

Bishopsgate Goodsyard

in the London Boroughs of Hackney and Tower Hamlets

planning application nos. 2014/2425 & PA/14/02011
listed building consent application nos. 2014/2427 & PA/14/02096

Planning applications and connected listed building consent applications

Town & Country Planning Act 1990 (as amended); Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008 (“the Order”).

The applications

A cross-boundary hybrid planning application with outline and detailed components (LBH ref 2014/2425, LBTH ref PA/14/02011).

Two connected listed building consent applications for works to listed structures in each borough (LBH ref 2014/2427, LBTH ref PA/02096).

The proposal

Hybrid planning application

An OUTLINE application for the comprehensive mixed-use redevelopment of the site comprising:

- Residential (C3) – up to 500 residential units;
- Business use (B1) – up to 130,940 sq.m (GIA);
- Hotel (C1) – up to 11,013 sq.m. (GIA);
- Retail, financial and professional services, restaurants and cafes and hot food takeaway (A1, A2, A3 and A5) – up to 18,390 sq.m. (GIA) of which only 3,678 sq.m. (GIA) can be A5;
- Non-residential institutions (D1) / assembly and leisure (D2) – up to 6,363 sq.m. (GIA);
- Public conveniences (sui generis) – up to 298 sq.m. (GIA);
- Basement, ancillary and plant space – up to 21,216 sq.m. (GIA);
- Formation of a new pedestrian and vehicular access and means of access and circulation within the site and car parking; 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 142.4 metres above ordnance datum (AOD) and the lowest being 29.2 metres AOD.

All matters reserved save that FULL DETAILS for Plot 2 are 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).

Connected listed building consent applications

Within the London Borough of Hackney: Restoration and repair of existing Grade II listed Oriel and gates and adjoining historic structures to provide principal western pedestrian gateway into associated development and to accommodate proposed Class A1/A2/A3/A5 retail use into a number of the existing arches at ground floor. Part removal of a section of adjoining structures proposed to provide improved public realm and pedestrian access into the site.

Within the London Borough of Tower Hamlets: Restoration and repair of the existing Grade II listed Braithwaite Viaduct and adjoining structures for proposed Class A1/A2/A3/A5/D1/D2 and Sui Generis use at ground level. 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 opening; 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.

The applicant

The applicant is **Bishopsgate Goodsyrd Regeneration Limited**, a joint venture between **Hammerson** and **Ballymore**.

The architects are **Faulkner Brown, Eric Parry, Space Hub, Chris Dyson Architects** and **Buckley Gray Yeoman**.

Recommendation summary

The Mayor, acting as local planning authority for the purpose of determining these applications:

- i. Grants conditional planning permission in respect of applications 2014/2425 and PA/14/02011 for the reasons set out in the reasons for approval section below, and subject to the prior completion of a section 106 legal agreement;
- ii. Grants conditional listed building consent for applications 2014/2427 and PA/14/02096 for the reasons set out in the reasons for approval section below;
- iii. delegates authority to the Head of Development Management to issue the planning permission and agree, add, delete or vary, the final detailed wording of the conditions and informatives as required with any material changes being referred back to the Mayor, and authority to negotiate, agree the final wording, and sign and execute, the section 106 legal agreement;
- iv. delegates authority to the Head of Development Management to agree any variations to the proposed heads of terms for the section 106 legal agreement;
- v. delegates authority to the Head of Development Management to refuse planning permission, if by 3 March 2021, the section 106 legal agreement has not been completed;
- vi. notes that reserved matters applications pursuant to the outline planning permission would be submitted to, and determined by, the Mayor, unless he directs Hackney or Tower Hamlets Councils to do so;
- vii. notes that approval of details pursuant to conditions imposed on the planning permission would be submitted to, and determined by, Hackney and Tower Hamlets Councils;
- viii. notes that Hackney and Tower Hamlets Councils would be responsible for the enforcement of the conditions attached to the planning permission.

Subject to the lifting of the holding direction and prior referral to the Secretary of State.

Drawing numbers and documents

Site-wide
Existing Site
BGY-FBA-00-00-DR-A-00-0001 Rev P1; BGY-FBA-00-00-DR-A-00-0002 Rev P1; BGY-FBA-00-00-DR-A-00-0003 Rev P1; BGY-FBA-00-00-DR-A-00-0004 Rev P1; BGY-FBA-00-00-DR-A-00-0005 Rev P1; BGY-FBA-00-00-DR-A-00-0010 Rev P1; BGY-FBA-00-00-DR-A-00-0011 Rev P1; BGY-FBA-00-00-DR-A-00-0012 Rev P1; BGY-FBA-00-00-DR-A-00-0013 Rev P1; BGY-FBA-00-00-DR-A-00-0014 Rev P1; BGY-FBA-00-00-DR-A-00-0015 Rev P1; BGY-FBA-10-00-DR-A-00-0100 Rev P1; BGY-FBA-10-00-DR-A-00-0101 Rev P1.
Parameter Plans
BGY-FBA-00-00-DR-A-00-0020 Rev P1; BGY-FBA-00-00-DR-A-00-0021 Rev P2; BGY-FBA-00-00-DR-A-00-0022 Rev P1; BGY-FBA-00-00-DR-A-00-0023 Rev P1; BGY-FBA-00-00-DR-A-00-0024 Rev P1; BGY-FBA-00-00-DR-A-00-0025 Rev P1; BGY-FBA-00-00-DR-A-00-0026 Rev P1; BGY-FBA-00-00-DR-A-00-0027 Rev P1; BGY-FBA-00-00-DR-A-00-0028 Rev P1; BGY-FBA-00-00-DR-A-00-0029 Rev P1; BGY-FBA-00-00-DR-A-00-0030 Rev P1; BGY-FBA-00-00-DR-A-00-0031 Rev P1; BGY-FBA-00-00-DR-A-00-0032 Rev P1; BGY-FBA-00-00-DR-A-00-0033 Rev P1; BGY-FBA-00-00-DR-A-00-0034 Rev P1; BGY-FBA-00-00-DR-A-00-0035 Rev P1; BGY-FBA-00-00-DR-A-00-0036 Rev P1; BGY-FBA-00-00-DR-A-00-0037 Rev P1; BGY-FBA-00-00-DR-A-00-0038 Rev P1; BGY-FBA-00-00-DR-A-00-0039 Rev P1; BGY-FBA-00-00-DR-A-00-0040 Rev P1; BGY-FBA-00-00-DR-A-00-0041 Rev P1; BGY-FBA-00-00-DR-A-00-0042 Rev P1; BGY-FBA-00-00-DR-A-00-0043 Rev P1; BGY-FBA-00-00-DR-A-00-0044 Rev P1; BGY-FBA-00-00-DR-A-00-0045 Rev P1; BGY-FBA-00-00-DR-A-00-0046 Rev P1; BGY-FBA-00-00-DR-A-00-0060 Rev P1; BGY-FBA-01-00-DR-A-00-0060 Rev P5; BGY-FBA-03-00-DR-A-00-0061 Rev P3; BGY-FBA-04-00-DR-A-00-0062 Rev P3; BGY-FBA-05-00-DR-A-00-0063 Rev P3; BGY-FBA-06-00-DR-A-00-0064 Rev P3; BGY-FBA-07-00-DR-A-00-0065 Rev P3; BGY-FBA-08-00-DR-A-00-0066 Rev P5; BGY-FBA-10-00-DR-A-00-0067 Rev P3; BGY-FBA-10-00-DR-A-00-0068 Rev P3
Illustrative Proposed Masterplan drawings
BGY-FBA-00-00-DR-A-00-0006 Rev P1; BGY-FBA-00-00-DR-A-00-0007 Rev P1; BGY-FBA-00-00-DR-A-00-0008 Rev P1; BGY-FBA-00-00-DR-A-00-0009 Rev P1.
Public Realm and Landscaping
BGY-SS-HX-00-DR-L-00-100 Rev P1; BGY-SS-HX-00-DR-L-00-101 Rev P1; BGY-SS-HX-00-DR-L-00-102
Plot 2 (Full Details)
EPA-TGY-00-1-001 Rev P01; EPA-TGY-05-1-010 Rev P03; EPA-TGY-05-1-020 Rev P01; EPA-TGY-05-1-096 Rev P01; EPA-TGY-05-1-097 Rev P02; EPA-TGY-05-1-098 Rev P01; EPA-TGY-05-1-099 Rev P01; EPA-TGY-05-1-100 Rev P01; EPA-TGY-05-1-101 Rev P02; EPA-TGY-05-1-102 Rev P01; EPA-TGY-05-1-103 Rev P01; EPA-TGY-05-1-104 Rev P03; EPA-TGY-05-1-109 Rev P03; EPA-TGY-05-1-110 Rev P02; EPA-TGY-05-1-111 Rev P03; EPA-TGY-05-1-115 Rev P02; EPA-TGY-05-1-116 Rev P02; EPA-TGY-05-1-117 Rev P02;

EPA-TGY-05-1-118 Rev P03; EPA-TGY-05-1-201 Rev P01; EPA-TGY-05-1-202 Rev P03;
EPA-TGY-05-2-202 Rev P03; EPA-TGY-05-2-203 Rev P03; EPA-TGY-05-2-204 Rev P03;
EPA-TGY-05-2-205 Rev P03; EPA-TGY-05-3-300 Rev P03; EPA-TGY-05-3-301 Rev P02;
EPA-TGY-05-3-302 Rev P02; EPA-TGY-05-3-303 Rev P02; EPA-TGY-05-4-400 Rev P01;
EPA-TGY-05-4-401 Rev P01; EPA-TGY-05-4-402 Rev P01; EPA-TGY-00-4-403 RevP04;
EPA-TGY-05-4-404 Rev P00.

Plot 7 (Full Details)

00-XX-DR-A-05_10-010 REV P1; 00-XX-DR-A-05_10-011 REV P1;
00-XX-DR-A-05_10-012 REV P2; 00-BO-DR-A-05_10-B00 REV P1;
00-XX-DR-A-05_10-000 REV P1; 00-01-DR-A-05_10-100 REV P1;
00-B0-DR-A-05_10-B01 REV P1; 00-00-DR-A-05_10-001 REV P2;
00-01-DR-A-05_10-101 REV P1; 00-XX-DR-A-00_10-01 REV P1;
00-XX-DR-A-00_10-02 REV P1; 00-XX-DR-A-00_10-03 REV P1;
00-00-DR-A-00_10-7A000 REV P1; 00-01-DR-A-00_10-7A100 REV P1;
00-XX-DR-A-00_10-7A51 REV P1; 00-XX-DR-A-00_10-7A52 REV P1;
00-XX-DR-A-00_10-7A01 REV P 1; 00-XX-DR-A-00_10-7A02 REV P1;
00-XX-DR-A-00_10-7A03 REV P1; 00-XX-DR-A-00_10-7A04 REV P1;
00-XX-DR-A-00_10-7A05 REV P1; 00-XX-DR-A-00_10-7A06 REV P1;
00-00-DR-A-00_10-7A001 REV P1; 00-00-DR-A-00_10-7A101 REV P1;
00-XX-DR-A-00_10-7A61 REV P2; 00-XX-DR-A-00_10-7A62 REV P2;
00-XX-DR-A-00_10-7A63 REV P2; 00-XX-DR-A-00_10-7A11 REV P3;
00-XX-DR-A-00_10-7A12 REV P3; 00-XX-DR-A-00_10-7A13 REV P2;
00-XX-DR-A-00_10-7A14 REV P1; 00-XX-DR-A-00_10-7A15 REV P1;
00-XX-DR-A-00_10-7A16 REV P3; 00-B0-DR-A-00_10-7BB00 REV P1;
00-00-DR-A-00_10-7B000 REV P1; 00-01-DR-A-00_10-7B100 REV P1;
00-XX-DR-A-00_10-7B51 REV P1; 00-XX-DR-A-00_10-7B52 REV P1;
00-XX-DR-A-00_10-7B53 REV P1; 00-XX-DR-A-00_10-7B54 REV P1;
00-XX-DR-A-00_10-7B01 REV P1; 00-XX-DR-A-00_10-7B02 REV P1;
00-XX-DR-A-00_10-7B03 REV P1; 00-XX-DR-A-00_10-7B04 REV P1;
00-XX-DR-A-00_10-7B05 REV P1; 00-XX-DR-A-00_10-7B06 REV P1;
00-B0-DR-A-00_10-7BB01 REV P1; 00-00-DR-A-00_10-7B001 REV P2;
00-01-DR-A-00_10-7B101 REV P1; 00-XX-DR-A-00_10-7B61 REV P1;
00-XX-DR-A-00_10-7B62 REV P2; 00-XX-DR-A-00_10-7B63 REV P2;
00-XX-DR-A-00_10-7B64 REV P2; 00-XX-DR-A-00_10-7B11 REV P1;
00-XX-DR-A-00_10-7B12 REV P1; 00-XX-DR-A-00_10-7B13 REV P1;
00-XX-DR-A-00_10-7B14 REV P1; 00-XX-DR-A-00_10-7B16 REV P1;
00-00-DR-A-00_10-7C000 REV P1; 00-01-DR-A-00_10-7C100 REV P1;
00-XX-DR-A-00_10-7C51 REV P1; 00-XX-DR-A-00_10-7C52 REV P1;
00-XX-DR-A-00_10-7C53 REV P1; 00-XX-DR-A-00_10-7C01 REV P1;
00-XX-DR-A-00_10-7C01 REV P1; 00-XX-DR-A-00_10-7C02 REV P1;
00-XX-DR-A-00_10-7C03 REV P1; 00-XX-DR-A-00_10-7C04 REV P1;
00-00-DR-A-00_10-7C001 REV P1; 00-01-DR-A-00_10-7C101 REV P1;
00-XX-DR-A-00_10-7C61 REV P1; 00-XX-DR-A-00_10-7C61 REV P1;
00-XX-DR-A-00_10-7C62 REV P1; 00-XX-DR-A-00_10-7C63 REV P1;
00-XX-DR-A-00_10-7C11 REV P1; 00-XX-DR-A-00_10-7C12 REV P1;
00-XX-DR-A-00_10-7C13 REV P1; 00-XX-DR-A-00_10-7C14 REV P1;
00-00-DR-A-00_10-7D000 REV P1; 00-01-DR-A-00_10-7D100 REV P1;
00-XX-DR-A-00_10-7D51 REV P1; 00-XX-DR-A-00_10-7D52 REV P1;
00-XX-DR-A-00_10-7D53 REV P1; 00-XX-DR-A-00_10-7D01 REV P1;
00-XX-DR-A-00_10-7D02 REV P1; 00-XX-DR-A-00_10-7D03 REV P1;
00-00-DR-A-00_10-7D001 REV P1; 00-01-DR-A-00_10-7D101 REV P1;
00-XX-DR-A-00_10-7D61 REV P1; 00-XX-DR-A-00_10-7D62 REV P1;
00-XX-DR-A-00_10-7D63 REV P1; 00-XX-DR-A-00_10-7D11 REV P1;
00-XX-DR-A-00_10-7D12 REV P1; 00-XX-DR-A-00_10-7D13 REV P1.

PLOT 7 LISTED BUILDING CONSENT

07-XX-DR-A-05_10-010 REV P1; 07-XX-DR-A-05_10-011 REV P1;
07-XX-DR-A-05_10-012 REV P2; 07-B0-DR-A-05_10-B00 REV P1;
07-00-DR-A-05_10-000 REV P1; 07-01-DR-A-05_10-100 REV P1;
07-B0-DR-A-05_10-B01 REV P1; 07-00-DR-A-05_10-001 REV P2;
07-01-DR-A-05_10-101 REV P1; 07-XX-DR-A-00_10-01 REV P1;
07-XX-DR-A-00_10-02 REV P1; 07-XX-DR-A-00_10-03 REV P1;
07-00-DR-A-00_10-7A000 REV P1; 07-01-DR-A-00_10-7A100 REV P1;
07-XX-DR-A-00_10-7A51 REV P1; 07-XX-DR-A-00_10-7A52 REV P1;
07-XX-DR-A-00_10-7A01 REV P1; 07-XX-DR-A-00_10-7A02 REV P1;
07-XX-DR-A-00_10-7A03 REV P1; 07-XX-DR-A-00_10-7A04 REV P1;
07-XX-DR-A-00_10-7A05 REV P1; 07-XX-DR-A-00_10-7A06 REV P1;
07-00-DR-A-00_10-7A001 REV P1; 07-00-DR-A-00_10-7A101 REV P1;
07-XX-DR-A-00_10-7A61 REV P2; 07-XX-DR-A-00_10-7A62 REV P2;
07-XX-DR-A-00_10-7A63 REV P2; 07-XX-DR-A-00_10-7A11 REV P3;
07-XX-DR-A-00_10-7A12 REV P3; 07-XX-DR-A-00_10-7A13 REV P2;
07-XX-DR-A-00_10-7A14 REV P3; 07-XX-DR-A-00_10-7A15 REV P3;
07-XX-DR-A-00_10-7A16 REV P3; 07-B0-DR-A-00_10-7BB00 REV P1;
07-00-DR-A-00_10-7B000 REV P1; 07-01-DR-A-00_10-7B100 REV P1;
07-XX-DR-A-00_10-7B51 REV P1; 07-XX-DR-A-00_10-7B52 REV P1;
07-XX-DR-A-00_10-7B53 REV P1; 07-XX-DR-A-00_10-7B54 REV P1;
07-XX-DR-A-00_10-7B01 REV P1; 07-XX-DR-A-00_10-7B02 REV P1;
07-XX-DR-A-00_10-7B03 REV P1; 07-XX-DR-A-00_10-7B04 REV P1;
07-XX-DR-A-00_10-7B05 REV P1; 07-XX-DR-A-00_10-7B06 REV P1;
07-B0-DR-A-00_10-7BB01 REV P1; 07-00-DR-A-00_10-7B001 REV P2;
07-01-DR-A-00_10-7B101 REV P1; 07-XX-DR-A-00_107B61 REV P1;
07-XX-DR-A-00_107B62 REV P2; 07-XX-DR-A-00_107B63 REV P2;
07-XX-DR-A-00_107B64 REV P2; 07-XX-DR-A-00_107B11 REV P1;
07-XX-DR-A-00_107B12 REV P1; 07-XX-DR-A-00_107B13 REV P1;
07-XX-DR-A-00_107B14 REV P1; 07-XX-DR-A-00_107B15 REV P1;
07-XX-DR-A-00_107B16 REV P1; 07-00-DR-A-00_10-7C000 REV P1;
07-01-DR-A-00_10-7C100 REV P1; 07-XX-DR-A-00_10-7C51 REV P1;
07-XX-DR-A-00_10-7C52 REV P1; 07-XX-DR-A-00_10-7C53 REV P1;
07-XX-DR-A-00_10-7C01 REV P1; 07-XX-DR-A-00_10-7C01 REV P1;
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07-XX-DR-A-00_10-7C61 REV P1; 07-XX-DR-A-00_10-7C62 REV P1;
07-XX-DR-A-00_10-7C63 REV P1; 07-XX-DR-A-00_10-7C11 REV P1;
07-XX-DR-A-00_10-7C12 REV P1; 07-XX-DR-A-00_10-7C13 REV P1;
07-XX-DR-A-00_10-7C14 REV P1; 07-00-DR-A-00_10-7D000 REVP1;
07-01-DR-A-00_10-7D100 REV P1; 07-XX-DR-A-00_10-7D51 REV P1;
07-XX-DR-A-00_10-7D52 REV P1; 07-XX-DR-A-00_10-7D53 REV P1;
07-XX-DR-A-00_10-7D01 REV P1; 07-XX-DR-A-00_10-7D02 REV P1;
07-XX-DR-A-00_10-7D03 REV P1; 07-00-DR-A-00_10-7D001 REV P1;
07-01-DR-A-00_10-7D101 REV P1; 07-XX-DR-A-00_10-7D61 REV P1;
07-XX-DR-A-00_10-7D62 REV P1; 07-XX-DR-A-00_10-7D63 REV P1;
07-XX-DR-A-00_10-7D11 REV P1; 07-XX-DR-A-00_10-7D12 REV P1;
07-XX-DR-A-00_10-7D13 REV P1;

Submitted Amendment documents

- Development Specification 2020
- Design and Access Statement

- Design and Access Statement Addendum
- Design Guide Revision A
- Planning Statement
- Transport Assessment
- Transport Addendum Note
- Travel Plan
- Regeneration Statement
- Sustainability Strategy
- Energy Strategy
- Retail Assessment
- Affordable Housing Statement
- Heritage Statement
- Operational Waste Management Strategy
- Statement of Community Involvement
- Utilities and Services Statement
- Structural Engineering Condition Survey
- Hotel Needs Assessment
- Health Impact Assessment
- Code of Construction Practice
- Circular Economy Statement
- Fire Planning Statement

Environmental Statement Addendum, prepared by Temple Group Ltd, comprising:

- Non-Technical Summary (Volume I) (April 2020)
- Main Text (Volume II)
- Townscape and Visual Impact Assessment (Volume III)
- Townscape and Visual Impact Assessment Addendum (2020)
- Technical Appendices (Volume IV)
- Response to Draft Review Report (June 2020)

Introduction

1 Having assumed authority to determine this planning application, this report sets out the matters that the Mayor must consider in determining whether to grant or refuse planning permission and/or listed building consent, and to guide his decision making at the upcoming representation hearing. This report includes a recommendation from GLA officers, as set out below.

Officer recommendation

2 The Mayor, acting as the local planning authority, has considered the circumstances of this application and relevant national, strategic and local planning policy, relevant supplementary planning guidance and all material planning considerations. He has also had regard to the Hackney and Tower Hamlets Council's planning committee reports dated 16 November 2020 and 19 November 2020, the minutes of those meeting, the formal comments of the Councils and all consultation responses and representations made on the case both to him directly and to the Councils.

Officer recommendation – reasons for approval

3 The below reasons set out why these applications are acceptable in planning policy terms:

- i. The proposal represents a high-quality redevelopment scheme which would make a significant contribution towards the regeneration of the City Fringe/Tech City Opportunity Area. Temporary

and meanwhile uses aside, the site has been vacant since the mid 1960's. The principle of a commercially led, mixed use development is strongly supported by both strategic and local planning policy in the development plan. The proposed development would conform with the land use principles set out in the site allocations, including open space provision, and would provide much needed housing for which there is an identified and well-documented need. The proposals make provision for substantial general and affordable employment floorspace addressing need within the Central Activities Zone for office based jobs and floorspace and for the provision of additional hotel accommodation. The creation of new retail, community and cultural floorspace is supported by policy. The proposal is therefore consistent with the land use objectives of the NPPF, development plan and emerging policy, with the exception of Hackney Council's affordable policy workspace, where there is a shortfall in quantum. This is however outweighed by other material considerations including Hackney Council's support for the offer.

- ii. The scheme would provide up to 500 residential units of which 50% of the total habitable rooms would be affordable. An acceptable tenure mix is also proposed. Overall, the scheme would make a significant contribution to affordable housing delivery targets for Tower Hamlets. The proposed offer of affordable housing meets the fast track requirements of the Mayor's Affordable Housing & Viability SPG for public land and represents a significant benefit. The housing mix, quality and play space provision is acceptable.
- iii. The design and layout principles are well-considered, creating new high quality routes and spaces. The massing and layout responds to the site's constraints and sensitivities, including heritage assets. The proposal optimises the development density, taking into account the highly accessible location which incorporates Shoreditch High Street Station and is within walking distance of numerous bus routes. The application consists of tall buildings, as defined in both local plans. The proposal complies with the design criteria relevant to proposals for tall buildings and optimises the development of an under-utilised, brownfield site. The massing strategy is broadly supported in terms of positioning taller commercial buildings within the western portion of the site, close to the emerging tall buildings cluster on Shoreditch High Street and the City further to the south, with a sequence of lower rise blocks running either side of the Overground box and at platform level. The scale of the buildings corresponds with the OAPF strategic design principles for the site, increasing the prominence of the transport nodes on this site. The height of most of the buildings have been reduced during the course of the application process and would be consistent with heights in this locality. The proposal represents high quality architecture and allows for the optimisation of the site for residential and commercial development. The proposed development has embedded the principles of inclusive access and will comply with the relevant inclusive design housing standards. The amended Design Guide and Parameter Plans are sufficient to support the height, scale and massing for the outline phases which will be assessed in detail at Reserved Matters stage. On this basis, the application accords with the design components of the NPPF, development plan and emerging policy.
- iv. The proposal would result in less than substantial harm to the significance of a number of on-site and nearby heritage assets, both designated and non-designated, and would not conserve their significance as required by policy. Great weight and importance, in accordance with statute, must be given to the harms. There would be some heritage benefits arising from the proposals, along with numerous other public benefits. GLA officers have applied the NPPF balancing exercise and consider that the harms would be clearly outweighed by the benefits such that impact on heritage assets does not amount in itself to a reason to refuse planning permission for the proposal. The works proposed through the listed building consent applications are acceptable.
- v. The development proposals would have severe impacts on neighbourhood amenity with regard to daylight and sunlight, although this is outweighed by material considerations including the undeveloped nature of the site and the urban context. The impacts of the amended scheme are much less than previously proposed. Any further reductions in the height and massing would be a disproportionate response to the daylight and sunlight impacts and would fail to optimise the development potential of the site. Further assessment of the daylight and sunlight impacts will be

available at Reserved Matters stage. The proposed neighbouring amenity impacts are acceptable in all other respects.

- vi. The proposed development would achieve a high standard of sustainable design and construction, minimising carbon dioxide emissions. It would use energy efficiently and from renewable sources, in accordance with energy hierarchy policy. The development would deliver significant sustainable urban drainage, ecology and urban greening benefits. Other environmental impacts of the development, including wind, air quality, noise, contaminated land and waste would be mitigated.
- vii. The principle of siting a significant quantum of high trip-generating uses in a highly accessible location through a car-free approach is strongly supported. The proposal appropriately contributes towards Healthy Streets and sustainable travel objectives. Subject to the mitigation measures discussed above, the application complies with London Plan, Intend to Publish London Plan and Local Plan transport policy, and the NPPF.
- viii. Appropriate, reasonable and necessary planning conditions and planning obligations are proposed to ensure that the development is acceptable in planning terms and the environmental, infrastructure and amenity impacts are mitigated, in line with adopted policy and supplementary guidance.
- ix. Accordingly, whilst the proposals are not considered to be in overall conformity with the development plan, there are strong material considerations in favour of granting planning permission. As such, it is the view of GLA officers that the proposal should be granted planning permission and listed building consent, and there are no other relevant material considerations to justify a different conclusion.

Section 106 legal agreement – heads of terms

4 The following are recommended as the head of terms for the section 106 agreement, referred to in the above Recommendation.

- a) Affordable housing: 50% of the proposed housing by habitable room will be provided as affordable housing:
 - i. The first 35% will be provided with a 70:30 (low cost rent:intermediate) split and the remaining 15% all as intermediate housing.
 - ii. The low cost rent units would be split 50:50 between London Affordable Rent and Tower Hamlets Living Rent.
 - iii. Intermediate units would be subject to the eligibility and affordability requirements as set out in the Intend to Publish London Plan, the Affordable Housing & Viability SPG and the London Plan Annual Monitoring Report. At least 50% of the intermediate housing would be provided as London Living Rent (including, but not limited to all 3+ bedroom units), with the remaining intermediate units provided as Discount Market Rent or London Shared Ownership, subject to meeting the affordability criteria.
 - iv. An early stage review mechanism to be secured, whereby in the event that the first residential phase has not been substantially implemented within 3 years of the date of the decision to grant planning permission, a review would be undertaken to establish if London Affordable Rent and London Living Rent housing can be provided.
 - v. Delivery triggers linking affordable housing to market housing and linking affordable housing to commercial floorspace.
- b) Affordable workspace:
 - i. In Hackney, 7.5% of the office floorspace comprised in the development shall be provided as affordable workspace at an overall 60% discount from open market rents.

- ii. In Tower Hamlets, 10% of the office floorspace will be discounted by 10% from open market rents.
 - iii. An affordable workspace strategy to be submitted and approved prior to occupation.
 - iv. Local enterprise, business support and inclusive workspace contribution of £500,000 (Hackney only).
- c) Apprenticeships: Provision of 150 apprenticeships during the construction phase of the development. Applicant to use reasonable endeavours to provide as many apprentices as reasonably practicable during the end-user phase of the development.
- d) Employment and skills:
- i. Contributions of £3,863,616 (Hackney) and £1,358,213 (Tower Hamlets) towards employment, skills and training initiatives.
 - ii. Establishment of an Employment and Skills Steering Group to ensure the delivery of the Employment and Skills Strategy.
 - iii. Provision of an Employment and Skills Plan.
 - iv. Provision of one employment/training officer role (funded up to £500,000) to be shared between boroughs.
- e) Construction:
- i. Applicant to use reasonable endeavours to ensure 25% of labour employed in the construction and end-user phases of the development are local residents.
 - ii. Applicant to use reasonable endeavours to ensure that 20% of the value of contracts during the construction period go to local contractors and suppliers.
 - iii. Submission of Construction Logistics Plan prior to each phase of development.
 - iv. Compliance with Code of Considerate Practice and registration with Considerate Constructors Scheme.
- f) Retail:
- i. 10% of retail floorspace to be occupied by independent retailers, to include 3% affordable space for micro-entities and start up retailers at a discount of 40% of market rent.
 - ii. Provision and implementation of a retail management strategy to regulate the mix of A3 and A5 uses and to manage the operation of A5 uses to ensure minimal disturbance to the amenity of the area.
 - iii. A5 uses to be capped at 5% of retail floorspace to provide space for micro-entities and start-up tenants in the food sector.
- g) Culture and social infrastructure:
- i. Provision of 400sq.m. within Building 6 for community use; space to be fitted out (capped at £500,000) and let at a peppercorn rent in perpetuity; remaining space to be a cultural facility.
 - ii. Provision of a cultural space in Building 3, as well as a cultural strategy including arrangements for community access.
 - iii. Establishment of cultural panel to be comprised of applicant, Councils and local groups to facilitate the selection of a community/cultural operator with final approval for the Councils for spaces in Hackney and Tower Hamlets.
 - iv. Air quality and noise mitigation fit out to community/cultural space.
 - v. Site-wide arts-led meanwhile use strategy, to encourage community use.
 - vi. Provision of accessible public toilets to 'Changing Places' standards, open during retail hours.

- h) Heritage: Delivery of Oriel Gateway works prior to occupation of Building 2.
- i) Open space:
- i. Provision of public open space at Platform level.
 - ii. Open space and pedestrian routes to be brought forward on a phased basis, linked to occupation.
 - iii. Site-wide estate management strategy.
 - iv. Off-site contribution of £200,000 towards MUGA in Allen Gardens.
- j) Public art: Provision of public art in accordance with an approved public art strategy to a target commitment of £150,000. Commitment to maintenance of public art in accordance with the approved public art strategy.
- k) Energy:
- i. Payment of carbon off-set contributions totalling £4,859,250.
 - ii. Future-proof connection to potential district heating network.
 - iii. Submission of a site-wide energy framework.
 - iv. Dynamic thermal modelling for residential units.
 - v. 'Be seen' energy monitoring.
- l) Transport:
- i. Payment of £4.5 million to TfL for Shoreditch High Street junction improvements (Section 1 works).
 - ii. Payment of £1 million for cycle infrastructure improvements on Shoreditch High Street.
 - iii. Provision of TfL Roundel at Shoreditch High Station.
 - iv. Provision for space for escalators to Shoreditch High Street Overground Station platforms and second entrance.
 - v. Contribution to TfL of £440,000 towards provision of two cycle hire docking stations.
 - vi. Payment of £250,000 to Tower Hamlets Council towards the improvement of pedestrian crossings on Bethnal Green Road.
 - vii. Payment of £250,000 towards Bethnal Green Road / Sclater Street cycle lane improvements.
 - viii. Contribution of £300,000 towards cycle/pedestrian routes on Quaker Street, Wheeler Street and Braithwaite Street.
 - ix. Contribution of £255,000 to Hackney Council towards carriageway resurfacing.
 - x. Contribution of £25,000 towards Redchurch Street public realm improvements.
 - xi. Provision and implementation of site wide and phased travel plans.
 - xii. Contribution of £2,000 towards Hackney Council towards travel plan monitoring.
 - xiii. S278 works.
 - xiv. Parking permit restrictions.
 - xv. Provision and implementation of blue badge parking management plan.
 - xvi. Contribution of £8,750 towards Hackney Council construction logistic plan monitoring.
 - xvii. Provision of a Delivery and Servicing Strategy with service vehicle movement caps, monitoring and financial non-compliance bond.

Conditions

5 The following conditions are recommended. Full draft conditions will be published on the day of the Representation Hearing.

Conditions – planning application

Hackney

1. Compliance with approved plans and documents
2. Time limit (detailed)
3. Reserved Matters to be submitted
4. Reserved Matters time limits for submission of details
5. Reserved Matters time limits for commencement
6. Shopfronts and signage
7. Materials samples
8. Detailing
9. Facade cleaning details
10. Phasing plan
11. Quantum of development outline
12. Environmental Statement Addendum
13. Restrictions on changes of use – offices
14. Restrictions on changes of use – betting shops
15. Restrictions on changes of use – D1/D2
16. Construction work hours
17. Hours of operation retail uses
18. Cycle parking provision
19. Electric vehicles charging points
20. Water network infrastructure
21. Piling method statement
22. Development close to strategic water main
23. Foul water capacity
24. Surface water capacity
25. Drainage strategy
26. Fire strategy
27. Delivery and servicing strategy
28. Construction and environmental management plan
29. Construction logistics plan
30. Secured by Design
31. Programme of archaeological work
32. Archaeology written scheme of investigation
33. Archaeology watching brief
34. Air quality monitoring
35. Air quality Plot 3
36. Air permeability Plot 2
37. Odour assessments
38. Air source heat pumps
39. Extract equipment
40. Noise from plant
41. Noise from operation (cultural space)
42. Mechanical ventilation
43. Energy assessment for Plot 2
44. Energy system for Reserved Matters
45. District Heating Network review
46. Site wide communal heat network
47. SUDS
48. Photovoltaics
49. Whole life carbon
50. Water efficiency (105 litres/day)
51. Site wide waste management plan
52. Circular Economy Statement (detailed elements)

53. Circular Economy Statement (recycling and waste targets)
54. Circular Economy Statement (post completion report)
55. Refrigerant materials
56. Land contamination
57. Groundwater Protection
58. Urban Greening Factor
59. Construction methodology (cranes)
60. Bird and bat management strategy
61. Operational waste management strategy
62. Lighting strategy
63. Privacy measures
64. Play space
65. Asbestos survey
66. Landscaping and ecological management plan
67. Unexploded ordinance
68. Green/brown roofs and green walls
69. Accessible car parking
70. BREEAM design stage
71. BREEAM final certificate
72. Solar glare (Plot 2)
73. Wind mitigation
74. Finished floor levels
75. Sustainability strategy
76. Overground assets protection
77. Underground assets protection
78. Rail for London assets
79. Bat and bird boxes
80. Landscaping
81. Landscaping construction above listed structures
82. Refuse and recycling
83. Heritage – phasing
84. Heritage – recording
85. Heritage – education and interpretation
86. Heritage – cultural space
87. Architect retention

Tower Hamlets

1. Compliance with approved plans and documents
2. Time limit (detailed)
3. Reserved Matters to be submitted
4. Reserved Matters time limits for submission of details
5. Reserved Matters time limits for commencement
6. Shopfronts and signage
7. Materials samples
8. Detailing
9. Phasing plan
10. Quantum of development outline
11. Environmental Statement Addendum
12. Restrictions on changes of use – offices
13. Restrictions on changes of use – betting shops
14. Restrictions on changes of use – D1/D2
15. Construction work hours
16. Hours of operation retail uses
17. Cycle parking provision
18. Electric vehicle charging points

19. Water network infrastructure
20. Piling method statement
21. Development close to strategic water main
22. Foul water capacity
23. Surface water capacity
24. Drainage strategy
25. Sound insulation for residential uses
26. Fire strategy
27. Construction and environmental management plan
28. Construction logistics plan
29. Housing mix strategy
30. Accessible housing
31. Accessible hotel rooms
32. Secured by Design
33. Programme of archaeological work
34. Archaeology written scheme of investigation
35. Archaeology watching brief
36. Air quality monitoring
37. Air quality Plot 3
38. Odour assessments
39. Air source heat pumps
40. Extract equipment
41. Noise from plant
42. Noise from operation (cultural space)
43. Mechanical ventilation
44. Energy assessments
45. District heating network review
46. Site wide communal heat network
47. Surface water run-off
48. SUDS
49. Impact piling – water pollution
50. Photovoltaics
51. Whole life carbon
52. Overheating (residential phases)
53. Water efficiency (105 litres/day)
54. Site wide waste management plan
55. Circular economy statement (detailed elements)
56. Circular economy statement (recycling and waste targets)
57. Circular economy statement (post completion report)
58. Land contamination
59. Groundwater protection
60. Urban Greening Factor
61. Construction methodology (cranes)
62. Bird and bat management strategy
63. Operational waste management strategy
64. Lighting strategy
65. Privacy measures
66. Play space
67. Asbestos survey
68. Landscaping and ecological management plan
69. Unexploded ordinance
70. Green/brown roofs and green walls
71. Accessible car parking
72. BREEAM design stage
73. BREEAM final certificate
74. Wind mitigation

75. Finished floor levels
76. Sustainability strategy
77. Overground assets protection
78. Underground assets protection
79. Rail for London assets
80. Bat and bird boxes
81. Landscaping
82. Landscaping construction above listed structures
83. Refuse and recycling
84. Historic building recording and analysis
85. Architect retention

Conditions – listed building consent applications

Hackney

1. Time limit
2. Compliance with approved plans
3. Works to match
4. Brickwork to match
5. Masonry cleaning
6. New discoveries
7. Redundant services
8. Salvage strategy
9. Protection strategy
10. Structural assessment of load capacity
11. No use of piling
12. Opening up works
13. Oriel Gateway surveys
14. Off site repair
15. Oriel window details
16. Other details
17. Conditions meeting
18. Expert supervision

Tower Hamlets

1. Time limit
2. Compliance with approved plans
3. Works to match
4. Brickwork to match
5. Masonry cleaning programme
6. Redundant services
7. Salvage strategy
8. Structural assessment of Braithwaite Viaduct
9. Details of works to viaduct
10. No use of piling

Publication protocol

6 This report has been published seven days prior to the Representation Hearing, in accordance with the GLA procedure for Representation Hearings. Where necessary, an addendum to this report will be published on the day of the Representation Hearing. This report, any

addendum, and the Mayor of London's decision on this case will be made available on the GLA website.

Site description

7 The site measures 4.4 hectares in area and lies across the boroughs of Hackney and Tower Hamlets. It is surrounded by the neighbourhoods of Shoreditch, Brick Lane and Spitalfields and sits within the City Fringe Opportunity Area and Central Activities Zone (CAZ). The site is within Hackney's Priority Office Area and within the draft South Shoreditch Area Action Plan Area.

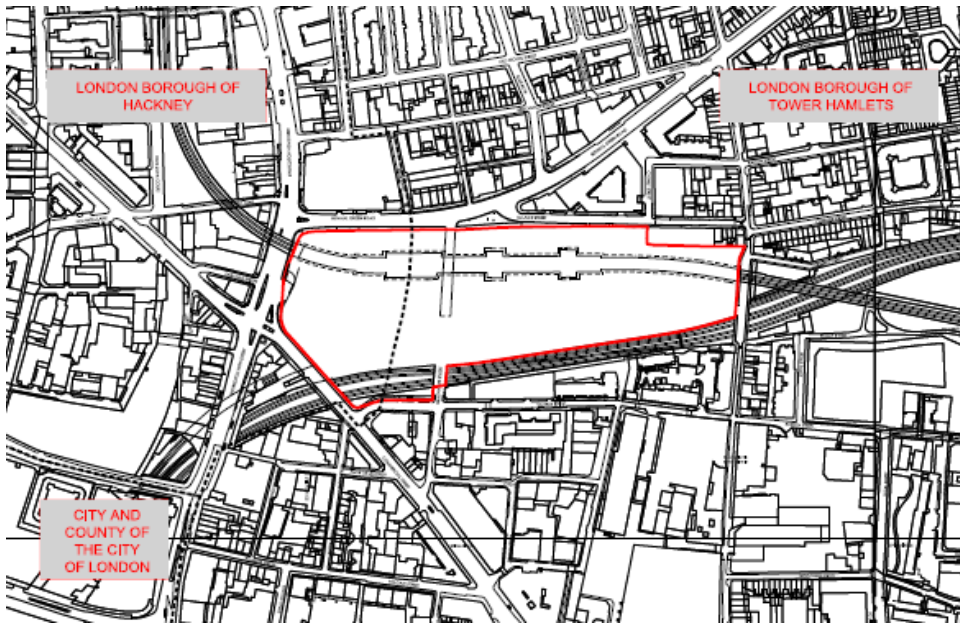


Figure 1: plan showing the site (red outline) and borough boundaries (black dotted lines)

8 In 1842 the site was formed as a passenger terminus of the Eastern Counties Railway Company for its Great Yarmouth/Norwich to London line, the station became a purpose-built goods yard following the construction of Liverpool Street Station by the 1880's. A building occupied much of the site with the main elevation facing onto Shoreditch High Street. This was largely destroyed by a fire in 1964 after which most of the site was vacated.

9 Retained after the fire were the Grade II listed (listing 1975) Forecourt Wall, Oriel window and Gates to the former station facing Shoreditch High Street and Commercial Street as well as 260 metres of the Braithwaite Viaduct running east-west across the site which survived the fire and were Grade II listed in 2002. In addition, there are several other non-listed historic structures on the site: 19th century arches, the original goods yard boundary wall along Sclater Street, and several historic buildings at the north of the site. The Grade II listed Oriel gate was built to form the entrance to the goods yard and dates from the early 1880's. The Grade II listing includes the Oriel Gate and opening, listed gates and gate posts, the Weighbridge Office structure above ("Oriel"), a winding mechanism and adjoining arches, formerly formed of retail units. The Oriel has lost some of its crowning stonework and is hidden from public view, inside a wooden box. The site also falls within an Archaeological Priority Area and an Area of Poor Air Quality (LBTH). The whole of the Hackney side and the western part of the Tower Hamlets side is within a locally defined Area of Open Space Deficiency.

10 A small portion of the north eastern part of the site lies within the Brick Lane and Fournier Street (LBTH) Conservation Area which also runs to the east and south of the site. South Shoreditch (LBH) Conservation Area borders the western side of Shoreditch High Street and the northern side of Bethnal Green Road, including the Tea Building. The Redchurch Street (LBTH) Conservation Area includes the western edge of Sclater Street to the north of the site and the Elder Street (LBTH) Conservation Area lies to the south facing Commercial Street. The Boundary Estate (LBTH) Conservation Area is located to the north. The site also lies within the background of the protected vista of the London View Management Framework (LVMF) designated panorama from Westminster Pier to St Paul's Cathedral (8A.1) and King Henry VIII's Mound, Richmond to St Paul's Cathedral (9A.1).

11 The site has been mainly vacant since 1964 but has recently been partly occupied by temporary uses including football pitches and the 'Box Park' pop up shopping mall. In April 2010 and following consent granted by the London Underground (East London Line Extension) Order 1997, the London Overground and Shoreditch High Street London Overground Station opened within the boundary of the site with an entrance off Braithwaite Street.

12 The site is bound by the busy Shoreditch High Street and Commercial Street to the west, to the south of the site lie the railway lines into Liverpool Street and the City of London with Brick Lane situated at the eastern edge. To the north on Bethnal Green Road, there are Victorian former warehouses converted to other uses, including the 'Tea Building'. Other buildings to the north east include a 25 storey residential tower at the junction with Sclater Street, known as the Avant Garde. The area to the south and west has within it some recently developed tall buildings including the 33 storey Broadgate Tower and 50 (residential) storey Principal Place on Bishopsgate and 37 (residential) storey, 'The Stage' on Curtain Road, the latter currently under construction. Another tall building, the 30 storey 'Highgate Hotel' has approval and would lie directly west and opposite the site on the western side of Shoreditch High Street.

13 The site is heavily constrained by rail and telecommunications infrastructure. The 'boxed' London Overground line runs east to west across the northern part of the site. The mainline into Liverpool Street Station runs in an open cut, approximately 7 metres below grade level along the southern part of the site and under part of the site. North of the mainline are suburban line tracks underneath the site immediately south of a two-rack width space safeguarded for further line expansion to Liverpool Street. The Central Line tunnels run diagonally across the site from the corner of Commercial Street and Quaker Street to the junction of Sclater Street and Bethnal Green Road. A British Telecom tunnel runs north-south across the site almost directly below the line of Braithwaite Street.

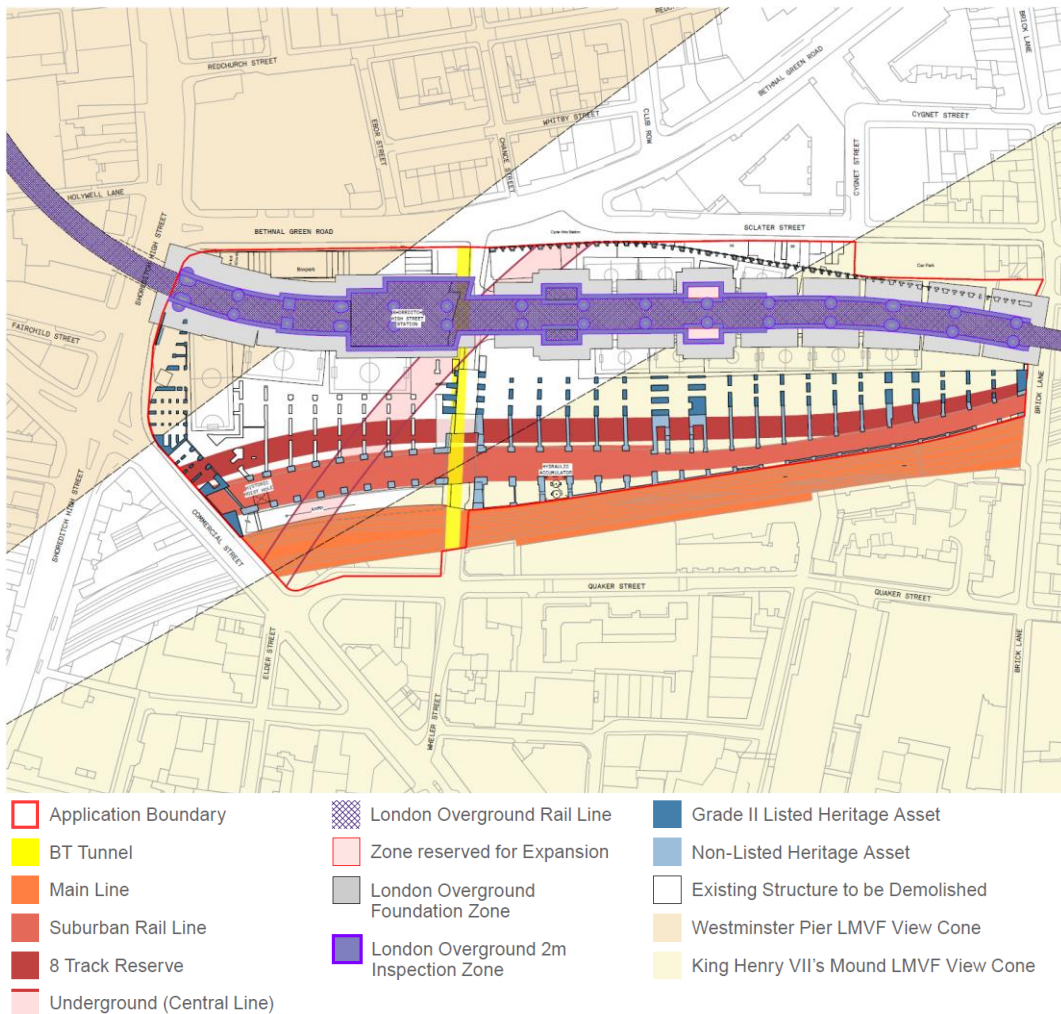


Figure 2: plan of site constraints

14 In addition to Shoreditch High Street station referred to above, the site is approximately 400 metres north of Liverpool Street Station which is one of London's main rail termini, providing access to national rail; intercity and suburban services and will also benefit from Crossrail services. Liverpool Street Station also provides access to underground services on the Metropolitan, Hammersmith & City, Circle and Central lines. Numerous bus routes serve the site and its surrounds and there are a number of cycle hire docking stations within a reasonable walking distance of the site; Commercial Street, Bethnal Green Road and Brick Lane. The site is very well served by public transport and has a transport accessibility level (PTAL) of mostly 6a to 6b across the site (small portion of 5), on a scale of 1-6b where 6b is the highest.

History of the current applications

15 The previous Mayor of London received documents from Hackney and Tower Hamlets Councils in October 2014 notifying him of a planning application of potential strategic importance, referred under Categories 1A, 1B, 1C, 3B, 3E and 4 of the Schedule to the Mayor of London Order 2008. The scheme comprised an OUTLINE application for the comprehensive mixed use redevelopment of the site comprising: up to 1,464 residential units; up to 52,991 sq.m. of business (Class B1) space up to 18,229 sq.m. of flexible retail space; up to 761 sq.m. of community and leisure space and public conveniences basement and ancillary plant space and a new public open space. A total of 12 buildings were proposed, rising from 23.6 metres to 180.4 metres (AOD). Full details were provided for three of the residential buildings and works associated with the listed Braithwaite Viaduct and Oriel Gateway.

16 On 12 December 2014 the previous Mayor considered planning report reference D&P/1200b&c/01, and subsequently advised Hackney and Tower Hamlets Councils that while the application for a mixed use development in the CAZ was generally acceptable in planning terms, further details were required on land use, housing and affordable housing, impact on heritage assets, urban design and tall buildings, inclusive design, sustainable development and transportation. The provision of 10% affordable housing across the site was considered to be disappointing.

17 On 9 July 2015 the Mayor received notification from Tower Hamlets and Hackney Councils that they had received amended plans for the planning application, including an adjusted site boundary to incorporate the open cut railway to provide a new commercial building and changes to some of the mix of uses on the site as well as a reduction in the height of four of the residential towers, the maximum height on site reducing by 2.8 metres to 177.6 metres (46 storeys). The maximum number of residential units proposed was reduced from 1,464 to 1,356; business use increased up to 65,859 sq.m., the quantum of flexible retail reduced by 779 sq.m. and community/leisure provision increased to allow for a maximum of 1,156 sq.m.

18 On 9 September 2015 the previous Mayor considered the amended scheme (planning report reference D&P/1200b&c/02) and subsequently advised Hackney and Tower Hamlets Councils that while the application was generally acceptable in strategic planning terms with support for the overall mix of uses, the increased social infrastructure and a 25% reduction in residential studio numbers. The report noted that there had been no progress on the proposed 10% level of affordable housing and that the rationale for an off-site payment in lieu for the Hackney proportion of the site had not been demonstrated. However, discussions concerning viability were still ongoing at that time.

19 The applicant made a request to the former Mayor to recover the planning applications for his determination on 15 September 2015 setting out the strategic nature of the submission and the impact it would have upon the implementation of the London Plan with regard to regeneration, housing and economic objectives. The applicant asserted that the Councils were not dealing with the applications within a reasonable timescale, notably in their handling of the affordable housing viability process

20 The Councils issued a joint response to the call-in request setting out why they considered that the former Mayor should not take over the planning application. The Councils noted that there were a number of key outstanding issues that need to be resolved before a recommendation could be made on the proposal and that there were deficiencies with the environmental information submitted. The Councils considered that they had shown considerable and appropriate flexibility in accepting the applicant's amendments to the scheme and in undertaking a comprehensive consultation exercise which created considerable and mostly negative local feedback.

21 The former Mayor subsequently considered a report (reference D&P/1200c&d/03) on 23 September 2015, which concluded that that, having regard to the details of the application, the development is of a nature and scale that gave rise to significant impacts on the implementation of the London Plan particularly with regard to housing, affordable housing, employment, regeneration, Opportunity Areas and heritage and that there were sound reasons for the Mayor to intervene in this case and issue a direction under Article 7 of the 2008 Order that he would act as the local planning authority for the purpose of determining the planning application and associated listed building consent applications. The Mayor agreed with this recommendation.

Post call-in

22 Following the call-in both Councils took their respective applications to Committee which were considered by both Hackney and Tower Hamlets on 10 December 2015.

23 Hackney Council resolved to object to the amended planning application considering that the former Mayor should refuse the proposal for the following reasons: over-development; failure to provide an employment-led development and maximise employment floorspace; insufficient affordable housing; harm to the setting of the Oriel Gate and Braithwaite Viaduct; harm to the setting of surrounding heritage assets; harm to the setting of the Tower of London World Heritage Site; visual impact and proportions of the tall buildings; excessive height, footprint and massing; townscape impact; severe adverse impact on daylight and sunlight; failure to demonstrate acceptable air quality impacts; and in relation to the listed building consent application 2014/2427, direct harm to the listed Oriel Gate.

24 Tower Hamlets Council advised that were it empowered to determine the application for planning permission the Council would have refused planning permission for the following reasons: excessive height and harm to heritage assets and townscape, not outweighed by public benefits; insufficient affordable housing; insufficient family housing; unacceptable daylight and sunlight impacts; missed opportunity to enhance permeability through the site; and poor residential quality on account of the failure to meet minimum space standards.

25 In relation to the application for listed building consent, Tower Hamlets Council advised that it was satisfied for the Mayor to determine application PA/14/02096 as he saw fit subject to recommended conditions being applied to any consent.

26 Additional material was subsequently submitted by the applicant in the form of an Environmental Statement (ES) Addendum in January 2016 giving rise to another round of public consultation. A Representation Hearing was scheduled for 18 April 2016 and GLA officers published an advisory planning report on 8 April 2016 (ref D&P/1200c&d/04), which recommended refusal on the basis of unacceptable impacts to neighbouring amenity, specifically in regard to daylight/sunlight, as a result of the inappropriate density, height, massing and layout of the scheme and also because of the substantial harm to the on-site Grade II listed Oriel Gate and wall and harm to surrounding conservation areas and to the setting of the Tower of London World Heritage Site. The hearing was deferred at the request of the applicant, in order to address those concerns identified in the report.

Post hearing deferral

27 The application remained live following the above deferral whilst some discussions took place between the applicant, GLA officers and the Councils. In October 2017, the Councils set out a set of joint borough priorities for a future application or amended proposal which were issued to the applicant. The document lists 16 priorities including the statements that “the development should provide a mixed use development which strikes a positive and appropriate balance between optimising housing numbers and maximising employment space” and that, “the maximum feasible amount of employment space should be provided, to meet the strategic employment function of the Central Activities Zone, City Fringe, Hackney Priority Employment Area, and wider Tech City”. Following on from which the applicant produced amended drawings which formed the basis of discussions between GLA officers, Council officers and the applicant, these discussions becoming more formal on the signing of Planning Performance Agreements in 2018. Following a period of collaborative working on various elements of the scheme, the applicant submitted amendments to the application on 27 September 2019.

28 On 21 October 2019, the Mayor considered a planning report reference GLA/1200c&d/06. The update report recommended, having regard to the amendments to the planning and listed building consent applications submitted, considered that the proposed development continued to be of scale and nature that would have a significant impact on the implementation of the London Plan (particularly relating to Opportunity Areas, employment, housing, affordable housing, heritage and transport) and that there were sound reasons for the Mayor to continue to act as the local planning authority. The Mayor agreed with this recommendation.

29 The update report noted that whilst there had been a series of amendments made to the original submission, the scheme as proposed continued to be a comprehensive mixed use proposal whose changes and their likely effects would not give rise to the outcome that “the development proposed is not in substance that which was applied for”. The extent of the revised land uses were considered to be modest in the context of the scale of the development, which otherwise contains the mix of uses previously submitted. The report also noted that a full and extensive public consultation, in accordance with statutory requirements, would take place for these amendments and as such, any individual or organisation will have a further and full opportunity to consider the proposals and to make representations to the Mayor which would be considered in due course by the Mayor when determining the applications.

30 The update report highlighted that there remained several matters which required further consideration and assessment. These included the detail of the final affordable housing offer, affordable workspace provision, urban design, design codes and details, section 106 contributions, the transport strategy and matters relating to climate change and the environment. Further testing was also required on the amenity impacts on local residents, notably in terms of daylight and sunlight and also a full assessment on the integration of heritage assets into the scheme and the impact on wider heritage assets more generally.

31 On 12 November 2019 a full and comprehensive public consultation exercise was undertaken by GLA officers on the amended submissions, which are described in the next section of this report. The representations to this consultation exercise are set out in the ‘Consultation’ section of this report.

32 Following the initial consultation exercise commencing in November 2019, further discussions and requests from GLA and Council officers, the applicant submitted further amendments to the proposals and supporting documents and provided additional environmental information in July 2020, which were subject to a further full public consultation between July and September 2020. The representations to this consultation exercise are set out in the ‘Consultation’ section of this report.

Details of the amended proposal

33 The amended application remains for the comprehensive redevelopment of the site. Part of the submission has all matters (access, appearance, landscaping, layout and scale) reserved (the outline component) and part has no matters reserved (the detailed component). For the purposes of the submission the site has been divided into 10 ‘plots’ or ‘buildings’, to be developed over eight phases across the two London Boroughs, Hackney and Tower Hamlets. Building plots 1, 2, 3 and 7 traverse the boundary between the two whilst plots 4, 5, 6, 8, 10 and 11 are wholly within Tower Hamlets. There is no plot 9. The detailed component of the scheme covers plots 2 and 7, all other plots are submitted in outline. In addition, amendments to the applications for listed building consent have been submitted for the works to the on-site listed structures.

34 The outline submission seeks approval for the maximum and minimum amount of development within each plot and an indication of the means of access, scale, appearance, layout and landscaping have been provided. The extent of the revised scheme is defined in the amended development specification which provides detail on the maximum and minimum amounts of land use proposed. The parameter plans and a site wide design guide are submitted for approval which includes additional detail on access, layout, scale, appearance and landscaping.

35 The amended proposal has the potential to provide up to 500 new homes compared to the maximum 1,356 that were previously proposed. The scheme includes 2.58 hectares of new public realm and landscaping at ground and platform level (above the Braithwaite Viaduct) and approximately 8,900 square metres of private amenity for the residential and commercial users.

Land Use	Planning Use Class	HACKNEY	TOWER HAMLETS
		Maximum Floorspace GEA (sq.m.)	Maximum Floorspace GEA (sq.m.)
Residential	C3	0 (69,077)	48,508 (96,851)
Retail	A1, A2, A3 & A5	4,870 (7,416)	14,677 (13,521)
Business	B1	116,201 (61,000)	22,822 (20,127)
Hotel	C1	0 (0)	11,595 (0)
Non-residential institutions / Assembly & Leisure	D1/D2	2,452 (0)	4,622 (689)
Sui Generis	n/a	0	301 (37)
Basement, Plant & Ancillary (inc Servicing)	n/a	12,752 (11,859)	8,464 (11,730)
Total		132,858 (152,040)	110,998 (143,508)

Table 1: total land use floorspace breakdown by Borough (bracketed figures show the 2016 scheme for comparison)

36 The outline component (with all matters reserved) concerns the proposed development save for the full details pertaining to plots 2 and 7. Inclusive of these, as discussed above, a total of 10 buildings are proposed ranging in height from 19 metres AOD to 142.4 metres AOD, sited at street and the platform level of the old Goods Yard. At ground floor level, two new links are proposed west to east linking Shoreditch High Street and Braithwaite Street to Brick Lane. The new route via the middle of the site (King Street and Middle Road) is proposed to be open and will be flanked by a new retail fronted street running north of the listed Braithwaite Arches, the second being the enclosed space within the site towards its southern boundary (known as London Road). Other smaller entrance points will be secured off Sclater Street to the north in between residential buildings. Public spaces would be provided at either end of Middle Road. The ground floor level is envisaged to be a hard landscaped environment utilising the features of the Goods Yard, such as a turntable and truck hoists and proposed to be paved in material re-used from the demolished Goods Yard structures supplemented by granite, brick and yorkstone. Existing boundary treatments, listed and non-listed, will be repaired and made good and coordinated approaches are proposed to the design, materiality and placement of street furniture, including seating.

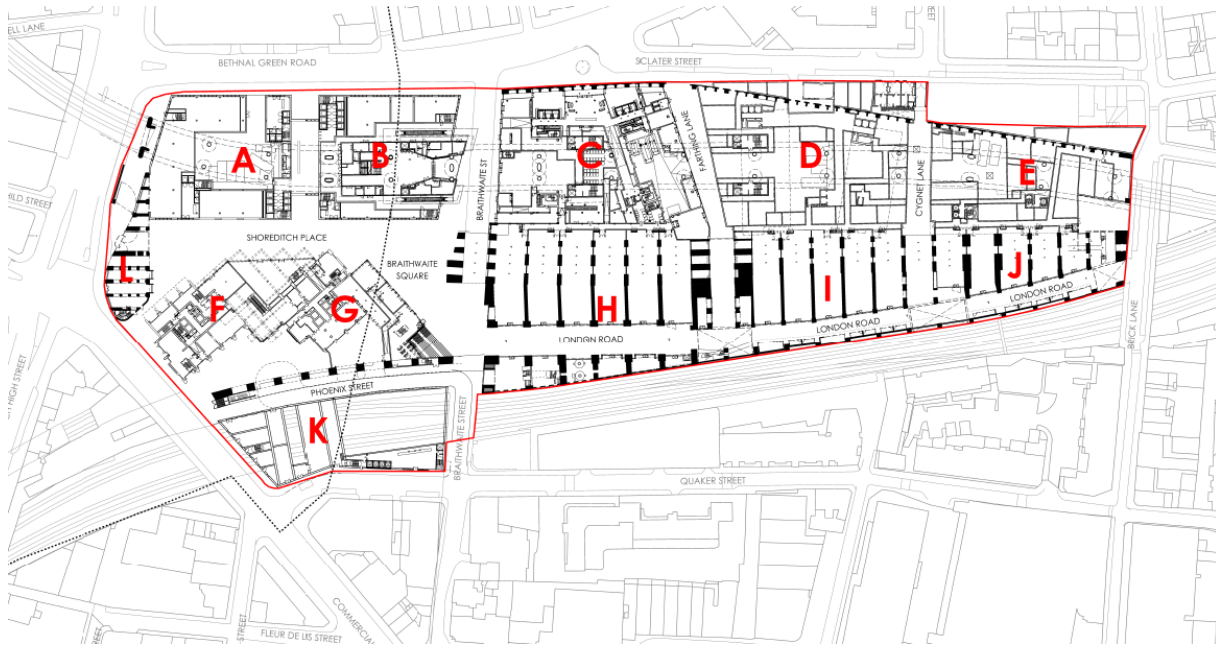


Figure 3: 2016 ground level plan

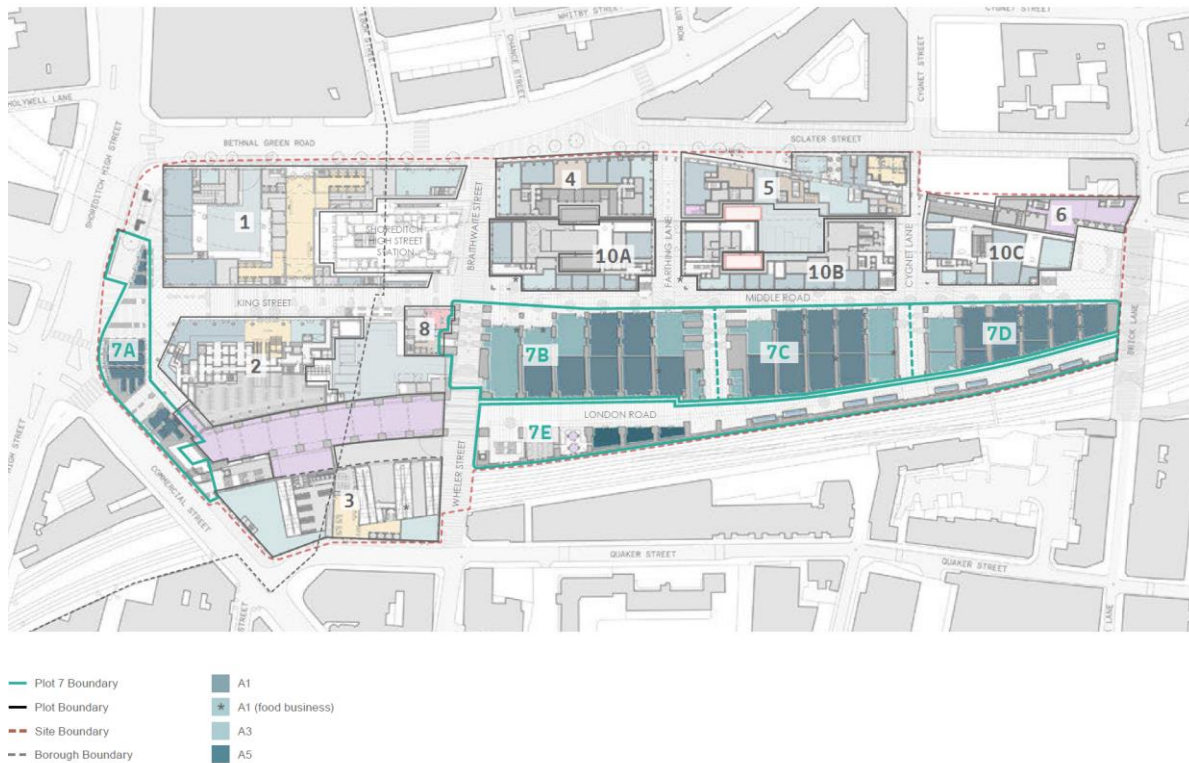


Figure 4: 2020 ground level plan

37 Further access across the site will be offered via Platform level from Shoreditch High Street to Brick Lane via a landscaped route running the length of the site, adjacent to buildings in the west and open space in the east. Seating, community planting and child play space will be located at this level. Vertical circulation opportunities are proposed across the site with stairs and lifts in seven locations. The Platform level is designed to make use of some of the hard landscape features of the Goods Yard alongside the creation of distinct garden areas with differing characters and use plus an element of a woodland/play environment. One larger consolidated piece of landscaping is proposed to be situated towards the eastern edge of the Platform, consisting of open lawn and

wooded area and a linear piece of landscaping running east-west adjacent to the railway cutting for 385 metres is also proposed. In addition to the roof space offered to residents a large proportion of the development at this level will be given over to biodiverse roofs with bird and bat boxes incorporated. As part of the site wide water management strategy a series of water towers are proposed to be used to supplement the irrigation of the green spaces.



Figure 5: Platform Level Plan

38 The application has been revised to provide 15 accessible car parking bays on-site and a total of 334 short stay cycle spaces and 2,809 long stay cycle spaces for residents and employees on site are proposed. All delivering and servicing activity is proposed to take place on site with dedicated servicing areas in a number of locations. The two main yards servicing much of the commercial space will operate off Bethnal Green Road and Braithwaite Street. Detail on all the yards, the servicing, delivery and refuse strategies are in outline with full detail to follow at reserved matters stage.

Plot breakdown

39 The amended proposals for the individual plots are broken down as follows into their detailed and outline components.

Detailed Plots

Plot 2



Figure 6: Plot 2 site plan

40 Plot 2 is located at the western edge of the site adjacent to Shoreditch High Street, to the east of the Oriel Gateway and the adjoining listed wall. Enclosed almost entirely within the London Borough of Hackney, this detailed element consists of the demolition of unlisted structures

associated with the Goods Yard at ground floor level and the erection of the tallest structure proposed for the development, reaching a maximum of 142.4 metres AOD. It will comprise a total of 66,930 square metres (GEA) of office space (across 25 floors) within a part 17, part 29 storey building, sited between Buildings 1 and 3, both of which are also offices. The grounding of the structure (with an excavated basement) is set within the site off the listed Oriel structure to the east with a ground and mezzanine level affording access to the platform level (itself incorporating a further mezzanine). Providing access to the offices above via lifts, stairs and escalators, the ground and platform levels incorporate retail space alongside office receptions. The facades at these lower levels are fully glazed.

41 Above the platform level the building would cantilever above and over the space between the base of the structure and the Oriel listed structure. The soffit to this piece will be finished in a dark reflecting material. Otherwise the main bulk of this five-sided building would commence at 10 metres above platform level with the first two/three storeys consisting of metal frames to support the cantilever and the building consisting of a metal framework, running at 15 metre wide intervals vertically and 20 metres horizontally. Horizontal brise soleil further wrap the structure with two at each level at ground and ceiling height to provide shading. An additional feature on the north west and south west elevations are a series of projecting horizontal fins designed to mitigate the down draft of prevailing winds on these facades. Commencing at the 4th floor of the structure above platform level, these fins consist of four painted steel framed glazed sections with each being approximately 4.1 metres wide and fixed to cover most of the width of each of these two elevations. The lower fins extend outwards by 6 metres with those located at the 9th, 14th, 19th and 24th floors above the platform level projecting 3 metres from the main structure. Behind the framing the office floors are enclosed within glazed curtain walling.

42 The primary entrance to this commercial building is proposed off Middle Road, the new east-west pedestrian thoroughfare through the site. The main office reception space is located at platform level, from where access to the upper floors is provided by stairs and 18 lifts. The building's cycle storage is located at ground floor level adjacent to the retained arches that front Commercial Street. The servicing to the building is proposed to be from Wheler Street and will be shared with Building 8.

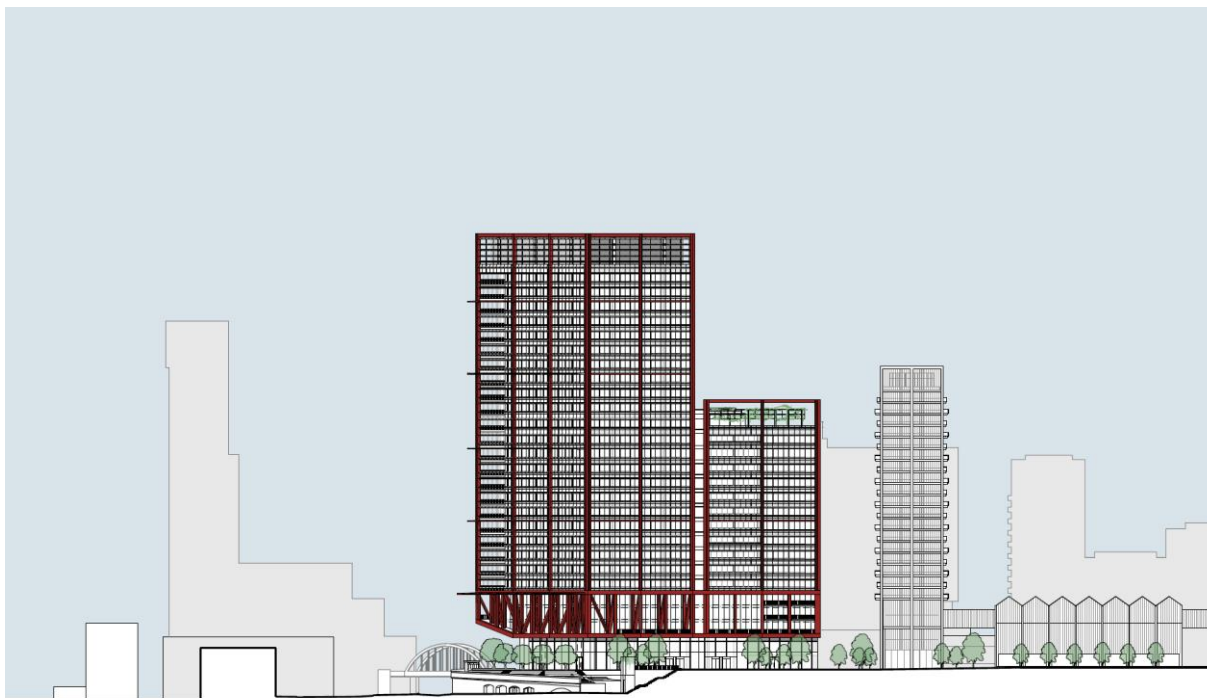


Figure 7: Plot 2 southern elevation

Plot 7

43 Labelled plots 7A, 7B, 7C and 7D, the former refers to the plot which incorporates the Grade II listed Oriel Gateway and the other three include the Grade II listed Braithwaite Arches, adjoining arches and the northern edge of London Road. Plot 7A is situated in the London Borough of Hackney and Plots 7B, C & D are located within the London Bough of Tower Hamlets.

44 The amended applications propose the removal of a section of the listed historic wall on Commercial Street to allow for the introduction of a new staircase to the platform level. Seven retail spaces will be created within the arches enclosed within new shopfronts. It is proposed to restore the existing listed gate posts and also the winding mechanism repaired to working order and have the original gates restored (currently off-site) and re-installed. Three of the arches will be used for pedestrian access to the new east-west route and two further arches will be opened for pedestrian access off Commercial Street. Existing brick piers and arches will be re-pointed and made good and floor levels made equivalent to the neighbouring public realm where possible. The Oriel structure is proposed to be restored to its original condition (using photographic evidence) and glazing inserted into the openings which will be accessible to the public at platform level. An approximate 10 metre section of the listed wall adjoining the Oriel wall is proposed to be removed to provide an entrance point to stairwells and the platform level above.

45 The Grade II listed Braithwaite Arches and the adjoining later unlisted arches form plots 7B, 7C and 7D. The Arches are proposed to be retained, repaired and reused. The previous scheme iteration placed the listed Braithwaite Arches enclosed within the structures spanning the Overground railway and with the northern entrances not visible. This amendment proposes that the listed arches will be fully open facing onto the new east-west route at ground floor level. Structural interventions include the opening of some of the historic cross arches within the listed viaduct as well as the introduction of openings into the unlisted arches, including the insertion of new shop fronts on north south routes through the spaces. A swimming pool constructed and used in the 1990's and located within plot 7b will be infilled and some ramps located to the western edge of the arches will also be removed. The applicant is proposing to remove the non-listed barrel vault which spans Braithwaite Street to provide vehicular access to the service yard serving Buildings 2 and 8. A new concrete wall will support the bridging structure. New concrete floor slabs will be laid across Plot 7 to provide level access to and through the arches.

46 Both elements are subject to listed building consent as well as the planning application. Collectively, Plot 7 will provide 5,494 sq.m. (GEA) of 'flexible' A1, A2, A3 and A5 uses, the exact retail mix proposed to be determined on occupation.

Outline Plot breakdowns

Plot 1 (amended Plots A & B)

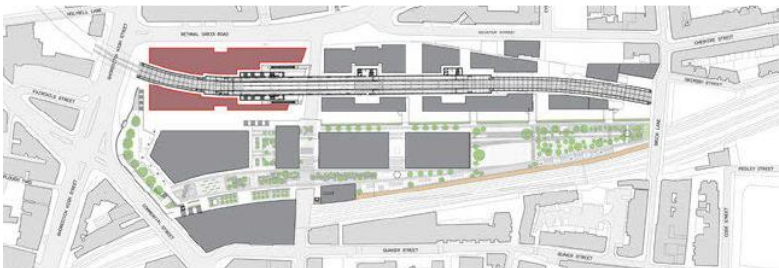


Figure 8: Plot 1 shaded in red on the site plan

47 Plot 1 is located at the north western edge of the of the site towards the junction of Bethnal Green Road and Shoreditch High Street straddling the boxed in Overground line which runs east-west through this part of the site. A two metre wide exclusion zone around box is required for

access and maintenance purposes. In the previous iteration this was formed of two office buildings (proposed in Outline) of 14 and 15 storeys (max 79.2 metres and 87.4 metres AOD respectively)

48 The current submission is for the development of a mixed use building with retail and entrances at ground floor and office space above. The application provides for between 41,344 sq.m. and 61,572 sq.m (maximum GEA) of B1 office space. The building is to be formed of two connected blocks, the western element being a maximum of 69.1 metres (AOD) and the eastern part being taller finishing at a maximum of 89.2 metres (AOD). The building would be set a minimum of 7.3 metres away from the adjoining Grade II listed Oriel Gateway and the minimum and maximum ground floor space set a consistent distance for most of the Bethnal Green Road and Shoreditch High Street frontages.

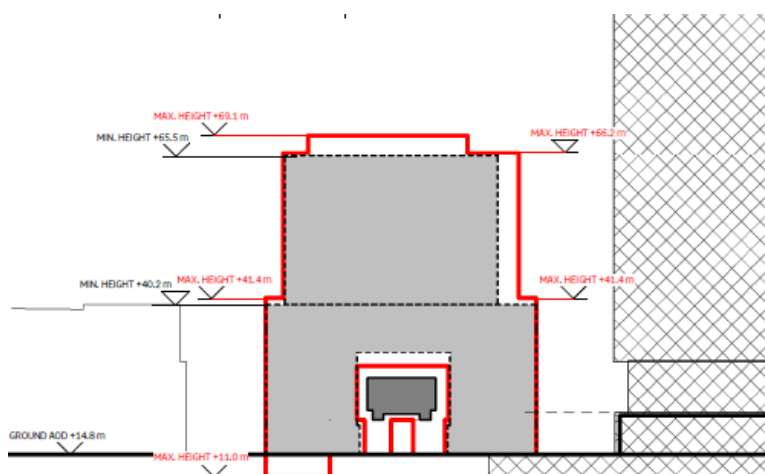


Figure 9: maximum (red line) and minimum (grey shaded) scale of Building 1

49 The Design Guide sets out the approach to scale and massing, building form and materiality which any reserved matters submission would be required to adhere to. The Guide set out horizontal layers to follow at reserved matters, i.e. Plinth Base, Plinth, Body and Crown as well as prescribing the form of the Link between the two blocks. The height of the plinth of the western block is limited between 40.2 metres and 41.4 metres AOD to reflect the scale of the Tea Building opposite the site with greater flexibility (minimum 36.2 metres, maximum 41.4 metres AOD) afforded to the eastern block. The Plinth will be clad in masonry or pre-cast concrete with glazed openings set back from the facade. Two options for the finish of this building are cited in the Design Guide, one option promoting a single material of all elements of the west block and the east block and the other option being a continuous horizontal palate across the two blocks.

Plot 3 (formerly Plot K)

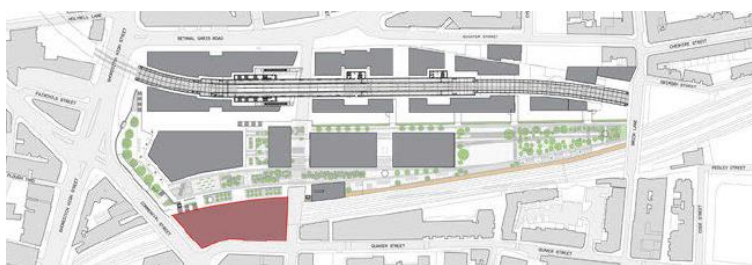


Figure 10: Plot 3 shaded red on the site plan

50 This plot is substantially the same as that seen in 2016 and is located at the south western portion of the site. Being in both Tower Hamlets and Hackney, the building straddles rail lines as well as utilising some of the existing ground floor London Road space to the north for cultural use.

The plot is subject to some constraints associated with railway infrastructure which influence the form of any building, including a 3 metre wide exclusion zone along the railway on the south side and a 2.5 metre wide exclusion around 4 gantries that span the rail line. Building 3 is proposed to consist of offices, retail space and D1/D2 (non-residential institutions/assembly and leisure) uses (minimum 14,766 sq.m., maximum 20,363 sq.m). The ground floor on Quaker Street and Commercial Street will be predominantly retail with the offices located in the approximately 6 storeys above (maximum height 53.5 metres, minimum 45 metres AOD). The proposed D1/D2 uses would be sited to the north of the taller building enveloped within the existing London Road structures. The amended Design Guide sets out that the building will be formed of a single block, with four elements being 'Base', 'Body', 'Crown' and 'Core'. The Base would need to utilise robust materials with clearly articulated framed openings for shopfronts and entrances. The Body would be lighter in appearance than the base and the Core should have a contrasting appearance to the other elements with significant glazing at street level. The crown (parapet) element should integrate with other elements of the building, whilst screens at roof level will serve to enclose plant. The main office entrance should be located along Quaker Street, adjacent to the servicing and cycle storage access points. Vehicular servicing will take place via a service yard accessed off Braithwaite Street.

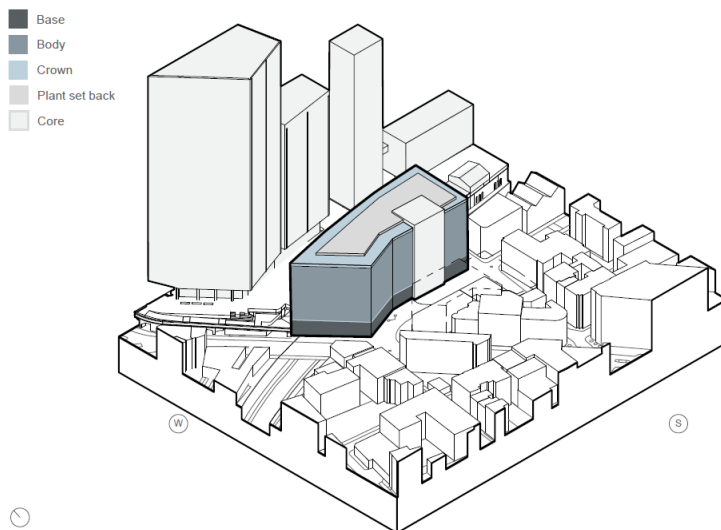


Figure 11: Building 3 Axonometric

Plot 4 (formerly part of Plot C)



Figure 12: Plot 4 shaded red on site plan

51 This element of the scheme was previously submitted in detail, proposing two residential towers of 27 and 31 storeys enclosing the Overground Box that runs east to west through the site. This plot is located on Bethnal Green Road adjacent to the junction with Sclater Street and covers the piece of land between the Overground Box and the historic wall that runs along the northern boundary of the site adjacent to the public highway. The building has to retain a minimum 2 metre clearance of the Box to secure maintenance access. This amended submission provides for a residential building with retail at ground floor. The plot could accommodate up to 135 residential units, with some single aspect units at lower levels and dual aspect units above the Overground Box within a conjoining block of three buildings ranging up to between 11 and 19 storeys (54.2 metres to 81.5 metres (AOD) with a minimum of 47.8 metres to 62.3 metres (AOD). A total of 587

sq.m of retail is proposed. The relationship in scale between the blocks will be maintained within the maximum and minimum parameters to reflect the form of the wider development. The amended Design Guide also stipulates that the roof level of the smaller central block will be accessible to residents as amenity space provision.

Plot 5 (formerly part of plot D)

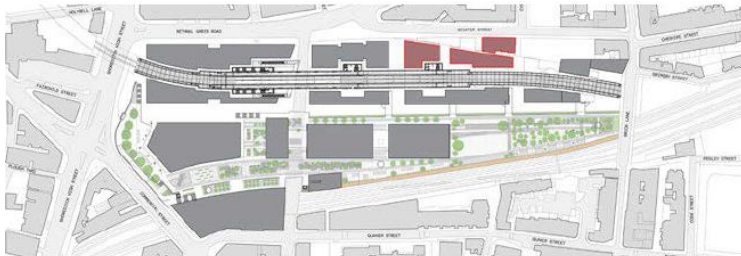


Figure 12: Plot 5 shaded red on site plan

52 This portion of the site was previously submitted as part of the larger plot D and encompassed a 25 storey building that straddled the Overground Box, which was primarily proposed (in outline) as residential with commercial ground floor uses. The amended submission remains in outline. This plot incorporates three Weavers Cottages, the last from a terrace of houses dating from the period when the buildings were used for silk production, as well as The Mission Hall dating from the 1870's and a four storey Victorian Building set in between. These structures are situated between Sclater Street and the historic boundary wall of the site and will be retained and refurbished as part of this proposal.

53 The plot will encompass a mixture of office, retail and residential space, with up to 83 units being provided. In between the Overground Box and the boundary wall the applicant has proposed two distinct blocks. The western block reaching a maximum height of 61.9 metres (AOD) and stepping down to 51.7 metres (AOD) with respective minimum heights of 56.6 metres (AOD) and 44.1 metres (AOD). The eastern block would reach a maximum of 52.7 metres (AOD) (minimum 46 metres), dropping to a maximum of 42.1 metres (AOD) (minimum 22.9 metres) and then via a single storey extension be connected to the east by a building that steps up to 39.1 metres (AOD) (min 32.7 metres). Each of the buildings has been given a name, inspired by rivers that served to supply much of the material transported into the Goods Yard when in use. These river names, Blyth, Stour and Waveney are proposed to be written in or on top of the buildings with signage.

54 In addition to repair and refurbishment of the Weavers Cottages, the rear outriggers will be removed and replaced with a three-storey rear glazed extension. This building will be used as offices. A three-storey side extension is proposed to the eastern elevation of the building to provide additional office space and a route into the site at ground floor level. The Mission Hall is proposed to be repaired and refurbished to create a cafe connected to a larger retail unit via the boundary wall that runs to the rear. The Victorian Building will be converted to two 2-bed flats above retail space.

Plot 6 (formerly plot E)

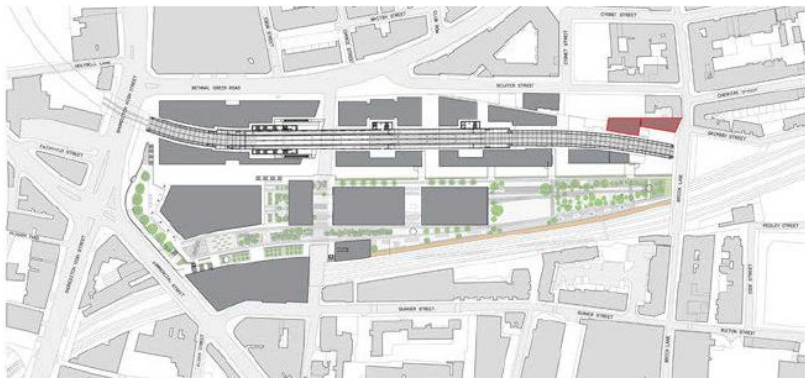


Figure 13: Plot 6 shaded red on site plan

55 This is the smallest plot on the site and was formerly part of the wider plot E which provided for a 16 storey residential building with some commercial uses at ground floor level. This like the amended proposal was submitted in outline. The plot is located at the eastern edge of the site off Brick Lane and south of Sclater Street and north of the Overground Box. The northern boundary wall runs through the plot east-west.

56 The amended application seeks the consent for a D1/D2 Class (assembly and leisure and/or non-residential institution) use of up to 2,463 sq.m., which is proposed to be a community and cultural facility. The building would have a maximum height of 29 metres stepping up to 32 metres (AOD), east to west. The minimum heights are the same at the east and west ends but provides for a stepped down link between the two with a minimum height of 18.5 metres (AOD). The proposed building will face onto Brick Lane and onto a new public space off it created by this development. The arches of the boundary wall are proposed to be utilised as entry points to the building.

Plot 7E (formerly parts of plots H, I and J)

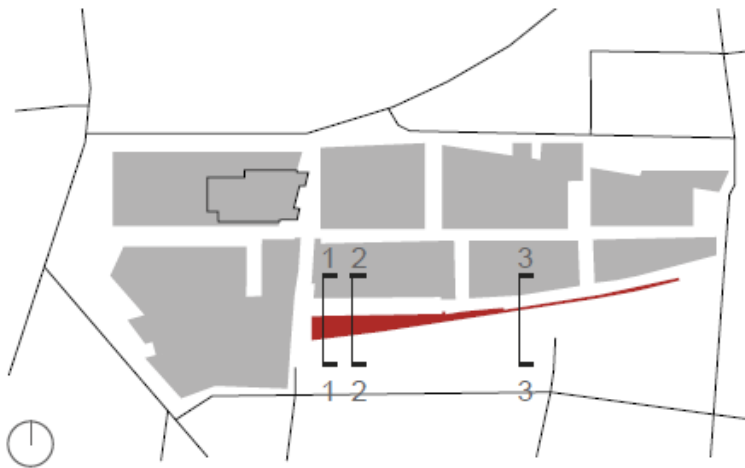


Figure 14: Plot 7 shaded red on site plan (also includes London Road route to the north)

57 This plot consists of the enclosed section of London Road which runs through the site east-west from Brick Lane to Braithwaite Street. It includes some arches along the southern edge of the site adjacent to the railway cutting and also a Boiler Room with a hydraulic accumulator, which is proposed to be restored as part of this development. The plot will incorporate a mixture of retail and Class D1/D2 uses (390 sq.m.) within existing spaces and also in kiosks located on the southern boundary adjacent to the viaduct. The application proposes to retain historic features in this portion of the site including retaining rails and turntables. A new vertical opening will be provided to secure access to the Boiler Room level and educational/visitor space which is set below London Road.

The new opening will also extend upwards through the roof to Platform level (into Plot 11). Another opening is proposed into the Boiler Room facing onto Braithwaite Street providing access to the lift and stairwell between the Boiler Room and Platform level, above which a new chimney will be built to reflect one that originally stood at this location. The kiosks as well as serving a retail purpose, will also create the 3 metre high barrier edge to the railway viaduct.

Plot 8 (formerly part of plot G, H, I & J)

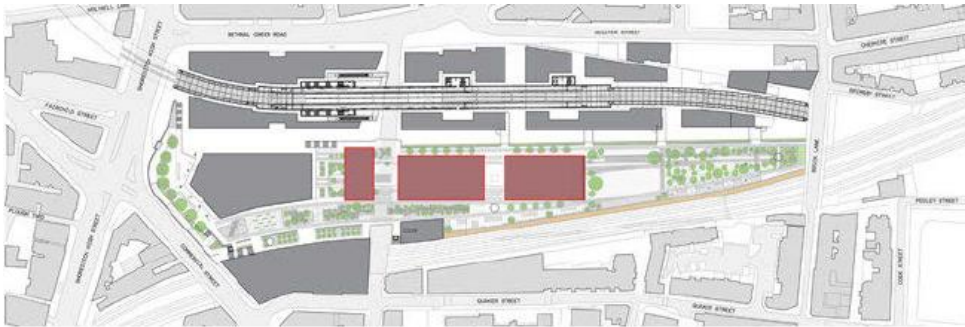


Figure 15: Plot 8 shaded red on site plan

58 Plot 8 will consist of a mixture of residential, hotel and retail uses within a connected building formed of three elements, a taller building grounded on the western side of Braithwaite Street together with two structures located solely at platform level. The maximum height of the tallest element is 25 storeys high (105.8 metres AOD with a minimum of 84.3 metres AOD). The two parts on top of the platform have the same maximum height of 43.1 metres (AOD) dropping to 38.3 metres (AOD) where the three elements are connected. The blocks at Platform level will be connected via walkways above the Platform to allow access to the spaces between the structures. A total of up to 140 residential flats will be located within the tower, accessed off Braithwaite Street, which is also the entrance for the hotel, the bedrooms of which will be located above the Platform level. Servicing for the building will be via the service yard between this plot and the detailed office building (Plot 2). Hotel servicing will be via an undercroft servicing corridor formed within the landscaping built up on the Platform level. Plant space and cycle storage for the residential units will be located within the 5th floor of the taller element.

Plot 10 (formerly plots C, D & E)



Figure 16: Plot 10 shaded red on site plan

59 Plot 10 is formed of a strip of land situated to the south of the Overground Box and north of the Braithwaite Viaduct, extending east to west from Brick Lane through to Braithwaite Street. Elements of the ground floor are also proposed to be constructed underneath the railway box. Predominantly residential in use with up to 134 units (minimum 78 units), the plot will also incorporate retail and public toilets at ground floor to form the northern edge of Middle Road. The plot will be serviced from the servicing yard serving Plot 5.

Plot 11

60 This plot will consist of a small single storey retail pavilion placed at platform level along the southern boundary of the site. The retail building will be highly glazed with the ability open up fully to the north and west, the latter incorporating a canopy to provide cover for those utilising the steps/lift within Plot 7E.

Connected listed building consent applications

61 The planning applications are accompanied by two listed building consent submissions which were made to the London Boroughs of Hackney and Tower Hamlets. These have been amended to reflect the most recent changes to the proposal with the works referred to in the description of plots 7A, B, C and D above. The descriptions of the listed building consent applications are as follows:

62 Within the London Borough of Tower Hamlets: Restoration and repair of the existing Grade II listed Braithwaite Viaduct and adjoining structures for proposed Class A1/A2/A3/A5/D1/D2 and Sui generis use at ground level. 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 opening. Part removal of adjoining unlisted wall on Brick Lane to provide improved public realm and pedestrian access into the site.

63 Within the London Borough of Hackney: Restoration and repair of existing Grade II listed Oriel and gates and adjoining historic structures to provide principal western pedestrian gateway into associated development and to accommodate proposed Class A1/A2/A3/A5 retail use into a number of the existing arches at ground floor. Part removal of a section of adjoining unlisted structures proposed to provide public realm and pedestrian access into the site.

Other relevant planning history

Previous applications for planning permission on the Bishopsgate Goodsyard site

64 In 2011, a five-year limited period planning permission was granted by Hackney Council (reference 2011/0255) for the installation of 55 recycled shipping containers for retail (Class A1), restaurant & cafe (Class A3) and office (Class B1) use together with a further 8 shipping containers for ancillary storage, refuse, recycling and cycle parking along with hard landscaping. In 2011 Tower Hamlets Council also granted planning permission (reference PA/11/01679) for the siting of six shipping containers for retail use (Class A1) in connection with this temporary retail development, which became known as the Shoreditch Box Park. This permission was extended for a further five years in 2018 (reference PA/17/01329).

65 In 2011 Tower Hamlets Council granted a five-year limited period planning permission (reference PA/11/02341 & PA/11/02246) for the use of part of the site as a marketing suite and arts hub unit for use as public consultation / exhibition purposes (Class D1), car parking and an access ramp.

66 In 2012, Hackney Council granted temporary planning permission (reference 2012/2053) for the use of vacant land on the site 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.

67 In 2015 a five-year limited period planning permission (Tower Hamlets Council reference PA/12/02014) was granted for use of vacant land for a football centre (Class D2) comprising eight five-a-side and two seven-a-side floodlit all weather pitches and ancillary facilities. This was extended for a further five years in 2018 (reference PA/17/3240).

Listed buildings history

68 On 4 December 2014, English Heritage, now Historic England (endorsed by the National Planning Casework Unit on behalf of the Secretary of State) authorised both local planning authorities to determine the parallel applications for listed building consent that are the subject of this report (Tower Hamlets Council reference PA/14/2096, Hackney Council reference 2014/2427) for proposals affecting listed buildings and structures on the site as it sees fit. Historic England subsequently confirmed the authorisation dated 4 December 2014 remains valid.

69 A High Court judgement from 8 November 2002 is also relevant to the extent of the listing of the Oriel Gateway and the proposed works associated with that. The judgement concerned the adjacent London Underground proposals in 2002 (Hammerton v London Underground Limited Ref: CO/3697/02).

Relevant extant permissions nearby

70 In July 2011 Hackney Council granted planning permission (reference 2011/0698) for the construction of a maximum 50 storey residential-led mixed-use building at 'Principal Place' on the north side of Worship Street, 100 metres to the south-west of Bishopsgate Goodsyrd. This development is now in an advanced stage of implementation.

71 In July 2013 Hackney Council granted planning permission (reference 2012/3871) for the construction of a mixed-use development including a 40 storey tower at 'The Stage' on Curtain Road, off Great Eastern Street, 100 metres west of Bishopsgate Goodsyrd.

72 In January 2014 Tower Hamlets Council refused planning permission (reference PA/13/01638) for a development of between two and fourteen storeys, consisting of 78 residential units with retail and leisure uses at ground floor at land known as the Huntingdon Industrial Estate. This site is directly to the north of the junction of Braithwaite Street and Bethnal Green Road. In November 2015 this decision was overruled by the Planning Inspectorate and planning permission granted. A current application is under consideration for an office-led commercial mixed-use development of up to nine storeys (reference PA/20/00557).

73 In September 2014 Tower Hamlets Council granted planning permission (reference PA/13/02529) for a six storey residential building with commercial at ground floor, known as 'The Fusion', on the corner of Sclater Street and Cygnet Street. This development is now built and occupied.

74 In February 2016, Hackney Council granted planning permission (reference 2015/2403) for the construction of a part 7, part 10 and part 30 storey hotel-led mixed-use building (plus two levels of basement) at 201-207 Shoreditch High Street. This is immediately west of Bishopsgate Goods Yard, approximately 30 metres across Shoreditch High street.

Hackney Planning Committee

75 On 16 November 2020, Hackney Council considered the applications that are the subject of this report and, in line with officer recommendation made the below resolutions, which were confirmed in a letter dated 24 November:

"Recommendation A (2014/2425)

1. Support the principle of the development and its general public benefits
2. The bulk and massing of Plot 1 in both the maximum and minimum parameters is considered excessive and would not be mitigated by the illustrative approaches proposed

in the design and access statement or the submitted design code. The proposals would have a harmful impact upon its immediate and wider heritage setting. The proposal at this part of the site would therefore be contrary to NPPF Para 127, The London Plan 2016 Policy 7.7, New London Plan 2019 Policy D8 and Policy LP1 and LP3 of the Hackney Local Plan 2033

3. The design of the proposed building at Plot 2, by virtue of its wide, bulky massing and large cantilevered prow, is such that it would have a harmful impact upon its immediate and wider heritage setting including the listed Oriel Gateway. The proposed approach to wind mitigation is considered to detract from the design of the building and exacerbate its harmful impacts. The proposed colour scheme is considered to be visually intrusive in this context. The tree planting strategy at the base of this building is also considered inappropriate and would harm the setting of the listed Oriel Gateway and may also impact upon the structure of the listed building. The proposal at this part of the site would therefore be contrary to NPPF Para 127, The London Plan 2016 Policy 7.7, New London Plan 2019 Policy D8 and Policy LP1, LP3 and LP51 of the Hackney Local Plan 2033.
4. The massing of Plot 3 in the maximum parameter, is considered excessive and would have a harmful impact upon the wider heritage setting. The relationship with the street edge on Quaker Street is also considered to be unsatisfactory at both the minimum and maximum parameters. The proposal at this part of the site would therefore be contrary to NPPF Para 127, The London Plan 2016 Policy 7.7, New London Plan 2019 Policy D8 and Policy LP1 and LP3 of the Hackney Local Plan 2033.
5. The proposed development at Plot 7A (the Oriel Gate) is harmful to the significance of the listed building and there is no clear and convincing justification for the aspects of the harm discussed at Paragraph 6.2.13 above. The proposed development is therefore contrary to London Plan Policy 7.4 Local Character, Policy 7.6 Architecture, Policy 7.7 Location and Design of Tall and Large Buildings and Policy 7.8 Heritage Assets and Archaeology; and Local Plan Policies LP1 Design Quality and Local Character Parts A and B and LP3 Designated Heritage Assets Parts C and E and LP5 Strategic and Local Views Part D. The proposed development is contrary to NPPF Paragraph 194 and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Recommendation B (2014/2427)

The London Borough of Hackney OBJECTS to the proposed works in the Listed Building Consent application for the reasons discussed at Paragraph 6.2.13 above. The proposed development is therefore contrary to London Plan Policy 7.4 Local Character, Policy 7.6 Architecture, Policy 7.7 Location and Design of Tall and Large Buildings and Policy 7.8 Heritage Assets and Archaeology; and Local Plan Policies LP1 Design Quality and Local Character Parts A and B and LP3 Designated Heritage Assets Parts C and E and LP5 Strategic and Local Views Part D. The proposed development is contrary to NPPF Paragraphs 194 and Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Recommendation C (2014/2425 & 2014/2427)

Should the Greater London Authority be minded to grant approval for the proposed development, the matters set out in the addendum to the officer's report should form the subject of conditions and/or a legal agreement."

Tower Hamlets Planning Committee

76 On 19 November 2020, Tower Hamlets Council considered the applications that are the subject of this report and resolved, against officer recommendation, to object on the following grounds, which were confirmed in a letter dated 24 November:

1. The development, on account of the proposed uses (in particular the hotel), market housing mix and limited number of units in the minimum parameter, would fail to optimise the housing potential of the site, maximise the provision of family homes or contribute to the creation of mixed and balanced communities, contrary to policies S.H1 (Meeting Housing Need), D.H2 (Affordable Housing and Housing Mix) and D.TH6 (Short-stay Accommodation) as well as the Bishopsgate Goods Yard Site Allocation of the Tower Hamlets Local Plan 2031 (2020) and policies H1 (Increasing Housing Supply) and H10 (Housing Size Mix) of the new London Plan (Intend to Publish) 2019.
2. Plot 8, on account of the proposed land uses, scale and position within the development, would detract from, fracture and encroach on the proposed open space, undermining its strategic role contrary to policies D,DH2 (Attractive Streets Places and Public Realm), S.OWS1 (Creating a Network of Open Spaces) D.OWS3 (Open Space and Green Grid Networks), the Bishopsgate Goods Yard Site Allocation of the Tower Hamlets Local Plan 2031 (2020) as well as policies G4 (Open Space) and D8 (Public Realm) of the new London Plan (Intend to Publish) 2019.
3. The proposed development, on account of its height, scale and massing, would fail to respond positively to the existing scale, height, massing and fine urban grain of the surrounding built environment and would have a particular adverse impact on the townscape of Bethnal Green Road and the character and appearance of Redchurch Street Conservation Area. As such it would be contrary to policies S.DH1 (Delivering High Quality Design), S.DH3 (Heritage and the Historic Environment), D.DH6 (Tall Buildings), the Bishopsgate Goods Yard Site Allocation of the Tower Hamlets Local Plan 2031 (2020) and s71 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as well as policies D3 (Optimising Site Capacity through the Design-led Approach), D4 (Delivering Good Design) and D9 (Tall buildings) of the new London Plan (Intend to Publish) 2019.
4. Insufficient provision has been made within the development for local and start-up businesses, contrary good place making and the aspirations of policies D.EMP2 (New Employment Space), S.SG1 (Areas of Growth and Opportunity Within Tower Hamlets) the Bishopsgate Goods Yard Site Allocation of the Tower Hamlets Local Plan 2031 (2020), as well as the City Fringe Opportunity Area Planning Framework (2015) and policy SD1 (Opportunity Areas) of the new London Plan (Intend to Publish) 2019.

77 The Council confirmed that no objection is raised to the listed building consent for works to the Braithwaite Arches and adjoining structures (our reference PA/14/02096), subject to the imposition of planning conditions

Other matters

78 The Mayor will undertake an accompanied site visit prior to the hearing with representatives from the GLA, TfL, Hackney Council, Tower Hamlets Council and the applicant.

79 On 1 July 2019, the Secretary of State exercised his powers under Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and directed the Mayor as the local planning authority not to grant permission without authorisation so that the Secretary of State be able to consider whether he should direct under Section 77 of the Town and Country Planning Act 1990 that the applications be referred to him for determination.

Relevant Policies, legislation and guidance

80 The Mayor must determine this application for planning permission in accordance with the requirement of s.70(2) of the Town and Country Planning Act 1990 and s.38(6) of the Planning and Compulsory Purchase Act 2004. In particular the Mayor is required to determine the application in accordance with the development plan unless material considerations indicate otherwise. The development plan for this site comprise the London Plan (2016, consolidated with changes since 2011), Hackney Council Local Plan 2033 (2020), Hackney Council Site Allocations Local Plan (2016) and the Tower Hamlets Local Plan 2031 (2020).

81 The Mayor is also required to have regard to national planning policy and guidance, as well as supplementary planning documents and, depending on their state of advancement, emerging elements of the development plan and other planning policies. In line with paragraph 48 of the NPPF, the weight attached to emerging policy should reflect the stage of its preparation; the extent to which there are unresolved objections to relevant policies; and the degree of consistency of the relevant policies to the NPPF.

New London Plan

82 The Mayor published his draft London Plan for public consultation on 1 December 2017. Consultation on the document closed on 2 March 2018 and the Mayor published a version of the draft Plan that includes his minor suggested changes on 13 August 2018. The draft London Plan was subject to an Examination in Public (EiP) which was undertaken between 15 January 2019 and 22 May 2019. On 16 July 2019 the Mayor published the draft London Plan (Consolidated Suggested Changes Version (2019)) which incorporated the suggested changes put forward by the Mayor before, during, and after the EiP sessions. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor and this was published on the GLA website on 21 October 2019. On 9 December 2019, the Mayor issued his Intend to Publish London Plan to the Secretary of State, together with a statement of reasons for the Inspectors' recommendations that the Mayor did not wish to accept. On 13 March 2020, the Secretary of State wrote to the Mayor setting out his consideration of the Mayor's Intend to Publish London Plan, and issued Directions under Section 337 of the Greater London Authority Act 1999 (as amended). The Mayor considers that amendments are needed to the Secretary of State's proposed modifications in order to remove policy ambiguities and achieve the necessary outcomes. Discussion are underway to resolve these matters in order to publish the London Plan as soon as possible.

83 The Secretary of State's proposed Directions are reflected in the relevant sections below, and to the extent that they are relevant to these particular applications, have been taken into account as material considerations. The emerging policies of the Intend to Publish London Plan are considered to be consistent with the NPPF and can be given significant weight, other than those subject to Directions from the Secretary of State, which are discussed further in the relevant sections below.

Draft Future Shoreditch Area Action Plan (AAP)

84 This AAP has been prepared by Hackney Council to set out a planning policies to manage development in Shoreditch up to 2034. Public consultation on the draft AAP was undertaken between April and June 2019. The Council are currently preparing the proposed submission version for consultation. Owing to its early stage of preparation, before EiP, GLA officers consider that only limited weight can be afforded to the AAP at this stage.

85 The relevant planning policies and guidance at the national, regional and local levels are noted in the following paragraphs.

National planning policies and guidance

86 The National Planning Policy Framework (NPPF) provides the Government's overarching planning policy framework. Originally published in 2012, the Government published a revised NPPF in July 2018 followed by another revised version in February 2019. The NPPF defines three dimensions to sustainable development: an economic role – contributing to building a strong, responsible and competitive economy; a social role – supporting strong, vibrant and healthy communities, and, an environmental role – contributing to protecting and enhancing the natural, built and historic environment. The sections of the NPPF which are relevant to these applications are:

2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
7. Ensuring the vitality of town centres
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenges of climate change, flooding and coastal change
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

87 The presumption in favour of sustainable development is a key component of the NPPF. In terms of decision making, this means approving applications that accord with the development plan without delay; or, where there are no relevant development plan policies, or where such policies are out-of-date, granting planning permission unless either: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole: or where NPPF policies that protect areas or assets of particular importance provide a clear reason for refusing a proposed development.

88 The National Planning Practice Guidance is also a material consideration.

Spatial Development Strategy for London and supplementary guidance

89 The London Plan 2016 is the Spatial Development Strategy for Greater London. The relevant policies within the London Plan are:

- 1.1 Delivering the strategic vision and objectives for London
- 2.9 Inner London
- 2.10 Central Activities Zone – strategic priorities
- 2.11 Central Activities Zone – strategic functions
- 2.12 Central Activities Zone – predominantly local activities
- 2.13 Opportunity Areas and Intensification Areas
- 2.14 Areas for regeneration
- 2.18 Green Infrastructure: The multi-functional network of green and open spaces
- 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
- 3.7 Large residential developments
- 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 private residential and mixed-use schemes
- 3.13 Affordable housing thresholds
- 3.16 Protection and enhance of social infrastructure
- 3.17 Health and social care facilities
- 3.19 Sports facilities
- 4.1 Developing London's economy
- 4.2 Offices
- 4.3 Mixed use development and offices
- 4.5 London's visitor infrastructure
- 4.6 Support for and enhancement of arts, culture, sport and entertainment
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector and related facilities and services
- 4.9 Small shops
- 4.10 New and emerging economic sectors
- 4.11 Encouraging a connected economy
- 4.12 Improving opportunities for all
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.4A Electricity and Gas Supply
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 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
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.17 Waste Capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic Approach
- 6.2 Providing public transport capacity and safeguarding land for transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.7 Better streets and surface transport
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road network capacity
- 6.13 Parking
- 6.14 Freight
- 7.1 Lifetime neighbourhoods

- 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 and managing noise, improving and enhancing the acoustic environment and promoting appropriate landscapes
- 7.18 Protecting open space and addressing deficiency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodlands
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy

90 The emerging policies of the Intend to Publish Plan are considered to be consistent with the NPPF and can accordingly be given significant weight, other than those subject to Directions from the Secretary of State, as detailed further in the relevant sections below.

- GG1 (objective) Building strong and inclusive communities
- GG2 (objective) Making the best use of land
- GG3 (objective) Creating a healthy city
- GG4 (objective) Delivering the homes Londoners need
- GG5 (objective) Growing a good economy
- GG6 (objective) Increasing efficiency and resilience
- SD1 Opportunity Areas
- SD4 The Central Activities Zone (CAZ)
- SD5 Offices, other strategic functions and residential development in the CAZ
- SD10 Strategic and local regeneration
- D1 London's form, characteristic and capacity for growth
- D2 Infrastructure requirements for sustainable densities
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible Housing
- D8 Public Realm
- D9 Tall buildings
- D11 Safety, security and resilience to emergency
- D12 Fire Safety
- D13 Agent of Change
- D14 Noise
- H1 Increasing housing supply
- H4 Delivering affordable housing
- H5 Threshold approach to applications
- H6 Affordable housing tenure
- H10 Housing size mix

- S1 Developing London's social infrastructure
- S2 Health and social care facilities
- S4 Play and informal recreation
- S5 Sports and recreation facilities
- S6 Public toilets
- E1 Offices
- E2 Providing suitable business space
- E3 Affordable workspace
- E8 Sector growth opportunities and clusters
- E9 Retail, markets and hot food takeaways
- E10 Visitor infrastructure
- E11 Skills and opportunities for all
- HC1 Heritage conservation and growth
- HC2 World Heritage Sites
- HC3 Strategic and local views
- HC4 London View Management Framework
- HC5 Supporting London's culture and creative industries
- HC6 Supporting the night-time economy
- G1 Green Infrastructure
- G4 Open Space
- G5 Urban Greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- S11 Improving air quality
- S12 Minimising greenhouse gas emissions
- S13 Energy infrastructure
- S14 Managing heat risk
- S15 Water infrastructure
- S16 Digital connectivity infrastructure
- S17 Reducing waste and supporting the circular economy
- S112 Flood risk management
- S113 Sustainable drainage
- T1 Strategic approach to transport
- T2 Healthy streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
 - T6.1 Residential parking
 - T6.2 Office Parking
 - T6.3 Retail parking
 - T6.4 Hotel and leisure uses parking
 - T6.5 Non-residential disabled persons parking
- T7 Deliveries, servicing and construction
- T9 Funding transport infrastructure through planning
- DF1 Delivery of the plan and planning obligations

91 The following adopted strategic supplementary planning guidance (SPG) documents are also relevant:

- Culture and Night-time Economy SPG (November 2017)
- Affordable Housing and Viability SPG (August 2017)
- Housing SPG (March 2016)

- Crossrail Funding SPG (March 2016)
- Central Activities Zone (March 2016)
- City Fringe Opportunity Area Framework (December 2015)
- Social Infrastructure SPG (May 2015)
- Accessible London: achieving an inclusive environment SPG (October 2014)
- The control of dust and emissions during construction and demolition SPG (July 2014)
- Character and Context SPG (June 2014)
- Sustainable Design and Construction (April 2014)
- Shaping Neighbourhoods: play and informal recreation SPG (September 2012)
- All London Green Grid SPG (March 2012)
- London View Management Framework SPG (March 2012)
- London World Heritage Sites SPG (March 2012)
- Planning for Equality and Diversity in London (October 2007)
- Land for Industry & Transport SPG (September 2012)

92 The following emerging strategic planning guidance documents are also relevant, although attract no weight at this time:

- Good Quality Homes for all Londoners (consultation draft) (October 2020)
- Public London Charter (consultation draft) (October 2020)
- Circular Economy Statements (consultation draft) (October 2020)
- Whole-life Carbon Assessments (consultation draft) (October 2020)
- 'Be Seen' Energy Monitoring Guidance (consultation draft) (October 2020)

93 The following Mayoral strategies, pre-consultation drafts and informal guidance notes are also relevant:

- Mayor's Transport Strategy (March 2018)
- Mayor's Housing Strategy (May 2018)
- Mayor's Environment Strategy (May 2018)
- Energy Assessment Guidance (April 2020)
- Fire Safety (pre-consultation draft) (July 2020)
- Practice note on the threshold approach to affordable housing on public land (July 2018)

Local planning policy and guidance

Hackney

94 The Hackney Local Plan 2033 (adopted July 2020) provides local development plan policies for the portion of the site within the London Borough of Hackney. The relevant policies are:

- PP1 Public Realm
- PP5 Enhanced Corridors
- PP8 Shoreditch and Hoxton
- LP1 Design Quality and Local Character
- LP2 Development and Amenity
- LP3 Designated Heritage Assets
- LP4 Non Designated Heritage Assets
- LP5 Strategic and Local Views
- LP6 Archaeology
- LP8 Social and Community Infrastructure
- LP9 Health and Wellbeing
- LP10 Arts, Cultural and Entertainment Facilities

- LP11 Utilities and Digital Connectivity Infrastructure
- LP12 Meeting Housing Needs and Locations for New Homes
- LP13 Affordable Housing
- LP25 Visitor Accommodation
- LP26 Employment Land and Floorspace
- LP27 Protecting and Promoting Office Floorspace in the Borough
- LP29 Affordable Workspace and Low Cost Employment Floorspace
- LP30 Railway Arches
- LP31 Local Jobs, Skills and Training
- LP32 Town Centres
- LP37 Small and Independent Shops
- LP38 Evening and Night Time Economy
- LP39 Over-concentration of Uses
- LP41 Liveable Neighbourhoods
- LP42 Walking and Cycling
- LP43 Transport and Development
- LP44 Public Transport Infrastructure
- LP45 Parking and Car Free Development
- LP46 Protection and Enhancement of Green Infrastructure
- LP47 Biodiversity and Sites of Importance of Nature Conservation
- LP48 New Open Space
- LP50 Play Space
- LP51 Tree Management and Landscaping
- LP53 Water and Flooding
- LP54 Overheating and Adapting to Climate Change
- LP55 Mitigating Climate Change
- LP56 Decentralised Energy Networks (DEN)
- LP57 Waste
- LP58 Improving the Environment – Pollution

95 The Council's adopted Site Allocations Local Plan (2016) (SALP) contains site allocation 108 that refers to the site. The SALP is confirmed as current policy in respect of this site allocation, which is expected to be superseded on adoption of the Future Shoreditch AAP.

96 The draft Future Shoreditch AAP includes site allocation FSOS 10 referring to the site.

97 The following adopted Hackney Supplementary Planning Documents (SPD's) are relevant to this proposal:

- S106 planning contributions SPD (2020)
- Sustainable design and construction SPD (2016)
- Public realm strategy SPD (2012)
- South Shoreditch SPD (2006)
- Affordable Housing SPD (2005)

Tower Hamlets

98 The Tower Hamlets Local Plan 2031 (adopted January 2020) provides local development plan policies for the portion of the site within the London Borough of Tower Hamlets. The relevant policies are:

- S.SG1 Areas of growth and opportunity within Tower Hamlets
- S.SG2 Delivering sustainable growth in Tower Hamlets

- D.SG3 Health Impact Assessments
- D.SG4 Planning and construction of new development
- D.SG5 Developer contributions
- S.DH1 Delivering high quality design
- D.DH2 Attractive streets, spaces and public realm
- S.DH3 Heritage and the historic environment
- D.DH4 Shaping and managing views
- S.DH5 World heritage sites
- D.DH6 Tall buildings
- D.DH7 Density
- D.DH8 Amenity
- D.DH9 Shopfronts
- D.DH10 Advertisements, hoardings and signage
- S.H1 Meeting housing needs
- D.H2 Affordable housing and housing mix
- D.H3 Housing standards and quality
- S.EMP1 Creating investment and jobs
- D.EMP2 New employment space
- D.EMP4 Redevelopment within designated employment locations
- S.TC1 Supporting the network and hierarchy of centres
- D.TC3 Retail outside our town centres
- D.TC4 Financial and professional services
- D.TC5 Food, drink, entertainment and the night-time economy
- D.TC6 Short stay accommodation
- S.CF1 Supporting community facilities
- D.CF3 New and enhanced community facilities
- S.OWS1 Creating a network of open spaces
- D.OWS3 Open space and green grid networks
- S.ES1 Protecting and enhancing our environment
- D.ES2 Air quality
- D.ES3 Urban greening and biodiversity
- D.ES4 Flood risk
- D.ES5 Sustainable drainage
- D.ES6 Sustainable water and wastewater management
- D.ES7 A zero carbon borough
- D.ES8 Contaminated land and storage of hazardous substances
- D.ES9 Noise and vibration
- D.ES10 Overheating
- S.MW1 Managing our waste
- D.MW3 Waste collection facilities in new development
- S.TR1 Sustainable travel
- D.TR2 Impacts on the transport network
- D.TR3 Parking and permit-free
- D.TR4 Sustainable delivery and servicing
- City Fringe site allocations: 1.1 Bishopsgate Goods Yard

99 The following adopted Tower Hamlets Supplementary Planning Documents (SPD's) are relevant to this proposal:

- Development Viability SPD (2017)
- Planning Obligations SPD (2016)

Bishopsgate Goodsyard Interim Planning Guidance

100 In 2010 the former Mayor, Hackney and Tower Hamlets Councils jointly adopted the Bishopsgate Goodsyard Interim Planning Guidance (BGY IPG). The BGY IPG provides a framework for regeneration of the site and sets out the following key principles:

- Contribute to supporting London's 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
- Make the best use of excellent public transport access

101 The IPG also sets out how development on the site should connect with the existing surrounding development, the importance of new open spaces, the requirement for sustainable transport and sustainable design, the re-use of historic structures and the need to strengthen local character. In relation to building heights, the IPG highlights that larger scale buildings should be focused around the station with medium scale buildings on the transition to Shoreditch High Street, and towards the centre of the site reducing to a 'street' scale to the east. The document details design guidelines for the proposals and the importance of local and strategic views. It supports the creation of a park on the Braithwaite Viaduct and identifies that the site's development capacity is 1,000-2,000 new homes and 75,000 – 150,000 sq.m. of non- residential floorspace. It indicated that the land use layout should provide for commercial to the west of the site within Hackney and residential space to the north of the site predominately in Tower Hamlets, with retail at ground floor around the site. It also indicated provision of a new public square, arranged diagonally across the west of the site from Bethnal Green Road to Commercial Street.

102 The IPG has subsequently been used to inform relevant policies, as well as strategic design principles in the City Fringe OAPF (2015). However, through the development management process of scrutiny of the previous iteration of the proposed development (which was broadly in line with the development quantum envisaged in the IPG) it is considered by both Councils, and by GLA officers, that its aspirations are unrealistic. Furthermore, with the adoption of Local Plans for both boroughs in 2020, it is considered that this document now carries very limited weight, although it is still a material consideration.

Community Infrastructure Levy

103 Local planning authorities in London are able to introduce Community Infrastructure Levy (CIL) charges, which are payable in addition to the Mayor's CIL. Hackney's CIL came into effect in April 2015 and the location is charged at a rate of £190 per sq.m. for residential, £80 for hotels, £65 for retail, £50 for offices with a nil charge for other uses. Tower Hamlets' CIL came into effect in April 2015 with a revised charging schedule taking effect in 2020. This location is charged at a rate of £280 per sq.m. for residential, £100 per sq.m. for offices, £190 per sq.m for hotels, with a nil charge for other uses. Following the adoption of a new charging schedule, MCIL2 rates now apply to planning permissions granted from 1 April 2019. Accordingly, a rate of £60 per sq.m. would apply to the residential and commercial floorspace proposed. CIL liability would be subject to relief for affordable housing.

Consultation

104 For completeness this report picks up on all the consultation exercises undertaken in respect of these applications. This includes the previous iterations of the scheme which have been subsequently amended.

Original proposals prior to 2016 deferred hearing

105 The original consultation on the planning and listed building consent applications was in 2014. The application was publicised by sending notifications to 4,392 properties (489 in Hackney, 3,903 in Tower Hamlets) in the vicinity of the site together with publication via site and press notices in October 2014 as well as to all relevant statutory and non-statutory bodies. Following the receipt of formal amendments to the scheme in July 2015 a further re-consultation was undertaken and another more restricted consultation was carried out in January 2016 in respect of an Environmental Impact Assessment consultation. The latter undertaken on behalf of the former Mayor following the call in of the applications in September 2015.

106 At the time of reporting the applications to their respective committees, Hackney Council reported that it had received 516 responses (511 objecting and 5 in support) and Tower Hamlets Council 484. The Mayor and/or GLA officers received 645 emails or letters as a result of the consultation exercise; 572 of these were from objectors and 73 from supporters. The former Mayor also received four petitions ahead of the scheduled Hearing, one from the campaign group More Light More Power included 11,404 signatures.

107 Full details of consultation responses on the previous scheme iteration are set out in the previous representation hearing report D&P/1200c&d/04 and are therefore not repeated here. The previous report is publicly available on the Bishopsgate Goodsyard public hearing section of the GLA website.

Consultation on 2019 and 2020 amended planning and listed building consent applications

108 As noted above, the applicant submitted amendments to the planning and listed building consent applications in October 2019 and July 2020. Site notices were erected around the site in both the London Borough of Hackney and Tower Hamlets on 13 November 2019 and 30 July 2020 respectively. Press notices publicising the applications were placed in the Hackney Gazette and East London Advertiser on 14 November 2019 and 30 July 2020 respectively. Consultation letters were sent out on 13 November 2019 and 30 July 2020. The consultation also included all relevant statutory and non-statutory bodies, both boroughs, neighbouring boroughs and amenity groups. The applications were advertised in accordance with the Town and Country Planning (Environmental Impact Regulations) 2011, the Town and Country Planning (Development Management Procedure (England) Order 2015 and the Planning (Listed Building and Conservation Areas) Regulations 1990.

Statutory and non-statutory consultees

109 Crossrail 2: The application relates to land outside the limits of land subject to consultation by the Crossrail 2 Safeguarding Direction. No comment on the application.

110 London Underground Infrastructure Protection: Whilst there is no objection in principle to the planning application there are a number of potential constraints on the redevelopment of a site situated close to underground tunnels and infrastructure. Planning conditions are recommended requiring design and method statement be submitted at each stage of the development to ensure works do not have a detrimental effect on TfL tunnels and structures and the design ensures that the loading on said tunnels and structures is not increased or removed.

111 London Overground Infrastructure Protection: Whilst there is no objection in principle to the planning application there are a number of potential constraints on the redevelopment of a site situated close to London Overground infrastructure. Planning conditions are recommended requiring design and method statement be submitted at each stage of the development to ensure works do not have a detrimental effect on Shoreditch High Street station, rail viaduct and their

future and the design ensures that the loading on said tunnels and structures is not increased or removed.

112 Historic England (HE): Made a number of comments to assist the Mayor:

113 Overall position:

- HE supports the principle of redevelopment of this site, which contains two listed structures that have been entrants on the Heritage at Risk Register for many years, and acknowledges the heritage benefits arising from the repair and reuse of these listed structures and other undesignated heritage assets on the site. However, HE acknowledge that there is harm arising from the demolition of non-designated heritage assets within the site, including a number of arches and structures associated with the former goodsyard. HE also acknowledges that the proposals still include the provision of buildings of a significant scale, which will have a dominant and harmful impact upon the setting of many local conservation areas and listed buildings, which must be weighed against the benefits of the development. Historic England has no objection to the application on heritage grounds.

114 Wider setting impacts:

- The amended proposals represent a new and less-intensive approach to development of the site. HE welcome this approach and recognise that the reduction in height of the proposed buildings addresses previous concerns in relation to the impact of the setting of the Tower of London. However, the proposals will still introduce a whole new scale of development that, in HE's view, would have a harmful impact on the setting of numerous heritage assets in the local area.
- In relation to the Elder Street Conservation Area, Buildings 1 and 3 [*GLA officer note: it is assumed that HE means Buildings 1 and 2*] are seen to terminate views looking north along Elder Street, which is predominantly fronted by three-storey Georgian terrace houses, some of which are grade II listed. The proposals are considered to have a harmful impact on the setting of the heritage assets within these views, as the proposed buildings would appear as dominant elements rising behind the Georgian terraces and occupying a significant area of sky space that currently allows for the clear definition of the rooftops of the terraces.
- In relation to the South Shoreditch Conservation Area and various listed buildings within that area, Buildings 1 and 3 [*GLA officer note: it is assumed that HE means Buildings 1 and 2*] appear in many significant views looking east and south through the conservation area and are considered to have a harmful impact due to their contrasting scale and dominant appearance against the predominantly modestly-scaled buildings within the conservation area. The visual dominance of Building 1 in these views is further emphasised through the incorporation of a cantilever and large fins.
- In relation to the Boundary Estate Conservation Area and the grade II listed estate buildings within that area, the proposed development would be seen to terminate views looking south and would introduce a whole new scale of development into the backdrop setting of the conservation area that is considered to cause harm to the setting of the affected heritage assets.
- As such, HE urges the Mayor to weigh the above-mentioned harm against any public benefits arising from the scheme, in accordance with policy 196 of the National Planning Policy Framework.

115 On-site heritage assets:

- In respect to the heritage assets within the site, HE welcome the retention, repair and reuse of the buildings onto Sclater Street, which are located within the Brick Lane and Fournier Street Conservation Area and consider these proposals to comprise heritage benefits. However, further assessment is required of the significance of the weavers houses, particularly in relation to the existing rear extensions that are proposed to be demolished.
- HE welcome the proposed repurposing of many of the structures formerly associated with the goodsyard and consider these proposals to comprise heritage benefits. HE recommend a range of conditions be applied to any grant of planning permission and listed building consent in order to secure appropriate high-quality designs and finishes.
- Whilst HE has no objection to the principle of providing new structures over the Braithwaite Viaduct, including the proposed hotel buildings, associated infrastructure works, public realm landscaping and associated structures, the associated listed building consent application for works to the viaduct for the creation of the necessary support structures is lacking in detail. The submission is based on informed assumptions, rather than on-site trial pits and works of opening up to reveal the composition of the original viaduct structure and the fill material over that structure. It is not normal practice to grant listed building consent for works unless there is sufficient detail on which to make an informed judgement in relation to the impacts of those works on the special interest of the listed structure. As such, it is recommended that if consent is granted, that this be subject to a series of conditions that allow for full investigation and assessment of the condition of the original viaduct structure prior to submission of details of the proposed works.
- HE has no objection to the principle of repairing the Oriel Gateway and reinstating the lost decorative stonework over the gateway. However, there are concerns that the proposals are not fully detailed and are subject to further investigations to assess the condition and composition of this structure. As such, it is recommended that this be subject to a series of conditions that allow for full investigation and assessment of the condition of the original structure prior to approval of the proposed works and recommend that conditions that enable further discussion on the design and details of the proposed finishes to the structure, including fenestration and relationship to the adjacent public realm.

116 Masterplan and phasing:

- Regarding the overall masterplan for the site, HE welcome the proposed phasing of the development, which places the repair and refurbishment of the heritage structures into the earlier phases of delivery. However, it is strongly recommended that the heritage benefits that arise from these works are secured through the conditions and within a S106 agreement. This should include a detailed timeline for delivery, ensuring that the works to heritage assets are completed prior to the delivery, or occupation, of new build elements on the site.

117 Greater London Archaeology Advisory Service (GLAAS): Conditions recommended in 2015 are still relevant. GLAAS note the refined evidence for the location of the undesignated heritage asset of the Brick Lane Civil War Fort has been produced and other archaeological work since 2015, close by on Shoreditch High Street, has also found important early neolithic remains and later prehistoric and Roman activity, which raise the potential at the Goodsyards.

118 Ancient Monuments Society: No comments.

119 British Gas: No comments.

120 British Telecom: No comments.

121 Canal and River Trust: No comments.

122 Council for British Archaeology: No comments.

123 City of London: No comments.

124 Environment Agency: No objections. Advice given as regards land contamination, flood risk and water resources.

125 The Georgian Group: Raised concerns over the plans to demolish the rear range of the Weavers Cottages on Sclater Street and replace them with glass structures in the courtyards of the houses. In line with paragraph 197 of the NPPF, any loss to or harm caused to the significance of the heritage asset should require a balanced judgement. The proposed plans for the east side of the terrace include a new structure which will abut the existing terrace. The Group feels that this addition does not enhance or preserve the character of the Brick Lane and Fournier Street Conservation Area and this aspect of the scheme should be omitted, otherwise, harm would be caused to the significance of the conservation area.

126 Health and Safety Executive: No comments. The application falls outside the HSE consultation zones.

127 Historic Royal Palaces: The previous concerns were regarding the visibility of some of the tall structures proposed in the background of views to the White Tower, especially LVMF view 10A.1 from Tower Bridge. Historic Royal Palaces is pleased to note that with the amended applications and the reduced height of buildings, they are effectively no longer visible in the sky-space behind the White Tower.

128 London Borough of Greenwich: No comments.

129 London Borough of Islington: No comments.

130 London Borough of Lewisham: No representations to make.

131 London Borough of Newham: No comments.

132 London Borough of Southwark: No comments.

133 London City Airport: No objections subject to conditions on cranes and bird strike risk assessment.

134 London Fire & Emergency Planning Authority: No comments.

135 Marine Management Organisation: No comments.

136 Maritime Greenwich World Heritage Co-ordinator: No comments.

137 Metropolitan Police: No objection. A secure by design condition is recommended.

138 NATS: No comments.

139 National Grid: No comments.

140 Network Rail: No comments.

141 Port of London Authority: No comments.

142 The Society for the Protection of Ancient Buildings (SPAB): Object to the proposals. Main concern is the height of Plot 2 which at 142.4 metres towers over the surrounding area which together with the massing will overwhelm the modestly scaled and finely grained pattern of

neighbouring streets, cause harm to the setting of heritage assets, dominate local views and represent an extension of the City into the East End. The proposal contravenes London Plan policy on Tall Buildings in sensitive locations such as this. The Society accepts the need for development however this is an opportunity for regeneration that respects the historic and cultural character of the area than impose a new identity on it.

143 Sport England: Sports/leisure facilities are on both Regulation 123 Lists therefore Sport England's objection is removed. It is acknowledged that there is no requirement to identify where those CIL monies will be directed as part of the determination of any application.

144 Thames Water: Thames Water has identified an inability of the existing combined waste water infrastructure to accommodate the needs of this development proposal. A condition is recommended to require the developer demonstrate that the water network can accommodate the new development prior to occupation. Thames Water has also identified that the existing water network infrastructure cannot accommodate the needs of the development. A pre-occupation condition is requested to ensure all water network upgrades required to accommodate additional flows from the development are undertaken. As the proposed development is located within 15 metres of a strategic water main a condition is recommended to restrict all piling until a piling method statement is approved in consultation with Thames Water. A condition is also requested stipulating that no works be undertaken within 5 metres of the strategic water main and information detailing how the developer intends to divert the asset/align the development to prevent damage to subsurface potable water infrastructure. Informatives are also requested in respect of development adjoining Thames Water assets and in respect of measures to minimise groundwater discharges into the public sewer. A condition is requested in terms of foul water capacity or to provide a development and infrastructure plan has been submitted with no occupation except in accordance with that plan and/or required upgrades to the network completed. A similar condition in terms of surface water also suggested. Thames Water has identified the inability of the existing water infrastructure to accommodate the needs of the development. A condition in this regard is recommended requiring no properties be occupied until water network upgrades have been completed or a housing and infrastructure phasing plan has been agreed.

145 The Victorian Society: Objects to the scheme and recommend that the Mayor refuse consent. The amendments are insufficient and the impact on conservation areas and the surrounding districts would be great. The development by nature of its scale would cause less than substantial harm to the setting of surrounding conservation areas and set a precedent for further harmful development. This harm should not be considered to be balanced by public benefit.

146 Twentieth Century Society: No comments.

Other responses including local residents, conservation, amenity and business groups

147 More Light More Power (MLMP): This group was formed of a mixture of community and business groups. Co-ordinated by Open Shoreditch, MLMP made representations on behalf of; *Burhan Uddin House Tenants' Association; Columbia Neighbourhood Action Group; Columbia Tenants and Residents' Association, Friends of Arnold Circus; Gascoigne Neighbourhood Association; Jago Action Group; Jesus Hospital Estate Residents' Association; North Brick Lane Residents' Association; Shoreditch Community Association and Spitalfields Society.*

148 October 2019 consultation response:

- MLMP recognise significant improvements in this iteration (over 2018 proposals) including the additional open green space, increased housing and policy compliant 50% affordable. Also the applicant has engaged with MLMP and other local community members to develop a significant cultural offer that reflects the rich and varied history of the locality.

- The increased significance to heritage assets is recognised with the retention of the unlisted northern boundary wall and more respectful treatment of the Oriel Gateway welcomed.
- MLMP question why the Mayor has yet to determine if the site is public land.
- MLMP raised concern with the consultation exercise noting the amount of documentation to be read and understood in the run up to Christmas.
- Given the extent of Reserved Matters, MLMP stress the need for transparency about how the scheme evolves and its impact. There must be a mechanism to stop the increased heights (over 2018 proposals) of Plots 4, 5, 8 and 10 in order to prevent the loss of light. MLMP consider that the proposed quantum of housing is nearly 20% higher than the maximum density recommended by the London Plan and this housing should not compromise existing amenity and quality of life. MLMP state that the financial viability appraisal must be closely examined to ensure that the site is not over developed in order to reach unrealistic housing targets for the site.
- MLMP suggest Land Registry covenants such as rent controls to ensure affordable workspace and independent retail is secured and the development of a small independent business cohort to gather mutually supportive businesses and actively promote local employment, trades, apprenticeships, training and skills.
- MLMP consider that there is too much retail proposed in the scheme. An indoor leisure facility (swimming pool) is suggested to support local residents and site users and give the site a social/leisure focus.
- MLMP welcome the car free approach of the masterplan in addition to the cycle parking proposals.
- In terms of massing MLMP note that policy permits the development of high-rise buildings at the western edge of the site, members have concern as to the scale and massing of plots 1 and 2. In terms of plot 1 work is needed to reduce the impact on the Tea Building, which needs monitoring at reserved matters stage. Whilst expressing concern about the inadequate time to review this building in the consultation process, MLMP consider that this building is believed to be taller than the 2015 proposal although the move away from the City glazed towers to a Shoreditch vernacular is more suited to the site's industrial history.
- The introduction of housing to the area (plots 4 and 5) is welcomed, less welcome is the heights (increased from 2018 to 2019 from 7/12 storeys to 11/13 and 19 storeys). The buildings (also plot 10) should be capped at heights that reflect BRE parameters for loss of daylight and sunlight and also be viewed in the context of the adjoining imminent Huntington Estate proposals.
- The cultural amenity building (plot 6) is welcomed. This should be supplementary to and not in competition with Rich Mix. The use of the heritage assets is recognised as making aspects of the site's history fit for modern purpose and a great leap forward.
- MLMP question the need for additional hotel supply locally, suggesting that this be given over to public housing with no short-term sublet clauses to replace the hundreds of local units that serve as Airbnb businesses.
- MLMP conclude that a robust approach to the s106 agreement will be needed to ensure the scheme delivers for the local community as well as the developers, key to this will be the phasing so that benefits come alongside commercial operations and not afterwards.

- In response to the July 2020 consultation, MLMP believe the development now has the potential to enhance the local area socially, economically and culturally. The campaign therefore looks to the two local authorities and to the GLA to condition any consent granted to ensure a sustainable development that delivers for locals and Londoners. Such conditions should include:
 - Transparent analysis of the cumulative light loss on existing buildings, as different plots come forward for planning consent. The piecemeal development cycle means there is no reliable tracking of the total impact of the whole development on existing communities;
 - Housing allocation to key workers, needed to attend any catastrophic event in central London such as terrorism or a major fire;
 - A more creative and diverse cultural offer such as live music, entertainment and theatre venues, to stimulate a night-time economy that does not rely on licensed premises;
 - support for a small independent business cohort, as successfully pioneered by university science parks and more recently championed by the Mayor of Paris; and
 - A diverse and vibrant retail mix that serves all local needs, not just international brands.

150 *The Spitalfields Trust*: Objects to the proposals and requests they are refused by the Mayor. The scheme will create a wall of bulky tall buildings which would overshadow the neighbourhood and block sunlight. The scale, mass, height and bulk of buildings particularly in the western half will seriously harm the setting of nearby conservation areas and the character, appearance and architectural context of Spitalfields and Shoreditch. The green space is regarded as being too small and would be overshadowed by the development. The limited 60-90 low cost rent units is also considered deficient for the need. The Trust also raised concern as to the ability to access and read details of the scheme on the GLA and local authority websites. The increased scale from the original (2018) masterplan raises questions regarding the quality of advice from the Mayor's Design Advocates and the GLA who encouraged the increased density and making the design less subservient to historic structures. Need for office blocks is questioned in view of recent changes to working practices. The new square off Brick Lane will harm character, losing the tight and consistent building line of the road. The urban form of Brick Lane has always followed a simple pattern of buildings on the back of pavement and the creation of open space shows a fundamental misunderstanding of the urban qualities of this historic street. The cumulative impact of out of scale buildings in this area which are more reflective of the City are now threatening the character of Spitalfields, Aldgate and Shoreditch and this should be considered in the decision making process. The Trust set out that they are willing to support the owners of the site in the repair and maintenance of the Weavers Houses on Sclater Street.

151 *East London Garden Society*: Object to the proposals. The Society say that they had persuaded the developers of the necessity of a community park (Forest Garden) on the site to offset pollution, encourage community use and enhance the area. The Society consider that developers have gone back on that agreement without good cause.

152 *London and Middlesex Archaeological Society*: Recommend that the applications be refused. Main reasons for objection concern the design, scale and density of the proposed tower located within the western half of the site. Relationship between the Plot 2 office building and the listed Oriel is a particular cause for concern. The office building would not only fail to engage with the listed structure at ground level but also completely dominate it through its height and breadth. No adequate justification given for the loss of the Grade II listed wall along Commercial Street to accommodate a large 7 storey office building (Plot 3). The tall buildings would be detrimental to the five conservation areas and their constituent buildings (including listed buildings). This is exacerbated by the poor quality in design. Building 1 is lumpen and incongruous and driven by

profit and not the constraints of the site. This location is a prominent one between the City and surrounding historic districts and deserves better. The former Goodsyard reflected the low- to medium rise nature of the surrounding built environment and it and the communities that live and work around the site deserve a substantially better set of redevelopment proposals.

153 *The East End Preservation Society*: Refer to 'Reclaim the Goodsyard' comments below.

154 *Jago Action Group*: Refer to 'More Light More Power' comments above.

155 *Spitalfields Society*: No comments.

156 *Hackney Society*: No comments.

157 *Shoreditch Conservation Area Advisory Committee*: Strongly objects to the proposal which is clearly overdevelopment in a site bordered on every side by conservation areas which will all be invasively affected and substantial harm would likely result to these and other heritage features within the site. The scheme will destroy buildings of interest within the boundary of the site and cause substantial harm to these heritage features and neighbouring conservation areas. This amendment simply converts massing into lower rise but bulkier structures. The benchmark height for the site should be kept at that of the existing Tea Building. The application should be refused and further progress on the site covered by new applications made to both Boroughs.

158 *London First*: The Goodsyard development can deliver homes, including affordable, high quality and affordable workspace and significant public realm and is a vote of confidence in London's economy and should be welcomed. New development should be encouraged at this particularly difficult time as a way to reinvigorate areas and unlock wider economic and social benefits that flow from such investment in new jobs, skills and training opportunities

159 *East End Trades Guild*: Object and request the Mayor refuses the applications. It shows little recognition of the small business community. As public land, Goodsyard should provide workspace that reflects the needs of local businesses and not just investors looking for high rents and sales values on B1 office floorspace. There is no space for those traders who do heavier work and need service areas. The area has seen rents rise leading to a loss of workspace and increased homogenisation of Shoreditch. Hackney's 60% discount on workspace should be applied across the site. The East End Trades Guild consider that the bulk, scale, style and concept of the proposal will harm the area and further displace businesses and residents, through the 13 year construction period and the office-led environment which is not suited to current demand for workspace.

160 *Reclaim the Goodsyard (campaign organised by Weavers Community Action Group)*: Objects. This group founded by Weavers Community Action Group in 2020 is endorsed by a number of groups as noted in the letter received. These include *Boundary Tenants and Residents Association, Boundary Community Association, Brick Lane Mosque, Brick Lane Trust, Columbia Tenants and Residents Association, East End Preservation Society, East End Trades Guild, Federation of Tower Hamlets Tenants and Residents Associations, Friends of Arnold Circus, Gascoigne Neighbourhood Association, Jesus Hospital Estate Residents Association, Rochelle Studios, Saint Hilda's East Community Centre, Solidarity Britannia, Spitalfields Trust and Weavers Community Action Group*.

161 The Group raise a number of objections to the proposals

- Impact on heritage assets: Demolition of existing structures is regrettable. The height and massing of the proposals will have an adverse impact on several conservation areas, listed building and numerous non-designated heritage assets. Harm will be caused to the South Shoreditch Conservation Area and to the Boundary Estate Conservation Area. TVIA View 29 shows that the tower will harm views of the spire of St. Leonards Church, having a major adverse impact on this listed building. The Tea

Building will be completed overwhelmed by the scale of the proposal. TVIA views 28 and 29 also reveal harm to views of Victorian buildings along Great Eastern Street and damaging to the South Shoreditch Conservation Area. The Group also raise harm to views to the south and east of the site, including on the Wentworth Street Conservation Area, the Brick Lane/Fournier Street Conservation Area, the Elder Street Conservation Area, the Artillery Passage Conservation Area and views from Allen Gardens and Cheshire Street. The degree of harm assessed by the applicant's EIA consultants is questioned and request that the GLA seek independent advice. The loss of the brick-arched roof of London Road will result in the further loss of historic fabric. This Wheler Street arch is considered an atmospheric and recognised part of the Goodsyards fabric. Whilst the retention of 71-75 Sclater Street is welcomed, their setting would be harmed by the development.

- Policies and planning guidelines: The group is aware of the City Fringe OAPF and the Bishopsgate Goodsyards IPG and the presumption of tall buildings at the western end of the site with an emphasis on commercial (rather than housing) development. Post-Covid such an approach is outdated. The Group also question that a number of aspects of the IPG have been ignored, including the requirements to preserve or enhance character of the area and its heritage assets and tall buildings should be set back on a podium; there should be no wall of development on Bethnal Green Road and there is no civic space at the western edge of the site. The Group reference the heights mentioned in the Future Shoreditch AAP, which has the Tea Building as the key mass and height anchor for this location. Building 1 is contrary to this massing guideline.
- Degree of harm: The Group consider that the degree of harm caused by the new tall buildings on heritage assets to be substantial.
- Balancing harm against public benefits: The Group consider that the public benefits provided by the scheme are insufficient to balance against either substantial or less than substantial harm. The 90 social rented homes is derisory given the size of the site and local housing need; much of the public space is designed for the commercial uses and not with the local population in mind; the quality of the space will be overshadowed by the scale of the development and the design of the large blocks to the western edge of the site is questionable and not related to local character and context.
- Optimum viable use: There is a potential to create an alternative scheme of equivalent or greater public benefit than what is proposed. Post-Covid and in the context of retail expansion locally, the development of the Goodsyards for retail and office space is not appropriate or vital. A lower scaled more community focussed scheme should be explored.
- Housing mix: The reduction in housing numbers from 1,356 to a maximum of 500 is a flawed approach when housing, particularly affordable housing is in need. Only 18% of the new homes would be social rent, which is considered woefully inadequate plus the affordability of rental products is questioned. The amount of 1 bed flats is questioned representing over 70% of the private total when local policy requires 70% 2+ beds. This does not address local requirements and leaves open possibility for Airbnb and other short term lets, and not community building. The phasing of housing, late in the development process is also questioned.
- Small independent business, local employment: The proposed affordable workspace will not accommodate the range of employment space required such as light industrial uses within the arches.
- Hotel saturation and Airbnb: This development would redefine the area as a hotel district. The Group state that around 3,000 rooms have been built or in the pipeline and

far exceed London Plan requirements. There is no need for hotel space within this development. It is also likely that the 77% 1 beds will make a substantial contribution to an already concentrated level of Airbnbs in this location.

- Environment and sustainability: The scheme falls short of the 45% improvement in on-site emissions required by Tower Hamlets policy. The group query why carbon offset applies to residential buildings only. The proposal is backwards-looking and wasteful. It will create a lot of traffic on Bethnal Green Road and associated poor air quality.
- Daylight, sunlight and overshadowing: Daylight and sunlight issues should be properly scrutinised as it was a key issue in the refusal recommendation last time and the information could not be located in the documents.
- Covid: The Group highlight that while impossible to predict, there will be likely lasting behavioural changes affecting patterns of work, leisure and living. In this context, office space is likely to decline, retail space requires high concentrations of daily visitors; with less commuting the requirement for localised facilities will grow and the development should centre around the needs of the area not tourists and visitors. The sites adjoining neighbourhoods should be subject to a social infrastructure needs assessment.

162 Soho House: An objection was made on behalf of the following local businesses: *Shoreditch House, Redchurch Townhouse, Cecconi's Shoreditch, Soho Works Shoreditch, Soho Works Redchurch Street, Pizza East, Dirty Burger and Cowshed Shoreditch*. The businesses objected on the following grounds:

- Scale of the proposed development: Strongly object to mass, bulk and scale which will have a negative impact on local residents and businesses in terms of blocking light, views and causing overshadowing. Shoreditch House Hotel will suffer daylight loss in bedrooms and balconies and loss of privacy.
- Character of the neighbourhood: The development is not in keeping with the local architectural fabric. The Tea Building and Biscuit House are identified as buildings of townscape merit and these would be adversely affected by the proposals. The tall buildings would have harmful impacts on the Redchurch Street and South Shoreditch Conservation Areas.
- Transport provision: Local public transport, already overloaded, will be exacerbated by this development.
- Disruption: The development will necessitate years of construction, noise, dust and access affects which impact negatively on local businesses.

163 Jesus Hospital Estate Residents Association and Columbia Tenants & Residents Association: Object. On behalf of 418 households they consider the proposal to be heinous which will blight the area inordinately. The scale shows little respect for the area and will do very serious harm to its character, historic buildings and conservation areas and will create a wall of development on Bethnal Green Road overshadowing parts of the Boundary Estate. The 90 low cost homes on public land is minimal and not justified. The disruption of the development will seriously damage the proper functioning of the area, for no real benefit. Both Associations state that they would support well designed mid-rise buildings, liveable housing, appropriately sized and a place that promotes community. They do not support the appropriation of Bethnal Green by the City.

164 Friends of Arnold Circus: Strongly Object. The scheme is grossly overdeveloped and not in accordance with the unique cultural, historic, housing and ecological needs of the local working and residential communities. While there's some improvement in reducing the original wall of 12 high-

rise towers the area is still presented with the unpalatable prospect of monstrous massing and blocks of bland, bulky towers at the site's western end. The disproportionate, divisive, dismal effect will be stealing people's right to light and will cause the channelling of a wind tunnel. This application is very far from being in keeping with the character and human scale of the adjoining five conservation areas. *Historic England* have pointed out that from the Boundary Estate "the proposed development would be seen to terminate views looking south and would introduce a whole new scale of development into the backdrop setting of the conservation area" - It will be visible from almost every block and street. By design and bulk, it will create a dark overcast wall to the west side of Bethnal Green Road as well as being harmful to the heritage setting of the area. The historic setting of the Boundary Gardens at Arnold Circus garden is in danger of being blighted by overshadowing developments at The Bishopsgate Goodsyards which do not enhance, preserve or protect this environment. Statements in the reports from the developers determine there will be a significant impact on the garden. Despite being public land and local housing need, a great opportunity is missed to provide housing for key workers and it will only provide a mere 60-90 low cost homes and insufficient low cost small business workspace: a missed opportunity. The Group request the Mayor rejects the proposals.

165 *East London Garden Society*: Comment. When completed, the development will improve the environment within the area. At present we are unable to quantify the damage to our atmosphere in the Shoreditch area, caused by the development. The developers promise to create a forest environment as part of the development. Once created, The Shoreditch Forest Garden would be the largest of its kind in Europe, bringing to central London a new perception for the capital and a new path to follow.

166 *Spitalfields Housing Association (SHA)*: Objects. SHA managed properties will be negatively impacted. 'Rights of light' and overshadowing by tall tower blocks with health impacts. Lack of assurance of sustainable/ affordable rents for small businesses. Lack of community facilities and infrastructure. SHA want to see more genuinely public open green areas and plant-growing space for residents. SHA wants to see a much higher numbers of truly affordable and social housing to address the needs of those on the housing waiting list. SHA have not been consulted by the developers about the Bishopsgate Goodsyards.

167 *Avantgarde BGR Management Ltd*: Objects. Daylight and sunlight impact on residents of the Avantgarde development. Scale and massing of Plots 4 and 5 positioned too close resulting in overlooking and loss of privacy. Impact on air quality.

Individual neighbour responses to the Mayor

November 2019 consultation

168 A total of 151 responses were received with 146 objections, 4 in support and 1 comment on the construction process associated with the proposed development.

169 The grounds for objection are summarised below and grouped by topic headings used in this report:

170 *Consultation*

- Consultation undertaken close to Christmas and during an election considered cynical
- Consultation period should have been extended
- Applicant did not undertake sufficient pre-application consultation with the local community
- Quantity of information presented online difficult to navigate and comprehend

171 *Principle of development*

- Public land being used for private gain.
- No buildings should be placed above viaduct
- Space above viaduct should be utilised as a public park only
- Locality does not need more hotels, airbnbs and high end housing
- Area being converted to a commercial one with retail, hospitality and office uses.
- The homes on offer will be unaffordable to locals
- Public should retain the green space on the site
- Too much retail on the site
- London has a housing crisis not an office crisis.
- The application should be decided at a local level by Hackney and Tower Hamlets Councils
- Insufficient community provision
- No support for local businesses
- Impact on schools, doctors and other infrastructure
- Loss of market, sporting facilities and car park on the site.

172 *Housing*

- Insufficient affordable housing
- Thousands of people in Tower Hamlets & Hackney on housing waiting lists; this scheme makes insufficient contribution
- 90 low rent dwellings are insufficient for this site

173 *Urban Design*

- Overdevelopment/excessive density
- Height and mass of buildings out of scale with the site and its surroundings
- Height of Building 2 although reduced from 177 metres to 142 metres is still too excessive
- Height and scale of Building 1 is too high and out of keeping with the Tea Building opposite which it dwarves by 3 times
- Plot 3 is too tall and bigger than surrounding buildings
- Scheme will be a blight on the area
- Oppressive wall of development on Bethnal Green Road and Sclater Street
- Insufficient infrastructure to cope with additional pressures of occupants and users of the development parking
- Design out of keeping with historical and architectural character of the area
- Ugly, poor and soulless design proposed
- Area is losing its character and identity becoming more generic and City-like and this proposal would exacerbate this
- Density of housing proposed exceeds London Plan standards
- Shoreditch will lose a key aspect of its character (particularly loss of pitches and BoxPark) and become boring and generic

174 *Heritage*

- The scale of plot 2 will dwarf the listed Oriel Gate

175 *Transport*

- More congestion from new occupiers and visitors
- Disruption from construction traffic
- Additional pressure on bus routes
- No cycle lane allocated

176 *Environmental and climate change*

- Increased noise pollution from construction and development
- Increased air pollution levels from construction and development
- Increased wind levels from development
- Sclater Street will not be able to safely accommodate proposed construction traffic
- Increased levels of dust pollution
- Scheme should be zero carbon
- Scheme will contribute towards climate emergency

177 *Neighbouring amenity*

- Loss of daylight/sunlight to surrounding buildings and streets
- Overlooking to neighbouring homes
- Loss of privacy to neighbours
- Impact on residents of Avant Garde development opposite plots 4 and 5 in terms of loss of privacy, daylight/sunlight and overlooking is unacceptable.
- Negative impact on views for local residents
- Increased disturbance and antisocial behaviour from late-night economy and its users
- Users of the site will have no interest in the area
- Loss of daylight for local families, negative impacts on children growing up in dark buildings
- Loss of daylight increasing energy bills for neighbours

178 *Open space*

- The green space on offer is deficient for the needs of the local population
- Poor quality and inaccessible park space
- Its private not public
- Should be more trees

179 The four support comments raised the following points:

- The site has lain derelict for too long
- Shoreditch needs homes, jobs and workspace
- Will make contribution to the London economy
- Will make the area safer
- Lower heights and density welcomed
- Affordable workspace contribution
- New park
- Mix of uses are a benefit to the area
- The site's heritage is retained with listed buildings retained and restored
- New east-west connection
- New cultural space welcomed
- Development in keeping with other tall buildings locally

July 2020 consultation

180 A total of 239 responses were received with 213 objections, 21 in support and 5 comments concerning the timing of the hearing, the extent of the consultation and construction processes.

181 In addition, two objection letters have been submitted in petition form (but not physically signed), one representing businesses in Brick Lane (25 names), the other representing businesses in Bethnal Green (27 names). Neither letter is from a single group or trade body. The letters raise issues around; economic impact on struggling businesses; the need to protect the cultural

importance and social fabric of the areas; environmental impact; plan does not benefit local communities; and impact on heritage.

182 The grounds for objection and support generally reflect those submitted in response to the November 2019 consultation referred to above. The additional comments are listed below:

- Less requirement for significant office space in light on the pandemic
- The site is an opportunity for a new raised garden/park
- The new hotel will damage existing hotel operators locally
- No need for a Kings Cross copy in Shoreditch
- Scheme will further erode local character
- Only moderate benefit to the community
- In 2020 development based on retail and office space is unrealistic
- Increased anti-social behaviour
- Damage to Brick Lane Sunday market
- Scale of development of the 5 buildings on Bethnal Green Road is excessive
- Scheme will undermine neighbouring rights to light
- Listed buildings should not be made available to the public
- Uses of listed Braithwaite Arches for retail is not appropriate and could pose a fire risk
- The Redchurch Conservation Area will be harmed
- Boundary Estate Conservation Area will be harmed
- Harm caused to views from the Boundary Estate and Arnold Circus
- Loss of BoxPark and sports pitches
- Pre-Covid project which offers nothing to current and future health and environmental issues
- Scheme would betray the visionary and ground-breaking city planning that is the Boundary Estate in providing minimal social housing but by overshadowing one of the jewels of the East End
- Loss of light to Arnold Circus gardens
- No need for this much office space in post Covid world; will add to empty buildings
- Will price out local businesses with rates and rents increasing
- Scheme will become a 'White Elephant'
- Development should not extend any higher than the TEA Building
- Scheme makes little consideration for younger and older generations, catering only for a specific age group
- Residents of Avant Garde development should be compensated for loss of light

Consultation summary

183 All representations received in respect of these amended applications have been made available to the Mayor, however, in the interests of conciseness and for ease of reference, the issues raised have been summarised as detailed above. The key issues raised by the consultation responses and the various other representations received, are addressed under the relevant topic headings within this report, and, where appropriate, through the proposed planning conditions, planning obligations and/or informatives outlined in the recommendation section of this report.

Environmental Impact Assessment

184 Planning Applications for development that are covered by the Town and Country Planning (Environmental impact assessment) Regulations are termed "EIA Applications". The original 2014 submission was considered to fall within the definition of an "urban development project" as specified in Schedule 2 of the under the Town and Country Planning (Environmental Impact Assessment) (England) Regulations, 2011 (the EIA Regulations), and the site area exceeds the requisite 0.5 ha area threshold. In addition, the height and quantum of the development as well as the sensitivity of the surrounding area were taken into account in determining that an EIA should be

carried out. As such an Environmental Statement (ES) was submitted in support of the planning applications to both Hackney and Tower Hamlets Councils in 2014. In January 2016, the applicant submitted an ES Addendum to the former Mayor. GLA officers instructed consultants LUC to review the submitted material. This was considered to be in compliance with the Regulations prior to the deferred April 2016 hearing.

185 Prior to the submission of the amended proposals, the applicant submitted to the Mayor a Scoping Opinion request for the revised scheme, pursuant to Regulation 15 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (“2017 Regulations”). Having taken legal advice, the Mayor considered that he did not have the power, lawfully, to accept such a request in the form in which it was made. The 2017 Regulations came into force in May 2017, revoking the 2011 Regulations, subject to transitional provisions (as set out in Regulation 76(2)) which state that the 2011 Regulations will continue to apply where an applicant has submitted an ES or requested a scoping opinion on an extant application. As such the Mayor considered the 2011 Regulations would still apply to any amended applications in this instance. Moreover, neither the 2011 or 2017 Regulations provided for a new scoping opinion after an application for planning permission had been made.

186 However, given the passage of time since the submission of the original ES and the amended nature of the submission, the Mayor, as the local planning authority suggested that the applicant request a review of the original 2014 Scoping Opinion (SO) and through revisions or amendments to that SO, indicate where the scope of submitted ES requires modification and/or additions. A Request for a Scoping Opinion Review (RSOR) was subsequently submitted to the Mayor in March 2019. Following consultation with statutory consultees, including the two Councils, on 30 April 2019, GLA officers issued a review of the Scoping Opinion Review Request in the context of the 2011 Regulations and the content of the Environmental Statement Addendum that was to be submitted alongside the amended planning applications.

187 In October 2019, alongside the drawings and documents associated with the amended planning and listed building consent applications, the applicant provided an Environmental Statement Addendum (ESA). Prepared on behalf of the applicant by Temple Group Ltd, the ESA incorporated the requirements of the 2017 Regulations where they went above the 2011 Regulations. The ESA was written as a complete revision of the relevant assessment chapters from the earlier ES submission. It assessed the following topics:

- Chapter 6: Waste Management
- Chapter 7: Socio-Economics
- Chapter 8: Ground Conditions
- Chapter 9: Traffic and Transport
- Chapter 10: Wind Microclimate
- Chapter 11: Daylight, Sunlight, Overshadowing, Solar Glare and Light Pollution
- Chapter 12: Air Quality
- Chapter 13: Noise and Vibration
- Chapter 14: Water Resources and Flood Risk
- Chapter 15: Archaeology
- Chapter 16: Built Heritage
- Chapter 17: Ecology
- Chapter 18: Climate Change Mitigation and Adaptation
- Chapter 19: Effect Interactions

188 GLA officers re-commissioned environmental consultants LUC to review the ESA on its submission. Clarifications and potential Regulation 22 requests were raised concerning a number of topics in December 2019, the precursor to further dialogue, submissions of information by the applicant and reviews by LUC. The further information, including a Revised Non-Technical

Summary and a number of appendices were submitted alongside amended planning and listed building consent drawings and documents in July 2020.

189 The updated information was further reviewed by LUC and Avison Young (Daylight & Sunlight chapter) on behalf of the GLA, and agreed in a report dated 27 July 2020. This report refers to the content and analysis contained within the ESA and associated documents within the various subject headings in this report and comments upon its findings and conclusions.

Principal planning issues

190 Having regard to the site and the details of the proposed development, relevant planning policy at the local, regional and national levels and the consultation responses and representations received, the principal planning issues raised by the application that the Mayor must consider are:

- Land use principles (including Good Growth, employment and training, housing delivery, visitor infrastructure, retail, open space, cultural and social infrastructure);
- Housing (including delivery of affordable housing, tenure, mix, density, quality and play space);
- Urban design (including layout, scale and massing, tall buildings, masterplanning, public realm, landscaping, urban design, townscape and views, inclusive design);
- Historic environment (including works to listed buildings, the setting of listed buildings and conservation areas and other heritage assets, and archaeology);
- Neighbouring amenity (including daylight/sunlight, overshadowing, privacy/overlooking, outlook, noise and disturbance);
- Sustainable development (including climate change mitigation and adaptation, microclimate, ecology, urban greening, flood risk and sustainable urban drainage);
- Other environmental considerations (including air quality, waste management and contaminated land);
- Transport (including parking provision, delivery and servicing, Healthy Streets, and transport network impacts); and
- Mitigating the impact of the development through planning obligations.

191 These issues are considered within the following sections of the report.

Land use principles

National and regional policy position

National Planning Policy Framework

192 The National Planning Policy Framework (NPPF) states that the purpose of the planning system is to contribute to the achievement of sustainable development and assigns three overarching and interdependent objectives to serve that purpose; that is economic, social and environmental. Paragraph 11 sets out a presumption in favour of sustainable development for plan-making and decision taking with paragraph 38 noting that local planning authorities should approach decisions on proposed development in a positive and creative way and seek to approve applications for sustainable development wherever possible.

193 The NPPF supports the effective use of land and the development of under-utilised land and buildings and notes that in order to deliver on the Government's objective of significantly boosting the supply of housing it is important that a sufficient amount of variety of land can come forward where needed. Chapter 6 of NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt and that significant weight be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Chapter 8 notes that access to a network of high quality

open spaces and opportunities for sport and physical activity is important for the health and well-being of communities.

Regional planning policy

194 Policy 1.1 of the London Plan sets out that growth in the city will be managed by making the best use of land whilst safeguarding the Green Belt and protected open spaces without having unacceptable harm on the environment. The Intend to Publish London Plan is focussed on sustainable development, underpinned by the concept of Good Growth, growth that is socially and economically inclusive and environmentally sustainable. Six objectives are set out under the Plan, that is, GG1, GG2, GG3, GG4, GG5 and GG6 which should be considered by decision makers, applicants and planners in seeking to develop and improve London. The objectives support the delivery of mixed-use development on brownfield land, particularly in Opportunity Areas (OAs) and on surplus public land, and in areas well connected to public transport. The objectives also promote industrial and employment space in the right locations and the provision of new and improved green infrastructure. Policy 1.1 of the London Plan sets out that growth in the city will be managed by making the best use of land whilst safeguarding the Green Belt and protected open spaces.

195 London Plan Policy 2.13 states at paragraph 2.58 that “Opportunity Areas are the capital’s major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other development linked to existing or potential improvements to public transport accessibility”. Policy 2.11, relating to the Central Activities Zone (CAZ), seeks to ensure that office developments include a mix of uses, including housing, expand retail capacity and support clusters of strategically important uses. These policy aims are echoed by Intend to Publish London Plan Policies SD1 (OAs) and SD4 (CAZ) with an emphasis on encouraging boroughs to implement locally sensitive policies to meet the Plan’s objectives.

196 Since the Goodsyard was destroyed by fire in the 1960’s, the site has been largely vacant, meanwhile uses apart, and the comprehensive redevelopment of it for a mixture of commercial and residential uses with additional green infrastructure is considered to accord with the Good Growth objectives and London Plan policies 2.10, 2.11 and 2.13. The intensification of the use of the land in an area well connected to jobs, infrastructure, and amenities by public transport, walking and cycling is likewise welcomed.

Response to site allocations and area specific local policy

Hackney

197 The part of the development which falls within the London Borough of Hackney consists of the following uses:

- Up to 109,599 sq.m. of business use (Class B1);
- Up to 4,509 sq.m of retail use (Class A1, A2, A3 and A5) of which only 902 sq.m. can be used for hot food takeaways;
- Up to 2,254 sq.m of Class D1/D2 use; and
- Up to 12,752 sq.m of ancillary and plant space.

198 The Hackney Local Plan (2033) was adopted by the Council in July 2020. The site is located within the Shoreditch and Hoxton area in terms of its Place Policies. Policy PP8 of the Plan sets out strategic principles for this location, where appropriate development should: intensify the use of land to optimise the capacity of Shoreditch to accommodate homes, workplaces, cultural and creative uses; ensure land uses are mixed to ensure a vibrant and dynamic economy; improve connections between neighbourhoods; encourage a mix of uses to soften transition between residential and employment areas within the CAZ; and identify opportunities for the delivery of new high quality green space through new developments.

199 The current site allocation in the Council's SALP identifies the site as being suitable for employment-led mixed-use development including residential, retail and public open space. The allocation notes the requirement for a park on the Tower Hamlets side. Other aspirations include leisure, culture, health and community facilities. The South Shoreditch SPD requires a 70:30 split between employment residential uses and a requirement for 50% of employment floorspace to be suitable for SMEs.

200 The emerging Future Shoreditch AAP allocation for the site provides for development guidance setting out land use; urban design and conservation; public realm and indicative development capacity parameters for the site, which are:

- 103,000 sqm GEA of office floorspace (total, of which 84,000 provided within Hackney).
- 39,000 sqm retail/community space (total, of which 10,000 sqm provided within Hackney).
- 700 residential units (total, with a minimum 500 units provided within Tower Hamlets).

201 In terms of land use, the allocation promotes; mixed-use development, maximising employment floorspace and optimising housing density, including genuinely affordable housing; at least 50% of the floorspace should be commercial, consisting of a range of employment typologies including the provision of affordable workspace; a fair and reasonable split of affordable housing nominations; a range of dwelling sizes, including family housing; a minimum of 1 hectare of strategic open space; a new community facility and leisure facilities. The creative use of the site's heritage assets is also sought, with retail, arts and cultural uses all identified.

202 The scheme generally responds positively to the adopted and emerging site allocations of Hackney Council, maximising employment floorspace beyond the quantum envisaged in the draft AAP. The employment space would be provided in a range of typologies and includes a significant affordable workspace offer (discussed in more detail below under 'Employment' and 'Affordable workspace'). New retail, community and cultural facilities are all proposed, along with a 12,854 sq.m. of green public open space at Platform level.

203 There is no housing proposed on the Hackney side of the development. Whilst the adopted and emerging site allocations do provide for residential uses, the site is within a Priority Office Area (POA) as designated in Hackney's Local Plan, where at least 60% of floorspace is sought for office uses (Local Plan Policy LP27). The South Shoreditch SPD sets this benchmark at 70%. Hackney Council officers, in paragraph 6.1.12 of their committee report, recognise the constraints to site layout and the compromised air quality and noise conditions for residential development on the western side of the site. This is also reflected in the diagrams in the AAP draft site allocation, which in land use terms the proposal broadly complies with.

204 The draft site allocation includes an aspiration for sharing of access to affordable housing across the site between the two Councils. Following discussions between both Councils, an agreement has not been reached and as such all affordable housing nominations will be retained by Tower Hamlets Council. Whilst this is regrettable, GLA officers acknowledge that there is no planning policy basis to insist on shared nominations. Hackney Council has instead focussed on maximising the economic development offer within the Borough.

205 Overall, Hackney Council considers the distribution of uses to be acceptable and raises no concerns in terms of compliance with the land use components of either the adopted or emerging site allocations. GLA officers concur with this view.

Tower Hamlets

206 For the part of the site within the London Borough of Tower Hamlets, the proposed development comprises the following mix of uses:

- 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 and A5) of which only 2,776 sq.m. can be used for hot food takeaways;
- Up to 4,109 sq.m of Class D1/D2 use;
- Up to 298 sq.m of Sui Generis use; and
- Up to 8,464 sq.m. of ancillary and plant space.

207 The Tower Hamlets Local Plan (2031) was adopted in January 2020. Policy S.SG1 generally directs development in the Borough towards Opportunity Areas, including City Fringe, and to other highly accessible locations. Whilst new housing and employment provision will be focussed within the Isle of Dogs and South Poplar, the policy notes that significant amounts of housing will be delivered in the City Fringe, which is also identified as a key focus for financial and business services.

208 Bishopsgate Goods Yard is identified in the Local Plan as a site allocation (1.1) suitable for a mixture of housing and employment supported by infrastructure consisting of a minimum 1 hectare of open space as well as community and leisure facilities.

209 The scheme responds positively to the site allocation, proposing a mix of uses consistent with those required, including a large community and cultural building fronting Brick Lane and 1.28 hectares of open space. Tower Hamlets Council supports the mix of land uses.

Employment

210 The London Plan contains various policies (in particular 2.10, 2.11, 4.2 and 4.3) which aim to sustain and develop London's business function and ensure sufficient capacity to meet business needs, particularly within the Central Activities Zone (CAZ). The CAZ is London's globally iconic core and one of the world's most attractive and competitive business locations. London Plan Policy 2.10 seeks to sustain and support the function of the CAZ as a strategically important and globally orientated business location.

211 London Plan Policy 4.1 promotes the availability of sufficient and suitable workspaces for larger employers and small and medium sized enterprises. Policy 4.2 supports the management and mixed-use development of office provision. Policy 4.3 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. Policies SD4 and SD5 of the Intend to Publish London Plan support the unique role of the CAZ and the provision of offices, cultural uses, night-time economy and tourism functions. SD5 states that new residential development should not compromise the CAZ and that offices and other CAZ strategic functions are to be given greater weight relative to new residential development. Policy E1 of the Intend to Publish London Plan supports the provision of increased office stock in the CAZ.

212 Bishopsgate Goods Yard is located within the City Fringe/Tech City Opportunity Area for which an Opportunity Area Planning Framework (OAPF) was adopted by the previous Mayor in 2015. The Opportunity Area is identified by the London Plan as having the potential to become a business hub of major international significance built on the emerging digital-creative cluster that has emerged in this location. Annex 1 of the London Plan notes that the employment, business and creative potential of the location should be nurtured and that suitable commercial floorspace, including affordable workspace along with appropriate infrastructure be facilitated to support it. Moreover, the area provides scope to support the capital's critical mass of financial and business space. London Plan Policy 2.13 seeks, amongst other things to optimise residential and non-residential output and densities in Opportunity Areas, provide necessary social and other infrastructure to sustain growth, and, where appropriate, contain a mix of uses. Policy SD1 of the Intend to Publish London Plan sets out that the Mayor will ensure that Opportunity Areas reach their growth and potential and that decisions support development which create employment opportunities and housing choice and provide the necessary infrastructure to support growth.

213 The Bishopsgate Goods Yard site is identified as a key site within the inner core area and the largest brownfield site within the City Fringe/Tech City OAPF. Demand for workspace is identified as being high, as the business clusters of the Central Activities Zone, particularly the 'Tech City' digital-creative cluster expand. As such, developments are expected to include significant commercial floorspace within a mix of other uses, including residential. The site is also identified as being suitable for tall buildings. The London Plan identifies an indicative capacity of 70,000 jobs over the Plan period for the Opportunity Area. The Intend to Publish London Plan revises this to an indicative target of 50,500 new jobs.

214 The amended applications change what was previously considered as a residential-led mixed use development of up to 1,356 residential units proposed (165,928 sq.m. GEA) to one where the residential floorspace has reduced to a maximum of 500 units (48,508 sq.m. GEA), whilst the B1 floorspace (office) has increased to 130,940 sq.m. (maximum parameters) from 52,991 sq.m. and is now the majority land use proposed. This realignment of floorspace in the amended proposal results in a submission that is commercially led. Over 50% of the 243,856 sq.m. GEA being proposed is B1 office space, the vast majority of which would be within the London Borough of Hackney.

215 Hackney's Local Plan places the western part of the site within a Priority Office Area (POA). Policy LP26 sets out that the Council plan to deliver a minimum of 118,000 sq.m. of new office floorspace by 2033 and that such floorspace will be permitted in POAs. LP27 Plan Policy requires development to be employment led, in this case where at least 60% of the floorspace comes forward as Use Class B1. This floorspace must be well designed and be flexible and adaptable to accommodate a range of unit sizes and types, including small and independent commercial enterprises.

216 Tower Hamlets' Local Plan Policy S.EMP1 states that developments which support, protect and enhance the role and function of the borough's designated employment areas and maximises the provision of employment floorspace will be supported. This site is located in the 'Central Activities Zone (tertiary area)', considered peripheral to 'Primary Preferred Office Location' (comprising Canary Wharf) and 'Secondary Preferred Office Locations' (designated areas of the CAZ shown on the proposals map) but to have capacity to accommodate growth and contain opportunities for significant office and other strategic CAZ uses as part of employment-led or mixed-use schemes. The policy states that residential uses are supported as part of mixed-use schemes although the proportion of residential floorspace should not exceed 50% of the total floorspace unless demonstrated why it's not viable to deliver strategic CAZ uses and the supply of employment capacity is not compromised. Policy D.EMP2 states that "new or intensified employment floorspace will be supported within designated employment locations, the Tower Hamlets Activity Areas and identified site allocations".

217 The quantum and location of the B1 office space provided in this amended submission is considered to accord with the aspirations of regional and local planning policy as outlined. In line with the City Fringe OAPF, the scheme provides for employment floorspace in the 'Inner Core' of the City Fringe where the highest demand for employment is expected to exist and where development proposals for employment floorspace will be encouraged and supported. The proposal will deliver on that adopted Hackney Local Plan policy requirement and be employment-led. The provision of office floorspace in Tower Hamlets is likewise considered appropriate for the site, reflecting the site's location in the CAZ tertiary area where there is capacity for significant office space as part of mixed-use proposals.

218 Building 2 will provide over 47,000 sq.m. of net internal open plan office space with the building constructed to reasonably accommodate up to four tenancies per floor and two in the additional floors of the taller tower. In terms of the outline office spaces, Buildings 1 and 3, the Design Guide stipulates that in regard to the former that the floor plates will be designed to offer a variety of floor plate sizes to appeal to a mix of tenancy requirements, specifically those requiring smaller floor areas whilst for Building 3 the floors will be designed to be open affording flexibility in demand. Such a diverse office floorspace offer is considered to be consistent with the policy approach to provide space for small and medium sized enterprises (SMEs) and larger businesses.

219 The increased commercial floorspace will create approximately 12,500 jobs (based on London Employment Sites Database 2017, Table 3.3), more than twice the number (using the same assumptions) that the previous proposal was anticipated to deliver (around 6,850 jobs) thus equating to 18% of the OAPF indicative capacity for jobs, a significant increase on the 10% previously considered. The development would at the maximum levels proposed, realise some 25% of the jobs target in the adopted London Plan and 3% of the Intend to Publish London Plan targets for the Opportunity Area on a disused piece of City Fringe land. It would also make significant contributions to the Hackney Local Plan requirements for office development in the POAs and also to the supply of employment space within the CAZ part of Tower Hamlets. The commercial floorspace also accords with the site allocations for the site of both Councils.

220 GLA officers agree with both Councils that the site is not suitable for industrial uses in view of servicing constraints and the inevitable impact on other policy aspirations for the site (such as retention of heritage assets, permeability and housing delivery) that such uses would have.

221 The provision of quality office space of differing typologies across this site is welcomed and would provide significant employment and economic benefits to this part of Hackney and Tower Hamlets, in line with national, regional and local planning policy aspirations. This is recognised by both Councils who strongly support the contribution of the scheme in terms of employment space and configuration.

222 A number of the objections have noted the impact that the Covid-19 pandemic is currently having on the nature of work particularly the increased working from home and also behavioural changes in terms of how people shop and spend their leisure time. In this context it is argued that the need for office space is reduced and as such this commercial-led development is both not needed and takes up space which would better suited to local population needs such as housing.

223 Whilst the impacts of the pandemic are apparent in the immediate and short term it is not possible to conclude at this stage what the permanent and long-term implications are or that the nature of the scheme is an inappropriate form of development. The Mayor is to commission major new research into future of central London to better understand the challenges, opportunities and impacts of the Covid-19 pandemic. The research will investigate the emerging trends that might affect London's city centre economy including a snapshot of the central London office market. However, there is insufficient evidence at present to demonstrate that the long-term demand for office space will be affected. In the view of GLA officers, speculating on behavioural changes and amended working practices because of Covid-19 cannot amount to a material consideration to outweigh the application of adopted policy at this time.

224 The amount of office space provided whilst significant does not exceed current London Plan and Intend to Publish commercial floorspace targets for the City Fringe and is line with adopted planning policy. It is also noted that the application will be built out on a phased basis with two of the main office buildings not anticipated to be occupied for over 10 years. Accordingly lasting impacts resulting from the pandemic, including the commercial realities, will be apparent by then and any approval granted would not prejudice the ability of the applicant to revisit/re-apply for different uses if the context (including planning policy) has changed by then.

Affordable workspace and local employment

225 In terms of the affordable workspace provision, Policy 4.1 of the London Plan notes that the Mayor will work with partners to ensure the availability of sufficient and suitable workspaces in terms of type, size and cost. Policy 4.10 states that the Mayor will, and boroughs should, “work with developers, businesses and, where appropriate, higher education institutions and other relevant research and innovation agencies to ensure availability of a range of workspaces, including start-up space, co-working space and ‘grow-on’ space” and “promote clusters such as Tech City”.

226 The Intend to Publish Plan Policy E3 sets out that planning obligations may be used to secure affordable workspace in defined circumstances at rents maintained below the market rent. One of the defined circumstances is in areas where cost pressure could lead to the loss of affordable or low cost workspace for micro, small and medium-sized enterprises, such as the City Fringe. The provision of a variety of workspaces is also supported by Policy E8, which also promotes clusters such as Tech City. This support is echoed in the City Fringe OAPF, which recognises that “much of the growth associated with the digital-creative cluster occurred because of the availability of affordable, second hand office or light industrial stock in the City Fringe” and forecasts “a continued increase in demand for secondary office space” (paragraph 2.17).

227 The Hackney Local Plan Policy LP29 states that new development in the CAZ and designated employment areas should provide affordable or low cost workspace equating to a minimum of 10% of gross new employment floorspace. In the Shoreditch POA where this site sits, the workspace should be at 40% of the locality’s market rent in perpetuity to be considered affordable, subject to viability. In Tower Hamlets, whilst the proportion of the affordable workspace is likewise required to be at least 10% of the employment floorspace as per policy D. EMP2, the reduction to make that space considered affordable is at least 10% below market rent for a period of not less than ten years.

228 The office buildings on the site cross the boundaries of the two Boroughs to varying degrees. The full submission is effectively in Hackney (99% of the floorspace) whilst the other two outline large offices traverse the boundary, Building 1 being 78% in Hackney, 22% in Tower Hamlets and Building 3 being 58% in Tower Hamlets and 42% in Hackney. The small office space (521 sq.m) within a mainly residential plot is wholly sited in Tower Hamlets.

229 On the submission of the amendments to the scheme in 2019, the applicant was proposing to provide a then adopted Borough compliant offer for the employment space within each borough, which was 10% floorspace across both boroughs with discounts of 10% in Tower Hamlets and 20% in Hackney. With the adoption of new Local Plans in 2020, such an offer without any viability information to support it was considered unacceptable to the GLA and the Councils. The 60% reduction required in Hackney rendering the affordable workspace proposed not affordable according to Local Plan policy. As such, the affordable workspace offer was subsequently revised and improved, to provide a split provision comprising; 7.5% of the office space in Hackney, at a 60% discount; and 10% of the office space in Tower Hamlets at a 10% discount.

230 The practicalities of delivering the affordable workspace within buildings along the local Borough policy lines has been considered and discussed at length between the applicant, GLA and Council officers. The concept of a 'blended approach' to the affordable workspace offer which reflects the Borough policies and the proportion of floorspace in each of the office buildings was tabled. This was however not agreed between the Councils, particularly Hackney, who have sought strict compliance based on their own policies. This is regarded as unfortunate on a practical level given the floorspace discount is divided within buildings.

231 Nonetheless, the revised offer remains policy compliant in terms of discount across the two boroughs, indeed in Tower Hamlets it is also policy compliant in terms of quantum (10% of the office space (2,282 sq.m GIA) in the Borough at a 10% discount). This is however a point of objection from Tower Hamlets Council who consider that, notwithstanding compliance with its development plan policies in this respect, the overall provision for local and start-up businesses is insufficient.

232 In Hackney, 7.5% of all the office space (8,715 sq.m.) is proposed at a 60% discount. This would not comply with Local Plan Policy LP29 as it falls short of the 10% quantum required and has not been verified as the maximum by a viability assessment. However, it should be noted that it still represents a significant quantum of affordable workspace delivered at a policy compliant discount. Hackney Council officers recognise in paragraph 6.1.30 of their committee report that this offer alone would be similar to the combined total of all affordable workspace secured across the borough since the previous policy was adopted in 2015, with all of it secured at the deeper discount of 60% compared to the 20% discount previously sought. These considerations and Hackney Council's support for the affordable workspace offer are significant material considerations weighing in favour of the proposal.

233 Overall, approximately 8% of the office floorspace, approximately 11,000 sq.m at maximum parameters is proposed to be delivered at an average of 50% market discount. The discounts will be maintained in perpetuity across the site. As such, whilst the offer would not fully comply with Hackney Local Plan Policy LP29, it is a substantial affordable workspace provision, supported by the Council and is a significant benefit of the scheme.

234 The offer would be split between Buildings 1, 2, 3 and 5, providing a range of workspaces across the different building types in the scheme, all of which are considered suitable for local SMEs and 'Tech City' start-ups. The split of space across the commercial components of the development, with workspace tied to each office building, also means that it will be delivered in an appropriately phased manner, with a significant proportion provided in Building 2, which is expected to come forward early in the development programme.

235 Alongside this the applicant has offered to contribute £500,000 towards local enterprise, business support and inclusive workspace in Hackney, to be secured in the S106 agreement. This would be used to support local businesses and organisations access the commercial space; ensure that the workspace benefits local residents and businesses; to promote the benefits of the scheme; and to work with incoming commercial tenants to maximise employment and apprenticeship opportunities for local people. An affordable workspace strategy would also be secured in the S106 agreement.

236 In addition, the applicant has committed to provide 150 apprenticeships during the construction phase and 8 end user apprenticeships. Best endeavours would be used to source 25% of local labour in construction and end user occupiers. As well as the £500,000 contribution discussed above, a joint borough employment and training officer role (£500,000) and contributions towards employment and skills training of £1,358,213 in Tower Hamlets and £3,863,616 in Hackney have been secured through the S106 agreement. These are in line with local policy and supplementary guidance and will help ensure that the economic benefits of the development are shared locally.

237 Overall, whilst the affordable workspace offer in Hackney would not meet the requirements of Local Plan Policy LP29, the application would comply with all other policies relevant to employment.

Hotel

238 The amended submission proposes the development of a hotel as part of the scheme. Accessed via Braithwaite Street, the 150-bed (11,013 sq.m.) hotel would be located within Plot 8, split over the first 4 floors of an up to 25 storey tower (Plot 8A), as well as two linked 5 storey buildings set on Platform Level (Plots 8B and 8C), linked together by a glazed bridge at upper levels.

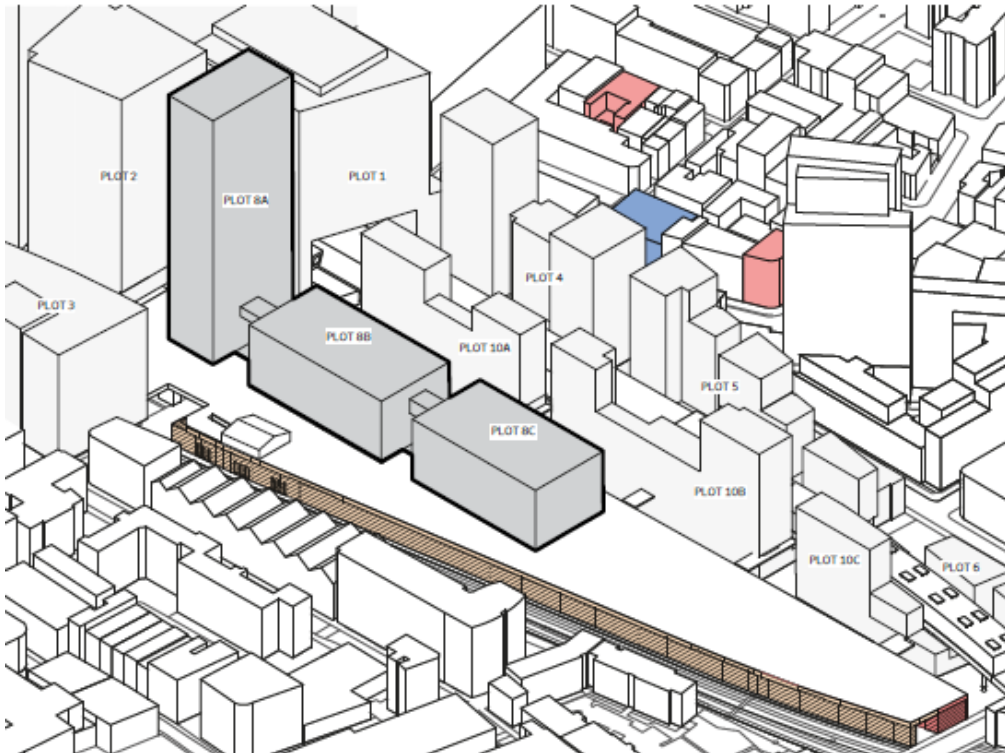


Figure 17: axonometric of Plot 8

239 London Plan Policy 4.5 seeks to achieve 40,000 net additional hotel bedrooms by 2036 whilst ensuring that new visitor accommodation be focussed in appropriate locations. In the CAZ strategically important hotel provision (defined as over 20,000 sq.m.) should be focussed on its Opportunity Areas with smaller scale provision in CAZ fringe locations with good public transport. Intend to Publish London Plan Policy E10 states that London's visitor economy should be strengthened and a sufficient supply of serviced accommodation (including hotels) should be maintained. The policy sets out that larger strategically important visitor accommodation should be promoted in Opportunity Areas in the CAZ with smaller provision in other parts of the CAZ except in predominantly residential neighbourhoods or in wholly residential streets. The Intend to Publish London Plan estimates that an additional 58,000 bedrooms of serviced accommodation are required in the city by 2041 to address need, an average of 2,230 bedrooms per annum. Paragraph 6.10.3 notes that concentrations of serviced accommodation within parts of the CAZ that might constrain important strategic activities and land use (e.g. offices, other commercial, cultural and leisure uses) or erode the mixed-use character of an area should be avoided.

240 The proposed hotel would be wholly located within Tower Hamlets. The Council's Local Plan policy D.TC6 states that development of visitor accommodation will be supported in locations within the CAZ providing that: the scale and nature of the proposal is proportionate to its location; it does not lead to an over-concentration of such uses; it does not compromise the supply of land for new homes or jobs and the applicant can demonstrate adequate access and servicing arrangements. Hackney Local Plan Policy LP25 states that new visitor accommodation will be managed according to up-to-date assessments of current and future room demand and supply. If demand has not been met such accommodation will be permitted for hotels over 50 rooms in the CAZ where it is considered that the need is greater than other compliant land uses. New hotels should not also lead to an over-concentration of supply; complement the mix of uses in an area; provide adequate servicing; not cause disturbance or a loss of amenity to local residents and make at least 10% of the rooms wheelchair accessible.

241 The provision of a hotel of this size in this location is generally supported in strategic policy terms. The hotel would be located in a highly accessible location, next to a London Overground station and close to numerous bus routes. Its position on top of the Platform means that it would be somewhat removed and isolated from the area around it so that the impact on neighbouring residents both within and around the site would be limited. The hotel would be suitably serviced from within the Braithwaite Street service yard (servicing is discussed in more detail later in this report). Wheelchair accessible rooms would be detailed at reserved matters stage when Plot 8 is fully designed and a condition is recommended to secure this.

242 Through pre-submission discussions, the Councils raised concerns that the hotel use is potentially at the expense of other strategically important uses, particularly housing, and that the scheme could lead to a concentration of hotel uses in this part of Shoreditch. The former remains a point of objection from Tower Hamlets Council, which considers that the hotel constrains housing, affordable housing and/or open space provision, although it is noted that Council officers recommended no objection on this issue.

243 In relation to the former issue, the applicant subsequently undertook a Residential Optimisation Study (ROS), which is discussed in more detail below in the 'Urban design' section of this report. The applicant reviewed the potential for the buildings at Platform level to be utilised as residential space rather than the hotel bed space proposed. Any residential units within these buildings would not have direct access to ground because of the objective not to puncture through the historic listed fabric of the Braithwaite Arches. This presents challenges from a pedestrian, servicing and management perspective that would undermine the quality of the residential environment. Moreover, because of the limited layout options available at this level it would be practically difficult to make efficient use of the buildings without creating a number of north facing single aspect units. The ROS summarises that the delivery of residential in this location is neither feasible or practical. GLA officers concur with this assessment. Hackney Council does not fully concur but overall consider that residential use has been optimised, whilst Tower Hamlets Council objects on this basis.

244 In relation to concentration and hotel need, the applicant commissioned a Hotel Needs Assessment (HNA) to accompany the application. This notes that according to the Intend to publish London Plan targets the two Boroughs will require 5,158 bedrooms (Tower Hamlets) and 3,383 bedrooms (Hackney) between 2016-41. Since the 2015 GLA study which informed the new London Plan figures, over 1,800 bedrooms (LBTH) and 844 (LBH) have been constructed and similar numbers in each Borough have been consented, leaving approximately 1,500 bedrooms and 1,797 bedrooms to come forward respectively. The study notes pockets of hotel delivery to the south of the site around Aldgate East and the north on Great Eastern Street but fewer in the vicinity of the site and little new development to the north and east of the Goods Yard in Tower Hamlets.

245 Although the last 10 years have seen an increase in hotel space in both Boroughs there is still an identified need for more and it is not considered that there would be an over concentration in this location as a result of this scheme. Moreover, it is considered that the hotel use at Platform level would help to animate the public realm and complement the provision of the public space, particularly the creation of retail and restaurant facilities at ground floor level. Neither Council objects to the application on this basis.

246 It is therefore considered that the hotel provision of this scale is compatible with a mixed-use development in this location and would not, because of the constraints identified, prejudice the delivery of other uses. Consequently, it is considered an appropriate use within the City Fringe Opportunity Area and the CAZ and as such accords with London Plan and Local Plan policy.

Retail and food and drink

247 London Plan Policy 2.11 states that Boroughs should identify enhance and expand retail capacity in the CAZ, generally focussed on specific frontages. Intend to Publish London Plan Policy SD4 sets out that the strategic functions of the CAZ should be promoted and enhanced and the vitality, viability, adaptation and diversification of CAZ retail clusters should be supported. The City Fringe OAPF provides that development proposals should support the provision of high density, mixed-use schemes and seek to provide a well-balanced mix of retail, cultural and leisure uses to support development.

248 In Hackney's POA, uses including retail, community and leisure are permitted provided they meet that and other criteria including compatibility with the function and characteristics of the POA. New retail development in the Borough should be located within designated centres, including the CAZ. Hackney Local Plan Policy LP27 states that retail, community and leisure uses in POAs will be permitted subject to a set of criteria including if proposed as part of an employment-led scheme and if appropriate to the characteristics and functioning of the site. Policy LP32 notes that the Council will deliver 34,000 sq.m. of new retail and leisure floorspace which should be located in town centres, including Shoreditch (CAZ). Policy LP37 sets out that new retail development of over 1,000 sq.m. must incorporate small shop premises while Policy LP38 states that new evening and night-time economy uses will be primarily located in designated centres including the CAZ although only a limited expansion of licensed premises will be permitted in Shoreditch.

249 Tower Hamlets Local Plan Policy S.TC1 states that development should support the role and function of the borough's town centre hierarchy including the CAZ, setting out that town centres be accessible, active, well-used and safe day and night; encouraging evening and night time economy uses; promoting mixed-use and multi-purpose centres; supporting multicultural, diverse and inclusive leisure and cultural venues and supporting temporary and community uses where they help to activate and revitalise town centre units and sites. Policy D.TC5 states that cafe, restaurants and drinking establishments, as well as hot food take-aways will be supported in the CAZ, subject to a number of criteria.

250 The application proposes 18,390 sq.m. (GEA) of retail, financial and professional services, restaurants, cafes and hot food takeaways (Use Classes A1, A2, A3 and A5), partly through restoring and reusing the two Grade II listed on-site structures which will form part of the newly created pedestrian link between Brick Lane and Shoreditch High Street. The majority of the retail floorspace would be located within Tower Hamlets (up to 13,881 sq.m. (GEA)). No drinking establishments (A4) are proposed.

251 The scheme further proposes a maximum of 6,363 sq.m. (GEA) of D1 use (Non-residential institution) / D2 (Assembly and Leisure) proposed within Buildings 3, 5, 6, 7 and 8, and public conveniences (Sui Generis) located in plots 7 and 10. This is discussed in more detail in the 'Social infrastructure and cultural uses' section below.

252 The majority of the retail floorspace would be located within the Tower Hamlets part of the site. The site abuts the Brick Lane District Centre and the retail space is predominantly located at ground level within the new east-west link Middle Road with further retail space accessed on London Road and at the ground floor of the proposed hotel at Platform. The refurbishment of the listed Braithwaite Arches for a mix of retail uses and the use of London Road connected to Brick Lane is regarded as a welcome design addition reactivating and connecting the site within the locality and providing accessible and safe spaces during the day and night in line with local plan policy. The mix of retail/financial/professional services and cafe/restaurant uses (a 40/60 split, excluding the hot food take-aways) is considered appropriate in principle and amenity impacts are discussed in the relevant sections of this report.

253 The application proposal provided for 2,776 sq.m. of A5 retail floorspace within Tower Hamlets, representing approximately 20% of the total retail floorspace in the Borough. Following discussions with GLA and Council officers, the applicant has adjusted this quantum so that no more than 5% of the retail space in this development would be for take-away and has agreed to an obligation within the legal agreement not to go above that maximum. This reflects the proportion specified in Policy D.TC5 and is supported. The A5 uses would be more than 200 metres from the nearest school, and as such are compliant with this locally set threshold. Tower Hamlets Council officers have confirmed that they are satisfied that the layout and management of the development would help to manage the negative impacts of hot-food take-away uses, such as litter. Amenity impacts are considered elsewhere in this report but are considered to be acceptable.

254 The smaller level of retail floorspace on the Hackney part of the site is at the ground floor of the listed Oriel structure and the three office buildings at this end of the site. The retail uses proposed are considered appropriate and complimentary to the function of the site and beneficial in place making terms.

255 The applicant has submitted a Retail Impact Assessment in line with Tower Hamlets Local Plan Policy D.TC3. This concludes that there would be no negative impacts on nearby town centres, and Brick Lane District Centre would in fact be enhanced through improved accessibility. As such the quantum and nature of the proposed retail, food and drink uses are supported in line with the policy context noted above. Neither Council raises an objection on this basis.

256 The applicant has committed to implementing a Retail Management Strategy through the S106 agreement. This includes a requirement for 10% of the retail space to be provided for independent retailers, which is compliant with Hackney Local Plan Policy LP37. Following the objection from Tower Hamlets Council concerning the sufficiency of provision for local and start-up businesses, the applicant has committed to providing micro/start-up space for local retailers at affordable rates. This would comprise 30% of the independent retail floorspace at a discount of 40% of market rent, equating to a minimum of 10 retail units within the scheme. This would apply equally to retail space within each borough and is supported in line with London Plan Policy 4.9, Intend to Publish London Plan Policy E9, Hackney Local Plan Policy LP37 and Tower Hamlets aspirations for the City Fringe area.

257 Conditions are recommended to control future change of use under the new Use Classes Order (UCO) (recent amendments to the Town and Country Planning (Use Classes) Order 1987), to ensure that an appropriate mix of ground floor uses are retained and to restrict betting shops. Subject to these controls, as well as controls over hours of use and extract / ventilation details, the application is compliant with London Plan, Intend to Publish London Plan and Local Plan policies concerning retail development.

Social infrastructure and cultural uses

258 London Plan Policy 3.16 supports the provision of new social infrastructure where accessible by public transport. Policy 4.6 seeks to support cultural facilities in London, targeted towards centres and places of good public transport accessibility and available to all sections of the community. Intend to Publish London Plan Policy SD4 recognises that the CAZ's role as a centre of excellence of creative and cultural activities should be supported and promoted. S1 supports the provision of social infrastructure where its support a local or strategic need and S6 states that large scale developments should provide public toilets. Policy S6 states that large-scale developments that are open to the public and large areas of public realm should provide and secure the future management of free accessible toilets and free 'Changing Places' toilets.

259 Hackney Local Plan Policy LP10 sets out that major new cultural facilities will be permitted in the CAZ. Policy LP8 supports the provision of social and community infrastructure, including community and cultural facilities. The draft Future Shoreditch AAP seeks the provision of cultural/community uses on the Hackney side, as well as a separate cultural centre on the Tower Hamlets side.

260 Tower Hamlets Local Plan Policy S.CF1 sets out that development should maximise the provision of high quality community facilities which should be directed towards centres and accessible locations. Site Allocation 1.1 seeks the provision of a "community/local presence facility".

261 The amended scheme provides a maximum of 7,074 sq.m. of D1 or D2 floorspace across the site in a range of spaces, but principally comprising; a 1,194-3,685 sq.m. space within the arches between the western end of the site and Braithwaite Street (spanning the Borough boundary); and a dedicated community and cultural building in Plot 6, adjacent to Brick Lane, with a minimum floorspace of 1,768 sq.m. and a maximum of 2,463 sq.m..

262 In respect of the former, this space would be used for cultural purposes such as arts or performance space and it has been agreed that a single occupier would run the space with a community aspect, to be agreed through the Cultural Panel secured through the S106 agreement, which will include representatives of both Boroughs. The applicant has also agreed to fit the space out to an agreed standard to mitigate noise and air quality impacts.

263 With regard to Plot 6, this would be a dedicated cultural and community building and the S106 agreement provides for 400 sq.m. of the total space to be provided, fitted out for community use and offered at a peppercorn rent to an agreed operator. The remaining space would be let to a cultural operator to be chosen by the Cultural Panel.

264 Collectively, such provision is considered to be in accordance with general policy aspirations for developments in the CAZ and also the specific allocations for this site in both Council's Local Plans. Both Councils support the community and cultural space provisions as key and significant benefits of the scheme.

265 A 315 sq.m. space for a GP surgery (D1) is included in the scheme, although it is noted that the NHS generally seek a much larger space (at least 1,000 sq.m.) and as such this is not considered suitable and has not been secured by condition or obligation. This would remain within the scheme as D1 space to be used for other appropriate purposes within that use class. The absence of a specific GP provision is acceptable and impact on healthcare facilities is discussed in more detail in the 'Mitigating the impact of the development through planning obligations' section later in this report.

266 The provision of 298 sq.m. of public conveniences to be built alongside the retail space within the listed Braithwaite Arches is welcomed. The applicant has agreed to make them fully accessible in line with Intend to Publish London Plan requirements during retail hours. Their provision forms part of the agreed heads of terms for the S106 agreement.

267 The applicant has also committed to providing public art on-site to a minimum value of £150,000. This would be secured within the legal agreement.

Open space

268 London Plan Policy 7.18 and Intend to Publish London Plan Policy G4 support the provision of new open space in areas of deficiency.

269 In Tower Hamlets, the western portion of the site is identified as being in an Area of Open Space Deficiency with policy D.OWS.3 stating that strategic development should contribute to the delivery of new publicly accessible space. As mentioned above, Site Allocation 1.1 seeks the provision of a 1 hectare park.

270 The Hackney Local Plan also notes that this portion of the site is within an Area of Open Space deficiency with Policy LP48 proposing that new major commercial and mixed-use development maximise on-site provision of open space.



Figure 18: the eastern part of the Platform level open space

271 The applications propose 1.28 hectares of public realm at Platform level, comfortably more than the Tower Hamlets Site Allocation requirement. The eastern side would comprise a single, generous and predominantly green space, 135 metres long and an average of 30 metres wide, between the hotel building and Brick Lane (as shown on Figure 18 above), with an open southerly aspect over the railway and low-rise context. The scale of the open space proposed would make a notable contribution to the existing open space network serving both users and residents of the site but also local residents and users more widely. Both Boroughs identify the site as being in an area deficient in access to open space, which this would assist in addressing.

272 The majority of the open space is proposed in outline and will be considered in detail at Reserved Matters stage. This is an acceptable approach given the commitment secured in the S106 to bring the space forward commensurate with phases of development. The S106 agreement will also secure public access to the space. As such the proposed open space is strongly supported in line with the policies noted above and is a significant benefit of the scheme.

Residential use and housing delivery

273 The NPPF sets out the priority to deliver a sufficient supply of new homes and states that planning policies and decisions should seek to make effective use of land and support the redevelopment of under-utilised land and buildings. In line with paragraph 118 of the NPPF, substantial weight should be given to the value of developing brownfield land in meeting housing need.

274 London Plan Policy 3.3 recognises the pressing need for new homes and Table 3.1 gives a 10-year housing target for Hackney of 15,988 homes and Tower Hamlets a target of 39,314 homes between 2015 and 2025. In monitoring delivery against these targets, Hackney has been assigned an annual target of a minimum of 1,599 net additional homes per year and Tower Hamlets 3,931 net additional homes per year. Policy H1 and Table 4.1 of the Mayor's Intend to Publish London Plan sets a new 10-year target of 13,280 for Hackney and 34,730 for Tower Hamlets.

275 The City Fringe OAPF acknowledges the important role the site can play with regards to housing delivery, giving guidance on balancing this with delivery of commercial floorspace. The London Plan identifies a target of 8,700 homes over the Plan period for the Opportunity Area, whilst the Intend to Publish London Plan revises this to set an indicative target of 15,500 new homes.

276 London Plan Policy 3.3 emphasises the importance of brownfield land in releasing housing capacity within Opportunity Areas; mixed use redevelopment on surplus public land particularly where there is good transport accessibility. Similarly, Policy H1 of the Mayor's Intend to Publish London Plan seeks to enable the delivery of housing capacity identified in Opportunity Areas an optimised housing delivery on brownfield sites, including in the redevelopment of public sector land and land with existing or planned public transport access levels (PTALs) of 3-6, or which are located within 800 metres of a station, such as this site which has a station effectively within it.

277 Policy PP8 of the Hackney Local Plan sets out 'Strategic Principles' for Shoreditch and Hoxton. These include that development should optimise the capacity of Shoreditch to accommodate homes, workplaces, cultural and creative uses where appropriate. Policy LP12 sets out that the Council will plan to deliver a minimum of 1,330 homes per year up to 2033 by encouraging development on small sites and through allocating sites for residential use, increasing the supply of genuinely affordable homes in high quality urban neighbourhoods alongside community facilities. The emerging Future Shoreditch AAP allocation for the site provides for development guidance for Bishopsgate Goodsyard as cohesive single strategic site, stating that it is a significant opportunity for a mixed used development, 50% of the floorspace of which should be commercial whilst it should also maximise the quantum of housing, including genuine affordable housing.

278 Policy S.H1 of the Tower Hamlets Local Plan states that the Authority will secure the delivery of 58,965 homes between 2016 and 2031, annualised at 3,931 homes per year with the majority focussed on Opportunity Areas and Site Allocations. Table 1 of the Policy sets out the minimum of additional areas across the Borough sub areas, the City Fringe being set at 10,334. Site allocation (1.1) of the Local Plan states that Bishopsgate Goods Yard is suitable for a mixture of housing and employment supported by infrastructure consisting of a minimum 1 hectare of open space, community and leisure facilities.

279 In this policy context, the provision of residential use as part of the scheme is supported. Both Councils support the principle of housing as part of this strategic cross-borough application, notwithstanding that all the housing is located within Tower Hamlets.

Housing delivery

280 The below table sets out recent housing and affordable housing delivery across London.

Total completions (London)	FY2016-2017	FY2017 - 2018	FY2018 -2019	Total	Delivery
<i>Homes target</i>	42,389	42,389	42,389	127,167	88% of target
Homes delivered	44,846	31,692	35,795	112,333	
<i>Affordable homes target</i>	17,000	17,000	17,000	51,000	35% of target
Affordable homes delivered	6,827	4,431	6,648	17,906	

Table 2: delivery against pan-London housing and affordable housing targets (source: London Development Database)

281 The two tables below set out the number of homes and affordable homes delivered in both boroughs in the same years.

Total completions (Hackney)	FY2016 - 2017	FY2017- 2018	FY2018 -2019	Total	Delivery
<i>Homes target</i>	1,599	1,599	1,599	4,797	86% of target
Homes delivered	1,293	1,215	1,634	4,142	
<i>Affordable homes target</i>	800	800	800	2,400	26% of target
Affordable homes delivered	230	261	144	635	

Table 3: Hackney delivery against London Plan housing and affordable housing targets (source: London Development Database)

Total completions (Tower Hamlets)	FY2016 - 2017	FY2017 - 2018	FY2018 -2019	Total	Delivery
<i>Homes target</i>	3,931	3,931	3,931	11,793	59% of target
Homes delivered	4,399	1,944	645	6,988	
<i>Affordable homes target</i>	1,966	1,966	1,966	5,898	31% of target
Affordable homes delivered	1,154	566	130	1,850	

Table 4: Tower Hamlets delivery against London Plan housing and affordable housing targets (source: London Development Database)

282 In this context it should be noted that no housing is proposed within Hackney so the proposed housing would not contribute towards targets for that borough. As such, the information here for Hackney is provided for context only.

283 The above tables demonstrate that Tower Hamlets Council has not met the aggregated London Plan and Local Plan annual monitoring target for new homes and affordable homes over these three years. It should also be noted that all targets are expressed as minimums, with a clear expectation in the London Plan and Local Plans that delivery of housing should be maximised.

284 The most recent Housing Delivery Test (HDT) results of the 2019 measurement published in February 2020 show that Hackney Council achieved 87% and Tower Hamlets 75%, with recommended consequences of an Action Plan and a Buffer respectively.

285 The proposed scheme would provide up to 500 homes of which 185 would be affordable, 50% in habitable room terms. All of the proposed units are proposed to be located within Tower Hamlets. The proposed unit numbers would equate up to 13% of the London Plan's annual housing target for Tower Hamlets and 14% of the Intend to Publish London Plan target. As discussed under the 'Affordable Housing' section below, the affordable housing provision at 50% by habitable room meets the threshold approach to viability as regards to development on public land.

286 The site is a significant piece of mostly disused brownfield public land in an Opportunity Area and the Central Activities Zone, with high levels of public transport accessibility including having at its heart a London Overground Station. The proposals would make a significant contribution to local housing targets both private and affordable, in accordance with London Plan, Intend to Publish London Plan and Local Plan policies. Paragraph 118 of the NPPF notes that planning decisions should give substantial weight to the value of using suitable brownfield land for homes and promote and support the development of under-utilised land especially if this would help meet identified needs for housing. Bringing forward up to 500 homes on this site meets these NPPF objectives and those of the Local Plans.

Loss of existing meanwhile uses and associated issues

287 The Goods Yard has been largely redundant for over 50 years, in large part because of the significant constraints in bringing this complex site forward. Given the long period of time since its previous permanent purpose, there is considered to be no policy protection for the historic industrial or transport related use.

288 The on-site Box Park and 13 football pitches, both granted temporary planning permissions pending the permanent redevelopment of this site, have delivered short term employment opportunities and provided social and environmental benefit, however the benefits from the comprehensive redevelopment of this site far outweigh the loss of these acknowledged positive uses. Furthermore, in respect of the Box Park, the proposed retail and food and drink uses would result in a significant uplift in floorspace.

289 With regard to the football pitches, it is noted that Sport England has commented on their loss, along with a general concern over the overall uplift in intensity of use of the site and potential impact on sports facilities. In this context it should be noted that the football pitches are clearly meanwhile uses and Sport England has confirmed that its representation is not a statutory objection. Notwithstanding this, the applicant has agreed to make a contribution of £200,000 towards a Multi Use Games Area (MUGA) at Allen Gardens / Weavers' Fields (in Tower Hamlets). This would provide a small scale sports facility contribute to addressing increased demand from the additional residential population of the scheme and to supplement the proposed on-site play facilities, which generally cater for younger children. As such this contribution is supported in line with London Plan Policy 3.19, Intend to Publish London Plan Policy S5 and Policy S.OWS1 of the Tower Hamlets Local Plan.

Land use principle summary

290 In summary, the principle of the proposed mix of uses is strongly supported by GLA officers and both Councils. The redevelopment of this large long-redundant central London site is supported in principle by London Plan and Local Plan policy and would make a significant contribution to strategic and local regeneration. In terms of land use principles, the proposal is considered to be in accordance with London Plan Policies 1.1, 2.9, 2.10, 2.11, 2.13, 2.14, 2.18, 3.1, 3.3, 3.16, 3.17, 3.19, 4.1, 4.2, 4.3, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.12 and 7.18; Intend to Publish

London Plan Policies SD1, SD4, SD5, SD10, H1, S1, S4, S5, S6, E1, E2, E3, E8, E9, E10, E11, HC5, HC6, G1, and G4; Hackney Local Plan Policies PP8, LP10, LP12, LP25, LP26, LP27, LP31, LP32, LP37, LP38, LP39, and LP48; Hackney Site Allocations Local Plan (2016); the Draft Future Shoreditch AAP; Tower Hamlets Local Plan Policies S.SG1, S.SG2, S.H1, S.EMP1, D.EMP2, D.EMP4, S.TC1, D.TC3, D.TC4, D.TC5, D.TC6, S.CF1, D.CF3, S.OWS1, D.OWS3 and Site Allocation 1.1; the Central Activities Zone and Social Infrastructure SPGs; the Bishopsgate Goodsyard Interim Planning Guidance; and the City Fringe OAPF. There is a conflict with Hackney Local Plan Policy LP29 as noted above, this is considered further in the 'Planning balance' section at the end of this report.

291 As well as the S106 obligations noted in this section, conditions are recommended to control changes of use owing to the need to retain an appropriate mix of uses and in view of the recent changes to the Use Classes Order. A restriction on change of use from office is considered necessary due to the POA designation and overall policy objectives for the CAZ, noting the Article 4 Direction that recognises the national significance of this area of economic activity. The Article 4 Direction only controls permitted change from office to residential, so additional changes of use within the new Class E need to be controlled.

292 Such conditions are considered to be necessary and fully justified and in legal and policy terms, and comprise:

- Restriction on change of use from current Use Class D1/D2 (Residential Institution / Assembly & Leisure) to another future Class E use, to ensure that cultural uses are retained and to ensure an appropriate balance of uses across the scheme;
- Exclusion of betting shops from current Class A2 / future Class E floorspace, in line with Hackney Local Plan Policy LP39 and Tower Hamlets Local Plan Policy D.TC5; and
- Restriction on change of use from current Class B1(a) office to another future Class E use (discussed above).

Housing

Affordable housing

293 The NPPF states that local planning authorities should specify the type of affordable housing required and expect it to be met on-site unless off-site provision or an appropriate financial contribution un lieu can be justified and the agreed approach contributes to the objective of creating mixed and balanced communities. The size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies

294 London Plan Policy 3.11 states that the Mayor will, and boroughs should, seek to maximise affordable housing provision and ensure an average of at least 17,000 more affordable homes are delivered per year in London up to 2031, of which 60% should be social/affordable rent and 40% intermediate.

295 London Plan Policy 3.12 requires that the maximum reasonable amount of affordable housing should be sought when negotiating on individual schemes, taking into account a range of factors, including the requirement for affordable housing; affordable housing targets; the need to promote mixed and balanced communities; site specific circumstances; development viability; public subsidy and the resources available to fund affordable housing; and the implications of phased development, including provisions for re-appraising the viability of schemes prior to implementation.

296 In August 2017, the Mayor published the Affordable Housing & Viability Supplementary Planning Guidance (SPG), which sets out his preferred approach to maximising the delivery of affordable housing and introduced the 'Fast Track Route' for applications that meet or exceed the

Mayor's threshold for affordable housing. The SPG confirms that a scheme's eligibility for the Fast Track Route is subject to the affordable housing being provided on site, and with an appropriate tenure mix provided. In addition, to qualify for the Fast Track Route, an applicant must have explored the potential to increase the level of affordable housing using grant funding and an 'early stage viability review mechanism' must be secured, which seeks to incentivise early implementation. Applications that are considered eligible for the Fast Track Route are not required to submit a financial viability assessment or be subject to a late stage viability review mechanism.

297 The threshold approach to affordable housing is outlined in the Mayor's Intend to Publish London Plan in Policies H4, H5 and H6. Policy H4 sets a strategic target of 50% for all new homes to be affordable. Policy H5 identifies a minimum threshold of 35% of affordable housing (by habitable room); with a threshold of 50% applied to public land sites such as this one. In 2019, the applicant considered that the site should not be treated as public land given that it had been subject to an agreement for the future sale of the site for a number of years. However, given that the site is owned by Network Rail which is a company in public ownership, the GLA considers that the site should be treated as public land for the purposes of determining the relevant affordable housing threshold.

298 Policy H6 sets out the Mayor's priority to deliver genuinely affordable housing, with a minimum expectation of at least 30% of affordable housing to be low cost rent units (social rent or London Affordable Rent); 30% intermediate housing and the remaining 40% determined by the borough, having regard to local need. The Mayor's preferred affordable housing products are social rent, London Affordable Rent, London Living Rent and London Shared Ownership. Paragraph 4.6.7 states that other affordable housing products may be acceptable if, as well as meeting the broad definition of affordable housing, they also meet the London Housing Strategy definition of genuinely affordable housing and are considered by the borough to be genuinely affordable.

299 Paragraph 4.6.11 notes that where a scheme is delivering more than 35 per cent, the tenure of the additional affordable housing is flexible and should take into account the need to maximise affordable housing provision along with any preference of applicants to propose a particular tenure. On this point the SPG states that where 50 per cent affordable housing is delivered on public land, the tenure of additional affordable homes above the 35 per cent is flexible and should take into account the need to maximise affordable housing provision.

300 Policy S.H1 of the Tower Hamlets Local Plan sets an overall target for 50% of all new homes (based on habitable rooms) requiring the provision of a minimum of 35% affordable housing on sites providing 10 or more new residential units (subject to viability) and requiring a mix of rented and intermediate affordable tenures to meet the full range of housing needs. Policy D.H2 states that development is required to maximise the provision of onsite affordable housing in accordance with a 70% rented and 30% intermediate tenure split. Paragraph 9.30 states that where the development is providing up to 35% affordable housing, the 70% rented element should comprise of 50% London Affordable Rent and 50% Tower Hamlets Living Rent. The 30% intermediate element can include London Living Rent, shared ownership and other intermediate products. Larger intermediate units should be prioritised as London Living Rent products and generally shared ownership will not be considered appropriate where unrestricted market values exceed £600,000 in line with the Affordable Housing & Viability SPG. There is no housing proposed within Hackney, so Hackney Local Plan policies on affordable housing do not fall to be applied.

Affordable housing proposed

301 The previous iteration of the scheme in 2016 proposed 131 units (25% affordable housing (by habitable room)) within Tower Hamlets and an off-site payment in lieu of on-site affordable housing of £21,825,000 (equating to 87 dwellings, 35 intermediate and 52 social rent – 15% affordable housing by dwelling) in Hackney. This was considered by GLA officers to be the maximum reasonable at the time (subject to an appropriate review mechanism) ahead of the postponed representation hearing.

302 The amended application proposes to provide up to 500 units under the maximum parameters of the outline proposal with 346 units proposed under the minimum parameters. The precise number and mix of units will be fixed at Reserved Matters stage but will conform to the mix ranges set out in the revised Development Specification, which are presented below:

Unit Type	Low cost rent	Intermediate	Total AH	Private	Total
1 Bed	21	12	33	242	275
2 Bed	27	39	66	72	138
3 Bed	28	44	72	1	73
4 Bed	14	0	14	0	14
Total Units	90	95	185	315	500
Total hab rooms	347	361	708	705	1413

Table 5: housing mix maximum parameter

Unit Type	Low cost rent	Intermediate	Total AH	Private	Total
1 Bed	18	18	36	151	187
2 Bed	16	39	55	49	104
3 Bed	19	19	38	7	45
4 Bed	10	0	10	0	10
Total Units	63	76	139	207	346
Total hab rooms	239	248	487	484	971

Table 6: housing mix minimum parameter

303 The amended submission proposes a minimum of 149 affordable housing units, rising up to 185 units at the maximum parameter. This is more than the 131 on-site affordable units proposed out of the then maximum 1,356 units in 2016 (although it is lower when taking account the offsite contribution), but as a proportion the quantum is significantly greater at 37% of the proposed maximum units than the 10% on-site units put forward in 2016 (and 16% when taking into account the in-lieu contribution). The current scheme proposes in excess of 50% affordable housing by habitable room.

Tenure and affordability

304 The applicant has provided a tenure split in accordance with Policy H6 of the Intend to Publish London Plan and the Affordable Housing & Viability SPG, that is; for the first 35% (by affordable habitable room) a 70:30 split between low cost rent and intermediate; and the remaining 15% is intermediate housing. This equates to an overall affordable housing tenure split of broadly half low cost rent (49%) and half intermediate housing (51%). Given this and the provision of 50% affordable housing overall, the scheme qualifies for the Fast Track Route.

305 Up to 90 of the units will be low cost rent housing products, with the applicant committing to deliver 50% at London Affordable Rent (LAR) and 50% Tower Hamlets Living Rent (THLR) in line with the Local Plan. LAR is a low cost rental product with rent levels set out in the Mayor's Affordable Homes Programme 2016-21 Funding Guidance, and updated annually. THLR is set by the Council at a borough-wide level, to represent an expenditure of one third of median local

household incomes. The rent levels are set annually by the GLA and Tower Hamlets, and eligibility is restricted based on local need and subject to a nominations agreement.

306 Intermediate units would be subject to the eligibility and household income requirements as set out in the Intend to Publish London Plan, the Affordable Housing & Viability SPG and the London Plan Annual Monitoring Report (AMR). Annual housing costs do not exceed 40% of net household income with the maximum income caps set out in the AMR.

307 As set out in the Affordable Housing & Viability SPG, London Shared Ownership (LSO) units are generally not appropriate where open market values of the property are more than £600,000. Information provided by the applicant indicates that the open market value of the 2 bed and 3 bed units are currently substantially higher than this. Whilst the unit size mix will ultimately be fixed at Reserved Matters stage and subject to a condition, to address this the applicant has agreed that at least 50% of the intermediate housing units will be provided as London Living Rent (LLR) housing. This will comprise of all 3+ bed intermediate units, with any additional LLR units (to achieve 50%) provided as 2 bed intermediate units. The remaining intermediate housing units will be provided as Discount Market Rent (DMR) or LSO, subject to meeting the Mayor’s affordability criteria. The provision of LSO is also subject to the open market value of the relevant unit not exceeding £600,000; if this is the case it will instead be provided as DMR, which has a lower maximum income cap (see below).

308 The applicant has made a commitment to accord with any subsequent criteria in place at the time of the Reserved Matters submission via the S106 agreement. Income thresholds below the current London Plan AMR caps (£90,000 for LSO and £60,000 for LLR / DMR) have been agreed for 1 and 2 bed DMR and LSO units (see below) which will be linked to changes in local incomes. Following a period of three months marketing in which the units are available for occupation, if an offer has not been received by an eligible household, maximum AMR income caps can apply. As noted above, for all intermediate units, annual housing costs will not exceed 40% of net household income within the maximum income caps set out in the AMR (as updated).

Unit type	Reduced income thresholds for LSO units (per annum)	Income caps for DMR units (per annum)	LLR levels for Weavers ward (Tower Hamlets) (per month)
1 bed	£47,000	£47,000	£1,090
2 bed	£52,000	£52,000	£1,212
3 bed	N/A	£60,000	£1,333

Table 7: income thresholds for LSO and DMR units, and current (2020/21) LLR levels

309 Subject to the above controls being secured through the S106 agreement the proposals are consistent with the Intend to Publish London Plan, the Mayor’s SPG and Tower Hamlets’ Local Plan. The London Affordable Rent and Tower Hamlets Living Rent housing would provide for households on the Council’s housing waiting list in greatest housing need. The different intermediate tenures would also provide for intermediate income households with a range of income levels. The diversity of tenure types within the scheme should also assist delivery and build out rates. The affordable housing is not dependent on grant funding and will be secured unconditionally in the S106 agreement.

310 The proposed 50% affordable housing (by habitable room) with the agreed tenure split, including low cost rent and a range of intermediate affordable housing tenures, is strongly supported.

Review mechanism and delivery triggers

311 An early stage review will be secured in the S106 agreement which would be triggered if substantial implementation of the first residential phase has not been made within 36 months of planning permission being granted. This is considered to be an appropriate trigger point tailored to reflect the commercial-led nature of the scheme, the indicative construction programme and accounting for the submission and approval of reserved matters applications. Substantial implementation will comprise completion of all ground preparation works, foundations, completion of the first floor slab and the letting of a contract for the construction of a building or buildings containing no fewer than 100 residential units. Given that the scheme is already providing 50% affordable housing, any surplus profit identified in the review will be used to amend the tenure split through changing LSO units to LAR (70% of surplus) and LLR (30% of surplus).

312 Occupation restrictions are secured in the S106 agreement which require 33% of the low cost rented housing units to be provided before occupation of more than 25% of the open market units and 66% to be provided before occupation of 50% of the open market housing. In addition, at least 50% affordable housing (all tenures) must be provided prior to occupation of 50% of the open market units and all of the affordable housing (including LAR units) must be provided prior to occupation of 75% of the open market units. Likewise, in order to ensure that housing is brought forward alongside the commercial elements of the proposal a series of triggers have been agreed linking affordable housing delivery to the occupation of office development.

Summary

313 The revised scheme would provide 50% affordable housing (by habitable room) on site and will be delivered in a tenure mix in accordance with the Mayor's requirements for development on public land and with a tenure split that broadly local planning policy. As such the scheme meets the requirements of; London Plan Policies 3.11 and 3.12; Intend to Publish London Plan policies H4, H5 and H6; the Mayor's Affordable Housing & Viability SPG; and Tower Hamlets Local Plan Policies S.H1 and DH2. The affordable housing provision is an important benefit of the scheme and is also supported by the Council.

Housing mix

314 London Plan Policy 3.8 states that new development should provide a mix of housing and types, taking into account local and strategic requirements, the needs of different groups and the priority for affordable housing delivery. Intend to Publish London Plan Policy H10 sets out that residential developments should generally consist of a range of unit sizes, having regard to a range of factors including, the requirement to deliver mixed and inclusive neighbourhoods; the mix of tenures and uses in the scheme; and the nature and location of the site, noting that a higher proportion of 1 and 2 bed units are generally more appropriate close to areas of higher public transport accessibility.

315 Policy D.H2 of the Tower Hamlets Local Plan stipulates that development is required to provide a mix of unit sizes in accordance with local need as outlined in the table below.

	Market	Intermediate	Affordable Rented
1 bed	30%	15%	25%
2 bed	50%	40%	30%
3 bed	20%	45%	30%
4 bed			15%

Table 8: Tower Hamlets Local Plan preferred housing mix

316 The policy supporting text notes that where a development proposes to deliver at least 35% affordable housing and qualifies the fast track approach, the Council will consider a different

housing mix to the private units in particular, having regard to the 70:30 affordable tenure mix and meeting the suggested range of those products. However, developments are still expected to provide a significant proportion of private family homes.

317 The application as amended would provide up to 500 units. The table below sets out the mix of unit sizes in percentage terms.

Unit Type	Affordable Rent	Intermediate	Private
1 Bed	23%	13%	77%
2 Bed	30%	41%	22%
3 Bed	47%	46%	>1%
4 Bed			

Table 9: proposed indicative housing mix (maximum parameter)

Unit Type	Affordable Rent	Intermediate	Private
1 Bed	29%	24%	73%
2 Bed	25%	51%	24%
3 Bed	46%	25%	3%
4 Bed			

Table 10: proposed indicative housing mix (minimum parameter)

318 The indicative affordable housing unit mix is broadly in line with the Local Plan preferred mix and is supported. The private housing mix is however significantly out of line with the policy in both the minimum and maximum scenarios. Whilst there is a Local Plan policy justification for departing from the preferred mix in this instance, given the site location and significant proportion of affordable housing proposed, Tower Hamlets Council considers that the deviation is too great and this is a point of objection. The Council officers' report sets out a proposed condition to require the submission a housing mix strategy is subsequently approved, to secure a greater proportion of family market units at Reserved Matters stage.

319 GLA officers agree with this approach and, given that all the housing is within the outline component of the scheme, this is considered acceptable in practical terms and will not cause any prejudice. Subject to this condition, the proposed housing mix is considered to be acceptable and in accordance with the policies noted above.

Housing quality and residential standards

Standard of accommodation

320 London Plan Policy 3.5 states that "housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment" and this is echoed in Policy D6 of the Intend to Publish London Plan. London Plan Table 3.3 and Table 3.1 of the intend to Publish London Plan, which support these policies, set out minimum space standards for dwellings. The Mayor's Housing SPG provides further detailed guidance on key residential design standards, including unit to core ratios, and the need for developments to minimise north facing single aspect units. Policy D.DH8 of the Tower Hamlets Local Plan states that development must ensure that new habitable rooms have an acceptable outlook and adequate levels of daylight and sunlight, including to amenity spaces. Policy D.H3 states that development is required to meet, as a minimum London Plan space and accessibility standards, and also meet minimum amenity space standards.

321 The detailed design of all the residential units will be considered at Reserved Matters stage and the determining authority will be able to assess the quality of these units in respect to the

adherence to development plan policies and guidance that apply at the time. The Design Guide makes a commitment that the Residential Strategy will be delivered in accordance with adopted housing policies of Tower Hamlets and the GLA, including the Mayor's Housing SPG. The applicant has demonstrated through the indicative layouts that residential units can be provided in the plots which meet the required standards, including offering for the most part dual aspect units that will not compromise the light, outlook and general residential amenity of the proposed units. The commitment to meeting high quality housing standards includes private amenity space, with each of the residential blocks comprising communal residential gardens and roof terraces which in total would amount to over 1,300 sq.m. (in excess of Local Plan requirements); along with a commitment to providing a private garden, terrace, winter garden or balcony to all units, the latter a minimum of 1.5 metre depth and width.

322 The location of affordable housing is not set at this stage, but GLA officers consider that the residential quality of all blocks is acceptable and broadly commensurate. Given the high proportion of affordable housing proposed, residents of affordable blocks will inevitably experience a similar high standard of accommodation and there is a commitment in the Residential Strategy to a 'tenure blind' approach to design.

323 Through the application of the Design Code and Parameter Plans, the scheme will be capable of delivering high quality residential accommodation at Reserved Matters stage and show compliance with regional and local planning policy. The Council supports the standard of residential accommodation committed to within the outline component of the proposal.

Internal daylight and sunlight

324 Policy D6 of the Intend to Publish London Plan and Tower Hamlets Local Plan Policy D.DH8 state that the design of development should provide sufficient daylight and sunlight to new housing, appropriate to its context. An assessment of the available daylight and sunlight of the proposed residential buildings was undertaken and concludes that the majority of the units will have sufficient daylight and sunlight levels with mitigation measures proposed for some of the units at lower levels, primarily in plots adjoining the London Overground box. These will be further assessed at Reserved Matters stage and designed accordingly. As such the proposal would be policy compliant in this regard.

Privacy, outlook and sense of enclosure

325 The Mayor's Housing SPG states that design proposals should demonstrate how habitable rooms are provided with an adequate level of privacy in relation to neighbouring properties, the street, and other public spaces. It identifies that a minimum distance of 18–21 metres between habitable rooms can be used as a benchmark. Local Plan Policy D.DH8 identifies 18 metres as a guideline, depending on the design and layout of the development.

326 GLA officers note that the spaces between residential blocks within the scheme is tight in some areas, notably across the north-south routes (approximately 10 metres) and between Plot 8 and the office building at Plot 2 (approximately 14 metres). However, such distances are not uncommon in dense urban environments and the benchmarks stated above must be applied flexibly. Furthermore, it is noted that the nature and form of the blocks is such that detailed design measures to be considered at Reserved Matters stage, including careful orientation of habitable rooms and balconies, would be able to safeguard privacy of future occupants.

327 Overall GLA officers consider that the privacy, outlook and sense of enclosure for future residents of the development would be acceptable and Tower Hamlets Council does not raise a concern on this basis. Impacts on the amenity of neighbouring residents in this regard is undertaken later in this report.

Noise and vibrations

328 Paragraph 180 of the NPPF states that new development should ensure that potential adverse impacts resulting from noise are mitigated or reduced to a minimum and noise levels which give rise to significant adverse impacts on health and quality of life are avoided. Intend to Publish London Plan Policy D13 sets out the Agent of Change principle, placing the responsibility for mitigating impacts from noise and other nuisance generating activities or uses on proposed new noise sensitive development. Policy D14 seeks to ensure an acceptable environment in new residential development.

329 The Environmental Statement Addendum incorporates a chapter on Noise and Vibration, which deals with sources of disturbance including road traffic and railway lines. This assesses the quality of the residential accommodation within the proposal and suggests mitigation measures through the provision of acoustic glazing measures, including high performance thermal double glazing on some of the more exposed residential facades and also limitations on the level of noise of the plant on the residential buildings. The detail of which will be assessed at Reserved Matters stage and secured through appropriately worded planning condition. A condition is also recommended to require a construction environmental management plan, which must take into account the phasing of the development and potential for construction of future phases on residents of recently built blocks. Subject to this mitigation the application would deliver an acceptable standard of residential accommodation in terms of noise and vibration.

Fire safety

330 Policy D12 of the Intend to Publish London Plan seeks to ensure that development proposals achieve the highest standards of fire safety and to ensure the safety of all building users. Policy D5 requires as a minimum at least one lift per core to be a fire evacuation lift suitable to be used to evacuate people who require level access from the building.

331 The applicant has submitted a Masterplan Fire Strategy and a Phase 1 Fire Strategy produced by fully qualified fire safety consultants. These detail construction methods responding to fire safety; means of escape for residential and non-residential uses; features to reduce the risk to life; and access for fire service personnel and equipment. In Phase 1, one lift per core is a fire evacuation lift. Whilst GLA officers consider that the submitted Fire Strategies are in accordance with Policies D5 and D12 of the Intend to Publish London Plan in terms of their broad content, the fire safety strategy of the buildings would be considered in detail at a later stage, both through Reserved Matters applications and outside of the planning process.

Play space

332 Policy 3.6 of the London Plan states that development proposals which incorporate housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs. Further guidance is given on the Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation SPG (2012). This sets a benchmark of 10 sq.m. of child play space per child with space for under-5s to be provided on site, within 400 metres for ages 5-11 and within 800 metres for those 12 and older. Policy S4 of the Intend to Publish London Plan sets out a minimum 10 sq.m. of accessible and quality play space per child which should normally be provided on site, although some could be provided off-site if accessible and within safe walking distance. Tower Hamlets Local Plan Policy D.H3 states that major developments should provide a minimum of 10 sq.m. of high quality play space for each child at recommended distances in line with the Mayor's SPG.

333 Based on the proposed maximum parameter housing mix, and the GLA's Population Yield Calculator (2019), a child yield of 198 children is expected from this development, resulting in a

requirement of 1,980 sq.m. of play space. Tower Hamlets Council has calculated a 1,897 sq.m. requirement based on the 195 child yield from its local calculator.

334 The Design Guide sets out that the development will provide the opportunity for in the order of 3,970 sq.m. of child play space, the majority of which is local playable space located within the area of public open space at Platform level, the detail of which will come forward at Reserved Matters stage in accordance with the play and recreation strategy. The Platform space would provide 2,800 sq.m. for all ages, whilst there would be 680 sq.m. for 0-5s and 490 sq.m. for over-12s.

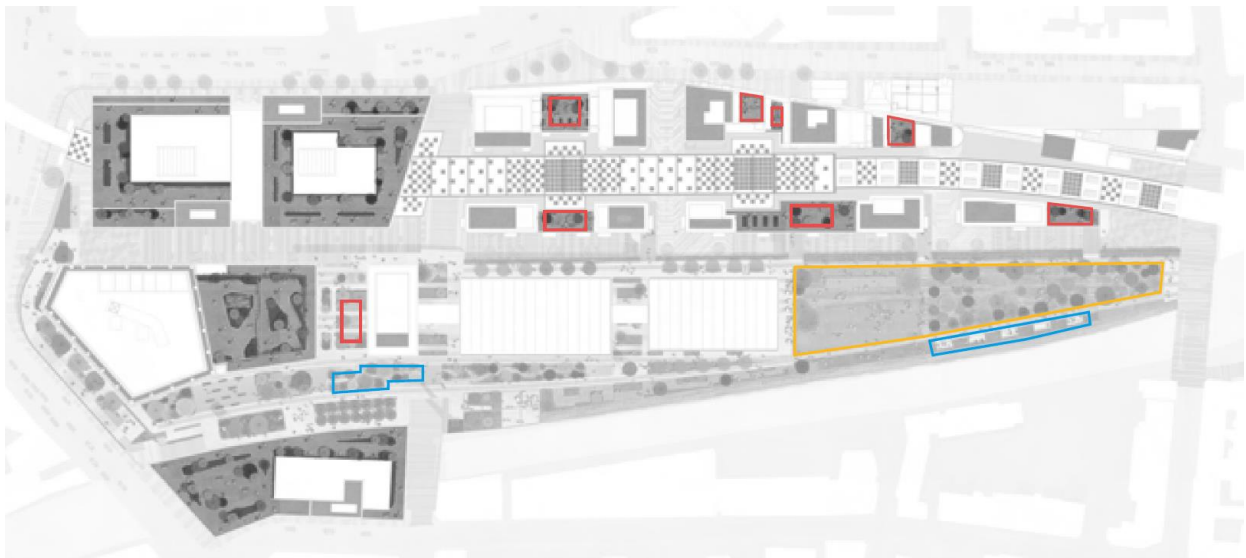


Figure 19: indicative proposed play space locations; red outline, 0-5; orange outline, all ages; blue outline, 12+

335 The doorstep play for the 0-5 year olds is proposed to be integrated within the private communal roof spaces of the residential blocks. This at 680 sq.m. is 140 sq.m. short of the 820 sq.m. anticipated from the maximum child yield. However, owing to the overall over-provision of play space across all age groups, stemming mainly from the playable space at Platform level, which is well-located relative to the residential blocks, the proposal is considered to be acceptable notwithstanding this shortfall. In addition to the provision on site the applicant has offered to support additional MUGA facilities off the site within 800 metres in Allen Gardens, as discussed above.

336 The proposal provides extensive areas of play space which will be reviewed in detail at Reserved Matters stage and be delivered alongside the housing as it comes forward, subject to the recommended condition. As such the applications accord with London Plan, Intend to Publish London Plan, Tower Hamlets Local Plan Policies and the Children and Young People's Play and Informal Recreation SPG. Tower Hamlets Council supports the level of play space proposed.

Urban design

337 The NPPF (at paragraph 124) states that good design is a key aspect of sustainable development and is indivisible from good planning. Paragraph 127 states that, in determining applications, great weight should be given to outstanding designs which help raise the standard of design more generally in the area.

338 In achieving the Mayor's vision and objectives relating to neighbourhoods and architecture, chapter 7 of the London Plan and chapter 3 of the Intend to Publish London Plan set out a series of policies about the places and spaces in which Londoners live, work and visit. London Plan Policy

7.1 (Lifetime neighbourhoods) sets some overarching design principles for development in London as does Policy D4 of the Intend to Publish London Plan (delivering good design). Other relevant design policies in this chapter include specific design requirements relating to: inclusive design (London Plan Policy 7.2 / Policy D5 of the Intend to Publish London Plan); designing out crime (London Plan Policy 7.3 / Policy D11 of the Intend to Publish London Plan); local character (London Plan Policy 7.4); public realm (London Plan Policy 7.5 / Policy D8 of the Intend to Publish London Plan); architecture (London Plan Policy 7.6); tall and large scale buildings (London Plan Policy 7.7 / Policy D9 of the Intend to Publish London Plan); and local and strategic views (London Plan Policies 7.11 and 7.12 / Policies HC3 and HC4 of the Intend to Publish London Plan).

339 The City Fringe OAPF notes that Bishopsgate Goods Yard is an important gateway to the area and development in this location should provide open spaces and improve the legibility of the area. In that regard, taller buildings can increase the prominence of transport nodes and encourage a focus of activity. The OAPF also states that development on the site should take account of the following principle; new east-west and improved north-south pedestrian and cycle permeability through/around the site.

340 In terms of Hackney, the Council's design policy objective is to deliver high quality urban neighbourhoods with distinctive architectural quality which respects Hackney's historic character whilst producing unique and innovative contemporary design that reflects Hackney's innovative and creative culture. Policy LP1 of the Hackney Local Plan states that all new development must be of the highest architectural and design quality and that innovative contemporary design will be supported where it respects and complements historic character. Development, including taller buildings must meet a set of design criteria in order to be supported, including respect local character and context; be compatible with existing townscape; compatible with local views and preserve protected ones; preserve or enhance the historic environment; have well designed landscape; improve the public realm; be sustainable, adaptable; use high quality materials; be inclusive and accessible for all and promote security and health. Policy LP5 relates to strategic and local views.

341 The emerging Future Shoreditch AAP places the site within the Shoreditch High Street and Hackney Road Neighbourhood. Any development should positively respond to the character and qualities of the defined neighbourhoods including respecting prevailing scale, form and grain of development and make a positive contribution to the quality of local public realm. The Site Allocation provides urban design and conservation guidance. Redevelopment proposals are expected to address and improve frontages and public realm; offer improved walking and cycling routes; create legible and permeable urban grain; protect or enhance heritage assets; respond positively to existing scale, height and massing, with building height respectful of prevailing heights along Shoreditch High Street, gently rising to the centre of the site. The scheme offers the opportunity to improve the public realm, enhance biodiversity and green infrastructure.

342 Policy S.DH1 of the Tower Hamlets Local Plan states that development must be of the highest standards of design which respects and positively to its context, townscape, landscape and public realm at different scales including the character and distinctiveness of the Borough's 24 places. The policy sets out a set of criteria that development must achieve, including being of appropriate scale, height, mass and bulk; represent good urban design; ensures that the architectural language complements and enhances the immediate and wider settings; protect important views; use high quality materials; create well-connected, inclusive and integrated spaces; have positive biodiversity value; use sustainable construction techniques and provide a mix of open spaces. Other design-related policies includes D.DH2 (streets, spaces and public realm), D.DH4 (views), D.DH6 (tall buildings) and D.DH7 (density).

343 Tower Hamlets site allocation 1.1 sets out design principles for development on Bishopsgate Goods Yard. Development would be expected to; respond positively to existing scale and height of the urban environment; protect or enhance on-site heritage assets and sensitively consider impacts on conservation areas, strategic and local views; focus larger buildings around Shoreditch High

Street Station; integrate development into the surrounding area; maximise family homes; improve walking and cycling routes and establish connections; provide a minimum of 1 hectare of open space; improve biodiversity and improve movement through the area.

Density and residential optimisation

344 Paragraphs 122 and 123 of the NPPF provide guidance on achieving appropriate densities, stating that development should make efficient use of land, taking into account: need for housing; local market conditions; availability and capabilities of existing and proposed infrastructure; an area's character as well as promoting regeneration and good design.

345 Whilst the London Plan (Table 3.2 of Policy 3.4) sets defined density ranges based on the character and context of the site, Policy D1 of the Mayor's Intend to Publish London Plan seeks to optimise the density of a site, having regard to local context, design principles and public transport accessibility. Policy D2 requires that the density of a proposal should have regard to current and planned infrastructure, whilst Policy D3 requires all development to make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. London Policy 2.13 states that development proposals within the Opportunity Areas should seek to optimise residential and non-residential densities and where appropriate contain a mix of uses, and contribute towards meeting (or where appropriate, exceeding) the minimum guidelines for housing and/or employment capacity. Policy SD1 of the Intend to Publish London Plan states that the Mayor will ensure that Opportunity Areas (OAs) realise their growth and regeneration potential including through maximising the delivery of affordable housing and creating mixed and inclusive communities. The City Fringe OAPF identifies the potential for 15,000 new homes throughout the OA. Tower Hamlets Local Plan Policy D.DH7 states that where density levels exceed London Plan standards an application must demonstrate that cumulative impacts have been considered and any negative impacts mitigated as far as possible.

346 The public transport accessibility level (PTAL) for the majority of the site is 6B, the highest indicator with a portion towards the eastern end 6a. The site lies within a 'central' setting as defined by the London Plan and is considered to be suited to a density range of 650-1100 habitable rooms per hectare. Based on a net residential area of the maximum residential component, the proposed development would result in a density of 1,379 habitable rooms or 495 units per hectare. This is higher than the indicative London Plan density ranges, however the density ranges are not intended to be applied mechanistically and, as discussed above, consideration should be given to all other relevant planning objectives. Paragraph 1.3.37 of the Housing SPG gives detail on how large sites such as this, particularly those in OAs, can define their own setting and accommodate higher densities. This should be considered on a case by case basis, taking into account the location of the site including distance to town centres and other infrastructure; the potential for place shaping and place shielding; and the local and strategic objectives for the area.

347 This site is the largest one identified in the City Fringe Opportunity Area and is one suited for growth and the optimisation of residential and non-residential densities. Whilst the proposed maximum density exceeds the nominal London Plan range it is not of itself considered excessive and is in line with the indicative capacity for residential development in the Tower Hamlets portion of the site as identified in the Hackney draft Future Shoreditch AAP. However, this is subject to the quality of design and the impacts of this proposal on the wider historic, physical and natural environment discussed in the relevant sections below.

348 The Residential Optimisation Study which is submitted within the Design and Access Statement, assessed the opportunities for optimising the residential outputs from the scheme. This exercise was undertaken by the applicant at the request of the GLA and both Councils. Owing to the POA designation on the Hackney side and the need to step down to the low-rise context to the west, options for additional massing were focussed predominantly in the centre of the site, although this is also heavily constrained. As part of this exercise, Plot 8a, which was at pre-submission a lower hotel only building, was shifted slightly east to avoid overlooking from the neighbouring office

building (Plot 2), without affecting the Grade II listed arches and increased in height to provide up to 138 residential units. Structural constraints, including the listed arches, a BT tunnel, the Central Line and a suburban line tunnel limited the area and scope for foundations and consequently the height of this structure. As discussed in the 'Hotel' section above, it is not practical to place additional housing at Platform level. As such GLA officers consider that residential use has been optimised as part of this mixed-use scheme and Hackney Council concurs with this view. As noted above this is a point of objection from Tower Hamlets Council.

Design scrutiny

349 In line with Intend to Publish London Plan requirements, the proposals have been subject to extensive design scrutiny. Subsequent to the 2016 deferred Mayoral hearing, scrutiny of the evolving design included discussions with the Mayoral Design Advisors (London Review Panel), Hackney's Planning Committee, Council, TfL and GLA officers. The applicant also engaged in a number of public consultation events in this period. After submission of the amended applications in October 2019, the proposals have been subject to a second London Review Panel DRP presentation and the subject of further meetings with GLA and Council officers. The amendments submitted in October 2019 and July 2020 included design changes in response to these reviews and discussions, which are considered below under the relevant sections.

Layout, landscaping and masterplanning

350 The amended applications seek the comprehensive redevelopment of this site. Whilst broadly consistent with the previous layout, the October 2019 resubmission and the subsequent amendments provide for a clearer and more legible sequence of routes that connect the site with the surrounding street network and creates a principal east/west route that runs through the heart of the site. This new pedestrian route will directly connect Brick Lane to Shoreditch High Street running adjacent to Shoreditch High Street Overground station and be animated by retail and commercial uses and residential entrances. This route would also reveal the northern edge of the Grade II listed Braithwaite Arches thereby fully revealing their appearance and heritage significance, which would have been enclosed in the former submission as can be seen in the ground floor plan images below.



Figure 20: 2016 ground floor plan showing routes through the site

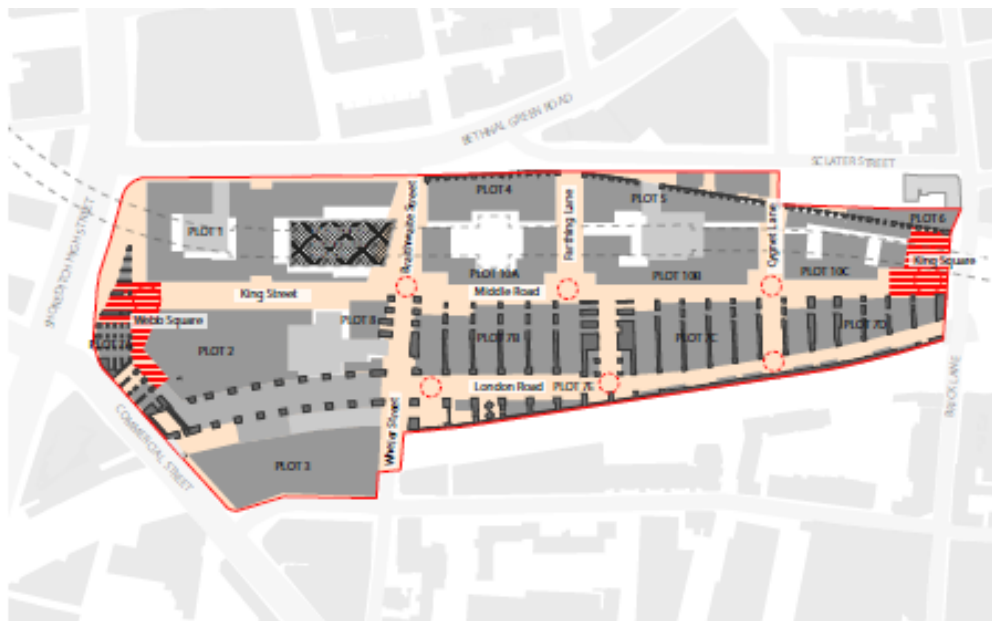


Figure 21: 2020 ground floor plan showing improved connections and two public spaces at the western and eastern ends (red highlight, Webb Square to the west, King Square to the east)

351 At the western end of the new route across the site, the development will restore and utilise the Grade II listed Oriel Gateway as an entry/exit point through the site. The existing listed gate posts and winding mechanism would be restored to working order and the original gates (currently stored off-site) re-installed and restored. Three of the arches will be used for pedestrian access to the new east-west route, opening up in this location to Shoreditch High Street, two further arches will be opened for pedestrian access into the site off Commercial Street.

352 A further east west-connection in the form of the retained London Road re-opening is proposed. This is a covered route within the viaduct arches and will link Brick Lane to Brathwaite Street. This route will be fronted by retail units active throughout the day and night. Two further pedestrian routes will also be provided from Sclater Street into the site.

353 The amended Design Guide sets out an approach to access, movement, animation and urban integration in each location providing additional framing to the development as it comes forward alongside the Plot specific guidance. The Guide provides a strategy for landscaping and lighting and sets out principles for the variety of forms of publicly and private open space that sit alongside the proposed buildings. There are two themes proposed for the public space, one drawing on the history of the Goods Yard and the other the history and culture of the locality more generally. The ground floor level is envisaged to be a hard landscape environment utilising the features of the Goods Yard such as rail turntables and truck hoists and would be paved in material re-used from the demolished Goods Yard structures supplemented by granite, brick and yorkstone. Existing boundary treatments, listed and non-listed, will be repaired and made good and coordinated approaches are proposed to the design, materiality and placement of street furniture, including seating. At ground level the land rises 1 metre east-west and south-north, with buildings set to provide level access with all existing levels retained at existing heritage interfaces. The ground level public realm will be of free of steps and ramps. The approach taken in the amended Design Guide is considered appropriate to the context and is supported.

354 The new and improved ground floor connections would be complemented by the proposal to make the Platform level fully accessible and inter-connected to the site and its surrounds. Vertical circulation opportunities are proposed across the site with stairs and lifts in seven locations with the stairs constructed of steel and concrete.

355 The Platform level would make use of some of the hard landscape features of the Goods Yard alongside the creation of distinct garden areas with differing characters and use plus an

element of a woodland / play environment. Four Character Areas are defined, 'The Balconies', 'The Field', 'The Gardens' and 'The Banks'. 'The Balconies' mark the eastern and western edges to the site and the 'Gardens' being those spaces between buildings. 'The Field' is the largest consolidated piece of landscaping, situated towards the eastern edge of the Platform and consists of an open lawn and wooded area. 'The Banks' is a linear piece of landscaping running east-west adjacent to the railway cutting which runs for 385 metres at width of between 4 and 25 metres and will offer seating, playspace, and community planting as well as a pedestrian route across the site. Native species are proposed. The new publicly accessible space will introduce green space and amenity into an area identified as being deficient and offer a unique and calm route through a dense urban environment.



Figure 22: illustrative plan of Platform level

356 The layout also provides for active frontages to all the streets which border the site which is a significant improvement on the blank walled frontage that currently encompass much of this site, better connecting it to the wider environment. The Design Guide also sets out the lighting strategy for the site with the overall concept being to highlight the heritage of the site. Light will mainly come from fittings affixed to buildings with minimal columns. Security measures are proposed to be integrated into the public realm with hydraulic bollards and open gates employed.

357 Hackney Council generally supports the layout, permeability and landscaping proposed, although has some concerns over the planting proposed above the Oriel Gate. This is discussed in more detail in the 'Historic environment' section of this report. Tower Hamlets Council does not raise any concerns in terms of the layout of the scheme, which they consider "offer the potential to contribute positively to local character within the area, creating a distinct quarter".

358 The approach taken to the masterplan is considered to be well considered and in keeping with the aspirations of the GLA and the Councils for this site, including those of the adopted and emerging site allocations. The content of the Parameter Plans, amended Design Guide and associated documents offer a vision for the layout of this development which can be supported. The scheme will offer significantly enhanced connectivity and accessibility in this location and revitalise this impermeable piece of central London. The detailed form of the ground and first floor public realm will come forward at Reserved Matters stage.

Height, massing, townscape, views and architecture

Tall buildings policy and principle

Strategic policy

359 London Plan Policy 7.7 set out the requirements for tall buildings, which are broadly reflected and built upon in Policy D9 of the Intend to Publish London Plan. The City Fringe OAPF Strategic Design Principles notes that Shoreditch High Street / Bishopsgate Goodsyrd is an important

gateway to the area where taller landmark buildings could assist in increase the prominence of transport nodes and encourage a focus of activity, subject to design, amenity and infrastructure impacts.

360 The principle of tall buildings in this highly accessible CAZ and OA location is supported by London Plan Policy 7.7, however Intend to Publish London Plan Policy D9 strengthens the plan-led approach and requires Boroughs to determine locations where tall buildings are appropriate (considered below).

361 In terms of the remaining criteria of London Plan Policy 7.7 the proposed tall buildings would; for the reasons set out below, not adversely affect the character of the area (criteria b); relate well to their surroundings (criteria c); signpost the new mixed-use quarter in line with the OAPF and enhance the skyline (criteria d); incorporate the highest standards of architecture, with the tallest building in detail (criteria e); enhance the surroundings with active ground floor uses (criteria f); provide new routes and public spaces (criteria g); improve public access (criteria h); and assist in regenerating a large, derelict site (criteria i). As discussed elsewhere in this report, the technical and view impacts would be acceptable (part D). Heritage impacts are discussed later in this report (part E).

362 Turning to relevant criteria of the Intend to Publish London Plan Policy D9, the proposed tall buildings would; not harm views (criteria C1a); as a group, reinforce the spatial hierarchy by stepping down height from east to west (criteria C1b); incorporate the highest standards of architecture (criteria C1c); avoid harm to heritage assets where possible and provide clear benefits to outweigh any harm (as discussed below) (criteria C1d); not harm the Tower of London World Heritage Site (criteria C1e); not cause adverse glare (criteria C1g); and be designed to minimise light pollution (criteria C1h). In terms of functional impacts; internal and external design has been well-considered and incorporated in the Design Code for the outline component (criteria C2a); servicing arrangements are acceptable with appropriate mitigation (criteria C2b); the movement network and entrance capacity is well-resolved (criteria C2c); transport capacity is sufficient (criteria C2d); the scheme maximises regeneration benefits to the area (criteria C2f); and would not interfere with communications or renewable energy generation (criteria C2g). Environmental impacts are acceptable (criteria C3) and cumulative impacts (criteria C4) have been appropriately considered. The absence of public access to upper floors (part D) is acceptable given the extensive public realm and open space proposed.

363 As such the proposal would comply with London Plan Policy 7.7 and Intend to Publish London Plan Policy D9.

Hackney policy

364 Policy LP1 of the Hackney Local Plan states that Area Action Plans will include building heights strategies. The emerging Future Shoreditch AAP provides urban design guidance for the site with building heights expected to respect the prevailing heights along Shoreditch High Street, gently rising towards the London Overground station. Paragraph 5.8 confirms that taller buildings in Hackney are defined as 50% taller than the prevailing building height; or significantly change the skyline; or is more than 30 metres in height. On this basis, with the exception of Plot 7 (the Oriel Gate) all of the proposed buildings within Hackney are defined as tall buildings by their parameters.

365 Hackney's Local Plan Policy LP1 is not prescriptive about where tall buildings are appropriate, with the detail expected to follow through AAPs. Given that the emerging Site Allocation identifies that the site could accommodate taller buildings they are considered acceptable in principle. Hackney Council does not raise an in principle objection to tall buildings, albeit concerns around the townscape and heritage impact of Buildings 1, 2 and 3 are raised, which are discussed in more detail below.

366 Policy LP1 sets out that taller buildings should meet the design criteria in part A and; have a legible and coherent role in the immediate and wider context; relate to their context; be of exceptional design quality; enhance the public realm; preserve heritage assets; and not constrain neighbouring development. For reasons set out elsewhere in this report, the tall buildings would meet all of these criteria with the exception of C(iv), which requires the development to preserve heritage assets. This is discussed in more detail in the 'Historic environment' section.

Tower Hamlets policy

367 Policy D.DH6 of the Tower Hamlets Local Plan defines a tall building as more than 30 metres or more than twice the height of surrounding buildings, whichever is less (paragraph 8.64). On this basis all the proposed buildings (with the exception of Plots 7 and 11, the converted Braithwaite Arches and the small Platform level kiosk) within Tower Hamlets have maximum outline parameters that would define them as tall.

368 The site is outside of the areas the Local Plan directs tall buildings towards, however they are not ruled out outside these areas, subject to meeting four criteria. In this regard, the tall buildings proposed within Tower Hamlets are considered to; be located in a highly accessible OA (criteria a); address deficiencies in infrastructure through open space, links and highways improvements (criteria b); strengthen the legibility of Shoreditch High Street station as a transport interchange (criteria c); and not undermine the prominence of existing tall building zones and landmark buildings, in view of the scale proposed within Tower Hamlets being commensurate with other taller buildings in the locality, such as the Avant-Garde development (criteria d). Furthermore, the Site Allocation states that development would be expected to focus "larger scale buildings" around Shoreditch High Street Overground station. The Council considers the principle of tall buildings acceptable.

369 Policy D.DH6 provides other guidance for developments with tall buildings in the Borough, stating that they must demonstrate, amongst other matters how they will be proportionate in scale to the location; be of exceptional architectural quality; enhance local character and distinctiveness contribute positively to the skyline; not prejudice neighbouring amenity or biodiversity; provide quality open space and public realm; retain quality ground floor experience and be designed to be safe. For reasons set out elsewhere in this report, the tall buildings would meet all of these criteria with the exception of the heritage aspect of 1c, which requires the development not to detract from heritage assets or their settings. This is discussed in more detail in the 'Historic environment' section.

Building heights and distribution of massing

Previous scheme

370 The pre-2019 submission proposed a number of tall buildings ranging from 15 to 46 storey in height across the site. The tallest structures were located towards the western edge of the site in the approximate location of Building 2, mostly within the boundary of the Borough of Hackney. However, tall buildings were also proposed in Tower Hamlets, most significantly along the northern edge of the site facing onto Bethnal Green Road and Sclater Street. The former buildings were of a scale so as to be visible within, and considered harmful to, the setting of the Tower of London World Heritage Site and were also considered by Hackney Council to not be of exceptionally high quality with the two tower design representing a flawed approach, particularly as the two buildings coalesced in local views so as to appear monolithic and out of keeping with the character of the area, and being harmful to the setting of a number of heritage assets.

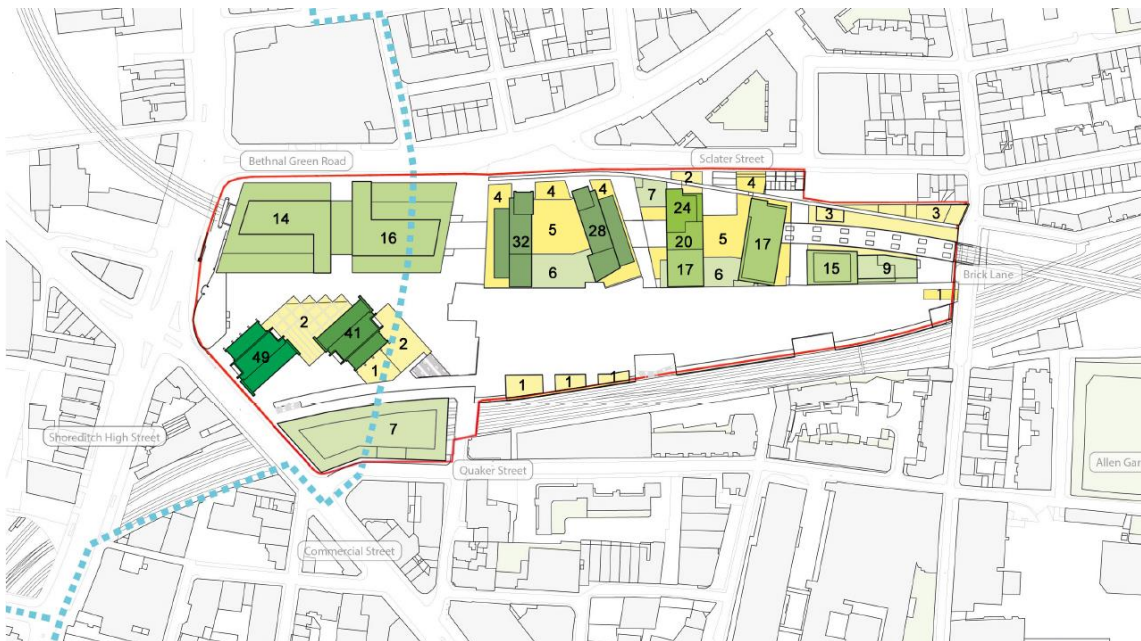


Figure 23: building heights of previous scheme in storeys

371 Tower Hamlets Council were similarly critical of the scale of the former iteration of the proposal, not only citing the impact on the Tower of London but also objecting to the scale of the development across the site and the consequent substantial and less than substantial harm caused to surrounding heritage assets. In addition, the amenity of local residents and occupiers were considered to be severely and unacceptably compromised by the proposed buildings, notably through the loss of daylight and sunlight to neighbouring premises and the sense of enclosure that would have resulted.

Amended building heights

372 The amended submission is lower than originally submitted. Building 2 is the tallest building proposed, reaching up to 29 storeys (142.4 metres AOD), approximately 34 metres shorter than the previous tallest buildings (the 46 storey residential tower had shorter floor to ceiling heights). The other significant change is the decrease in maximum heights of the buildings proposed towards the northern edge of the site facing Bethnal Green Road and Sclater Street. Here, maximum heights reduce from 31 storeys to 19 with the general form of the development being generally much less tall than formerly proposed, as exemplified in the table below (the broadly equivalent height within the pre-2019 submission is listed in brackets and italics).

Buildings	Max height in metres (AOD) (2016 equivalent)	Max height in storeys (2016 equivalent)
1	89.2m (87.4m)	16 (16)
2	142.4m (177.6m)	29 (47)
3	53.5m (50.5m)	7 (7)
4	81.5m (123.9m)	19 (31)
5	61.9m (103.4m)	13 (25)
6	32.5m (75m)	4
8	105.8	25
10	57.3 (123.9)	11 (31)

Table 11: amended building heights with previous for comparison (Plots 7 & 11 comprising the single storey arches, and Oriol gateway and wall; and Plot 11 a single storey pavilion building are excluded. Plot 8 is in a location previously without buildings)

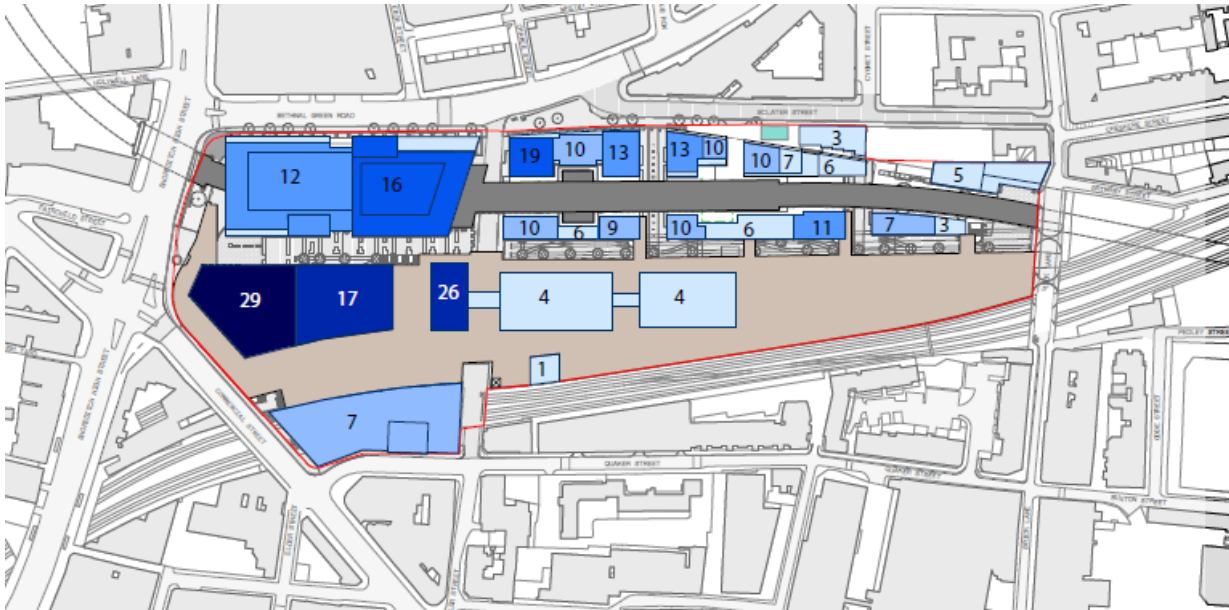


Figure 24: plan showing amended proposal maximum storey heights

373 The broad arrangement of massing on the site, where taller elements are located to the west, reflects the previous iteration of the proposal, however the scale of the buildings are lower and the building footprints smaller, resulting in a much less visually imposing development. This broad approach is considered consistent with the preferred arrangement set out in the City Fringe OAPF as well as reflecting the general pattern of scale locally culminating in a cluster of taller buildings in the vicinity of Shoreditch High Street and towards the City further south.

374 Both Councils generally welcome the reduction in building heights and are broadly supportive of the approach of locating the tallest buildings at the western end of the site. The DRP also supported the revised approach to massing.

Scale, massing and appearance – plot assessment

Detailed component

Building 2

375 This building is proposed to be situated at the western edge of the site adjacent to Shoreditch High Street, close to the Oriol Gateway and the adjoining listed wall and would reach a maximum of 142.4 metres AOD. Building 2 is the tallest building proposed, at part 17 and part 29 storeys. It is the only tall building submitted in detail and would be for office use with retail on the lower floors.

376 The scale of the building is the subject of a number of specific objections from neighbouring residents, local groups and the Society for the Protection of Ancient Buildings as well as both Hackney Councils, and forms part of the more general objections to the scale of buildings on the site and the negative impacts that has on local character. Tower Hamlets Council also raises concerns over the design and visual impact of this building, although they are primarily heritage-related.

377 Hackney Council whilst noting the height of the building is of itself not a reason for an objection in this location, considers that the building is bulky and inelegant, particularly in views north and south and comparisons with other tall buildings in the vicinity are misleading as their footprints are generally narrower and as such less dominant in the skyline. The Council considers that the “cantilevered prow” is overbearing and also raise reservations about the wind mitigation fins which are regarded as an afterthought which severely compromise the design quality of the

building. It would in the Council’s opinion have major adverse impacts on townscape as well as heritage views. The DRP raised concerns about the building’s dominance.

378 The height and form of Building 2, whilst taller than other buildings on the eastern side of Shoreditch High Street is not considered to be out of context with the emerging townscape and the cluster of tall buildings in this location. Buildings recently approved and/or constructed close to the western portion of the site include Principal Place, The Stage and Highgate Hotel. The scale of Building 2 is consistent with the heights of these buildings which are all sited within 250 metres of the western edge of the site. It is a broader building, but this is reflective of its non-residential use and the larger floorplates necessary to provide commercially attractive office space, which is a land use supported by policy. While the east and west flanks are significant at 45 metres, the 15 metre sub-division of these facades creates a well-proportioned building form and helps to lessen the perception of bulk. In townscape views looking south along Shoreditch High Street, the primary steel grid appears refined and elegant in GLA officers’ view, and responds well to the grain of the Tea Building and Building 1. The significant constraints imposed by the listed viaducts and underground lines means that expressing the resultant skeleton structure is honest and true to the character of the site and its setting.

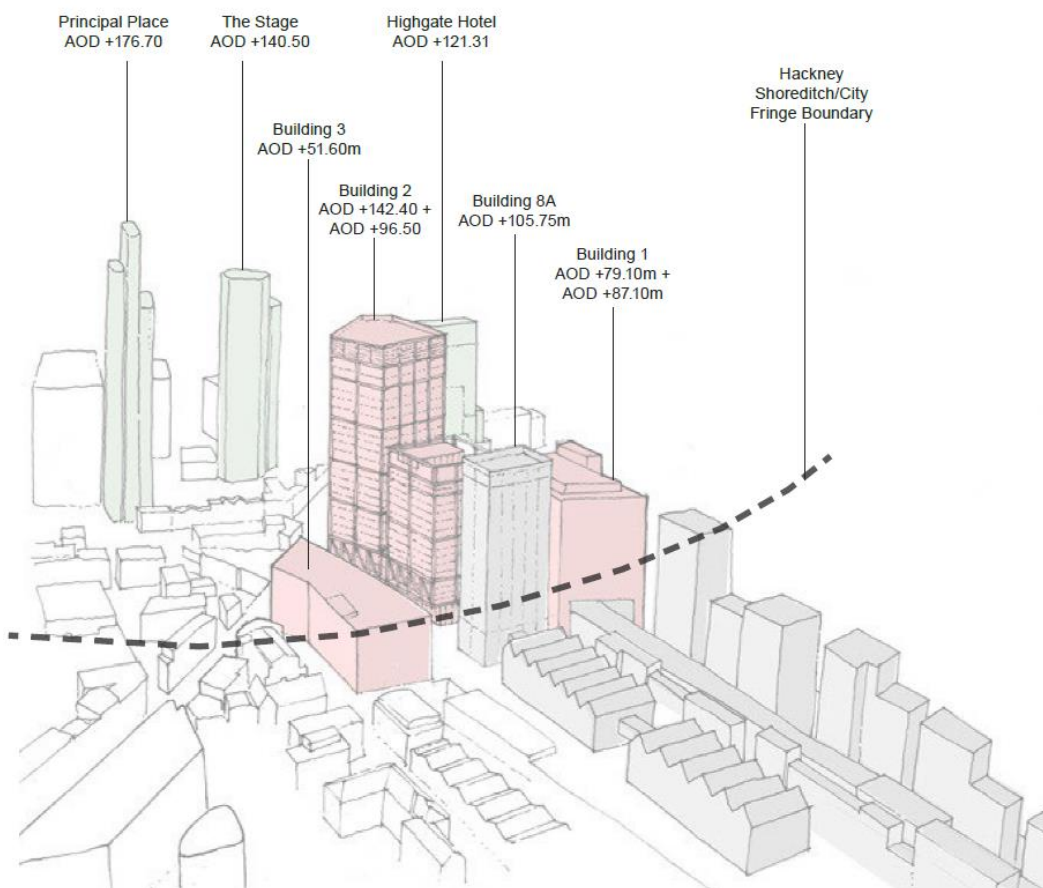


Figure 25: illustration of scale with built/consented buildings in background

379 Turning to the concerns raised about the wind mitigation measures, following a request from GLA officers and concerns raised by the DRP the applicant submitted amended detail on the proposed fins so that they became more lightweight and integral features of the design of the building with a stronger approach to the structural framing of the fins, rather than giving the appearance of being ‘tagged on’. A steel structure has been introduced to the front edge of the fins to further support and frame the four glazed panels that form each of the proposed canopies. The changes made are considered to represent a positive improvement to the overall design and lending the wind mitigation measures design coherence in the context of the building as a whole. In the Townscape & Visual Impact Assessment (TVIA) the fins are largely imperceptible in longer

range views and the building is read as being predominantly a glass building framed at regular intervals by the steelwork. The fins are more apparent in closer range views (28, 31 and 65 in particular) but are consistent with the robust industrial aesthetic (which Hackney Council supports) and there is also a dynamic between the steel truss of the transfer structure, the structural expression of the prow/overhang on the western corner and the fins themselves. The simplicity of the building's overall form means that more distinctive features such as the fins are not detrimental to the overall architectural composition.



Figure 26: image of the lower floors of Building 2 showing the cantilevered prow and wind mitigation fins

380 The lower floors of Building 2 feature what Hackney Council describe as a cantilevered prow. This has the effect of 'lifting up' the building above the listed structures facing Shoreditch High Street and Commercial Street and providing space at Platform level for public realm. The Council's concerns primarily relate to the setting of the Oriel itself, but it does consider this feature to represent poor design. GLA officers disagree. It is a bold expression of the building's structural makeup and an appropriate response to the site's prominent corner. This was supported by the DRP. It also brings dynamism to what would otherwise be a 'boxy' building form appearing to sit on top of the listed structures. The approach taken means that the base of the building is clearly read as a separate structure that 'floats' above the listed Oriel and Platform level, forming a backdrop and strong contrast of old and new elements in views from street level. The mirrored soffit to the overhang adds further dynamism, providing a visual connection between street and Platform levels, maximising views of the Oriel and proposed landscaping at platform level.

Plot 7

381 The proposals for Plot 7 incorporate those historic elements of the Goods Yard that are broadly intact comprising both listed (Oriel Gateway and Braithwaite Viaduct) and non-listed elements.

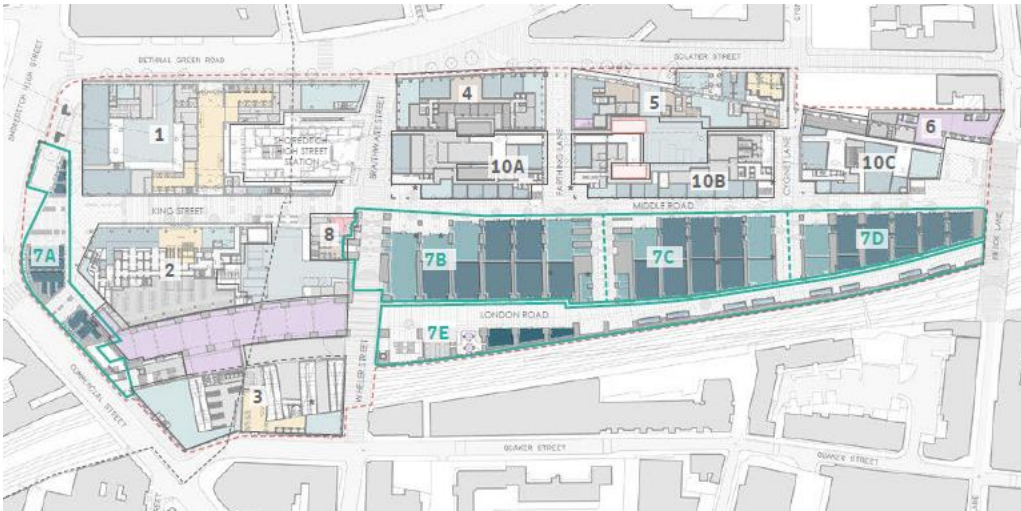


Figure 27: ground floor plan showing Plot 7 (in blue)

382 The Braithwaite Arches are proposed to be used as retail spaces with shopfronts inserted to both the frontages facing onto London Road and Middle Road. The arches on both the northern and southern elevations vary between 9 and 10.5 metres wide, however, the shopfronts are proposed to take on a comparable form, being recessed within the external brickwork of the arches and formed of steel framed glazing with arch-wide louvres above, and signage affixed internally or externally to the louvres or to central glazing. Some of the shopfronts are set back to allow for external seating for restaurant uses. The smaller openings running north south will be similarly fitted with steel framed windows and shopfronts with a small number fitted with louvres, all recessed within the outer arch frame. Likewise the openings within the Oriel Gateway wall will be restored and glazed with the colour of the material of the shopfronts. The approach taken to the shopfronts, louvres and signage is supported. Both boroughs are broadly supportive of this part of the scheme in design terms, although Hackney Council raises some reservations over the shopfront designs.



Figure 28: illustration of Oriel Gate Shoreditch High Street elevation

383 The approach taken to Plot 7 in urban design terms is considered appropriate, retaining the historical integrity of the original structures whilst adding contemporary interventions in keeping with proposed uses, both internally and as it faces onto the public space around the site, the re-animation of the street being a clear public benefit accruing from this proposal. The particulars of each shopfront will be determined via planning condition. The heritage aspects to this proposal are considered elsewhere in this report.

Outline component

384 The other buildings referred to in this section are in outline with all matters reserved and as such the full detail will be dealt with at Reserved Matters stage, assessed against the amended Parameter Plans, Design Guide and other information submitted.

Building 1

385 Building 1 is proposed to be located on the south side of Bethnal Green Road, at the junction with Shoreditch High Street and opposite the Tea Building. Submitted in outline, the building is proposed to straddle the Overground Box and reach a height of 12 to 16 storeys, the taller element being to the east towards Shoreditch High Street station which would also be located within the structure. The Design Guide provides further control over the approach to scale, form, composition and materiality.

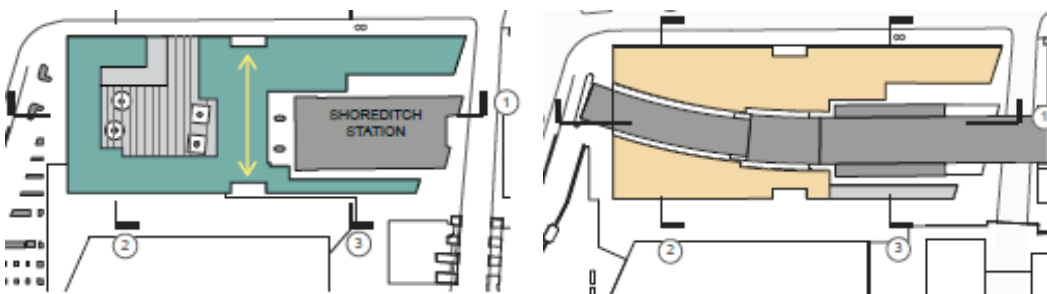


Figure 29: ground floor and lower level plans of Building 1 (max parameter) showing station and box within the structure

386 The building is subject to a number of restrictions in terms of its relationship with Overground infrastructure, being subject to a 2 metre exclusion zone to allow for full access to the Overground Box and also subject to restrictions to allow for exit/entrance to the station, including escape routes. The applicant has also agreed to allow for a zone for further expansion of station capacity with external escalators as well as the potential for a secondary entrance to the station via the new pedestrianised King Street to the south; these elements being subject to legal agreement.

387 The scale and form of this building as expressed within the amended Design Guide has raised a number of concerns and objections, from Historic England a number of local groups, both Councils and the Mayoral Design Review Panel. The latter noted that the building appeared tall and over-bearing and that it lacked distinctive architectural identity.

388 Following discussions with GLA officers and in response to DRP comments, the applicant submitted revisions to the amended Design Guide in respect of Building 1 to address the concerns of excessive scale and mass. The amendments are summarised as follows:

- Provide for 2 compositional approaches to the final design of the building (Types A and B);
- Disallow the potential for the core of the building to be a solid or vertical element coming to the ground;
- Defined rules to ensure set-backs;
- Provide for a material shift in the design east-west or a distinctive link between the two elements so as to break up mass;
- Flexibility in terms of vertical circulation through the building to allow for alternative cores;
- Further definition with regard to the relationships with the Tea Building, specifying that the plinth level directly respond to the parapet of the Tea Building opposite; and
- Further definition of the approach to the eastern edge of the building with confirmed set back at ground level to allow for greater access and views to the Shoreditch High Street Station entrance.

389 Choosing to align with the minimum and maximum parameters, the newly amended Design Guide provides for two distinctive approaches to the composition of the buildings. Type A is proposed to have distinct material approaches to each block with the western block proposed to have dark brick cladding and the eastern pre-cast concrete cladding, alongside a specified set back on Shoreditch High Street and introducing a recessed link between the two blocks. The applicant is also proposing that the base of this structure more closely responds to the Tea Building opposite.



Figure 30: Building 1 – Option A illustration (Tea Building to left)

390 Option B is proposed as an alternative, with the massing composed as two footprints and a recessed link between them. The plinth of the western block would be set to the parapet line of the Tea Building with the eastern block set down one level to reflect the scale of Shoreditch House opposite. As per Option A the plinth would be clad in brick in a ‘Shoreditch’ aesthetic with the body formed of framed glazing in the form of a traditional office scheme. The amended Design Guide introduces a ‘crown’ element affording the potential for alternative form to the top of the building through a change in fenestration or by a shift in massing. This Crown layer would be required to have a lighter expression than the parts of the building below.



Figure 31: Building 1 – Option B illustration

391 Hackney Council considers Building 1 to be overly tall at the upper levels, giving rise to a top heavy and overbearing appearance. Whilst the Council recognises the improvements made from massing set backs, this does not overcome the fundamental concerns over the relationship with the Tea Building. Tower Hamlets Council considers that Building 1, in combination with the other buildings proposed along Bethnal Green Road, could result in a dominant and imposing wall of development. This does not however constitute grounds for objection and the Council recognises the improvements made in the July 2020 amendments.

392 The July 2020 amendments demonstrate a more considered approach to scale and are a significant improvement on what was previously proposed, the clearly defined plinth element giving the building a human scale. Hackney Council maintain objection to the building, however are more persuaded to the potential form provided by Option B. This view is supported by GLA officers. This secondary option appears less bulky. It provides for a simpler form with more defined plot widths and is consistent in its approach with the Tea Building and the residential building proposed to the east of this plot. The illustrative scheme also picks up on the minimum parameters at the eastern edge and as such provides a clearer and more open approach to the station. Notwithstanding this, GLA officers consider that either option can result in a successful design with an acceptable visual impact.

Building 3

393 This building is substantially the same as that proposed in 2015, added in to the scheme to remedy the then perceived shortfall in commercial floorspace in the site at that time. As per Building 1 this construction has rail infrastructure constraints, bridging a railway cutting and subject to exclusion zones, including 2.5 metres around four gantries which span the rail lines. Crossing the boundary between Tower Hamlets and Hackney, the proposed office building would rise to a maximum of 7 storeys along Quaker Street. The height at 53.5 metres is significantly greater than the 7 storey suggested primarily because of the constraints referred to and is also taller than existing buildings in the vicinity. As such it is regarded as a tall building.

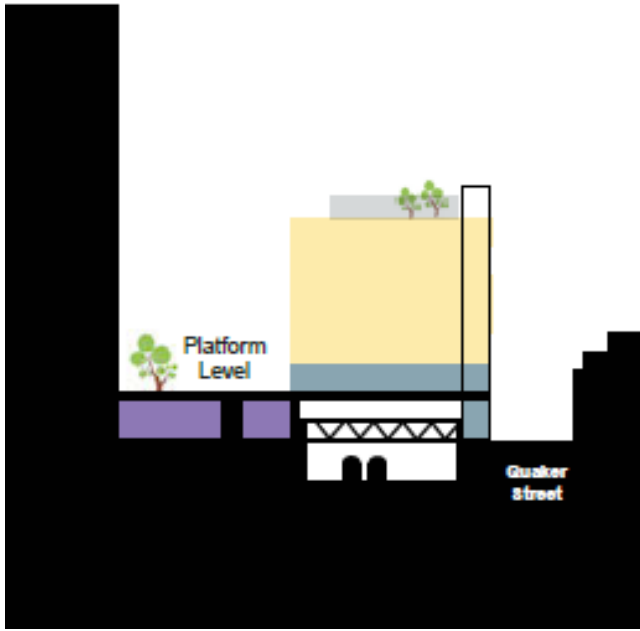


Figure 32: Building 3 section drawing showing railway constraints

394 The form and materiality of the buildings as set out in the Design Guide attempts to create a building in keeping with local character with a brick base and a 'cristal' box glazing form adopted to the upper levels.

395 Hackney Council considers that the scale is unacceptable in this low-rise context and also raises concerns about the robustness of the Design Guide in ensuring quality. Tower Hamlets Council also has concerns with the scale of this building, but these are principally heritage-related.

396 GLA officers recognise the constraints to building over the railway cutting and overall consider the floor heights to be appropriate considering the requirement for plant space. Building 3 would assist in transitioning between the low-rise context to the south and Buildings 2 and 8, and would serve to repair the street frontage along Quaker Street and knit the scheme into the urban fabric. Given the constraints of the Plot, the relationship with the street edge along Quaker Street is considered to be acceptable.

Plots 4 & 5

397 These two plots lying along the northern edge of the site on Bethnal Green Road and Sclater Street present a diminishing scale from west to east reflecting the overall approach to massing. The plots are primarily residential and formed of two blocks with stepped profiles, the tallest being up to 19 storeys adjacent to Plot 1 and Shoreditch High Street Station, falling down to 6 storeys at the eastern edge of plot 5.

398 Compositionally, the non-listed heritage assets aside, the buildings will be formed of two main elements. The base would be formed of the existing northern boundary wall to the Goods Yard site and existing arch openings will be utilised to secure openings to the retail spaces that will be formed within the arches. The body which sits above the boundary wall is proposed to consist of repeating window openings with expressed vertical window transom/glazing bars framed by vertical masonry piers. The crown will envelope the plant at roof level. The building will be primarily accessed along Sclater Street with vehicular servicing directed to a service yard to be constructed within Plot 5 with goods brought to the service yard transported between the plots. As noted above, the Weavers Cottages, Victorian Building and the Mission Hall will all be repaired and refurbished with a 3 storey side extension proposed to the former.



Figure 33: illustration of northern elevation of Plots 4 and 5

399 Tower Hamlets Council supports the incorporation of the historic boundary wall into these plots but considers that there is the potential for Plot 4 and 1 to visually combine, creating a large wall of development along Bethnal Green Road. The Design Guide does include measures to break down the massing and GLA officers consider that the applicant has demonstrated this could be successful through illustrative elevations (like Figure 33 above) and streetscene views, subject to detailing and refinement of elevational treatments. This would be secured at Reserved Matters stage. These buildings would have an acceptable visual relationship with the street and nearby buildings, including the Avant-Garde development, although there would be some adverse daylight and sunlight impacts, which are discussed later in this report.

Plot 6

400 This community and cultural building is proposed to sit off Brick Lane, straddles and encompasses part of the northern boundary wall around the site and sits adjacent to the Overground Box. Extending up to 4 storeys in height the amended Design Guide provides that the building would be a contemporary urban marker which should make a positive contribution to the existing townscape.



Figure 34: illustration of potential Building 6 Brick Lane elevation

401 The Parameters and Design Guide for this building are supported by both GLA officers and Tower Hamlets Council.

Plot 7E

402 Running across the enclosed section of London Road the space includes some non-listed arches along the southern edge of the site adjacent to the railway cutting and also a Boiler Room with a hydraulic accumulator. The latter is proposed to be restored as part of this development and stand as an educational and visitor space which is welcomed. The introduction of the kiosks adjacent to the railway cutting are welcomed as an appropriate method of safeguarding safety. The detail of these spaces will be subject to further assessment at Reserved Matters stage.

403 Tower Hamlets raise some concerns about the element of the scheme being in outline only but are on balance satisfied that conditions can address structural matters and detailing. The re-purposing of this space for retail and visitor / education space, and a vertical connection to the Platform open space, retaining industrial heritage features, is strongly supported. This is discussed in more detail in the 'Historic environment' section of this report.



Figure 35: illustration of Boiler Room section

Plot 8

404 One of the tallest plots within the proposal is Building 8A which is proposed to be up to 26 storeys high at its maximum (105.8 metres AOD). The elevation of the tower as set out by the Design Guide would be framed with reference to the industrial character of the site within a double storey order within horizontal masonry at every other level. This building would be connected to two 4 storey buildings situated on top of the Platform level via a glazed bridge link, with the facade proposed to be broken up into a series of vertical bays in an attempt to reflect the vertical rhythm of warehouses previously on this site. The first 4 storeys above Platform would be retail and hotel use, whilst the remainder of the Building 8A would be residential.



Figure 36: Plot 8 illustration of tower south elevation connected to Platform level hotel accommodation

405 Tower Hamlets Council supports the scale, massing and appearance of this building.

406 Situated within the heart of the site the views of the slim taller element would be limited by its location away from surrounding roads and the presence of the buildings on the site surrounding it. Consequently, its impact on local views and the character of the area as it exists is limited with its impact being predominantly limited to the within the site itself. However, even then it is considered that the building will be subservient to the buildings next to it, particularly Building 2, and as such its scale is supported in visual terms.

407 The 4 storey buildings on Platform level would serve to animate this space with retail uses and are accepted as an appropriate addition in this context, referencing the historic building form at platform level.

Plot 10

408 Plot 10 consists of a strip of buildings falling alongside the southern edge of the Overground Box, forming the northern edge of the new pedestrianised street between Brick Lane and Braithwaite Street. Formed of three separate blocks broken by access points off Sclater Street, the buildings will range at a maximum scale from 3 to 11 storeys, their form being influenced to a large extent by the lack of depth to the plots and the requirement to provide cores to the residential units found above the proposed ground floor retail space.

409 The amended Design Guide stipulates that the facade should give the appearance of being split into a series of 'terraced blocks' with each block being formed of a different material and/or fenestration to the one adjacent, taking the Georgian terrace vernacular as the precedent for proportions, detailing and materiality. The Design Guide places a priority for balconies on east-west frontages where possible so as to not oversail the new retail street proposed below. The Design Guide stresses the requirement for the ground floor to respect the listed Braithwaite Arches which form the other (southern) side of Middle Road, the new east-west route through the site. The maximum height of the 'base' will follow a fixed line derived from the platform level and it will be clad in masonry, relating to the heritage asset opposite. The shopfronts will be of a form taken from the local Shoreditch vernacular with large windows framed by consistent signage bands and a solid base.

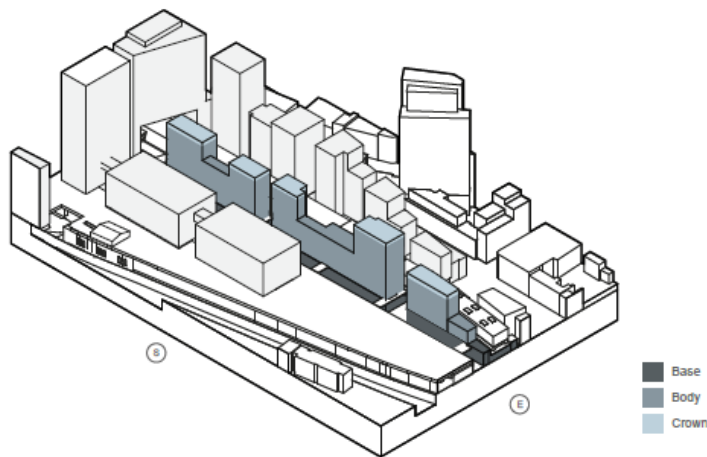


Figure 37: axonometric image with Plot 10 in blue

410 This plot is limited in scale and the views of it primarily restricted to locations within the site only. The approach to the ground floor is important given the nature of the space and the presence of the listed arches opposite. Accordingly, the stipulation that this level be fixed in scale and of an appearance complementary to the arches is welcomed. Likewise, the form of the buildings above the ground floor level are accepted. All of these elements will be reviewed at Reserved Matters stage. Tower Hamlets do not raise any further design concerns with this plot.

Plot 11

411 This plot provides for a small retail pavilion located at Platform level. Its proposed form and location is supported, providing as it does further animation and amenity at Platform level.

Detailed design and architecture

412 London Plan Policy 7.6 and Policies D1, D3 and D4 of the Mayor's Intend to Publish London Plan requires buildings to be of the highest architectural quality and comprise materials which complement rather than necessarily replicate local architectural character. Policy LP1 of the Hackney Local Plan states that all new development must be of the highest architectural and design quality and that innovative contemporary design will be supported where it respects and complements historic character. Policy S.DH1 of the Tower Hamlets Local Plan states that development must be of the highest standards of design which respects and positively to its context, ensures that the architectural language complements and enhances the immediate and wider settings; and uses high quality materials.

413 The overall approach to the appearance of the various buildings proposed combines a robust industrial aesthetic with contemporary designs that take their cues from the surrounding area. There is a focus on retaining, repairing and re-purposing heritage features, including those that are not statutorily protected. This is further evidenced through the landscape proposals which seek to incorporate as much of the historic fabric as possible. With most of the proposal in outline, the Design Guide is critical to ensuring that Reserved Matters submissions reflect the high quality exhibited in the illustrative material. GLA officer consider this to be a robust document in this regard.

414 Hackney Council raises concerns about the material palette and colour proposed for Building 2, stating that the red steelwork is too bold, visually intrusive and unsympathetic to heritage assets. The applicant has presented a range of options for the treatment of the steelwork, including lighter colours as well as darker tones, including grey and black. Noting that this is to an extent a subjective judgement, GLA officers consider the muted red tone is the most appropriate of the

extensive options considered. The DRP shared this view. There is the potential to refine this through planning conditions requiring detailed consideration of materials.

415 The approach of utilising four leading architecture practices, and a leading landscape architecture practice, to design a cohesive new mixed-use quarter for this key central London site is strongly supported. A condition is recommended to secure the retention of these practices to work on their respective Reserved Matters applications and detailed designs / approval of details. Subject to this and conditions securing submission of materials and detailing for Plot 2 and 7A-D (the remainder to be considered at Reserved Matters stage), the applications would deliver the highest architectural quality in line with the above policies.

Height, massing, scale and appearance summary

416 In summary, the massing strategy is supported in terms of the positioning of the taller commercial buildings in the western portion of the site, close to this emerging tall buildings cluster on Shoreditch High Street and the City further to the south, with a sequence of lower rise blocks running either side of the Overground Box and at Platform level. It is noted that the site constraints, including building around the Overground Box, underground infrastructure, the retention of the listed Braithwaite Viaduct, daylight/sunlight and townscape considerations place significant restrictions on where new buildings can be positioned. As such additional pressure is placed on achieving scale in order to generate the quantum of floorspace required to encourage development given the practical difficulties and costs associated with construction. Overall, the scheme is considered to be a successful response to a highly constrained site which optimises housing delivery and employment outcomes.

417 The applications propose a series of high-quality buildings, with the tallest submitted in detail and the remaining subject to a robust Design Guide. The scheme appropriately integrates heritage assets into the design and will make a significant contribution to local regeneration through the creation of a new mixed-use quarter, which successfully knits itself into the surrounding urban fabric and pattern of building scale.

418 The proposal is in accordance with the design and tall buildings policies noted above, with the exception of heritage matters that are considered elsewhere in this report. The provision of well-designed buildings set in high quality public realm that has the potential to raise the standard of design in the area is a benefit of the development, in line with paragraph 127 of the NPPF.

London View Management Framework (LVMF) and local views

419 The Mayor has identified a list of strategic views within Table 7.1 of London Plan Policy 7.11 which include significant buildings or urban landscapes which help to define the image of London at a strategic level. London Plan Policy 7.12 and Policy HC4 of the Mayor's Intend to Publish London Plan seek to protect these strategic views and require proposals to make a positive contribution to the composition of the views and their landmark elements. The application documentation includes an updated Townscape and Visual Impact Assessment (TVIA) which provides accurate visual representations from all relevant points set out in the LVMF SPG, together with assessments on the potential impact on the viewer's ability to recognise and appreciate the strategically important landmarks(s). Views 1 to 21 relate to LVMF views.

420 In this context it is noted that, overall, the 2019 amendments to the applications had the effect of significantly reducing the scale of development and improving the impact on views. For example, previously there were concerns about the scheme being visible in views from the South Bastion of Tower Bridge above the Tower of London (TVIA View 10), although this is not an LVMF view. The amendments ensure that the development would no longer be visible in this view.

421 The development would be visible in part from a number of LVMF views; Alexandra Palace [LVMF 1A.1](TVIA View 1), Parliament Hill [LVMF 2A.1](TVIA View 2), Kenwood [LVMF 3A.1](TVIA

View 3), Primrose Hill [LVMF 4A.1](TVIA View 4), Greenwich Park [LVMF 5A.1](TVIA View 5), Blackheath Point [LVMF 6A.1](TVIA View 6), King Henry VIII's Mound, Richmond to St Paul's Cathedral [LVMF 9A.1](TVIA View 8), Golden Jubilee/Hungerford Footbridges [LVMF 17B.1/2](TVIA View 17/18) and Queen's Walk, City Hall [LVMF 25A.1/3](TVIA Views 19/21). From all of these viewpoints there would be a minor change to the view as a result of the proposal and the impacts would be neutral due to the distance, along with existing and consented development that would partially obscure the proposals.

422 The development would not be visible in the following LVMF views; Tower Bridge, North Bastion [LVMF 10A.1](TVIA View 9w), Waterloo Bridge [LVMF 15B.1 & 15B.2](TVIA Views 11 & 12) or Queen's Walk, City Hall [LVMF 25A.2](TVIA View 20).

423 As such the amended scheme is considered not to harm strategic LVMF views and would comply with London Plan and Intend to Publish London Plan policy in this regard.

424 In terms of local views, Hackney Local Plan Policy LP5 states that "Important Local Views" can include those of heritage assets and those identified in the Hackney Characterisation Study (2018). Hackney Council's Committee Report identifies that concerns around impact on local views relates to the impact on the settings of heritage assets and this is discussed in the 'Historic environment' section of this report.

Designing out crime

425 Policy 7.3 of the London Plan seeks to ensure that the principles of designing out crime are integrated in the design of new development to promote a sense of security without being overbearing or intimidating, which is reflected in Intend to Publish London Plan Policy D11. The criteria require new development to provide legible, convenient and well-maintained movement routes and spaces which are well-overlooked and benefit from an appropriate level of activity, with private and communal spaces clearly defined to promote a sense of ownership. Policy LP1 of the Hackney Local Plan states that development must be secure and designed to minimise crime and antisocial behaviour. Policy D.DH2 of the Tower Hamlets Local Plan requires entrances to buildings in visible, safe and accessible locations and developments should create opportunities for natural surveillance particularly at ground floor level and design out concealment points and leftover spaces.

426 The masterplan layout with legible and accessible routes through the site, alongside active frontages will enhance permeability and pedestrian movement. The Design Guide incorporates a site wide security strategy which sets out a number of measures to counter general crime, antisocial behaviour and counter terrorism measures. Measures include a lighting scheme to keep the site appropriately lit at night, the use of CCTV internally and externally; physical security measures and site wide security management. The Metropolitan Police's Designing Out Crime Officer has raised no objection to the proposal subject to planning conditions linked to the final design of the buildings. It is considered that the proposal is acceptable in accordance with London Plan Policy 7.3, Intend to Publish London Plan Policy D11, Hackney Local Plan Policy LP1 and Policy D.DH2 of the Tower Hamlets Local Plan.

Inclusive design

427 London Plan Policy 7.2 and Intend to Publish London Plan Policy D3 require all future development to meet the highest standards of accessibility and inclusion, and that the design process has considered how everyone, including those with disabilities, older people, children and young people, will be able to use the places and spaces that are proposed. London Plan Policy 7.6 expects that buildings and structures meet the principles of inclusive design; and London Plan Policy 3.8 sets out requirements to meet Building Regulation requirement M4(2) and M4(3). Intend to Publish London Plan Policy D7 requires that at least 10% of new housing meets Building Regulation requirement M4(3) 'wheelchair user dwellings'; and that all other dwellings meet

Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. Planning Practice Guidance states that Local Plan policies for 'wheelchair accessible' (already adapted) homes should only be applied to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling, otherwise M4(3) dwellings should be 'wheelchair adaptable'. Intend to Publish London Plan Policy T6.1 states that residential development should ensure that one disabled persons parking bay should be provided for 3% of dwellings from the outset, and a Parking Design and Management Plan, should demonstrate how an additional 7% of dwellings could be provided with a designated disabled persons parking space upon request should existing provision be insufficient. Tower Hamlets Local Plan Policy D.H3 and Hackney Local Plan policies LP1 and LP17 affirm the London Plan accessibility requirements.

428 The applications include a revised Access Statement (May 2020) and the Design Guide sets out specific principles that should be implemented as the development comes forward with site wide levels designed for inclusive access; gradients limited to be no steeper than 1:20 and landscaping to be accessible for all users. The scheme will provide 7 vertical circulation points to the Platform level, each with a lift and stairs designed in accordance with Part M of the building Regulations. The Design Guide commits the development to provide accessible seating with arm rests in each sitting area space. Other measures such as slip resistant floor finishes, tactile and visual signage and audible and visual alarm systems will also be employed in the design. Further assessment of inclusive design will be undertaken at Reserved Matters stage. Access Statement confirms that 90% of units will be designed to Part M4(2) of the Building Regulations with the remaining 10% spatially designed to meet M4(3) of the Regulations. The exact nature and location of these units will be determined at Reserved Matters stage and is subject to a condition.

429 In terms of the detailed components, Building 2 will encompass two entrances at ground and platform levels. The entrances will afford level access and be developed in accordance with Part M recommendations. All retail spaces in the building will also be step free. The office spaces will be accessed via 18 accessible lifts and the cycle storage and shower facilities will be designed to be accessible to all. Building 7 which consists of the listed building elements will incorporate retail and food and drink uses. All these units will be step free and accessed from the public realm. Neither Plot 2 or 7 have a dedicated wheelchair accessible drop-off point or blue badge space. This would be contrary to Intend to Publish London Plan requirements which require a minimum of 1 space for each of the proposed non-residential elements. The applicant has agreed that space for wheelchair accessible parking will be possible within the servicing yards located within the site and this is acceptable. The design of this will be captured within the Reserved Matters submission and secured by condition.

430 Subject to the consideration of the reserved matters submission, the applications would achieve a high level of accessible and inclusive design and would comply with London Plan Policies 3.8, 7.2 and 7.6; Intend to Publish London Plan Policies D3, D7 and T6.1; Tower Hamlets Local Plan Policy D.H3; Hackney Local Plan policies LP1 and LP17; and the Accessible London SPG.

Historic environment

431 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings section 66 of the Act states that all planning decisions should "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". In relation to development within conservation areas, special attention must be paid to "the desirability of preserving or enhancing the character or appearance of that area".

432 The NPPF identifies that the extent and importance of the significance of the heritage asset is integral to assessing the potential impact, and therefore acceptability. The definition of significance in this context is the value of the heritage asset in relation to its heritage interest and this may be archaeological, architectural, cultural or historic. It may also derive from a heritage

asset's physical presence as part of the townscape or its setting. Where a proposed development will lead to 'substantial harm' or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss. Where a development will lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

433 The Barnwell Manor Wind Farm Energy Limited v East Northamptonshire District Council confirmed that "Parliament in enacting section 66(1) did intend that the desirability of preserving listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "“considerable importance and weight” when the decision-maker carries out the balancing exercise.” The case also makes it clear that there is a strong presumption against granting planning permission that would harm the character and appearance of a conservation area.

434 London Plan Policy 7.8 and Policy HC1 of the Intend to Publish London Plan state that development affecting heritage assets and their setting should conserve their significance. Development proposals should also avoid harm and identify enhancement by integrating heritage considerations early on in the design process.

435 Hackney Local Plan policy LP3 states that development that leads to substantial harm or total loss of significance of a designated heritage asset will not be permitted unless that harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. All proposals for listed buildings should seek to conserve and enhance significance; respect the historic plan form and retain roof structures of architectural or historic interest. Development proposals affecting conservation areas or their settings will be permitted where they preserve or enhance the character of individual buildings and groups of buildings and the rhythms and historical form of the area. Policy LP4 states that proposals affecting non-designated heritage assets should conserve or enhance and reveal their significance.

436 Tower Hamlets Local Plan policy S.DH3 states that proposals must preserve or where appropriate, enhance the borough's designated and non-designated heritage assets in a manner appropriate to their significance. Applications affecting significance will have to provide sufficient information to demonstrate how the proposal would contribute to the asset's conservation. Significant weight will be given to the protection and enhancement of the borough's conservation areas.

437 In support of the planning and listed building consent applications the applicant has provided an amended Heritage Statement, prepared by KM Heritage. This report assesses the effects of the proposals on the various heritage assets within the site, including the Oriel Gate and Braithwaite Viaduct, as well as within its wider context. The scheme in its entirety, together with the specific aspects of the proposals have been considered against the significance of the heritage assets and the relevant statutory and policy context. The GLA has appointed an independent consultant, Barker-Mills Conservation (BMC), to provide heritage advice on its behalf and this advice is discussed throughout this section of the report. It should also be noted that Historic England do not object to the applications, subject to conditions.

438 Figure 38, below, shows the application site in its immediate heritage context. As previously mentioned, the Grade II listed Oriel Gate and walls and Braithwaite Viaduct are within the site, along with other non-designated heritage assets. Part of the site is within the Fournier Street & Brick Lane Conservation Area and the site boundary is close to two other conservation areas. This diagram is not exhaustive and given the scale of development and the dense central London location, there are other affected heritage assets in the vicinity, the impacts on which are discussed in more detail below.

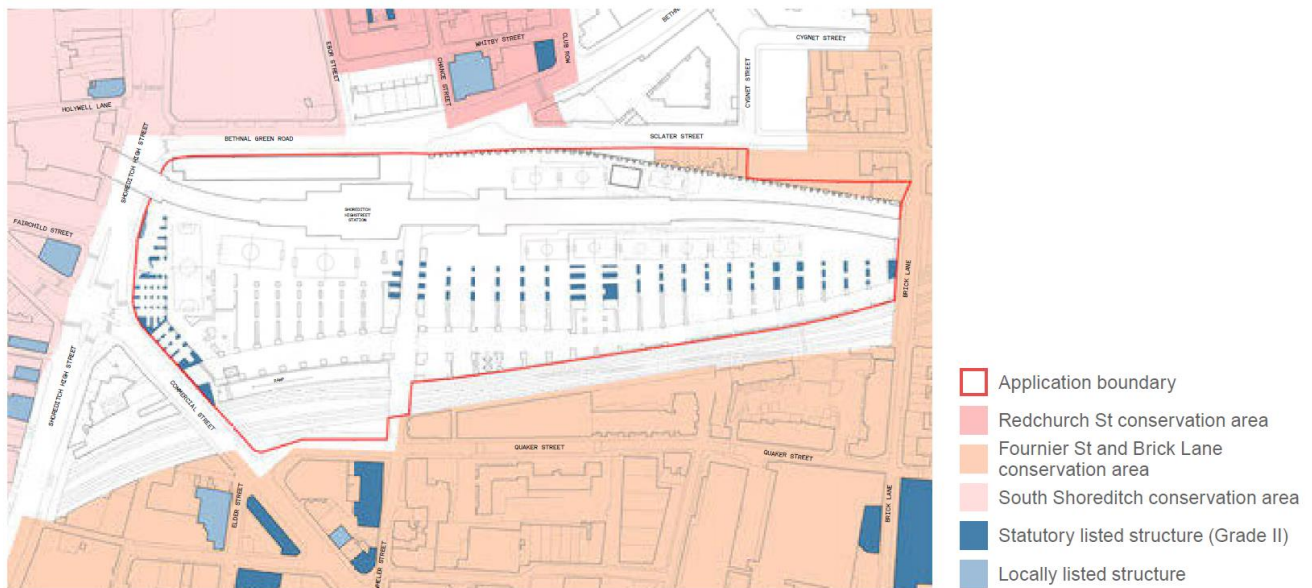


Figure 38: site heritage context

Direct impacts

439 Applications for listed building consent for part or whole of the same works as those covered by a planning application should be applied for and considered together. In large part the same heritage considerations apply to applications for listed building consent as to planning applications. As such, uniquely for such applications, the Mayor takes the role of the local planning authority for determining listed building consent where works are connected to those proposed through a called-in planning application, such as in this case.

Oriel Gateway and associated structures

440 Listed building consent is sought to restore and repair the existing Grade II listed Oriel and gates and adjoining historic structures to provide the principal western pedestrian gateway into the associated development and to accommodate proposed Class A1/A2/A3/A5 retail use into a number of the existing arches at ground floor.

441 In addition, the part removal of a section of adjoining listed structures is proposed to provide public realm and pedestrian access into the site. This would result in harm, although it is justified given the need to provide access to the open space proposed. Hackney Council shares this view.

442 The Oriel Gateway is the historic entrance to the site and is considered Heritage At Risk as identified by Historic England. The structure is in a particularly poor condition and currently enclosed within a box to protect it from the elements as have the original gates to the site.

443 The approach to retaining and restoring the Oriel Gate and bringing the adjoining arches into use as shops is supported. The building has been on the Heritage at Risk register for a substantial time and is in a poor and declining condition. As such there is a clear public benefit in its restoration.

444 Hackney Council however raises a number of substantive concerns, namely:

- i) the treatment of the Oriel as an ornamental piece of parapet, rather than a building as it was originally intended, and future stewardship concerns;

- ii) the adjacent change of levels means that toughened glass and Cor-Ten railings are required to prevent a falling hazard, which sits oddly on the structure;
- iii) the formation of a new ground floor surface is problematic owing to poor understanding of existing levels;
- iv) trees in the background are uncharacteristic of its historic setting; and
- v) the proposed concrete curve where the wall meets the Commercial Street entrance is inappropriate.

445 The Council's suggestion of an active use for the structure, by reinstating the roof and amending the levels are noted. The suggestion is also compatible with the NPPF objective to provide viable uses for heritage assets wherever possible to ensure their future maintenance, although GLA officers consider that this would objective would be secured in this case by virtue of the Oriel comprising part of a large commercial campus which would inevitably be managed.

446 The role of the Oriel and its special interest relates primarily to the screening effect it had, putting a polite and designed piece of architecture in front of the utilitarian weighbridge. The use of the building as a weighbridge whilst of some historic interest is not the reason for designation nor is it central to its significance as an asset. The concept of 'optimum viable use' (OVU) relates to an alternated range of uses for a listed building and identifying firstly a viable use and then one which in heritage terms is the optimum, i.e. causes the least harm. The Oriel at present does not have a viable use and is likely to have a conservation deficit when considered in isolation, which means that some enabling development is inevitably required. In terms of the significance of the asset, conserving it as a gateway to a landscape is an acceptable approach in heritage terms; the architectural interest would be conserved and the ability to appreciate that significance would also be maintained and indeed enhanced. If interpretation were provided regarding its former function in relation to the Goods Yard as a weighbridge then the former historic interest would also be proportionately conserved; this would be secured by condition.

447 Furthermore, replacing the former (and not lost) weighbridge building behind the Oriel Gateway to make the Oriel into, for example, a coffee kiosk would reduce public access, whereas the proposal is for an integrated part of the public realm that people can experience. For these reasons BMC, advising the GLA, considers that the failure to convert the Oriel to a building in this case is not a robust basis for an objection on heritage grounds. The proposed development is viable and, on balance, the optimum use for the Oriel Gateway. It will preserve the listed structure and secure its future. It is therefore considered acceptable

448 The safety features proposed within and around the structure cause some harm but are necessary to ensure safe public realm, which is a benefit of the scheme acknowledged by the Council. The concerns regarding the proposed trees and whether they represent an appropriate response to the significance of the Gateway are well founded but could be controlled as part of approval for the detailed landscaping proposals should permission be granted, which could limit specimen size, for example. The concrete curve at the end of Wall B2 is considered to be an appropriate design response to the transition of built form on this part of the boundary and its contrasting appearance is acceptable.

449 Historic England (HE) are supportive of this aspect of the proposals, subject to conditions recommended.

450 It is considered that the substantive concerns raised by Hackney Council are not such as to warrant refusal of the applications. There will be some direct harm to the listed building but this is considered to be justified and is considered to be less than substantial, at the middle of the range. As recommended by HE and the Council, matters relating to structural interventions, methods of restoration, landscaping above and materials/fenestration can be dealt with by appropriate conditions should the Mayor decide to approve the planning and listed building consent

applications. Officers are satisfied that as a matter of principle these physical works are capable of being carried acceptably in terms of impact on the structure.

Braithwaite Viaduct / Arches

451 Listed building consent is sought to restore and repair the existing Grade II listed Braithwaite Viaduct and adjoining structures for proposed Class A1/A2/A3/A5/D1/D2 and Sui Generis use at ground level. Structural interventions are proposed to stabilise the London Road structure, remove sections of London Road roof to create openings over the proposed new public squares and formation of new shopfront openings. The application also seeks the part removal of an adjoining unlisted wall on Brick Lane to provide improved public realm and pedestrian access.

452 The Grade II listed Braithwaite Viaduct is considered Heritage at Risk as identified by Historic England, as it is in a poor state of repair with the potential to deteriorate further.

453 The 2016 scheme iteration whilst retaining the Braithwaite Viaduct, enclosed its northern edge within the development. The 2019 amendments would reveal the entrances to the listed arches along the new street, Middle Road, running east-west across the site. The repair, reuse and enhancement of the Grade II listed arches and their full integration into the scheme and reintroduction into the wider street network is a key benefit of this proposal.

454 The proposal allows for the full retention of the Braithwaite Viaduct. The arches, although of similar form, are proportionally unique and shopfronts have been proposed to reflect this whilst retaining consistency and a coherent design. The detail of the shopfront and their fittings would be conditioned. As requested by Tower Hamlets Council, this condition will also require the approval of a design guide to control aspect such as signage.

455 The listed arches lie north of, and are connected to, later unlisted vaults the southern elevations of which open on to the currently sealed off London Road. The connections between the vaults will be maintained and are incorporated into this development. London Road is in a poor state of repair and the proposals would reinstate this as a public thoroughfare, to provide a direct link from Brick Lane to Braithwaite Street and the centre of the site. It is intended to retain as much of the historic fabric of London Road as possible.

456 The proposals relating to the Braithwaite Viaduct, London Road and adjoining wall on Brick Lane are considered sensitive and the interventions minimal and necessary to achieve the overall aim, which secures the structural integrity of an 'at risk' structure and brings it back into viable and long term use. All of the retail frontages and servicing have been sensitively designed and located so as to ensure minimal ongoing impact on the historic fabric of the Viaduct.

457 The proposals for two linked four storey hotel buildings above the arches (within Buildings 8B and 8C) has been the subject of much discussion between the GLA, Tower Hamlets Council and the applicant, in addition to the open space use that will also necessitate some built development (hard and soft landscaping). Typically it would be expected that any such works potentially affecting the structure of a listed building be submitted in detail. The applicant subsequently submitted a structural report (the Conisbee Report) that sets out the investigative work that has been undertaken and the practical constraints that limit the ability to undertake further investigative work at this stage. The information submitted suggests that the structure should be able to support the new buildings without the need for damaging structural interventions, such as piling, through the listed arches. The Council and BMC consider that the detailed investigation of the existing structure and load bearing capacity can be established through the careful use of conditions. Conditions are imposed to ensure that no piling takes place through the arch structure and to require detailed design and method statements to be submitted and approved prior to commencement of Plots 8B or 8C.

458 In relation to the tests set out in statute and in the NPPF, it can be seen that the proposals specifically conserve the Braithwaite Viaduct and provide access to the public so that they can better appreciate its features of architectural and historic interest. The proposed works in relation to this listed building consent application are welcomed and strongly supported. HE support this aspect of the scheme, subject to conditions concerning the structural impact of Plot 8. Should the Mayor resolve to grant planning permission for the application, it is recommended that listed building consent be granted, subject to the conditions listed.

Weavers Cottages, Mission Hall and Victorian Building, Sclater Street

459 Plot 5, submitted in outline, consists in part of a collection of buildings situated within the Brick Lane and Fournier Street Conservation Area. The proposal seeks to repair and refurbish these buildings and integrate them into the wider development site. The Weavers Cottages date from the early 18th Century and a link to the silk industry which was once active in this part of the city. The buildings are currently in a state of disrepair, have suffered fire damage and are boarded up. The scheme proposes to repair the main body of the three houses and to provide office space with an extension to the side providing for access and services. At the rear, the application proposes to remove the outriggers to the buildings, which are considered to be beyond repair due to structural issues. These would be replaced by a three storey glazed extension.

460 The removal of the outriggers to the cottages has been raised as a point of objection by the Georgian Group, considering that the proposed alteration would not preserve or enhance the character of the Conservation Area, whilst Historic England consider that further assessment is required to understand their significance. It is considered that there would be some direct harm to these currently undesignated heritage assets through the demolition to the rear and some harm to the setting of the non-designated building by the visually more prominent extension proposed to the side.

461 At present these buildings have not been listed but are under consideration for designation by Historic England. They are however, in any event, undesignated heritage assets, albeit within a Conservation Area. They have therefore not been considered in the ES, although they are included within the Heritage Statement. Notwithstanding the timing of any decision on designation by Historic England it is important that impact of proposals upon them are explicitly assessed at this stage having regard to their current status (non-designated). As such paragraph 197 of the NPPF applies and in light of the scale of the harm (less than substantial, middle of the range) on the significance of the asset the impact is acceptable having regard to the benefits of the scheme both in providing a future for these non-designated buildings and generally (as discussed further in the planning balance section below). If the buildings were to be listed, then listed building consent would be required, which might necessitate a change to the planning permission, however given that the buildings do not comprise an intrinsic component of the wider scheme this could be easily addressed by a subsequent application. Tower Hamlets Council raises no objections to the works at this stage.

462 The 19th century Mission Hall, which is currently obscured from public view via a 20th century boundary wall, will be restored and converted into a cafe, linked to a larger retail unit through the existing Goods Yard boundary wall. The later built Victorian Building will be reconfigured to create two residential units above ground floor retail. The works to the two buildings are considered to enhance the Conservation Area's setting.

Other non-designated heritage assets

463 As well as preserving the existing Braithwaite Viaduct, the adjoining unlisted vaults that front onto London Road would also be retained and restored. It would therefore secure a viable, long-term future for the listed and non-listed structures and ensure their on-going conservation. London Road which runs to the south of the Braithwaite viaduct, along the northern edge of the railway cutting, is unlisted but forms an important part of the setting of the listed viaduct and contains many

original features associated with the Goods Yard including a wagon lift, brick jack arches and granite cobble stones which have rails set into them. The application responds positively to the integrity of these features and the original alignment of London Road, introducing retail into the structure without over-restoring the structure thereby retaining its patina of age and gritty industrial character. The northern boundary wall of the former Goods Yard would also be retained. Conditions are recommended to require details of boundary treatments, a full audit of historic materials and features, and a strategy for their re-use.

464 Some demolition would however be necessary, including one of the un-listed Victorian barrel vaults over Braithwaite Street, which is required to facilitate servicing. The proposal also results in the demolition of some of the un-listed vaults, roadways and, as discussed above, part of Wall B2. The harm is considered less than substantial, above middle of the range. This demolition is considered justified in view of the otherwise constrained nature of the site and to ensure public access is maximised.

Indirect impacts (setting)

World Heritage Site

465 London Plan Policy 7.10 and Intend to Publish London Plan Policy HC2 states that development within the setting of World Heritage Sites should conserve, promote, and enhance their authenticity, integrity and significance. It also states that any development should not compromise the viewer's ability to appreciate the asset's Outstanding Universal Value (OUV). Tower Hamlets Local Plan policy D.DH4 states that development is required to positively contribute to views and skylines and will be required to demonstrate compliance with the requirements of the London View Management Framework and World Heritage Site Management Plans. Policy S.DH5 states that development is required to safeguard and not have a detrimental impact on the OUV of the UNESCO World Heritage Sites, including the Tower of London.

466 The Tower of London World Heritage Site is just over a mile to the south of the development site and when this national monument is viewed from the south bastion of Tower Bridge, the top storeys of the previous 2016 design iteration would have been visible above the crenelated parapet of the White Tower. Commenting on the original application, Historic England expressed particular concern about the harmful impact on the setting of the Tower of London when viewed from Tower Bridge. In light of these concerns the applicant has revised the scheme and lowered the height of the buildings so that they are no longer visible in the background of the White Tower from Tower Bridge or from within the Tower complex. Historic Royal Palaces have commented that they are pleased with the amended proposal which they note will no longer be visible in the background of the Tower of London. Historic England have also noted the reduction in height of the proposed buildings which are seen to address previous concerns in relation to the impact of the setting of the Tower of London. Consequently, the scheme is considered acceptable in respect of its impact on the OUV of the World Heritage Site.

Setting of listed buildings on site

467 With regard to the Grade II listed Oriel Gateway, indirect harm arises from the loss of positive features within its setting that contribute to its architectural and historic significance (later vaults and the ramp, as discussed above) and the visual impact and relationship of proposed Building 2 in terms of its proximity. It is considered that the overhanging design of this new building and its visual dominance of the Gateway erodes the ability to appreciate the architectural significance of the Gateway itself, which was deliberately designed as an eye-catching facade to screen a functional, industrial structure behind. This impact is subject to objection from Hackney Council. The harm is less than substantial, in the middle of the range.

468 In terms of the Grade II listed Braithwaite Viaduct, indirect harm will arise from the demolition of structures within its setting to the south west (later vaults) that contribute to its

historical significance as evidence of its incorporation into the Goods Yard. The potential loss of below ground remains of the earlier station building to which the Braithwaite Viaduct was originally connected also represents harm. On the basis of known information, the assessment is that the harm to the asset's significance is less than substantial and slightly lower than the middle of the range.

Setting of conservation areas

469 The development would result in a visual impact on a number of conservation areas. The height and scale of the development would have varying degrees of impact upon the setting of the South Shoreditch, Boundary Estate, Redchurch Street and Elder Street Conservation Areas and on the character and appearance of the Brick Lane & Fournier Street Conservation Area which includes part of the site.

470 The tall buildings of the eastern part of the City already form part of the setting of most of these conservation areas, as does the existing Shoreditch High Street Station concrete box and bow-string bridge. In addition, parts of the Goods Yard site have been derelict and deteriorating for many years which exerts a negative impact on the setting of the immediate surroundings, but also means that any form of development on this site is likely to have a significant effect on heritage assets.

471 Following discussions with the GLA's EIA consultants (LUC), the applicant submitted an amended assessment of the impacts of the proposal on the setting of the adjoining and nearby conservation areas and the listed, and some unlisted, buildings within them. The assessment concluded that the construction phase of the development would have a moderate adverse effect on heritage assets as a result of cranes, other equipment and incomplete buildings appearing in the views and settings of heritage assets. Once operational, the assessment concludes, the revised scheme would have a minor to moderate adverse impact on the South Shoreditch, Boundary Estate, Elder Street, Redchurch Street and Brick Lane & Fournier Street Conservation Areas, the significance of these heritage assets being diminished by tall buildings in the backdrop of views towards the site. The conservation areas that are considered to be harmed are considered in more detail below. GLA officers consider that there is no harm to other conservation areas.

South Shoreditch Conservation Area

472 The impact on this Conservation Area has been raised by Hackney Council, HE and a number of objectors. There would be a visual impact on this Conservation Area, predominantly in views from the immediate context as well as further up Shoreditch High Street and Great Eastern Street. TVIA Views 28, 30, 31 and 35 show that Buildings 1 and 2 would be particularly prominent. The TVIA also demonstrates that Building 3 would be prominent in some views from the south-west.

473 Concerns have been raised on the impact on the Tea Building by Hackney Council, which although within the Conservation Area is not a designated heritage asset in its own right, although it is noted in the Conservation Area Appraisal as having townscape merit. There is a variation in building heights along this part of Shoreditch High Street and Building 1 would continue this to a degree, whilst creating an appropriate transition to the more 'City-scaled' buildings to the south (starting with Building 2 and continuing into the City itself).

474 This is however an urban area with a mixture of building forms within it and large 'City-scale' developments already in its backdrop, not that an evolving harmful context should justify further harm. Notwithstanding this, it is recognised that these three buildings would be of such contrasting scale and appearance that there would be some harm to the significance of the Conservation Area, albeit less than substantial and at the lower end of the scale.

Elder Street Conservation Area

475 The significance of the Elder Street Conservation Area would be subject to indirect harm arising from new development rising abruptly above the roofline in views of the buildings and at the end of Elder Street and Blossom Street when looking north. This is a view shared by Tower Hamlets Council and HE. Individual impacts on listed buildings will vary in scale for each asset (discussed below) but the Conservation Area designation reflects their consistency of scale and character. The harm to significance is considered to be less than substantial harm at middle end of the range. It is considered that the level of harm could be mitigated to a small degree through the final design of buildings proposed (Buildings 2 and 3) and the careful choice of materials for the new development, for instance through reducing reflectivity. Nevertheless, the impact arising from the scale and height of the buildings themselves will remain as a distraction to the ability to appreciate the significance of the Conservation Area.

Redchurch Street Conservation Area

476 There would be some views out of the Conservation Area where the scale of development proposed along Bethnal Green Road (Plots 1 and 4) would be apparent and the contrast in scale would result in a minor level of harm to significance. This is demonstrated in TVIA Views 34 and 40 (albeit the latter is not taken from within the Conservation Area). The level of harm is less than substantial and at the lower end of the range.

Boundary Estate Conservation Area

477 In terms of the Boundary Estate Conservation Area which is found just north of the site, it is noted that the congruence between the significance of individual buildings and the character and appearance of the Conservation Area is very high. As conservation area designation is about areas rather than individual buildings and the area is clearly appreciated as, and its significance is derived from, a coherent carefully planned and a model community based on generous space, light and air, the impact of substantial new development rising above the buildings in two of the streets when viewed from the heart of the area is a major change. The harm to the significance of the Conservation Area is less than substantial but at least middle of the range. Tower Hamlets Council and HE also consider there to be harm. The careful placement of buildings to provide light, space and air illustrating the philanthropic intentions behind the development of this model estate are the aspects of significance that will be affected by the intrusion of a new development of significant height and visual prominence such as that proposed. Individual impact, as experienced from along the street, varies and is different from the impact as experienced from the central steps of the bandstand.

Brick Lane & Fournier Street Conservation Area

478 The height and mass of Building 2 would detract from sensitive townscape views, which contribute to the significance of the Area, and in conjunction with Plot 8 would result in a harmful visual impact when viewed from Allen Gardens. Overall the harm would be less than substantial and there would be some enhancement to the setting of the Conservation Area along the Brick Lane frontage of the site.

479 In relation to the Weavers Cottages on Sclater Street, the proposed three storey extension would cause a small degree of harm to the significance of the Cottages and of the Brick Lane and Fournier Street Conservation Area, by reason of the impact on their settings. The works to the Mission Hall and Victorian Building are considered to enhance the Conservation Area's setting.

Setting of listed buildings off site

480 There is also considered to be harm to the following listed buildings, the majority of which are located within the conservation areas discussed above.

Commercial Tavern

481 The Commercial Tavern is a Grade II listed building situated just south of the site on Commercial Road. Indirect harm is considered to arise from the proximity and visual distraction of Building 2 affecting the appreciation of the listed building as a carefully composed architectural composition rounding the corner and intentionally visually prominent. The harm is less than substantial in the middle of the range.

28-30, 17, 15, 5 & 7, 1 & 3 Elder Street

482 These Grade II listed buildings on Elder Street would be subject to indirect harm arising from new development rising abruptly above the roofline in views of the buildings. Individual impacts will vary in scale for each asset but they also derive group value from their consistency of scale and character, which has to be considered. This is considered to be less than substantial harm at middle of the range which would rise a little further when considering them as a group. As per the consideration of the Elder Street Conservation Area above, it is considered that the level of harm could be mitigated to a small degree through the final design of buildings proposed (Buildings 2 and 3) and the careful choice of materials for the new development, for instance through reducing reflectivity. However, the impact arising from the scale and height of the buildings themselves will remain as a distraction to the ability to appreciate the original architectural intentions that underlies the listed buildings.

Molesey House and Lakenham House, Camlet Street

483 In term of the Grade II listed Molesey House and Lakenham House, within the Boundary Estate Conservation Area, it is felt that there is indirect harm from the new development in setting and visually challenging appreciation of architectural composition and intentions behind the layout. Less than substantial harm arises in all cases but given the group value of the heritage assets and the particular nature of their significance cumulatively the harm is considered to be in the middle of the range.

St Leonards Church

484 The impact on the setting of this Grade I listed Church are most notable in TVIA View 29. This is one of the best townscape views of the building where its form and design can be best appreciated. The ability to appreciate the relationship between the spire and the body of the church owing to the expanse of clear sky would be unaffected by the proposals, which sit much further to the right in the view. It would nevertheless be noticeable and a distraction from the prominence of the Church in this view, resulting in less than substantial harm to its significance at the low end of the range.

Geffrye Museum

485 The impact on the Geffrye Museum is considered in the TVIA View 56 (summer and winter) and in the winter because of the lack of tree canopy there will be some minor impact. The very tops of the eastern blocks of the development will be visible running along the ridge line. Owing to the relatively well-preserved silhouette of this building there would be some harm to its significance, but this is only very minor at the lowest end of the scale.

Setting of Arnold Circus Registered Park & Garden (RPG)

486 Arnold Circus (Grade II) is an elevated circular garden space at the centre of the Boundary Estate, formed by construction spoil from construction of this planned model housing estate. It features four sets of steps, mature tree planting and a Grade II listed bandstand. As noted above, a key feature of the Estate is its consistent grain, openness and access to light. TVIA View 33 demonstrates that Building 2 and elements of the proposed buildings fronting Bethnal Green Road would be visible from the garden in the winter, although the existing Avant-Garde development is the most dominant modern feature in this view. There would nevertheless be less than substantial harm caused to the significance of the RPG by the proposal, at the middle of the range.

Built heritage conclusion

Summary of harms

487 The tables below set out a summary of the preceding section in terms of the harms identified, whether they are direct (built fabric) or indirect (setting), before summarising the heritage benefits and enhancements. It should be noted that GLA officers do not seek to weigh or “net off” the heritage benefits directly against the harms and do not consider that heritage benefits can extinguish or off-set heritage harms. The heritage benefits are weighed against the harms as part of the NPPF paragraph 196 balance, and in the overall planning balance, which is discussed in the ‘Conclusion and planning balance’ section of this report. Where direct and indirect harm occurs to an asset this is considered cumulatively in the planning balance.

Asset	Type and grade	Level of harm in the range of ‘less than substantial’
Oriel Gateway	Grade II listed	Middle
Weavers Cottages	Undesignated	Middle
Vaults, roadways and walls	Undesignated	Above middle

Table 12: summary of direct heritage harms

488 Table 13 below summarises the harms, all of which are less than substantial, caused to the significance of heritage assets on and off site through indirect (setting) impacts:

Asset	Type and grade	Level of harm in the range of ‘less than substantial’
Oriel Gateway	Grade II listed	Middle
Braithwaite Viaduct	Grade II listed	Just below middle
South Shoreditch	Conservation Area	Lower
Elder Street	Conservation Area	Middle
Redchurch Street	Conservation Area	Lower

Boundary Estate	Conservation Area	Middle
Brick Lane & Fournier Street	Conservation Area	Bottom
Weavers Cottages	Undesignated	Low
Commercial Tavern	Grade II listed	Middle
28-30, 17, 15, 5 & 7, 1 & 3 Elder Street	Grade II listed	Just above middle
Molesey House and Lakenham House, Camlet Street	Grade II listed	Middle
St Leonards Church	Grade I listed	Low
Geffrye Museum	Grade I listed	Lowest
Arnold Circus	Grade II listed Registered Park & Garden	Middle

Table 13: summary of indirect heritage harms

Summary of benefits or enhancements

489 Table 14 below summarises the heritage benefits of the proposal:

Asset	Type and grade	Nature of benefit or enhancement
Oriel Gateway	Grade II listed	Repair and re-use of Building at Risk, better revealing its significance and public access
Braithwaite Viaduct	Grade II listed	Repair and re-use of Building at Risk, better revealing its significance and public access
Vaults	Undesignated	New sympathetic uses and opportunities for interpretation and improved access
Boundary walls	Undesignated	Repair and investment, partly accommodating new uses
Weavers Cottages	Undesignated	Currently 'at risk', repair and new uses to enhance or better reveal significance
Mission Chapel and Victorian Building	Undesignated	Repaired and put to use
Brick Lane & Fournier Street	Conservation Area	Enhancements to Brick Lane frontage and Sclater Street
South Shoreditch	Conservation Area	Enhancements to Shoreditch High Street frontage

Table 14: summary of heritage benefits

Assessment against development plan policy

490 London Plan Policy 7.8 and Intend to Publish London Plan Policy HC1 do not include a balancing act like the NPPF. Part A of Hackney Local Plan Policy LP3 does include a balancing act, but Parts C (listed buildings) and E (conservation areas) require conservation and preservation respectively. Tower Hamlets Local Plan Policy S.DH3 is similarly mixed in its approach. Hackney Council Local Plan Policy LP4 requires development proposals to conserve non-designated heritage assets. Given that the significance of a number of heritage assets would not be fully conserved or preserved, GLA officers conclude that there would be a conflict with these policies. There would also be a conflict with the heritage components of Hackney Local Plan Policy LP1 and Tower Hamlets Local Plan Policy D.DH6 (relating to tall buildings).

491 However, the NPPF paragraph 196 balancing act must still be carried out. Although less than substantial, this harm to significance needs to be weighed against the public benefits of the scheme, in line with guidance set out in the NPPF. As set out above, any harm must be given considerable weight and less than substantial harm does not mean less than substantial objection. The harm identified above, alongside the other impacts identified elsewhere in this report, will be weighed against the public benefits of the scheme in the 'Conclusion and planning balance' section of this report.

492 In terms of the requirement of emerging Intend to Publish London Plan Policy HC1 which seeks to avoid harm where possible, GLA officers consider that this has been achieved. Justification for direct harm to on-site heritage assets is set out above. In terms of setting impact, the siting of tall buildings is justified and supported in principle by both Councils. This is an extremely constrained site where tall building locations are limited by LVMF, overground and underground infrastructure constraints. Some harm to the sensitive immediate context is unavoidable and changes made to the scheme since the 2016 iteration have reduced the impact.

Conditions and S106 obligations

493 S106 obligations would ensure that the works to the Oriel would be delivered prior to the occupation of the commercial uses in Building 2, to ensure that these benefits are delivered. All the other heritage benefits are directly linked to the respective works so do not require specific delivery triggers.

494 A number of heritage-related conditions are recommended, including concerning phasing, recording, education and interpretation, materials salvage, structural works and a restriction on piling through the listed structures.

Archaeology

495 An assessment of the likely significant effects of the proposed development in terms of buried heritage assets (archaeological remains) has been considered within Chapter 15 of the ES Addendum, in line with London Plan Policy 7.8 and Intend to Publish London Plan policy HC1 as well as Hackney's Policy LP6 and Tower Hamlets Local Plan Policy S.DH3. The assessment methodology has been reviewed and is considered acceptable. The site is located within the Spitalfields and Brick Lane Archaeological Priority Area (APA), and there is potential for some remains to be found on site in the course of the redevelopment. Some of the features associated with the Goods Yard use, for instance turntables and rails on London Road, will be retained. Historic England Archaeology (GLAAS) raise no objections, subject to conditions. It is considered that planning conditions are necessary to secure the investigation and recording of archaeology prior to the commencement and through the course of the construction of the development. Subject to these conditions, there would be no harm to archaeological heritage as a result of the proposals.

Neighbouring amenity impacts

496 A core principle of the NPPF is to seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. London Plan Policy 7.6 and Policy D3 of the Intend to Publish London Plan states that the design of new buildings should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings in relation to privacy, overshadowing, wind and microclimate. London Plan Policy 7.15 and Policy D14 of the Intend to Publish London Plan seeks to reduce and manage noise associated with development.

Daylight, sunlight, overshadowing, solar glare and light pollution

497 London Plan Policy 7.6 requires new development to avoid causing 'unacceptable harm' to the amenity of surrounding land and buildings, including light and overshadowing. Intend to Publish London Plan Policy D6 states that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context. The Housing SPG states that an appropriate degree of flexibility needs to be applied when using Building Research Establishment (BRE) guidelines to assess the daylight and sunlight impacts of new development on surrounding properties and within new developments, taking into account location, context, and broadly comparable housing typologies found in London. Similarly, amendments to the NPPF (2019) state that planning authorities should take a flexible approach when applying daylight and sunlight guidelines, where these would inhibit making efficient use of a site and where an acceptable living standard would be achieved. While BRE guidelines do not form part of the development plan, they provide an industry standard method of assessment for daylight, sunlight and overshadowing issues and are generally relied on by planning authorities as a comparative benchmark for assessment purposes.

498 Hackney Local Plan policy LP2 states that all development should be designed to ensure that there are no significant adverse impacts on the amenity of occupiers and neighbours, including in sunlight and daylight and artificial light levels. Policy S.DH1 of the Tower Hamlets Local Plan states that the design of development does not result in unacceptably harmful impacts from loss of sunlight and daylight. Policy D.DH8 notes that development must not result in an unacceptable material deterioration of sunlight and daylight conditions of surrounding development and overshadowing to surrounding open space and private open space.

499 The applicant has submitted a Daylight, Sunlight, Overshadowing and Solar Glare Assessment within Chapter 11 of the Environmental Statement Addendum which considers the impact of the proposal upon existing nearby properties and also the resultant daylight and sunlight levels within the proposed residential units and public spaces. An Addendum to the Daylight and Sunlight Assessment has been updated to reflect amendments made to the scheme. This assessment concludes that isolated areas around the site will see a change in daylight and sunlight as a result of the massing alterations. The analysis is based on Building Research Establishment (BRE) Guidelines with specific reference to Vertical Sky Component (VSC) and No Sky Line (NSL) for assessing daylight and Annual Probable Sunlight Hours (APSH) for assessing sunlight. This Assessment has been reviewed externally by Avison Young, commissioned by the GLA, and is considered to provide a robust assessment.

500 The applicant's Assessment concludes that, in terms of daylight, 4,191 windows (81.7%) of the 5,133 assessed will meet the BRE criteria for VSC. Of the 2,904 rooms assessed against NSL, 2,580 rooms (88.8%) meet BRE recommendations. In relation to sunlight (APSH), 1,665 rooms of the 1,829 assessed (91%) are compliant with BRE guidelines.

501 As the site is relatively open and undeveloped, in a central London location, it was accepted by GLA officers in the consideration of the previous proposal, that a pragmatic approach towards the consideration of daylight sunlight impacts was reasonable noting the context of daylight and sunlight levels to properties in and around this Shoreditch location. That is taking an approach that

sought to minimise harm to neighbouring amenity whilst not onerously preventing an appropriate and necessary scale of development.

502 The Building Research Establishment document 'Site layout planning for sunlight and daylight, a guide to good practice' (known as the BRE Guide) is the established and accepted methodology for carrying out analysis of daylight and sunlight impact. In its basic form the BRE Guide uses a relatively simple method to assess impact. The existing level of daylight or sunlight is assessed at the relevant window and expressed in percentage terms of available sky visibility for daylight or available sun hours for sunlight. The assessment of daylight also carries with it a test for the penetration within any room of visible sky. The test of available sky at the window is called 'Vertical Sky Component' (VSC) and the penetration within the room the 'No Sky Line' (NSL).

503 If in any circumstances the development proposals would reduce either of the above percentages by more than 20% of the existing values then the BRE Guide states that this would be a noticeable change. For a development to therefore demonstrate that there is no impact on amenity there should be no loss beyond 20%. In practice, this is what most local authorities seek. The BRE Guide recognises, however, that in certain locations such as inner cities, this may not always be possible and therefore it may be possible to robustly justify an alternative benchmark. This appreciates the need for flexibility in such locations as if in every single case the loss of daylight was restricted to 20% then it would impose a restriction on development which was disproportionate to the actual loss of light. For example, one kitchen window experiencing a reduction of light greater than 20% could theoretically prevent the construction of hundreds of flats. As a result many local authorities allow flexibility and consider the loss of amenity within the planning balance alongside the public benefits of the proposals.

504 In such circumstances applicants must justify an alternative benchmark suitable to the location and demonstrate that the level of retained light is still sufficient for use and habitation. The level of light one can reasonably expect will naturally change with location, with a city centre use expecting a lower level of daylight than a rural or suburban setting.

505 Rather than concentrate on the 20% loss of VSC set out in the BRE Guide, the applicant sought to make the case that the results of their assessment should be considered acceptable if the retained VSC levels at windows in the surrounding area were commensurate with the site's urban location. This was accepted in principle by the Councils and the GLA in the consideration of the previous scheme. The applicant's consultant, GIA, have undertaken some work to assess levels of daylight in the Boundary Estate to the north of the property and calculated that VSC levels are in the order of between 17% and 25% from ground to second floors and have highlighted other approvals where retained levels of daylight are at 11% VSC. The GLA's consultant, Avison Young, considers that a VSC level of between 15% and 18% might be the expectation for areas such as the City Fringe and accepts that a target for redevelopment on this site should be within that VSC range.

506 The ES Addendum submission sets out the results of the applicant's analysis of the relevant properties around the site, setting out all the windows and properties which will see a reduction in daylight that is in excess of the 15%-18% guidance. The GLA's consultant has reviewed the submission to test its accuracy and assessed the number of windows per property that will fall below the guided VSC level.

507 In terms of the assessment Avison Young have noted BRE guidance in situations where the design configuration of a property may be of such a physical shape that but its nature prevents access to good daylight and where they in some instances only get light from across the development site. Similarly, windows and rooms with extremely low levels of existing light will be disproportionately impacted by a development and as such would record a high percentage of VSC reduction whatever the scale of development proposed. Such considerations have formed part of the overall assessment of impact. Avison Young have assessed neighbouring buildings that were

previously impacted by the former proposal and any other additional ones now apparent. The results from the Avison Young assessment for daylight (VSC) are as follows:

- i. 28 Shoreditch High Street: All impacted rooms retain in excess of 24% VSC and remain well lit;
- ii. 148-150 Commercial Street: 5 windows do not meet the criteria, these are all bedrooms and cannot be seen as significant from a daylighting perspective. The impacts identified in the ES addendum is minor adverse, which is agreed;
- iii. 154 Commercial Street: Of 43 affected windows only 1 could be classed as having a minor adverse impact, all the rest being moderate to major with levels of daylighting being reduced to virtually non-existent levels. This applies to lounge/diner rooms and the levels of retained light are significantly below that required for normal habitation and the rooms will require artificial lighting for most of the time. This is impacted by the office building at Plot 3, so the greater flexibility allowed by the NPPF does not apply;
- iv. Warehouse, Fleur de Lis Street: Impacts are above guidance levels but retained light is sufficiently high to be considered minor adverse and satisfactory;
- v. 1-3 Elder Street: 23 windows have a greater than 20% loss of light but retained levels are sufficiently high and as such satisfactory and considered a minor adverse impact;
- vi. 159 Commercial Street: Some windows have a greater than 20% reduction however retained levels are high enough to be acceptable;
- vii. 8 Fleur de Lis Street: Only one room is impacted to a moderate adverse level and as such can be categorised as being satisfactory and the impact minor adverse;
- viii. 1-20 Burhan Uddin House: The technical analysis shows 11 major adverse impacts with losses of greater than 20% and low retained levels of VSC. However, the windows are all at basement level which do not have any expectation of access to usable light in the existing condition;
- ix. Principle House - Blocks 4 & 3: There are 10 impacted windows within this building all moderate to major degrees. Their design includes balcony overhangs which when removed and retested would show BRE compliance demonstrating that impact is inherent to design and not the scheme that is the defining factor. In terms of Block 3, the 3 windows that fail the criteria are below balcony overhangs so the same assessment applies;
- x. The Stage: This has 64 affected windows, 5 of them are above a 30% loss of VSC, however, most retain mid-teen VSC levels so can be treated acceptable in this context. In addition, many of the windows are under balcony overhangs and when the figures are assessed for immediately adjacent non-balconied windows it is seen that there is again no concern;
- xi. 225 Shoreditch High Street: There are 3 affected windows in this building but they will retain 25-26% VSC and will remain well lit;
- xii. 224 Shoreditch High Street: All windows retain in excess of 20% VSC and so can be considered as remaining well-lit in this context;
- xiii. 97-105 Brick Lane: There are 2 very heavily impacted windows in percentage terms, however, the level of existing light is extremely small and there will be no noticeable loss of light in this instance;
- xiv. The Fusion: There are 8 windows that would suffer a major adverse loss of over 40% of their existing level. The buildings does have balconies but even when these are considered there is a significant loss and little light retained for 2 of the flats;
- xv. Principal Tower: The new development sees impacts that are beyond the guidance level in this context but once balconies are removed the impacts on the building are considered BRE compliant and acceptable;
- xvi. 1-16 Sheba Place: No impact and all windows virtually pass the guidance;
- xvii. 43-54 Eagle Works: Small overall impact with the majority of losses less than 20% and retained levels over 17% VSC;
- xviii. 1-42 Eagle Works: There are a number of windows that will see a loss of more than 40% VSC but the existing levels are extremely low and in practical terms there will not be a significant change to the usability of the light;
- xix. 10 Quaker Street: 9 windows have greater than 40% losses and 2 retain less than 15% VSC, however, these are windows serving bedrooms only and as such retained levels are considered satisfactory;

- xx. 31-39 Redchurch Street: All windows retain in excess of 15% VSC and so are considered to remain satisfactorily lit;
- xxi. 19-29 Redchurch Street: This property has balcony overhangs to the main windows and as such may be tested without those balconies in place, in which case all windows pass the guidance;
- xxii. Fairchild Place: No real impact to this property;
- xxiii. 2-4 Chance Street: There are large percentage losses to windows but the building has an extremely unusual and unsympathetic design. The arrangement means that there are extremely low levels of existing light and as such these do not constitute a level of useable amenity and impacts are therefore acceptable;
- xxiv. 17-21 Whitby Street: All windows retain in excess of 18% VSC so would be considered acceptable;
- xxv. 48-50 Redchurch Street: A major impact but the loss is acceptable with the availability of light via secondary windows and retention of good levels of daylight;
- xxvi. 3 Club Row: Majority of windows pass basic BRE guidance;
- xxvii. 30 Redchurch Street: Retained levels of VSC remain above 20% and are acceptable;
- xxviii. 32 Redchurch Street: Two windows suffer major adverse losses in percentage terms however the level of retained light is acceptable;
- xxix. 36 Redchurch Street: Retained levels of VSC remain above 15% and are therefore acceptable.
- xxx. 70 Redchurch Street: One room is impacted beyond the guidelines but this retains a high VSC so can be considered as acceptable. Where other impacts occur the retained levels exceed 20% and are therefore acceptable;
- xxxi. 28-30 Bethnal Green Road: The building sees major losses with 7 rooms being reduced to single figure VSC levels and there are significantly high levels of sun loss to some areas. This is considered to be a major adverse impact;
- xxxii. Telford Block A (Avant-Garde): This is a large and relatively new development to the north of the site. Its current outlook is relatively unimpacted and thus it is expected that with a major development on the site that losses will occur. 111 windows will suffer an over 40% loss of VSC and 137 windows will retain less than 15% VSC. This amounts to 19 flats severely impacted. This is clearly a major impact for a significant number of residents;
- xxxiii. 100 Sclater Street: All 5 rooms are heavily impacted, retaining only single figure VSC percentages;
- xxxiv. 102 Sclater Street: Two rooms will suffer a significant reduction in VSC to below the 15% VSC target;
- xxxv. 104-106 Sclater Street: There are significant impacts with 4 rooms being left inadequately lit if the max parameter scheme is built out;
- xxxvi. 119 Brick Lane: With the maximum parameter it suffers significantly with less than 10% VSC at all levels, at all floors;
- xxxvii. 180 Brick Lane: Heavily impacted in terms of percentage loss but deemed acceptable as the existing levels of VSC are very low;
- xxxviii. 178 Brick Lane: The building is impacted in terms of percentage loss but retains sufficiently high levels of VSC to be considered acceptable;
- xxxix. 192-197 Shoreditch High Street: All rooms retain in excess of 18% VSC;
 - xl. 10 Holywell Lane: Retained levels are over 23% and would have a high level of daylight;
 - xli. 194 -196 Shoreditch High Street: All rooms would retain in excess of 15% VSC;
 - xl. 1-7 Great Eastern Street: In all cases 17% VSC is retained and considered satisfactory;
 - xl. 11-15 Great Eastern Street: 14 windows see a loss of more than 40%. In all cases 17% VSC is retained which is deemed satisfactory in this context;
- xliv. 1-48 Wheler House: There are major percentages decreases here but existing levels of daylight are so low as to be of no amenity value;
 - xl. 41 Quaker Street: No losses of note in this building;
 - xlvi. 30-32 Calvin Street: No loss of any significance;
 - xlvii. 21 Wheler Street: No impact;
- xlvi. 23-24 Wheler Street: One major adverse impact to 1 window however the existing level is so low so as not to constitute a loss of amenity;

- xlix. 25 Wheler Street: Four major adverse impacts however close analysis shows that these are mitigated by the relevant rooms either having secondary windows or low existing values;
 - i. 45 Redchurch Street: One window is impacted in a major way but existing levels are very low and this can be deemed acceptable;
 - ii. 12 Chance Street: No unacceptable impact;
 - iii. 14 Chance Street: There are losses but existing levels are very low so the change is acceptable;
 - iv. 226 Shoreditch High Street: Retained levels are above 27%.
 - v. 227 Shoreditch High Street: Retained levels are over 27% VSC.

508 The results conclude that, whilst there have been significant reductions in the number of properties affected following amendments to the scheme since 2016, there do still remain properties where the level of retained light is deemed insufficient for human habitation, with artificial light required for the majority of the time. In some cases there will also be no acceptable view of the sky or sky penetration (NSL). The properties so affected are set out below. It should be noted that Avison Young has confirmed that the inclusion of 11-15 Great Eastern Street in its conclusion was an error, as the figures above demonstrate that the impact would be acceptable.

- 154 Commercial Street;
- 28-30 Bethnal Green Road;
- Telford Block A (Avant-Garde);
- 100-106 Sclater Street; and
- 119 Brick Lane.

509 Sunlight figures have been provided alongside the daylight analysis. BRE guidance places less significance on sunlight impact on bedrooms and as such Avison Young's comments relate to impacts on living rooms/lounges. The properties listed as suffering a significant impact on sunlight are reported below:

- i. The Stage: There are 25 rooms that see a reduction of 20-29% Annual Probable Sunlight Hours (APSH) which is above BRE guidance but in the context of a development in this location, the impact is considered minor adverse and can be accepted;
- ii. The Fusion: This has 3 rooms that suffer up to 39% APSH loss and 1 at over 40%, the occupants of which will see a significant change in the existing sunlight levels;
- iii. 19-29 Redchurch Street: Two windows that lose up to 39% of their sunlight but the building has balconies which exacerbate impacts through their design and can be accepted;
- iv. Telford Homes (Avant-Garde): Located to the north of the property with a lot of south facing windows has 11 rooms that see a greater than 40% loss of sunlight. This is clearly significant and will be noticeable to the occupants;
- v. 100 Sclater Street: One window has over 40% loss;
- vi. 104-106 Sclater Street: Two windows will see a greater than 40% APSH loss;
- vii. 119 Brick Lane: Seven of the windows will see a loss of 40% APSH, a significant proportion of the building;
- viii. 194 & 195 Shoreditch High Street: Three windows in each property see a greater than 40% reduction;
- ix. 196 Shoreditch High Street: 10 windows lose more than 40% of sunlight hours, a significant number in the context of the size of the building.

510 In terms of sunlight, those properties with a loss that are considered unacceptable are:

- The Fusion; and
- Telford Block A (Avant-Garde).

Daylight and sunlight summary

511 As can be seen from the analysis above, there are a number of significant adverse impacts on daylight and sunlight for neighbouring residential occupiers. The majority of these are concentrated within buildings immediately adjacent to the site, predominantly to the north on Bethnal Green Road and Sclater Street where there is a recently established residential character, but also in other areas such as opposite the office Building 3 (impact on 154 Commercial Street).

512 Tower Hamlets Council raises particular concerns with the impact of Building 3 on 154 Commercial Street and recommends that the minimum parameter is insisted upon for Reserved Matters submissions.

513 The impact on the Avant-Garde development would be particularly severe and is the subject of significant objection from residents. However, the application site is currently open and any development would cause a significant impact; this is recognised in the BRE Guide. The application site is allocated in the Local Plan for mixed-use development. It is inevitable that high impacts will be felt as the baseline level of light received across a cleared site is extremely high. This has been accounted for within the methodology and subsequent alternative target levels agreed between the applicant's consultants and those working on behalf of the GLA.

514 The amended scheme results in a significant reduction in the quantity of properties suffering unacceptable impacts in daylight and sunlight. Avison Young consider that there are five buildings that would have no acceptable daylight and view of the sky should the development be built out to its maximum extent and two buildings which would receive unacceptable impacts in terms of loss of sunlight to rooms.

515 As such there would be a conflict with London Plan Policy 7.6, Intend to Publish London Plan Policy D6, Hackney Local Plan Policy LP2 and Tower Hamlets Local Plan Policies S.DH1 and D.DH8. This is considered further in the 'Conclusion and planning balance' section of this report.

Overshadowing

516 The ES Addendum contains summary diagrams showing hours of sun exposure for amenity areas (nine were tested). Of these, two, Shoreditch House swimming pool and the adjoining roof terrace would be seriously affected. However, in terms of the pool severe losses in sunlight in winter/spring months would be mitigated by the fact that it will remain well lit in summer months. The roof terrace will likewise be overshadowed for the majority of the year and would not be as welcoming a space as currently. These are however commercial spaces and, although this impact is material, cannot be afforded the same weight in amenity terms as residential gardens and courtyards.

517 Concerns have been raised by local residents about the potential for Arnold Circus to be overshadowed by the scheme; the significance of this heritage asset in terms of its well-lit design is also discussed above in the 'Historic environment' section. This open space is however approximately 250 metres to the north of the site and any impact would be negligible.

Solar glare

518 An analysis of the likely occurrences of sun reflection has been undertaken at critical points of coincidence for transport, drivers and train drivers. Avison Young concur with the conclusions in the ES Addendum that any glare would be minimal and peripheral and its possible to mitigate any issues through facade design, the detail of which would be reviewed later at Reserved Matters for the outline component and planning conditions for the detailed.

Light pollution

519 A light pollution assessment has been undertaken in respect of Building 2. The assessment reviews the level of light fall on neighbouring residential windows from this building. The review concludes that the neighbouring housing will not see an unreasonable level of light pollution in the worst case scenario of a fully lit building. The impact of Building 3 on 154 Commercial Road could be extensive. This will be addressed at Reserved Matters stage and a planning condition is also recommended requiring a lighting strategy to be approved, which should include design measures to reduce light spillage from the southern elevation.

Overlooking, loss of privacy, outlook and enclosure

520 London Policy 7.6 states that buildings and structures should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, including privacy. Intend to Publish London Plan Policies D3, D6, and D9 state that development proposals should achieve appropriate levels of privacy. The Housing SPG states that design proposals should demonstrate how habitable rooms are provided with an adequate level of privacy in relation to neighbouring properties, the street, and other public spaces. It identifies that a minimum distance of 18–21 metres between habitable rooms can be used as a benchmark. Hackney Local Plan Policy LP2 states that all new development should ensure that there are no significant adverse impacts on the amenity of occupiers and neighbours. Tower Hamlets Local Plan Policy D.DH8 states that development is required to protect and where possible enhance the amenity of new and existing buildings and their occupants.

521 Objections have been raised in respect of overlooking and loss of privacy, primarily in terms of the relationship between the Telford Homes / Avant-Garde scheme and the housing proposed within Plots 4 and 5 of this site. The distance between the habitable rooms would be in the order of 16.5 metres, however this is across a public street, is comparable to many other situations that currently prevail across the immediate area and as such the nature of privacy and outlook loss, or sense of enclosure, associated with this scheme is not considered unreasonable. There will of course be opportunities to further address this issue at Reserved Matters stage when solutions to the final form of the design are possible to mitigate any privacy concerns, including through careful positioning of habitable room windows and balconies.

522 There would be other tight relationships with neighbours, notably between the converted buildings on Sclater Street and the properties opposite and between Building 3 and 154 Commercial Street, both in the region of 12 metres. The Sclater Street relationship is however existing, albeit that the buildings are currently derelict, but it is representative of the fine urban grain in the locality. Building 3 would result in a greater impact (as it would for daylight and sunlight) but overlooking could be mitigated through the detailed design of the building, to be considered at Reserved Matters stage, including privacy screens to windows. With Building 3 comprising only office use this could be achieved without detrimentally affecting the living conditions of future occupants.

523 Given the above considerations, the amenity impacts of the scheme in terms of overlooking, loss of privacy and outlook and enclosure are considered to be acceptable. These impacts do not constitute objections from either Council.

Noise, disturbance and vibration

524 Given the busy central London location, the mix of uses proposed are considered unlikely to result in unacceptable noise and disturbance, subject to conditions restricting hours of operation for the retail and food and drink uses and the management measures for the hot food takeaways discussed earlier in this report. A number of conditions have been recommended by the Councils to control matters such as plant noise to not exceed background noise, noise attenuation for the

cultural spaces and construction management. Subject to these conditions the proposal would have an acceptable impact on neighbouring residents in terms of noise, disturbance and vibration.

Sustainability and climate change

525 London Plan climate change policies, set out in chapter 5, collectively require developments to make the fullest contribution to the mitigation of, and adaptation to, climate change, and to minimise carbon dioxide emissions. London Plan Policy 5.1 sets out the strategic approach to reducing carbon emissions in London, and Policy 5.2 sets out an energy hierarchy for assessing applications. Policy 5.2 sets a minimum target for carbon dioxide emissions reduction in new buildings of 35% beyond Part L of the Building Regulations (as amended 2013) for commercial buildings and zero-carbon for residential buildings. London Plan Policy 5.3 requires future developments to meet the highest standards of sustainable design and construction, and London Plan Policies 5.9-5.15 promote and support the most effective climate change adaptation measures including passive thermal regulation, urban greening, and water management.

526 Climate change policies within the Intend to Publish version of the London Plan are set out in chapter 9 and require developments to make the fullest contribution to the mitigation of, and adaptation to, climate change, minimise carbon dioxide emissions and meet the highest standard of sustainable design. The policies go further than the current London Plan setting more stringent standards regarding air quality, greenhouse gas emissions, energy infrastructure, water infrastructure and waste and the support for the circular economy. Policy G5 states that all major development proposals should contribute to the greening of London.

527 Policy SI2 of the Intend to Publish London Plan, require development proposals to minimize carbon dioxide emissions to meet the Mayor's targets, in accordance with the energy hierarchy:

- Be lean: use less energy;
- Be clean: supply energy efficiently;
- Be green: use renewable energy.

528 Policy SI2 of the Intend to Publish London Plan introduces a further step, 'Be seen: monitor and report on energy performance'; and also requires calculation of whole life-cycle carbon emissions. Applications proposing residential buildings are required to meet the zero carbon target, with residential uses expected to achieve a minimum on-site reduction of at least 35% improvement beyond Part L 2013 Building Regulations, with any shortfall required to achieve the zero carbon target secured via a carbon off-set payment. Non-residential uses are not at present subject to the zero carbon target and should demonstrate at least a 35% on-site reduction beyond Part L 2013; however, this will come into effect upon final publication of the Intend to Publish London Plan. The policy also includes the expectation that energy efficiency measures alone should account for a minimum of 10% of the reductions carbon dioxide emissions for residential development and 15% for non-residential development.

529 The Mayor's Sustainable Design & Construction SPG sets out how the adopted London Plan policies should be implemented.

530 Chapter 12 of the Hackney Local Plan sets out the Council's approach to climate change. Policies LP53 (water and flooding) and LP54 (overheating and adapting to climate change) set out the Council requirements to build in resilience and prepare for expected environmental changes with policies LP55 (mitigating climate change) and LP56 (decentralised energy networks) setting out the Council's approach to mitigating those impacts, in line with the Intend to Publish London Plan approach. Hackney Council published its Sustainable Design & Construction SPD in 2016.

531 The Tower Hamlets Local Plan Chapter 14 sets out the Council's approach with Policy S.ES1 stating that proposals will be supported which minimise the use of natural resources and

proactively protect and enhance the quality of the natural environment. Other policies relating to sustainability and climate change include D.ES3 (urban greening and biodiversity); D.ES4 (flood risk); D.ES5 (sustainable drainage); D.ES6 (sustainable water and wastewater management); D.ES7 (a zero carbon borough); D.ES8 (contaminated land and storage of hazardous substances); D.ES10 (overheating).

Energy

532 The applicant submitted an amended Energy Strategy for the site following the principle of the London Plan energy hierarchy and reduction targets are proposed for non-domestic and residential parts of the development. Following the initial submission, the applicant has in discussions with GLA officers submitted further information in relation to modelling outputs, site wide and wider network energy distribution. All carbon related calculations have been carried out using SAP10 carbon emission factors, as encouraged by the GLA. An assessment of these revisions is set out below.

533 Energy efficiency (Be Lean): A range of passive design features will be incorporated into the buildings within this development. The proposed amendments will utilise efficient thermal envelopes, ensuring appropriate levels of glazing to control winter heat loss and summer heat gain, the use of high efficiency mechanical ventilation in commercial buildings, optimised to limit electricity usage and mechanical ventilation with heat recovery (MVHR) alongside water efficiency measures and efficient lighting strategies. As the development is predominantly outline in nature, developed proposals for building facades and fabric performance will be detailed at Reserved Matters stage. An energy strategy will be required to be submitted with each Reserved Matters submission and an overheating analysis to assess overheating risk of dwellings will be undertaken as part of any submission incorporating residential units, along with an overheating checklist.

534 District heating (Be Clean): The applicant has provided a commitment to ensure that the development is designed to allow future connection to a district heating network should one be available. A condition is attached requiring an updated review of potential heating networks at each Reserved Matters stage. A site wide heating network with opportunities for plots to share energy has been enabled with details to come forward at Reserved Matters stage and an ambient loop strategy to be submitted and approved prior to the commencement of the first phase of the development in addition to the energy strategy required as noted above.

535 Renewable energy (Be Green): Air source heat pumps (ASHP) are proposed as the primary heat generating technology for the development, converting heat from the air into usable heat within buildings. Detail on the ASHP plant and operation associated with the full elements of the proposal have been assessed and agreed by the GLA's energy team. The detail of ASHP on the outline buildings will be considered at Reserved Matters stages. Energy sharing will be implemented within each plot and opportunities to share energy between plots enabled. The applicant has provided a commitment to monitor the performance of the heat pump system post construction to ensure it is achieving expected performance

536 The applicant has undertaken an appraisal of the benefit of implementing a solar photovoltaic (PV) array across the proposed amended buildings. It is estimated that approximately 500 sq.m would be available across the site for PVs, of which 50 sq.m would be provided on Building 2. A planning condition is proposed requiring a PV review document to be submitted to the relevant Council prior to occupation of each phase, to demonstrate that the potential for PV has been maximised.

537 Overall savings: Based on the energy assessment submitted, a reduction of 900 tonnes of carbon dioxide per year in regulated emissions compared to a 2013 Building Regulations compliant development, is expected for the proposed development, equivalent to an overall saving of 36%. The detailed non-residential element of the proposal will lead to a reduction of 16% on 2013 Building Regulations compliance, exceeding the 15% Intend to Publish London Plan target. Future

Reserved Matters applications would meet the Intend to London Plan targets. In terms of the overall saving whilst the 36% reduction accords with London Plan, Intend to Publish London Plan and Hackney Local Plan targets it fails to achieve the 45% that Tower Hamlets Local Plan Policy D.ES7 requires of development in the Borough. Given the phased nature of the development and the continued development in energy saving technology and practices it is considered that a condition is necessary to require the applicant maximise carbon reduction on Reserved matters applications as they come forward to a target of 45% reduction.

538 A condition is also recommended to require a whole life carbon cycle assessment to be submitted and approved prior to occupation of each building. The 'be seen' part of the energy hierarchy in Intend to Publish London Plan Policy SI2, which seeks to monitor compliance, will be addressed through the S106 agreement and it would be expected that this would be coordinated with developments in the energy strategy over the lifetime of the project.

539 The intend to Publish London Plan and the Local Plan of both Boroughs introduce a requirement for zero carbon for all uses and this is also a requirement of the Tower Hamlets Local Plan. Where zero carbon cannot be achieved cannot be achieved an off-set equivalent to the remainder of the regulated carbon emissions up to 100% is required. An amount of £4,859,250 is expected to be shared between the Councils proportionally with detailed calculations undertaken at Reserved Matters stage. This is secured in the S106 agreement.

540 Subject to the above, the proposals comply with London Plan, Intend to Publish London Plan and Local Plan policy regarding energy.

Sustainable design and construction

541 BREEAM: All commercial buildings will be assessed under the BREEAM scheme with an Excellent rating targeted for all save for Very Good for the refurbishment of the listed arches. This is acceptable.

542 Water use demand: The applicant has set out the measures that would be incorporated into the scheme to reduce the water demand of the development, including water metering, the use of water efficient appliances and fittings and a leak detection system in the mains water supply. The soft landscaping will be irrigated using best practice including via water towers at platform level. The residential dwellings will also have water efficient sanitary fittings installed to meet a water consumption rate of 105 litres or less per person per day. This is welcomed and the implementation of these measures will be secured by condition.

543 Materials and construction waste recycling: The site wide restoration and reuse of existing historic fabric is a key feature of the design which will retain and reuse the listed Braithwaite Arches and Oriel Gateway and gates as well as non-listed arches and boundary walls and buildings on Sclater Street. The applicant has set out commitments using deconstruction techniques where possible in order to recycle materials, and to use local sources for materials where possible. A site waste management plan would be implemented, with targets to be agreed for recycling construction, demolition and excavation material and to highlight ways to reduce diverting waste to landfill. The commitments within the site waste management plan would be secured by condition.

544 Circular economy: The Intend to Publish London Plan has introduced circular economy policies including a requirement to submit circular economy statements for developments. The GLA has released draft guidance for developers on how to prepare Circular Economy Statements and a 'Design for a circular economy' primer that helps to explain the principles and benefits of circular economy projects. Policy SI7 requires development applications that are referable to the Mayor of London to submit a circular economy statement, whilst Policy D3 requires development proposals to integrate circular economy principles as part of the design process. It is welcomed that the applicant has submitted a draft Circular Economy Statement in advance of the Plan being formally adopted. As this is a hybrid application a full circular economy statement should be provided to

cover the detailed element of the application, this will be conditioned. A condition is also recommended requiring the submission of post completion reports to the relevant Council and the GLA at the end of each phase.

Flood risk, sustainable drainage and water efficiency

545 Paragraph 163 of the NPPF states that where appropriate, planning applications should be supported by a site-specific flood-risk assessment, which is reflected in London Plan Policy 5.12 and Intend to Publish London Plan Policy SI12. The NPPF also states that major development should incorporate sustainable drainage systems which is reflected in London Plan Policy 5.13 and Intend to Publish London Plan Policy SI13. London Plan Policy SI5 requires that development should minimize the use of mains water and utilize water efficiency measures Hackney's Local Plan Policy LP53 and Tower Hamlets Local Plan policies D.ES4, D.ES5 and D.ES6 set out requirements in relation to flood risk, runoff rates, water efficiency and drainage.

546 The application is supported by an amended Flood Risk Assessment submitted as part of the ES. The site is in an area of very low risk of flooding from rivers and surface water and is not in a Critical Drainage Area. There is a limited risk of surface water flooding as the site is a heavily urbanised area and runoff from the site could affect surrounding areas if not properly managed. An outline drainage strategy has been produced. It proposes to include Sustainable Urban Drainage Systems (SUDS) in the form of blue roofs on some of the plots, a commitment to rainwater harvesting, geo-cellular tanks at podium deck level and below ground storage to provide the necessary level of surface water attenuation. Both surface and foul water will be discharged into the combined public sewer network in the vicinity of the site. The employed methods will aim to reduce surface water discharge to greenfield run off rates in accordance with planning policy and are secured by condition.

547 Thames Water has identified an inability of the existing combined wastewater infrastructure to accommodate the needs of this development proposal. A condition is recommended to require the developer demonstrate that the water network can accommodate the new development prior to occupation. Thames Water also identified that the existing water network infrastructure cannot accommodate the needs of the development. A pre-occupation condition is attached to ensure all water network upgrades required to accommodate additional flows from the development are undertaken. A condition on piling is recommended is also recommended as well as one relating to works near a strategic water main.

548 The Environment Agency (EA) have no objection to the proposal, subject to advice relating to groundwater, contamination, surface water drainage and flood risk. Conditions in regards of the former two are added alongside the water infrastructure conditions highlighted above. Subject to these conditions, the proposal accords with the above policies and is acceptable with regard to flood risk and drainage.

Wind microclimate

549 London Plan Policy 7.7 and Policy D9 of the Intend to Publish London Plan state that tall buildings should not affect their surrounding adversely in terms of (amongst other things) microclimate and wind turbulence. The Mayor's Sustainable Design and Construction SPG identifies the Lawson Criteria as a means for identifying suitability of wind conditions. Hackney Local Plan Policy LP2 sets out that the development should have no significant impact on the amenity of occupiers and neighbours whilst Policy S.DH6 of the Tower Hamlets Local Plan states that developments with tall buildings will need to demonstrate that the proposals will not adversely impact on the microclimate and amenity of the application site and the surrounding area.

550 The applicant's ES Addendum assess the likely impacts of the proposed development on wind and microclimate, in terms of pedestrian comfort and safety. Wind tunnel tests were undertaken to assess and quantify the pedestrian level wind microclimate at the site against the

Lawson Comfort Criteria. Sensitive receptors that were assessed include locations at ground floor around the site, including surrounding footways and public spaces. Within the scheme itself, proposed open spaces and a significant number of proposed private amenity spaces (balconies) were also tested. The assessment within the wind tunnel was based on worst-case wind speeds with additional consideration given to summer wind conditions given the presence of outdoor amenity on the site.

551 The wind testing was originally based without landscaping and mitigation measures, which revealed that whilst most of the site would retain comfortable conditions a number of locations would be windier than desired and potentially exceed levels that would raise safety concerns for pedestrians and cyclists. The main areas identified were primarily on Shoreditch High Street (mainly below the Overground railway bridge) and around Commercial Street close to Building 2. On-site issues were also identified in the vicinity of Building 2. The ES Addendum sets out that a number of measures were trialled (over 50 different mitigation measures) with the addition of fins a 5 floor intervals on the southwestern face of Building 2, along with a 6 metre deep canopy above the transfer structure proving to be the most effective measure in reducing down drafting and improving safety conditions in. These have the benefit in limiting interventions on and around the listed Oriel Gateway and adjoining wall. The ES Addendums set out further measures required so that there would be no locations where the wind speeds would be higher than required for the proposed use of that location and would be safe for pedestrians and cyclists. In addition to the fins attached to Building 2, these measures are:

- 11 elevated banners to the north of Building 2 along the new east-west route;
- Baffles suspended from the underside of the Overground structure where this crosses pedestrian thoroughfares;
- Planting or hedging to the east and west of Plot 2;
- Staggered solid screens (1.5 metres wide by 2 metres high) between the south eastern corner of Plot 2 and the south western corner of Plot 8A; and
- Solid balustrade around Building 2 roof terraces.

552 The applicant's Wind Microclimate Assessment was reviewed by the GLA's EIA consultants and the information and method of assessment considered acceptable. The conditions in respect of the necessary mitigation measures during the construction and operational phase of the development would be mean that there would be no significant impact on the amenity on occupiers of the site and its surrounds and to the safety of pedestrians and cyclists and other users in and around the site. Full details of wind mitigation measures would be secured by condition. The visual and heritage impact of the mitigation measures proposed are discussed elsewhere in this report.

Urban greening and biodiversity

553 Paragraphs 170 and 175 of the NPPF state that planning decisions should contribute to enhancing the natural environment by minimising biodiversity impacts and avoiding or mitigating harm and providing net gains. Paragraph 177 states that the presumption in favour of sustainable development does not apply where the proposal is likely to have a significant effect on a habitats site (either alone or in combination with other proposals), unless an appropriate assessment has concluded that the proposal will not adversely affect the integrity of the habitats site.

554 London Plan Policy 7.19 and Policy G6 of the Intend to Publish London Plan require developments to make a positive contribution to the protection, enhancement and creation of biodiversity. Policy G7 seeks to ensure all developments protect and enhance the borough's natural environment and increase the quantity and quality of the borough's biodiversity. Hackney Policy LP47 states that all development should protect and where possible enhance biodiversity and maximise opportunities to create or make improvements to existing natural environments. Policy LP48 states that all major mixed-use development should maximise the provision of open space and achieve an urban greening factor of 0.3. Policy D.ES3 says that development is required

to protect and enhance diversity, including through the increasing the provision of trees. All schemes should submit an ecology assessment.

555 The site does not fall within the boundaries of any statutory or non-statutory sites of nature conservation and is not designated for any nature conservation purposes. An ecology assessment accompanied the application phase, however as the scheme is built out with living roofs and landscaping it is considered that the cumulative impact on biodiversity will be positive. It notes that there will be minor adverse effect on invertebrates at construction. A condition requiring the submission of a construction management plan with specific reference to the protection of ecological receptors as the scheme is being constructed is proposed to be attached. The lighting strategy to be prepared to minimise light spill onto retained or newly created habitat features is to be captured within this condition. To mitigate against the loss of suitable black redstart breeding opportunities, bird boxes will be provided within the development. A landscape and ecological management plan will be produced following the landscaping planting scheme at Reserved Matters stage.

556 Following a request from the GLA's EIA consultants, the applicant submitted a Bat Mitigation Strategy which outlines precautionary measures that will be implemented in order to avoid or reduce impacts on bats during construction and the operation phase of the development. A planning condition requiring compliance with the measures set out in the Strategy is recommended.

557 The amended Design Guide sets out that the following ecological elements will be introduced into the landscaping; wildflower rich grassland; woodland glade and woodland scrub; large areas of continuous ground vegetation; habitat integration through feature structures; native tree planting; hedge planting and area set aside for community planting. Strategies for hard and soft landscaping are enclosed in the Guide and will form the basis for the detail that will come forward at Reserved Matters stage. Tree planting will be predominantly of native species as will the general planting, shrub, hedging grass, etc across the site. These details will be considered at Reserved Matters stage. Biodiverse roofs shall be installed, along with bird and boxes. Opportunities for vertical greening will also be explored. This will be subject to a planning condition.



Figure 39: illustrative plan showing landscaping at Platform level

558 In regard to London City Airport, a condition is recommended to secure a bird management strategy so as not to have an adverse effect on the safety of operations at the airport.

559 LUC Consulting have reviewed the ES Addendum. The harm to biodiversity would be limited to some minor adverse impact to invertebrates during construction for which mitigation measures are proposed. The impact of the scheme is considered to have a minor beneficial effects on biodiversity. Subject to the recommended conditions to secure these mitigation measures and ensure policy compliance, the proposal accords with the policies set out above.

Other environmental issues

Air quality

560 Paragraph 181 of the NPPF states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, with further guidance in the Government's Planning Practice Guidance (PPG).

561 A core priority of the Mayor's Environment Strategy (2018) is to improve London's air quality and protect public health by reducing exposure to poor air quality, particularly for the most disadvantaged and those in priority locations such as Air Quality Focus Areas, and outlines a range of initiatives that seek to improve the capital's air quality over time, including the Ultra-Low Emission Zone (ULEZ). London Plan Policy 7.14 and Policy S11 of the Intend to Publish London Plan state that London's air quality should be significantly improved and exposure to poor air quality reduced, especially for vulnerable people. Policy S11 states that development proposals should not create unacceptable risk of high levels of exposure to poor air quality and should ensure design solutions are incorporated to prevent or minimise increased exposure to existing air pollution. D.ES2 of the Tower Hamlets Local Plan states that development is required to meet or exceed air quality neutral, and proposals should mitigate against poor air quality to end users. Policy LP58 of the Hackney Local Plan states that new development should be sited and designed to minimise exposure to air pollution and use appropriate mitigation measures to protect occupiers from poor air quality.

562 The Environmental Statement includes an Air Quality Assessment, updated as a result of the July 2020 Amendments. An assessment of dust and air quality impacts from emissions of construction vehicles and traffic flow changes once operational was undertaken. The development has been demonstrated as air quality neutral. Embedded mitigation measures include the proposals' car-free nature (with the exception of blue badge spaces) together with the promotion and support for sustainable transport modes, and an appropriate energy strategy. Additional mitigation measures have been identified in respect of the D1/D2 space within Building 3, adjacent to Commercial Street, should that use be regarded as a sensitive use, which could be occupied by a use such as a nursery, whereby mitigation measures in the form of sealed facades and mechanical ventilation would be required. This is proposed to be secured through planning condition and reviewed at Reserved Matters stage. Concerns raised by Hackney Council with regard to the impact on a residential property on Commercial Street would also be addressed by condition that could require mitigation measures should updated dispersion modelling continue to show an adverse impact. Further air quality assessments at existing and new receptors will be undertaken at Reserved Matters stage to inform any mitigation measures required to safeguard air quality for occupiers of the development.

563 The applicant has also proposed that all service and delivery vehicles associated with the development will be required to be compliant with the Ultra-Low Emissions Zone to safeguard against potentially excessive NO_x levels, this would be captured in the conditioned delivery and servicing plan. A planning condition requiring odour assessment in respect of A3 and A5 uses is also proposed.

564 Subject to the aforementioned conditions, the application complies with the requirements of the NPPF, London Plan Policies 7.14, Policies D4 and S11 of the Intend to Publish London Plan, Policy of the D.ES2 Tower Hamlets Local Plan and Policy LP58 of the Hackney Local Plan.

Waste management

565 London Plan Policy 5.17 requires adequate provision for waste and recycling storage and collection facilities as part of new developments. In relation to waste generated through demolition, groundworks and construction, Policy 5.18 requires applicants to produce site waste management

plans to arrange for the efficient handling of construction, excavation and demolition waste and materials. Intend to Publish London Plan Policy S17 seeks to reduce waste and increase material reuse and recycling and promotes a circular economy. The Policy also sets several waste targets including a strategic target of zero biodegradable waste or recyclable waste to landfill by 2026.

566 Policy LP57 of the Hackney Local Plan states that development should seek to minimise waste both during construction and operation of development. Policy D.MW3 of the Tower Hamlets Local Plan states that development must include sufficient accessible space for all forms of waste and incorporate high quality on-site collection systems and Policy S.MW1 sets out that new development will be expected to reuse and recycle construction, demolition and excavation waste.

567 The Environmental Statement Addendum contains a Waste Management Strategy covering both the full and outline phases of the proposal. This concludes that the impacts of the construction wastes generated by the development to not be significant. The applicant has confirmed that a Site Wide Management Plan would form part of the Construction and Environmental Management Plan which will be submitted and reviewed prior to the commencement of development.

568 In terms of the operational phases, the applicant has submitted an Operational Waste Management Strategy (OWMS) which provides an overview of the waste and recycling generated from commercial and residential elements of the amended scheme. This has been reviewed by the GLA's EIA consultants LUC. The residual effects of the waste and recycling that would result from this proposal are minimal. Neither Council Waste Officers have raised objection to the proposals. A condition is attached ensuring that the waste and recycling facilities are built out in accordance with the OWMS and also meet the waste and recycling storage and collection requirements of both Councils in each plot.

Contaminated land

569 London Plan Policy 5.21 requires the investigation and, where appropriate, remediation of contaminated sites, with appropriate mitigation to ensure contaminated land is brought back into beneficial use and to avoid harm to the environment or human health. Hackney Local Plan policy LP58 requires the investigation of potentially contaminated land and to address risks before and during construction and during operation. Tower Hamlets Local Plan Policy D.ES8 requires the investigative works on all contaminated or potentially contaminated land before planning permission is granted.

570 The applicant has produced an assessment of ground conditions as part of the ES Addendum. Potential contaminants are possible from the previous uses of the site, however, because of the constraints associated with access a survey has not been undertaken since 2008. The GLA's EIA consultants have recommended planning conditions be attached requiring supplementary site investigations should planning permission be granted with remediation plans and verification reports to follow. Other planning conditions are recommended in respect of unexpected contamination found during demolition and/or construction, unexploded ordinance surveys, asbestos and piling risk assessments.

571 Neither Council raises objection in this regard. Subject to these conditions the application is compliant with development plan policy on contaminated land.

Transport

572 Chapter 9 of the NPPF sets out the Government's aim to promote the use of sustainable modes of transport. When considering the transport implications of development proposals, the NPPF states that decision-makers should ensure that site specific opportunities available to promote sustainable transport modes have been taken up; safe and suitable access to site would be achieved for all users; and any significant impacts from development on the transport network (in terms of capacity or congestion) or highways safety can be mitigated to an acceptable degree.

Paragraph 109 of the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety or where residual cumulative impacts on the road network would be severe. Paragraph 110 of the NPPF sets out additional criteria which should be addressed, including pedestrian, cycle and inclusive access.

573 London Plan Policy 6.1 sets out a strategic approach for transport in London. This includes the aim to encourage patterns of development that reduce the need to travel, especially by car, through the use of maximum car parking standards; seeking to improve the capacity and accessibility of public transport, walking and cycling infrastructure; encouraging shifts to more sustainable modes of travel and promoting walking and safe and step-free access. Policy 6.3 states that the impact of development proposals on transport capacity and network should be fully assessed and not adversely affect safety, with schemes appropriately phased where transport capacity is insufficient to allow for the expected trip generation. Other relevant transport policies are Policies 6.9, 6.10, 6.11, 6.12 and 6.13 which cover cycling, walking, parking, road network capacity, and traffic congestion. Policy 8.2 of the London Plan sets out the Mayor's priorities for planning obligations and states public transport improvements should be given the highest importance, alongside affordable housing. Policies 6.5 and 8.3 set out the Mayor's priorities for funding Crossrail and other strategically important transport infrastructure, and Mayoral Community Infrastructure Levy.

574 The Mayor's Transport Strategy (2018) (MTS) seeks to put people's health and quality of life at the very heart of planning the city's transport with an aim that by 2041, 80% of all Londoners' trips will be made on foot, by cycle or by public transport. The MTS seeks to impose high expectations on developers to deliver transport solutions that will promote sustainable mode shift, reduce road congestion, improve air quality and assist in the development of attractive, healthy and active places. It will also seek to restrict car parking provision within new developments, with those locations more accessible to public transport expected to be car free or car-lite. Provision for car parking should be minimised and designed for alternative uses in the future as car dependency decreases.

575 The aspirations of the Mayor's Transport Strategy are embedded in the policies of the Intend to Publish London Plan, particularly in policy approaches such as 'Healthy Streets', 'Good Growth' and the Mayoral mode share targets. Intend to Publish London Plan Policy T1 sets a strategic target of 80% of all trips to be made by foot, cycle or public transport by 2041. Policy T2 seeks to ensure that development proposals deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling. Policies T3-T6 and T6.1-T6.5 seek to enable the achievement of the Mayor's strategic target.

576 Hackney's Local Plan Policy LP41 states that new development should contribute towards transforming Hackney's streets and places into the most attractive and liveable neighbourhoods in London, contributing toward the Healthy Streets approach and promoting active travel over car use. LP42 promotes cycling and walking in new developments, while LP43 sets out that new development be located where transport needs can be met in a sustainable manner and negative impacts on the operation of transport infrastructure mitigated. LP44 requires all development to protect existing and proposed transport infrastructure, particularly walking and cycling routes and public transport services. LP45 requires that all new developments are car free except for parking for accessible provision.

577 Tower Hamlets Local Plan Policy S.TR1 sets out that development will be expected to prioritise pedestrian and cyclist needs and access to public transport above vehicular modes and be effectively integrated to maximise sustainable travel. Policy D.TR2 requires that developments which have an adverse impact on traffic congestion will be required to contribute and deliver, appropriate transport infrastructure while policy D.TR3 sets out parking standards for vehicles and bikes, including the requirement for residential development to be permit free and any parking provided to be off-street. Policy D.TR4 requires that developments demonstrate how servicing and

deliveries would not impact on the transport network and be suitably efficient in operation. Movement by non-fossil fuel vehicles should be prioritised.

Trip generation and mode split

578 The applicant produced an updated Transport Assessment (TA) to accompany the revised submission and following requests for further information submitted a further Addendum Note in February 2020. The applicant undertook surveys in December 2019, to refine the forecast of delivery and survey trips to and from site. TfL accepts the methodology used to forecast these trips is reasonable. The TA Addendum sets out the estimated trip generation by mode of travel for the development during peak weekday AM and PM hours, and over the day covering three scenarios, the maximum build out, detail approval only and a limited development scenario (LBTH). For the purposes of this report, the maximum parameter scheme which represents the 'worst case scenario' will be considered.

579 The updated TA sets out that if built out to the maximum parameter the scheme would generate over 4,323 AM (0830-0930) weekday peak hour additional pedestrian movements, 4,090 PM (1730-1830) weekday movements with a lunchtime (1230-1330) peak of 7,170 two way movements (in and out of the site). Pedestrian movements are also predicted to be significant at the weekend given the nature of the proposed uses with 4,653 and 6,673 pedestrian movements expected on the Saturday and Sunday Peaks (1300-1400) respectively. These figures represent an increase compared to the 2015 TA on the previous scheme reflecting the more commercial nature of this proposal.

580 Alongside the pedestrian movements the proposal would lead to 297 two way additional bus trips in the AM peak, 242 in the PM peak and 151 and 369 during the Saturday and Sunday lunchtime peaks. The updated TA indicated that there would be 3,665 additional rail trips (London Underground, London Overground and Network Rail) during the weekday AM peak and 2,891 at PM with lower numbers (612 and 1344) at the weekend. In terms of cycle trips to the site, the expected maximum impact will be during weekday lunchtimes when an additional 158 two way trips are expected. Reflecting the limited car parking available the numbers associated with cars arriving at the site are low, the main vehicular trip generation being taxi numbers which peak at 74 during the Sunday lunchtime hour. The figures associated with delivery and servicing are set out in the relevant section below.

Site access and layout

581 The site's physical and heritage aspects have constrained and informed the applicant's strategy. Braithwaite Street apart, access through the site is currently prohibited. This scheme would provide a number of additional pedestrianised routes at ground floor in addition to that provided at Platform level.

582 Vehicular access to the site will be provided in four locations:

- Bethnal Green Road, approximately 35 metres east of the junction with Shoreditch High Street;
- Sclater Street, approximately 70 metres east of the junction with Bethnal Green Road;
- Brick Lane, south of the rail bridge; and
- Braithwaite Street, north of the junction with London Road, beneath the railway bridges.



Figure 40: vehicular accesses

583 The proposed Bethnal Green Road access is to a service yard, for the proposed Plot 1 office building. Formed of a two-way access approximately 7.3 metres wide, the location has been the subject of discussion between the applicant and the highway authorities given its usage (discussed below), its proximity to the Shoreditch High Street junction and the impact of it on pedestrian movements along this stretch of Bethnal Green Road and upon multiple lanes of vehicular traffic, including bus flows. As part of the submission, the applicant is suggesting that the existing bus stop on the north side of Bethnal Green Road be moved further east and to extend the westbound bus lane up to the location of the proposed service yard access to improve access to the service yard. In addition, the applicant is proposing the provision of yellow box markings in the westbound lane in front of the yard. Subject to the delivery and servicing details noted below, both Hackney Council and TfL have confirmed that with these measures in place the service yard has the potential to operate successfully without significantly impeding pedestrian and highway movements. The detail of the relocated bus stop and yellow box will be subject to a S278 agreement with Hackney Council, the requirement for which will be secured through the S106 agreement.

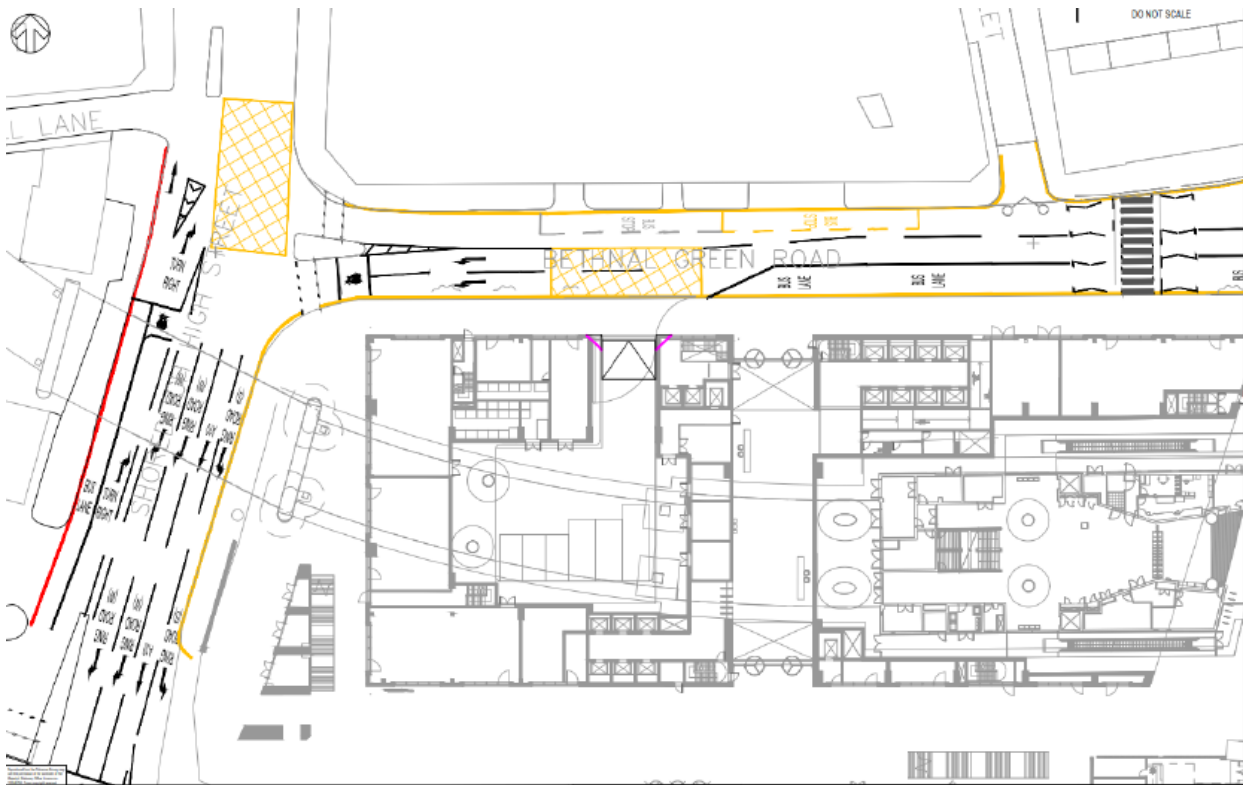


Figure 41: service yard entrance to Bethnal Green Road showing new yellow box and extended bus lane

584 Two servicing yards are proposed to be access off Braithwaite Street via Quakers Street to the south only. The larger yard, serving Plots 2 and 8 has been amended since the resubmission in October 2019 in response to comments from the highway authorities to have a wider entrance to facilitate two way service movements onto Braithwaite Street. This will result in the removal of a further non-listed arch on the western side of London Road than previously proposed to create the new 13 metre access point. A swept path analysis shows that two HGV sized vehicles could enter/leave the site simultaneously. The applicant has proposed that the layout and design of Braithwaite Street be coordinated through discussions and design workshops between the applicant and Tower Hamlets. Alongside this the applicant has agreed to contribute £300,000 towards Braithwaite Street improvements works through the S106 legal agreement. A smaller yard servicing Plot 3 only would be sited further south of this yard at the London Road section of the site.

585 Two other service locations are proposed for the development, one off Brick Lane serving the retail units on the east-west link and another sited off Sclater Street serving residential Plots 4, 5 and 10. The latter will be two way and will necessitate the removal of two on-street parking bays.

586 One of the key consequences of the layout will be the increased pressure created by the pedestrian movement on the Shoreditch High Street entrance close to the junction with Bethnal Green Road. The applicant has agreed to make a payment of £4.5 million to fund the upgrade of the Shoreditch High Street/Commercial Street and Great Eastern Street junction as well as the Shoreditch High Street and Bethnal Green Road junction (Section 1 works). This will mitigate against the increased pedestrian movements anticipated in this location, and provide a safe and accessible route into and away from the site. In addition a further £1 million contribution to improve cycling infrastructure along Shoreditch High Street north of the site will also be made (Section 2 works).

587 In terms of cycling, the new east-west route will not be available for cyclists, being pedestrian only for the purposes of safety. This approach is considered acceptable given the width of this route and nature of the retail space. Braithwaite Street will be retained as a cycle and a pedestrian through route only and short stay cycle parking for visitors will be made available for

visitors around the periphery of the development site. Emergency vehicular access has been considered with main access points via Braithwaite Street and the pedestrianised Middle Road which will be made accessible for emergency vehicles when required.

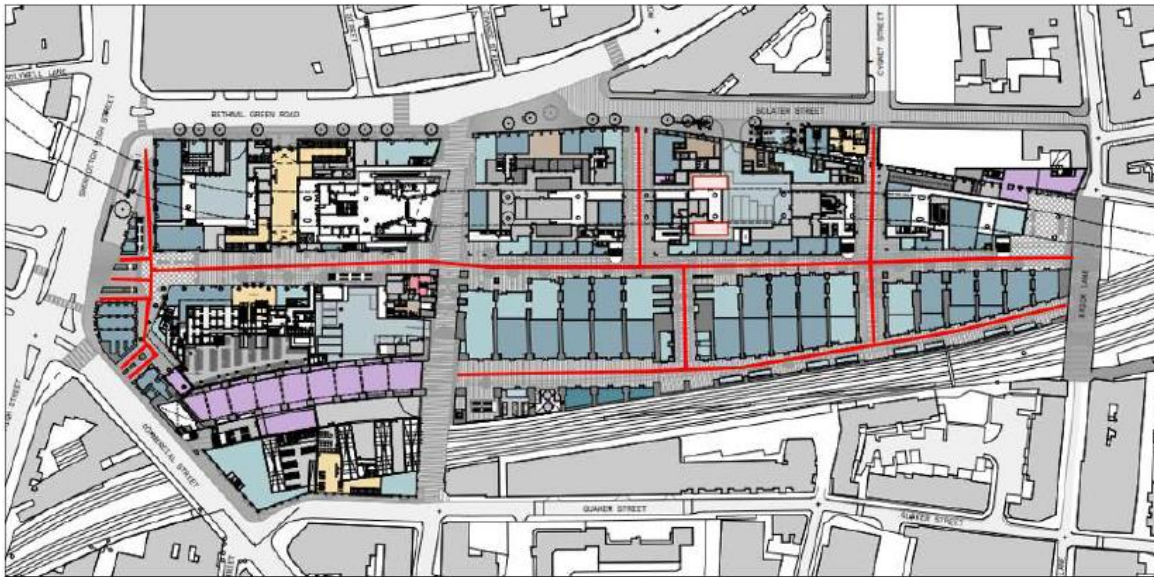


Figure 42: pedestrian routes

588 In addition to the contributions outlined the applicant has agreed to pay £250,000 towards a new pedestrian crossing on Bethnal Green Road; £250,000 towards Bethnal Green Road / Sclater Street cycle lane improvements in Tower Hamlets; £255,000 to Hackney Council towards footway and carriageway resurfacing; and £25,000 towards Redchurch Street public realm improvements.

589 Given the constraints associated with the development of the site the overall approach and arrangement of the site layout is considered acceptable, subject to the mitigation agreed.

Delivery and servicing

590 A draft Delivery and Service Plan was submitted as part of the Transport Addendum submission in October 2019. This set out that all delivery and servicing activity would take place on-site within dedicated servicing yards and areas. The number of movements associated with the development and the two servicing yards on Bethnal Green Road and Braithwaite Street in this submission were considered by both Councils and TfL to raise serious concerns regarding safety and the potential conflicts with pedestrians, cyclists and traffic flows.

591 The proximity of the Bethnal Green Road Service Yard to the Shoreditch High Street junction was identified as an issue with the swept path analysis raising concerns about the impact on pedestrian flows and traffic flow, including bus flows to the front of the site.

592 The Braithwaite Street service yard is located just south of barriers which prevent the highways use as a two-way through route, north-south. Consequently, the road is in reality an important pedestrian and cyclist route which also offers direct access to Shoreditch High Street Overground Station and the installation of a service yard with the daily movements previously envisaged would potentially change the nature of this space dramatically. Around 2,000 passengers during the AM peak exit Shoreditch High Street Station onto Braithwaite Street to access Bethnal Green Road (similar number enter the station during the evening peak), some of this demand will use Braithwaite Street to access Middle Road in the future, whilst there will be demand related to the development itself. In that context it is expected that there would be an hourly peak flow of up to 5,000 people on the north and middle sections of Braithwaite Street, should this development come forward.

593 As previously proposed, the access to the yard was not wide enough to allow two way movement and so traffic signals were proposed on the public highway to hold vehicles in order for another vehicle to exit the site. Whilst a vehicle is held at the lights, together with the tracking increased movement of the vehicle exiting the site would take up the whole of the available highway, and as such would have been a safety issue for pedestrians and cyclists and the street would in effect have become an extension of the servicing area.

Further Delivery and Servicing Plan amendments

594 Following concerns raised by TfL and Council officers, the applicant submitted further amendments to the Delivery and Servicing Strategy in a Transport Addendum note (dated February 2020). This included additional survey data to meet a TfL request for more consistent and accurate delivery and servicing trip information drawn from comparable land use operations to give assurance that the data is correct and robust.

595 The survey work was undertaken in December 2019 to refine the forecast of delivery and service trips to the site. TfL accepts the methodology employed. The detail of the revised movement totals is noted in the table below.

Service yard	Plots	Revised total two-way movements <i>(2019 total in brackets)</i>	Peak hour movements <i>(2019 total in brackets)</i>	Capacity
Bethnal Green Road	1	126 (270)	26 (36)	6 bays
Braithwaite Street	2 & 8	300 (476)	56 (44)	8 bays
London Road	3	84 (130)	16 (12)	2 bays
Middle Road	7	116	16	-
Sclater Street	4, 5 & 10	156	26	5 bays

Table 15: Revised two way servicing and delivery numbers (Feb 2020)

596 In addition to the revised quantum, the applicant proposed some of the physical interventions referred to earlier such as wider service yard entrances, yellow box markings and relocated bus stops to further address concerns as to the impact on movements and safety for all users of the public highway. The latest proposals allow two-way access into the service off Braithwaite Street, which help reduce the impact of the service yard on Braithwaite Street and remove the need for signal control access.

597 The delivery and servicing arrangements associated with the scheme are challenging because of the scale of development and the on-site constraints in securing access, in large part caused by the intention to safeguard the heritage assets inherent in the scheme’s design and to prioritise pedestrian access. The reduced number of servicing trips as set out in Table 15 gives some comfort, however it is considered that in order to safeguard the safety and usability of the surrounding public highway, mitigation is required above and beyond measures such as travel plans, online booking systems and staggered delivery times.

598 In that regard, a delivery and servicing strategy (DSS) must be approved prior to the occupation of the development and be updated ahead of the operation of any service yard, taking into account best practice at that time. The purpose of the site-wide DSS is to facilitate on-site co-ordination between service yards, to enable consolidation on-site (or off site) where practicable and enable pedestrian and cycle portage where appropriate. This will ensure that delivery and servicing movements do not go as far as practicable beyond what is considered to negatively impact on highway flow and safety. The site-wide DSS will need to set target caps based on the

figures in Table 15 for each service yard and include targets to reduce daily and hourly HGV and LGV movements in line with good practice over time. The target is to reduce HGV/ LGV movements cap by 20% over 10 years compared to that forecast. This will be secured in the S106 agreement.

599 In order to demonstrate compliance the applicant must collect data on deliveries to and from site, including through the use of CCTV and each Council should have access to the raw data and CCTV on request. The targets will be based on average vehicle movements based on monthly targets. In order to robustly enforce compliance with the service movement caps and safeguard highways safety, the applicant has agreed to the provision of a financial bond, to be secured in the S106 agreement, which will be drawn down upon by the Councils should a persistent breach of the caps occur. Any monies would be used to fund highways safety measures within the vicinity of the site.

600 To encourage the use of cargo bikes the Reserved Matters proposals will include cycling facilities for cargo bikes within each of the servicing yards. Each delivery and servicing plan accompanying a reserved matters submission will outline methods to encourage cargo bikes and liaise with cargo bike delivery companies. This would be reflected in a planning condition if approved.

601 The servicing movements associated with the yards at London Road, Sclater Street and Brick Lane are lower and the detail of them can be addressed at Reserved Matters stage, taking into account local market days and road closures.

Healthy Streets

602 The proposed development would result in a substantial increase in pedestrian trips to/from the site and around the local area. In line with Healthy Streets, City Fringe OAPF and site allocation aspirations, the proposals would deliver a new network of pedestrian routes within this large and previously inaccessible site, improving permeability, including to and from an Overground station. In addition, in siting extensive commercial, retail and residential space immediately adjacent to a rail station will of itself encourage a mode shift towards the use of public transport. The design of the scheme in providing public realm to dwell at ground floor and a park at platform level will also assist in delivering Healthy Streets aspirations and enable movement around and through this site to be greener and more pleasant. Impacts on existing streets, and proposed measures to address this, are considered above.

Public transport Impacts

603 The approach to the assessment of public transport impact as set out in the applicant's Transport Assessment Addendum is agreed. Based on the extensive bus network in the surrounding area, it is expected that the additional bus trips generated by the development (297 two-way trips in the AM peak and 242 trips in the PM peak) can be accommodated on existing services. The TA indicates there will be 3,665 additional rail trips (London Underground, London Overground and National Rail) during the AM peak, and 2,891 during the PM peak.

604 At the London Overground station at Shoreditch High Street, the biggest congestion issue for the operator (Arriva Rail London) is the exit off the platform (northbound). It is a narrow exit off a narrow platform and in the morning peak this can lead to delays exiting the station. The proposed development provides passive provision for escalators to each side of the station entrance to allow for additional capacity within Building 1. The design will be considered further at Reserved Matters stage.

605 As Building 1 will enclose the existing station building, the developer needs to provide a Roundel to make sure Shoreditch High Street station remains visible from Shoreditch High Street.

The developers have agreed to grant rights and consents to put an Overground Roundel to the building facing Bethnal Green Road/Shoreditch High Street (Building 1).

Car parking

606 Intend to Publish London Plan Policy T6 states that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, Policy T6.1 states that disabled persons parking should be provided for at least 3% of dwellings from the outset, with the ability to demonstrate through a parking design and management plan, how an additional 7% of dwellings could be provided with a disabled persons parking space upon request, should existing provision be insufficient. In terms of the commercial uses, the Intend to London Plan sets out that in the CAZ, office and retail proposals should be car free and for hotel and leisure uses any on-site provision should be limited to the operational needs and parking required for taxis and coaches. In terms of disabled persons parking, Policy T6.5 sets out that parking should be provided so that there is at least one on or off-street disabled persons parking bay.

607 In the October 2019 submission, the applicant sought to provide 2 disabled persons parking spaces across the site, some way short of the minimum provided. Subsequently, the applicant has demonstrated the capacity of the site to accommodate 15 spaces, located primarily in the north of the site, adjacent to the proposed residential blocks. This would meet the 3% residential minimum requirement should the maximum 500 units be constructed and 7 more than required should the minimum 346 units be built out. As proposed, none of these spaces would be provided for the other uses on the site, although the applicant has suggested that some of the standard on-street parking bays in the vicinity of the site be converted to accessible bays.

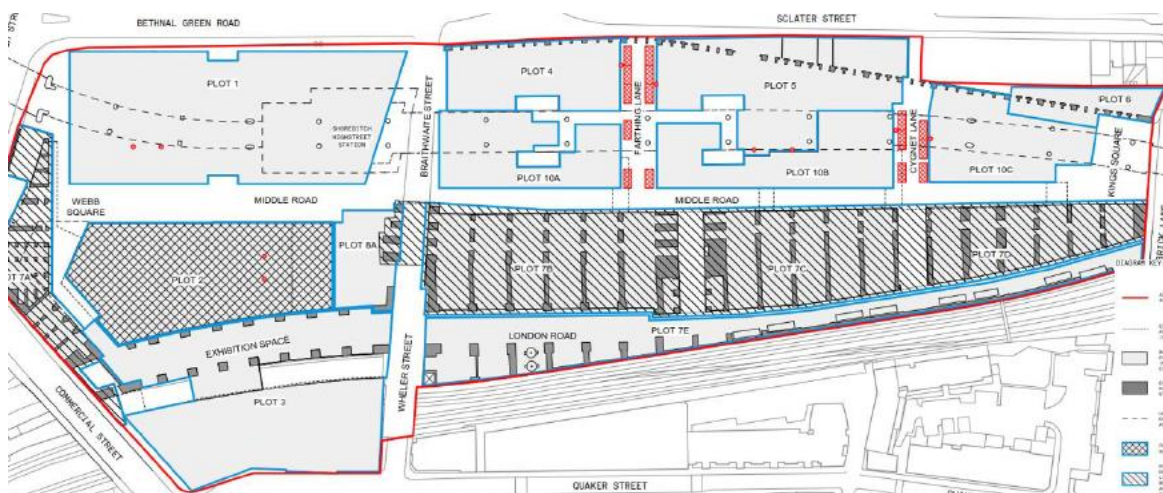


Figure 43: disabled persons parking (highlighted in red)

608 Following a survey of local streets taken in February and March 2019, the applicant has shown that there is on-street parking capacity within the vicinity of the site with 22 empty bays available. This falls short of the additional 7% of spaces, 35 as required to be demonstrated by the Intend to Publish London Plan Policy T6.1. A parking, design and management plan will be submitted with the Reserved Matters submissions for both the residential and non-residential elements.

609 The applicant's proposal to utilise on-street disabled persons parking will have some practical issues given the limited ability to park locally at most times which is exacerbated by the presence of street markets at weekends. This matter will be addressed at Reserved Matters stage as the development progresses and the requirements for on-site residential parking spaces is clearer, but at this stage the strategy is considered acceptable given the constraints. Electric vehicle charging points for the on-site bays would be secured by condition.

610 The application does not incorporate drop off spaces for taxis or any of the other uses in the development, suggesting that it is likely that what visitors arrive by taxi would likely be on Bethnal Green Road adjacent to the site or via the 24-hour taxi rank close by on Ebor Street. The applicant suggests that the Reserved Matters applications would provide for travel plans which would identify and encourage sustainable methods of transport and the mechanisms required to reduce the need for such trips. This is acceptable on balance.

Cycle parking

611 The applicant is proposing to provide a minimum of 334 short stay cycle spaces for the development if built out to its maximum. This represents 70% of the minimum total required by Intend to Publish London Plan Policy T5. This shortfall is accepted as a starting point given that there are concerns with the limited space available because of the nature of the design and the aforementioned constraints, that greater numbers could potentially clutter new public pedestrianised spaces both visually and in terms of movement with too much cycle parking. The applicant has agreed to monitor the use of short-stay facilities and if greater demand is required, additional spaces will be provided. This approach is accepted and would form part of a legal agreement. The applicant has also agreed to provide £440,000 towards the creation of two new cycle hire docking stations in the vicinity of the site which would provide 50 new bikes.

612 In terms of the needs associated with the residents and other occupants and users, the applicant has proposed to provide the necessary long-stay cycle spaces to meet Intend to Publish London Plan standards as well as the required shower, changing and associated facilities. With much of the proposal in outline form this detail will be reviewed at Reserved Matters stage. In terms of the full submission, 893 spaces will be provided within the Building 2 office building, located at street level in the southwest corner of the plot. The entrance will be lobbied and 893 lockers, 90 showers and two accessible showers will be provided. A total of 14 spaces and 14 lockers plus two showers are proposed for the retail employees within this building. The applicant is also proposing to provide 27 cycle spaces for the employees of the retail spaces in Plot 7.

Construction

613 London Plan Policy 6.3 and Intend to Publish London Plan Policy T.7 promotes the uptake of Construction Logistics Plans (CLP) and the TfL Fleet Operators Recognition Scheme (FORS) or equivalent, to minimise the impact and safety risks of construction activities on people and the transport network. An outline CLP and a Code of Construction Practice were submitted with the 2019 submission alongside the Traffic and Transport section of the ES Addendum. The latter identified that there would be a peak of 48 two-way daily movements associated with construction stages of the development and there is anticipated to be temporary, short term minor adverse effects on bus, cyclists and vehicle delay arising from the movement of traffic around the road network. However, the numbers of movements anticipated are not considered significant in terms of their environmental impact.

614 It is anticipated that the majority of the construction traffic will be accessed off Braithwaite Street, away from the residential dwellings on Sclater Street, the latter being used for the development of Plot 5 and for part of Plot 4. The CLP sets out some strategies to reduce the impacts of construction traffic in the area. All contractors will be required to register under the Considerate Constructors scheme and the Construction Logistics and Community Safety Standard will be signed up to follow safe practices. All construction vehicle operators will also be accredited in line with FORS. The scheme will also be subject to the Construction Management Plan, the submission and approval of which is recommended as a planning condition as will an updated Construction Logistics Plan. These measures should safeguard the amenity of local residents as much as is practicable during the development process.

615 TfL guidance on Construction Logistics Plans is updated on a regular basis based on industry best practice and we have provided specific guidance on particular aspects of construction

during the current health crisis, it is expected that contractors and traffic marshals are trained to a high standard. TfL guidance encourages a proactive approach to mitigating construction impact on the local community and local businesses, this will require engagement with the local businesses and residents. Due to the nature of on and off-site constraints, and need for offsite highway measures, TfL will work with both local authorities and the developers to help ensure construction logistics associated with this development is managed in accordance with TfL guidance.

616 The application amendments have been subject to comment from London Overground and London Underground in respect to the assets above and below ground at this site. Planning conditions are recommended in this regard requiring that development not commence until detailed design and method statements for each stage of the development are submitted to and approved by the local planning authority in consultation with Rail for London and London Underground.

Travel Plan

617 The application is supported by a site-wide draft Travel Plan, which aims to promote sustainable travel to and from the Site. A site-wide Sustainable Travel Manager will be appointed to take responsibility for the ongoing management of the plan and its monitoring and reporting. Full Travel Plans for plots/uses as the development progresses will be required. It is proposed that these will be secured, monitored and enforced through planning obligation.

Transport summary

618 The principle of siting a significant quantum of high trip-generating uses in a highly accessible location through a car-free approach is strongly supported. The proposal appropriately contributes towards Healthy Streets and sustainable travel objectives. Subject to the mitigation measures discussed above, the application complies with London Plan, Intend to Publish London Plan and Local Plan transport policy, and the NPPF.

Mitigating the impact of the development through planning obligations

619 Regulation 122 of the Community Infrastructure Levy Regulations 2010 states that a section 106 planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. These are statutory tests.

620 The NPPF states that “local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.”

621 At the regional level, London Plan Policy 8.2 sets out the Mayor’s priorities for planning obligations, and states that affordable housing; supporting the funding of Crossrail where this is appropriate; and other public transport improvements should be given the highest importance. Intend to Publish London Plan Policy DF1 identifies that priority should firstly be given to affordable housing and necessary public transport improvements; and following this recognise the role large sites can play in delivering necessary health and education infrastructure; and the importance of affordable workspace, and culture and leisure facilities in delivering good growth.

622 Hackney Council’s Planning Contributions SPD sets out the Council’s approach to securing planning obligations and supplements the policies contained in the Local Plan. Tower Hamlets Council also has a Planning Obligations SPD which provides a framework for calculating S106 planning obligations in the Borough.

623 Pursuant to the consideration within the previous sections of this report, and in line with the policy context set out above, GLA officers propose to secure planning obligations to appropriately mitigate the impact of this development. GLA officers consider that the obligations in the section 106 agreement meet the tests in Regulation 122 of the CIL Regulations 2010, as amended in 2019. A full list of the obligations is provided under the 'Section 106 legal agreement' section above, and where appropriate there is detailed consideration given in the relevant topic section of the report. Where appropriate, GLA officers have provided an additional commentary below to support the consideration within this report and to inform the detailed drafting of a section 106 agreement.

Health and education

624 London Plan Policies 3.17 and 3.18, and Intend to Publish London Plan Policies S2 and S3, support the provision of health and education facilities. Both Councils include specific reference to health and education facilities in their Reg 123 Lists, meaning that it is generally expected that this infrastructure would be funded by CIL contributions. Neither Council has requested a specific contribution towards health or education.

Affordable housing

625 As discussed above, 50% of the proposed housing by habitable room will be provided as affordable housing, the first 35% will be provided with a 70:30 (low cost rent:intermediate) split and the remaining 15% all intermediate. The low cost rent units would be split 50:50 between London Affordable Rent and Tower Hamlets Living Rent. Intermediate units would be subject to the eligibility and household income requirements as set out in the Intend to Publish London Plan, the Affordable Housing & Viability SPG and the London Plan Annual Monitoring Report. At least 50% of the intermediate housing will be provided as London Living Rent (including, but not limited to all 3+ bedroom units), with the remaining intermediate units provided as Discount Market Rent or London Shared Ownership, subject to meeting the relevant affordability criteria.

626 An early stage review mechanism would be secured, whereby in the event that the first residential phase comprising at least 100 units has not been substantially implemented within 3 years of the date of the decision to grant planning permission, a review would be undertaken to establish if additional London Affordable Rent and London Living Rent housing can be provided. Delivery triggers will be included linking affordable housing to market housing and linking affordable housing to commercial floorspace.

627 These obligations are necessary to secure compliance with affordable housing policy.

Affordable workspace

628 In Hackney, 7.5% of the office floorspace comprised in the development shall be provided as affordable workspace at an overall 60% discount from open market rents. In Tower Hamlets, 10% of the office floorspace will be discounted by 10% from open market rents. An affordable workspace strategy to be submitted and approved prior to occupation. Local enterprise, business support and inclusive workspace contribution of £500,000 (Hackney only).

629 These obligations are necessary to secure compliance with local affordable workspace policies.

Apprenticeships

630 Provision of 150 apprenticeships during the construction phase of the development. Applicant to use reasonable endeavours to provide as many apprentices as reasonably practicable

during the end-user phase of the development. These obligations are necessary to secure compliance with local employment policy and SPDs.

Employment and skills

631 Contributions of £3,863,616 (Hackney) and £1,358,213 (Tower Hamlets) towards employment, skills and training initiatives. Establishment of an Employment and Skills Steering Group to ensure the delivery of the Employment and Skills Strategy. Provision of an Employment and Skills Plan. Provision of one employment/training officer role (funded up to £500,000) to be shared between boroughs. These obligations are necessary to ensure compliance with local SPDs which seek to maximise employment benefits for local people.

Construction

632 Applicant to use reasonable endeavours to ensure 25% of labour employed in the construction and end-user phases of the development are local residents. Applicant to use reasonable endeavours to ensure that 20% of the value of contracts during the construction period go to local contractors and suppliers. Submission of Construction Logistics Plan prior to each phase of development. Compliance with Code of Considerate Practice and registration with Considerate Constructors Scheme. These measures are necessary to ensure compliance with local policy and SPDs, and to mitigate the impact of construction works.

Retail

633 10% of retail floorspace to be occupied by independent retailers, to include 2% affordable space for micro-entities and start up retailers. Provision and implementation of a retail management strategy to regulate the mix of A3 and A5 uses and to manage the operation of A5 uses to ensure minimal disturbance to the amenity of the area. A5 uses to be capped at 5% of retail floorspace to provide space for micro-entities and start-up tenants in the food sector. These obligations are required to comply with local policy and to mitigate the impact of food and drink uses on local amenity.

Culture and social infrastructure

634 Provision of 400 sq.m. within Building 6 for community use; space to be fitted out (capped at £500,000) and let at a peppercorn rent in perpetuity. Provision of a cultural space in Building 3. Provision of a cultural strategy including arrangements for community access. Establishment of cultural panel to be comprised of applicant, Councils and local groups to facilitate the selection of a community/cultural operator with final approval for the Councils for spaces in Hackney and Tower Hamlets. Air quality and noise mitigation fit out to community/cultural space. Site-wide arts-led meanwhile use strategy, to encourage community use. Provision of accessible public toilets to 'Changing Places' standards, open during retail hours.

635 These obligations are necessary to ensure compliance with the site allocations, which seek to deliver community and cultural space, and Intend to Publish London Plan policy, which seeks to deliver public toilets in such developments.

Heritage

636 Delivery of Oriel Gateway works prior to occupation of Building 2. Necessary to ensure delivery of heritage benefits alongside new development.

Open space

637 Provision of public open space at Platform level. Open space and pedestrian routes to be brought forward on a phased basis, linked to occupation. Site-wide estate management strategy. Off-site contribution of £200,000 towards MUGA in Allen Gardens. These are necessary to ensure compliance with the site allocations and to mitigate the impacts of the development on sports facilities.

Public art

638 Provision of public art in accordance with an approved public art strategy to a target commitment of £150,000. Commitment to maintenance of public art in accordance with the approved public art strategy. Required in connection with local policy and site allocations.

Energy

639 Payment of carbon off-set contributions. Future-proof connection to potential district heating network. Submission of a site-wide energy framework. Dynamic thermal modelling for residential units. 'Be seen' energy monitoring. Required to comply with London Plan and local plan energy policy.

Transport

640 Payment of £4.5 million to TfL for Shoreditch High Street junction improvements (Section 1 works). Payment of £1 million for cycle infrastructure improvements on Shoreditch High Street. Provision of TfL Roundel at Shoreditch High Station. Provision for space for escalators to Shoreditch High Street Overground Station platforms and second entrance. Contribution to TfL of £440,000 towards provision of two cycle hire docking stations. Payment of £250,000 to Tower Hamlets Council towards the improvement of pedestrian crossings on Bethnal Green Road. Payment of £250,000 towards Bethnal Green Road / Sclater Street cycle lane improvements. Contribution of £300,000 towards cycle/pedestrian routes on Quaker Street, Wheeler Street and Braithwaite Street. Contribution of £255,000 to Hackney Council towards carriageway resurfacing. Contribution of £25,000 towards Redchurch Street public realm improvements. Provision and implementation of site wide and phased travel plans. Contribution of £2,000 towards Hackney Council towards travel plan monitoring. S278 works. Parking permit restrictions. Provision and implementation of blue badge parking management plan. Contribution of £8,750 towards Hackney Council construction logistic plan monitoring. Provision of a Delivery and Servicing Strategy with service vehicle movement caps, monitoring and financial non-compliance bond.

641 These are all necessary to mitigate the transport impacts of the development, which are discussed in the relevant section of this report.

Legal considerations

642 Under the arrangements set out in Article 7 of the 2008 Order and the powers conferred by Section 2A of the Town and Country Planning Act 1990, the Mayor is the local planning authority for the purposes of determining these planning and listed building consent applications (Hackney Council application refs: 2014/2025 & 2014/2027; Tower Hamlets Council application refs: PA/14/02011 & PA/12/02096).

643 Section 35 of the Greater London Authority Act 2007 inserts section 2F into the Town and Country Planning Act 1990 a requirement that for applications the Mayor takes over, the Mayor must give the applicants and the local planning authorities the opportunity to make oral representations at a hearing. He is also required to publish a document setting out:

- who else may make oral representations;
- the procedures to be followed at the hearing; and,
- arrangements for identifying information, which must be agreed by persons making representations.

644 The details of the above are set out in the GLA's 'Procedure for Representation Hearings' and the 'Interim Procedure for Representation Hearings during the Covid19 Pandemic' which reflects, as far as is practicable, current best practice for speaking at planning committee amongst borough councils.

645 In carrying out his duties in relation to the determination of these applications, the Mayor must have regard to a number of statutory provisions. Listed below are some of the most important provisions for this application.

646 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the applications;
- b) Any local finance considerations, so far as material to the applications; and
- c) Any other material consideration.

647 Section 70(4) defines "local finance consideration" as:

- a) 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
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

648 In this context "grants" might include the Government's "New Homes Bonus" - a grant paid by Central Government to local councils for increasing the number of homes and their use.

649 These issues are material planning considerations when determining planning applications or planning appeals.

650 Furthermore, in determining any planning application and connected application, the Mayor is required by section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine the Application in accordance with the development plan (i.e. the London Plan and the adopted Local Plan) unless material considerations indicate otherwise.

651 Other guidance, which has been formally adopted by Hackney Council and Tower Hamlets Council and the GLA (e.g. Supplementary Planning Documents and Supplementary Planning Guidance), will also be material considerations of some weight (where relevant). Those that are relevant to these applications are detailed in this Representation Hearing Report.

652 Officers are satisfied that the current report to the Mayor has had regard to the relevant provisions of the development plan. The proposed section 106 package has been set out and complies with the relevant statutory tests; and together with the proposed conditions adequately mitigates the impact of the development and provides necessary infrastructure improvements.

653 As regards Community Infrastructure Levy (CIL) considerations, the Mayoral CIL payment associated with this development is estimated to be £33,036,111 (with anticipated affordable housing relief of £6,169,660), whilst the Hackney CIL payment is estimated to be £8,291,758 and Tower Hamlets CIL payment estimated at £17,930,490 (with anticipated affordable housing relief of £6,169,660).

654 In accordance with his statutory duty in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Mayor shall have special regard to the desirability of preserving listed buildings, their settings and any features of special architectural or historic interest which they possess. In relation to conservation areas, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area. These matters have been addressed within earlier sections of the report.

655 Where the Mayor takes over an application, he becomes responsible for the completion of the section 106 legal agreement, although he is required to consult the relevant borough(s). In this instance, there have been a series of lawyer led meetings to discuss the section 106 content, and it has progressed on the key issues.

656 When determining these applications, the Mayor is under a duty to take account of the provisions of the Human Rights Act 1998 as they relate to the development proposal and the conflicting interests of the applicants and any third party affected by, or opposing, the application, in reaching his decision. Planning decisions on the use of land can only be taken in line with the Town and Country Planning Acts and decided in accordance with the development plan unless material considerations indicate otherwise.

657 The key Articles to be aware of include the following:

(a) Article 6 - Right to a fair trial: In the determination of his civil rights and obligations... everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

(b) Article 8 - Right to respect for private and family life: Everyone has the right to respect for his private and family life, his home and his correspondence.

(c) Article 1 of the First Protocol - Protection of property: Every person is entitled to the peaceful enjoyment of his possessions.

658 It should be noted, however, that most Convention rights are not absolute and set out circumstances when an interference with a person's rights is permitted i.e. necessary to do so to give effect to the Town and Country Planning Acts and in the interests of such matters as public safety, national economic well-being and protection of health, amenity of the community, etc. This report sets out how the applications are considered acceptable overall.

659 Regulation 122 of the Community Infrastructure Levy Regulations 2010 states that a section 106 planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. These are now statutory tests.

660 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Mayor as local planning authority), that the Mayor as a public authority shall amongst other duties have due regard to the need to a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

661 The protected characteristics set out in the Equality Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

662 Officers are satisfied that the application material and officers' assessment has taken into account the equality and human rights issues referred to above. Particular matters of consideration have included provision of accessible housing and commercial uses and disabled persons parking bays, the provision of affordable and family housing and the protection of neighbouring residential amenity.

Conclusion and planning balance

663 As detailed above, Section 38(6) of the Planning and Compensation Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In relation to the listed building consent applications, the Mayor must be satisfied that the works to listed buildings are justified and acceptable in terms of impact on its character as a building or structure of special architectural or historic interest.

Tilted balance

664 Paragraph 11(c) of the NPPF sets out a presumption in favour of sustainable development in circumstances where the proposed development is considered to accord with an up-to-date development plan. As noted above, both Councils have very recently adopted Local Plans and as such the tilted balance provided for by paragraph 11(d) is not engaged in respect of these applications.

Heritage balance

665 As described in the 'Historic environment' section above, the proposal would cause less than substantial harm to the significance of heritage assets in the following instances:

Asset	Type and grade	Level of harm in the range of 'less than substantial'
Oriel Gateway	Grade II listed	Middle
Weavers Cottages	Undesignated	Middle
Vaults, roadways and walls	Undesignated	Above middle

(Table 12: summary of direct heritage harms, from 'Historic environment section')

Asset	Type and grade	Level of harm in the range of 'less than substantial'
Oriel Gateway	Grade II listed	Middle
Braithwaite Viaduct	Grade II listed	Just below middle
South Shoreditch	Conservation Area	Lower
Elder Street	Conservation Area	Middle
Redchurch Street	Conservation Area	Lower

Boundary Estate	Conservation Area	Middle
Brick Lane & Fournier Street	Conservation Area	Bottom
Weavers Cottages	Undesignated	Low
Commercial Tavern	Grade II listed	Middle
28-30, 17, 15, 5 & 7, 1 & 3 Elder Street	Grade II listed	Just above middle
Molesey House and Lakenham House, Camlet Street	Grade II listed	Middle
St Leonards Church	Grade I listed	Low
Geffrye Museum	Grade I listed	Lowest
Arnold Circus	Grade II listed Registered Park & Garden	Middle

(Table 13: summary of indirect heritage harms, from 'Historic environment' section)

666 The proposal would also result in the following heritage benefits:

Asset	Type and grade	Nature of benefit or enhancement
Oriel Gateway	Grade II listed	Repair and re-use of Building at Risk, better revealing its significance and public access
Braithwaite Viaduct	Grade II listed	Repair and re-use of Building at Risk, better revealing its significance and public access
Vaults	Undesignated	New sympathetic uses and opportunities for interpretation and improved access
Boundary walls	Undesignated	Repair and investment, partly accommodating new uses
Weavers Cottages	Undesignated	Currently 'at risk', repair and new uses to enhance or better reveal significance
Mission Chapel and Victorian Building	Undesignated	Repaired and put to use
Brick Lane & Fournier Street	Conservation Area	Enhancements to Brick Lane frontage and Sclater Street
South Shoreditch	Conservation Area	Enhancements to Shoreditch High Street frontage

(Table 14: summary of heritage benefits, from 'Historic environment' section)

667 Overall, the significance of the heritage assets identified in Tables 12 and 13 above would be harmed to the extent indicated and as such would not be 'conserved' or 'preserved'. As such, the application would be contrary to London Plan Policy 7.8, Intend to Publish London Plan Policy HC1 (albeit this is not part of the development plan), Hackney Local Plan Policies LP3 and LP4, and Tower Hamlets Local Plan Policy S.DH3. There would also be a conflict with the heritage components of Hackney Local Plan Policy LP1 and Tower Hamlets Local Plan Policy D.DH6 (relating to tall buildings).

668 Paragraph 193 of the NPPF says: "When 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance." Moreover, as a matter of law, considerable weight and importance must be attached to any harm caused by the proposals to listed buildings and their settings, and to the character and appearance of conservation areas, as a result of development within those areas.

669 However, paragraph 196 of the NPPF also states: "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 including, where appropriate, securing its optimum viable use". With regard to non-designated heritage assets, paragraph 197 states that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset". The public benefits are set out in detail in paragraph 676 below.

670 Considering the extent of the harm that would be caused, which would be 'less than substantial', and the extensive and multi-faceted public benefits outlined below, it is concluded that the public benefits delivered by the scheme would clearly and convincingly outweigh the harm. Where direct and indirect harm occurs to an asset this is considered cumulatively in the balance. The balancing exercise under paragraph 196 of the Framework is therefore favourable to the proposals and, despite the policy conflicts outlined above, the proposals would be acceptable in terms of impact on heritage assets.

Overall planning balance

671 As set out in the 'Affordable workspace' section of this report, the affordable workspace offer would not comply with Hackney Local Plan Policy LP29 as it falls below the percentage quantum required and is not viability tested.

672 As a result of the severe daylight and sunlight impact on neighbouring properties there would be a clear conflict with London Plan Policy 7.6, Intend to Publish London Plan Policy D6 (albeit this is not part of the development plan), Hackney Local Plan Policy LP2 and Tower Hamlets Local Plan Policies S.DH1 and D.DH8.

673 The affordable workspace policy is of high importance in this City Fringe and Tech City OA location, where there is an acknowledged need for this benefit. Furthermore, safeguarding of residential amenity and living conditions is a central purpose of the planning system and of the highest importance. As a result of these conflicts and the importance and weight which it is considered appropriate to attach to them, GLA officers conclude that the application is contrary to the development plan when considered as a whole.

674 There would also be conflicts with heritage policies, although as discussed above the NPPF paragraph 196 balance is favourable to the proposals.

675 There are however a number of material considerations that must be considered. With specific reference to the policy conflicts identified, it is noted that Hackney Council supports the affordable workspace offer and overall quantum provided would be commensurate with that delivered across the whole borough over the last 5 years, with a deeper discount. In terms of daylight and sunlight, the site is currently undeveloped site and some impact on neighbouring properties is inevitable if the opportunities and benefits presented by the site and its development are to be realised. Furthermore, the scale of development has been significantly reduced in scale since the 2016 iteration, in part to address daylight and sunlight impacts, which have significantly improved.

676 The scheme will also deliver the following public benefits, which would weigh in favour of the scheme:

<ul style="list-style-type: none"> ▪ 50% affordable housing, genuinely affordable and provided on site, along with a substantial amount of market housing to meet an identified need. 	Significant weight
<ul style="list-style-type: none"> ▪ 10,997 sq.m. of affordable workspace in perpetuity (8,715 sq.m. in Hackney, 2,282 sq.m. in Tower Hamlets), rented at policy compliant market rents in each borough (60% and 10% respectively), along with supporting measures including a strategy and local enterprise contribution. 	Significant weight
<ul style="list-style-type: none"> ▪ Provision of new public realm, connections and urban public spaces across the site. 	Significant weight
<ul style="list-style-type: none"> ▪ Provision of 1.28 hectares of public open space with urban greening and biodiversity benefits. 	Significant weight
<ul style="list-style-type: none"> ▪ Enhancements to the transport network including junction improvements, cycle infrastructure and public transport measures. 	Significant weight
<ul style="list-style-type: none"> ▪ The heritage benefits discussed above, including to buildings on the Heritage at Risk Register. 	Significant weight
<ul style="list-style-type: none"> ▪ A series of well-designed, sustainable, buildings that would lift the standard of design in the area. 	Significant weight
<ul style="list-style-type: none"> ▪ The regeneration of this long-derelict central London site to provide a policy compliant mix of uses in a new urban quarter, with extensive regeneration benefits. 	Significant weight
<ul style="list-style-type: none"> ▪ Provision of office space that could accommodate up to 12,500 FTE jobs. 	Significant weight
<ul style="list-style-type: none"> ▪ 400 sq.m. of community floorspace, with fit out and peppercorn rent, along with other cultural facilities, public art and public conveniences. 	Moderate weight
<ul style="list-style-type: none"> ▪ Independent and affordable retail space. 	Moderate weight
<ul style="list-style-type: none"> ▪ CIL payments of £8,291,758 to Hackney Council and £17,930,490 to Tower Hamlets Council (with anticipated affordable housing relief of £6,169,660). CIL payment of £33,036,111 to the Mayor (with anticipated affordable housing relief of £6,169,660). 	Moderate weight
<ul style="list-style-type: none"> ▪ Contributions of £3,863,616 (Hackney) and £1,358,213 (Tower Hamlets) towards employment, skills and training initiatives, along with other measures including provision of one employment/training officer role (funded up to £500,000). 	Moderate weight

677 This is a significant and unique set of public benefits. A proposal of this scale and nature is extremely rare in central London and will deliver significant regeneration benefits. The benefits are extensive and multi-faceted, they are not just limited to one or two policy areas.

678 Having regard to the above, GLA officers consider that the material considerations in this case indicate approval of the application, notwithstanding the overall conflict with the development plan.

679 GLA officers also consider that the works to listed buildings are justified and acceptable in terms of impact on their character as a building or structure of special architectural or historic interest.

Conclusion

680 In preparing this report, GLA officers have taken into account the likely environmental impacts and effects of the development and identified appropriate mitigation actions to be taken to reduce any adverse effects. In particular, careful consideration has been given to the proposed conditions and planning obligations, which would have the effect of mitigating the impact of the development.

681 This report has considered the material planning issues associated with the proposed development in conjunction with all relevant national, regional and local planning policy, and overall has found that the proposed development is acceptable subject to the imposition of planning conditions and the securing of planning obligations.

682 Accordingly, the recommendations at the beginning of this report are proposed.

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