

LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

10th December 2015

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

Bishopsgate Goods Yard, Braithwaite Street, E1

<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>
--	---

1.0 Typographical errors

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

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

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

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

2.0 Additional representations

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

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

3.0 Air quality

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

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

- 3.3 LBTH Environmental Protection Service has subsequently advised that the Air Quality Neutral Requirements of the Mayor's London Plan Policy 7.14 are not met. The ES Technical Appendix N details the Air Quality Neutral Assessment & Table 6 shows that the proposed building emissions do not meet the calculated building emissions benchmark.
- 3.4 For nitrogen dioxide and particles (specifically PM10) the Council has designated an Air Quality Management Area (AQMA) across the borough that sets air quality objectives.
- 3.5 The results and impacts of the proposed development are set out at ES Table 12.29 which shows Change in Air Quality Statistics predicted with and without the development in year 2032. Within LBTH this shows that there will be an increase of $0.5 \mu\text{gm}^{-3}$ NO₂ at receptor R25a (32-42 Bethnal Green Road) that is claimed to represent a small adverse impact. In this location, Environmental Protection class even a small adverse impact as a significant impact as ES Table 12.26 states that the predicted annual NO₂ concentration in the '*with development scenario*' at this receptor is $57.33 \mu\text{gm}^{-3}$. This vastly exceeds the annual Air Quality Objective within the Air Quality Action Plan and an increase of this magnitude is unacceptable.
- 3.6 The energy centre emissions are expected to have adverse impacts on 12 of the modelled receptors. Of these locations, 9 receptors are within LBTH at the buildings proposed at Plots C and E. The highest would be an increase of $8 \mu\text{gm}^{-3}$ which is a '*major adverse impact*.' The other impacts are '*minor adverse*.' It is noted that only a limited number of floors have been modelled and it is likely that other floors would experience similar or more severe impacts.
- 3.7 Overall, the impacts associated with the energy centres are too high to be acceptable. Other impacts such as the residential exposure could be dealt with via conditions. It is recommended that the energy centres be re-examined to reduce the emissions impacts attributed with them and to meet the Air Quality Neutral emissions of the development plan. It is likely that either less polluting engines or emissions mitigation equipment would need to be installed.

4.0 Planning obligations - Heads of Agreement

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

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

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

5.0 RECOMMENDATION

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

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

Additional Refusal Reason No. 7

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

Planning obligations - Heads of Agreement

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

Drawings

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

<p>Plots A, B, D & E</p> <p>Existing Plans PL(9)1000 PL(9)1001 PL(9)1002 PL(9)1003</p> <p>Parameter Plans PL(9)1004 PL(9)1005 PL(9)1006 PL(9)1007 PL(9)1008 PL(9)1009 PL(9)1010 PL(9)1011 PL(9)1012 PL(AB)100 PL(AB)50 PL(D)100 PL(D)110 PL(D)50 PL(E)100 PL(E)110 PL(E)50 PL(HIJ)100 PL(HIJ)110 PL(HIJ)50 PL(K)50 PL(K)100 PL(9)1033 PL(9)1034 PL(9)1035 PL(9)1036</p>	<p>Access Plans PL(9)1027 PL(9)1028 PL(9)1029 PL(9)1030 PL(9)1031 PL(9)1032</p> <p>Masterplans PL(9)1100 PL(9)1101 PL(9)1102 PL(9)1103</p> <p>Listed Building Application Extent of Red Line BGY11-PA-03-301</p> <p>Constraints Drawings PL(9)1200 PL(9)1201 PL(9)1202 PL(9)1203</p>
--	--

<p>Plot C, F & G</p> <p>PLP-1207-A-M-000 Rev P01 PLP-1207-A-M-010 Rev P00 PLP-1207-A-M-020 Rev P00 PLP-1207-A-M-021 Rev P01 PLP-1207-A-M-022 Rev P01</p> <p>Plot C</p> <p>PLP-1207-A-C-100 Rev P01 PLP-1207-A-C-100-M Rev P01 PLP-1207-A-C-101 Rev P01 PLP-1207-A-C-102 Rev P01 PLP-1207-A-C-103 Rev P01</p>	<p>PLP-1207-A-C-200 Rev P01 PLP-1207-A-C-201 Rev P01 PLP-1207-A-C-202 Rev P01 PLP-1207-A-C-203 Rev P01 PLP-1207-A-C-204 Rev P01 PLP-1207-A-C-251 Rev P01 PLP-1207-A-C-252 Rev P01 PLP-1207-A-C-253 Rev P01 PLP-1207-A-C-254 Rev P01 PLP-1207-A-C-255 Rev P01 PLP-1207-A-C-260 Rev P01 PLP-1207-A-C-261 Rev P01 PLP-1207-A-C-262 Rev P01 PLP-1207-A-C-263 Rev P01 PLP-1207-A-C-264 Rev P01</p>
--	---

PLP-1207-A-C-104 Rev P01 PLP-1207-A-C-105 Rev P01 PLP-1207-A-C-105-M Rev P01 PLP-1207-A-C-106 Rev P01 PLP-1207-A-C-107 Rev P01 PLP-1207-A-C-108 Rev P01 PLP-1207-A-C-109 Rev P01 PLP-1207-A-C-123 PLP-1207-A-C-124 PLP-1207-A-C-125 PLP-1207-A-C-126 PLP-1207-A-C-127 Rev P01 PLP-1207-A-C-128 Rev P01 PLP-1207-A-C-129 Rev P01 PLP-1207-A-C-130 Rev P01 PLP-1207-A-C-131 Rev P01 PLP-1207-A-C-132 Rev P01 PLP-1207-A-C-189 Rev P00	PLP-1207-A-C-265 Rev P01 PLP-1207-A-C-301 Rev P01 PLP-1207-A-C-302 Rev P01 PLP-1207-A-C-303 Rev P01 PLP-1207-A-C-304 Rev P01 PLP-1207-A-C-305 Rev P01 PLP-1207-A-C-340 Rev P01 PLP-1207-A-C-350 Rev P01 PLP-1207-A-C-360 Rev P01 PLP-1207-A-C-370 Rev P01 PLP-1207-A-C-390 Rev P01
--	--

Plot F & G PLP-1207-A-FG-999 Rev P01 PLP-1207-A-FG-1000 Rev P01 PLP-1207-A-FG-1001 Rev P01 PLP-1207-A-FG-1002 Rev P01 PLP-1207-A-F-103 Rev P01 PLP-1207-A-F-104 Rev P01 PLP-1207-A-F-105 Rev P01 PLP-1207-A-F-106 Rev P01 PLP-1207-A-F-107 Rev P01 PLP-1207-A-F-108 Rev P01 PLP-1207-A-F-109 Rev P01 PLP-1207-A-F-110 Rev P01 PLP-1207-A-F-111 Rev P01 PLP-1207-A-F-112 Rev P01 PLP-1207-A-F-113 Rev P01 PLP-1207-A-F-114 Rev P01 PLP-1207-A-F-115 PLP-1207-A-F-116 PLP-1207-A-F-117 PLP-1207-A-F-118 PLP-1207-A-F-119 PLP-1207-A-F-120 PLP-1207-A-F-121 PLP-1207-A-F-122 PLP-1207-A-F-123 PLP-1207-A-F-124 PLP-1207-A-F-125 PLP-1207-A-F-126 PLP-1207-A-F-127 PLP-1207-A-F-128 PLP-1207-A-F-129 PLP-1207-A-F-130 PLP-1207-A-F-131	PLP-1207-A-G-103 Rev P01 PLP-1207-A-G-104 Rev P01 PLP-1207-A-G-105 Rev P01 PLP-1207-A-G-106 Rev P01 PLP-1207-A-G-107 Rev P01 PLP-1207-A-G-108 Rev P01 PLP-1207-A-G-109 Rev P01 PLP-1207-A-G-110 Rev P01 PLP-1207-A-G-111 Rev P01 PLP-1207-A-G-112 Rev P01 PLP-1207-A-G-113 Rev P01 PLP-1207-A-G-114 Rev P01 PLP-1207-A-G-115 PLP-1207-A-G-116 PLP-1207-A-G-117 PLP-1207-A-G-118 PLP-1207-A-G-119 PLP-1207-A-G-120 PLP-1207-A-G-121 PLP-1207-A-G-122 PLP-1207-A-G-123 PLP-1207-A-G-124 PLP-1207-A-G-125 PLP-1207-A-G-126 PLP-1207-A-G-127 PLP-1207-A-G-128 PLP-1207-A-G-129 PLP-1207-A-G-130 PLP-1207-A-G-131 PLP-1207-A-G-132 PLP-1207-A-G-133 PLP-1207-A-G-134 PLP-1207-A-G-135 PLP-1207-A-G-136 PLP-1207-A-G-137
--	--

<p>PLP-1207-A-F-132 PLP-1207-A-F-133 PLP-1207-A-F-134 PLP-1207-A-F-135 PLP-1207-A-F-136 PLP-1207-A-F-137 PLP-1207-A-F-138 PLP-1207-A-F-139 PLP-1207-A-F-140 PLP-1207-A-F-141 PLP-1207-A-F-142 PLP-1207-A-F-143 PLP-1207-A-F-144 PLP-1207-A-F-145 PLP-1207-A-F-146 PLP-1207-A-F-147 PLP-1207-A-F-148 PLP-1207-A-F-149</p> <p>PLP-1207-A-G-138 PLP-1207-A-G-139 PLP-1207-A-G-140 PLP-1207-A-G-141</p>	<p>PLP-1207-A-FG-200 Rev P01 PLP-1207-A-FG-201 Rev P01 PLP-1207-A-FG-202 Rev P01 PLP-1207-A-FG-203 Rev P01 PLP-1207-A-FG-204 Rev P01 PLP-1207-A-FG-211 Rev P01 PLP-1207-A-FG-212 Rev P01 PLP-1207-A-FG-213 Rev P01 PLP-1207-A-FG-214 Rev P01 PLP-1207-A-FG-251 Rev P01 PLP-1207-A-FG-252 Rev P01 PLP-1207-A-FG-253 Rev P01 PLP-1207-A-FG-254 Rev P01</p> <p>PLP-1207-A-FG-310 Rev P01 PLP-1207-A-FG-311 Rev P01 PLP-1207-A-FG-320 Rev P01 PLP-1207-A-FG-330 Rev P01</p>
---	--

<p>Plots H, I, J & L</p> <p>Existing drawings PL(E)500 PL(E)501 PL(E)502</p> <p>Proposed drawings PL(9)500 PL(9)501 PL(9)502</p> <p>Shopfronts and Railside Units Proposed PC(31)1 PC(31)2 PC(31)3 PC(31)4 PC(31)5 PC(31)6 PC(31)7 PC(31)8 PC(31)9 PC(31)10 PC(31)50</p>	<p>Plot H</p> <p>Existing Building Drawings PLH(E)000 PLH(E)100 PLH(E)200 PLH(E)10-11 PLH(E)12-13 PLH(E)14 PLH(E)15-16 PLH(E)50 PLH(E)51 PLH(E)52 PLH(E)53 PLH(E)54 PLH(E)55</p> <p>Proposed Building Drawings PLH(0)000 PLH(0)100 PLH(0)200 PLH(0)10-11 PLH(0)12-13 PLH(0)14 PLH(0)15-16 PLH(0)50 PLH(0)51 PLH(0)52 PLH(0)53 PLH(0)54 PLH(0)55</p>
---	--

<p>Plot I</p> <p>Existing Building Drawings PLI(E)100 PLI(E)200 PLI(E)10-11 PLI(E)12-13 PLI(E)14-15 PLI(E)50 PLI(E)51 PLI(E)52 PLI(E)53</p>	<p>Proposed Building Drawings PLI(0)100 PLI(0)200 PLI(0)10-11 PLI(0)12-13 PLI(0)14-15 PLI(0)50 PLI(0)51 PLI(0)52 PLI(0)53</p>
<p>Plot J</p> <p>Existing Building Drawings PLJ(E)100 PLJ(E)200 PLJ(E)10-11 PLJ(E)12-13 PLJ(E)14-15 PLJ(E)50 PLJ(E)51 PLJ(E)52</p>	<p>Proposed Building Drawings PLJ(0)100 PLJ(0)200 PLJ(0)10-11 PLJ(0)12-13 PLJ(0)14-15 PLJ(0)50 PLJ(0)51 PLJ(0)52</p>
<p>Plot L</p> <p>Existing Building Drawings PLL(E)100-200 PLL(E)10-11 PLL(E)12-13 PLL(E)50 PLL(E)51 PLL(E)52 PLL(E)53 PLL(E)54 PLL(E)55</p>	<p>Proposed Building Drawings PLL(0)100-200 PLL(0)10-11 PLL(0)12-13 PLL(0)50 PLL(0)51 PLL(0)52 PLL(0)53 PLL(0)54 PLL(0)55</p>
<p>Public Realm & Landscaping</p> <p>8182-201 8182-203 8182-204</p>	<p>8182-205 8182-206 8182-207 8182-208 8182-209</p>
<p>Demolition and Intervention Works</p> <p>DDN 118 Rev A</p>	