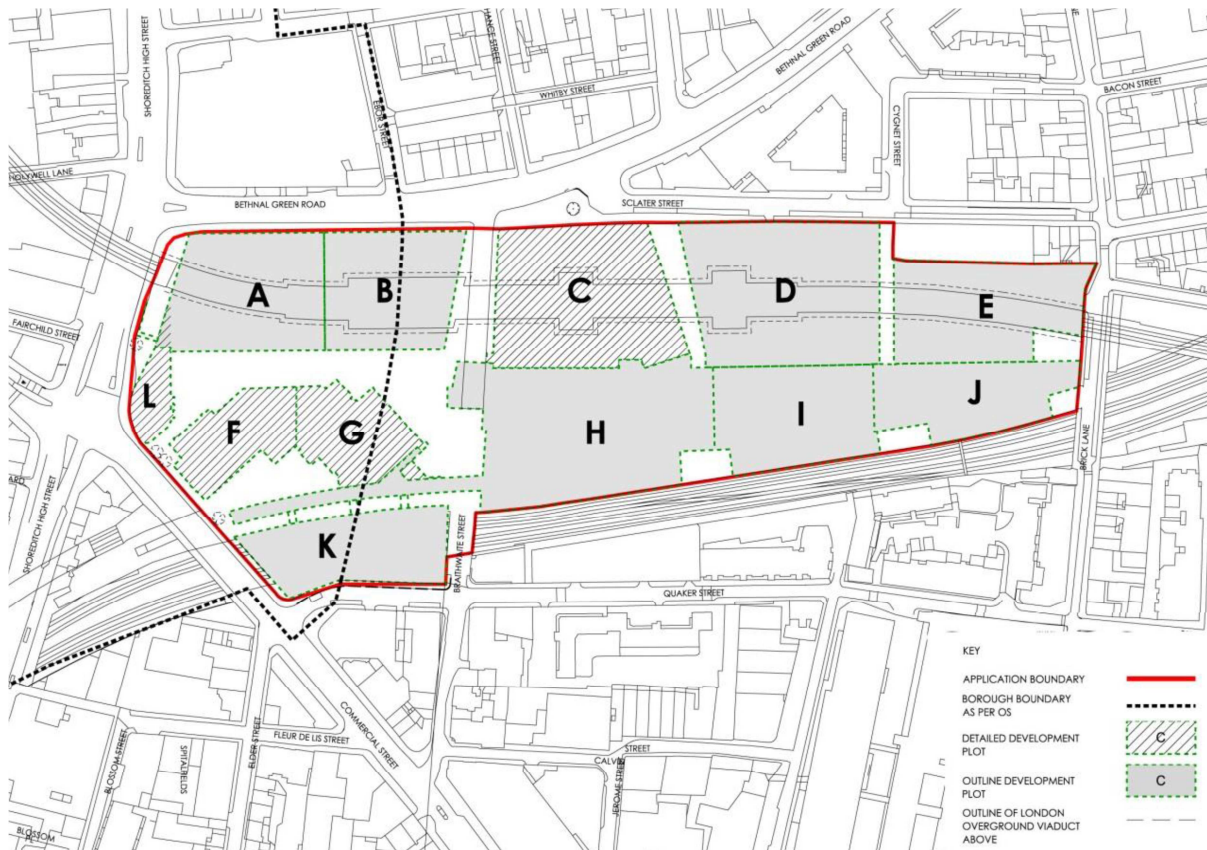


Figure 3. Bishopsgate Goods Yard Development Plots

5.3 The application proved controversial and subject to significant objections from heritage bodies and the local community received during the first round of consultation. Officers of both councils advised the applicant of concerns regarding:

- The extent to which the design realises the local plan site allocations;
- The lack of on-site community infrastructure;
- The effect of the design and scale of the buildings on local character, designated heritage assets, townscape and medium and long range views;
- Housing mix, quality and tenure including affordable housing proposals;
- Phasing and delivery of public benefits including the proposed new public open space.

5.4 Revised plans for both the identical applications were submitted to both LBH and LBTH on 2nd July 2015. In broad terms, the changes to the original application comprise:

- A change to the application site boundary to incorporate part of the open cut railway (Plot K);
- A new building spanning the open cut railway on Plot K;
- A change to the outline Parameter Plans for Plots A and B the height increasing by one floor to ground + 13 and 15 storeys;
- A 4 storey reduction in height and change to architectural expression of the two towers proposed on Plot C reducing the overall heights from 144.4 m. to 123.9 m. and from 131.6 m. to 111.4 m;

- A 2.8 m. reduction in height to the proposed building on Plot F from 180.4 m. to 177.6 m;
 - A reduction in height to the proposed building in Plot G from 42 to 38 storeys reducing from 167.6 m. to 152.4 m.;
 - Alteration to the architectural expression and materials to both proposed buildings on Plots F and G;
 - A change to the overall mix of residential units across the site;
 - A change to mix of uses across the site;
 - A change to the proposed phasing of development.
- 5.5 The application is partially in outline and partially for full planning permission. Had the Mayor not decided to act as the local planning authority, each borough would have had to determine whether planning permission should be granted for the extent of the proposed development that falls within its respective area with two planning permissions, one from each local authority, required for the development to proceed.
- 5.6 LB Hackney has also consulted LB Tower Hamlets (Ref. PA/14/02902) as adjoining borough requesting the Council's observations on the planning application it has received.
- 5.7 The application for planning permission is referable to the Mayor of London under the following Categories of the Schedule to the Town and Country Planning (Mayor of London) Order 2008:
- 1A: Development which comprises or includes the provision of more than 150 houses, flats or houses and flats.
 - 1B: Development (other than development which only comprises the provision of houses, flats or houses and flats) which comprises or includes the erection of a building or buildings in Central London (other than the City of London) and with a total floor space of more than 20,000 square metres.
 - 1C: Development which comprises or includes the erection of a building of more than 30 metres high and is outside the City of London.

Outline component

- 5.8 The proposals for Plots A, B, D, E, K and the park level of Plots H, I and J are submitted in outline with all details of access, appearance, landscaping; layout; and scale reserved.
- 5.9 The application seek permission in principle for the amount and use of the proposed development – the maximum and minimum amount of development proposed for each land use and development plot, as shown on submitted parameter plans. Illustrative material has also been provided indicating:
- Means of Access – an indication of areas for access into the site for vehicles, cycles and pedestrians and areas within the site where circulation would occur;
 - Scale parameters – an indication of the upper and lower limits of the buildings in terms of their individual height, width and length;
 - Indicative layout;
 - Indicative landscaping.

Detailed component

5.10 Full details have been submitted of the proposals for Plots C, F & G and the ground and basement levels of Plots H, I, J and L.

5.11 The land use split between LBH and LBTH would be as follows (GEA sq. m.):

		LB Tower Hamlets		LB Hackney	
Land Use	Use Class	Maximum (Detailed and outline components combined)	Minimum (Detailed and outline components combined)	Maximum (Detailed and outline components combined)	Minimum (Detailed and outline components combined)
Residential	C3	69,077	69,077	96,851	93,968
Retail	A1, A2, A3, A4, A5	7,416	2,780	13,521	11,633
Business	B1	61,000	43,903	20,127	14,811
Non-residential Institutions	D1	n/a	n/a	553	0
Assembly & Leisure	D2	n/a	n/a	689	0
Sui-generis	n/a	n/a	n/a	37	0
Basement (Plant /parking)		3,763	3,763	5,280	4,214
Other (e.g. Loading)		8,096	8,954	6,450	7,578
TOTAL		149,352	128,477	143,508	132,204

5.12 There would be some 774 new homes in LBTH and 582 in LBH.

5.13 Permission is sought for a maximum of 51 car parking spaces associated with the residential accommodation.

5.14 A maximum of 3,306 cycle spaces would be provided as follows:

- Residential cycle parking: 2,059 spaces
- Retail cycle parking: 69 spaces
- Business cycle parking: 901 spaces
- Visitor cycle parking: 277 spaces

5.15 The scheme proposes 22,642 sq. m. (2.25 hectares) of new public realm and landscaping.

- Ground level public realm of 12,875 sq. m. (1.28 hectares);

- Park level public realm of 9,767 sq. m. (0.97 hectares) on top of the Braithwaite Viaduct.
- 5.16 In addition, there would be 11,040 sq. m. (1.1 hectares) of private residential and communal amenity space.
- 5.17 The proposals for the individual plots are summarised as follows:
- Plot A (Outline). A 14 storey office building within LBH with potential for retail or office use at ground and 1st floor.
- Plot B (Outline). A 16 storey office building straddling the borough boundary with potential for retail or office use at ground and 1st floor.
- Plot C (Detailed). Within LBTH. Western tower 31 storeys, Eastern tower 27 storeys for retail, residential lobby and servicing facilities at ground level. The podium would mainly contain private amenity space and residential accommodation, towers residential.
- Plot D (Outline). Approximately 25 storeys of residential use with ground level retail within LBTH.
- Plot E (Outline). Approximately 17 storeys of residential use within LBTH.
- Plot F (Detailed). 46 storeys of residential accommodation linked at the base by a 2 storey podium containing retail, residential lobby, communal amenity space, and residential servicing facilities. Within LBH.
- Plot G (Detailed). 39 storey building of residential linked at the base by a two storey podium containing retail, residential lobby, communal amenity space, and residential servicing facilities. The podium straddles the borough boundary, the tower lies within LBH.
- Plots H, I, J (Detailed at ground level, Outline above ground). These Plots comprises the listed and non-listed arches at ground level retained to provide retail space with the potential for some community space and create public realm. New park above the ground level retained arches. Within LBTH.
- Plot K (Outline). 7 storey building for retail and office use spanning the open cut railway and straddling the borough boundary. Ground floor predominantly retail use, with frontages provided on Quaker Street, Commercial Street and the newly formed Phoenix Street within the Site. The upper floors would be offices.
- Plot L (Detailed). Single storey building of retail use within The Oriel Gateway. Within LBH.
- 5.18 10% affordable housing (measured in habitable rooms) is proposed across the entire scheme. This would be provided wholly in Tower Hamlets and is identified as 68 units providing 26 intermediate housing within Blocks C & D and 42 social rented units within Block E. LBH has been offered a £12 million payment in lieu.

- 5.19 The application indicates that the development would be constructed in five phases over 17 years. The composition of each phase is summarised as follows:

Phasing

Phase 1	Plots C and H
Phase 2	Plots A and B
Phase 3	Plots F, G and L
Phase 4	Plots D, E, I and J
Phase 5	Plots K

- 5.20 The proposed timing of construction would be:

Timing of construction

Plot	Duration (months)	Commencement	Completion
Pre-construction	14	6/15	7/16
C	47	8/16	6/20
H	32	5/17	12/19
A	34	7/20	4/23
B	34	9/20	6/23
F	31	5/22	11/24
G	35	6/21	4/24
L	18	6/21	11/22
I	20	11/24	6/26
J	20	11/24	6/26
D	42	7/26	12/29
E	23	7/26	5/28
K	30	1/30	6/32

Listed Building Consent Application to LBTH

- 5.21 Connected applications for listed building consent have also been made to each borough. Within Tower Hamlets the proposals at Plots H, I and J comprise:

“Restoration and repair of the existing Grade II listed Braithwaite Viaduct and adjoining structures for proposed Class A1/A2/A3/A5/D1 use at ground and basement levels. Structural interventions proposed to stabilise London Road structure, removal of sections of London Road roof to create openings over proposed new public squares; formation of new shop front openings, installation of new means of public access up to park level. Part removal of adjoining unlisted wall on Brick Lane to provide improved public realm and pedestrian access into the site.”

6 MATERIAL PLANNING HISTORY

The Bishopsgate Goods Yard Interim Planning Guidance (IPG)

- 6.1 In 2010, the Mayor of London and the Boroughs of Tower Hamlets and Hackney jointly published the Bishopsgate Goods Yard Interim Planning Guidance. Its purpose is to guide future development, infrastructure provision, and provide a framework for the regeneration of the site. The document provides guidance on the mix of land uses, building heights, urban design principles, and the location of future open space and public realm.
- 6.2 The IPG informed applicable policies and site allocations in the Council's Core Strategy 2010 and Managing Development Document 2013. A synopsis of the IPG is provided in Section 10 below.

Land within LBTH

- 6.3 In 2011, a 5 year limited period planning permission was granted for the siting of 6 shipping containers for A1 (Shop) use in connection with approved temporary shopping facility on adjacent site in Hackney – Shoreditch Box Park Ref. PA/11/01679.
- 6.4 In 2011, a 5 year limited period planning permission was granted for the use of part of the site as a marketing suite and Arts Hub unit for use as a public consultation / exhibition purpose (Use Class D1), car parking and an access ramp Refs. PA/11/02341 & PA/11/02246.
- 6.5 In 2012, planning permission was granted for the temporary use of vacant unused land for a football centre (Use Class D2) comprising 8 five-a-side and 2 seven-a-side floodlit all-weather football pitches and ancillary facilities Ref. PA/12/02014.
- 6.6 On 4th December 2014, Historic England (endorsed by the National Planning Casework Unit on behalf of the Secretary of State) authorised the Council to determine the current parallel application Ref. PA/14/2096 for Listed Building Consent for proposals affecting listed buildings and structures at Bishopsgate Goods Yard as it sees fit. Historic England subsequently confirmed that the revised plans submitted in June 2015 are considered satisfactory, and the authorisation dated 4th December 2014 is still valid.

Land within LBH

- 6.7 In 2011, planning permission was granted for the installation of 55 recycled shipping containers for A1, A3 and B1 use together with a further 8 shipping containers for ancillary storage, refuse, recycling and cycle parking along with hard landscaping for a temporary period of up to 5 years Ref. 2011/0255 – Shoreditch Box Park.
- 6.8 In 2012, planning permission was granted for the temporary use of vacant unused land as a football centre (Use Class D2) comprising 8 five-a-side and 2 seven-a-side floodlit all-weather football pitches and supporting ancillary facilities Ref. 2012/2053.
- 6.9 On 4th December 2014, Historic England (endorsed by the National Planning Casework Unit on behalf of the Secretary of State) authorised the London

Borough of Hackney to determine application Ref. & 2014/2427 for Listed Building Consent for the current proposals affecting listed buildings and structures at Bishopsgate Goods Yard as it sees fit.

- 6.10 There are extant planning permissions for the construction of a 15 storey building at 'Principal Place' on the north side of Worship Street and 'The Stage' a 40 storey tower on Curtain Road off Great Eastern Street both in LBH.
- 6.11 In July 2015, LBH registered planning application Ref. 2015/2403 for the erection of a part 7, part 10 and part 30 storey building (plus 2 levels of basement) comprising office (Class B1) and hotel (Class C1) accommodation on the site of Majestic Wine, 201-207 Shoreditch High Street immediately west of Bishopsgate Goods Yard.

Direction by the Mayor of London

- 6.12 By letter dated 15th September 2015, agents for Bishopsgate Regeneration Limited requested the Mayor of London to issue a direction that he is to be the local planning authority for determining the current applications.
- 6.13 By letter dated 23rd September 2015, the Mayor directed under article 7 of the Mayor of London Order 2008 and the powers conferred by Section 2A of the Town and Country Planning Act 1990 that he will act as the local planning authority for the purposes of determining the planning application and the connected listed building applications. The Mayor said his reasons are:
- a) *"The development would have a significant impact on the implementation of the London Plan,*
- b) *There are sound planning reasons for my intervention."*

7 LEGAL AND PLANNING POLICY FRAMEWORK

- 7.1 Were the Council empowered to determine the applications for planning permission and listed building consent it would have the following main statutory duties to perform. These duties now fall to the Mayor of London:
- To have regard to the provisions of the development plan, so far as material to the application, to local finance considerations so far as material to the application, and to any other material considerations (Section 70 (2) Town & Country Planning Act 1990);
 - To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004);
 - In considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. (Section 66 (1) Planning (Listed Building and Conservation Areas) Act 1990)
 - When considering the applications special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the surrounding conservation areas (Section 72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990).

- 7.2 Considerable importance and weight is required to be given to the desirability of preserving a listed building and/or its setting, and to the desirability of preserving or enhancing the character or appearance of conservation areas when carrying out any balancing exercise in which harm to the significance of listed buildings or conservation areas is to be weighed against public benefits. A finding that harm would be caused to a listed building or its setting or to a conservation area gives rise to a strong presumption against planning permission or listed building consent being granted. This applies to proposals outside but affecting adjoining conservation areas as at Bishopsgate Goods Yard.

The London Plan 2015

- 7.3 The site lies in the Central Activities Zone (CAZ) within inner London shown on Map 2.2 '*Outer London, Inner London and Central Activities Zone*' page 61 of the London Plan and Map 2.3 '*The CAZ Diagram*' page 74 that also identifies the site as lying in an '*Opportunity Area*.'
- 7.4 Map 2.4 '*Opportunity and Intensification Areas*' page 79 lists the City Fringe as Opportunity Area No. 3 and identifies its broad location. Shoreditch is not listed as an Area for Intensification.
- 7.5 Map 2.5 page 81 shows the site lying within an Area of Regeneration.
- 7.6 Map 2.6 '*London's Town centre network*' again shows the site located within the CAZ. The '*Key Diagram*' page 98 also identifies the CAZ and the broad locations of Opportunity Areas.

The Tower Hamlets Local Plan

Adopted Policies Map

- 7.7 The Adopted Policies Map, reproduced on page 89 of the MDD, shows Bishopsgate Goods Yard annotated:
- Site Allocation 1
 - Within the CAZ
 - Statutory Listed Buildings
 - Abutting the Brick Lane / Fournier Street Conservation Area with the Redchurch Street and Boundary Estate Conservation Areas located north of Bethnal Green Road
 - The north western corner lies within the London View Management Framework's Background Wider Setting Consultation Area of the Westminster Pier to St Paul's Cathedral Protected Vista (View 8). The central and south eastern part of the Goods Yard lies in the Background Wider Setting Consultation Area of the King Henry VIII's Mound, Richmond to St Paul's Cathedral Protected Vista (View 9)
 - Abutting the Brick Lane District Centre
 - Part of the Tower Hamlets Cycle Network is shown running along Sclater Street
 - An '*Activity Area*' is shown to the north bounded by Sclater Street, Chance Street, Redchurch Street and Brick Lane.

Tower Hamlets Core Strategy 2010

- 7.8 At the heart of the *'Vision Statement'* on page 26 is the concept of reinventing the hamlets of which there are 24 including Shoreditch. The East End's historic hamlets, or places, are what make the borough of Tower Hamlets unique. One of the Vision Statement's Core Principles is to *"Reinforce a sense of place."* Core Strategy Figure 12 identifies Bishopsgate Goods Yard located in the Place of Shoreditch.
- 7.9 The Core Strategy Key Diagram page 27 identifies the Goods Yard for regeneration within the CAZ. Brick Lane is identified as a District Centre. Bethnal Green Road, Commercial Street, Shoreditch High Street and Great Eastern Street are Main Streets.
- 7.10 Core Strategy Fig. 18. *'Refocusing on our town centres'* page 36 and Fig. 33. *'Delivering successful employment hubs'* page 62 both identify Bishopsgate Goods Yard lying within the CAZ and the Tower Hamlets Activity Area.
- 7.11 Core Strategy Fig. 24 page 44 *'Urban living for everyone'* identifies Shoreditch for Medium Growth (1,500 -2,500 residential units) over the Plan period 2010-2025.
- 7.12 Core Strategy Fig. 37 page 80 *'Creating distinct and durable places'* shows Bishopsgate Goods Yard within an area where the policy is *'Protecting areas of established character and townscape.'*
- 7.13 Core Strategy Annex 9 concerns *'Delivering Placemaking.'* Fig. 43 *'Shoreditch vision diagram'* page 100 shows *'New green space'* within Bishopsgate Goods Yard.
- 7.14 Appendix Two - Programme of Delivery page 135 identifies the Goods Yard as a comprehensive regeneration area subject to the Bishopsgate Goods Yard Masterplan Interim Planning Guidance. The Infrastructure Delivery Plan identifies delivery of Publicly Accessible Open Space at Bishopsgate Goods Yard as *'critical'* and says non-delivery would lead to a review of growth targets and policies in the relevant development plan document. Bethnal Green is identified as one of four search areas for up to three Idea Stores.
- 7.15 The Housing Investment and Delivery Programme pages 146 – 147 identifies Shoreditch for Medium Growth (101 – 400 residential units) in the period 2015 – 2020 and Very High Growth (1,000 + units) in the period 2020 – 2025.
- 7.16 Appendix 4 – *'Town Centre Hierarchy'* identifies Shoreditch as being within the City Fringe Activity Area and Brick Lane as a District Town Centre.

Tower Hamlets Managing Development Document 2013 (MDD)

- 7.17 MDD Chapter 3 provides Site Allocations and Fig. 12 page 86 *'Location of site allocations within places'* identifies Bishopsgate Goods Yard as Site Allocation No. 1:

"A comprehensive mixed-use development opportunity required to provide a strategic housing development, a local park, an Idea Store and a district heating facility (where possible). The development will also include commercial floor space and other compatible uses."

“Development should recognise the latest supplementary guidance for the Bishopsgate Goods Yard.”

7.18 The MDD says development of the Goods Yard should accord with the design principles set out in the supplementary guidance for the Bishopsgate Goods Yard and should:

- Respect and be informed by the existing scale, height, massing and fine urban grain of the surrounding built environment.
- Focus larger scale buildings around Shoreditch High Street Overground Station.
- Walking and cycling routes should be improved to, from and created within the site to establish connections to Shoreditch High Street Overground Station, the new local park and Brick Lane District Centre. These should align with the existing urban grain to support permeability and legibility.
- Integrate with the Green Grid along Quaker Street and Brick Lane.
- Provide a range of new publicly accessible open spaces including a local park above the Braithwaite Viaduct.
- Protect, enhance and integrate heritage assets on site and in the surrounding areas, including within the London Borough of Hackney.
- Focus public realm improvements along Wheler Street and the two new public squares to the east and south of the station.

7.19 The indicative development capacity is 350,000 sq. m. total development comprising:

- Up to 2,000 homes
- Approximately 75,000-150,000 sq. m. of employment, retail and community uses
- Approximately 1.8 hectares of publicly accessible open space.

7.20 The potential for different phasing approaches is identified. The local park, above the Braithwaite Viaduct, should be an integral part of an early phase. An Idea Store should be delivered within or adjacent to the Brick Lane district centre.

7.21 The following national, regional and local development plan policies are relevant to the applications:

National

NPPE

Forward	Achieving sustainable development
Chapter 2	Ensuring the vitality of town centres
Chapter 4	Promoting sustainable transport
Chapter 6	Delivering a wide choice of high quality homes
Chapter 7	Requiring good design
Chapter 10	Meeting the challenge of climate change
Chapter 12	Conserving and enhancing the historic environment

NPPG

Technical housing standards – nationally described space standard 2015

The Development Plan

The London Plan 2015

- 2.10 Central Activities Zone (Strategic Priorities)
- 2.11 Central Activities Zone (Strategic Functions)
- 2.15 Town centres
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing potential
- 3.5 Quality and Design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.16 Protection and enhancement of social infrastructure
- 4.1 Developing London's economy
- 4.2 Offices
- 4.3 Mixed use development and offices
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.15 Water use and supplies
- 5.21 Contaminated land
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings

- 7.8 Heritage assets and archaeology
- 7.9 Heritage led regeneration
- 7.10 World heritage sites
- 7.11 London view management framework
- 7.12 Implementing the London view management framework
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

Tower Hamlets Core Strategy 2010 (CS)

- SP01 Refocusing on our town centres
- SP02 Urban living for everyone
- SP03 Creating healthy and liveable neighbourhoods
- SP04 Creating a green and blue grid
- SP05 Dealing with waste
- SP06 Delivering successful employment hubs
- SP07 Improving education and skills
- SP08 Making connected places
- SP09 Creating attractive and safe streets and spaces
- SP10 Creating distinct and durable places
- SP11 Working towards a zero carbon borough
- SP12 Delivering placemaking
- SP13 Planning obligations

Tower Hamlets Managing Development Document 2013 (MDD)

- DM0 Delivering sustainable development
- DM1 Development within the town centre hierarchy
- DM2 Local shops
- DM3 Delivering homes
- DM4 Housing standards and amenity space
- DM8 Community infrastructure
- DM9 Improving air quality
- DM10 Delivering open space
- DM11 Living buildings and biodiversity
- DM13 Sustainable drainage
- DM14 Managing waste
- DM15 Local job creation and investment
- DM16 Office locations
- DM20 Supporting a sustainable transport network
- DM21 Sustainable transportation of freight
- DM22 Parking
- DM23 Streets and the public realm
- DM24 Place sensitive design
- DM25 Amenity
- DM26 Building heights
- DM27 Heritage and the historic environments
- DM28 World heritage sites
- DM29 Achieving a zero-carbon borough and addressing climate change
- DM30 Contaminated Land

Supplementary Planning Documents

Greater London Authority

The Mayor has published Supplementary Planning Guidance / Documents (SPGs / SPDs), which expand upon policy within the London Plan and are material considerations including:

- The Bishopsgate Goods Yard Interim Planning Guidance 2010 - Mayor of London and the Boroughs of Tower Hamlets and Hackney 2010;
- Accessible London: Achieving an Inclusive Environment Supplementary Planning Guidance 2014;
- Guidance on preparing energy assessments 2015
- Draft City Fringe Opportunity Area Planning Framework 2014
- Sustainable Design and Construction SPG 2014;
- The Control of dust and emissions during construction and demolition 2014;
- Shaping Neighbourhoods: Character and Context 2014;
- London Planning Statement 2014;
- Use of Planning Obligations in the funding of Crossrail and the Mayoral Community Infrastructure Levy 2013;
- Town Centres Draft Supplementary Guidance 2013
- The Mayor's Housing SPG 2012 and Draft Housing SPG 2015
- London View Management Framework 2012;
- East London Green Grid Framework 2012;
- Shaping Neighbourhoods Play and Informal Recreation 2012;
- London World Heritage Sites - Guidance on Settings SPG March 2012
- The Mayor's Energy Strategy 2010;
- The Mayor's Transport Strategy 2010;
- The Mayor's Economic Strategy 2010;

Tower Hamlets

- Draft Planning Obligations SPD – April 2015

Historic England Guidance Notes

- Historic Environment Good Practice Advice in Planning Note 1: The Historic Environment in Local Plans 2015
- Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment 2015
- Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets 2015
- Historic England / Design Council Updated Guidance on Tall Buildings 2015

Historic Royal Palaces

Tower of London World Heritage Site Management Plan 2007
Tower of London Local Setting Study 2010

Building Research Establishment

Site layout planning for daylight and sunlight: a guide to good practice 2011.

The Bishopsgate Goods Yard Interim Planning Guidance 2010 (IPG)

- 7.22 The Mayor of London, LBH & LBTH jointly published the Bishopsgate Goods Yard IPG in 2010. The Greater London Authority (GLA) and both local authorities had worked closely with Bishopsgate Regeneration Limited (the current applicant) and urban designers Terry Farrell and Partners to prepare the document. The local community and stakeholders influenced the IPG through public consultation in 2009.
- 7.23 The IPG is a material planning consideration that informed applicable policies and site allocations in the Council's Core Strategy 2010 and Managing Development Document 2013.
- 7.24 The purpose of the guidance (Section 1) is to guide future development, infrastructure provision, and provide a framework for the regeneration of the site to achieve sustainable development. The document provides guidance on the mix of land uses, building heights, urban design principles, and the location of future open space and public realm.
- 7.25 The objectives of the planning guidance are (Paragraph 1.10):
- *to ensure new development on the site integrates with the surrounding area, taking into account local character;*
 - *to ensure the level of development makes the best use of the site linked to excellent public transport access including the new Shoreditch High Street Station;*
 - *to ensure that any development proposals fit within the strategic and local planning context, are sustainable and*
 - *maximise benefits to the local community;*
 - *to provide guidance on the appropriate form of new development including housing (in particular affordable and family housing), employment, shops, leisure, culture, health*
 - *and community uses;*
 - *to show how new public open spaces could be provided on the site;*
 - *to provide guidance on appropriate height and scale of new buildings;*
 - *to provide guidance on the retention and re-use of historic structures that remain on the site;*
 - *to ensure any development applies the best sustainable design standards and construction practices minimising carbon emissions, addressing climate change and flood risk*
 - *and enhancing biodiversity; and*
 - *to provide a framework for the submission of planning applications for the future development of the site.*
- 7.26 The guidance indicates (BG28) how re-development of the Goods Yard could deliver approximately 350,000 sq. m. of overall development with up to 2,000 new homes and 75,000 – 150,000 sq. m. of non-residential floor space for large offices and small business, shops and leisure facilities. Integrating historic structures such as the Braithwaite viaduct and forecourt gates into new development is an important aspect. Unique opportunities are identified to deliver up to 1.7 hectares of new public open space including a new park. Maximising benefits to the community is an important aspect includes proposals for a new health centre and an Idea Store.

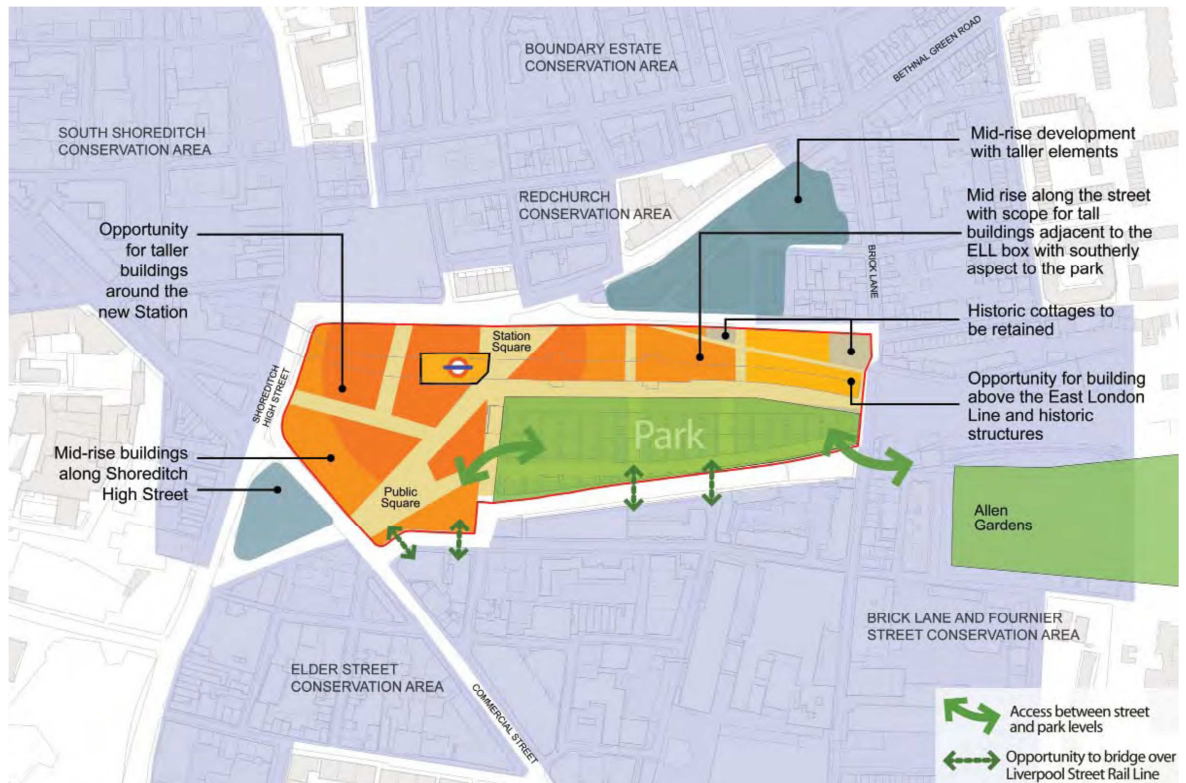


Figure 5. Indicative vision for Bishopsgate Goods Yard

7.27 The Vision (Paragraphs 2.1 & 2.2) is a sustainable high density development closely linked to public transport which can:

- Contribute to supporting London's of financial and business services;
- Strengthen the local economy in Shoreditch and Spitalfields;
- Significantly contribute to local housing need;
- Provide an exciting place to live, work or visit;
- Be a place to be enjoyed by existing and new communities.

7.28 The design principles (BG1) show how future development of the site could:

- provide new routes for pedestrians and cyclists through the site;
- connect new development into the surrounding area;
- provide a series of new public open spaces;
- take advantage of and maximise sustainable transport opportunities;
- bring historic structures back into use;
- respond to local character; and
- become an exemplary form of high quality sustainable development.

7.29 Access improvements (BG2 & BG3) should focus main connections through the site:

- North to south by re-opening and upgrading Braithwaite Street for pedestrians and cyclists. Access for small vehicles to service the space beneath the Braithwaite viaduct at the southern end. General through access for vehicles should not be provided on Braithwaite Street;
- East to west by re-opening London Road between Braithwaite Street and Brick Lane as an enclosed public street serving new shops,

businesses, leisure and cultural uses in the arches beneath the Braithwaite viaduct;

- Extending the main east west route from Braithwaite Street to Shoreditch High Street incorporating the listed forecourt wall and gates (in LBH) as an entrance feature;
- Connecting the diagonal route between Bethnal Green Road and Norton Folgate by bridging over the open railway lines into Liverpool Street;
- Creating secondary east-west routes between Brick Lane and Braithwaite Street running parallel to London Road and also cross the top of the Braithwaite viaduct through a new linear open space;
- Creating secondary north south routes into the site from Bethnal Green Road and Sclater Street.

7.30 The main opportunities for new public open spaces (BG4) are:

- A green park on top of the Braithwaite viaduct;
- A new public square, opening on to Quaker Street, Braithwaite Street and Commercial Street as part of a new diagonal connection across the site, subject to bridging over the rail lines;
- A public forecourt to Shoreditch High Street Station;
- A small urban square on Brick Lane with a connection to the higher level park above the Braithwaite Viaduct.

7.31 Development should be designed (BG5) so that Shoreditch High Street station remains highly visible and accessible adjoining high quality open space, with new pedestrian and cycle links across the site including from Brick Lane, Braithwaite Street closed to through traffic, car free development, drop off points and cycle hire provision.

7.32 The development should enhance and integrate listed structures (BG6) by:

- Refurbishing and re-using the arches beneath the Braithwaite viaduct for shops, leisure and culture uses and space for small businesses with active frontages;
- Integrating the listed forecourt wall and gates to mark the main route into the site from Shoreditch High Street.

7.33 Redevelopment should strengthen local character (BG7) by providing a mix of uses with daytime and evening activity; small scale shops, flexible space for small and medium sized businesses.

7.34 Other historic structures should be retained and incorporated where possible including the former weaver's cottages and boundary wall on Sclater Street. Demolition of the unlisted brick arches on the western part of the site may be appropriate where it would help to increase permeability and provide connections to adjacent streets. Proposals should reinforce the positive aspects of the area, responding to the existing urban environment and street pattern taking into account (BG8):

- Building footprints;
- Rhythm of architecture and building facades;
- An appropriate width of spaces between buildings; and
- A variety of architectural approaches to create a genuine, interesting and authentic place.

- 7.35 Guidance is provided for the appropriate height of new buildings and how tall buildings could be located and designed but building heights are not prescribed. The guiding principle (paragraph 2.36) is that there should be transition in scale and building height across the site from west to east. The tallest buildings should be sited west of Braithwaite Street, with diminishing transition in scale to Brick Lane to the east. Wheler Street (now Braithwaite Street) provides a natural defining edge and transition point, east of which the buildings should descend in height and be medium to low scale. Tall buildings should be set back from the street edge. Lower rise buildings fronting Bethnal Green Road should where possible relate to the immediate context including the buildings across the street which range from four to eight storeys.
- 7.36 The location and design of any tall buildings should take into account the impact on local views, particularly from within the adjacent conservation areas. The IPG notes that tall buildings have the potential to enhance the setting of conservation areas such as South Shoreditch and to create interesting and dramatic contrasts between high quality new architecture and historic townscape in views from Elder Street to the south and Redchurch Street Conservation Area to the north. Other important views include those along the main approaches to the site - Commercial Street, Shoreditch High Street and Bethnal Green Road.
- 7.37 LBH's management approach towards the South Shoreditch Conservation Area to maintain a consistent scale and height of buildings within the Conservation Area boundary, and to support in principle taller developments beyond its boundaries within the City fringe to accommodate the development pressures is identified.
- 7.38 The design guidelines for tall buildings (BG10 & BG11) say:
- The height and volume of any tall buildings should be designed to present a carefully modelled massing when viewed from the adjacent conservation areas.
 - The design and frontage of development along Shoreditch High Street, Bethnal Green Road, Sclater Street and Brick Lane is central to integrating the development into its context and crucial when considering tall buildings. Tall buildings should be setback from the main street edges, either on a podium or behind lower rise buildings.
 - The podium or lower rise buildings should relate to the building heights of the surrounding context, with a human scale to generate a successful streetscape in terms of the specific character of each of the streets including plot width, street rhythm, materials and elevation design.
- 7.39 Design Principle BG14 advises of the effect on local environment:
- Tall buildings should be sited carefully to avoid heightened sense of enclosure and so as not to feel overbearing at ground level;
 - Tall buildings must not create unacceptable impacts on the amenity of existing or future residents in terms of access to daylight and sunlight particularly the residential area north of the Goods Yard;
 - Tall buildings should not create uncomfortable environmental conditions - high winds or long periods of overshadowing for pedestrians at street level and in public open spaces;

- Tall buildings on the western part of the goods yard must include the delivery of public open space (BG15). Tall buildings should offer improved permeability, accessibility and legibility of the site and the wider context (BG16). Penetration of daylight and sunlight should be encouraged by ensuring there is not a 'wall' of development along the northern site edge.
- 7.40 Best practice in sustainable design and construction (BG17) should include compliance with London Plan carbon reduction & renewable energy targets with localised energy production; Lifetime Homes standards with 10% wheelchair accessible, BREEAM 'Excellent' for retail and office uses, minimise car parking & prioritise walking, cycling and use of public transport; achieve 'Secured by Design,' a site wide waste strategy, SUDS and biodiversity enhancement.
- 7.41 The development should be 'A Place to Live' at London Plan density of 1,100 hrph (BG19). Taller buildings incorporating higher density housing should be located towards the west of the site. Family housing may be more appropriately towards the east close to the proposed park, in lower rise buildings, with access to communal play-space, gardens and balconies (Paragraph 3.9).
- 7.42 The development must provide a mix of housing tenures - market sale, intermediate and social rented housing. A minimum of 35% affordable housing should be provided on site, subject to viability and site circumstances (BG21).
- 7.43 High density residential development will only be acceptable where it can be supported by an appropriate level of social infrastructure including health, education, childcare, community, leisure, cultural and sports facilities and deliver community benefits (BG22 & BG23). BG29 provides examples of community benefits including contributions towards idea stores, libraries, and sport and leisure facilities.

8 CONSULTATION

- 8.1 The following bodies have been consulted on both the application for planning permission and the application for listed building consent. Re-consultation has been undertaken following the receipt in July 2015 of amendments to the application itemised at paragraph 5.4 above. Representations received are summarised below. The views of officers within the Directorate of Development and Renewal are expressed within Section 10 of this report - MATERIAL PLANNING CONSIDERATIONS.

External consultees

Mayor of London Stage 1 (including TfL)

- 8.2 The Mayor considered a report on the initial application on 12th December 2014. By letter dated 22nd December 2014, the Greater London Authority (GLA) advised both LBH and LBTH that the Mayor is strongly supportive of the scheme. It was advised however, that the Mayor believes the affordable housing offer and the balance of commercial floor space need to be addressed as a priority. Details of the Mayor's observations, concerns and possible remedies were as follows:

- **“Land use:** *The mixed use scheme would support the function of the CAZ and provide regeneration of a site which is currently standing vacant. The provision of a maximum of 1,464 units on site is welcomed.*

While the inclusion of commercial floor space is also welcomed, the quantum of commercial floor space should be increased to ensure the balance between residential and commercial is in line with emerging policy for this key ‘City Fringe’ area. Further detail is also required on the type of commercial offer proposed including how the provision would meet the need for commercial space in the area.

The inclusion of retail uses within the site is welcome and would create a vibrant ground floor and would not compete with existing shopping areas. Further details of the management and letting strategy for these units should be provided.

Further evidence should be provided which details the scheme is providing sufficient social infrastructure required as a result of the quantum of development.

- **Housing:** *While the quantum of housing is welcomed, the provision of 10% affordable housing across the site is disappointing. This should be reviewed and the results of independent viability work shared with GLA officers. Affordable housing should be provided on site unless a robust exceptional case for off-site provision can be made, this has not been done in relation to the affordable housing provision within Hackney. Details about the tenure of units should also be provided.*

The scheme proposes a large quantum of small units which should be reviewed in line with the Housing SPG which requires a London wide approach to mix and a low proportion of studio units.

Confirmation of the proportion of single aspect north facing units should be provided and details reviewed of the layout of units facing the park. The commitment to all units meeting the guidelines in the Housing SPG should be secured through the design guidelines document.

The final quantum, mix and tenure of units should be provided to officers to confirm the child yield from the development.

The residential density of the scheme should be calculated using the net residential area of the site.

- **World Heritage Site and heritage assets:** *The significant public benefits of the scheme are considered to outweigh the less than substantial harm to the setting of the Tower of London World Heritage Site. The degree of harm to the views within the surrounding conservation areas would be outweighed by the public benefits of the scheme.*
- **Urban design and tall buildings:** *The design of the scheme is well conceived and strongly supported. The scheme provides a piece of public realm that is currently missing from this part of the city and would provide new permeable routes through the area.*

Further details are required on the treatment of Phoenix Place to ensure it doesn't feel isolated after dark.

The reduction in the height of the tallest towers is welcome, but the scale of block C should be reviewed.

- ***Inclusive design:*** *Further detail is required on the accessibility rationale of the whole master plan. The details of the wheelchair units should be reviewed and the true quantum of units confirmed. The accessible access to upper floors across the scheme should avoid platform lifts and the plans for the public realm should be reviewed to ensure it is accessible. Details of consultation with the accessible community should also be provided.*

Details of the accessible car parking arrangements should be updated in the car parking strategy including how they would be arranged during the phasing of the development and how visitor parking would be secured.

- ***Sustainable Development:*** *The energy strategy should be reviewed to be based against Part L 2013 baseline. This should be met through energy efficiency measures alone. The method for cooling should be addressed with dynamic thermal modelling. The investigation of the heat network is welcomed but details of how future connections would be provided on site should be detailed. The provision of a site heat network is welcomed but confirmation that all domestic and non-domestic space would be attached to this should be provided. The three proposed energy centres should be reviewed in conjunction with the CHP proposal. The provision of solar panels is welcomed.*
- ***Transportation:*** *Servicing provided on site is welcomed, but this should include taxi drop off to avoid ad hoc stopping on the highway. All car parking spaces should be for use as disabled parking only.*

The cycle provision should be reviewed in relation to FALP standards. The site has an opportunity to improve cycling across the site but this is not proposed so a contribution to local cycling measures could mitigate this. The proposed increase in cycle hire docking station points should be increased. The reduction in capacity of the Bethnal Green station should be replaced before the existing docking points are removed.

The assessment of trip rates should be reviewed in line with 2011 census data. The allocation of public transport trips should also be reviewed.

Further modelling is required for highway impact. The improvement works to Shoreditch Triangle would improve the environment for the proposed site. The applicant is required to make a contribution to these works totalling £5.9 million.

Legible London infrastructure should be installed for pedestrian wayfinding in and around the site at an estimated cost of £7,000 per sign.

A travel plan, site wide delivery and servicing management plan, car parking plan, site wide construction logistics plan should be submitted for each phase and block as necessary. All plans should be secured and monitored through the S106."

8.3 A second Stage 1 report on the amended scheme was considered by the Mayor on 9th September 2015. The report identified London Plan policies on land use, housing, infrastructure, strategic views, World Heritage Sites, heritage assets, urban design, inclusive design, sustainable development, and transport as relevant to the application. By letter of even date, the GLA informed both LBH and LBTH that while the application is broadly acceptable in strategic terms and the Mayor welcomes the amendments, particularly the increase in employment floor space and the reduction in the height of the towers; the following points, and those in the initial Stage 1 report, need to be considered and addressed prior to a Stage 2 referral to the Mayor. In particular, the Mayor highlighted the affordable housing offer and advised that he wishes to understand the views of statutory consultees, particularly those relating to heritage. These are summarised below.

8.4 The Mayor informed both local authorities:

- **“Uses:** *The proposed mix of uses is strongly supported. The amendment to increase the quantum of commercial floor space is adequate in strategic planning terms. Full details of the management arrangements of the office floor space, including affordable and creative workspace should be secured, as well as opportunity for affordable retail space.*
- **Social infrastructure:** *The additional details of the social infrastructure provisions are welcomed. The boroughs should satisfy themselves that the local needs are being met and that any provision is adequately secured in any permission.*
- **Housing:** *The reduction in studio units is strongly supported. Significant attention needs to be given to the affordable housing offer. Resolution of the affordable housing designs are required as a matter of urgency and GLA officers require further discussion on the quantum and form of the affordable housing offer. The housing standards should be secured through condition or legal agreement to ensure the outline elements of the proposal provide quality housing.*
- **Urban design:** *The details of the urban design are developing well, although further discussion is required on some details, including the Quaker Street route. The design codes and design details will need to be secured through any permission.*
- **Inclusive access:** *Further details are required on the access to the underground cycle parking provision and all proposed elements relating to inclusive access should be secured through condition.*
- **Energy:** *Further information is required on the cooling arrangements and the cooling hierarchy, details of the provision for future connections, confirmation of all uses being connected to the energy centre and details of the phasing and dominance of the energy centres.*
- **Transport:** *While the amended scheme addresses some of the outstanding transport issues, a number of issues remain outstanding. Key discussions are required between the applicant and TfL in relation*

to: the triangle works proposal; cycle hire contribution; rail trip generation figures; road safety audit; and infrastructure protection works. Further discussion is also required on the mitigation requirements and section 106 clauses.”

City of London Corporation

8.5 No representations received.

London Borough of Hackney

8.6 No representations received.

London Bus Services Ltd

8.7 No representations received.

London Underground Ltd

8.8 No objection. Requests planning permission is conditioned to require approval of detailed design and method statements for all the foundations, basement and ground floor structures, or for any other structures below ground level, and piling.

London Regional Transport (Crossrail)

8.9 No representations received.

London Fire and Emergency Planning Authority

8.10 No representations received.

Design Council (CABE)

8.11 No representations received.

Historic Royal Palaces (HRP)

8.12 Commenting on the original proposals, Historic Royal Palaces said its principal concern is the visual impact that the tall buildings proposed on Plots F and G would cause to the setting of the Tower of London World Heritage Site (WHS).

8.13 The tops of the proposed towers would be visible above the parapet of the White Tower, between its corner turrets, in the view looking north from the south bastion of Tower Bridge. This view is not within the formal London View Management Framework (LVMF) View 25, but is a key vantage point from which great numbers of visitors view the Tower. At present, the silhouette of the White Tower, particularly the clear sky-space between the turrets, is almost unaffected by new buildings. The new towers would impinge on this silhouette and cause a degree of harm to the iconic view. The constraints of developing Bishopsgate do not justify building the new towers to a height that will harm the setting of the WHS.

8.14 Commenting of the revised plans, HRP advise that Plot F will still appear above the crenelated parapet of the White Tower, between the two sets of corner

turrets, although to a lesser extent than originally. The top of the building on Plot G will be visible through the crenelated parapet to the right. The top of the tallest tower, on Plot C, will appear to the right of the White Tower, above the tree line, in what is currently open sky. The fact that the silhouette is already slightly compromised by existing buildings (the Nido Tower and 1 America Square) is no reason to allow further harm. The LVMF 2012 guidance for View 10.A1 (the North Bastion upstream) recognises that this is one of the locations where the detail and layers of history of the Tower of London can readily be understood. It states *“This understanding and appreciation is enhanced by the free sky space around the White Tower. Where it has been compromised, its visual dominance has been devalued.”* The same is equally true of the viewing area on the South Bastion.

- 8.15 Tower Bridge is also identified in the Tower of London Local Setting Study 2010 as a key approach to the Tower. The open and impressive views of the Tower from this raised level enable a significant appreciation of the many aspects of the OUV of the Tower and its landmark siting. The study states that any additional tall or bulky buildings around and in the backdrop to the White Tower could further diminish its perceived scale from this vantage point.
- 8.16 HRP recognises that the degree of visual harm to the setting of the WHS caused by the tall towers proposed particularly on Plots F and G has been reduced. But, because of the level of harm that remains, continues to object for the reasons set out above.

Historic England (HE)

- 8.17 On 4th December 2014, Historic England (endorsed by the National Planning Casework Unit on behalf of the Secretary of State) authorised the Council to determine Listed Building Consent application Ref. PA/14/2096 as it sees fit. Historic England subsequently confirmed that the revised plans are considered satisfactory, and the authorisation dated 4th December 2014 remains valid.
- 8.18 Commenting on the initial proposals within the application for planning permission, HE supported the principle of development and the integration of the listed and unlisted heritage assets into the scheme that could result in a wide range of public benefits. However, HE advised that the tall building elements will harm the settings of designated heritage assets in the local and wider area. Particularly concerned about the harmful impact on the setting of the Tower of London when viewed from Tower Bridge. Not convinced that the harm to the historic environment caused by the proposals has been clearly and convincingly justified as is required by the NPPF (paragraph 132). Also not convinced that all or the even the majority of the benefits can only be delivered through building to the proposed heights. Judging the development against NPPF policies no justification is seen for this harm.
- 8.19 Commenting on the revised proposals, HE welcomes the height reduction but says the revisions will reduce the degree of harm to the Tower of London but not removed it.
- 8.20 In the local context, EH advises that the harm caused to the surrounding conservation areas through the abrupt change of scale of the new proposals and the way they would visually dominant the smaller scale local street scene remains an issue. This is despite the reduction in height and changes to the

elevations of the tallest elements. Not convinced this harm is inevitable and clearly justified.

Historic England Archaeology

- 8.21 The location is on the edge of the Roman and mediaeval city and significant remains from these periods and the early modern London can be expected where impacts from the later railway have been limited. The railway heritage of the site is also important as part of the first rail line into the City and elements of it survive below ground outside the footprint of the listed Braithwaite viaduct.
- 8.22 Impacts from a consented scheme would not allow scope for preservation in situ of important remains in the north of the site or south west, where the bulk of the proposed new build would stand. The Environmental Statement proposes that preservation by record is appropriate mitigation. This would result in the physical loss of buried remains connected with the original Shoreditch station as well as evidence of earlier activity.
- 8.23 Should the Council consider the benefits of the proposals outweigh the harm to the heritage assets at the site, it is recommended that three conditions are applied to secure archaeological evaluation and mitigation, for recording of the industrial structures pre-demolition and for on-site public heritage interpretation.

Council for British Archaeology

- 8.24 No representations received.

The Society for the Protection of Ancient Buildings

- 8.25 Pleased that the listed buildings on the site are retained and reused along with a number of valuable non-designated heritage assets. Expresses serious concerns that a number of tall buildings, with four between 30 to 46 storeys, would be out of scale with the surrounding area. Worried that these towers will drastically harm the setting of the surrounding five conservation areas, listed buildings and non-designated heritage assets within them. The towers will overwhelm the modestly scaled and finely grained pattern of Commercial Road, Great Eastern Street and Elder Street. The brash unmannerly scale and massing of the towers will overshadow and blight a large number of the neighbouring streets with major impact on important local views and vistas. The proposals will result in substantial harm to the setting of the heritage assets in the immediate vicinity and cause substantial, lasting and irreversible damage to the character and significance of the surrounding conservation areas.

Environment Agency

- 8.26 No representations received.

Natural England

- 8.27 No comments. The application does not pose any risk to the natural environment.

Tower Hamlets Primary Care Trust

- 8.28 No representations received.

Georgian Group

- 8.29 No representations received.

20th Century Society

- 8.30 No representations received.

The Victorian Society

- 8.31 The Society made detailed criticism of the original applications strongly objecting due to substantial harm to the setting of a large number of designated heritage assets, including listed buildings and conservation areas. Views from a number of conservation areas will have the intrusion of very tall buildings, casting huge amounts of shadow utterly changing the context of important areas like the Boundary Estate and Shoreditch and dominate the modestly scaled historic urban landscape. The scale of the development relates to the character of the City, not Shoreditch and Spitalfields. Gross overdevelopment with the design of the tall buildings not of a quality commensurate with the great prominence they would have on the skyline of large parts of London failing to adequately respond to the surrounding context.
- 8.32 The Society considers the revisions minimal reiterating previous comments. The token reduction in height of some of the residential towers has not rendered them appropriate for such a sensitive setting. The enlargement of the proposals by the addition of a new six storey office block (Plot K) will be of further detriment to the setting of two conservation areas.

Ancient Monuments Society

- 8.33 No representations received.

Sport England

- 8.34 The site currently accommodates a number of temporary 5-a-side football pens but does not form part of, or constitute, a playing field as defined The Town and Country Planning (Development Management Procedure) Order 2010.
- 8.35 It is not clear whether the scheme includes the provision of any onsite formal sports facilities made necessary by the development. Draft s106 Heads of Terms in the submitted Planning Statement set out the levels of financial contributions to local infrastructure and community facilities but sporting provision is not expressly stipulated. NPPF paragraph 204 expects the development to contribute towards the provision of sports facilities (including playing field and pitches) made necessary by the new development. The development will generate a population of 2,515 people. Sport England's Sports Facilities Calculator generates a financial contribution of £1.4 m. Sport England is keen to establish if any s106 monies will be ring-fenced for the provision of formal sports facilities.

Thames Water

- 8.36 Waste: Advises that with the information provided they are unable to determine the waste water infrastructure needs of the development. A 'Grampian' condition is requested requiring the approval of a drainage strategy prior to development commencing.
- 8.37 Surface Water Drainage: The developer should make proper provision for drainage to ground, water courses or a suitable sewer. Storm flows should be attenuated or regulated into the receiving public network through on or off site storage. Requests an informative advising that discharging groundwater into a public sewer will require a Groundwater Risk Management Permit from Thames Water.
- 8.38 Water supply: The existing water supply infrastructure has insufficient capacity to meet the demands for the proposed development. Recommends a condition that development should not commence until impact studies of the existing water supply infrastructure have been submitted and approved in writing.
- 8.39 Also requests a condition that no impact piling shall take place until a piling method statement has been approved and an informative advising that there are large water mains adjacent to the proposed development.

London City Airport

- 8.40 No safeguarding objection. Should during construction, cranes or scaffolding be required taller than the development, their use must be subject to separate consultation.

BBC - Reception Advice

- 8.41 No representations received.

National Grid

- 8.42 No representations received.

EDF Energy Networks Ltd

- 8.43 No representations received.

The Spitalfields Society

- 8.44 Raised objections to the initial scheme on grounds of failure to preserve or enhance the character and appearance of the adjacent Conservation Areas, the setting of listed buildings, character, overshadowing, increased sense of enclosure, loss of natural light, height, massing, loss of historic fabric, disregard for retained historic fabric, damage to present business uses, insufficient employment space, wrong sort of housing with 10% affordable housing drastically below the 50% required, wrong sort of retail accommodation, architectural style, details and materials, inadequate vehicular access and road connections.
- 8.45 The Spitalfields Society confirms the following objections on the amended scheme:

Height and Overshadowing: The lowering of the residential towers has largely been achieved by lowering the floor to ceiling heights in the flats. This has little beneficial effect on the loss of light and dramatic overshadowing of the Redchurch Street Conservation Area and the Boundary Estate caused by the towers along Bethnal Green Road.

Poor quality accommodation: The reduction in floor to ceiling heights is at the expense quality of accommodation. The towers should be reduced in height by a dramatic reduction in the number of storeys.

Overshadowing of the proposed park. Reiterates objection.

Lack of affordable housing: The amendments have reduced both the amount of housing and the amount of affordable housing. It is beyond comprehension and unreasonable that the redevelopment of land in the ownership of a publically funded institution should fail to provide at least the level of affordable housing required by the local authority.

Poor connectivity: For two years the developer's claim that it is not viable to build over the railway to improve the connectivity with the City has been shown false with a proposal to do exactly that, except that the space is entirely filled with a new office block that blocks any attempt to enhance connectivity to the south.

Additional site and building proposal: Objects to Plot K being added to the application. It should be the subject of a separate planning application following proper consultation that recognises its different circumstances outside the main Goods Yard.

Wrong sort of office space: Objection maintained. The office space has been increased by about 13,000 m². Despite the developers claim to be designing to suit SME's, the floor plates are designed to be assembled to suit corporate users that would destroy the character and reputation of the area.

Massive overdevelopment: Objection maintained. The net result of the amendments is that the floor area of the development has actually been increased.

Lack of public access: The applicant makes much about the proposed public open space on top of the Braithwaite arches in return for granting approval for the wall of towers along the Bethnal Green Road. The space already exists in public ownership but access has been denied by the owner who has neglected the upkeep of this space and the listed arches below.

- 8.46 The Society considers this the most poorly conceived and damaging development it has ever reviewed. Amendments have not resolved earlier objections. The scheme promises to undermine many aspects of the area, historic, social, cultural and commercial that local residents, the working community and the many visitors love and value. A vital part of the East End is being stolen by a brutal scheme, to provide luxury flats for investors that will lie vacant forever, casting a dead shadow over once vibrant Shoreditch.
- 8.47 The site, owned by a publically funded body, should contribute to solving the area's housing shortage and provide significant public, social and cultural facilities, or at least a school. The developer likens the scheme to the Barbican

but it lacks a theatre, library, concert hall, school, architecture, defensible space, and sense of a place that might generate a community. The site should be the subject of a properly consulted masterplan by the two authorities working in partnership.

Tower Hill Improvement Trust

8.48 No representations received.

UNESCO

8.49 No representations received.

Metropolitan Police Crime Prevention Officer

8.50 No comments received.

Internal consultation

Conservation and Design Advisory Panel

8.51 The Council's Conservation and Design Advisory Panel considered pre-application proposals on three occasions - 8th July 2013 and at a specially convened site visit and joint meetings with the Hackney Design Review Panel on 24th September 2013 and 22nd January 2014. The Panel also considered the application proposals on 8th December 2014.

8.52 The amended application was presented to the Panel on 14th September 2015. The Panel felt some of the design changes positive but insufficient to overcome fundamental concerns. The height reduction on Plots C, F and G was welcomed but did not address wider concerns about impact on the surrounding area due to excessive and harmful scale.

8.53 Whilst the Bishopsgate Goods Yard IPG advocates a height transition east to west, Panel members felt that the tallest elements (Plots F and G) would be more acceptable if scale was further reduced across the rest of the site. In particular, the Panel noted that the scale of Plot C far exceeded the unsuccessful 32-42 Bethnal Green Road ('*Avant-Garde*').

8.54 The Panel noted amendments to the elevations on Plots C, F and G but considered these unconvincing and had not addressed previous comments. Again questioned whether brick as a facing material for tall buildings is justified by a context of lower rise brick foreground buildings.

8.55 The Panel noted amendments to the lower elements of Plot C facing Bethnal Green Road and Sclater Street but remained concerned that the buildings have a poor relationship with the retained wall. The drastic contrast between the ground floor characters of Plot C and Plots A & B was noted. Notwithstanding the impact of their scale, Plots A and B more successfully define the street and this continuity should be carried further down Sclater Street.

8.56 The Panel were pleased with the aesthetic approach to Plots A and B, responding well to the context of Shoreditch, and that delivery of this element is

intended to be brought forward. However, concerns remained about the scale and massing of Plots A and B particularly the disparity with the adjacent 'Tea Building.' Concern was also raised about the size and shape of some of the office floor plans and whether these would be attractive to businesses.

- 8.57 Considered the newly proposed building on Plot K necessitates a new planning application but is a good response to context with success dependent on a good degree of transparency. Plot K would deliver much needed workspace and if permitted should be delivered early in the phasing. There should be more imaginative use of the ground floor to create an active frontage onto Braithwaite Street.

Tree Officer

- 8.58 No Objection.

Landscape Section

- 8.59 No comments received.

Environmental Protection

- 8.60 Noise and vibration: Plant noise for building services and kitchen extract fan noise from A3/A5 uses should meet BS 4142 of L90-10dB(A). The Ground-borne noise assessment within the Environmental Assessment should provide detailed methodology/calculations to ascertain how 26dB was achieved. The noise impact on future residents from D1 (Non-residential institutions) and D2 (Assembly and leisure) uses has not been considered.
- 8.61 Smell/Pollution: It is proposed to include A3/A5 uses (restaurant / public house) in the Braithwaite Viaduct. Detailed design of the kitchen extract systems demonstrating compliance with DEFRA criteria to mitigate odour nuisance should be submitted.
- 8.62 Air Quality: No comments received.
- 8.63 Micro-climate: No comments received.
- 8.64 Contaminated Land: Recommends conditions to secure site investigation and mitigation of any contamination.

Transportation & Highways

- 8.65 The site has PTAL 6b 'Excellent.' Core Strategy Policy SP09 seeks car free development in such locations. There should be no general car parking on site except for disabled motorists and a 'permit free' condition which ensures that all future residents (except for registered blue badge holders and those that qualify under the Permit Transfer Scheme) are exempt from on street parking permits.
- 8.66 There would be four main servicing access points – one from Braithwaite Street, Bethnal Green Road and two in Sclater Street. A further access point in Brick Lane is proposed for smaller vehicles to access the London Road shops. A safety audit will be required for all proposed access points.

- 8.67 All servicing would take place within the site boundary, which is acceptable. However, a 'drop off' space is proposed in Sclater Street near the junction with Bethnal Green Road. For this size of development all vehicle activity should take place within the site and the public highway not used as an extension to the development.
- 8.68 The proposed loss of parking bays in Sclater Street would not result in any detrimental effect on current demand as they are underutilised.
- 8.69 Long and short term cycle parking is in line with the London Plan. Additionally, 60 cycle hire spaces are proposed.
- 8.70 The Bishopsgate IPG identifies improvements to walking and cycling permeability through the site as paramount. The proposed pedestrian routes through the site would provide tangible improvements with both north - south and east - west routes. It is proposed these would provide 24 hour access 'as far as practicable' and agreement should be reached to maximise through route access. Block K would result in the narrowing of Quaker Street, including its junction with Commercial Street. Adequate footway width on the northern side of Quaker Street should be maintained to accommodate the increased footfall generated by the development.
- 8.71 The main cycle route through the site would remain the north – south route along Braithwaite Street, a public highway. The Bishopsgate Goods Yard IPG advocates an east west cycle route but no such route is proposed within the development with cycling discouraged. TfL has requested section 106 funding for cycling infrastructure around Shoreditch Triangle which would benefit cyclists in the City and LBH but not LBTH.
- 8.72 Requests section 106 funding to mitigate the development and provide the link in LBTH to achieve proposals in the Local Plan and the Bishopsgate IPG that the development would fail to provide:
- £250k for improvements to pedestrian crossing along Bethnal Green Road in vicinity of development;
 - £150k for a road safety junction review & improvements at Bethnal Green Road / Brick Lane;
 - £250k for cycle route improvements along Bethnal Green Road including up-grading facilities between St. Matthews Row & Chilton Street;
 - £300k for improvements in the vicinity including links southwards in Quaker Street, Wheler Street, Braithwaite Street to include cycle and pedestrian linkages and streetscene improvements.
- 8.73 Also requests that any planning permission is conditioned require:
- 'Permit Free' agreement,
 - All approved car parking spaces to be retained and maintained for their approved use only for the life of the development. No renting out / leasing of spaces to non-residents.
 - A Car Parking Management Plan to be submitted and approved prior to first occupation.
 - All approved cycle facilities to be retained and maintained for their approved use for the life of the development.

- A Service Management Plan for all uses to be submitted and approved prior to first occupation.
- A Demolition / Construction Logistics Plan to be submitted and approved prior to any works taking place.
- A Travel Plan for all uses to be submitted and approved prior to first occupation.
- A section 278 agreement to fund necessary works to the public highway.

Communities, Localities & Culture

8.74 Based on the Local Plan allocations and the Bishopsgate Goods Yard IPG, requests a section 106 agreement with the developer to secure the option for providing an LBTH Idea Store / library on site as part of the development:

- Core Strategy Policy SP07 (5a) identifies Bethnal Green as an area of search for additional Idea Store provision to meet demand from a growing population.
- MDD Chapter 3 sets out site allocations with an Idea Store shown at Bishopsgate Goods Yard as part of a comprehensive mixed-use development.
- The IPG paragraphs 4.13 & 4.14 – ‘*Delivering Community Benefits*’ and design principle BG29 say that necessary community benefits could include a contribution towards Idea stores and libraries.

8.75 The requirement comprises two elements:

- A public facing unit circa 1,650 sq. m. NIA within the retail area of the development (e.g. under the arches) to deliver an Idea Store (access to library, learning and information);
- An enclosed storage/service area of circa 1,500 sq. m. NIA within close proximity of the public facing area to provide local history archive services.

8.76 The Council would expect the unit(s) delivered to shell and core with a 30 year lease at peppercorn rent. Should the Council not take the option of on-site provision a financial contribution should be secured to enable the facility to be delivered elsewhere.

Education Development Team

8.77 No comments received.

Ideas Stores, Strategy and Projects

8.78 See Communities, Localities & Culture comments above.

Waste Policy and Development

8.79 The proposals fulfil the criteria in MDD Appendix 2 Standards 3 – Waste, allowing twice weekly collections. The proposed management and access regime will facilitate the collection of operational waste on designated collection days and the satisfactory moving of containers to the various service yards and temporary storage areas at street level.

- 8.80 Requests that any planning permission is conditioned to require prior to occupation the submission and implementation of a Service Management Plan for the servicing of both residential and commercial waste confirming how collections will be a shared responsibility between LBTH & LBH and the developer.

9 LOCAL REPRESENTATION

Community involvement by the applicant

- 9.1 The application is supported by a Statement of Community Involvement that says from April 2013 to June 2014, the applicant carried out a programme of consultation with local community groups and residents on three stages of Masterplan proposals for The Goods Yard site. This involved:

- 35 One-to-one meetings & group sessions, over 90 attendees
- Pop-up events, 120 canvass cards completed
- Walk & Talks, over 70 attendees
- Community Liaison Group meetings, 178 attendees
- 12 Steering Group meetings, 14 members
- 14 Exhibition days, over 600 visitors
- 4 Public workshops, over 70 participants
- Focus sessions, over 80 participants

- 9.2 Additionally, communication involved:

- 4 Newsletters, First distributed to 12,000 local people, subsequent editions to 6,000 local people
- Project Website & online exhibitions, over 31,000 website views
- Regular Facebook, Twitter & Email Updates, over 1,600 project contacts
- 16 Newspaper adverts, approximately 900,000 newspaper prints

- 9.3 The key issues raised by the local community were:

Scale, height and density

Height received the most comments with strong local concerns around the impact of tall buildings. Although there was support for the massing strategy, it was felt that the heights were excessive and out of scale with the residential / historical context. Residents, particularly to the north, raised most concern. Impact on light and views were key issues.

Support for tall buildings cited the need for housing, local benefits the scheme could bring and the opportunity for iconic/quality architecture. The use of brick as a material in contrast to steel and glass was well received, as was the fact that the towers would be for residential rather than office use.

The Park

The proposed park received the second highest number of comments. It was viewed as a key benefit due to a significant lack of existing local green space.

Public squares

Positive reaction to the public squares proposed; particularly at Brick Lane and off Shoreditch High Street with a need for greening at ground level.

Community benefits

Systems should be put in place to maximise training and employment opportunities for local people. Affordable Housing and well managed public space / park are critical.

Community facilities

Facilities should be visible, accessible and flexible in use. Facilities most suggested include health, library, and swimming pool, cultural and public toilets. Concern about social the infrastructure capacity in a growing community.

Heritage

Another key topic was heritage, seen as an identifying feature of the site with strong calls to protect local heritage and support for its rejuvenation. Old and new should be knitted together. Restoration of the Oriel Gateway and Sclater Street cottages welcomed but concerns about the removal of the 'lid' above London Road with preference for a hybrid approach. Support for retention of the southern boundary wall, historical references should be incorporated into the design; access to as much heritage as possible; and heritage structures not 'cleaned-up' too much.

Cycling

Proposals well received. Cycle Route 9 should remain open (including during construction). Cyclist/pedestrian conflict well managed.

Park access

Good access to the raised park very important. Proposals well received, particularly the large steps from Braithwaite Street, a new route along the historic wall from Commercial Street and additional access from London Road. The park access at Brick Lane Square should be more visible.

Wider area

Improvements to the surrounding streets and crossings are needed. Servicing impacts and bus connections should be considered. Residents of the Elder Street area expressed concern over increased footfall.

Land use

It was generally felt that there was a good mix of uses across the site, although some concerns that there was '*too much retail*'. Larger units should be to the west and be a diverse mix of active uses. Strong calls that the evening economy be well managed and not exacerbate existing problems.

Retail

A judicious mix of everyday units and individually owned small units with ‘*visible production*’ was sought. Retail provision should be for a range of incomes with an affordable rent strategy. Some requests to include a supermarket and/or market.

Housing

There should be affordable and social housing on-site including large family-sized units. Affordable housing should be integrated throughout.

Commercial and business

Space for small businesses and start-ups with affordable rents was a key priority, including flexible incubator space for ‘*tech*’ and ‘*creative*’ local industries.

Architecture, identity and local character

Support for the site being brought ‘*back to life.*’ Adventurous and distinct buildings needed that reflect ‘*The Goods Yard*’ not the City. The use of brick to retain grittiness particularly at lower levels is important. There is an opportunity for interesting old & new contrasts with diverse materials & scale reflecting the different character areas around the site. The ‘*Avant-Garde*’ building cited as a bad example. Proposed use of brick well received but concern regarding the scale of the buildings in relation to neighbouring areas. The office block should be set-back and the mass ‘*broken down*’ on Bethnal Green Road. Green roofs and walls should be included.

Management, maintenance & security

The project must not exacerbate antisocial behaviour at night. Restricting alcohol / late night licencing, good security/management and public WCs could help. The site should be well lit and the park potentially closed at night for safety and maintenance.

Representations following statutory publicity

- 9.4 The applications for planning permission and listed building consent have been publicised by the Council by site notices and advertisement in East End Life. 3,905 neighbouring properties within the area shown on the map appended to this report have been notified and invited to comment. Re-consultation has been undertaken following the submission of revised plans and supporting documents. LB Hackney has separately undertaken its own publicity exercise, the details and outcome are not included in this report.

Individual responses & representations from local groups		516
Objecting:	511	Supporting 5
No of petitions received:		0

Grounds of support

- 9.5 Material grounds of support may be summarised as:

- The scheme is consistent with the area's regeneration and improvement.
- The City Fringe location, abutting public transport, is the right place for the proposed height and density – a natural progression from the City to Shoreditch.

Grounds of objection

9.6 There is general support for regenerating Bishopsgate Goods Yard said to be an iconic piece of East London's history and heritage, with a scheme sensitive to the townscape. Material grounds of objection to the application proposals may be summarised as:

- Overdevelopment, too dense, overbearing and dramatically out of scale with the surrounding context.
- The height of the buildings (particularly the two tallest towers) is disproportionate, not of a human scale, designed not to integrate or reflect the building traditions of the area and will overwhelm and dominate the surrounding area comprising mainly low-rise buildings generally between 2 – 7 storeys.
- Tower Hamlets Core Strategy does not identify Shoreditch as a location where tall buildings would be acceptable.
- Indiscriminate break-out from the City of tall buildings, contrary to planning guidance. The fragile City fringe area of Shoreditch is not suitable for towers.
- The existence of other tall buildings in the wider vicinity is no reason to justify the proposed scale.
- The design of the generic tower blocks is neither exemplary nor contextually relevant. An incongruous regimental series of featureless towers will be out of place and not respond to the local character of surrounding areas.
- Failure to preserve or enhance the character of the five surrounding conservation areas and their many listed buildings being out of keeping with the scale of the surroundings.
- From street-level the towers will appear above and between buildings, at the corners and ends of streets, dwarfing residential buildings destroying the historical hierarchy of scale e.g. between Hawksmoor's church spire and Fournier Street.
- Unnecessary demolition of a large amount of 19th century historic fabric including many brick railway arches (Vaults V1-V11) and the Victorian wall along Commercial Street.
- Demonstrable harm to the character and setting of a number of statutory and non-statutory heritage assets, irrevocably changing one of the most unique and historic neighbourhoods in London beyond recognition.
- Failure to follow the Bishopsgate Goods Yard IPG proposing buildings that fail to '*integrate*' with the surrounding area or take account of local character.
- Much of the area to the north will be overshadowed for many months with over 43% of the surrounding buildings suffering significant loss of sunlight.
- Overshadowing of the proposed park.
- The height of the buildings will generate unacceptable wind speeds exacerbating those caused by the Avant-Garde building.
- Residents of Avant-Garde Tower will experience a breach of their rights under Article 8 of the European Convention on Human Rights and the Human Right Act 1998 – right to privacy due to overlooking.

- Failure to address local housing needs with inadequate provision of desperately needed affordable housing with tenure split unresolved.
- Contravention of the NPPF's core values and sustainable development.
- Office blocks should not be built outside the City of London in a residential area and business district like Shoreditch. The development will change the character of the area fundamentally, negatively affect and make it less attractive for the SME's and independent shops that have driven Tech City and regeneration of the area.
- The development will not meet the need for affordable workspace.
- Due to its mass and scale importing huge masses of corporate offices, the development threatens the future of this vibrant business community.
- Spitalfields will cease to enjoy its status as an international attraction and hub for creative business arguably supporting the world's most lively and energetic creative community.
- A medium and low-rise development can delivery as much density, while retaining the human-scale of the surrounding streets, allowing the cultural and growing commercial identity of Shoreditch and Spitalfields to continue to thrive.
- The Goods Yard needs buildings that step down between the City blocks behind and the scale of the buildings of Shoreditch, which are mostly six storeys.
- The application fails to demonstrate any real commensurate commitment to local training and employment.
- The proposal fails to provide the community facilities required to address the critical social challenges the area faces and would place further strain on local amenities.

London and Middlesex Archaeology Society Historic Buildings & Conservation Committee (LAMAS)

9.7 Initially considered the following should be resolved before the development can be properly considered and the lack of such information makes the proposals objectionable:

(a) A clear statement of High Buildings Policy is required to justify the proposed buildings in terms of the overall grouping of high buildings in and to the north of the City; and the impact on designated and non-designated assets on and around the site.

(b) There should be a firm commitment to a Masterplan and any positive enhancements that may flow from that. The current Outline Applications do not guarantee such commitment. There should also be a statement in relation to existing Conservation Areas preventing further high building proposals thus avoiding the "creep" giving some definition to the nebulous concept of an eastern fringe area.

9.8 LAMAS advise the amendments do not affect their original comments.

Friends of Arnold Circus

9.9 Welcomes regeneration of a plot that has stood stagnant and unloved for too long but considers it paramount that development takes account of the wider area and the implications for loved local assets such as Arnold Circus and communities such as the Boundary Estate.

- 9.10 Misgivings about the height of the development fundamentally changing the character of the local area paying little regard for its historic and architectural significance not least the Boundary Estate and Arnold Circus bandstand.
- 9.11 Arnold Circus is surrounded by the low-rise Boundary Estate and enjoys a largely uninterrupted skyline and significant natural light. The Goods Yard development to the south threatens to cast it in perpetual shadow and be hugely negative for the historic bandstand and the communities that use it daily.
- 9.12 The provision of 10% affordable housing in "*landmark*" development pays little heed to and risks ignoring the acute social housing shortage in the area.

JAGO Action Group

- 9.13 Objects on the following grounds:
- Due to inappropriate height (25-30 storeys) and bulk, the proposed buildings on Bethnal Green Road would harm the Redchurch Street Conservation Area and the setting of the former Knave of Clubs PH Club Row.
 - Inadequate (10%) affordable housing in breach of targets.
 - Proposed design is the antithesis of the character of the Redchurch Street Conservation Area.
 - Height and massing needs to be significantly reduced to not cast the Redchurch Street Conservation Area into darkness.
 - Bishopsgate Goods Yard is in dire need of redevelopment but not at the cost of existing resident's amenity and quality of life with little regard to the precious heritage assets surrounding the site.
- 9.14 JAGO commissioned a Daylight and Sunlight Report from the Building Research Establishment on the initial proposal that is reported in Section 10 '*Material Planning Considerations*' below.

The East End Preservation Society

- 9.15 Raises strong objection. The surviving historic structures within Bishopsgate Goods Yard are exceptionally important to the history and character of the area and in the context of Britain's railway heritage. Detailed objections raised to the initial application due to:
- The level of demolition of existing structures,
 - Height massing and design of the new buildings,
 - Impact on an exceptionally sensitive urban setting,
 - The failure to deliver affordable housing on the site.

The Spitalfields Trust

- 9.16 Objects on the following grounds:
1. The height of the new tower blocks is out of scale with its neighbourhood and the many surrounding Conservation Areas and listed buildings. It will

harm their setting irretrievably and cast those to the north in terrible shadow.

2. The design, especially of the tower blocks, is of such poor quality as to blight the neighbourhood forever.
3. The massing is dramatically out of scale with all its neighbours and will never integrate with the existing townscape.
4. The proposal involves the demolition of much 19th century railway and townscape features including historic railway arches and handsome perimeter walls.
5. The harm done to this wonderful neighbourhood would reverse the effort put into Spitalfields and Shoreditch over the last 30 years. These areas are now global destinations with very particular 18th and 19th century characters which they rely upon and will be destroyed.

Spitalfields Community Group

- 9.17 Commenting on the initial application, the Group says it not against sensitive profitable redevelopment but there is concern that this intensity of redevelopment is excessive. The excessive use 'Corten' (rusty steel) is a transient, 'old hat' material short sighted and ill considered. The lack of realistic, tangible and affordable facilities for Creatives, Artisans, Tech Start-ups, and small Trades/Crafts people is a significant concern. The phased, outline/detailed planning approach will straightjacket LBTH, LBH and the local communities into accepting feral, greed driven regeneration.

SAVE Britain's Heritage

- 9.18 Strongly objected to the initial proposal. Supports objections by the Society for the Protection of Ancient Buildings and the Victorian Society. The proposals will cause substantial harm to surrounding heritage assets, including the grade II listed structures in the development site, the many listed buildings in the surrounding streets and five conservation areas. The height of the proposed buildings is dramatically out scale with the surrounding low rise areas of Shoreditch/Spitalfields and would set an extremely negative precedent. Their design would create an unhappy contrast between the existing buildings with detriment to the conservation areas. Dramatic consequences for the London skyline with the impact of the towers felt across east London.

OPEN Shoreditch

- 9.19 Open Shoreditch is a coalition of Jago Action Group, Shoreditch Community Association, North Brick Lane Resident's Association, Jesus Hospital Estates Residents Association, Spitalfields Society, Gascoigne Neighbourhood Association, Burhan Uddin House Tenants' & Residents Association, Columbia Neighbourhood Action Group, Columbia Tenants' & Residents Association and the Friends of Arnold Circus.

- 9.20 Raises objection on the following grounds:

- The application lacks sufficient affordable and flexible accommodation,
- Only 10% affordable housing,
- No demonstrable commitment to local training and employment opportunities,

- The design ignores context and fails to integrate with the of surrounding conservation areas,
- Adjacent streets overshadowed,
- The park over the Braithwaite Arches will be cast in shadow,
- A second east west pedestrian link from Braithwaite Street to Brick Lane as specified in the Interim Planning Guidance is required to create a mix of large and small retail spaces, facilitate pedestrian movement and open the historic Braithwaite arches to the public.

10 MATERIAL PLANNING CONSIDERATIONS

10.1 The main planning issues raised by the application that the Mayor of London and the Committee must consider are:

- Sustainable development
- The principle of development
- Housing
- Public open space
- Non-residential uses
- Design appearance and heritage assets
- Impact on neighbouring amenity
- Microclimate
- Transport, connectivity and accessibility
- Energy and sustainability
- Air quality
- Noise and vibration
- Contaminated land
- Flood risk
- Biodiversity
- Environmental Statement
- Community Infrastructure Levy and Planning obligations
- Other Local Finance Considerations
- Human Rights
- Equalities

Sustainable development

10.2 Planning authorities, including the GLA, must have regard to guidance in the NPPF that provides the Government's national objectives for planning and development management and the related guidance in the NPPG.

10.3 The Ministerial foreword to the NPPF (and paragraph 6) says that the purpose of planning is to help achieve sustainable development. Sustainable means *“ensuring that better lives for ourselves does not mean worse lives for future generations.”* Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population and respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate.

10.4 The foreword provides key themes to assess whether proposals would result in sustainable or unsustainable development and are relevant to Bishopsgate:

- *“Sustainable development is about change for the better.*
 - *Our historic environment can better be cherished if their spirit of place thrives, rather than withers.*
 - *Our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too frequent experience of mediocrity.*
 - *Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.”*
- 10.5 The Government advises that development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development is said to be the basis for every plan, and every decision. The Framework sets out clearly what could make a proposed development unsustainable.
- 10.6 Planning must be a creative exercise in finding ways to enhance and improve the places in which we live our lives. This should be a collective enterprise and not exclude people and communities.
- 10.7 The NPPF Introduction paragraph 7 explains that achieving sustainable development involves three dimensions:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places;
 - a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment.
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment.
- 10.8 Paragraph 8 emphasises that these roles are mutually dependent. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously with the planning system playing an active role in guiding development to sustainable solutions.
- 10.9 Paragraph 9 says pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life. This includes:
- making it easier for jobs to be created in cities,
 - achieving bio-diversity net gains;
 - replacing poor design with better design;
 - improving the conditions in which people live, work, travel and take leisure; and,
 - widening the choice of high quality homes.
- 10.10 Paragraph 10 emphasises that plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.
- 10.11 Paragraph 14 explains the presumption in favour of sustainable development means approving development proposals that accord with the development

plan without delay unless specific policies in the Framework indicate development should be restricted.

10.12 Bishopsgate Goods Yard is a long outstanding development opportunity. It is the borough's key development site within the City Fringe and the CAZ where the provision of jobs and homes on a long vacant site is strongly supported in principle.

10.13 The objective of achieving sustainable development is reflected in the Council's Core Strategy with Strategic Objective SO3 '*Achieving wider sustainability*' emphasising the achievement of environmental, social and economic development, realised through well-designed neighbourhoods, high quality housing, and access to employment, open space, shops and services.

10.14 Officers consider that when assessed against the development plan policies and the NPPF, whilst the proposed scheme contains many welcome aspects, when considered in the round (as required by the NPPF) the development involves fundamental flaws that mean the scheme does not amount to sustainable development. This opinion is supported when consideration is given to applicable core land-use planning principles set out at NPPF paragraph 17 that require planning decisions to inter alia:

- be genuinely plan led, empowering local people to shape their surroundings,
- be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
- support the transition to a low carbon future
- encourage the effective use of land by reusing land that has been previously developed;
- promote mixed use developments;
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in
- locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

10.15 The key concerns arising from the proposals that conflict with the Government's core land-use planning principles, demonstrate unsustainable development and indicate development should be restricted are:

1. A design involving excessively tall buildings that would substantially harm the surrounding context comprising significant and extensive designated heritage assets failing to fulfil the NPPF's environmental role.
2. A design that would cause unacceptable reductions of both sunlight and daylight to many surrounding buildings failing to fulfil the NPPF's social and environmental roles.
3. The failure to provide an adequate amount of affordable housing failing to adequately meet the NPPF's social role.
4. The failure to propose a mixed and balanced community particularly insufficient affordable family housing failing to adequately meet the NPPF's social role.
5. Failure to provide adequate pedestrian permeability through the site in conflict with Tower Hamlets Local Plan and the Bishopsgate Goods Yard IPG failing to fulfil the NPPF's environmental role.
6. Many of the proposed 2-person residential '*suites*' within the detailed elements would fail to meet the Mayor's minimum size standards or the Government's '*Technical housing standards – nationally described space standard*' March 2015 failing to meet the NPPF's social role.

The principle of development

- 10.16 Bishopsgate Good Yard is located within the 'City Fringe / Tech City Opportunity Area' (OA) identified at Map 2.4 page 79 of the London Plan. Annex 1, Table A1.1 page 345 identifies the OA for an indicative employment capacity of 70,000 jobs and a minimum of 8,700 new homes.
- 10.17 London Policy 2.13 '*Opportunity Areas*' states that development proposals within the OAs should:
- Support the strategic policy directions for OAs;
 - Seek to optimise residential and non-residential densities and where appropriate contain a mix of uses;
 - Contribute towards meeting (or where appropriate, exceeding) the minimum guidelines for housing and/or employment capacity; and
 - Support wider regeneration (including in particular improvements to environmental quality) and integrate development proposals to the surrounding areas.
- 10.18 London Plan Policy 3.7 '*Large residential developments*' encourages schemes of over 500 units and associated complementary non-residential uses in areas of high public transport accessibility such as Shoreditch.
- 10.19 Tower Hamlet's Core Strategy Programme of Delivery identifies Bishopsgate Goods Yard as a comprehensive regeneration area subject to the Bishopsgate Goods Yard Masterplan IPG. The IPG envisages the regeneration of the Goods Yard could deliver:
- 350,000 sq. m. of total development;
 - Up to 2,000 homes including affordable housing;
 - Approximately 75,000 – 150,000 sq. m. of non-residential floor space;
 - Approximately 1.8 hectares of publicly accessible open space.
- 10.20 Tower Hamlets MDD Chapter 3 provides Site Allocations. Site Allocation 1 is Bishopsgate Goods Yard identified for a comprehensive mixed-use

development to provide a strategic housing development, a local park, an Idea Store, commercial floor space and other compatible uses.

- 10.21 Including the maximum parameters for the outline elements within Plots D and E, and the detailed proposals for Plots C, F and G, the residential component across the site would comprise 165,928 sq. m. and provide up to 1,356 residential units of which 774 would be in LBTH and 582 in LBH. This is welcomed in principle and considered consistent with the development plan and the Bishopsgate Good Yard IPG.
- 10.22 The application also proposes up to 124,075 sq. m. of non-residential, employment generating, land uses. This includes up to 81,127 sq. m. of B1 business space on Plots A, B and K and up to 20,937 sq. m. of retail, financial and professional services, restaurants and cafes and hot food takeaways (Use Classes A1, A2, A3 and A5) spread throughout the development except for Plot I at park level.
- 10.23 The majority of the retail floor space would be located within LBTH (up to 13,521 sq. m. GEA), with a smaller proportion within LBH (up to 7,416 sq. m GEA). The site abuts the Brick Lane District Centre and the retail floor space is intended to create a retail hub at ground level within London Road along the Braithwaite Viaduct and the open spaces leading from Brick Lane to create active frontages.
- 10.24 Shoreditch has an identified deficiency of public open space, green space and play space. Overall, the scheme would provide 22,642 sq. m. (2.26 ha) of landscaped public open space. This is greater than envisaged by the IPG and would comprise:
- 9,767 sq. m. (0.97 ha) raised public park which would sit on the Braithwaite Viaduct above the existing brick railway arches.
 - 12,875 sq. m. (1.28 ha) landscaped ground floor public realm.
- 10.25 Additionally, the scheme proposes a maximum of 553 sq. m. (GEA) Class D1 use (Non-residential institution) which would be provided either in Plot H, Plot D or Plot E to provide a community centre and / or a GP surgery. A maximum of 689 sq. m. (GEA) of Class D2 (Assembly and Leisure) is proposed within Plots D or E within LBTH. The proposals also include the provision of public conveniences within Plots D or E.
- 10.26 The total floor space proposed is 286,420 sq. m. GEA across both boroughs. Whilst this is less than the upper limit 350,000 sq. m. suggested by the IPG, it is considered consistent with the guidance given the site's constraints. Overall, the proposed land uses are in principle considered compliant with the IPG and the development plan.

Housing

- 10.27 Increased housing supply is a fundamental policy objective at national, regional and local levels. This includes the provision of affordable housing.
- 10.28 NPPF Paragraph 7 advises that the second dimension of achieving sustainable development is a “social role” supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of

present and future generations. Paragraph 9 advises that pursuing sustainable development includes widening the choice of high quality homes.

Market and affordable housing tenure mix

- 10.29 NPPF Section 6 advises local planning authorities on ‘*Delivering a wide choice of high quality homes.*’ Paragraph 47 requires local plans to meet the full objectively assessed need for market and affordable housing and to identify and update annually a supply of specific deliverable sites sufficient to provide five years housing supply with an additional buffer of 5%.
- 10.30 The NPPF is very clear that local plans should set policies to meet identified need for affordable housing on site, unless off site provision or a financial contribution of broadly equivalent value can be robustly justified. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, paragraph 50 says local planning authorities should:
- “Where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.”*
- 10.31 London Plan Policy 3.3 calls for increased housing supply, refers to the pressing need for more homes in London and makes clear that Boroughs should seek to achieve and exceed their relevant minimum targets. The London Plan annual housing monitoring target for LBTH is 3,931 new homes between years 2015 to 2025.
- 10.32 London Plan Policy 3.8 ‘*Housing choice*’ requires borough’s local plans to address the provision of affordable housing as a strategic priority. Policy 3.9 requires communities mixed and balanced by tenure and household income to be promoted including in larger scale developments.
- 10.33 London Plan Policy 3.11 ‘*Affordable housing targets*’ requires boroughs to maximise affordable housing provision and to set an overall target for the amount of affordable housing needed in their areas. Matters to be taken into consideration include the priority for family accommodation, the need to promote mixed and balanced communities and the viability of future developments.
- 10.34 London Plan Policy 3.12 ‘*Negotiating affordable housing*’ requires that the maximum reasonable amount of affordable housing be sought. This should have regard to affordable housing targets, the need to encourage rather than restrain residential development, the size and type of affordable units needed to meet local needs, and site specific circumstances including development viability, any public subsidy and phased development including provisions for re-appraising viability prior to implementation. Affordable housing should normally be provided on site. In exceptional cases where it can be demonstrated robustly that this is not appropriate in terms of the policies in the Plan, it may be provided off-site. A cash in lieu contribution should only be accepted where this would have demonstrable benefits in furthering the

affordable housing and other policies in this Plan and should be ring-fenced and, if appropriate, pooled to secure additional affordable housing either on identified sites elsewhere or as part of an agreed programme for provision of affordable housing.

- 10.35 Tower Hamlets Core Strategy Policy SP02 (1) supports the delivery of new homes in line with the Mayor's London Plan housing targets. Policy SP02 (3) sets an overall strategic target for affordable homes of 50% until 2025. This is to be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability). Paragraph 4.4 explains:

Tower Hamlets faces significant housing challenges. There is a current affordable homes shortfall of 2,700 homes per year. Given the extent of housing need, Tower Hamlets has set an affordable housing target of up to 50%. This will be delivered through negotiations as a part of private residential schemes, as well as through a range of public initiatives and effective use of grant funding. In some instances exceptional circumstances may arise where the affordable housing requirements need to be varied. In these circumstances detailed and robust financial statements must be provided which demonstrate conclusively why planning policies cannot be met. Even then, there should be no presumption that such circumstances will be accepted, if other benefits do not outweigh the failure of a site to contribute towards affordable housing provision.

- 10.36 Bishopsgate Goods Yard is a crucial element within the Council's supply of land for both market and affordable housing. The 2010 Interim Planning Guidance (BG21) says:

"The development must provide a mix of housing tenures, including market sale, intermediate and social rented housing to meet local needs. In line with current planning policies a minimum of 35% affordable housing (calculated by habitable room) should be provided on site, subject to viability and site circumstances as outlined in the London Plan."

- 10.37 The scheme proposes that 10% of the habitable rooms within the development would be provided on site within LBTH as affordable housing. This is identified as 68 units providing 26 intermediate housing within Blocks C & D and 42 social rented units within Block E.

- 10.38 Within LBH, the affordable housing offer comprises a £12 million payment in lieu that would go towards providing affordable housing off-site although a site has not been identified. The applicant argues that *"If affordable housing were to be accommodated within Plots F and G, it would be limited to intermediate units as the residential towers would need a separate core and as such the service charges would be too high to be borne by a Registered Social Landlord (RSL)."*

- 10.39 The amended planning application is accompanied by a revised Financial Viability Assessment by DS2 LLP that assesses the site in terms of on-site infrastructure and constraints and considers the financial viability of providing affordable housing within the scheme. The assessment claims that no affordable housing is financially viable. However the applicant, recognising policies to achieve an element of affordable housing and to secure a mixed and balanced community, has offered a 10% on-site provision within LBTH.

- 10.40 The Financial Viability Assessment by DS2 LLP has been independently reviewed by PBP Paribas on behalf of both LBH and LBTH.
- 10.41 BNP Paribas advise that the scheme is generating a significant surplus which can be used to provide affordable housing. BNP Paribas indicate that the scheme can viably absorb 31% affordable housing on-site plus a £12 million payment in lieu. Indicatively, this surplus return would enable the conversion of the following blocks from private to affordable, assuming that the units are provided as affordable rent at a value of £242 per square foot:
- Block D (301 units)
 - Block E (56 units)
 - Total affordable 425 units (31%) plus payment in lieu of £12 million.
- 10.42 DS2's 2014 report asserts that *"debt finance for the project as a whole would generally not be forthcoming at a profit expectation below 20% Internal Rate of Return (IRR) on a present day model and a 25% un-gearred IRR on the outturn model (to be issued)"*.
- 10.43 BNP Paribas advise that the currently accepted IRR range on an ungrown and ungeared basis is between 12% and 14%. This was accepted at the London Borough of Tower Hamlets CIL Examination in Public and on the basis of the change in tenure above, the development would generate an ungeared, ungrown IRR of 14.75%.
- 10.44 BNP Paribas has also run an additional appraisal which applies 3% real growth (i.e. net of inflation on costs) on the residential sales values. The results indicate that the scheme could generate an IRR in excess of DS2's target of 20%.
- 10.45 There is also concerned about the length of the development programme. Given the uncertainty around many of the viability issues there could be a significant difference between current and outturn IRR. BNP Paribas advise that the councils (now the Mayor as local planning authority) should consider incorporating periodic review clauses in any section 106 agreement so that affordable housing provision can be maximised whilst also ensuring the scheme is deliverable. Officers note this approach to phased development and the delivery of affordable housing accords with London Plan Policy 3.12B and advice in the NPPG.
- 10.46 As submitted, officers advise that the proposed market / affordable tenure mix does not accord with the Mayor's London Plan policies outlined above, Tower Hamlets Core Strategy Policy 02 which seeks to deliver 35-50% affordable homes, or the minimum 35% required by Design Principle BG21 of the Bishopsgate Goods Yard IPG. Therefore the proposal is not policy compliant on affordable housing provision.
- 10.47 Further, the indicative phasing plan indicates the affordable housing would be delivered in the mostly in the later phases of the scheme. This is unacceptable and should be delivered at the beginning or in parallel with the private housing.

Residential density

- 10.48 London Plan Policy 3.4 requires development to 'optimise' housing output taking account of public transport accessibility, local context and character and

the design principles in London Plan Chapter 7. Table 3.2 provides a 'Sustainable residential quality density matrix (habitable rooms and dwellings per hectare)' for differing locations based on public transport accessibility levels (PTAL). For 'Central' areas with PTAL's 5-6, Table 3.2 provides an indicative density range of 650-1,100 habitable rooms per hectare (hrph) and 140 to 405 units per hectare u/ha. The Mayor of London confirms that development proposals which compromise this policy should be resisted.

- 10.49 Based on the net residential area (as required by paragraph 3.31 of the London Plan) the scheme would generate a density of 1,322 hrph or 514 u/ha across the site. This is 20% above the maximum recommended density.
- 10.50 Appropriate density must relate to the overall quality of the development proposed, including townscape. The Mayor's 'Housing' SPG paragraph 1.311 advises to optimise housing potential, in addition to public transport availability, of particular importance are respect for local context, good design, access to social infrastructure, open space and play provision. This balanced approach to optimising output is supported by the London Plan's broad design policies in Chapter 7 and the specific housing standards in Policy 3.5. Taking all these factors into account the Mayor defines 'optimisation' as 'developing land to the fullest amount consistent with all relevant planning objectives.'
- 10.51 Exceptionally, on individual developments, densities higher or lower than advocated by Table 3.2 may be acceptable where these can be clearly and robustly justified by local circumstances.
- 10.52 Paragraph 1.3.41 of the Mayor's 'Housing' SPG advises that proposals above the relevant density range must be tested rigorously, taking particular account not just of factors covered by Policy 3.4 but also other policies which are relevant to exceptionally high density development. These include different aspects of 'liveability' related to proposed dwelling mix, design and quality, physical access to services, long term management of communal areas, and the wider context of the proposal including its contribution to local 'place shaping' as well as concerns over 'place shielding'. The Mayor says it is particularly important to take account of its impact in terms of massing, scale and character in relation to nearby uses – design should be exemplary. Such proposals must also be assessed in terms of their bearing on the capacity of existing local amenities, infrastructure and services to support the development.
- 10.53 Given the Goods Yard's 'Central' location with high PTAL scores and its strategic importance, the site is suitable for high density development towards the upper end of the London Plan's range. The amended scheme proposes significant benefits including the introduction of a publicly accessible park and a public realm strategy on a site which is currently inaccessible to the public; a significant quantum of residential units; a GP surgery, offices and retail floor space.
- 10.54 However, when regard is given to the site's constraints, that limit its development potential, officers are not satisfied that a case has been adequately made for a proposal that significantly exceeds the London Plan's density range and adopted in the Bishopsgate IPG. There is concern that the proposal constitutes development that seeks to 'maximise' not 'optimise' the development potential. This is demonstrated by a series of buildings that would be excessively tall for the local context, cause substantial harm to the setting of designated heritage assets particularly conservation areas and with major

implications for living conditions in many surrounding residential premises due to unacceptable reductions of sunlight and daylight far below the recommendations of the Building Research Establishment. Officers note that the Mayor's Stage 1 Report is silent on this issue which is reported further below.

Residential tenure mix

10.55 The Mayor's London Plan policy 3.8 '*Housing Choice*' requires the Boroughs to work with the Mayor and local communities to identify the range of needs likely to arise within their areas and ensure that new developments offer a range of housing choices, in terms of the mix of housing sizes and types. London Plan Policy 3.9 '*Mixed and balanced communities*' says that communities mixed and balanced by tenure should be promoted across London including by larger scale development such as the Goods Yard scheme. London Plan Policy 3.11 '*Affordable housing targets*' requires 60% of the affordable housing provision to be social and affordable rent and 40% to be for intermediate rent or sale.

10.56 Tower Hamlets Core Strategy Policy SP02 requires:

- A tenure split for affordable homes from new development to be 70% social rented and 30% intermediate.
- A mix of small and large housing by requiring a mix of housing sizes on all new housing sites with a target that 30% should be family housing of three-bed plus and that 45% of new social rented homes be for families.

10.57 MDD Policy DM3 '*Delivering Homes*' requires development to provide a balance of housing types, including family homes, in accordance with the following breakdown:

Tenure	1 bed %	2 bed %	3 bed %	4 bed %
Market	50	30	20	
Intermediate	25	50	25	0
Social rent	30	25	30	15

10.58 The proposed residential mix across both boroughs on the maximum outline parameters for Plots D and E would be:

Plot	Studio	1 bed	2 bed	3 bed	4 bed	5 bed	Total
C	64	120	133	36	5		358
D	15	130	125	43			313
E		21	28	42	8	4	103
F	31	136	136	126			322
G	26	110	102	22			266
Total	136	517	514	172	13	4	1,356
%	10%	38.1%	37.9%	12.7%	1%	0.3%	100%

10.59 The residential mix within LBTH (Blocks C, D & E) on the maximum outline parameters for Plots D and E for both the market and affordable tenures would be as follows:

Unit size	Total units in scheme	Affordable housing						Market housing		
		Affordable rented			intermediate			private sale		
		scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %	scheme units	scheme %	Core Strategy target %
studio	79	0	0%	0%		0%	0%	79	11.2%	0%
1 bed	271	20	48%	30%	9	35%	25.0%	242	34.2%	50.0%
2 bed	286	11	26%	25%	12	46%	50.0%	263	37.3%	30.0%
3 bed	121	8	19%	30%	5	19%	25%	108	15.3%	20%
4 bed	13	2	5%	15%	0	0%		11	1.6%	
5 bed	4	1	2%	0%	0	0%		3	0.4%	
6 bed	0	0	0%		0	0%		0	0%	
TOTAL	774	42	100%	100%	26	100%	100%	706	100%	100%

10.60 In the market housing sector the proposal approaches policy compliance. There would be 45.4% studio and 1 bed units against a target of 50%, an oversupply of 2 bed units - 37.3% against a target of 30% and a small shortfall in family accommodation (3 bed +) 17.3% against a target of 20%. Overall and on balance, it is considered the mix in the market housing sector is reasonably compliant with Core Strategy Policy SP02 and MDD Policy DM3.

10.61 Within the affordable housing element there would be 62% affordable rented and 38% intermediate. This compares to the 60:40 ratio required by the London Plan and 70:30 ratio of Core Strategy Policy SP02. Given the London Plan 2015 is the latest plan to be adopted the proposed 62:38 ratio is broadly compliant although the borough's preference is for affordable rented housing.

10.62 Within the affordable rented sector 48% one bed units is proposed against a 30% policy target, 26% two beds against a 25% target, 19% three beds against a 30% policy target and 7% four beds or larger against a 15% policy target. The level of rented family sized units would be 26% against a 45% policy target. This is considered unacceptable and a consequence of a significant over provision of rented one bed units that is also considered unacceptable.

10.63 Within the intermediate housing, the proposal is for 35% one bed units against a 25% policy target, a 46% provision of two beds against a target of 50% and a 19% provision of three beds against a 25% target. The intermediate mix, as with the rented, fails to accord with policy targets being unacceptably skewed too heavily towards one bed units.

10.64 The outcome would be that of the 774 residential units in LBTH only 138 units (17.8%) would comprise family units against the 30% target of Core Strategy SP02 (5). Further, due to proposed tenure mix within the 10% affordable housing offer, only 6 units (2.07%) would comprise affordable family units of 3 bedrooms or larger.

10.65 It is considered that the proposed residential tenure mix fails to comply with NPPF advice, the Mayor's London Plan and Tower Hamlets Local Plan to secure mixed and balanced communities. The provision of an open space is not acceptable as mitigation in policy terms, nor is Policy DM3 'Delivering Homes' of the Managing Development Document defined as being subject to viability consideration.

Inclusive design

- 10.66 London Plan policy 3.8 '*Housing Choice*,' the Mayor's Accessible London SPG, and MDD Policy DM4 require 10% of new housing to be wheelchair accessible or easily adaptable for residents who are wheelchair users. All new housing should be built to Lifetime Home Standards.
- 10.67 The applicant states that within LBTH, of the 774 residential units within Blocks C, D and E, 277 units (36%) would be wheelchair accessible (all within Block C) and all the residential units across the site would be built to Lifetime Home Standards.
- 10.68 Although stated as compliant, the proposal does not include information enabling the assessment of whether it accords with London Plan Policy 3.8 with regard to Lifetime Homes design criteria and wheelchair accessible homes. Plan drawings demonstrating compliance on this matter would be the most appropriate way to demonstrate compliance.

Housing standards

- 10.69 London Plan Policy 3.5 '*Quality and design of housing developments*' requires new housing to be of the highest quality internally and externally. The Plan explains that the Mayor regards the relative size of all new homes in London to be a key element of this strategic issue. Local Plans are required to incorporate minimum spaces standards that generally conform to Table 3.3 – '*Minimum space standards for new development*.' Designs should take account of factors relating to '*arrival*' at the building and the '*home as a place of retreat*', with adequately sized rooms and convenient and efficient room layouts. Guidance on these issues is provided by the Mayor's '*Housing*' SPG 2012.
- 10.70 MDD Policy DM4 '*Housing Standards and Amenity Space*' requires all new developments to meet the internal space standards set out in the Mayor's SPG.
- 10.71 In March 2015, the Government published '*Technical housing standards – nationally described space standard*.' This deals with internal space within new dwellings across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. Relating internal space to the number of bed spaces is a means of classification for assessment purposes only when designing new homes and seeking planning approval (if a local authority has adopted the space standard in its Local Plan). Both the Mayor's London Plan and '*Housing*' SPG are currently being amended to reflect the national guidance.
- 10.72 For the detailed component (Plot C in LBTH and Plots F & G in LBH), the applicant claims (Planning Statement paragraph 6.75) that the sizes of the homes fully comply with the relevant standards set out in the London Plan Policy 3.5, Table 3.3 and LBTH Policy DM4.
- 10.73 Within Plot C in LBTH there would be fifty-two 2 person '*suites*' (self-contained studios or bedsitting rooms with showers but no baths) that would be 48 sq. m. i.e. 2 sq. m. below the Mayor's minimum standard and 3.5 sq. m below the national standard when storage space is taken into account. There would also be multiple undersized 2 person '*suites*' in Block F & G in LBH as small as 44

sq. m. These units would be compliant with the 37 sq. m. minimum requirement for one person dwellings set out in the development plan and the national standard but not for occupation by two persons as proposed.

- 10.74 Elsewhere within Plot C other units would be satisfactory in terms of overall size, room sizes and floor to ceiling heights.
- 10.75 Whilst specifications of the residential units within the outline proposals for Plots D & E in LBTH would require approval at the detailed planning stage, the submitted Design Guidelines provide a commitment that the key aspects of the residential layout would be designed to accord with the GLA's Housing SPG 2012 such as:
- The number of dwellings accessed from a single core should not exceed 8 per floor (SPG Annex 1 3.2.1)
 - Entrances should be illuminated and have level access over the threshold (SPG Annex 1 3.1.4)
 - Unit sizes should meet the minimum space standards (SPG Annex 1 4.1.1)
 - The development will seek to avoid single aspect dwellings that are north facing (SPG Annex 1 5.2.1)
 - Minimum floor to ceiling heights of 2.5 m (SPG Annex 1 5.4.1).

Aspect and natural light

- 10.76 MDD Policy DM25 '*Amenity*' requires adequate levels of natural light for new residential development and the avoidance of sense of enclosure. This requires careful consideration of layout and massing. Single aspect dwellings should be avoided. The Mayor's '*Housing*' SPG Standard 5.2.1 says developments should avoid single aspect dwellings that are north facing, exposed to noise levels above which significant adverse effects on health and quality of life occur, or contain three or more bedrooms. '*North facing*' is defined as an orientation less than 45 degrees either side of due north. The SPG adds that: '*Where possible the provision of dual aspect dwellings should be maximised in a development proposal.*'
- 10.77 Plot C (detailed component within LBTH) comprises a 6 storey podium (predominantly residential with retail units at ground floor) that would span around and over the London Overground railway box east of Shoreditch High Street station. Two residential towers would rise 24 storeys and 20 storeys above the podium.
- 10.78 South of London Overground, the Plot C podium contains a number single aspect town houses and flats but none would be larger than two bedroomed and all would be south facing. North of the railway all north facing units would be dual aspect. The two towers would be orientated perpendicular to Bethnal Green Road although the eastern tower would be splayed NW-SE. Within the towers there would be no north facing single aspect units.
- 10.79 There are flats on the 1st floor of Building C, at the eastern end, where bedrooms would have poor levels of light. A 1-bed unit to the north of the railway line would have a living room with a 0.7 Average Daylight Factor (ADF) and a bedroom with a 0.4 ADF which will mean that this will be a poorly lit unit which, because the elevation faces towards the northeast, will have little natural

sunlight in mitigation. The same flats on the 2nd and 3rd floors would also have relatively poor light.

- 10.80 On the 5th and 6th floors, there are duplex units on the external faces of the east and west wings where the living rooms in the centre of the elevations would have relatively poor levels of ADF, exacerbated by the very deep terrace and large internal room plans. The design is intended to give a significant amount of amenity space and an open plan aspect to the room which will affect the ADF results and, on balance, the design is considered acceptable especially considering the No Sky Line values are high. On the upper levels the bedrooms have relatively poor levels of light in the centre of the elevations as they face towards other tall blocks.
- 10.81 The same applies to units on the floors above and up to the 9th floor where some flats would have inadequate levels of light to most of their rooms.
- 10.82 On the east side of the block, the 2-person 'suites' located in the centre of the east elevation would have poor levels of light up to the 14th floor, below the level required for normal living room use. Again, the daylight is restricted by projecting balconies which exacerbate the impact caused by the blocks opposite.
- 10.83 The separation distances between habitable rooms within the two towers on Plot C would vary from approximately 27 m. and 35 m. This complies with the Council's 18 m. minimum guideline within MDD Policy DM25 to maintain privacy.
- 10.84 It is considered that the residential units within Plot C would be policy compliant in terms of aspect although some units would have poor levels of natural light.
- 10.85 Plot D (outline) is located on Sclater Street north of the Braithwaite Viaduct and is the central of the proposed residential buildings in LBTH. The site includes the former weaver's cottage, the former Mission Hall and the Goods Yard boundary wall. The new building would again comprise a podium with two linear blocks rising to maximum heights of 24 & 17 storeys located perpendicular to Slater Street.
- 10.86 The layout of the residential units within Plot D would require approval at the detailed planning stage.
- 10.87 The application drawings for Plot D comprise parameter plans indicating the maximum heights and widths of the new buildings. It is indicated that the minimum separation between the two towers would be approximately 15 m. and a maximum of some 22.5 m. Whilst the latter could be satisfactory, a separation of 15 m. breaches the MDD requirement and could be problematical in terms of natural light and privacy. This would need to be resolved at the detailed stage.
- 10.88 Plot E (outline) is also located south of Sclater Street and north of the Braithwaite Viaduct, east of Cygnet Street (a new pedestrian accessway) with a narrow frontage to Brick Lane. It is the easternmost of the proposed residential buildings in LBTH and would be predominantly residential above ground floor retail. Again there would be a podium (that may span London Overground) with two towers rising to between 45.4 m to 70 m. high (a maximum of 16 storeys) positioned parallel to Sclater Street at a right angle from the buildings on Plot D.

- 10.89 The layout of the residential units within Plot E would again require approval at the detailed planning stage to ensure satisfactory natural light and aspect. The applicant says *'The development will seek to avoid single aspect dwellings that are north facing.'* The disposition of the towers and separation from Plot D would ensure adequate privacy and indicate that satisfactory natural light could be achieved.
- 10.90 In summary, over 86% of rooms in the detailed elements of the scheme (including Plots F & G in Hackney) would have good internal daylight levels meeting ADF criteria whilst 14% would have poor internal lighting. The outline elements have potential to achieve good conditions.

Amenity space

- 10.91 The London Plan *'Housing'* SPG standard 4.10.1 (1) and MDD Policy DM4 require private amenity space to be provided at 5 sq. m. per 2-person dwelling and an extra 1 sq. m. per additional bedroom. Communal amenity space should be provided at a minimum of 50 sq. m. for the first 10 dwellings and 1 sq. m. for every additional unit. London Plan Policy 3.6, the Mayor's SPG *'Providing for Children and Young People's Play and Informal Recreation'* & MDD Policy DM4 require child play space provision at 10 sq. m. per child.
- 10.92 All residential units within Plot C in LBTH (and Plots F & G in LBH) would be provided with private amenity space meeting or exceeding the minimum standard. This would comprise a combination of balconies and winter gardens with additional communal gardens and roof terraces. The submitted details of the Plot C comply with standards. The details of private amenity space for the outline element (Plots D & E in LBTH) would require approval at the detailed planning stage.
- 10.93 Across the scheme 11,040 sq. m. of private communal amenity space, exceeding requirements, would be provided at different levels as follows:
- Ground level: 452 sq. m.
 - Park level residential gardens: 385 sq. m.
 - Roof level residential gardens: 3,524 sq. m.
 - Commercial garden private realm 4,053 sq. m.
 - Bio-diverse roofs: 2,626 sq. m.

 - Total private communal amenity space: 11,040 sq. m.
- 10.94 Additionally, residents would have access to the new 0.97 hectare park on top of the Braithwaite Viaduct.
- 10.95 External areas within the development have good sun or ground potential.
- 10.96 It is estimated that the development would generate 161 children requiring 1,610 sq. m. of play space on site. The proposal would provide 2,200 sq. m. of play space on site for all child age groups as illustrated by the applicant's Design and Access Statement. In addition, the public open spaces at Allen Gardens and Arnold Circus are within a 5 -10 minute walk, the former equipped with a wide range of play equipment.

Public open space

- 10.97 The delivery of new public spaces within the redevelopment is a requirement in the IPG and MDD Site Allocation. The IPG in particular identifies four main opportunities for new public open spaces:
- A green park on top of the Braithwaite Viaduct;
 - An new public square, opening on to Quaker Street, Braithwaite Street and Commercial Street as part of a new diagonal connection across the site, subject to bridging over the rail lines;
 - A public forecourt to Shoreditch High Street Station; and
 - A small urban square on Brick Lane with a connection to the higher level park above the Braithwaite Viaduct.
- 10.98 Whilst the delivery of the proposed new public spaces is welcomed there is concern about the timing of the delivery of the Braithwaite Viaduct Park. The IPG and MDD Site Allocation require its early delivery. The IPG in particular states that *'a key principle that will apply to any phasing strategy will be the delivery of the park above the Braithwaite Viaduct as part of the early phases of the main development'*.
- 10.99 A detailed landscape strategy has been submitted for the park, which articulates an attractive and thoughtful vision for this important piece of public realm. However, the park forms part of the outline application and a large part of it would not be delivered until the fourth, and final, phase of the development. The Braithwaite Viaduct Park has an important local role in place-making and it is considered that should the Mayor grant planning permission arrangements should be put in place that secure the early delivery of the park in its entirety.

Non-residential uses - Classes B1, A1, A2, A3 & A5, D1 & D2

- 10.100 The site is located in the CAZ identified by the London Plan and the Council's Local Plan Proposals Map. London Plan Policy 2.9 *'Inner London'* says boroughs should ensure the availability of appropriate workspaces for the area's changing economy. London Plan CAZ policies 2.10 and 2.11 outline the strategic priorities within CAZ locations requiring boroughs to enhance and promote the zone's unique international, national and London wide roles, supporting the distinct offer of a rich mix of local as well as strategic uses forming the iconic core of one of the world's most attractive and competitive business locations.
- 10.101 London Plan Policy 4.1 *'Developing London's Economy'* promotes the availability of sufficient and suitable workspaces for larger employers and small and medium sized enterprises. Policy 4.2 *'Offices'* supports the management and mixed use development of office provision. Policy 4.3 *'Mixed use development and offices'* requires the development of office provision not to be strategically constrained with provision made for a range of occupiers and to include a mix of uses including housing.
- 10.102 London Plan Table A1.1 *'Opportunities Areas'* page. 344 states that the City Fringe / Tech City Opportunity Area provides particular scope to become a business hub of major international significance and should nurture the employment, business and creative potential of the digital-creative sectors while ensuring supporting the provision of suitable levels of commercial floor space, supporting uses and related infrastructure to meet the needs of this growing

cluster. The Hackney part of the site is in a designated Preferred Employment Area and the Tower Hamlets part, while not in a Preferred Office Location, is within close proximity.

10.103 The GLA's Draft City Fringe Opportunity Area Planning Framework 2014 also supports offices and retail uses in this location.

10.104 The application documents indicate that around 6,000 jobs would be created by the proposed development, making a significant contribution to the wider Opportunity Area employment.

10.105 Tower Hamlets Core Strategy 2010 Strategic Objective SO4 'Town Centres' is to achieve a hierarchy of interconnected, vibrant and inclusive town centres that are mixed use hubs for retail, commercial, leisure, civic and residential. Core Strategy Policy SP01 'Refocusing on our town centres' identifies the First Tier of the town centre hierarchy as the CAZ where London Plan policy is to be applied. Core Strategy Policy SP06 'Delivering successful employment hubs' supports the provision of a range and mix of employment uses within the borough. In particular, there is an emphasis on retaining, promoting and encouraging flexible working spaces in town centres. MDD 2013 Policy DM1 'Development within the town centre hierarchy' reiterates this approach. Policy DM2 'Local shops' supports development of local shops outside of town centres where:

- a. *there is demonstrable local need that cannot be met within an existing town centre;*
- b. *they are of an appropriate scale to their locality;*
- c. *they do not affect amenity or detract from the character of the area;*
- d. *they do not form part of, or encourage, a concentration of uses that would undermine nearby town centres.*

10.106 MDD Policy DM15 (3) says that new development of employment floor space will need to provide a range of flexible units including units less than 200 sq. m. and less than 100 sq. m. to meet the needs of SMEs.

10.107 The application proposes up to 124,075 sq. m. of non-residential, employment generating land uses across the site. This includes up to 81,127 sq. m. of B1 office space on Plots A (within LBH) B and K (partially within LBTH) and up to 20,937 sq. m. of retail, financial and professional services, restaurants and cafes and hot food takeaways (Classes A1, A2, A3 and A5) spread throughout the development except for Plot I at park level.

10.108 The majority of the retail floor space would be located within LBTH (up to 13,521 sq. m. GEA), with a smaller proportion within LBH (up to 7,416 sq. m. GEA). The site abuts the Brick Lane District Centre and the retail floor space is intended to create a retail hub at ground level within London Road and the open spaces leading from Brick Lane to create active frontages. The refurbishment of listed Braithwaite arches for a mix of retail uses activating London Road, the elevated park, employment uses surrounding Shoreditch High Street station, retail activating the streets and public realm all show consideration of the IPG and MDD Policy DM24 'Place sensitive design.'

10.109 Whilst, the principle of employment use in this location is policy compliant and consistent with the IPG, the proposed B1 floor space does not fully accord with MDD Policy DM15 (3) in that it does not specify the number of flexible units or

amount of employment floor space that will be designed to meet the needs of SMEs (employment floor space for the purpose of this policy definition excludes retail) of less than 250 sq. m. and less than 100 sq. m. This is considered particularly important in the City Fringe / Tech City Opportunity Area.

- 10.110 The applicant's Planning Statement says that in the first instance the proposed marketing strategy is to secure a pre-let of approximately 150,000 sq. ft. (13,935 sq. m.) which is required to fund the scheme and that once this has been achieved and it is clear what space remains, a leasing strategy for the remaining floors can be established. Whilst the need for viability is recognised, there is an absence of detail on how and specifically where units meeting the SME requirements of Policy DM15 (3) will be provided. Equally, whilst it is appreciated that elements of the application are in outline, parameter guidance on SME provision, differentiated from overall B1 provision, has not been provided.
- 10.111 The proposal complies with the first part of IPG (BG18) which states that the western end of the site would be the most appropriate part of the site for larger scale office buildings. However, the second part of the policy which stipulates that flexible accommodation of a size suitable for small to medium businesses should be promoted across the site is not adequately demonstrated. The provision of SME space is particularly important in this location.
- 10.112 At Stage 1 the Mayor recognised the importance of this advising the two local authorities that full details of the management arrangements of the office floor space, including affordable and creative workspace should be secured, as well as opportunity for affordable retail space. It is considered the Mayor should secure adequate arrangements in a section 106 Agreement should permission be granted and an appropriate Head is recommended should permission be granted.
- 10.113 It is also considered that arrangements should be put in place to secure contributions and measures to support and/or provide the training and skills needs of local residents to access the job opportunities during both construction and within the employment sectors created by the final development including the provision of apprenticeships.
- 10.114 With regard to the proposed retail units, the Goods Yard sits within the CAZ and Tower Hamlets Activity Area. Core Strategy Policy 01 defines both areas as forming part of the town centre hierarchy where retail is an appropriate use as part of a mixed used development. Further, the MDD site allocation and IPG both allow for 75,000-150,000 sq. m. of new employment, retail and community across the site. Given this allocation, the proposal is compliant with the NPPF's sequential test and MDD Policy DM2.
- 10.115 To support the vitality of town centres, MDD Policy DM1 directs restaurants, public houses and hot food takeaways to the CAZ but provides policies to prevent overconcentration. Class A3, A4 or A5 uses should not exceed 25% of the total number of A Class units, the total percentage of A5 uses should not exceed 5% of the total number of units and there should be at least two non-A3, A4 and A5 units between every A3, A4 and A5 unit. An appropriate Head of Agreement is again recommended to the Mayor.
- 10.116 The scheme proposes a maximum of 553 sq. m. (GEA) Class D1 use (Non-residential institutions), which would be provided either in Plot H, Plot D or Plot

E to provide a community centre and / or a GP surgery as specified in BG23 of the IPG. An Idea Store specified by the IPG would fall within Class D1.

- 10.117 Overall, the proposed community facilities as submitted are not considered wholly compliant with IPG Design Principle BG22 which states that high density residential development will only be acceptable at the Bishopsgate Goods Yard site where it can be supported by an appropriate level of social infrastructure including health, education, childcare, community, leisure, cultural and sports facilities. The amount of floor space proposed for community facilities and infrastructure is not considered commensurate with the density of development proposed or to adequately mitigate the impact of increasing the local population significantly. The IPG requirement for community facilities is underpinned by the site allocation which stipulates the requirement of an Idea Store to be built within or adjacent to Brick Lane District Centre. A facility of 3,150 sq. m has been requested by Communities, Localities & Culture. The MDD Site Allocation No. 1 also stipulates an Idea Store and MDD Policy DM8 supports new health, leisure and social and community facilities located in or close to town centres in locations such as this. Heads of Agreement are recommended to the Mayor to secure both an Idea Store and a Doctor's surgery within the development as specified in the Local Plan and the IPG.
- 10.118 A maximum of 689 sq. m. (GEA) Class D2 (Assembly and Leisure) is proposed within Plots D or E within LBTH. The proposal does not demonstrate provision of cultural and sports facilities (other than a restricted member gym) compliant with BG22. Whilst the 0.97 ha park proposed is committed to provide sports and cultural related aspects, these are not '*facilities*' that meet the requirement of Design Principle BG23. The proposals include the provision of public conveniences within Plots D or E.
- 10.119 On balance, but subject to satisfactory arrangements within a legal agreement to secure an Idea Store and a GP surgery and to control the proportion and distribution of A3-A5 uses, no objection is raised to the non-residential uses proposed.

Design appearance and heritage assets

- 10.120 Statutory tests for the assessment of planning applications affecting listed buildings or conservation areas are found in Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. Section 66(1) relates to applications that affect a listed building or its setting. It requires the decision maker to: "*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*". Section 72(1) relates to applications affecting a conservation area. It states that "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*".
- 10.121 The special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas also applies to development adjoining a conservation area which includes all five conservation areas surrounding Bishopsgate Goods Yard.
- 10.122 The implementation of this legislation has been addressed in recent Court of Appeal and High Court Judgements concerning the proper approach for assessing impacts on listed buildings and conservation areas. These are

considered in more detail below however, the emphasis for decision makers is that in balancing benefits and impacts of a proposal, the preservation of the heritage assets should be given “*special regard / attention*” and therefore considerable weight and importance.

- 10.123 The NPPF is the key policy document at national level, relevant to the assessment of individual planning applications. The parts relevant to heritage, design and appearance are Chapter 7 ‘*Requiring good design*’ and Chapter 12 ‘*Conserving and Enhancing the Historic Environment*.’
- 10.124 Matters of overall scale, massing, height and materials are legitimate concerns for local planning authorities (NPPF paragraph 59).
- 10.125 Chapter 7 explains that the Government attaches great importance to the design of the built environment. It advises that it is important to plan for high quality and inclusive design, including individual buildings, public and private spaces and wider area development schemes. Planning decisions should not seek to impose architectural styles, stifle innovation or originality, but it is proper to promote or reinforce local distinctiveness. Local planning authorities should have local design review arrangements in place, and applicants should evolve designs that take account of the views of the community.
- 10.126 Chapter 12 relates to the implications of a development for the historic environment and provides assessment principles. It also identifies the way in which any impacts should be considered, and how they should be balanced with the benefits of a scheme.
- 10.127 NPPF Paragraph 126 states that in developing a positive strategy for the conservation and enjoyment of the historic environment local planning authorities should take account of:
- *the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
 - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality;*
 - *the desirability of new development making a positive contribution to local character and distinctiveness; and*
 - *opportunities to draw on the contribution made by the historic environment made by the historic environment to the character of a place.*
- 10.128 Paragraph 129 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal including by development affecting the setting of a heritage asset.
- 10.129 The NPPG provides related guidance on conserving and enhancing the historic environment and reiterates that conservation of heritage assets in a manner appropriate to their significance is a core planning principle (18a-003-20140306).
- 10.130 The relevant designated heritage assets at Bishopsgate Goods Yard are the Braithwaite Viaduct grade II, the Forecourt wall and gates and Oriel window grade II on Shoreditch High Street (within LBH), some two hundred and seventy two grade I, II & II* buildings in the vicinity including the Tower of

London World Heritage Site (1.7 kilometres to the south) and St. Paul's Cathedral (1.9 kilometres to the south west) and the five surrounding conservation areas.

- 10.131 NPPF Paragraph 132 confirms that in 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. Any harm or loss should require clear and convincing justification.
- 10.132 The effect of a development on heritage assets may be positive, neutral or harmful. Where a decision maker considers there is harm, the NPPF requires decision makers to distinguish between 'Substantial' or 'Less than substantial' harm. If a proposal will lead to substantial harm to or total loss of significance of a designated heritage asset, the approach set out in paragraph 133 is to be followed, namely that consent should be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm.
- 10.133 Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (paragraph 134).
- 10.134 In considering whether any harm to the significance of a designated heritage asset is substantial or less than substantial, account should be taken of the following advice in the NPPG:

What matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset. As the NPPF makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting.

Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the NPPF. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm."

- 10.135 In order to amount to substantial harm to the significance of a heritage asset, there would have to be such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced (Bedford Borough Council v.SSCLG [2013] EWHC 2847 (Admin) at paragraph 25.

10.136 Where a number of heritage assets are involved, and where a development has a number of elements, there may be different impacts across a site. These must be considered in forming a judgement on the acceptability of the planning application overall, in the context of relevant statutory and policy tests. Public benefits may be anything that delivers economic, social or environmental progress as described in the NPPF (Paragraph 7) and should flow from the proposed development. Public benefits may include heritage benefits, such as:

- *“sustaining or enhancing the significance of a heritage asset and the contribution of its setting,*
- *reducing or removing risks to a heritage asset,*
- *securing the optimum viable use of a heritage asset in support of its long term conservation.”*

10.137 The Mayor’s London Plan 2015 addresses the principles of good design and in appropriate locations preserving or enhancing heritage assets. This includes policy 7.4 ‘*Local Character*’ which requires development to have regard to the pattern and grain of existing streets and spaces, make a positive contribution to the character of a place to influence the future character of an area, and be informed by the surrounding historic environment. Policies 7.5 and 7.6 emphasise the provision of high quality public realm and architecture. Policy 7.7 provides criteria for assessing tall and large scale buildings defined at paragraph 7.25 as those that are substantially taller than their surroundings, cause a significant change in the skyline or are larger than the threshold sizes for applications referred to the Mayor. These all apply to the Goods Yard scheme.

10.138 Tall and large buildings should:

- a generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport;*
- b only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;*
- c relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;*
- d individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London;*
- e incorporate the highest standards of architecture and materials, including sustainable design and construction practices;*
- f have ground floor activities that provide a positive relationship to the surrounding streets;*
- g contribute to improving the permeability of the site and wider area, where possible;*
- h incorporate publicly accessible areas on the upper floors, where appropriate;*
- i make a significant contribution to local regeneration.*

10.139 The Plan adds that tall buildings should not impact on local or strategic views adversely and the impact of tall buildings proposed in sensitive locations should be given particular consideration. Such areas include conservation areas, listed buildings and their settings, registered historic parks and gardens, scheduled

monuments, or other areas designated by boroughs as being sensitive or inappropriate for tall buildings.

- 10.140 London Plan Policy 7.8 requires development affecting heritage assets and their settings to conserve their significance by being sympathetic to their form, scale, materials and architectural detail. Policy 7.9 refers to heritage-led regeneration and considers that schemes should identify and make use of heritage assets and reinforce the qualities that make them significant so they can help stimulate environmental, economic and community regeneration.
- 10.141 Relevant to the site's location within the CAZ, London Plan Policy 2.10 seeks to sustain and enhance the distinctive environment and heritage of the CAZ, recognising its strategic components and local features such as historic heritage and public realm. Policy 2.11 seeks solutions to constraints on office provision and other commercial development imposed by heritage designations without compromising local environmental quality, including through high quality design.
- 10.142 The Mayor's draft City Fringe Opportunity Area Planning Framework identifies a number of locations within the City fringe as having potential for tall or larger scale buildings, including Bishopsgate Goods Yard.
- 10.143 The Core Strategy vision for Shoreditch seeks to reinforce and reflect the historic qualities of Shoreditch to shape future growth. The principles of the development to achieve the Vision should seek to retain and enhance the traditional street pattern and medium-rise character of the area. Core Strategy SP10(4) seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well integrated with their surroundings.
- 10.144 These principles are followed in the MDD and Policy DM24 '*Place-sensitive design*' requires developments to be built to the highest quality standards, incorporating principles of good design. This includes being sensitive to and enhancing the local character and setting of a development, and use of high quality materials.
- 10.145 MDD DM26 '*Building Heights*' identifies a number of criteria that need to be satisfied when considering the appropriateness of a tall building. This includes the height being proportionate to the location in the town centre hierarchy. The tallest buildings should be located in preferred office locations of Aldgate and Canary Wharf. The heights are expected to be lower in the Central Activity Zone and Major Centres and expected to fall even more within District Centres such as Brick Lane. This relationship is shown within MDD Figure 9:

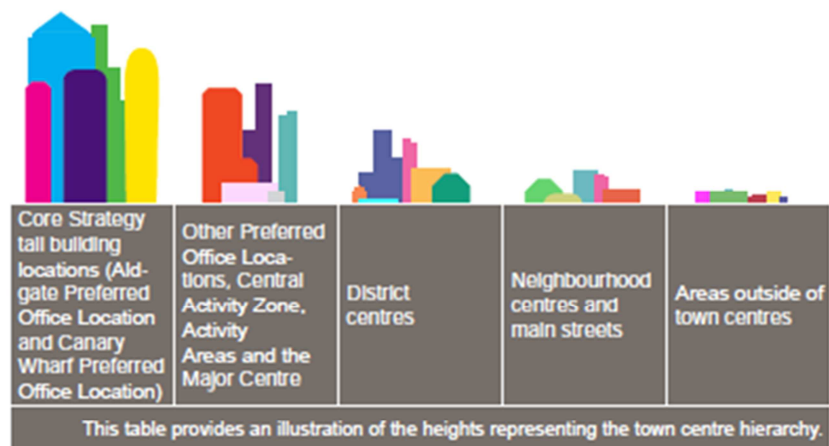


Figure 9: Illustration showing building heights for the Preferred Office Locations and the town centre hierarchy

10.146 Policy DM26 also requires development to achieve a high architectural quality which contributes positively to the skyline, not adversely affecting heritage assets or strategic views, presenting a human scale at street level including not creating unsuitable microclimate conditions. Tall buildings should also not adversely impact on biodiversity or civil aviation should consider public safety and provide positive social and economic benefits.

10.147 MDD Policy DM27 deals with 'Heritage and the Historic Environment.' Policy DM27 (1) provides that:

"Development will be required to protect and enhance the borough's heritage assets, their setting and their significance"

10.148 Policy DM27 (2) says that development within a heritage asset should not adversely impact on character, fabric or identity. Scale, form, details and materials should be appropriate to the local context and should better reveal the significance of the heritage asset.

10.149 Guidance provided by the Bishopsgate Goods Yard IPG on heritage and design matters is summarised at paragraphs 10.22 to 10.35 above. The broad principles are that:

- The development should enhance and integrate listed structures (BG6) with other historic structures should be retained and incorporated where possible including the former weaver's cottages and boundary wall on Sclater Street
- Proposals should reinforce the positive aspects of the area, responding to the existing urban environment (BG8).
- There should be transition in scale and building height from west to east. The tallest buildings should be sited west of Braithwaite Street.
- East of Braithwaite Street buildings should descend in height towards Brick Lane and be medium to low scale.
- Tall buildings should be set back from the street edge. Lower rise buildings fronting Bethnal Green Road should where possible relate to the immediate context.

10.150 Historic England advises that the setting of a heritage asset can be broadly categorised as having the potential to enhance or harm the significance of the

asset through the principle of development alone; through the scale, prominence, proximity or placement of development; or through its detailed design.

Analysis

10.151 The area surrounding the Goods Yard has a rich historic character, evidenced by a variety of built form that has evolved over many years. This is typically brought together in a fine-grained pattern of development, with many areas featuring tightly packed networks of streets, a rich mix of land-uses, and finely detailed and proportioned buildings. The redevelopment of the Goods Yard would inevitably be a modern and comprehensive scheme, and should not necessarily be a pastiche recreation of the surrounding neighbourhoods. It should, nonetheless, demonstrate an awareness of and sensitivity to the defining characteristics of its context so that it can integrate itself within the evolution of this part of London, rather than detract from its established character.

10.152 The importance of responding to the established local character is recognised by the Goods Yard IPG, which states that proposals should reinforce the positive aspects of the area, responding to the existing urban environment and street pattern taking into account:

- Building footprints;
- An appropriate width of spaces between buildings;
- Rhythm of architecture and building facades; and
- A variety of architectural approaches to create a genuine, interesting authentic place.

10.153 Overall, the proposed development is considered to fail to appropriately respond to local character through its scale and monumentality, particularly in the way that that it would address existing and new streets and spaces. Whilst the scheme would employ some architectural variety and interest, this would fail to overcome the failings arising from the proposed scale of the scheme and the way that this would relate to the character of the surrounding area.

Building footprints

10.154 The footprints of the individual buildings would be very large when compared to those found within the context of the site. For example, Plots A and B (in outline) would be combined to form a single building, which is shown in the Illustrative scheme to be large and monolithic totally at odds with the fine grained character of the adjacent Redchurch Street Conservation Area. Whilst the applicant's submitted Design Guidelines state that Plots A and B would be designed so that they are perceived as two separate buildings (paragraph 3.1.3.7, page 70) the design of the Illustrative Scheme does not successfully give this impression (see visualisations on pages 230 and 231 Design and Access Statement Volume). Due to the lack of permeability they do not appear as two separate buildings.

10.155 It is noted below that the development would not provide the degree of permeability envisaged by the various site specific planning guidance. The intention is that greater degree of permeability would help to break down building footprints to create a form of development that better reflects the fine

grained character of the surrounding area. This is particularly true of Plots A and B which are shown in the IPG and MDD Site Allocation as being bisected by a through route that is not included within the proposal.

Spaces between buildings

10.156 The space between individual buildings is an important element of the character of a development and the way that it relates to local context. However, the scale, mass and disposition of the buildings themselves are also important factors in determining the appropriate width of the spaces between them. On one hand, the spaces between buildings should respond to the fine grain pattern of urban streets that surround the Goods Yard, but on the other should provide sufficient setting for the buildings that define them. This balance can be struck by placing taller buildings on podiums or behind lower rise ones, to help define streets and spaces that are more responsive to local character and to help reduce any overbearing impacts from taller buildings. This design strategy is one of the design principles for taller buildings contained in the IPG (BG11). As explained below the proposed development does not adequately employ this design principle and would fail to integrate taller buildings into existing streetscapes, or create appropriate new ones.

Building heights (IPG BG10 to BG16)

10.157 The IPG notes that the Goods Yard has a varied context that presents opportunities for a variety of building scales. The development involves twelve buildings with heights ranging from 23.6 m. AOD to 177.6 m. AOD. Of these, eleven would have heights in excess of 50 m. AOD and five would be over 100 m. AOD. Whilst there are some instances of comparable building heights within the context of the development site towards the City, the predominant context of built form is significantly lower; comprised of the historic townscape of the five surrounding conservation areas. As such, the majority of the new buildings would meet the Mayor’s definition of a ‘tall’ building.

10.158 The proposed maximum building heights are:

Development Plot	Height of building (m AOD)	No. of storeys
Building A	79.2 m	14
Building B	87.4 m	16
Building C1	123.9 m	31
Building C2	111.4 m	27
Building D1	103.4 m	25
Building D2	76.3 m	18
Building E1	75.0 m	17
Building E2	50.4 m	10
Building F	177.6 m	47
Building G	152.4 m	39
Building K	50.5 m	7

10.159 The IPG sets out a number of design principles for tall buildings:

- Ensuring that height and volume present a carefully modelled massing when viewed from the adjacent conservation areas (BG10);
- Architectural treatment should avoid large-scale horizontal or flat elements that might emphasise building width (BG12);

- Utilising podiums or lower scale buildings to integrate development with the existing streetscape BG11);
- Avoiding a heightened sense of enclosure and overbearing impact (BG14);
- Improving permeability, accessibility and legibility to the site and wider context (BG16); and
- Not creating unacceptable impacts on microclimate (BG14).

10.160 As explained below, the height and volume of the development would result in unacceptable impacts on the setting of the four surrounding Tower Hamlets conservation areas and a number of listed buildings within them. As such the scheme is considered to fail to meet the aspirations of design principle BG10.

Use of podiums and sense of enclosure

10.161 The use of podiums or intervening lower rise buildings can help integrate tall buildings into existing streetscapes by creating a contiguous form of development at lower level, with building elements that respond to the scale and massing of the existing built context. This can also help to avoid a heightened sense of enclosure and limit any overbearing impacts of tall buildings. The IPG advocates podium or lower rise buildings that relate to the building heights of the surrounding context. In a number of instances, the design of the proposals does not follow this design principle and would fail to adequately mitigate the impact of tall buildings. For example:

- The Illustrative Scheme shows the building on Plot A (within LBH) presenting a sheer façade to Bethnal Green Road, with no setback of the upper elements (Design and Access Statement Volume 2 Figure 5.1.65 page 231).
- Plot B would repeat this effect with a sheer façade presented toward the new public space to the south of Shoreditch High Street station (Figure 5.1.66).
- The design of the podium for Plot C (detailed proposal) is considered too weak to mitigate the impact of the buildings above. In particular, the lift cores would be visible coming to ground behind the retained wall drawing the eye up to full height of the two buildings (Design and Access Statement Volume 3 Figures 6.2.3.125 and 6.2.3.128 pages 182 and 183)
- The building on Plot F (detailed proposal in LBH) would present a sheer façade to the street, with the full 177.6 m. height running uninterrupted to ground level (Design and Access Statement Volume 3 Figure 6.1.4.371 page 115).
- The building on Plot G (would present a sheer façade to the new Braithwaite Square with the full height running uninterrupted to ground level (Design and Access Statement Volume 3 Figure 6.1.4.371 page 115).

10.162 As a result of these failings, it is considered that the proposed development would fail to successfully integrate into the existing townscape or create acceptable streetscapes within the scheme. There would be a failure to create a human scale of development at street level with an oppressive form of development that would loom uncomfortably over the public realm. As such, it is considered that the scheme would fail to comply with IPG design principles BG11 and BG14.

Facing materials

- 10.163 The scheme would incorporate a large amount of facing brickwork, particularly on the four tallest residential towers within the detailed element. The design of these towers gives consideration to the use of different brick colours and tones to create variety and distinguish between different building elements. The layering of the facades and inclusion of metal detailing also recognises the need to introduce depth and visual interest to the appearance of the buildings. Plot C would also use black mottled faience tiles to clad the podium buildings. Different architects have designed the Illustrative Scheme for the office buildings proposed in outline on Plots A, B and K. The design of these plots would also incorporate brickwork to form the bases of the indicatively proposed buildings. Upper floors would feature large areas of glazing with some metal detailing. The Illustrative scheme for Plots D and E would use a beige masonry system with some red/brown brick, with the elevations distinguishing between the base, middle and top of the buildings.
- 10.164 The indicative design of the building on Plots A, B and K would feature large-scale horizontal elements that would emphasise their width (see Design and Access Statement Volume 2 pages 231, 294 and 295). As such, the scheme is considered to fail to meet the aspirations of design principle BG12.
- 10.165 On balance, it is considered that the proposed facing materials for the detailed elements are acceptable subject to the approval of samples. Materials for the outline elements would need to be considered as part of the reserved matters should permission be granted.

Impact on the setting of nearby conservations areas and listed buildings

- 10.166 The Council has published a character appraisal and management guidelines document for each of the four surrounding conservation areas in Tower Hamlets. These describe the character of the conservation area in detail, and set out guidelines for the preservation and enhancement of that character. In particular, the appraisal documents set out the key views from within each conservation area where its character can be best appreciated and which best illustrate its significance as a designated heritage asset. The impact of the proposed development on these views, amongst others, is illustrated in the Townscape and Visual Impact Assessment (TVIA) and Design and Access Statement (D&AS) submitted in support of the application. These confirm that the proposed development would result in significant harm to the setting of each of the four conservation areas in Tower Hamlets. Examples of these impacts are described below, although this is not an exhaustive list of the harm that would be caused.

Redchurch Street Conservation Area

- 10.167 The Redchurch Street Conservation Area Character Appraisal Management Guidelines (page 22) identifies a threat to the character of the designated area as *“The encroachment of development of an inappropriate scale upon the special character of the conservation area.”*
- 10.168 The view south from the corner of Chance Street and Old Nichol Street provides a good representation of the low scale and intimate character of the conservation area, which is referred to in the appraisal document. View 34 of the TVIA (page 195) illustrates how the buildings on Plot C would dominate this

view and harm the setting of the conservation area. It is also indicative of the failure to adequately mitigate the impact of the tall buildings by placing them on a podium or behind lower scale buildings. Almost the full height of the lift core to the western building on Plot C would be visible, with only a small proportion hidden by the historic wall. This creates a strong vertical element that would be an overbearing and discordant addition to this intimate and sensitive streetscene.

Boundary Estate Conservation Area

- 10.169 Similarly, referring to threats to the designated area, the Boundary Estate Conservation Area Character Appraisal and Management Guidelines say (page 18): *“The City Fringe is an area experiencing considerable change. This must be carefully guided to ensure that the quiet, residential character of the Boundary Estate is retained unharmed.”* The Appraisal also refers to the unique nature of the views down the radial roads from Arnold Circus, the focal point of the conservation area. These views provide a good representation of the cohesive character of the conservation area townscape, which is comprised exclusively of grade II listed buildings. Views 32 and 33 of the TVIA (pages 187 and 191) illustrate how the buildings on Plots A, B, C, D, E, F and G would all be visible to varying degrees in views from the circus. There would be no escape from the impact of the proposed development when taking in the views down these important radial routes. The way that these various elements of built form would loom over the roof tops of the listed buildings would detract from this high quality historic townscape and cause harm to the setting of the conservation area. This protrusion, as well as being distracting, would be in close proximity and create an overbearing sense of enclosure. This again is one of the threats identified by the Character Appraisal and Management Guidelines (page 18).

Brick Lane and Fournier Street Conservation Area

- 10.170 The Brick Lane and Fournier Street Conservation Area Appraisal identifies views along Brick Lane as being of importance to the character and appearance of the designated area. It also states that the character of Brick Lane is created by a general consistency of height and architecture, noting that typically building heights range from three to four storeys. Illustrative views of the proposed development, when viewed from Brick Lane, are presented in the D&AS (Volume 2, pages 111 and 256). These show how the Illustrative Scheme for the building on Plot E would be of a scale and mass that would loom over Brick Lane and disrupt this established character to an unacceptable degree. Similarly, other illustrative views (Volume 2 page 257) demonstrate the adverse impacts of the proposed development on the view from the junction of Brick Lane and Sclater Street and the view from near to the junction of Brick Lane and Cheshire Street (which contains an almost complete terrace of grade II listed buildings).
- 10.171 The development would also impact negatively on the southern part of the conservation area. View 46 of the TVIA (page 251) demonstrates the significant detrimental impact that the development would have on the setting of the conservation area in views from close to the junction Commercial Street and Wheler Street. The central feature of the particular view is the grade II listed Commercial Tavern; other listed and locally listed buildings are also visible. The western building on Plot C and the buildings on Plots F and G would all loom over and dominate the lower scale conservation area buildings in view.

Elder Street Conservation Area

- 10.172 The Elder Street Conservation Area Character Appraisal identifies the view along Elder Street as one of the most significant in the conservation area. It states that the value of this street comes from, amongst other things, the consistent proportions, harmonious relationship of buildings and prevailing domestic residential character. Many of the buildings along Elder Street are grade II listed. The impact of the proposed development on this view is illustrated in View 49 of the TVIA (page 263) in which the buildings on Plots F and G clearly would become dominant features, detracting from the positive characteristics of this view resulting in significant harm to the setting of the conservation area and the listed buildings within it.
- 10.173 The view along Blossom Street is also identified as being of significance in the character appraisal. Again, the proposed development would have a detrimental impact on this view as illustrated by View 60 of the TVIA (page 315), in which the towering vertical form of the building on Plot F would loom over the conservation area townscape and result in harm to its setting. This is another view that demonstrates the failure of the scheme to successfully mitigate the impact of tall buildings by placing them on a podium or behind lower scale buildings, with the eye being drawn along the full height of the building almost all the way to street level.

Impact on the Tower of London World Heritage Site

- 10.174 Core Strategy Policy SP10 requires the protection, management and enhancement of the Tower of London World Heritage Site (WHS), including its setting and surrounding area. MDD Policy DM28 requires new development to ensure that it does not negatively affect the setting Tower of London WHS and should be tested for its impacts on its '*Outstanding Universal Value*' (OUV) ensuring that this is sustained and enhanced. It also states that this includes development that would impinge upon strategic or other significant views to or from the sites.
- 10.175 The impact of the proposed redevelopment on the World Heritage Site is tested in the submitted Townscape and Visual Impact Assessment (TVIA). This presents the impact of the development on the setting of the WHS from a number of viewpoints. These include '*strategic*' views identified in the London View Management Framework (LVMF) 2012 and other significant views. Of particular concern, is the impact that the development would have on views from Tower Bridge, which is identified by Historic Royal Palaces Tower of London Local Setting Study as a key approach to the Tower. The study states that views from here are open and impressive and that the raised level enables views to have a significant appreciation of many aspects of the OUV of the Tower all along the route of the bridge. The study notes the current context of tall buildings in views from Tower Bridge and states that additional tall or bulky buildings around and in the backdrop of the White Tower could further diminish its perceived scale from this vantage point.
- 10.176 View 10 of the TVIA illustrates the impact that the proposed development would have on the view from the Tower Bridge South Bastion (upstream). Whilst not a view identified in the LVMF, it is nonetheless an important and highly sensitive view of the WHS, and one in which its OUV can be appreciated. This view demonstrates that the building on Plot F, despite being amended by the

applicant, would appear above the crenelated parapet of the White Tower and the building on Plot G would appear through the crenelated parapet to the right. In addition, the top of the tallest tower on Plot C would be visible to the right of the White Tower above the tree line in what is currently open sky.

10.177 These impacts are considered detrimental to the setting of the WHS as they disrupt the silhouette of the White Tower and compromise the free sky space around it undermining its visual dominance. As such, the proposed development would fail to meet the requirements of London Plan Policy 7.7, Policy 7.8 and particularly Policy 7.10 'World Heritage Sites.' The scheme is also inconsistent with Tower Hamlets Core Strategy Policy SP10 and MDD Policy DM28. These opinions are shared by both Historic England and Historic Royal Palaces and endorsed by the considerations and criteria of the Mayor's London World Heritage Sites Guidance on Settings Supplementary Planning Guidance 2012.

10.178 It is noted that the silhouette of the White Tower is already compromised by two existing buildings (One America Square in the City of London and the Nido building in Tower Hamlets). However, this is not considered any justification for further harm to the setting of this very important heritage asset. Whilst the harm caused is considered less than substantial it is not considered 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.

10.179 Whilst there is concern about the impact of the scheme on many local views and the Tower of London WHS; no conflict is identified regarding strategic views identified by the Mayor's London View Management Framework, including the two Background Areas of St. Paul's Cathedral, or London Plan Policy 7.11.

Impact on the on-site heritage assets

10.180 The redevelopment would involve physical interventions to a number of designated and un-designated heritage assets on-site. Designated heritage assets include the grade II Listed Braithwaite Viaduct. Non designated heritage assets include sections of the historic Goods Yard wall, the Weavers Cottages and the Mission Chapel on Scalter Street. These interventions are considered acceptable and in principle welcomed. Areas would be opened to the public where there is currently no public access and the viaduct arches put to beneficial new uses without undue adverse effect to the heritage assets including their setting. No objection is seen to the Mayor of London granting listed building consent subject to appropriate conditions requiring approval of detailed design elements which are not adequately detailed in the application drawings.

Summary

10.181 The Bishopsgate Goods Yard IPG sets out key requirements for the new development one of which (Paragraph 1.10) is that it *should 'integrate with the surrounding area, taking into account the local character.'* On page 99 of the submitted Design and Access Statement the applicant agrees that the first principle of their development is to *'ensure the site integrates with the surrounding area, taking into account the local character.'* However, in section 3.1.20 of the same document the applicant says:

'It [the proposed development] will be a new place with its own distinct scale, identity and character; it will not attempt to become a seamless part of the existing neighbourhood.'

- 10.182 For the reasons explained above, it is considered that the scheme would fail to accord with the design and heritage advice in the NPPF and breach sections 66 and 72 of Listed Buildings and Conservation Areas Act.
- 10.183 The development is also considered to conflict with London Plan Policy 2.10 '*Central Activities zone – Strategic Priorities*' as it would damage not sustain or enhance the distinctive environment in this part of the CAZ particularly the heritage of Shoreditch (Policy 2.10 d).
- 10.184 The development would also be inconsistent conflict with London Plan Policy 2.13 '*Opportunity areas.*' Whilst development should contribute to meeting (or exceeding) minimum guidelines for housing by optimising residential output, due to conflict with the Mayor's heritage policies, the scale of buildings proposed is beyond the optimum capacity of the site. This is confirmed by London Plan Policy 3.4 '*Optimising housing potential*' that requires schemes to take into account local context and character and the design principles in London Plan Chapter 7. The Plan confirms that development proposals which compromise this policy should be resisted. There would be similar conflict with London Plan Policy 3.5 '*Quality and design of housing developments*' as much of the scheme would not enhance the physical context and local character of Shoreditch.
- 10.185 There would also be conflict with London Plan Policy 7.4 '*Local Character*' and Policy 7.6 '*Architecture*' because many of the proposed buildings would fail to provide a high quality design response in terms of the scale and mass of surrounding buildings and fail to make a positive contribution to the streetscape and wider cityscape being inappropriate to its context.
- 10.186 Whilst the development meets a number of the criteria for the location of tall buildings provided by London Plan Policy 7.7 '*Location and design of tall and very large buildings*' (CAZ location, opportunity area, good access to public transport and appropriate ground floor uses) the policy requires all assessment criteria to be satisfied whereas the sheer scale proposed is inconsistent with three of the Mayor's criteria that says tall and large buildings should:
- b only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building,
 - c relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;
 - d enhance the skyline and image of London.
- 10.187 There would also be conflict with London Plan Policy 7.8 '*Heritage Assets*' as the development would not conserve the significance of the surrounding historic environment being unsympathetic in terms of form and scale. Whilst the regeneration of the Goods Yard and the utilisation of the heritage assets within it are welcomed, there can be no claim that the proposal amounts to heritage led regeneration (London Plan Policy 7.9) due to the damage the scheme would cause to setting of surrounding designated heritage assets.

- 10.188 The Tower Hamlets Core Strategy policy thrust for Shoreditch is “*Protecting areas of established character and townscape.*” Due to the unmitigated scale of many of the proposed buildings there is failure to satisfy the assessment criteria of Policies SP10 and SP12 that requires development to respect the local context and townscape qualities, the character, bulk and scale of the surrounding area and to contribute to local distinctiveness by architecture appropriate to the context through the synthesis of old and new.
- 10.189 The refurbishment of listed arches for a mix of retail uses activating London Road, the elevated park, employment uses surrounding Shoreditch High Street station, retail activating the streets and new public realm and residential across the site all show consideration of Policy DM24 ‘*Place sensitive design.*’
- 10.190 Neither the IPG nor the MDD Site Allocation 1 prescribe heights although a design principle is to focus larger scale buildings around the Overground Station with the tallest buildings west of Braithwaite Street diminishing to Brick Lane where they should be medium to low scale. It is considered that this principle has not been properly adopted with excessively tall buildings proposed inconsistent with MDD DM24 and DM26.
- 10.191 Overall it is considered the proposals would cause substantial harm to the setting of the surrounding conservation area and harm but less than substantial harm to the setting of the Tower of London WHS.

Impact on neighbouring amenity

Daylight and sunlight

- 10.192 The Mayor’s London Plan Policy 7.6 ‘*Architecture*’ requires buildings not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is said to be particularly important for tall buildings. Tower Hamlets Core Strategy Policy SP10 ‘*Creating Distinct and Durable Places*’ protects residential amenity and MDD Policy DM25 ‘*Amenity*’ requires development to ensure it does not result in unacceptable sunlight and daylight conditions or unacceptable increase in sense of enclosure. Design Principle BG14 in the Bishopsgate Goods Yard IPG provides:

“The location of tall buildings must not create unacceptable impacts on the amenity of existing future residents in terms of access to daylight and sunlight.”

- 10.193 Guidance on daylight and sunlight is contained in the Building Research Establishment (BRE) handbook ‘*Site Layout Planning for Daylight and Sunlight*’ 2011. For calculating daylight to neighbouring properties, affected by a proposed development, the BRE guide emphasises that vertical sky component (VSC) is the primary assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. For sunlight, applicants should calculate the annual probable sunlight hours (APSH) to windows of main habitable rooms of neighbouring properties that face within 90° of due south and are likely to have their sunlight reduced by the development massing. For shadow assessment, the requirement is that a garden or amenity area with a requirement for sunlight should have at least 50% of its area receiving 2 hours of sunlight on 21 March.

- 10.194 The applicant's Environmental Statement (ES) assessed the impact of the initial proposal on the sunlight and daylight impact on surrounding property. The assessment was undertaken by Gordon Ingrams Associates (GIA) and was independently reviewed for LBH and LBTH by Delva Patman Redler. JAGO Action Group also commissioned an independent assessment from the Building Research Establishment itself. The amended proposal is supported by a revised ES that updates the Sunlight and Daylight Assessment. This has again been independently reviewed for LBH and LBTH by Delva Patman. At the time of writing the BRE has not updated its report for JAGO. It is however considered that the amended scheme would not materially alter the BRE's initial assessment.
- 10.195 The Mayor's Stage 1 report is silent on daylight and sunlight issues and it considered that planning permission should not be granted for the proposed development until this important issue has been properly assessed as compliant with the development plan.
- 10.196 The ES seeks to make the case that the results should be considered to be acceptable if the resultant levels of VSC would be at a level commensurate with the general urban location. This is accepted. Delva Patman Redler advises that a VSC of 20% or above should be considered to be typical of this area and a VSC of 18%-20% could be depending on location.
- 10.197 The ES also refers to a hypothetical massing based on the Bishopsgate Goods Yard IPG that GIA calculate as providing an alternative baseline value against which the proposed development should be considered. This is not considered a valid methodology as the IPG does not provide specific guidance on the height and width of buildings and it is thus not clear how GIA derived the alternative values. Further, the alternative values appear to be low e.g. a VSC of 15% is given for buildings on the northern side of Sclater Street which represents a continuous wall of development opposite subtending a 45 degree angle in section whereas the IPG specifically advises against this.
- 10.198 The advice from the BRE and Delva Patman, using the data provided by GIA, (which both consultants assume to be correct) uses the existing site as baseline and may be summarised as follows:

Building Research Establishment Assessment

- 10.199 Because of the large number of buildings affected, the BRE focuses only on the worst affected ones. Loss of daylight would result in major adverse impact (a reduction of 40% or greater) to:

194-196 Shoreditch High Street,
15 Bethnal Green Road (2A/2B Chance Street),
17 Bethnal Green Road,
25 Bethnal Green Road (1 Club Row),
28-30 Bethnal Green Road,
32-42 Bethnal Green Road (Avant-Garde),
93-99 Sclater Street,
100-106 Sclater Street,
2-4 Chance Street,
19-29 Redchurch Street,
1-39 Redchurch Street,
48-50 Redchurch Street,

70 Redchurch Street,
119 Brick Lane,
1-16 Sheba Place,
Eagle Works, Quaker Street,
Wheler House, Quaker Street,
10 Quaker Street,
154 Commercial Street (Hollywood Lofts),
167-169 Commercial Street,
25 Wheler Street and possibly 30-32 and 44, 46, 52, 54A Redchurch Street.

10.200 Some of these buildings are blocks of flats and over 200 homes would be seriously adversely affected.

10.201 The BRE advise that GIA identify 1,584 windows which would fail the BRE VSC guideline for loss of daylight, of which 873 would lose more than double the guideline amount of a 20% reduction. This may be an underestimate, because the BRE identify dwellings at 192-193 Shoreditch High Street and 44, 52 and 54A Redchurch Street that have not been analysed.

10.202 The loss of sun would be limited to areas to the north of the site, but a large number of homes are nevertheless affected. There would be a major adverse effect on sunlight to:

194-196 Shoreditch High Street,
17 Bethnal Green Road,
25 Bethnal Green Road (1 Club Row),
28-30 Bethnal Green Road,
32-42 Bethnal Green Road (Avant-Garde),
19-29 Redchurch Street,
119 Brick Lane and possibly 70 Redchurch Street.

10.203 In addition to the major adverse impacts listed above, there would be a moderate impact (a reduction of 30% to 39.9%) or minor adverse impact (a reduction of 20.1% to 29.9%) to many other properties in the local area.

10.204 The BRE says that its Guidelines advocate a flexible approach to interpreting satisfactory levels of sunlight and daylight, for example in areas with modern high rise buildings. However, in this case the loss of light is particularly substantial for a very large number of existing dwellings with outcomes in many cases well below what would be expected in an urban environment such as this.

10.205 The BRE advises that the applicant's ES selects 18% VSC as characteristic of an urban location, but according to its own figures over 1,000 windows would end up with a VSC of less than 18%. The ES claims: *'Overall, out of the 162 properties assessed for daylight, 78 (48%) will experience a negligible impact, 46 (28%) a minor adverse impact, 6 (%) a minor to moderate adverse impact, 20 (12%) a moderate adverse impact, 8 (5%) a moderate to major adverse impact and 5 (3%) a major adverse impact.'* This is misleading because it implies that only 13 households would experience a moderate or major adverse impact but these two categories actually cover over 200 homes, because some of the properties affected are large blocks of flats.

10.206 There is a similar misleading statement in the ES on sunlight where it is stated that of the 112 properties assessed *'6 (5%) would experience a moderate to*

major impact and 11 (9%) a major adverse impact.' In reality these 16 'properties' comprise well over 100 homes.

Delva Patman Redler Assessment

- 10.207 Delva Patman agree with the approach adopted in the ES that daylight results should be considered acceptable if the levels of VSC that would remain after development would be commensurate with the general urban location. A resulting VSC of 20% or above should be considered to be typical of this area and a VSC of 18%-20% could be acceptable.
- 10.208 Delva Patman consider that given the scale of the Goods Yard development minor adverse impacts (a reduction of between 20.1% to 29.9%) are inevitable and suggests that properties suffering only minor adverse impacts, although not meeting BRE requirements, could be considered acceptable in the context of the development as a whole. It is therefore considered appropriate to assess the impact on those properties that will experience a moderate (a reduction of 30% to 39.9%) or major adverse (40% or greater) impact to any windows or rooms.
- 10.209 The ES identifies when moderate and major impacts would occur and Delva Patman identify the following properties in LBTH where they do not agree with the impact assessment and where the impact itself is at a level that must cause concern to the amenity of the neighbouring properties with lighting levels below that which can be considered reasonably good or unacceptable for an urban location:
- 104-106 Sclater Street
 - 100 Sclater Street
 - 119 Brick Lane
 - 46 Redchurch Street
 - 97-105 Brick Lane
 - 78 Quaker Street
 - 3 Club Row
 - 1-16 Sheba Place
 - 1-42 Eagle House, Quaker Street
 - 1-48 Wheler House, Quaker Street
 - 25 Wheler Street
 - 23-24 Wheler Street
 - 10 Quaker Street
 - 154 Commercial Street
 - 169 Commercial Street
 - 67 Commercial Street
 - 65-66 Bethnal Green Road
 - 19-29 Redchurch Street
 - 30 & 32 Redchurch Street (consent granted for demolition)
 - 15 Bethnal Green Road
 - 2-4 Chance Street
 - 17 Bethnal Green Road
 - 25 Bethnal Green Road
 - 70 Redchurch Street
 - 28-30 Bethnal Green Road
 - Avant-Garde – Blocks A & B
 - 14 Chance Street

- 10.210 Delva Patman Redler advises that the properties that experience the greatest reductions in annual probable sunlight hours (APSH) are generally those located to the north of the development and a significant reduction in sunlight is inevitable as a result of this large and tall development being located on an east west axis directly to the south. It is therefore suggested that as well as considering the percentage reductions in annual and winter sunlight, it is worth considering the retained levels of sunlight. In addition, it is necessary to have regard to the BRE advice that a reduction in APSH of up to 4% APSH in real terms is unlikely to be materially noticeable.
- 10.211 The principal impact on the neighbouring properties is in winter sunlight with significant reductions occurring. The scheme will effectively cut out most winter sunlight available to those properties to the north leading to significant increased shading during the months of September to March. The results for annual sunlight remain good, or at a level that can be considered reasonable for a dense urban location.
- 10.212 The ES contains summary diagrams for hours of sun exposure to the amenity areas tested and shadow plot diagrams. Eight amenity areas have been tested. Delva Patman advises that only two areas will not be left with more than 50% of their amenity areas seeing 2 hours of sunlight on 21 March. These are the Shoreditch House Swimming Pool (within LBH) and the internal courtyard to 1 Sclater Street. The Shoreditch House Swimming Pool would be left with 36% of its amenity space seeing 2 hours of direct sunlight on 21 March and the transient shadow assessment shows that this amenity area will be in shadow for much of the day through the winter months. The assessment for 21 June shows that it would be largely free from shadow during the summer months. The internal courtyard to 1 Sclater Street will have none of its area seeing 2 hours of sunlight on 21 March, being already overshadowed by existing buildings and will effectively be a fully shaded area during the winter months and also be largely shaded during the summer. The other amenity areas tested meet the BRE standard.
- 10.213 Delva Patman Redler makes no criticism concerning solar glare.
- 10.214 On 5th August 2015, the Planning Inspectorate (Ref. APP/E5900/A/14/2225592) granted permission for the redevelopment of the Huntingdon Industrial Estate (HIE), 2-10 Bethnal Green Road by a scheme up to 14 storeys that includes 78 residential units on the upper floors. The HIE site lies directly opposite and to the north of the proposed Plot B (16 storey office building) and Plot C (two residential towers 31 and 27 storeys) of the Goods Yard development. GIA have not assessed the impact of the Goods Yard development on the permitted HIE development where daylight and sunlight conditions are bound to be adversely affected particularly by the towers proposed on Plot C.
- 10.215 Officers conclude that there is evidence that the scheme would have unacceptable impacts on the amount of daylight and sunlight that would be received by many surrounding properties. There would be a commensurate and unacceptable sense of enclosure. It is considered that the extent and severity of the impacts are such that the development would not be consistent with the development plan conflicting with The Mayor's London Plan Policy 7.6 'Architecture', Tower Hamlets Core Strategy Policy SP10 'Creating Distinct and Durable Places' and MDD Policy DM25 'Amenity'. There would also be conflict with Design Principle BG14 in the Bishopsgate Goods Yard IPG that requires the location of tall buildings not to create unacceptable impacts on the amenity

of existing or future residents in terms of access to daylight and sunlight particularly the residential area north of the Goods Yard.

10.216 It is noted that the submitted Financial Viability Assessment by DS2 LLP (Appendix 3) includes a substantial “*Additional Development Cost*”. Whilst the purpose of this is unspecified, BNP Paribas understands it includes provision to meet Rights of Light claims.

Privacy

10.217 MDD Policy DM25 ‘*Amenity*’ also requires loss of privacy to also form part of the consideration as to whether a development will protect neighbouring residents and stipulates that a distance of 18 m. between opposing habitable rooms reduces inter-visibility to a degree acceptable to most people.

10.218 The IPG design principles BG10 & BG11 say the design and frontage of development Bethnal Green Road, Sclater Street and Brick Lane is central to integrating the development into its context and crucial when considering tall buildings. Tall buildings should be setback from the main street edges, either on a podium or behind lower rise buildings. The podium or lower rise buildings should relate to the building heights of the surrounding context.

10.219 In LBTH, the proposed development adopts this concept east of Braithwaite Street along Bethnal Green Road, Sclater Street and Brick Lane. At these locations the development proposes two residential towers on Plot C (detailed 31 and 27 storeys), two residential towers on Plot D (outline with parameter plans indicating approximate heights of 25 and 18 storeys) sited perpendicular to Bethnal Green Road and Sclater Street. Plot E (outline) would comprise a residential block approximately 17 storeys sited parallel to Sclater Street.

10.220 The residential accommodation and outdoor amenity space within the western tower proposed on Plot C would be set back from the retained Goods Yard boundary wall along Bethnal Green Road and Sclater Street by approximately 16.5 m. Similar accommodation in the eastern tower would be recessed from the wall by some 14 m. At these locations the distance across Bethnal Green Road from the boundary wall to the Huntingdon Industrial Estate and residential accommodation to the east on the northern side of Bethnal Green Road is some 25 m. to 35 m. The separation between the development on Plot C and existing and proposed residential buildings on the north side of Bethnal Green Road consequently exceed the Council’s 18 m. standard.

10.221 The distance across Sclater Street to the southern façade of the building 28-30 Bethnal Green Road & 2 Sclater Street is approximately 14 m. The separation between the development on Plot C and existing residential accommodation in that building would be some 28 m. also exceeding the Council’s 18 m. standard.

10.222 On Sclater Street, the Avant Garde development (sited between Sclater Street and Bethnal Green Road) comprises a 4-storey element No. 5 Sclater Street, the Avant Garde Tower and a series of 6-storey high residential courtyard apartments. These buildings are all located to the north of Plot D.

10.223 The maximum and minimum parameter plans for the two residential towers proposed at Plot D indicate that the towers would be set back from the Goods Yard boundary wall by between approximately 9 & 12 m. (western tower) and

between approximately 24 m. to 18 m. (eastern tower). The distance across Sclater Street to the Avant Garde development is some 13 m. The siting of both towers at Plot D on both the maximum and minimum parameters would therefore exceed the Council's separation standard. Further, part of the Avant Garde development at 5 Sclater Street also fitted with horizontal fins to maintain privacy.

- 10.224 At Plot E the application site boundary is set back by some 25 m from the back edge of pavement on the northern side of Sclater Street providing a compliant separation distance including to any new residential accommodation on Cygnet. Street.
- 10.225 In conclusion, both the detailed and outline elements indicate development that would comply with MDD Policy DM25 '*Amenity*' in terms of satisfactory privacy between existing and proposed buildings.

Microclimate

- 10.226 MDD Policy DM24 '*Place sensitive design*' requires development to take into account impacts on microclimate. The Goods Yard IPG requires tall buildings not to create uncomfortable environmental conditions such as high wind speeds for pedestrians at street level and public open spaces either adjacent to or within the development site. MDD Policy DM26 '*Building heights*' sets similar criteria.
- 10.227 The applicant's Environmental Statement includes an assessment of the potential impacts of the amended scheme on the wind microclimate within the site and the surrounding area. It considers wind impacts on pedestrian comfort following wind tunnel tests in accordance with the widely accepted Lawson Comfort Criteria (LCC). Five configurations were tested which included the baseline (as existing), one construction phase, the completed Proposed Development with existing surroundings and the completed Proposed Development with proposed (cumulative) surroundings.
- 10.228 The results of the baseline assessment show that the existing site and surrounding area experiences relatively calm conditions, with a wind microclimate that is suitable for '*standing or sitting*' (as per the LCC) at most receptors throughout the year, except for receptors located to the north of the site on Sclater Street, which are suitable for '*leisure walking*' during the windiest season.
- 10.229 During both construction and when the Proposed Development is complete, the wind environment at most areas of the site would be suitable for their intended uses with the exception of the passageways under the London Overground line; the northwest corner of Plot A; and several balcony and terrace areas within the development. Mitigation measures have been developed which demonstrate ways in which the windier areas can be sheltered. It is claimed that overhead porous baffles suspended from the underside of the London Overground Viaduct would reduce the impact to '*minor adverse*' at pedestrian thoroughfares. A combination of balustrades, screens and soft landscaping would provide beneficial shelter to roof terraces the detail of these would need to be reassessed during the detailed design phase.
- 10.230 The Assessment notes that Plots A, B, D, E and K were tested as outline schemes using the maximum parameters of each plot, in order to provide a

conservative (i.e. relatively windy) result until detailed design of these plots is reached. The minimum parameter plans would be expected to create wind conditions that are locally calmer than the conditions measured in the current assessment. It is advised that the wind microclimate and any mitigation measures should be reassessed during detailed design of these Plots.

Transport, connectivity and accessibility

- 10.231 The NPPF emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, with access to high quality public transport facilities, create safe and secure layouts minimising conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 10.232 The London Plan, reflecting policy in the NPPF, seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Tower Hamlets Core Strategy 2010 Strategic Objective SO20 seeks to: *“Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.”* Policy SP09 provides detail on how the objective is to be met.
- 10.233 MDD Policy DM20 reinforces the need for developments to demonstrate that they would be properly integrated with the transport network without unacceptable impacts on capacity and safety. It emphasises the need to minimise car travel and prioritises movement by walking, cycling and public transport. MDD page 90 Site Allocation 1 shows walking and cycling routes running east-west and north south through the site.
- 10.234 The western part of the site achieves the highest possible public transport accessibility (TfL PTAL 6b) the eastern part has PTAL 5 making the site appropriate for high density development.
- 10.235 The nature of the Goods Yard today means that it is a barrier to movement and lacks good connections to the surrounding area. The IPG (BG2 & BG3) seeks access improvements that should focus main connections through the site:
- North to south by re-opening and upgrading Braithwaite Street for pedestrians and cyclists. Access for small vehicles to service the space beneath the Braithwaite viaduct should be at the southern end. General through access for vehicles should not be provided on Braithwaite Street.
 - East to west by re-opening London Road between Braithwaite Street and Brick Lane as an enclosed public street serving new shops, businesses, leisure and cultural uses in the arches beneath the Braithwaite viaduct.
 - Extending the main east west route from Braithwaite Street to Shoreditch High Street incorporating the listed forecourt wall and gates (in LBH) as an entrance feature,
 - Connecting the diagonal route between Bethnal Green Road and Norton Folgate by bridging over the open railway lines into Liverpool Street.

- Creating secondary east-west routes between Brick Lane and Braithwaite Street running parallel to London Road and also cross the top of the Braithwaite viaduct through a new linear open space;
- Creating secondary north south routes into the site from Bethnal Green Road and Sclater Street.

Servicing

10.236 There would be four main servicing access points. The primary route would be from the southern part of Braithwaite Street (serving Plots K, F & G). There would be secondary routes, one from Bethnal Green Road (serving Plots A and B), and two from Sclater Street serving Plots C, D and E involving two new access ways (Farthing Lane and Cygnet Lane) running south from Sclater Street. A further access point from Brick Lane is proposed for smaller vehicles to access the London Road shops beneath the Braithwaite Viaduct.

10.237 All vehicular servicing would take place within the site boundary, which is acceptable. However, two residents 'pick up drop off' spaces are proposed in Sclater Street near the junction with Bethnal Green Road. Although the proposed loss of parking bays in Sclater Street would not result in any detrimental effect on current demand as they are underutilised, Transportation & Highways advise that for this size of development all vehicle activity should take place within the site and the public highway should not be used as an extension to the development. This is a matter for the Council as highway authority.

10.238 The applicant has offered to secure a site wide Delivery and Servicing Plan for individual plots / phases to be secured by a section 106 agreement. Officers consider a condition on any planning permission would suffice.

Pedestrian and cycle access

10.239 The IPG identifies improvements to walking and cycling permeability through the site of paramount importance. Primary pedestrian access is proposed from Braithwaite Street, Shoreditch High Street (via the Oriel Gateway in LBH) and from Brick Lane to Braithwaite Street south of the Braithwaite Viaduct by the opening up of the existing London Road. There would be secondary pedestrian accesses from Braithwaite Street to Commercial Street (Phoenix Place) and south from Sclater Street via the proposed routes Farthing Lane and Cygnet Lane as suggested in the IPG.

10.240 The IPG, MDD Site Allocation and Draft City Fringe OAPF all envisage improved north-south connections through the Goods Yard. These documents recognise that bridging over the railway lines to the south of the site would be necessary to create any new north south connections. The OAPF notes that currently the main north-south route for pedestrians and cyclists travelling from Hackney Road to Aldgate involves using Brick Lane. It states that, where possible, opportunities to address this should be taken to provide a more legible north-south link. The building proposed for Plot K now spans the railway lines.

10.241 There would be one primary cycle route running north – south through the site along Braithwaite Street maintaining connections with existing cycle route to the south and along Chance Street to the north. The IPG and the MDD also advocate an east west cycle route but no such route is proposed within the development with cycling discouraged.

- 10.242 The development would provide two new access points running south from Sclater Street. These would not provide any direct connection to the south and would require east or west movement to connect to existing north-south routes to achieve any onward connections. The new routes would only be open to pedestrians.
- 10.243 Both the IPG and the MDD Site Allocation envisage a secondary east-west connection through the eastern part of the site (between Brick Lane and Braithwaite Street). This connection is absent from the proposed development. Consequently the scheme relies on London Road to provide important integration between the City and the Goods Yard and the residential community and wider area to the east. This is considered an important omission that would also beneficially open up the arches on the northern side of the listed viaduct.
- 10.244 The IPG, MDD Site Allocation and Draft City Fringe OAPF all envisage a diagonal route through the Goods Yard between Bethnal Green Road and Shoreditch High Street, crossing the south-western part of the Goods Yard. The OAPF states that this will help to establish a sense of continuity of quality public space and better linkage between public transport infrastructure and emerging development proposals.
- 10.245 The proposal does allow part of this connection linking Braithwaite Street to Commercial Street via a new route Phoenix Place. The connection would also be possible via two sets of stairs and an elevated walkway running to the south of plots F and G. Neither of these routes would be available to cyclists. On balance the alignment of Phoenix Place is considered satisfactory. It would be closer to the junction of Norton Folgate / Shoreditch High Street with Commercial Street and make it less likely that pedestrians would use Elder Street that has been a criticism.
- 10.246 It is proposed the new pedestrian routes through the Good Yards would provide 24 hour access '*as far as practicable.*' Should planning permission be granted, it is considered the Mayor should reach agreement with the developer to secure the use of these pedestrian routes by the public 24 hours a day.
- 10.247 Block K would result in the narrowing of Quaker Street, including its junction with Commercial Street. Adequate footway width on the northern side of Quaker Street should be maintained to accommodate the increased footfall generated by the development. If the development proceeds, this should be subject to a section 278 agreement with the Council, as should other essential works to the public highways surrounding the site.
- 10.248 The Mayor's Stage 1 Report says that TfL has requested section 106 funding for cycling infrastructure around Shoreditch Triangle. This would benefit cyclists in the City and Hackney but not LBTH. Both the Bishopsgate IPG and the MDD Site Allocation 1 for Bishopsgate Goods Yard shown north south and east west cycling routes additional to Braithwaite Street. Given these are absent from the development and are likely to result in additional cycle traffic to the south of the site and along Bethnal Green Road, Highways and Transport advise that section 106 funding for the following cycle mitigation works and provide the link in LBTH should be provided:

- £250k for cycle route improvements along Bethnal Green Road including up-grade of facilities between St. Matthews Row & Chilton Street;
- £300k for cycle and pedestrian linkages improvements in vicinity including links southwards in Quaker Street, Wheler Street and Braithwaite Street;
- £250k for improvements to provide a pedestrian crossing along Bethnal Green Road in vicinity of development;
- £150k for road safety junction review & improvements at Bethnal Green Rd / Brick Lane.

10.249 The proposals are considered to demonstrate general compliance with the MDD and the IPG. The absence of improved facilities for cyclists is regrettable but the developers desire to avoid pedestrian / cycle conflict within the development, for example within the enclosed London Road, is appreciated. The absence of an east west pedestrian route north of the viaduct is however considered an important omission.

Car parking

10.250 London Plan Policy 6.13 '*Parking*' explains the Mayor wishes to see a balance struck between promoting development and preventing excessive parking provision. Table 6.2 sets out maximum parking standards. In areas with good public transport accessibility (including PTAL 5-6) development should aim for significantly less than 1 space per unit, adequate parking for disabled people must be provided preferably on site and 1 in 5 spaces should provide an electric vehicle charging point both active and passive. In areas with high PTAL, car free development should be promoted while still providing parking for disabled people. Core Strategy Policy SP09 (4) and MDD Policy DM22 (2) require development located in areas of good PTALs to be '*permit free*'. In areas with PTAL 5-6, MDD Appendix 2 allows for 0.1 spaces for 3 bedroom plus units.

10.251 The scheme proposes maximum total of 51 car parking spaces at basement level under the southern edge of Plot D associated with the residential units. It is intended that non-residential uses would be car free. It is proposed that all car parking would be provided within triple car stackers accessed by two lifts and operated by a concierge. The car stacking parking system would be available to residents of the development subject to a lease with the management company.

10.252 In all phases, spaces would first be offered to those wheelchair accessible units on a first come first serve basis. The proportional level of car parking would then be released to the remainder of that phase. A minimum of five spaces (10% of all parking) would be maintained available for any new disabled resident to the site who purchases a wheelchair accessible unit and requires a parking space. They would be allocated one of the five free bays, and at the next lease review one of the other spaces would be freed to allow the five free spaces to be maintained. It is proposed that a maximum of 50% of the parking spaces would be allowed to be sold on long term leases (be they to disabled residents or otherwise), any other lease on a parking space would have six monthly break clauses. It is proposed that the management company would be allowed the flexibility for the five non-leased spaces to be used by visitors to the site on a booking system.

10.253 The developer confirms a permit free agreement would be implemented to ensure that residents are not eligible for on street parking and suggests a Car

Parking Management Plan secured through a section 106 agreement demonstrating how the disabled parking spaces would be allocated and managed during the different phases of development.

10.254 A minimum of 20% of car parking spaces within the basement would provide access to electric charging facilities and a further passive provision of 20% for future conversion in accordance with the London Plan standards.

10.255 Whilst Highways and Transport and TfL advise that there should be no general car parking on site (except for registered Blue Badge holders and those that qualify under the Permit Transfer Scheme), the proposed parking provision would be 0.03 of a space per unit which is consistent with the development plan.

Cycle parking

10.256 Long and short term cycle parking would accord with London Plan Table 6.3 and LBTH standards. There would be 2,059 residential spaces and 970 spaces for the retail and business uses in secure and covered areas within ground floor and basement stores. Shower and changing facilities for office and retail staff would be provided. 277 visitor cycle spaces would be provided for residential and non-residential uses. Additionally, there would be two new cycle hire docking stations at the southern end of Braithwaite Street and on Shoreditch High Street with 60 cycle hire spaces proposed.

10.257 Should the Mayor decide to grant planning permission, Highways and Transport recommends there should be a 'Permit Free' agreement and the following conditions are applied:

- All approved car parking spaces to be retained and maintained for their approved use only for the life of the development. No renting out / leasing of spaces to non-residents.
- A Car Parking Management Plan to be submitted and approved prior to first occupation.
- All approved cycle facilities to be retained and maintained for their approved use for the life of the development.
- A Service Management Plan for all uses to be submitted and approved prior to first occupation.
- A Demolition / Construction Logistics Plan to be submitted and approved prior to any works taking place.
- A Travel Plan for all uses to be submitted and approved prior to first occupation.
- To require a section 278 agreement to fund necessary works to the public highway.

Energy and sustainability

10.258 The NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.

10.259 London Plan 2015 Chapter 5 deals with London's response to climate change and Policy 5.1 seeks to achieve an overall reduction in carbon dioxide emissions of 60% below 1990 levels by 2025. Policy 5.2 sets out the Mayor's energy hierarchy and requires major development, both residential and non-domestic, to achieve a minimum improvement in CO₂ emissions 40% above

Part L of the Building Regulations 2010 in years 2013-2016. From 2016 residential buildings should be zero carbon. Non domestic buildings should be zero carbon from 2019.

- 10.260 Tower Hamlets Core Strategy Strategic objective SO3 seeks to incorporate the principle of sustainable development including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. Core Strategy Policy SP11 reiterates the Mayor's CO2 reduction targets and requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 10.261 MDD Policy DM29 reiterates the London Plan targets except it increased the savings target for residential buildings to 50% above Building Regulations 2010 during years 2013-2016. This is now interpreted to mean 45% above Building Regulations 2013.
- 10.262 In March 2015 the Government withdrew the Code for Sustainable Homes and made it clear that any policy relating to energy/carbon reduction should not require anything over the equivalent of defunct CFSH level 4.
- 10.263 In April 2015, the GLA released new guidance on preparing energy assessments which says the Mayor will adopt a flat carbon dioxide improvement target beyond Part L 2013 of 35% to both residential and non-residential development.
- 10.264 The proposed Energy Strategy is broadly supported and compliant with the Mayor's energy hierarchy. The Strategy anticipates achieving a 27% reduction in CO2 emissions above Building Regulations Part L and identifies that a residual amount of regulated CO2 emissions above the local targets (35% reduction over Part L 2013 for Hackney and 45% reduction over Part L 2013 for Tower Hamlets) will remain after reduction from passive design, energy efficiency and locally generated energy.
- 10.265 In accordance with London Plan Policy 5.2 (E), Tower Hamlets Planning Obligations SPD requires any shortfall in CO2 reduction to be met through a cash in lieu contribution for carbon offsetting projects.
- 10.266 There would be a fall short against policy requirements of 18% that equals 930 tonnes of regulated CO2. It is proposed this is offset by a cash in lieu payment currently at a cost of £1,800 per tonne = £1,674,000. A Head of Agreement is recommend to the Mayor to secure such payment to LBTH should planning permission be granted.
- 10.267 MDD Policy DM29 also requires sustainable design assessment tools to be used to ensure development maximises climate change mitigation measures. All non-residential development is required to achieve a BREEAM excellent rating.
- 10.268 The submitted Sustainability Statement identifies how the scheme responds to the London Plan SPG on Sustainable Design and Construction with commitments to energy efficiency, water efficiency, waste management and cyclist facilities. These measures are supported.

- 10.269 The proposals are for BREEAM '*Excellent*' for the office buildings and an ambition for BREEAM '*Excellent*' for the retail buildings. It is recommended that the non-residential elements are secured through reserved matters applications.
- 10.270 Planning conditions are also recommended requiring the approval of a site wide Energy Strategy Delivery Statement including phasing of proposals and operational arrangements of CHP together with PV details and specification.

Air quality

- 10.271 MDD Policy DM9 '*Improving air quality*' requires major development to submit an Air Quality Assessment demonstrating how it will prevent or reduce associated air pollution.
- 10.272 The submitted ES has assessed the impact on air quality that would occur as a result of the construction and operation of the development in terms of traffic generation and the on-site energy centre emissions on Plots C, E, F and G.
- 10.273 The ES concludes that during the construction phase, levels of airborne dust would increase. However, such increases would be infrequent and could be controlled by mitigation measures during the construction works. In terms of the increase in traffic generated by the scheme, the assessment considers that the changes in air quality due to road traffic would be negligible. The impact on air quality as a result of the energy centres in the development is considered to be minor adverse to negligible.
- 10.274 Overall, the assessment concludes that the development would not have a significant impact on air quality. This is considered consistent with London Plan Policy 7.14 '*Improving air quality*' and Core Strategy Policy SP03 '*Creating healthy and liveable neighbourhoods*' that seek to achieve reductions in pollutant emissions and minimise public exposure to pollution.

Noise and vibration

- 10.275 The ES includes an assessment of the potential and residual impacts on noise and vibration during the demolition and construction phase and on completion and occupation of the development.
- 10.276 The assessment concludes that suitable mitigation can be implemented during construction and in the fabric of the proposed buildings to provide suitable levels of internal noise and vibration for their intended uses. This complies with London Plan Policy 7.15 '*Reducing and managing noise*' that seeks to reduce and manage noise, improve and enhance the acoustic environment and to promote appropriate soundscapes. It is also consistent with Core Strategy SP10 '*Creating distinct and durable places*' that requires development to use design and construction techniques to reduce the impact of noise, together with MDD Policy 25 '*Amenity*' which seeks to limit the impact of existing noise and vibration sources on new development and from new development.
- 10.277 Should the Mayor grant planning permission it is recommended that conditions are imposed to secure satisfactory details of acoustic glazing and ventilation to the residential accommodation and to ensure that the noise level emitted from any plant/machinery/equipment of any extract/ventilation/air conditioning shall be lower than the lowest existing background noise level by at least 10 dBA.

Contaminated land

10.278 Due to the former railway uses of the site the land could be contaminated. Environmental Protection advises that a site investigation is required to identify any contamination and to ensure that any contaminated land is properly treated and made safe before development. A condition requiring a contamination report and associated investigation is recommended in accordance with MDD Policy DM30 is recommended to the Mayor should planning permission be granted.

Flood risk

10.279 The NPPF says the susceptibility of land to flooding is a material planning consideration. The Government looks to local planning authorities to apply a risk-based approach to their decisions on development control through a sequential test. This is reflected in London Plan Policy 5.12 *'Flood Risk Management'*, Core Strategy Policy SP04 (5) within *'Creating a Green and Blue Grid'* and MDD Policy DM13 *'Sustainable drainage'* that requires development to reduce run off through appropriate water reuse and Sustainable Urban Drainage (SUDS) techniques.

10.280 The Environment Agency's Flood Map shows that the site is located in Flood Zone 1 which comprises land assessed as having less than 0.1% (1 in 1000) annual probability of flooding from fluvial or tidal sources i.e. low probability. The submitted Flood Risk Assessment within the Environmental finds that the site has a low probability of flooding from all potential sources including groundwater and surface water. No representations have been received from the Environment Agency following statutory consultation. The site is allocated in the Local Plan for development as a comprehensive mixed-use development opportunity and has passed the sequential test.

10.281 The NPPG confirms that areas within Flood Zone 1 have no constraints on development other than the need to ensure that the development does not increase run-off from the site to greater than that from the site in its undeveloped or presently developed state. London Plan Policy 5.13 *'Sustainable Drainage'* requires development to utilise SUDS, unless there are practical reasons for not doing so, in accordance with a specified drainage strategy. A planning condition is recommended in accordance with the Mayor's policy.

Biodiversity

10.282 Core Strategy SP04 concerns *'Creating a green and blue grid.'* Among the means of achieving this, the policy promotes and supports new development that incorporates measures to green the built environment including green roofs whilst ensuring that development protects and enhances areas of biodiversity value. MDD Policy DM11 concerns *'Living buildings and biodiversity'* and requires developments to provide elements of a *'living buildings.'* This is explained to mean living roofs, walls, terraces or other building greening techniques. Policy DM11 (2) requires existing elements of biodiversity value be retained or replaced by developments.

10.283 Bishopsgate Goods Yard was previously part of a Site of Importance for Nature Conservation (SINC). Following the construction of London Overground, most

of the SINC was lost and the remaining habitats fragmented. The SINC was de-designated in 2011. The submitted Environmental Statement (ES) assesses the habitats on site as being of borough importance. With the new information, the top of the Braithwaite Viaduct meets the criteria for a SINC at Borough Grade 2 level and the definition of the UK priority habitat Open Mosaic Habitats on Previously Developed Land, a priority habitat in the Tower Hamlets Local Biodiversity Action Plan (LBAP).

- 10.284 The ES reports that the protected black redstart has bred on the site in recent years. The site has the potential to support notable invertebrates. There are no bat roosts, but the site is used for foraging by three protected bat species.
- 10.285 Local Plan MDD Policy DM11 requires developments to deliver net biodiversity gains in line with the LBAP. All the existing 8,600 sq. m. of habitat vegetation at the site will be lost. This is significant at a borough scale requiring mitigation. To meet policy, habitat creation within the landscaping and buildings should more than offset losses.
- 10.286 The proposals include a variety of habitat creation and features beneficial to biodiversity and LBAP objectives, including habitats in the new park, biodiverse green roofs, and bird and bat boxes incorporated in the buildings.
- 10.287 It is considered that the park's detailed design should be subject to a planning condition setting minimum areas of specific habitats, including native woodland, species-rich grassland and possibly open mosaic habitats. These could be those specified in paragraph 17.201 of the ES. The ES also states there will be 916 sq. m. of biodiverse roofs that should be secured by condition. The illustrative design is very good. If well designed and successfully implemented, the proposed habitat creation should be sufficient to ensure an overall benefit for biodiversity as required by Policy DM11. Conditions are recommended to the Mayor to secure biodiversity enhancement including the safeguarding of protected species.

Environmental Impact Assessment

- 10.288 The application represents EIA development under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). The planning application was submitted in July 2014, and was accompanied by an Environmental Statement (ES). Regulation 3 prohibits the Mayor, as local planning authority, from granting planning permission without consideration of the environmental information.
- 10.289 The environmental information comprises the applicant's ES, including any further information submitted following request(s) under Regulation 22 and any other information, any representations made by consultation bodies or made by any other person about the environmental effects of the development.
- 10.290 LBH and LBTH jointly appointed an environmental consultant - Land Use Consultants (LUC) - to examine the applicant's ES and to confirm whether it satisfies the requirements of the EIA Regulations. This is supported by reviews by the authorities' internal environmental specialists.
- 10.291 The initial review report (IRR) of the ES was issued to the applicant in December 2014, which identified both clarifications and potential requests for 'further information' under Regulation 22 of the EIA Regulations.

- 10.292 In July 2015, an 'ES -Amended Scheme' was submitted by the applicant, which assessed the amendments to the scheme and responded to the points identified in the IRR. This was also reviewed by LUC, and the review report updated. The second review identified outstanding clarifications and potential requests for 'further information' under Regulation 22 of the EIA Regulations. This updated review report was issued to the applicant in August 2015.
- 10.293 The GLA called in the application on 23rd September 2015 becoming the local planning authority. LBH and LBTH continued to use their EIA consultants with respect to the EIA for continuity. It is however now the GLA's responsibility to undertake the consultation and statutory publicity on amendments to the ES.
- 10.294 In October 2015, the applicant submitted a response to the outstanding points identified in the review report. The updated review report was issued to the GLA in November 2015, which identified that there were still outstanding clarifications and potential requests for 'further information' under Regulation 22.
- 10.295 The applicant has confirmed that an ES Addendum will be submitted addressing the outstanding clarifications and potential requests for 'further information' under Regulation 22. Until this information has been received and consulted upon / advertised as 'further information' under Regulation 22 (alongside the original ES, ES for the Amended Scheme and response to the review report), the Mayor is unable to permit the development.

Community Infrastructure Levy and Planning obligations

- 10.296 The Mayor of London's Community Infrastructure Levy (CIL) was introduced in April 2012. The Mayor also when considering relevant planning applications of strategic importance, takes account of the existence and content of planning obligations under section 106 of the Act supporting the funding of Crossrail.
- 10.297 Tower Hamlets Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure. The Council's '*Planning Obligations*' SPD 2012 set out in more detail how these impacts can be assessed and appropriate mitigation.
- 10.298 NPPF paragraph 204 states that planning obligations should only be sought where they meet the following tests:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
- 10.299 Regulation 122 of the Community Infrastructure Levy Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 10.300 The Tower Hamlets CIL was introduced on 1st April 2015 following independent examination by the Planning Inspectorate in 2014. Among his findings, the Examiner concluded. "*the proposed CIL charges could be determinative of whether or not one or more of the large allocated site schemes would be likely to come forward.*" This included Bishopsgate Goods Yard where the Examiner

set a NIL charging rate for all development within the boundaries of the Goods Yard falling within Tower Hamlets.

10.301 The introduction of the Council's CIL necessitated a review of the Council's Planning Obligation SPD 2012. The SPD was approved for public consultation by Cabinet on 8th April 2015 that was carried out between the 27th April 2015 and the 1st June 2015 in line with the Council's Statement of Community Involvement. Although the SPD has not finally been adopted, The boroughs four main priorities are:

- Affordable Housing
- Employment, Skills, Training and Enterprise
- Community Facilities
- Education

10.302 The borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

10.303 The Bishopsgate Goods Yard development would place additional demands on local infrastructure and facilities including schools, health facilities, Idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm.

10.304 The Council's Community Infrastructure Levy Regulation 123 List sets out those types of infrastructure (including new provision, replacement or improvements to existing infrastructure, operation and maintenance)* that the Council intends will be, or may, be wholly or partly funded by CIL:-

- Public education facilities
- Community facilities and faith buildings
- Leisure facilities such as sports facilities, libraries and Idea Stores
- Public open space
- Roads and other transport facilities
- Health facilities
- Employment and training facilities
- Strategic energy and sustainability infrastructure
- Strategic flood defences
- Electricity supplies to all Council managed markets
- Infrastructure dedicated to public safety (for example, wider CCTV coverage)
- Strategic public art provision that is not specific to any one site

*Except:-

1. The infrastructure required by the Council's Managing Development Document on the Wood Wharf, Westferry Printworks, Bishopsgate Goods Yard and London Dock sites.
2. Where the need for specific infrastructure contributions is required to make the development acceptable in planning terms and in accordance with the statutory requirements.
3. Site specific carbon reduction measures/initiatives.

- 10.305 Requirements in the Local Plan MDD on the Bishopsgate site are thus excluded from the Regulation 123 List by Exception 1. Consequently, it is appropriate to request section 106 contributions towards anything that is required by the MDD, shown within Site Allocation 1 or described in the design principles including matters cross referenced to the Bishopsgate Goods Yard IPG. This includes the provision of the Braithwaite Viaduct Park, the other public open spaces and walking and cycling routes within the development together with consequences. Given the site delivery of one of the necessary east-west connections is not proposed by the applicant, it would be appropriate for the Council to seek section.106 financial contributions to fund actions off-site that would deliver the same results and specifically achieve what is required by the MDD.
- 10.306 Should the Mayor decide to grant planning permission, paragraph 1.12 above in the 'RECOMMENDATIONS' section of this report provides a set out Heads of Agreement concerning matters that officers consider should be included in an agreement under section 106 of the Town and Country Planning Act that the Mayor may execute with the Developer. It is considered that these meet the CIL Regulation 122 tests being necessary to make the development acceptable in planning terms, directly related to the scheme, fairly and reasonably related in scale and kind, compliant with the NPPF & local and regional planning policies including the Tower Hamlets Local Plan and the terms and spirit of the emerging Tower Hamlets Planning Obligations SPD 2015.
- 10.307 Transport for London have made requests for a contribution of £5.9 million towards the cost of a '*more transformative*' Shoreditch Triangle Scheme currently estimated at £12.4m in total (junction improvements, public realm, walking and cycling improvements) and for contributions towards legible London signs, cycle hire docking points and cycle membership from all the residential dwellings.
- 10.308 Any planning obligations requested by TfL would need to meet the Regulation 122 tests described above and also need to demonstrate that they are site specific and are not already included in the infrastructure specified in the Council or the Mayor of London's Regulation 123 list (irrespective of who is the determining planning authority).
- 10.309 Officers' recommendation is that the Legible London signage and cycle docking stations are infrastructure covered by the Council's Regulation 123 list and hence would not be justified as separate planning obligations. The improvements to the Shoreditch Triangle and the cycle hire membership could be justified but at this stage TfL has not provided sufficient justification that these contributions would sit outside the Council's Regulation 123 infrastructure list and meet the Regulation 122 tests, including the amounts requested. Officers therefore do not at this stage recommend that the requests are included in the heads of agreement listed in Section 3 of this report. If TfL are able to provide further justification, officers will reconsider their recommendation and report back to the Committee.

Other Local finance considerations

- 10.310 As noted above Section 70(2) of the Planning Act provides that in dealing with a planning application a local planning authority shall have regard to:
- The provisions of the development plan, so far as material to the application;

- Any local finance considerations, so far as material to the application; and
- Any other material consideration.

10.311 Section 70(4) defines “*local finance consideration*” as:

- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

In this context “*grants*” include the New Homes Bonus Scheme.

10.312 The New Homes Bonus (NHB) was introduced by the Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The NHB is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. The grant matches the additional council tax raised by the Council for each new house built for each of the six years after that house is built. This is irrespective of whether planning permission is granted by the Council, the Mayor of London, the Planning Inspectorate or the Secretary of State.

10.313 If planning permission is refused for the currently Bishopsgate Good Yard proposal the NHB would not be received but would be payable were the Mayor to grant planning or an alternative development involving new housing was consented should the scheme remain in operation.

Human rights Act 1998

10.314 Section 6 of the Act prohibits authorities (including the Council and in this case the Mayor of London as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights parts of which were incorporated into English law under the Human Rights Act 1998.

10.315 Objection has been raised to a grant of planning permission on the ground that residents of Avant-Garde Tower will experience a breach of their rights under Article 8 of the European Convention on Human Rights and the Human Right Act 1998 – right to privacy due to overlooking. The following are highlighted to Members

10.316 Various Convention rights are relevant, including:

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that “*regard must*

be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

- 10.317 This report itemises the consultation that has been undertaken on the planning applications and the opportunities for people to make representations to the Council. All representations received have been passed to the Mayor as local planning authority. Further representations from the public can still be made to the Mayor. Invitations have been made to enable local people to attend and address the Strategic Development Committee. The public will also be given speaking rights at the Mayor's Representations Hearing when the applications are determined.
- 10.318 Were Members to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights would be legitimate and justified.
- 10.319 Both public and private interests are to be taken into account in the exercise of the Council's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must consider the balance to be struck between individual rights and the wider public interest.
- 10.320 The Act takes into account any interference with private property rights to ensure that the interference is proportionate and in the public interest. In this case representations have been received from residents of the Avant Garde development that the development would breach their rights under Article 8 - right to privacy due to overlooking. As explained in 'Privacy' above officers advise that both the detailed and outline proposals indicate development that would ensure satisfactory privacy between existing and proposed buildings and this matter should not form any part of the Council's representations to the Mayor.

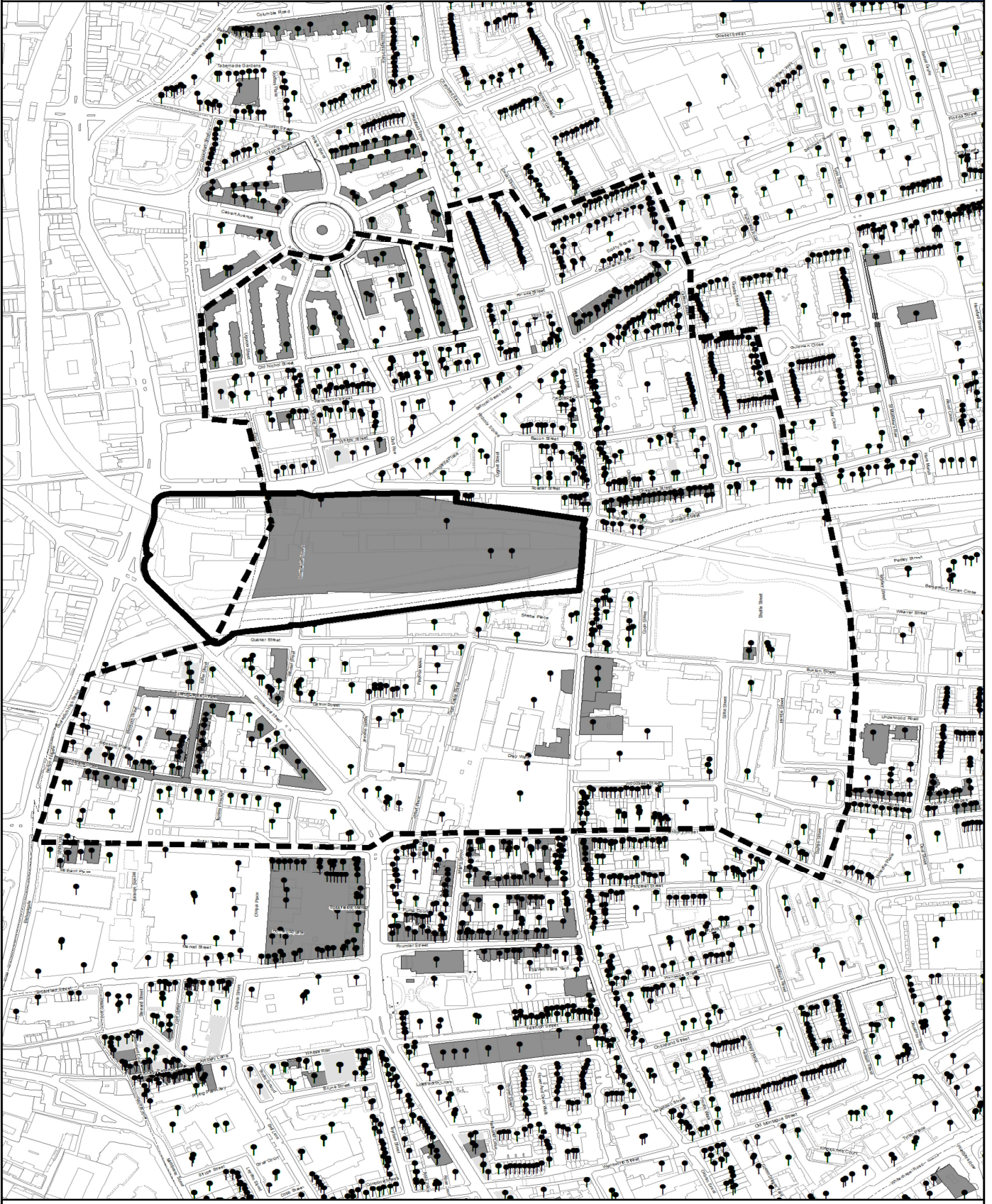
Equalities Act 2010








- 10.321 The Equalities Act provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty when determining all planning applications and representations to the Mayor. In particular, the Committee must pay due regard to the need to:
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.322 It is considered that the proposed development would not conflict with any of the above considerations. As such it is also considered that any impact in terms of fostering relations and advancing equality with regard to sex, race, religion and belief would be positive. In particular, the development, including access routes and buildings that would be accessible by persons with a disability requiring use of a wheelchair or persons with less mobility.

11 CONCLUSION

- 11.1 All relevant policies and considerations have been taken into account. It is recommended that the Committee resolves to inform the Mayor of London that planning permission for the Bishopsgate Goods Yard development should be refused for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS and the details set out in the RECOMMENDATIONS at Section 3 of this report.
- 11.2 It is also recommended that the Committee resolves to inform the Mayor that the Council is satisfied for the Mayor to determine Listed Building Consent application Ref. PA/14/2096 as he sees fit subject to recommended conditions being applied to any consent.

Planning Application Site Map
PA/14/02011



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	
 Consultation Area	 Statutory Listed Buildings	0 30 m 	

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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APPENDIX 1

Recommended Conditions and Informatives

Application for Planning Permission (PA/14/02011)

Should the Mayor decide to grant planning permission, it is recommended that this be subject to the following conditions and informatives:

1. No development shall commence on site until details of the following matters for Plots A, B, D, E, K and the Park Level of Plots H, I and J have been submitted to and approved in writing by the local planning authority:
 - a) The scale of the development;
 - b) The layout of the development;
 - c) The external appearance of the development including facing materials;
 - d) The landscaping of the development including the Braithwaite Park and public open spaces, green / brown roofs and biodiversity measures including bird and bat boxes and safety barriers.
 - e) The means of access.
2. Application for the approval of all of the reserved matters shall be made to the local planning authority before the expiration of 10 years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be undertaken in accordance with the approved plans.
5. Details including samples of facing materials, including windows, balustrades and balcony screening for Plots C, F, G and the ground levels of Plots H, I and J including kiosks to be submitted and approved.
6. Details of new staircase access to the park, including the opening and the staircase itself.
7. Details of the lift access to the park.
8. Details of the new opening through the wall to be created to access Brick Lane and create the new public square.
9. Existing gates to Brick Lane to be salvaged and reused.
10. Details of the openings to Brick Lane where parts of historic wall are to be removed
11. Details of all new shop fronts within the Braithwaite Viaduct and boundary walls including surrounds.
12. Details of new windows and grills to the railway in units on the south side of London Road.
13. Details of micro-climate wind mitigation measures for all Plots to be submitted and approved. The mitigation measures shall ensure the development accords with the relevant standards set out in the Lawson's Comfort Criteria. Development shall be carried out in accordance with the approved details.
14. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting and seeding seasons following the occupation of the buildings on each plot or in accordance with a programme agreed with the local

- planning authority. Any trees or plants which within a period of 5 years from the completion of the development on each plot die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
15. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens/balconies/terraces, shall be submitted to and approved in writing by the local planning authority prior to the occupation of each phase of the development. The landscape management plan shall be carried out as approved.
 16. All clearance of vegetation and demolition of buildings should be undertaken outside the bird nesting season (March to August inclusive). If this is not possible, a survey for nesting birds should be undertaken by a suitable qualified ecologist immediately before clearance. If any nests are found, they must be left undisturbed until the young have fledged. Clearance should begin within 5 days of the survey.
 17. A precautionary bat survey should be undertaken by a suitably qualified ecologist prior to works to the arches to ensure that no bats are roosting.
 18. Prior to removal of the existing habitat on top of the Braithwaite Viaduct, full details of all biodiversity mitigation and enhancement should be agreed with the local planning authority. Development to be undertaken in accordance with the approved scheme.
 19. Should the site be left dormant for two weeks or more between February and mid-August, a suitably qualified ecologist should check for the presence of nesting black redstart before work continues. If any active nests are found, construction should cease with an appropriate buffer zone established and left intact until it has been confirmed by a suitably qualified ecologist that the young have fledged and the nest is no longer in use.
 20. Before commencement of each phase of the development, full details of external lighting should be submitted to and approved in writing by the local planning authority. This should take account of potential disturbance to bats, and avoid all up-lighting of trees or any light spill onto features provided as bat roosts.
 21. Before occupation of each plot, a strategy for on-going monitoring of use of the site by bats and black redstarts and use of the nest boxes provided, should be submitted to and approved in writing by the local planning authority. The approved strategy should be implemented and the monitoring should continue for 10 years after completion of the development.
 22. Prior to development commencing the submission and approval of a site wide Energy Strategy Delivery Statement to include the phasing of the proposals, the operational arrangements of CHP together with details and specification of Photo Voltaic panels. Development to be undertaken in accordance with the approved details.
 23. Prior to the commencement of the development hereby approved, the developer shall submit in writing to the local planning authority a BREEAM pre-assessment to demonstrate how the development has been designed to achieve an Excellent rating. Within 6 months of occupation of the development the developer shall submit the final BREEAM certificates to demonstrate achievement of the BREEAM Excellent rating.

24. Submission and approval of detailed design and method statements for all foundations, basement and ground floor structures, or any other structures below ground level
25. Submission and approval of a Piling Method Statement
26. No phase of development or demolition below ground level shall take place until the developer has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved. No development or demolition shall take place other than in accordance with the approved Written Scheme of Investigation.
27. The development shall not be occupied until the approved programme of archaeological work has been completed and provision made for analysis, publication and dissemination of the results and archive deposition has been secured.
28. Ground decontamination – investigation and remediation.
29. Prior to development commencing the submission and approval of sustainable urban drainage strategy. The approved strategy to be implemented.
30. Submission and approval of a signage strategy.
31. Prior to development commencing detailed plans at a scale of 1:50 of the wheelchair accessible and wheelchair adaptable residential units shall be submitted and approved.
32. 10% of the housing measured by habitable rooms shall either be wheelchair accessible and wheelchair adaptable and shall be maintained as such for the life of the development.
33. Retention of car parking spaces including disabled spaces for the duration of the development. No car parking spaces shall be rented or leased to non-residents.
34. Car electrical charging points to be provided and retained Units (20% active 20% passive).
35. All approved cycle parking facilities to be retained and maintained for their approved use for the life of the development.
36. Provision of 60 cycle hire docking spaces.
37. Refuse and recycling facilities to be implemented in accordance with approved plans.
38. The submission and approval of details of acoustic glazing and ventilation.
39. Development shall not be occupied until an agreement under section 278 of the Highways Act has been executed with the highway authority to secure essential works to the public highways.
40. Prior to first occupation the submission and approval of a Car Parking Management Plan. The approved plan to be implemented and maintained for the life of the development.
41. Prior to first occupation of each phase or plot, the submission and approval of a Travel Plan. The approved plan to be implemented and maintained for the life of the development.
42. Prior to first occupation of each phase or plot, the submission and approval of a Delivery and Service Management Plan. The approved plan to be implemented and maintained for the life of the development.
43. Prior to development commencing on site the submission and approval of a Construction Management and Logistics Plan. Development to be undertaken in accordance with the approved plan.
44. No development should commence until impact studies of the existing water supply infrastructure have been submitted and approved in writing.

45. Details of extraction systems for Class A3 (Restaurant/ café) and Class A5 (Hot food take-away) uses to be submitted and approved. Development to be undertaken in accordance with the approved details.
46. The noise level emitted from any plant/machinery/equipment of any extract/ventilation/air conditioning shall be lower than the lowest existing background noise level by at least 10 dBA as assessed according to BS4142:2012 at the most affected noise sensitive premises with all noise sources operating together at maximum capacity.
47. TV reception study and implementation of any necessary mitigation.
48. Secured by Design accreditation.
49. Hours of operation of Class A3 (Restaurant/ café) and Class A5 (Hot food take-away), D1 (Non-residential) and D2 (Assembly and leisure) uses shall not take place other than between the hours of: 08.00 - 24.00 Mondays – Saturdays and 10.00 – 23.00 Sundays.
50. Removal of permitted development rights from A1 (Shop) to A3 (Restaurant / café).
51. Hours of construction (08.00 am until 17.00 pm Monday to Friday; 08.00 am until 13:00 pm Saturday. No work on Sundays or Bank Holidays).
52. Impact piling limited to 10.00 am to 4.00 pm.

Informatives

- 1) Subject to section 106 agreement.
 - 2) Subject to section 278 agreement.
 - 3) Mayoral and LBH CIL liable.
 - 4) Consultation with Thames Water regarding the large water mains adjacent to the proposed development and the Piling Method Statement.
 - 5) Groundwater Risk Management Permit required from Thames Water
 - 6) English Heritage Archaeology informative.
 - 7) Protected species
 - 8) Consultation with the London Borough of Tower Hamlet's Biodiversity Officer regarding details of all biodiversity mitigation and enhancement measures
 - 9) London City Airport informative should during construction, cranes or scaffolding be required taller than the development.
 - 10) Compliance with Part II of the London Building Acts (Amendment) Act 1939 in order to obtain official postal addresses.
- 3.3 Any other conditions or informatives considered necessary by the Corporate Director Development Renewal.

Application for Listed Building Consent (PA/14/02096)

Should the Mayor decide to grant listed building consent, it is recommended this should be subject to the following conditions and informative:

Conditions

- 1) Three year time limit.
- 2) Compliance with approved plans.
- 3) A method statement for the protection of the Heritage at Risk assets.
- 4) All new external and internal works and finishes and works of making good shall match the existing original work adjacent in respect of

materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved or as required by any condition(s) attached to this consent.

- 5) Full details of the openings to be made within the Braithwaite Viaduct and the way in which these openings are to be finished.
- 6) Proposals for the cleaning and repointing of brickwork/masonry shall be submitted to and approved by the local planning authority before prior to the commencement of the relevant works and the work shall be carried out in accordance with the details so approved.
- 7) Details of new staircase access to the park, including the opening and the staircase itself.
- 8) Details of the new opening through the wall to be created to access Brick Lane and create the new public square.
- 9) Details of all new shop fronts within the Braithwaite Viaduct including surrounds and fit outs.
- 10) Details of the fixing of new partitions.
- 11) Details of a signage strategy governing the location and size of signage within the shop fronts.
- 12) Details of the service corridor to the north of the Braithwaite Viaduct and how it adjoins the viaduct.
- 13) Details of provisions needed to meet Building Control requirements including acoustic treatments, fire protection measures, smoke curtain box and the service moat at viaduct level including and its appearance.

Informative

- 1) This Listed Building Consent should be read in conjunction with the associated Planning Permission for the redevelopment of Bishopsgate Goods Yard.

Any other conditions or informatives considered necessary by the Corporate Director Development Renewal.