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|  | <b>STRATEGIC DEVELOPMENT COMMITTEE</b>  |  | 18th May 2024                |
|   | Report of the Corporate Director of Housing and Regeneration  |  | Classification: Unrestricted |
| <b>Site</b>   | Site at the former Bishopsgate Goods Yard, Braithwaite Street E1  |  |                              |
| <b>Wards</b>  | Weavers (Tower Hamlets), Hoxton East and Shoreditch (Hackney)   |  |                              |
| <b>Title</b>  | Bishopsgate Goodsyards – Procedures for taking Reserved Matters Applications (related to PA/14/02011 and PA/14/02096) to Strategic Development Committee or Development Committee   |  |                              |
| <b>Summary Recommendations</b>  | To agree that reports on Reserved Matters Applications for Bishopsgate Goods Yard will be referred to Strategic Development Committee or Development Committee to formalise Tower Hamlets observations to the Mayor of London where the scale of the matters to be reported would fall within either Committee's terms of reference |  |                              |
| <b>Originating Officer</b>  | Rikki Weir  |  |                              |

## EXECUTIVE SUMMARY

The Bishopsgate Goods Yard scheme was granted hybrid planning permission (part outline and part detailed) and listed building consent by Sadiq Khan, the Mayor of London/ Greater London Authority (GLA) on 25 March 2022 after the previous Mayor of London (Boris Johnson) determined that the Mayor would be the Local Planning Authority on the application in accordance with their powers under article 7 of the Mayor of London Order and then powers conferred by Section 2A of the Town and Country Planning Act 1990 (as amended).

On 19 November 2020, Tower Hamlets Strategic Development Committee resolved to raise objections to the GLA in respect of the application. The committee also resolved that in the event of outline planning permission being granted by the Mayor, any future reserved matters applications should be determined by the Committee.

In granting outline planning permission, the Mayor of London formally resolved that they would continue to be the Local Planning Authority to determine any reserved matters applications. Therefore, Tower Hamlets will only be a consultee to the GLA for the RMAs and will receive requests for borough observations from the GLA. The GLA would not be bound by any borough observations received but should take them into consideration in their decision-making. This report makes recommendations to Strategic Development Committee on how the Council will report its observations to the GLA on these forthcoming RMAs for individual phases of the outline consent. The hybrid consent is expected to come forward in 5 separate RMAs to be determined by the GLA.

The Tower Hamlets Strategic Development Committee previously requested that all Reserved Matters for this scheme return to Committee for determination, but this resolution was made before it was known that the GLA was going to remain as the decision-maker for the RMAs rather than returning these to Tower Hamlets and Hackney.

## 1. BACKGROUND INFORMATION

- 1.1 On 25 March 2022, the Mayor of London/ Greater London Authority (GLA) granted hybrid (outline and detailed) planning permission and listed building consent on the site for:

***An OUTLINE application (PA/14/02011) for the comprehensive mixed use redevelopment of the site comprising (floorspace in Gross Internal Area)***

***Residential (Class C3) comprising up to 500 residential units; Business Use (Class B1) up to 130,940 sq.m.; Hotel (Class C1) up to 11,013 sq.m.; Retail, financial & professional services, restaurants, cafes & hot food takeaways (Class A1, A2, A3, A5) up to 18,390 sq.m. of which only 3,678 sq.m. can be used as Class A5; Non-residential Institutions (Class D1) / Assembly and Leisure (Class D2) up to 6,363 sq.m.; Public conveniences (sui generis) up to 298 m<sup>2</sup>; Basement, ancillary and plant up to 21,216 sq.m. Formation of new pedestrian and vehicular access; means of access, circulation and car parking within the site and provision of new public open space and landscaping. The application proposes a total of 10 buildings that range in height, with the highest being 142.4m AOD and the lowest being 29.2m AOD.***

***With all matters reserved save that FULL DETAILS for Plot 2***

***Submitted for alterations to, and the partial removal of, existing structures on site and the erection of a building for office (Class B1) and retail use (Class A1, A2, A3, A5) comprising a part 17/ part 29 storey building; and Plot 7 comprising the use of the ground level of the Braithwaite Viaduct for retail and food & drink uses (A1, A2, A3, A5) and works to and use of the Oriel and adjoining structures for retail and food & drink uses (A1, A2, A3, A5). (Amended Description).***

***For that part of the site within the London Borough of Tower Hamlets, the proposed development comprises the following:***

- Up to 44,067 sq.m. of residential use (Class C3);***
- Up to 21,341 sq.m. of Business Use (Class B1);***
- Up to 11,013 sq.m. of Hotel Use (Class C1);***
- Up to 13,881 sq.m. of Retail Use (Class A1, A2, A3, A5) of which only 2,776 sq.m. can be used for hot food takeaways (A5); Non-residential Institutions (Class D1) / Assembly and Leisure (Class D2) – up to 4,109 sq.m.; up to 298 sq.m. of sui generis use; up to 8,464 sq.m. of ancillary and plant space.***

***LISTED BUILDING APPLICATION (PA/14/02096): 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 shopfront 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.***

- 1.2 The application for hybrid planning permission and listed building consent was submitted on 21 July 2014 and made valid on 9 September 2014. The initial submission included 1,464 new homes, 52,000 sqm office space, 18,000 sqm of retail space including small units, a new elevated public, together with retained and restored heritage features.

- 1.3 The Mayor of London directed that he would act as Local Planning Authority for the purposes of determining the applications on 23 September 2015. Both Tower Hamlets and Hackney Councils reported the applications to their respective planning committees to secure a resolution on what decision the Councils would have made if they were able to determine the application and hence set their respective position at the Mayor of London's Public Representation Hearing. On 10 December 2015, Tower Hamlets Strategic Development Committee resolved that if it were empowered to determine the application then it would have been refused for reasons relating to heritage, townscape impacts, site design principles, affordable housing, housing mix and choice and amenity impacts (daylight and sunlight).
- 1.4 In April 2016, the GLA's officer report recommended that planning permission should be refused for reasons relating to heritage, design, amenity (daylight and sunlight). The Mayor of London agreed to defer the determination hearing to allow the applicant further time to evolve the design and work with the GLA and the boroughs to respond to comments.
- 1.5 Subsequently, significant amendments were made on the applications resulting in amended submissions being provided in October 2019 and July 2020. The height, scale and massing of the scheme was significantly reduced. These wholesale changes resulted in the scheme going from 1,464 homes to a maximum of 500 and an increase in office floorspace from 52,000 sqm to 139,000 sqm.
- 1.6 On 19 November 2020, Tower Hamlets Strategic Development Committee resolved to raise objections to the GLA in respect of the application for hybrid planning permission at the site due to concerns around the following issues:
- The failure to optimise the housing potential of the site and the associated market sector housing mix.
  - The Plot 8 in terms of its use, the opportunities to provide affordable housing on this site and the impact on green space.
  - Height and massing of the development, particularly in terms of the impact on Bethnal Green Road
  - The retail offer and business strategy.
- 1.7 The Tower Hamlets Strategic Development Committee did not object to the granting of listed building consent. The committee also resolved '*that any future reserved matters application be determined by the Committee.*' It should be noted that the planning application received a high level of public interest. The November 2020 Tower Hamlets Strategic Development Committee report stated that there were 511 objections and 5 in support. Hackney Council received a similar level of interest and it was reported that the GLA received 360 objections. A number of petitions were also received.
- 1.8 On 3 December 2020, the Mayor of London conducted a Public Representation Hearing and resolved to grant hybrid planning permission and listed building consent as stated in paragraph 1.1.

## **2. SITE SUMMARY**

- 2.1 The site (shown in figure 1) is 4.4 hectares in size and comprises the former Bishopsgate Goods Depot. Historically the site was a goods station and a suburban railway passenger station prior to services moving to Liverpool Street station. The site has been largely vacant following a fire in 1964. Approximately half of the remaining structures on the site were demolished in 2002/3 to allow the construction of the London Overground railway. Approximately 72% of the site is in Tower Hamlets, with the remainder in Hackney.

- 2.2 The site is currently vacant or in temporary use as football pitches (Powerleague Shoreditch) and BOXPARK Shoreditch, comprising shopping and restaurant uses accommodated in shipping containers. Some of the remaining structures are Grade II listed, including the inactive Braithwaite Viaduct, forecourt wall and Oriel 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 preserved on site are the goods yard’s boundary wall to Sclater Street and Bethnal Green Road and, to the north of this, a group of unlisted historic buildings; The Weavers’ Cottages (c. 1719), The Mission Hall (c. 1876) and the Victorian Building (c.1877).
- 2.3 In terms of relevant planning policy designations, the whole of the site comprises the Site Allocation: Bishopsgate Goodsyard and is within the Central Activities Zone (CAZ), Preferred Office Location, City Fringe Opportunity Area, Archaeological Priority Area (Tier 2: Spitalfields and Brick Lane) and an area of substandard air quality. A small area on the northern edge of the site, including the historic buildings fronting onto Sclater Street, are within the Brick Lane and Fournier Street Conservation Area.
- 2.4 The site is bounded to the north by Sclater Street and Bethnal Green Road, to the east by Brick Lane, to the south by the railway cutting with lines into Liverpool Street and to the west by Shoreditch High Street and Commercial Street. Braithwaite Street bisects the site, north to south.



Figure 1: Aerial photograph of site showing borough boundaries

- 2.5 Shoreditch High Street Station (London Overground) sits in the western part of the site with access from Braithwaite Street. The Overground railway runs through the northern part of the site (east to west) on an elevated concrete viaduct. The railway itself runs inside a concrete elevated tunnel which allows development to take place around it without disrupting the railway operation.

### 3.0 DEVELOPMENT SUMMARY

- 3.1 The consented development would be arranged as a series of building plots, fronting existing streets and linked with new internal routes (shown in figure 2). Plot 2 (consented in detail) in Hackney would comprise office and retail space in a building of 17/29 storeys. Plots 1 and 3 straddle the boundary of Tower Hamlets and Hackney and would provide office and commercial floorspace in buildings of up to 16 storeys (Plot 1) and 7 storeys (Plot 3).
- 3.2 Plots 4, 5 and 10 in Tower Hamlets would provide residential development in a series of buildings situated on both sides of the Overground viaduct, along Bethnal Green Road and Sclater Street ranging from 6 storeys up to a maximum of 19 storeys. Plot 6 would be purpose built for community/cultural uses fronting onto Brick Lane and be up to 4 storeys in height. Plot 7 (consented in detail) comprises the Grade II listed Oriel Gateway and Braithwaite Arches. Plot 8 would provide residential and hotel floorspace in a building situated on top of the viaduct and up to 25 storeys in height, with two linked “pavilion” buildings of four storeys. There is no Plot 9.

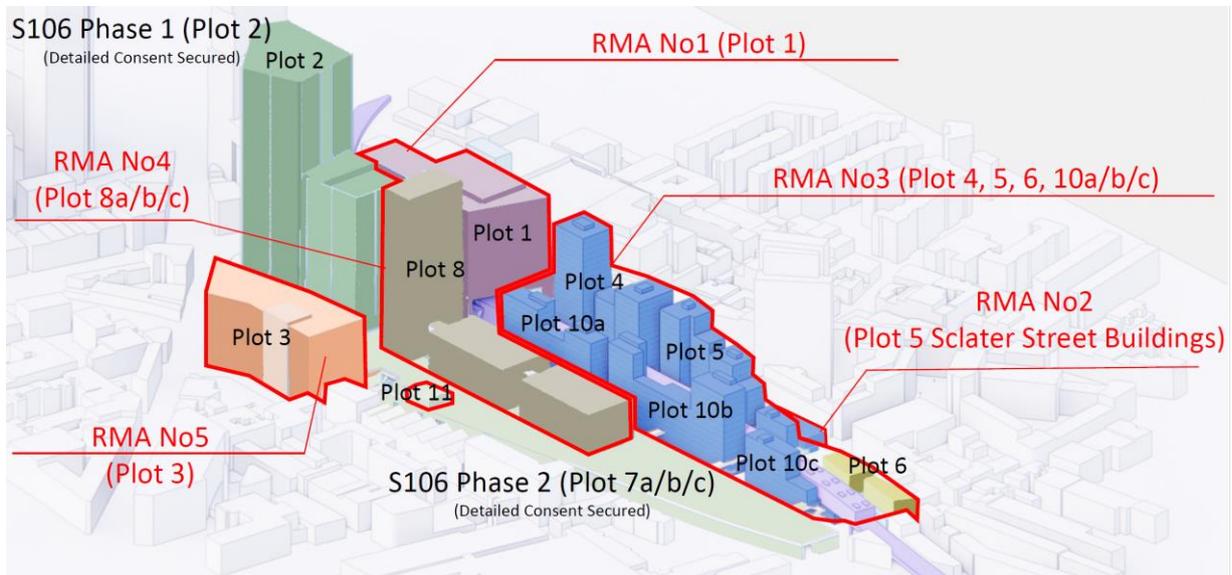


Figure 2: Visual of RMA areas

- 3.3 Figure 3 shows the consented floor areas for the development within Tower Hamlets and overall. All of the residential floorspace is found within Tower Hamlets, whereas in Hackney the scheme is predominantly office.

| Land Use  | Tower Hamlets (maximum sqm) | GEA | Overall Development GEA (maximum sqm) |
|---|-----------------------------|-----|---------------------------------------|
| Residential (Use Class C3)  | 48,508 sqm                  |     | 48,508 sqm                            |
| Retail (Use Class A1, A2, A3 & A5)                                    | 14,677 sqm                  |     | 19,547 sqm                            |
| Office (Use Class B1a)  | 22,822 sqm                  |     | 139,023 sqm                           |
| Hotel (Use Class C1)  | 11,595 sqm                  |     | 11,595 sqm                            |
| Non-residential institutions/ assembly and leisure (Use Class D1/ D2) | 4,622 sqm                   |     | 7,074 sqm                             |

|  |         |         |
|--|---------|---------|
| <b>Public conveniences (Use Class Sui Generis)</b> | 301 sqm | 301 sqm |
|--|---------|---------|

Figure 3: Consented floorspace GEA (gross external area) for different uses

- 3.4 Figure 4 shows a visual of the development massing. The development will have significant townscape impacts on the surrounding area on account of the height and scale of the proposed buildings. These include harm to the setting of heritage assets, to which the NPPF ascribes great weight and to the amenities of neighbours through loss of daylight and sunlight.
- 3.5 Public open space is proposed above the Braithwaite Viaduct with access from Braithwaite Street (through the middle, north-south), Brick Lane (to the east) and London Road (through the site, west-east). Retail, leisure and food and drink uses are proposed for the listed and un-listed Braithwaite Viaduct arches with access from London Road and a parallel route to the north. At least 10% of the retail floorspace would be secured for independent retailers, including 2% for micro-entities and start up retailers. 1.3ha of new public realm would be created at ground floor level, including a new west-east pedestrian route (Middle Road) linking Brick Lane with Shoreditch High Street/ Commercial Street.



Figure 4: Visual of overall development

- 3.6 The consented development would broadly address the requirements of the site allocation by providing a mixed use employment-led scheme with an open space of 1.26ha above Braithwaite Viaduct, a community facility and space for cultural uses. Within the three office buildings proposed for the western end of the site, substantial areas of affordable workspace would be provided, discounted to up to 60% below local market rates. Heritage assets on the site, including the Grade II listed Braithwaite Viaduct and Oriel Gateway on Historic England's Buildings at Risk Register, would be restored and brought back into use.
- 3.7 The residential uses were consented to deliver a minimum of 346 new homes and a maximum of 500. The scheme is consented to provide 50% affordable housing. The affordable housing tenure split would be 49/51 affordable rented/ intermediate, a departure from the 70/30 policy

requirement as the London Plan allows flexibility of tenure for additional affordable units provided above 35%. Affordable rented units are to be split 50/50 between London Affordable Rent and Tower Hamlets Living Rent. At least 50% of the Intermediate units would be London Living Rent, including all of the three-bedroom units in this tenure, with the remainder as Discount Market Rent (DMR) and Shared Ownership.

- 3.8 The consented development would provide a high density scheme in a highly accessible locating, providing additional pedestrian permeability and a contribution totalling £6,470,000 towards highways, pedestrian and cycling improvements in the vicinity of the site. The servicing of the proposed development is constrained given that vehicular access would be constrained by retained historic structures. There would be very significant additional vehicular movements on Braithwaite Street which would provide access to the largest servicing yard.
- 3.9 As a general update, the applicant has encountered some delays in progressing the design of the residential plots RMAs due to the new fire safety requirements to provide second staircases for all the residential blocks and managing that whilst staying within the approved parameter plan massing outlines. Current indications are that the scheme would provide nearer to 400 new homes.

#### **4. PROPOSED COMMITTEE PROCEDURE FOR RESERVED MATTERS APPLICATIONS**

- 4.1 To recap, as the Greater London Authority took over the role of Local Planning Authority for the consented development (PA14/02011 and PA/14/02096), the boroughs (Tower Hamlets and Hackney) could only provide observations on these applications. Plot 2 in Hackney was consented in detail. Plot 7 (in both boroughs) was consented in detail. Plots 1, 3, 4, 5, 6, 8, 9 and 10 were consented in outline – it is therefore that Reserved Matters Applications (RMA) are submitted in order to obtain detailed approval on these outline plots.
- 4.2 On 19 November 2020, Tower Hamlets Strategic Development Committee resolved *‘that any future reserved matters application be determined by the Committee.’* At that time, it appears to have been assumed that Tower Hamlets would revert to being the Local Planning Authority for RMAs, following approval of the hybrid planning permission. However, on 25 March 2022, when the decision notice was issued by the GLA, condition 3 stated that RMAs *‘shall be submitted to and approved in writing by the Greater London Authority (hereinafter called “the GLA”), or the Local Planning Authority where this has been agreed in writing by the GLA.’*
- 4.3 The GLA have subsequently confirmed that they will be the Local Planning Authority for the purposes of the RMAs, therefore the Tower Hamlets Strategic Development Committee resolution that any future reserved matters application be determined by the Committee, cannot be followed through. The GLA will be determining these applications, however officers recommend that observations on RMAs are brought to Strategic Development Committee or Development Committee. Officers would assess future RMAs and offer recommendations, which members could agree to or could provide further or alternative observations, which would constitute the borough’s formal response to the GLA. If this recommendation was not carried then borough observations on RMAs would need to be delegated to officers, as the GLA are the determining authority on these applications.
- 4.4 Officers recommend that it would be more appropriate if RMAs are only taken to Strategic Development Committee or Development Committee if they meet the relevant thresholds for those committees. Passing this resolution would ensure that Committee time is not taken up with matters which are not significant for them to consider.
- 4.8 Figures 2 and 5 show that part of Plot 5 (RMA No2) would be separated from the rest of Plot 5 (new residential buildings within RMA No3). Officers consider that the separation of part of Plot

5 to a distinct RMA is logical and would help to initiate works on the wider site overall. Officers would resist any further fragmentation of Plots to separate RMAs to ensure a holistic approach.

- 4.9 Officers recommend bringing to Strategic Development Committee or Development Committee, reports on DETAILED borough observations for parts of RMAs **which are within the borough**. Although Tower Hamlets is not the Local Planning Authority for these RMAs, officers recommend that reports are brought which provide a full, detailed assessment for parts of RMAs within the borough in the same way as if Tower Hamlets was the Local Planning Authority. Parts of RMAs within the borough are considered appropriate to bring with a full, detailed assessment by officers as the wider site is of borough-wide significance as a Site Allocation, and the parts of RMAs within the borough (shown in figure 2 and 5) would provide upto 500 homes, office floorspace, a park, extensive new public realm and routes, retail, a hotel, as well as cultural and community facilities (floorspaces detailed in figure 3).

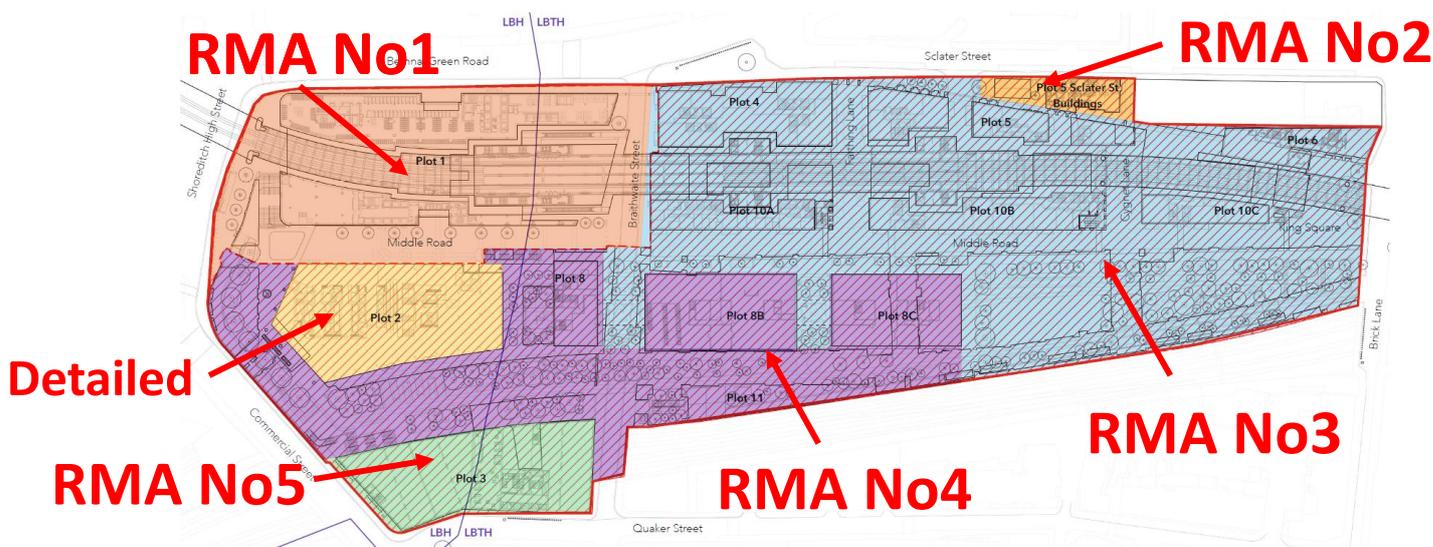


Figure 5: RMA plots (platform level) in relation to borough boundary

- 4.10 Officers recommend bringing to Strategic Development Committee or Development Committee, reports on GENERAL borough observations only, for parts of RMAs, **which are NOT within the borough**. Detailed observations would be provided for parts of those RMAs which sit within the borough, however for parts not within the borough, it would be upto Hackney Council to provide detailed observations on these, if they so wish. Currently, neighbouring borough observations are only brought to committee in rare circumstances, although Tower Hamlets deal with many of these each year (179 in 2023) and often provide a ‘no objections’ response, therefore it is considered appropriate to provide only general observations to Committee in these instances, rather than full, detailed assessments.

## 5. RECOMMENDATION

- 5.1 In regard to Reserved Matters Applications for Bishopsgate Goodsyrd related to PA/14/02011 and PA/14/02096:

To agree that reports on Reserved Matters Applications for Bishopsgate Goods Yard will be referred to Strategic Development Committee or Development Committee to formalise Tower Hamlets observations to the Mayor of London where the scale of the matters to be reported would fall within either Committee’s terms of reference.