

ADDRESSES: Land known as Bishopsgate Goods Yard including Braithwaite Street as bounded by Shoreditch High Street, Bethnal Green Road, Sclater Street, Brick Lane, Wheler Street, Commercial Street and Quaker Street within the London Boroughs of Hackney and Tower Hamlets, London, E1	
WARD: Hoxton East and Shoreditch	REPORT AUTHOR: Barry Coughlan
APPLICATION NUMBERS: 2014/2425 & 2014/2427	VALID DATE: 11/09/2014
APPLICANT: Bishopsgate Goodsyrd Regeneration Limited	AGENT: DP9 100 Pall Mall London SW1Y 5NQ
<p>PROPOSAL:</p> <p><u>2014/2425:</u></p> <p>An OUTLINE application for the comprehensive mixed use redevelopment of the site comprising:</p> <ul style="list-style-type: none"> • Residential (Class C3) comprising up to 500 residential units; • Business Use (Class B1) – up to 130,940 m2 (GIA); • Hotel (Class C1) – up to 11,013 m2 (GIA) • Retail, financial and professional services, restaurants and cafes and hot food takeaways (Class A1, A2, A3 and A5) – up to 18,390 m2 (GIA) of which only 3,678 m2 (GIA) can be used as Class A5; • Non-residential Institutions (Class D1) / Assembly and Leisure (Class D2) – up to 6,363 m2 (GIA); • Public conveniences (sui generis) – up to 298 m2 (GIA); • Basement, ancillary and plant space – up to 21,216 m2 (GIA); • Formation of new pedestrian and vehicular access; means of access and circulation and car parking within the site; and • Provision of new public open space and landscaping. <p>The application proposes a total of 10 buildings that range in height, with the highest being 142.4m AOD and the lowest being 19.0m AOD.</p> <p>With all matters reserved save that FULL DETAILS for Plot 2 are submitted for alterations to, and the partial removal of, existing structures on the 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 A, B, C and D comprising the use of the ground level of the Braithwaite Viaduct for retail and</p>	

food and drink uses (A1, A2, A3, A5) and works to and use of the Oriel and adjoining structures for retail and food and drink uses (A1, A2, A3, A5).

For that part of the site within LB Hackney, the proposed development comprises the following mix of uses:

- Up to 109,599 m² (GIA) of Business Use (Class B1);
- Up to 4,509 m² (GIA) of Retail Use (Class A1, A2, A3 and A5), of which only 902 m² (GIA) can be used for hot food takeaways (Class A5);
- Up to 2,254 m² (GIA) of Class D1 / D2 use;
- Up to 12,752 m² (GIA) of ancillary and plant space.

2014/2427:

Restoration and repair of the existing Grade II listed oriel and gates and adjoining historic structures to provide a principal western pedestrian gateway into the scheme and to accommodate proposed Class A1/A2/A3/A5/ 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.

RECOMMENDATION SUMMARY:

The London Borough of Hackney supports the development in principle but objects to the proposal on design and heritage grounds.

POST-SUBMISSION AMENDMENTS:

Additional/amended documentation has been submitted since the revised version of the scheme was first consulted on. This includes the following:

Amended Parameter Plans; Amended Design Guide; Amended Development Specification; Revised Plot 2 drawings; Transport Statement Addendum; Fire Strategy; Design and Access Statement Addendum; Plots 8B & 8C Structural Survey; Circular Economy Statement; Revised EIA information; Revised Listed Building Consent Drawings

A second round of consultation was undertaken following the publication of the above additional/amended information.

NOTE TO MEMBERS:

The application site straddles the boundary of the London Borough of Hackney (LBH) and the London Borough of Tower Hamlets (LBTH). Applications for the redevelopment of the site were submitted to both boroughs in October 2014 alongside applications for listed building consent relating to the listed structures.

The Boroughs provided feedback to the applicants in December 2014 and amendments to the application were submitted in July 2015 (along with an amended financial viability assessment provided in August 2015). On 15 September 2015, the applicant made a request to the Mayor of London to become the local planning authority, pursuant to article 7 of the Town and Country Planning (Mayor of London) Order 2008. On 23 September 2015 the Mayor issued his decision to act as local planning authority for the purposes of determining the applications and the connected listed building applications.

In April 2016, Planning Officers at the GLA recommended that the application be refused, principally on heritage and amenity grounds. This recommendation took into account substantial objections made by LBH and LBTH for a host of planning reasons. The applicant requested that determination of the application be deferred so that changes could be made which would address the GLA and boroughs' concerns. This was agreed by the Mayor of London and, since then, the applications have remained with the GLA undetermined.

In July 2017 the applicant re-engaged with the GLA and both boroughs in relation to submitting a revised proposal. Following pre-application discussions, a revised scheme was formally submitted to the GLA in September 2019 (with some additional information submitted ahead of a re-consultation in August 2020).

The GLA remains the determining authority for both the hybrid and listed building applications. As such, this report comprises the formal comments of the London Borough of Hackney to be submitted to the GLA for consideration in the Stage 3 report to the Mayor of London.

ANALYSIS INFORMATION

ZONING DESIGNATION	YES	NO
CPZ	X	
CAZ	X	
City Fringe Opportunity Area	X	
Conservation Area		X
Listed Building (Statutory)	X	
Listed Building (Local)		X
Priority Employment Area	X	

PROPOSED LAND USE DETAILS BY BOROUGH

		LB HACKNEY	LB TOWER HAMLETS
LAND USE	USE CLASS	MAXIMUM (Detailed and Outline Components Combined) (m ²)	MAXIMUM (Detailed and Outline Components Combined) (m ²)
Residential	C3	-	48,508
*Retail	A1/A2/ A3/A5	4,870	14,677
*Business	B1	116,201	22,822
Hotel	C1	-	11,595
Non-residential Institutions / Assembly and Leisure	D1 / D2	2,452	4,622
Sui Generis	-	-	301
Plant / Ancillary	-	12,752	8,464
Service Yard	-	-	1,800
Total Per Plot (Maximum)	-	132,858	110,998

PROPOSED LAND USE DETAILS FOR THE DETAILED COMPONENT OF THE APPLICATION

LAND USE	USE DESCRIPTION	Plot 2 (GEA m ²)	Plot 7 A-D (GEA m ²)	Total (GEA m ²)
B1	Office	66,930	-	66,930
A1/A2/A3/A5	Retail (Flexible)	2,350	5,494	7,844
Plant/Ancillary	-	7,317	-	7,317
TOTAL		76,597	5,494	82,091

PARKING DETAILS:

	Parking Spaces (General)	Parking Spaces (Disabled)	Bicycle storage
Existing	0	0	0
Proposed	0	2	334 (Short Stay)

CASE OFFICER'S REPORT

1. SITE AND CONTEXT

- 1.1 The site straddles the administrative boundaries of the London Borough of Hackney (LBH) and the London Borough of Tower Hamlets (LBTH) and is approximately 4.4 hectares (ha) in size. The site is bound by Bethnal Green Road to the north, Brick Lane to the east, a rail line (serving Liverpool Street Station) to the south and Shoreditch High Street to the west. Braithwaite Street runs through the site connecting Bethnal Green Road to Commercial Street. The LBH portion of the site lies to the east of Braithwaite Street.
- 1.2 The site originally housed Shoreditch Train Station, which opened on the 1st July 1840, serving passengers for over 30 years until its closure in 1875. The site was then converted to a goods station which opened in 1881 and became known as Bishopsgate Goods Yard. The goods depot, handled very large volumes of goods for onwards transportation until a fire destroyed the station and left the site derelict in 1964.
- 1.3 The site remained largely derelict other than periodic pop up uses until the remaining derelict buildings were demolished in 2003-04 with the exception of the Grade II listed structures: Braithwaite Viaduct which spans 260 metres from the centre to the western boundary of the site and the Forecourt Wall, Oriel and Gates to the Goods Station which lie on the eastern boundary in the location of the historical entrance to the site.
- 1.4 In April 2010, the new Shoreditch High Street Rail Station on the London Overground opened up in the centre of the site, with the 'boxed' London Overground providing services to the south east, north London and Canary Wharf. In the north of the site, adjacent to Bethnal Green Road, are a number of 'Power League' temporary football pitches and the temporary 'Box Park' Shopping Mall, comprising shops and cafes, in refurbished shipping containers.
- 1.5 The site is surrounded by five conservation areas: South Shoreditch (LBH), Brick Lane and Fournier Street (LBTH), Redchurch Street (LBTH), Boundary Estate (LBTH) and Elder Street (LBTH). There are two Grade II listed structures on site: Braithwaite Viaduct and the Forecourt Wall, Oriel and Gates to the Goods Station. There are also 272 listed buildings in the close vicinity of the site comprising of Grade I, Grade II and Grade II*.
- 1.6 Part of the site is impacted by the London View Management Framework Supplementary Planning Guidance (March 2012) and the two protected vistas to St Paul's Cathedral (Protected Vistas 8A.1 and 9A.1).

- 1.7 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 7m below grade level along the southern part of the site and under part of the site. The safeguarded route for the proposed 8-tracking scheme would provide an additional two lines into Liverpool Street Station. The Suburban Line tracks are at a similar level to the Mainline tracks at the bottom of a two storey, three level enclosure. The mid level of this enclosure is approximately level to Quaker Street / Braithwaite Street and the upper level similar to that of the Braithwaite Viaduct. The Central Line tunnels diagonally cross the site from the corner of Commercial Street and Quaker Street. A BT tunnel runs north-south across the site almost directly below the line of Braithwaite Street. Surveys show that the 7 feet diameter tunnel runs below the Central Line with a crown level varying from approximately 25m below grade level at Quaker Street to approximately 23m below grade at Bethnal Green Road.
- 1.8 The site has a public transport accessibility level of 6b (the highest possible rating). The site contains Shoreditch High Street Station serving the London Overground and also lies in close proximity to Liverpool Street Station which provides other London Overground (Central, Hammersmith and City, Metropolitan, Circle) and National Rail services. There are numerous bus routes that operate adjacent to or in close proximity including the 135, 35 and 47 services, serving destinations across the whole of London. Existing vehicular access to the site is from Braithwaite Street.

2. CONSERVATION IMPLICATIONS

- 2.1 The site is surrounded by five conservation areas: South Shoreditch (LBH), Brick Lane and Fournier Street (LBTH), Redchurch Street (LBTH), Boundary Estate (LBTH) and Elder Street (LBTH).
- 2.2 There are two Grade II listed structures on site: Braithwaite Viaduct and the Forecourt Wall, Oriel and Gates to the Goods Station. There are also 272 listed buildings in the close vicinity of the site comprising Grade I, Grade II and Grade II*.

3. RELEVANT PLANNING HISTORY

- 3.1 The site has been the subject of a number of previous planning applications and planning permissions. In addition the site was included in the London Underground (East London Line Extension) Order 1997. An overview of the key relevant planning applications relating to the site is provided below:
- 3.2 Application reference: 2011/0255
Responsible authority: LBH

Planning Sub-Committee – 13/10/2020

Development Description: Installation of 55 recycled shipping containers for part A1, A3 and B1 use together with a further 8 shipping containers for ancillary storage, refuse, recycling and cycle parking along with hard landscaping for a temporary period of up to 5 years.

Decision date: 26 May 2011

Decision: Granted

- 3.3 Application reference: PA/11/01679
Responsible authority: LBTH
Development Description: Use of the site as a temporary shopping facility for up to five years through the siting of 6 shipping containers for A1 use (in connection with approved temporary shopping facility on adjacent site in Hackney).
Decision date: 23 Sep 2011
Decision: Granted
- 3.4 Application reference: PA/11/02341 & PA/11/02246
Responsible authority: LBTH
Development Description: Use of vacant Goodsyard site for the siting of a marketing suite and Arts Hub unit for use as public consultation / exhibition purposes (Use Class D1) for a maximum period of 5 years, car parking and provision of an access ramp.
Decision date: 08 Nov 2011
Decision: Granted
- 3.5 Application reference: 2012/2053
Responsible authority: LBH
Development Description: Temporary use of vacant unused land at Bishopsgate Goods Yard 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.
Decision date: 31 Oct 2012
Decision: Granted
- 3.6 Application reference: PA/12/02014
Responsible authority: LBTH
Development Description: Temporary use of vacant unused land at Bishopsgate Goods Yard 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.
Decision date: 31 Oct 2012
Decision: Granted
- 3.7 Application reference: 2017/5002
Responsible authority: LBH
Development Description: Retention of temporary use of vacant unused land at Bishopsgate Goods Yard 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.
Decision date: n/a

Decision: Undecided

4. CONSULTATIONS

- 4.1 Members are advised the consultation process for the current proposal that is summarised below was undertaken by the GLA (with administrative assistance from both boroughs). All responses were directed to the GLA in the first instance and it is the GLA's statutory responsibility to consider the content of all responses received. Given that the Council are effectively a consultee on this application, the consultation responses summarised below are principally for members information although their content has been taken into consideration as part of officers' assessment of the revised scheme.
- 4.2 An initial statutory consultation period for this revised scheme was undertaken following the submission of the revised proposal in November 2019. Following the submission of amended plans and documentation, a re-consultation exercise was undertaken in August 2020. This follows the initial consultation process undertaken in 2014 and 2015. The relevant dates and figures are as follows:
- 4.3 Date initial round of consultation on revised scheme started: 13/11/2019
- 4.4 Date second round of consultation on revised scheme started: 04/08/2020
- 4.5 Date Statutory Consultation Period Ended: 08/09/2020
- 4.6 Site Notice: Yes
- 4.7 Press Advert: Yes
- 4.8 Neighbours**
- 4.8.1 In addition to site and press notices, 2,142 notification letters were sent to nearby occupiers on 13/11/2019 notifying them of the application.
- 4.8.2 A second round of neighbour consultation commenced on 04/08/2020 following a revision to the design of the scheme.
- 4.8.3 In response to the consultation outlined above a total of 360 objections have been received to date from nearby occupiers/interested parties.
- 4.8.4 The grounds of objection and concerns can be summarised as follows:

Consultation

- Consultation undertaken close to Christmas and during an election considered cynical
- Consultation period should have been extended

Planning Sub-Committee – 13/10/2020

- Applicant did not undertake sufficient pre-application consultation with the local community
- Quantity of information presented online difficult to navigate and comprehend

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 doesn't need more hotel, air bnb's 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
- Loss of market, sporting facilities and car park on the site.

Housing

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

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 m to 142 m 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
- Insufficient infrastructure to cope with additional pressures of occupants and users of the development (parking etc)
- 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

Heritage

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

Transport

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

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

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

Open Space

- The Green space on offer is deficient for the needs of the local population.
- Poor quality and inaccessible park space
- Space is not fully public.
- Should be more trees

4.8.5 4 representations have also been received which support the application.

Local Groups / Other Consultees

Shoreditch CAAC

- 4.9.1 Apart from the destruction of buildings of interest within the boundary of the site itself all other conservation areas surrounding the site are invasively affected by the proposal which will have a significant impact on local heritage which is likely to result in substantial harm to both the neighbouring conservation areas and heritage features within the site.

The SCAAC objected to the original proposal and this amendment simply converts the massing into lower rise but bulkier structures with similar GIAs.

The benchmark height for the whole site should be based on the existing Tea Building in Shoreditch High Street.

4.9.2 Victorian Society

Significance and Harm

This is an incredibly interesting site in the heart of the East End, and although the site is not part of a conservation area itself, whatever is built here will have an impact on the setting of the 5 surrounding conservation areas. We wrote in response to the original proposals in 2014 where we strongly criticised the proposed heights of these buildings and the negative impact which the scheme would have on the wider areas, including these conservation areas. Although the heights have been lowered in the current amendments, this should not be viewed as a sufficient concession, and the scale is still entirely inappropriate to the area and would cause severe harm to the surrounding conservation areas. The Mayor of London is well placed to recognise that the distinct architectural character of different areas of London is a key factor in the interest and beauty of London as a city; the fact that each area has a unique personality linked to this architecture is something which needs to be valued and protected as the city continues to develop. This scheme however represents an attempt to force the scale of the City onto the East End, and if consented, a development such as this risks creating a further precedent for large buildings which would destroy the character of a historically distinctive area of London. Moreover, whilst we recognise that a greater amount of designated and non-designated heritage assets within the site and directly relating to its past use would be retained in this scheme, this does little to mitigate the harm which would be caused by the construction of these large buildings.

There is clearly a missed opportunity here to respond to the surviving structures on the site, as well as the surrounding conservation area, and create a vibrant and sympathetic development benefiting the community and highlighting local heritage.

Policy

Paragraph 196 of the NPPF states that; 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.

This development, by the nature of its scale, would cause less than substantial harm to the surrounding conservation areas by impacting their setting. This harm would only be increased by the fact that a precedent would be set for further development which would cause further harm to the conservation areas each time an incongruously large building was constructed. This harm should not be considered to be balanced by the public benefit.

Furthermore, point E of Policy 7.7 of the current London Plan states that; The impact of tall buildings proposed in sensitive locations should be given particular consideration. Such areas might include conservation areas, listed buildings and their settings, registered historic parks and gardens, scheduled monuments, battlefields, the edge of the Green Belt or Metropolitan Open Land, World Heritage Sites or other areas designated by boroughs as being sensitive or inappropriate for tall buildings. This is clearly a sensitive location, being almost entirely surrounded by conservation areas. As mentioned above, any tall development will have an impact on the setting of these conservation areas, yet this appears to have been given little consideration in the application.

Conclusion

The lowered height of the buildings represents a superficial attempt to suggest that heritage concerns have been a driving factor in the development of this revised scheme. The reduction in heights is insufficient and the impact on the surrounding conservation areas as well as the surrounding district would still be great. We have avoided going into specific points of detail with the scheme given that our objection is fundamental and it is alarming that a scheme such as this in this location should have been proposed initially.

We urge the Mayor to refuse consent for this scheme and seek an alternative development, which would seek to respond to both the heritage assets and the character of the area, creating a new heart for the community.

4.9.3 Spitalfields Trust

The scheme will create a wall of bulky tall buildings, that will overshadow the neighbourhood and block sun from the area to its north. Indeed the proposed scale, mass, height and bulk of the buildings, particularly in the western half of the site will seriously harm the setting of nearby conservation areas in Spitalfields and Shoreditch, which in turn will severely harm their character and appearance.

Planning Sub-Committee – 13/10/2020

There are 33,000 people on local housing waiting lists yet this scheme only offers 60-90 low-cost rent units. While the proposals suggest that 50% of the 500 proposed housing units will be 'affordable', only a small number will be social rent units, for which there is the greatest need.

There is a very small amount of proposed green space and much of the proposed public realm will be overwhelmed by the scale of the development itself.

The scale and design of the scheme endangers the distinct character of the East End. The proposed design fails to respect or enhance the local architectural context of Spitalfields and Shoreditch.

The application is difficult to access and read with different information on Tower Hamlets, Hackney and GLA websites.

We request that the Hammerson & Ballymore's revised planning application is REFUSED by the Greater London Authority.

The following additional comments were received from the Spitalfields Trust following the re-consultation in August 2020:

We wish to reiterate our strong objection to this application, in its amended form. We support the views of the East End Preservation Society, Reclaim the Goodsyards, LAMAS and the Victorian Society among others. The detailed case against the scheme and the harm it will cause has been expressed by others on numerous occasions as well as by ourselves. As you will take all previous objections into account we will just rehearse the main points briefly here:

- Although the entire application site is bounded directly by Conservation Areas, for some reason the massing and character of the proposed buildings is dictated the City of London, 200m south of the site. Only the north-eastern section of the application site is defined by the immediate townscape (Fig. 3.2.45 Design and Access Statement). This design approach has resulted in an extremely insensitive scheme on a long-derelict historic site in desperate need of a sensitive design to knit together the different urban areas it surrounds.

- The height, scale and massing of the buildings at the western end of the site are, despite reductions in scale since the 2015 proposals, still completely inappropriate to this area.

- The proposals will cause substantial harm to the surrounding Conservation Areas, none of which are predominantly of a scale anywhere near the height of the towers

proposed. Substantial harm will also be caused to the many listed buildings both on and close to the site. The setting and context of the Oriol Gateway most notably will be utterly ruined by the vast red tower proposed directly behind it. Similarly Nos. 70- 74 Sclater Street are eighteenth-century houses which will be dwarfed by the new development to the south.

- The proposed demolitions on the site seem inadequately justified. Historic fabric that is kept will all add value to the development once completed, adding visual and historical interest and relevance to the area. Developments that have retained historic structures and fabric have proven longevity and success.

Further points

It is troubling that the initial masterplan for this application originally proposed a much reduced scale and density that related far better with its surroundings but on consultation with the Mayor's Design Advocates and the GLA, the design team were encouraged to increase density and make the new buildings 'less subservient' to the historic structures. This raises questions about the quality of the advice that has been given at key consultations, resulting in an increase in height, mass and encouraging the new development to overwhelm the historic structures on the site.

We would like to raise the issue of the very poor state of repair of the buildings and structures on the site. Maintaining historic structures is essential for their longevity. Nos. 70-74 Sclater Street are a particularly worrying example as fragile journeyman weavers' houses they are extremely vulnerable and have been subjected to decades of graffiti. The application talks about harnessing the goodwill of the community but the community has had to watch the deterioration of these structures become a blight on their area. The owners of the site need to be encouraged to carry out thorough repair and maintenance work. We would be pleased to work with the owners to advise the extent and nature of repairs required.

The other current issue is the change in circumstances since the original planning application by the applicants was made. The need for large corporate style office blocks needs to be carefully reassessed in view of the change to working practices that the world has seen this year.

The creation of King Square onto Brick Lane will have a harmful impact on the character of Brick Lane. The creation of a large open space at the north end will result in a loss of the tension created by the tight and consistent building line of Brick Lane. Its urban form has always followed this simple pattern of buildings on the back of its pavement and this is key to its character and charm. Creating open space here shows a fundamental misunderstanding of the urban qualities of this historic street.

The bigger picture

As you are no doubt aware, this application is part of a wider pattern of development for this area east of the City of London. Large sites proposing buildings that are out of scale with their surroundings, relating in appearance and use to the commercial buildings of the City are now threatening the character of Spitalfields, Aldgate and Shoreditch. It is extremely important that the cumulative impact of these developments is considered in the decision-making process.

4.9.4 More Light More Power

More Light More Power recognises significant improvements in this iteration (over the 2018 proposals), in response to representations and lobbying by MLMP and other civic groups and activists. These include:

- Greening: plot 9 has been dropped in favour of more open green space
- Housing: at the upper parameter of 500 new homes, the quantum of housing is doubled and includes a policy compliant 50% affordable
- Culture: the applicants have recently engaged with MLMP and local community members to develop a significant cultural offer that is 'of the place', ie reflects the rich and varied history of the surrounding Shoreditch & Spitalfields City fringe neighbourhoods. MLMP also recognises the greater significance given to heritage assets in this 2019 iteration of the 2018 scheme. Retention of the unlisted northern boundary wall and more respectful treatment of the Oriel Gateway, targets of vandalism in earlier proposals, is welcomed. It seems that the GLA planning team has worked long and hard for these proposals to start to resemble policy compliant placemaking, over the cynical 2015 aspiration to over develop public land for maximum short-term profit.

We're surprised to read that London Mayor Sadiq Khan has yet to determine whether the Goodsyard site is public land. It was in the ownership of Network Rail prior to the 2015 application, subject to an option agreement with the joint venture developers (JV) that was renewed in 2011. It's a lamentable reflection on the management of public assets that the option remains in force 13 years later. While Network Rail flip flopped in and out of public ownership, if the market value of public assets was not realised, it is de facto public land. Our stated ambition to Let's Make the Goodsyard Great informed MLMP's Manifesto for a world-class place in a world-class city These proposals fall short of our aspirations in many ways and we will continue to lobby and fight for what Londoners need and want.

In summary

While the new 2018 scheme was consulted on during 2018/19, this 2019 scheme has now been substantially modified with very little opportunity for civic society to respond. Thousands of pages of technical documentation have to be read and understood in the run up to Christmas. As a result, MLMP sought the support of a professional planning consultancy to understand the changes since the 2018 consultation, and our response is informed by their advice. We note the application is for outline consent for most of the site, as only plots 2 and 7 have been submitted for full permission. Given the extent of reserved matters, there must be transparency about future negotiations between the applicant and the authorities as to how the scheme evolves and its impact.

Most detrimental of the changes between the 2018 and 2019 schemes is the proposed substantial increase in height of Plots 4, 5, 8 and 10. These plots are south of a low-rise residential neighbourhood that was virtually

cast into darkness by the 2015 proposals. There must be some commitment to a mechanism to prevent scope creep via the reserved matters process to prevent the massing on these plots from creeping higher than the 2018 iteration consultation.

The proposed maximum quantum of housing would be nearly 20% higher than the maximum residential density recommended by the London plan. Provision of new housing should not overly compromise amenity and quality of life for existing provision. The figures suggest the higher housing target is unrealistic without a reduction in commercial or retail space. The Financial Viability Appraisal must be very closely examined to ensure the site is not over developed, in order to reach unrealistic housing targets for the site.

Commercial space

How will the commitment to affordable workspace and independent retail be secured? MLMP is not confident that S106 is a reliable mechanism if not actively monitored. The only way to properly secure such commitments is via Land Registry covenants, such as rent controls. This aspect requires ongoing public consultation in which MLMP would wish to participate.

Retail

While the more balanced mix is welcome, the scheme is over shopped at a proposed 18,390sqm. It's hard to believe that 2019 features more retail than the 2015 scheme's 17,000sqm (essentially a shopping mall and investment flats). Have the applicants not heard of retail Armageddon? Less shops and last mile online delivery points round the perimeter would be innovative and convenient for both residents and workers on site.

Office / workshop

The MLMP manifesto recommends development of a small independent business cohort to gather mutually supportive businesses within a single zone to actively promote local employment and to enhance local trades, apprenticeships, training and skills. Not unlike the university and science park model, which views occupancy rates across the site rather than by individual units. Management of the adjoining T building is an immediate commercially successful example of this model.

Public open space & recreation

Urban life mitigates against fitness and MLMP urges the applicants and authorities to grab this opportunity to set a new gold standard. Inclusion of a playing field is welcome and consideration must be given to an indoor leisure centre. The nearest swimming pool is miles away. Early morning swimming is popular with tech workers, as their jobs are so sedentary, and would provide the development with a fantastic social / leisure focus,

as well as a healthy pursuits amenity. MLMP earlier proposed a Tech City Garden for the site, where everything grows. Such an indoor /outdoor area could include indoor leisure alongside flexible workspaces.

Masterplan

We welcome the car free approach, with the exception of essential disabled access, in addition to the cycle parking proposals. Both must be secured as part of the reserved matters applications before further development is allowed to proceed. Although policy permits the development of high rise building at the west of the site, this should not be a licence to trash surrounding neighbourhoods with completely alien proposals. Such was the thrust of the 2015 scheme. While MLMP welcomes the appointment of Eric Parry, an architect capable of a contextual response, even in relation to the design of very large buildings, many MLMP members express great concern about the massive bulk of plots 1 & 2 in the west of the site. The following comments focus on plots significantly changed since the 2-018 scheme consultations.

Plot 1

We welcome the attention to design detail, in fully considering wind conditions around this monolith. So-called Rich Mix Square, the tragic windswept pocket of land between the ugly Telford Tower and adjacent social housing, had to concrete in the slim birch trees to stop them being blown over by the wind conditions and pushchairs have been seen to blow into Bethnal Green Road from said square. However, work is needed to reduce the impact of this plot on the T building, which needs monitoring at the reserved matters stage.

Plot 2

Is most contentious owing to its over whelming bulk. In addition, it is a different building to the 2018 scheme, which staggered the bulk across three stepping down slabs. The brief public consultation period in the Christmas countdown is hopelessly inadequate for community concerns to be addressed about this building. While 20 per cent lower than the 2015 scheme (from 46 to 17/29 storeys), it is widely believed to be taller, demonstrating inadequate public consultation for a change of this magnitude. Its form is rather a matter of taste and from a townscape perspective can be argued for or against. In its favour, the design clearly signals a switch from City glazed towers to a Shoreditch vernacular, more suited to the site's industrial history, and the elevated deck design reduces its impact at ground level. As the most significant building on the site, but the most recently commissioned, more time needs to be invested in finessing the building in response to public concerns.

Plots 4 and 5

We welcome housing clustered in this area of the site, alongside existing housing provision. Less welcome is the substantial increase in height of these plots, from 7 & 12 stories proposed in 2018 to 19, 11 and 13. Seeing these buildings reduced to a human scale in the 2018 scheme was the great achievement of the MLMP campaign. The dystopian madness of the 2015 scheme was revealed by the MLMP light study, which showed the true impact of the proposals. The north-side buildings are substantially taller than the 2018 scheme, and will no doubt continue to climb with every reserved matters application. MLMP seeks confirmation that these buildings are capped at heights that reflects the BRE parameters for loss of daylight and sunlight. That would surely prevent the usual salami slicing game (a bit off here, a bit on there) continuing for the next decade, saving valuable leadtime in getting the scheme built. Measuring the impact of the north side buildings must take account of the Huntingdon Estate site, which will imminently submit for planning. The cumulative effect of the two development sites must be understood before the Goodsyard is determined.

Plot 6

A cultural amenity building that opens on to a new public square is welcome. The new Bridge Theatre is an example of what a difference this can make. MLMP culture committee looks forward to working with the applicants to develop a meaningful cultural offer, supplementary to and not in competition with Rich Mix.

Plots 7a to 7d

The revised proposals make aspects of the site's history fit for modern purpose. A great leap forward to reconcile the historic soul of the site with proposals for modern use. But the aspiration to create a 'locals' place and independent retail hub can't be secured via planning application. The authorities have to give thought to how to monitor a retail strategy and consider whether this should be secured via Land Registry covenants on the title to the land.

Plot 8

There is a multitude of emerging hotel sites in the area and the growth of the Airbnb direct to consumer business model is particularly prevalent in the neighbourhood. MLMP questions the need for hotel room supply. The area could more usefully be turned over to public housing that includes no short-term sublet clauses, to replace 100s of units of public housing that serve their leaseholders as Airbnb businesses. This would also enable an appropriate reduction in height of the mixed-use part of the development.

Plot 10

As with plots 4, 5 and 8 the impact of increased height should be limited to BRE loss of daylight and sunlight parameters. More residential in this area

of the site seems appropriate with the lower floors given over to indoor leisure, pre-school nursery, etc, thus clustering residential and amenity at the east end of the site.

In conclusion

A robust approach to securing the S106 agreement will be needed, if the site is to deliver for the existing community as well as for the developers. Key to this will be phasing, so that public realm and other benefits are delivered in parallel with the commercial yield elements and not afterwards. Given the degree of change since the original iteration of these proposals was more widely consulted on, MLMP considers it essential for the consultation period to be extended and the model to be exhibited, for review and discussion. Two decades of lobbying and campaigning about this site have raised the bar for transparency and the principle that people make better places than bureaucrats and developers. It should not take years of public sector resource to force feed public policy to developers, before they are willing and able to swallow it. We urge the local authorities and the GLA to ensure that this site delivers a world-class place for a world-class city, a place where Londoners want and can afford to live.

The following additional comments were received from More Light More Power to the re-consultation in August 2020:

The More Light More Power (MLMP) Campaign writes in response to the GLA's consultation on the revised Bishopsgate Goodsyrd application. The application is due to be considered by both Tower Hamlets and Hackney councils in early October, prior to a GLA hearing on November 5, 2020.

The original 2015 application was recommended for refusal by GLA planning officers. A decision largely based on the findings of a report on the applicant's light study, written by the Building Research Establishment and commissioned by MLMP. We understand this led GLA planning officers to work with the applicant for several years, to establish parameters for a less damaging, compliant scheme. The proposals were subsequently revised by the two local authorities, to achieve their respective strategic objectives.

The revised proposals reflect that the applicants have this time responded to their own consultation response: building heights and density are substantially reduced; 50% of housing units are to be designated affordable; a larger public realm is proposed; and a greater variety of workspaces and cultural amenity.

MLMP believes the development now has the potential to enhance the local area socially, economically and culturally, as envisaged by the MLMP manifesto, which demanded wider benefits for Tower Hamlets and Hackney residents; and also the City, as the financial hub of the country.

Many features of a sustainable development are not limited to the built form, but are about people and the way in which buildings are used and managed. The MLMP campaign therefore gives conditional support on the basis of developing a Social Regeneration Charter with local people to ensure the physical changes the masterplan will bring go hand in hand with social, health and economic benefits for the local community.

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
- a diverse and vibrant retail mix that serves all local needs, not just international brands.

Covid has changed everything, particularly the way in which we live, work and play in cities. Both the local and London-wide authorities should take this opportunity to respond to the 'new normal', to create long-term value for all Londoners and deliver on MLMP's campaign slogan to Let's Make the Goodsyards Great – a world class example of sustainable placemaking in the post-Covid world.

4.9.5 East London Garden Society

The East London Garden Society had been, with others, putting forward within The Bishopsgate Goodsyards Development, the idea of The Largest Forest Garden in Europe atop the redundant rail viaduct in Bishopsgate, the public realm community park. We had, together, successfully persuaded the developers Hammerson & Ballymore on the necessity of such a community park, indeed the last meeting held with us, where it was stated that “you will get what you want”, was a victory of sorts. The reasoning behind the insistence of such a park being.

- The unhealthy air in the area of the development, made worse with the development.
- Having an urban forest, community interpretive, to offset some of the pollution.
- Ensuring that the community be a part of the community park being omnipresent.
- The ability to be self sustainable of importance.
- An iconic forest garden park, being preferential to that previously designed.

It therefore becomes disconcerting when informed that the community will get most of what it wants, the difference is, when told, the community will get what it wants is somewhat different. Any dilution of an forest idea will not have the forest garden perform to the maximum, not use the most availability of the vegetation to enhance the area, together with negating the high levels of poor air quality in the Shoreditch area, for the reasons outlined it would be necessary to object to the development, on the grounds of the public realm, the agreement not being kept. To alter the agreement without good cause or purpose, all parties should have been informed previously.

4.9.6 The Georgian Group

After assessing the application, the Group would like to forward the following advice on one aspect of the scheme; this being the former Weaver's House located at 70-74 Sclater Street.

The row of houses located at 70-74 Sclater Street was constructed circa 1719, providing accommodation for workers in the local silk industry. Spitalfields and the area surrounding is well-known and associated with the 18th-century silk weaving industry which saw much development providing accommodation for the workers and merchants. Documentation of these houses can be found within the publication by Guillery. P, (2004) titled The Small House in Eighteenth-Century London. The significance of Brick Lane and Fournier Street Conservation Area, in which 70-74 Sclater Street is located, is closely associated with the former silk industry in the area, which is shown with the urban development in the late 17th and early 18th century. The row of former houses on Sclater Street contribute to this significance of the conservation area through the historical interest they possess as former weaver's homes; they currently sit empty and are the subject of the above application. It must be noted that a listing assessment on the houses is currently being undertaken by Historic England, with a decision yet to be made.

The current proposal for 70-74 Sclater Street is to incorporate them into the wider development which is occurring to the south of the site. Works to the terrace include to the demolition of the existing rear range and its replacement with a two-storey extension, which will extend over the whole of the south elevation. Visualisations provided within the documentation show the addition of what seem to be shutters protruding from the facade

of the terraces, along with a new structure which will abutt the east side of the terrace and provide cover for the new passageway providing access to the wider development from Sclater Street.

Firstly, the Group wishes to echo the concerns of the Spitalfields Trust over the current plans to demolish the rear range of the house. The application intends to construct, what seem to be glass structures, in the courtyards of the houses. The houses along Sclater Street form a small aspect of the wider development and to repair these buildings true to their heritage would be a minute task and would not inflict any loss of viability on the scheme. Currently, the building is not listed, however, due to its location and historical association, it has significance as a non-designated heritage asset, which means, 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.

Additionally, the terrace on Sclater Street is located within the Brick Lane and Fournier Street Conservation Area. Bearing this in mind, the proposed plans for the east side of the terrace include a new structure which will abutt the existing terrace. The Group feels that this addition does not enhance or preserve the character of the Conservation Area as it currently is, a requirement set out in the Planning (Listed Building and Conservation Area) Act 1990 section 72(1). Therefore, this aspect of the scheme should be omitted, otherwise, harm would be caused to the significance of the conservation area.

To conclude, the Group recommends that your local authority require the applicant to make the changes referred to above before finalising the details of the application.

London City Airport

4.9.7 No objections subject to conditions.

Historic Royal Palaces

4.9.7 Now that the towers are no longer visible in the views of the Tower of London, there are no objections to the proposal.

National Air Traffic Services

4.9.7 No comments.

East End Trade Guild

4.9.8 We would like to restate that Bishopsgate Goodsyrd offers the potential for an exemplary development with local enterprise at its core, benefiting the surrounding community and wider East End through inclusive and sustainable growth. We believe the amended proposals from Hammerson & Ballymore do not fulfil this or address the rapidly

changing landscape for workspace brought on by the COVID-19 pandemic. In light of the crisis, the proposal could do much worse damage to one of London's most distinctive neighbourhoods than we previously anticipated.

The current landscape

The EETG represents hundreds of local entrepreneurs at the heart of the area's identity

- comprising independent businesses, small traders and creatives
- attracting custom from far and wide.

It is the particular diversity of enterprises that have made our area a unique success, contributing immeasurably to London's culture and creative energy.

Many small businesses here have been trading for generations, representing a living heritage that is part of the East End's history, while many others have come to join the successful mix. Brick Lane, Columbia Road, Bethnal Green and the historic streets of Spitalfields around the Goodyard contain a varied economy, which exemplifies sustainable growth.

However, in the past five years we have seen rents rise further and vital, viable businesses undermined or forced to move, due to the cost of workspace. It is the continuation of a pattern that leads to increasing homogenisation of the area. When this happens, the neighbourhood will cease to be a draw and its intrinsic value, linked to its economic value, will be lost.

The East End Trades Guild is currently working to establish a London Working Rent with our partners the New Economics Foundation. We have also been carrying out detailed recent research into the workings of local businesses as part of the evidence base for the Spitalfields Neighbourhood Plan. From a sample of these, we have found:

- On average, businesses pay around 24% of their turnover towards rent
- Almost all respondents reported that the most important factor to take into account when considering the maximum they could pay for rent is the relationship between rent and turnover
- Pre-Covid-19, most businesses could not afford to pay rents that are over 24% of their turnover

We would be happy to share more of our research if you wish. Small and micro businesses are the future of local employment and entrepreneurship in East London. They are more likely to provide local jobs than larger companies and thus benefit the local area; particularly important when Tower Hamlets has become one of the most unequal boroughs in London and is still one of the poorest. In addition, due to local connectedness our members are often more resistant to economic shocks

than the global brands which are now folding. These facts are most recently supported by our Spitalfields Neighbourhood Plan work.

The planning application

Given that the Goodsyard is public land, we believe the provision of affordable workspace on the Goodsyard site should be a starting-point and a priority. The Goodsyard should provide a local employment and training hub with aim of keeping the local economy strong if this development is to genuinely benefit the local area - which is the intention of all policy written for the site and in the Mayor of London's key policy that growth should benefit everyone. But it has not been a priority for this scheme, which is aimed at investors who will be seeking high rents and sales values, evidenced in the

Retail Study and Leasing Prognosis.

Members of the EETG attended a meeting with Hackney and Tower Hamlets officers and the applicants on 26 April 2019 to tell them about the needs of the local businesses we represent. These businesses include B1(c), B2 and B8 provision such as printers, mechanics and maker spaces. However, these types of employment spaces are missing in the amended scheme. It was suggested that maker space could be included within retail spaces, which is possible in some cases but experience shows it is problematic when not planned from the start.

At the same meeting we suggested that the arches themselves are ideal for particular trades, such as those who have been pushed out of arches elsewhere in the locality, and that more practical uses of the arches should be part of the development. It was noted by one of the Hackney officers that some industrial use of the site through this type of trade would represent a continuation of the industrial history of the area.

The provision of 10% of “affordable workspace” may be a larger quantum of affordable workspace than usual (due to the size of the site), however, it is almost exclusively sited in the B1 office buildings and could not be used for those traders who do heavier work, need service areas, and so on. This is not “flexible” workspace, as the application claims.

Regarding the definition of “affordable” the Planning Statement (7.105) appears to say the GLA has applied a whole site policy of 20% discount, or 80% of the market rate, which does not conform with Hackney’s emerging policy LP29 C(i) requiring a 60% discount in the Shoreditch area in perpetuity. We believe this Hackney level should be applied across the site and we strongly support the model for securing affordable workspace commitments (currently in use in Islington and parts of Hackney) whereby the council leases the space on a long lease, then invites in an operator with social value targets on a peppercorn lease.

Trends suggest that since the pandemic, as many as half of those asked to work from home will not return to an office environment, which calls into question the viability of this “office-led” scheme (Planning Statement 7.97) and the affordable workspace that might come with it. In any event, if the scheme is built as planned, the affordable space in Building 1 would not be seen until 2031 and in Building 3 not until 2034: this would make no impact on the current situation.

The provision of more smaller retail units than usual is welcomed, however, rent levels are key to attracting independent businesses and the retail spaces have not been designated as affordable rent. As mentioned above, we are working to establish London Working Rent, which we would expect to come into play for any rent agreements on the Goodsyrd.

Summary

In summary, we believe the planning application shows little recognition of the small business community, given that there has been no proper assessment of the area’s economy and its needs, as well as the employment that may be at risk. This is especially important since the dramatic shocks to the economy that began in March resulting in predictions of a very serious recession. Throughout the process we have not been sufficiently listened to as stakeholders even though we have repeated these points over many years, including in contributions to London Plan consultations, EIAs and during the creation of the City Fringe Tech City Opportunity Area Planning Framework.

Whether or not the scheme delivers the right workspace at the right rent levels we still believe that - despite some improvement to the layout and height of the blocks - the scale, bulk, style and concept of the proposed development will harm the area as a whole and lead to further displacement of businesses and residents: first through the challenge of up to thirteen years of major building works and then with the resulting corporate, office-led environment which simply doesn’t fit the current trends in terms of demand for workspace. The harm caused is not offset by sufficient public benefits.

We therefore ask the Mayor to refuse these plans so that a genuinely community-led solution can be found which addresses these concerns and needs.

Reclaim the Goodsyrd

4.9.10 This objection comes from the Reclaim the Goodsyrd campaign, founded by Weavers Community Action Group in 2020. The campaign is endorsed by local community groups, including Weavers Community Action Group, Columbia Tenants and Residents Association, Friends of Arnold Circus, Jesus Hospital Estate Residents Association, Boundary Tenants and Residents Association, East End Preservation Society, East End Trades Guild, Rochelle Studios, Saint Hilda’s East

Community Centre, Spitalfields Trust, Federation of Tower Hamlets Tenants and Residents Associations. Some of these groups are submitting objections separately.

These groups are long-standing stakeholders in the area and many of their members, along with local individuals, have been concerned about the future of the Goodsyard for years; some involved before the current developers took on the site in 2002. While proposals and planning policy have come and gone, the community has been consulted at intervals by the Boroughs, developers and the GLA. But while we have readily responded to all consultations, our main concerns have been ignored - above all, the view that this area is not the City and must be treated as a separate, distinct place with its own character and its own needs.

Before the events of 2020 we formed the opinion that the amended application cannot be supported, for reasons that include housing, heritage, local business and the local economy, hotel provision, health and the environment. Now in the context of Covid19 and the growing climate emergency it is evident that the justification for the scheme must be reviewed. It should be withdrawn or refused so that a more responsible, realistic and exemplary solution can be found for this major site.

2 THE SITE AND ITS CONTEXT

We consider that the site occupies a crucial and pivotal position between the two historic and distinct districts of Spitalfields and Shoreditch. The Bishopsgate Goods Yard is surrounded by conservation areas which represent the rich history and character of the area in which it sits. The site possesses great character in itself, with considerable heritage significance for its Victorian railway infrastructure.

We believe that the existing character of the site is distinct and not part of the City financial business area. Despite the proximity of Broadgate, the Bishopsgate Tower, Principal Place and other commercial developments that have extended the visual presence of the City northwards, the Bishopsgate Goodsyard is a different entity which relates to the East End rather than to the City of London.

Up until now the incursion of City-type commercial development in the area east of Bishopsgate / Norton Folgate and Shoreditch High Street has been comparatively low-rise. Foster's Bishops Square, the blocks on the eastern side of Bishopsgate, British Land's Norton Folgate scheme (under construction) and the recently-completed Fruit and Wool Exchange development are not gigantic in scale. The last of these, despite accommodating a very large City legal firm, was designed to minimise its bulk and adverse impact.

We accept that the site, which has been partly abandoned and under-used for many years (though well-used by Powerleague) requires regeneration, but believe that this should be done in a manner which respects its character and urban context and which above all serves the local community. Developers Hammerson and Ballymore have not advanced credible plans for the site in the eighteen years since they acquired the option on it, leading us to think that they are, and always have been, the wrong developers for the Goodsyard.

3 THE CURRENT SCHEME

While the current scheme is a reduction in the previous proposals for a range of super towers across the site, we consider that it remains an over-development of the area, with an excessive provision of commercial and retail space and an under-provision of affordable housing for local people. While lower than the previous proposals, the scale and massing of the current scheme on the western half of the site remains a highly objectionable matter which will have a widespread adverse impact.

4 IMPACT ON HERITAGE ASSETS

Within the site itself, the proposals involve radical intervention into and on top of the surviving railway viaducts, including the demolition of large parts of those structures that are not statutorily listed. We note and agree with the views and objections of the Victorian Society who are best placed to judge such matters. It is regrettable that more of the surviving fabric cannot be retained and repurposed, not least in sustainability terms. We note that concern has already been raised about the problems of waste disposal from such a huge amount of demolition. The loss of embodied energy will be very significant and must be a key concern.

The height and massing of the proposals will have an adverse impact on several conservation areas, many statutorily listed buildings and numerous non-designated heritage assets that lie close to or even some distance from the site.

We note the objections raised by Historic England in terms of the harm caused to the South Shoreditch Conservation Area and to the Boundary Estate, and we consider that the harmful impact is serious, or substantial. The Townscape and Visual Impact Assessment View 29 shows that within the consistent low-rise nature of Shoreditch High Street the tower and spire of St Leonard's church is at present the primary focus and is a landmark of the highest architectural, historic and communal significance. Its relationship with its surroundings is a key element in the significance of the character and appearance of this part of the conservation area. The proposed tower will be a very prominent intrusion and distraction to the existing character and appearance, with a major adverse impact. We would also point out that there is a continuum of views along Kingsland Road and Shoreditch High Street.

The existing Tea Building at the junction of Shoreditch High Street and Bethnal Green Road is the highest building on that side of the street, rising to nine storeys, but it will be completely overwhelmed by the scale of the proposals, as shown in View 35.

Similarly View 26, with its existing consistent parapet heights of mainly Victorian buildings lining both sides of Great Eastern Street, will be radically altered by the proposals. We completely disagree with the applicant's analysis that 'the effect is beneficial'. The applicant's claim that the tower will 'act as a beacon' and 'provide a marker at the end of the street and the direction of the City' is symptomatic of an intention to expand the physical presence of the City, which at present is completely absent in this view.

Further along Great Eastern Street, View 28 demonstrates the overbearing impact of the proposals on the Victorian listed buildings in the foreground. There are indeed empty sites offering opportunities for

sympathetic development which would enhance the character and appearance of the South Shoreditch Conservation Area, but this view demonstrates that the proposals are very damaging.

In addition to Historic England's objections we consider that the proposals will have a harmful impact to the south and east of the site, including the following:

- a continuum of views along the entire length of Commercial Street, which includes the Wentworth Street Conservation Area as well as Brick Lane / Fournier Street
- a continuum of views looking westwards along Bethnal Green Road
- the view northwards from Folgate Street along Elder Street and Blossom Street, within the Elder Street Conservation Area
- views northwards from the Artillery Passage Conservation Area across Bishops Square
- views from Allen Gardens, looking westwards across Brick Lane
- views from Cheshire Street looking westwards

We conclude that the scale of the proposals will have a very harmful impact on the setting of many conservation areas in Hackney and Tower Hamlets and on the setting of dozens of listed buildings and unlisted buildings which are non-designated heritage assets, all of which the ES Built Heritage addendum has listed.

As a general observation, we consider that the applicant's consultants underestimate the degree of harm caused by the proposals. Their analysis cannot be relied upon as an independent or unbiased assessment. Their conclusions that the impacts are at the very worst "low adverse", or in the main "neutral" or "beneficial" does not tally with the advice given by expert bodies such as Historic England or the Victorian Society. While we note that various additional questions have been asked of the applicant concerning their heritage analysis as part of the Final Review Response we request that the Greater London Authority take proper independent advice in order to assess the scheme, not rely exclusively on the judgements of the applicant. The acceptability or otherwise of the proposals should not be a box-ticking exercise by the applicant.

4.1 RECENT AMENDMENTS TO THE PROPOSALS

The removal of part of the brick-arched roof of the London Road viaduct structure in order to create new openings will involve the further loss of historic fabric. Coupled with the additional demolition of brick arches in Wheler Street this represents additional erosion of the surviving Victorian heritage. The Wheler Street arch is atmospheric and a well recognised part of the fabric of the Goodsyrd along the only north-south route.

The retention of Nos 71-75 Sclater Street is welcome, although the setting of these 18th century weavers' houses will be severely compromised by the adjacent development.

4.2 POLICIES AND PLANNING GUIDELINES

We are aware that existing planning policy and guidance for the Goodsyrd, including the City Fringe Opportunity Area Framework and the Bishopsgate Goodsyrd Planning Guidance, all assume and promote

tall buildings at the western end of the site and a high level of development, with an emphasis on commercial development rather than housing.

In the radically different post-Covid social and economic climate these policies and guidance are now out-dated and out of step with reality, requiring immediate reappraisal. We believe that the proposed development violates Key Objective 1a in Tower Hamlets Local Plan which states: “Growth must contribute positively to existing identified social, economic and environmental needs”.

Notwithstanding the adoption of current policy there was considerable objection from the local community during the consultation stages, which the current proposals now justify. As was reported in 2009 in the public consultation summary report on the Bishopsgate Goodsyard Interim Planning Guidance, “the local community has mixed views on the presence of tall buildings on the Bishopsgate Goodsyard site. Particular concerns were regarding local views, effect on daylight availability, impact on microclimates, and the overall impact of tall buildings on the local area”. We retain and restate these strong concerns.

It was noted in paragraph 2.61 of the Bishopsgate Goodsyard Interim Planning Guidance (IPG) 2010 that “buildings will need to be carefully designed with regard to mitigating the possible negative effects as highlighted by the public consultation comments.” In the current scheme these design considerations have been ignored, with resulting negative impacts such as loss of light acknowledged in the Residual Effects report. The applicant tries to downgrade the weight of the IPG by saying it was published nine years ago (Planning Statement para 6.27). By this logic their application must be broadly out of date, given that its concept masterplanning began more than seven years ago.

Other guidance in the Bishopsgate Goodsyard IPG that has been completely ignored in the current proposals includes:

- Future development of the goods yard will need to preserve or enhance the character and appearance of the adjoining conservation areas;
- Ensure new development on the site integrates with the surrounding area, taking into account local character;
- Ensure that any development proposals fit within the strategic and local planning context, are sustainable and maximise benefits to the local community;
- In paragraph 2.63 “Design Guideline for Tall Buildings”: “tall buildings should be set back from the edge of the site to allow a transition between the scale of new and existing buildings”, and “tall buildings should be set back on a podium. The podium level should be designed to relate to the existing building heights of the surrounding context, to create a human-scale architecture that relates to existing streetscape”.
- Orientation of the blocks to ensure that there is not a wall of development along the northern site edge and to allow sunshine into the site from the south. The current proposals disregard this advice and instead create a massive, over-scaled and unrelieved wall of development along Bethnal Green Road on plot 1.
- The Guidelines intended a new civic space to be created within the commercial buildings near the station at the western end, but this does not form part of the proposals. Even in such a large scheme there is no

meaningful gathering space at ground level, the ‘public realm’ is more a collection of passageways between tall buildings. This fails to meet Tower Hamlets policy for sustainable growth S.DH2 c. “providing a range of public spaces that can function as places for social gatherings and other recreational uses.”

The recently adopted Hackney Local Plan includes a supplement titled “Future Shoreditch” which states with reference to the Goodsyard: “Building heights should respect the prevailing building heights along Shoreditch High Street”. It is accompanied by an indicative massing diagram which clearly shows the Tea Building as the key mass and height anchor for the western end of the site. Yet in the proposed application, Plot 1 opposite the Tea Building extends to over twice its height with a staggering bulk enclosing the boxed-over railway line. Plot 2 - at 142m and with considerable bulk - is also contrary to this massing guideline.

4.3 DEGREE OF HARM

The National Planning Policy Framework identifies two categories of harm to heritage assets, ‘substantial’ and ‘less than substantial’. An important test for finding substantial harm is whether a key element of significance of a heritage asset is badly or seriously damaged. The word ‘serious’ has been held to mean the same as ‘substantial’ in the Bedford case.

We submit that the height and massing of the proposed new buildings will have a major adverse impact on the fundamental character and appearance of the existing site and the adjoining conservation areas in terms of challenging their existing prevailing scale and grain. These tall new buildings are so different in scale to their surrounding context, and will so dominate the townscape that a key element of the significance of the existing conservation areas will be radically undermined. We consider that this amounts to substantial harm.

We do not agree that if the new buildings were considered to be well designed this mitigates their harmful impact. Good design is a requirement of any new building, large or small. In any event it is an inexact and largely subjective science as to what constitutes a well designed tower. The physical presence and visibility of the buildings remains a critical issue.

Were it to be held that each individual harmful impact identified amounted to ‘less than substantial’ harm, the question would arise as to whether the cumulative impact of so many instances of harm results in substantial harm. We would say that it does.

4.4 BALANCING HARM AGAINST PUBLIC BENEFITS

The National Planning Policy Framework requires in paragraphs 195 and 196 that where proposed development will lead to either substantial or less than substantial harm to designated heritage assets, a balance has to be struck between the harm that is caused and the public benefits that are achieved. Paragraph 193 also requires that 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.

4.5 ASSESSMENT OF PUBLIC BENEFITS

We consider that the public benefits provided by the scheme are

insufficient and a lost opportunity for such a large site. In particular we consider that:

- the provision of only 90 social rented homes is derisory, given the size of the site and the high demand for genuinely affordable housing in Hackney and Tower Hamlets
- much of the new public space is related to commercial offices and high-end retail and has not been designed with the local residential population in mind
- the quality of much of the new public realm, including the green space on the viaduct and the existing public realm on adjoining streets, will be reduced and overshadowed by the scale of development
- good design is a standard requirement of any scheme and not in itself a public benefit, or a mitigating factor. Furthermore we would suggest that the proposed and indicative design of the large blocks at the western end of the site is questionable, showing little evidence of fitting with the local context. These are designs for buildings that could be located anywhere, in Vauxhall / Nine Elms, Houston or Dubai.

4.6 OPTIMUM VIABLE USE

Paragraph 196 of the National Planning Policy Framework requires that when balancing harm against public benefit consideration should be given to the optimum viable use of the heritage asset. We believe that an alternative scheme might provide equivalent or greater public benefits which would also cause less harm to heritage assets.

In the current and evolving post-Covid19 economic climate there must be great uncertainty about the viability of a scheme of this scale, particularly the office and retail elements whose occupation would rely upon large numbers of people travelling into the area. The scheme relies on an economic model of high growth and floorspace demand in these commercial sectors. The proposals seem over-ambitious and if given consent present a high risk that the site would be left empty and potentially blighted for many more years to come, particularly if an excessive price has been paid for the land.

We believe that the needs and opportunities for retail expansion already exist within the Brick Lane, Old Truman Brewery, Spitalfields Market and Wentworth Street areas. Existing retail uses are already struggling in these areas. We consider that the Goodsyard is by now not an appropriate or vital location for corporate offices and retail at this scale.

A lower scale, less expensive and less ambitious alternative, predicated on local community needs in terms of living, working and leisure-related uses should be explored. Such an alternative scheme might involve retention of far more of the existing viaduct structures on the site and their conversion into affordable business space. It might involve the construction of light-weight residential units above these existing structures, focussed on meeting local needs for social housing and community facilities.

In conclusion we consider that the public benefits offered by the scheme are not of such exceptional merit that they would come close to outweighing the heritage harm that arises.

5 HOUSING MIX

The Bishopsgate Goodsyard Planning Statement refers to the site's

“strategic importance” for London, but fails to adequately address the most important issue for Londoners – housing. This was true at the time it was written and submitted, but, as stated above, the situation has now changed to a point where the entire project should be re-evaluated, particularly with a view to housing provision.

The full implications of COVID-19 are unknown. But it would be absurd to consider this Planning Statement and the future of the site, as though COVID-19 has not happened! At least three provisional, general assumptions can be made:

1. demand for commercial office space and ancillary retail/leisure services is likely to reduce;
2. the housing market will continue to be volatile, but favour those with higher incomes;
3. demand for non-market rented housing (i.e. council housing) for those on low and medium incomes will increase, particularly in Tower Hamlets and Hackney (with a current combined waiting list for such homes of approximately 40,000).

The Planning Statement takes no account of these critical issues. In particular, the revised scheme reduces the number of homes from 1,356 to a maximum of 500, in favour of increasing the allocation of office, retail and hotel space. This is a fundamental flaw in the proposal and should be reviewed by the Mayor of London to take account of highly significant changes in the planning and policy landscape.

Even allowing for the unforeseeable impacts of C-19, the Planning Statement’s housing elements are based on vague notions of the implementation schedule, which over a period of ten years is impossible to guarantee, offering parameters for housing provision that range from 346 to 500 new homes. It is impossible to see how elected politicians can make an informed judgment about the merits of the scheme based on these unknowns.

However, in the maximum and minimum scenarios presented, only 18% of the new homes would be for social rent. This is woefully inadequate and does not address evidenced housing need as required by the aims of policy H4 in the unpublished London Plan and 3.11 in the current London Plan which requires 150 social rented homes from a total of 250 “affordable”.

Furthermore, it is noticeable that the Planning Statement refers to “Low Cost Rent” - a term used in the new London Plan - without defining whether this means Social Rent or the more expensive London Affordable Rent. It should be noted that Tower Hamlets in its Strategic Housing Market Assessment 2017 states at 5.36: “..Even though Tower Hamlets Living Rents are below both London Living Rents and Affordable Rents, the vast majority of households who require affordable housing will still not be able to afford to meet the costs of its rents.”

In another departure from policy, the housing mix is disproportionately skewed towards one bedroom flats, proposed as constituting over half the new homes on the site. Tower Hamlets Local Plan D.H2 specifies housing unit size mix of 30% 1-bed, 50% 2-bed and 20% 3+ bed housing mix for

private tenure. This is flatly ignored in the planning application which proposes 77% 1-bed, 23% 2-bed and no 3+ bedroom homes on the private part of the tenure mix, betraying an absence of any true attempt at community-building within the development.

This does not reflect the level of demand for family-sized homes in Tower Hamlets and opens the strong possibility of homes being used for short-term lets like Airbnb, which has become increasingly evident at similar developments in the area, demonstrating again that the application's approach to new development does not contribute adequately towards the urgency of reducing housing need or help to create strong communities.

Other unknowns are wrapped up in the implementation plan. The first housing blocks are not due to complete until 2025 - approximately 120 homes, tenure unspecified. The next tranche of homes not delivered until 2030, and final homes not until 2032. In all cases the tenure at each delivery point is unspecified as far as we can tell from the documents.

6 SMALL INDEPENDENT BUSINESS, LOCAL EMPLOYMENT

There has been no study of the local business and employment landscape for the purpose of providing workspace and retail space of a kind that is needed locally, on this large site. It is not sufficient to count employment in terms of construction jobs, which are temporary and never a guarantee of significant local employment.

Small / local / independent / creative businesses and entrepreneurs have contributed to the area's distinctiveness alongside its architecture and heritage, making it a major attraction and a unique success through the work of individuals. But as the East End Trades Guild has said, large-scale developments of this kind can kill off diversity of economy through increasing land values that in turn raise local rents, displacing even the most viable of small businesses. With this demise the unique attraction of the area may decline, with a loss to the economy and London's economy as a whole.

Community groups for years have asked for the local economy to be recognised in policy, particularly when the City Fringe Opportunity Area was drawn up by the GLA. Instead, the economic needs of major developers and the City have been prioritised. In the application this is reflected in the claim that "New developments such as 'The Stage' and 'Principal

Place' are in close proximity and 'The Goodsyrd' will complement the overall regeneration of the area." (Planning Statement 1.2.13) It seems Regeneration is only understood in terms of tall buildings and their accompanying rental values.

The Retail Study gives some credit to independent and small businesses in that they will serve to attract custom to their development but there seems to be little understanding of the sector and the application contains no mention of affordable retail space.

The 10% affordable workspace has been provided in the office buildings. While small tech are important, this affordable space cannot be taken by other businesses needing different kinds of employment space, such as light industrial uses. The Goodsyrd presents an ideal opportunity to repurpose some of the arches as light industrial workspaces, but the

arches are intended only for upscale retail in the plans.

We consider that new LP GG1D has not been followed in this application: “seek to ensure that London continues to generate a wide range of economic and other opportunities, and that everyone is able to benefit from these to ensure that London is a fairer, more inclusive and more equal city.”

7 HOTEL SATURATION AND AIRBNB

If the current application is approved - or indeed other nearby pending applications for hotel approval - it will redefine the area as a hotel district that no policy, local or London-wide, has determined it should be. It will result in an unplanned and harmful effect on the character of the area as a whole. A similar mistake was made in Lambeth some years ago, wherein Waterloo became a hotel district through the sheer volume of applications submitted by developers, which was not reflected in planning policy.

The London Plan asserts the need for an additional 40,000 hotel rooms for twenty years from 2016 to 2036, based on the report *GLA Economics, Understanding the demand for and supply of visitor accommodation in London to 2036*, GLA, 2013. For Tower Hamlets, the ¹ report allocates 2,900 of the total rooms to Tower Hamlets and 1600 to Hackney: respectively 145 and 80 per year for twenty years.

The new London Plan increases these requirements to 58,000 hotel rooms for 25 years from 2016 to 2041 based on the report *Projections of demand and supply for visitor accommodation in London to 2050 (2017)*. While this sounds like a large number, when ² broken down per borough and per year the requirements are relatively modest: 5100 of the total is allocated to Tower Hamlets and 3400 to Hackney, 198 and 130 per year respectively.

London was estimated to have 141,000 hotel rooms and Tower Hamlets to have 6,469 rooms in 2015. Thus the updated London Plan calls for an increase of 41% in room supply ³ across London, but weighted towards Tower Hamlets in which it demands a 79% increase.

The revised Application's 2019 Hotel Needs Assessment quotes these GLA projections: that the boroughs of Tower Hamlets and Hackney will require additional 5100 bedrooms and 3400 bedrooms respectively over the 2016-2041 period. But since the study was conducted in 2015, approximately 1800 bedrooms (TH) and 850 bedrooms (Hackney) have already been constructed, with an additional 1900 bedrooms (TH) and 750 bedrooms (Hackney) under construction. This would indicate a further need of 1400 rooms and 1800 rooms in TH and Hackney, respectively, to 2041 (from the Hotel Needs Assessment, with numbers rounded to reflect the approximate nature of the research]). This leaves just 70 (TH) and 90 (Hackney) rooms to be apportioned per year for the next twenty years.

A parallel piece of research conducted by ourselves shows that within a 1 mile radius of the application site, around 3000 rooms have been built or are in the pipeline since the report. The combined data suggests that over 50% of all hotel development across Hackney and Tower Hamlets is concentrated at this junction of the two boroughs.

Planning Sub-Committee – 13/10/2020

Not included in these figures are three significant planning applications in progress but not yet approved for additional hotel rooms within the Hackney Road to Bethnal Green Road vicinity:

Joe&Joe Hostel (Bethnal Green Road) - 400 hostel beds

114-150 Hackney Road - 253 room hotel

This application - 150 room hotel

This amounts to 803 of Tower Hamlets' entire remaining 1400-room allocation (58%) up to 2041 in the revised London Plan.

A short distance to the west of the current application, Hackney's Great Eastern Street alone boasts at least 1240 hotel rooms in use or being built:

Hoxton hotel - 200 rooms

Nobu - 148 rooms

CitizenM - 216 rooms

Hart Shoreditch - 126 rooms

Art'Otel - 350 rooms

Highgate - 200 rooms

These figures, sourced in various different ways, all tell the same story - that the build-out of hotels is already far in excess of that envisaged by the London Plan or its 2019 update. Given such saturation, the application's Hotel Needs Assessment has not demonstrated additional need for a hotel on this site.

7.1 AIRBNB EXPLOSION

None of the figures in the London plan, or in the reports that feed into it, take account of the extraordinary explosion of short term letting and Airbnb-style room supply in London over the last four years. We can however refer to the recently-published GLA report *Short-term and holiday letting in London* .⁴

- The number of Airbnb listings in London is growing exponentially and has quadrupled in the last four years
- Whilst the report suggests actual figures are hard to measure and are likely to underestimate the full totals, Tower Hamlets offered 4,701 Airbnb lettings on 5 May 2019. This was evenly split between private rooms and whole apartments, so room numbers will be somewhat larger - say 5000-6000. This is a similar size to the baseline figure for total number of hotel rooms offered in Tower Hamlets (6469 - see [2]), so Airbnb is arguably doubling the amount of short stay lettings in the borough.
- Tower Hamlets Airbnb room count in London is second only to Westminster.
- One of the most highly concentrated Airbnb areas in London is Weavers Ward, where the proposed hotel on the Goodsyard is located.

It is entirely likely that the 77% 1-bedroom private homes will make a substantial increased contribution to the short-term lettings make-up of the area. This does not form part of any current planning policy.

8 ENVIRONMENT & SUSTAINABILITY

The new London Plan asks for major developments to demonstrate a pathway to zero carbon on site by 2050 but it is not clear how the

applicants plan to do this. Given that the applicants cannot demonstrate this, their scheme should be refused as it contravenes NLP policy S12A.

The environmental measures in this development appear to be standard with little sense of urgency about climate issues. It is difficult to judge the whole scheme on its energy statement as a detailed energy statement is only available for plots 2 and 7 - which contravenes NLP policy S12B.

The claim is for a 35% improvement in on-site emissions over building regulations, the current requirement of the London Plan, however the Tower Hamlets Local Plan asks for a 45% reduction in onsite emissions over the requirements of current building regulations, meaning these measures do not meet Tower Hamlets policy. Tower Hamlets needs to reduce carbon dioxide emissions per person significantly more than most other London boroughs, as it is the third worst performing borough within London (Local Plan para 14.48).

The London Plan requires residential developments to 'offset' the carbon emissions produced on site from the required 35% to 100% (zero carbon), which would require paying around £60 per tonne of emissions per year for thirty years. We question why this will only apply to the residential element of the scheme while the larger non-residential commercial side will only offset 35%.

It is not clear who will get the benefit of the offset payment but we fundamentally disagree with the offset strategy, as London and the local area will still suffer the emissions. This is also Tower Hamlets policy: "The policy also recognises that on-site carbon reductions have a greater impact on reducing carbon emissions than contributions in lieu." (Local Plan 14.49)

The proposed scheme is backwards-looking, wasteful of resources and in the case of the office buildings there is mounting evidence that office development is undergoing a change: therefore, as stated above, the development does not conform with the Tower Hamlets Local Plan Key Objective 1a: "Growth must contribute positively to existing identified social, economic and environmental needs".

The transport of materials to and from the site means the Bethnal Green Road will suffer a very high level of lorry traffic that will lead to poor air quality and does not conform with Tower Hamlets policy S.ES1 Protecting and enhancing our environment: "improve air quality; use less energy". This is unsustainable yet inexplicably the Environmental Statement states that construction has no impact on traffic and air quality (Non technical summary 1.11.1). The demolition of the western arches will create a high proportion of these trips through its waste and energy use and should be stopped.

We are also concerned by the air quality red warnings for receptors on Commercial Street and on Sclater Street, Brick Lane and Cheshire Street during construction. The impact of the proposed level of construction traffic has not been explained to the local community. In Sclater Street it is likely that the Brick Lane market and Close-Up Cinema would be irrevocably damaged.

9 DAYLIGHT, SUNLIGHT AND OVERSHADOWING

According to the applicant's 2019 DSO report, the scheme will cast long

winter shadows up to Austin Street to the north of the Boundary Estate, and beyond its eastern edge. In the summary report many residential addresses that will be affected were omitted.

We note that there is no final sunlight and daylight report in the latest documents. The Final Response Report states:

The review of this chapter has been undertaken internally by the GLA and comments will follow shortly.

We could not locate these comments in the 2020 consultation documents. This information is important and should form part of the consultation. Daylight, sunlight and overshadowing issues were a key factor in a recommendation for refusal of the previous version of this application and those concerns should be properly scrutinised at this time.

10 COVID-19 CONSIDERATIONS

The long term impact of COVID-19 is impossible to predict, but it is reasonable to assume that lasting changes in behaviour will result, which will affect patterns of work, leisure and living. There are multiple ways that this impacts the current planning application and render its reasoning and conclusions questionable.

- Demand for large floorplate corporate HQ style offices can be expected to decline.
- Provision of a new retail space is predicated on high concentrations of daily visitors
- The need for living and working to be close together, with less commuting and with local services playing an important role. It would seem more logical that any development here should centre first around the needs of the area instead of tourists and visitors. The local will always be an attractor: the interest in Spitalfields and the East End is due to them being unique local places with a history.

- The site's adjoining neighborhoods should be subject to a wide-ranging Social Infrastructure Needs Assessment (London Plan 3.16) in the light of COVID-19.

As examples of documents that must now be deemed outdated, appendices A and B of the Planning Statement need to be called into question.

11 CONCLUSION

We consider that the public benefits offered by the scheme are not of such exceptional merit that they would come close to outweighing the heritage harm that arises.

We believe the application does not conform to the new London Plan Good Growth policy / objective Making the Best Use of Land GG2E : “understand what is valued about existing places and use this as a catalyst for growth, renewal, and place-making, strengthening London's distinct and varied character.”

A fundamental issue remains with the height and massing of the proposals particularly at the western end of the site. These tall and massive blocks present an incursion of City-scale buildings and uses east of Shoreditch High Street and Bishopsgate, which is unprecedented and will radically alter the relationship between the City and the East End. It will effectively move the City's cluster of towers northwards and eastwards.

We consider that the proposals would cause a very serious level of harm and urge that planning permission be REFUSED.

4.10 Statutory Consultees

London Overground Infrastructure Management

4.10.1 No objections subject to conditions.

Environment Agency

4.10.2 No objections.

Crossrail 2 Safeguarding

4.10.3 No comments.

Health and Safety Executive

4.10.4 No comments.

Natural England

4.10.5 No objections.

Historic England

4.10.6 This comment relates to current applications for planning permission and listed building consent which were called in by the Greater London Authority in 2015 and have now been significantly revised. For details of our previous responses, please refer to the attached letters dated 4 December 2014. In summary, Historic England supports the principle of redevelopment of this site, which contains two listed structures that have been entrants on our 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, we 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. We also acknowledge 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. As such, we would advise your authority to weigh up this harm against the public benefits arising from the proposals when coming to a decision on those applications, in accordance with policy 196 of the National Planning Policy Framework 2019.

The significance of the site is well known and has been assessed in detail in conjunction with the previous proposals. In summary, the principal structures on the site comprise the former 19th century railway viaduct, known as the Braithwaite Viaduct, and the remnants of the late 19th

century goodsyard that was mostly destroyed by fire in the 1960s. Some remaining structures are Grade II listed, including the Braithwaite Viaduct, and the late Victorian Oriel Gateway and Forecourt Wall which formed the entrance to the goodsyard. The site also contains many non-designated structures of heritage significance, including remnants of the former goodsyard and a group of buildings within the Brick Lane and Fournier Street Conservation Area, including a small terrace of early 18th century weavers cottages and a 19th century mission chapel.

The amended proposals represent a new and less-intensive approach to development of the site. We welcome this approach and recognise that the reduction in height of the proposed buildings addresses our previous concerns in relation to the impact of the setting of the Tower of London. However, we acknowledge that the proposals will still introduce a whole new scale of development that, in our view, would have a harmful impact on the setting of numerous heritage assets in the local area, as set out briefly below.

In relation to the Elder Street Conservation Area, Buildings 1 and 3 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 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, we would urge your authority 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.

In respect to the heritage assets within the site, we have the following comments:

We 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, we would recommend that 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.

We welcome the proposed repurposing of many of the structures formerly associated with the goodsyard and consider these proposals to comprise heritage benefits. We would recommend that your authority considers 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. Attached is a list of recommended conditions.

Whilst we have 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, we are aware that 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, we would recommend that if you are minded to grant consent, 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. Attached is a list of recommended conditions.

We have no objection to the principle of repairing the Oriel Gateway and reinstating the lost decorative stonework over the gateway. However, we are concerned that the proposals are not fully detailed and are subject to further investigations to assess the condition and composition of this structure. As such, if you are minded to grant consent, we would recommend 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. We would also recommend that conditions are recommended which would enable further discussion on the design and details of the proposed finishes to the structure, including fenestration and relationship to the adjacent public realm.

Attached is a list of recommended conditions.

Regarding the overall Masterplan for the site, we welcome the proposed phasing of the development, which places the repair and refurbishment of the heritage structures into the earlier phases of delivery. However, we

would strongly recommend 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.

Recommendation

Historic England has no objection to the application on heritage grounds. In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Historic England Archaeology Services

4.10.5 No objections subject to conditions.

4.11 Council Departments

Environmental Services

Air Quality

4.10.1 Some concern raised with regard to modelling and NO2 exceedances (discussed further below).

Noise Pollution

4.10.2 No objection subject to conditions in relation to noise from plant.

Traffic and Transportation

4.10.3 No objection subject to conditions and the securing of contributions/obligations by way of legal agreement (detailed further below).

Drainage

4.10.4 No objections subject to conditions.

Waste Management

4.10.5 No objections subject to conditions.

4.11 Design Review Panel

A joint design review panel was convened comprising members of Hackney's Design Review Panel and Tower Hamlets' Conservation and Design Advisory Panel to review emerging proposals for the Bishopsgate Goodsyard site. Following a site visit with all panel members along with the client and consultant teams, the scheme was presented by representatives of Faulkner Browns Architects, Spacehub, Chris Dyson Architects, Eric Parry Architects and Buckley Gray Yeomen on behalf of Ballymore and Hammerson. The presentation included a general introduction to the amended proposals as well as looking at the following areas of focus: heritage and retail, public realm, residential, buildings on the platform and the commercial campus.

COMMENTS

The joint design review panel welcomed the opportunity to review the emerging proposals for the amended scheme. The panel recognised the complexity of the site and commended the applicants and their design team for the degree of positive change introduced to the scheme, particularly in terms of site permeability and building scale. Overall it was thought that the proposals had improved considerably from the previous scheme. However, the panel were of the view that some aspects of the scheme still required further work.

Layout

The panel were pleased at the improvements to site permeability. In particular, the introduction of a new east-west route passing to the north of the listed arches was considered to be a major step forward. It was also thought that the threshold spaces at either end of the site, on Shoreditch High Street and Brick Lane, would work well.

It was suggested that the gallery space to the east of Braithwaite Street could be opened up as a new through route connecting to Commercial Street and that the use may need a broader remit in order to make it successful in the long term. It was noted that there are difficulties in animating this space, but it was thought that perhaps retail kiosks or similar might be used to bring activity to this route.

Scale and massing

The panel welcomed the overall reduction in the scale and massing of buildings across the site. The removal of the towers in particular was seen as an improvement on the previous planning application.

The panel did, however, raise concerns about the massing of the building on plot two. Whilst the height of the building could be considered acceptable, it was thought that in some views the building would appear excessively bulky to the detriment of the local townscape. Whilst, the building would have a relatively narrow profile in some of the views that

were presented, in others, such as south down Shoreditch High Street and north up Norton Folgate, it could appear somewhat broad and overbearing and needs to be more sensitively handled.

The panel noted that verified views of proposals illustrating the wider townscape impacts of the scheme were not included in the presentation. It was thought that these were needed to fully understand the impacts of the scheme and that a comparison with the earlier scheme would be helpful. The panel noted that these are currently being prepared by the applicant and will cover the same viewpoints as the previous application.

In terms of plot one, the sensitivity of the relationship with the Tea Building was raised and there was some concern that the lower shoulder height could appear odd. As with plot 2, the need for the building to be fully tested in verified views is critical, particularly in terms of views north and south along Shoreditch High Street and east/west along Bethnal Green Road.

Residential amenity

The panel expressed serious concern about the quality of some of the residential accommodation that would be placed either side of the overground railway box. The panel thought it likely that some of the units would suffer from unacceptable levels of daylight and sunlight, and would also have a poor outlook. It was suggested that this aspect of the scheme be given further consideration.

The panel noted that the applicant was planning to test the daylight and sunlight impacts on a sample of the proposed residential units. It was suggested that particular attention was given to testing the units adjacent to the overground railway line box. The panel were also of the view that these buildings should be shown in section so that their relationship to each other, and to the box, can be better understood.

The panel asked whether any use could be made of the space on top of the overground railway box. It was suggested that this could be made into a green roof, or treated in some other way to improve the visual amenity for the adjacent accommodation.

Public realm

The panel were impressed with the way that the narrative of the platform level public spaces had evolved.

It was noted that the total amount of public space has increased by twenty five percent in relation to the previous application. However, there were some concerns that the open space calculation included hard landscaping, which was not part of the calculation previously. There was also some concern that there is too much hard landscaping and the southern edge of the platform level could be more park like. In particular

Planning Sub-Committee – 13/10/2020

the areas between the hotel blocks will need careful attention to ensure that they are robust enough to cope with the level of use and reduced light levels.

The panel sought assurances that all of the spaces are fully accessible and useable and the level differences carefully handled so that the transition from ground to platform level is animated and enjoyable.

Heritage assets

The panel was encouraged by the proposals for the refurbishment of the non-designated heritage assets on Sclater Street.

Some concern was raised with the impact that the building on plot two would have on the setting of the Oriel Gateway due to the close proximity. It was thought that the building would appear to loom over the listed structure. It was suggested that the treatment of the sloping soffit may exacerbate this and that the scheme would benefit from the relationship between the two structures being looked at further so that it is more sensitively handled.

Cultural building

The panel welcomed the introduction of a cultural building. It was suggested that this should be designed with a specific end user in mind to be sure that it is successful.

5 Policy Framework

5.1 Hackney Local Development Framework (LDF)

LP33

- LP1 - Public realm
- 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, Culture and Entertainment Facilities
- LP11 - Utilities and Digital Connectivity Infrastructure
- LP12 - Housing supply
- LP13 - Affordable Housing
- LP14 - Dwelling Size Mix
- LP17 - Housing Design
- LP25 - Visitor Accommodation
- LP26 - New Employment Floorspace
- LP27 - Protecting and Promoting Office Floorspace in the Borough
- LP28 - Protecting and Promoting Industrial Land and Floorspace in the Borough
- LP29 - Affordable Workspace and Low Cost Employment Floorspace
- LP30 - Railway Arches
- LP31 - Local Jobs, Skills and Training
- 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 and infrastructure
- LP45 - Car parking and car free development
- LP46 - Protection and Enhancement of Green Infrastructure
- LP47 - Biodiversity and sites of importance for nature conservation
- LP48 - New open space
- LP49 - Green chains and green corridors
- LP50 - Play space
- LP51 - Tree management and landscaping
- LP53 - Water and flooding
- LP54 - Overheating
- LP55 - Mitigating climate change
- LP56 - Decentralised energy networks

- LP57 - Waste
- LP58 - Improving the environment and pollution

Planning Contributions Supplementary Planning Document (2020)

South Shoreditch SPG

Sustainable design and construction supplementary planning document (2016)

Public Realm SPD (2012)

Bishopsgate Goodsyard Interim Planning Guidance (2010)

5.2 London Plan (2016)

- 2.1 - London in its global, European and United Kingdom context
- 2.3 - Growth areas and co-ordination corridors
- 2.5 - Sub-regions
- 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
- 2.18 - Green Infrastructure: The Network of 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 enhancement of social infrastructure
- 3.17 - Health and social care facilities
- 3.18 - Education 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
- 5.8 - Innovative energy technologies
- 5.9 - Overheating and cooling
- 5.10 - Urban greening
- 5.11 - Green roofs and development site environs
- 5.12 - Flood risk management
- 5.13 - Sustainable drainage
- 5.14 - Water quality and wastewater infrastructure
- 5.15 - Water use and supplies
- 5.16 - Waste net self-sufficiency
- 5.17 - Waste capacity
- 5.18 - Construction, excavation and demolition waste
- 5.20 - Aggregates
- 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
- 6.4 - Enhancing London's transport connectivity
- 6.5 - Funding crossrail and other strategic transport infrastructure
- 6.7 - Better streets and surface transport
- 6.9 - Cycling
- 6.10 - Walking
- 6.11 - Smoothing traffic flow and tackling congestion
- 6.12 - Road network capacity
- 6.13 - Parking
- 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 soundscapes
- 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

5.3 Strategic Policy Guidance

Accessible London: achieving an inclusive environment SPG
The Control of Dust and Emissions during Construction
Character and Context
Use of Planning Obligations in the funding of Crossrail and the Mayoral Infrastructure Levy
Planning for Equality and Diversity in London
Central Activities Zone SPG
City Fringe Opportunity Area Planning Framework
The Mayor's Transport Strategy
Planning and Access for Disabled People: a good practice guide (ODPM)
Sustainable Design and Construction SPG
Mayor's Climate Change Adaptation Strategy
Mayor's Climate Change Mitigation and Energy Strategy
Mayor's Water Strategy

5.4 National Policy

National Planning Policy Framework (NPPF)

National Planning Policy Guidance (NPPG)

5.6 Emerging Planning Policy

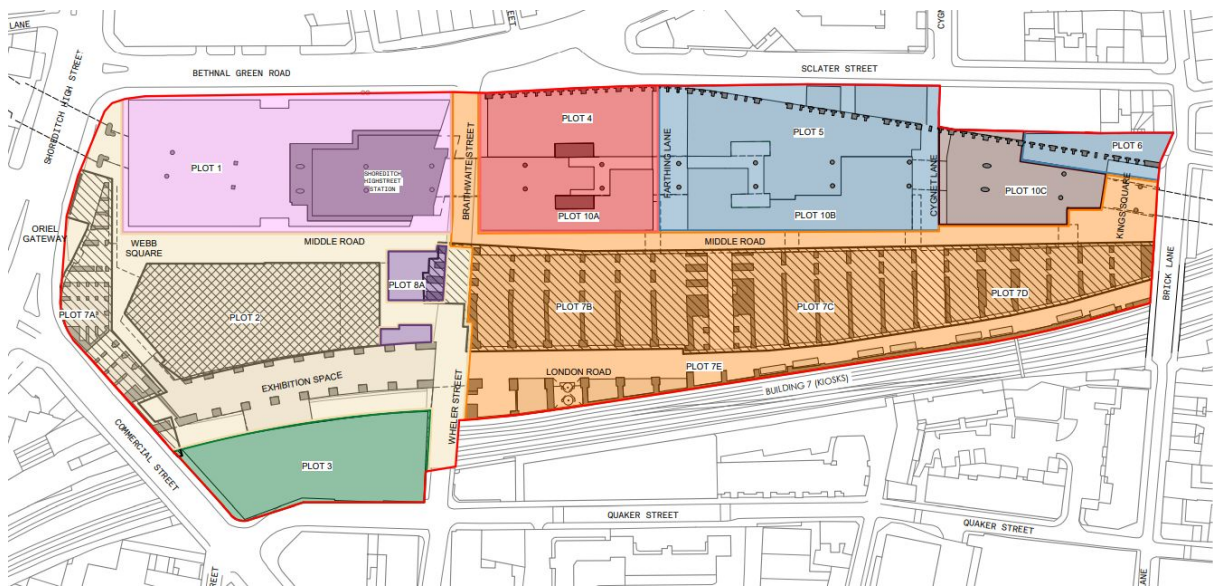
The GLA is producing a new London Plan, which was subject to Examination in Public between January 2019 and May 2019. The Inspectors' Panel report was published on 08 October 2019. This contained a series of recommendations on amendments to the Plan, some of which the Mayor chose to accept and some which he chose to reject. The reasons for his rejections accompany the London Plan "Intend to Publish" version was sent to the Secretary of State (SoS) on the 9th December 2019. Subsequently, on the 13th March the SoS raised significant concerns with Intend to Publish London Plan. The Mayor of London responded to the SoS on 24th April to commence discussions regarding the SoS's directions. The adoption of the new Plan is not imminent.

The NPPF sets out that decision takers may also give weight to relevant policies in emerging plans according to their stage in preparation, the extent of unresolved objections and degree of consistency with the NPPF. Both emerging plans are material planning considerations and carry weight in decision making at this stage.

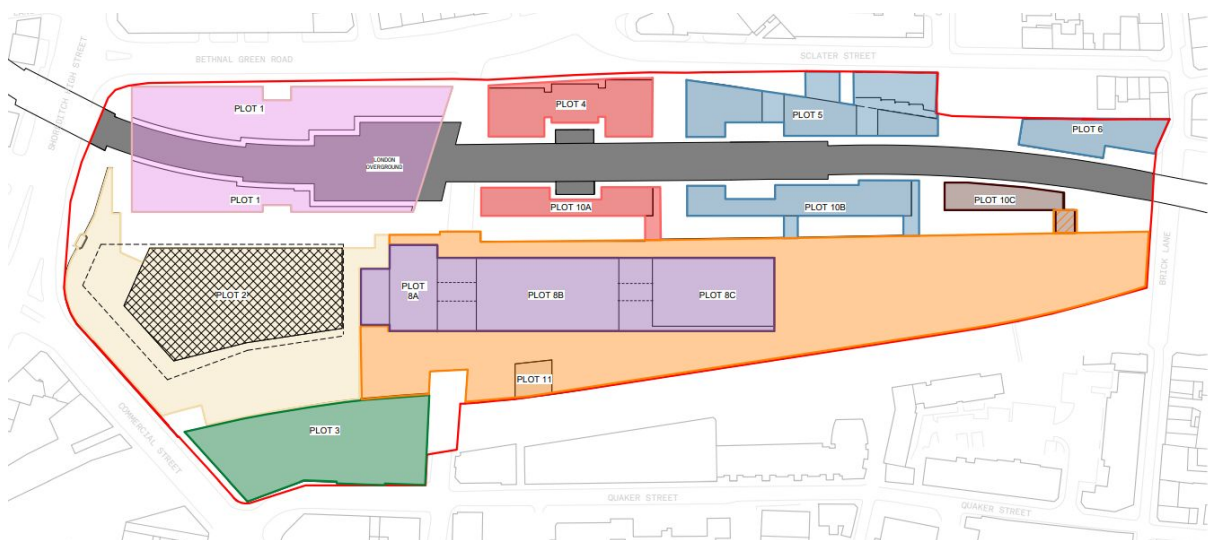
6.0 **COMMENT**

Description of Proposal

6.0.1 The application for planning permission has been submitted as a hybrid scheme with part all matters reserved (the outline component) and part no matters reserved (the detailed component). The site has been divided into 11 plots within which a number of buildings would be developed. As outlined above, the site straddles the administrative boundaries of London Borough of Hackney (LBH) and London Borough of Tower Hamlets (LBTH). Plot 7a is located entirely within LBH. The borough boundary runs directly through Plots 1, 2 and 3. Plots 4, 5, 6, 7b-e, 8a-c, 10 and 11 are wholly within LBTH. The development plots are positioned across the site as shown in the plan below



Ground Floor



Platform Level

6.0.2 The detailed component of the application covers Plot 2 and Plot 7a-c. The remaining plots 1, 3, 4, 5, 6, 8a-c, 10 and 11 are submitted with all matters reserved. The outline component seeks approval for the maximum and minimum amount of development in each development plot. While all matters are reserved for this component, an indication of the means of access, scale parameters, indicative layout and indicative landscaping have been provided along with a side-wide design guide document.

6.0.3 In addition, applications for Listed Building Consent (LBC) were submitted for the works to the relevant listed structures within the administrative boundaries of each borough. Specifically within LBH this covers restoration and repair of the Grade II listed oriel and gates, and adjoining structures.

Plot 1 (LBH and LBTH)

6.0.4 Plot 1 is located on the north west corner of the site and straddles the railway viaduct of the London Overground. The plot is submitted with all matters reserved and would provide 61,572sqm (GEA) floorspace in the maximum parameter and 31,344sqm (GEA) in the minimum parameter. The building would principally provide office floorspace with some retail uses at ground floor level. 78% of the office floorspace within this building would be located within LBH.

6.0.5 The illustrative scheme in the submitted Design and Access Statement shows a building divided into two sections with a recessed interconnecting element. The eastern section is shown at 16 storeys (up to 85.2m) in height and the western section, which is located at the corner of Bethnal Green Road and Shoreditch High Street, is shown at 12 storeys (up to 69.15m). The building would enclose the existing Shoreditch High Street station with the existing entrance to the east retained and passive provision for a new access point to the north also provided. This results in narrower floorplates from floors 1-4 with larger floorplates on the floors above as the building spans the viaduct.

Plot 2 (LBH and LBTH)

6.0.6 Plot 2 is located within the centre of the eastern part of the site and is almost wholly located within LBH but for a small section of the eastern side of the plot. The building would provide 76,957sqm (GEA) of floorspace, 2,350sqm of which would be retail space provided at ground, ground mezzanine, platform and platform mezzanine level. 66,930sqm of office space would be provided on the floors above with the remainder as ancillary/plant space. 99.3% of the office space within this building would be located within LBH.

6.0.7 The building, which is proposed as part of the detailed component of the planning application, would have a total height of 142.4m. It would be arranged over basement level, four lower levels with access at ground

and platform level, and part 16, part 25 storeys with a large roof plant level above. The footing of the building would replace existing historic fabric and space currently occupied by football pitches with its foundations designed so as to accommodate the 8 track reserve and central line which both run beneath this part of the site. A transfer zone at floors 1-3 would increase the size of the floorplates on the floors above and result in a cantilever of the upper volumes over the public realm at platform level. Accessible terraces would be provided at 15th and 16th floors as the building steps down from the taller tower element.

- 6.0.8 The principal facades of the building would have a red-coloured steel 'super cladding' with glass and brise soleil panels behind. Wind mitigating fins would be located at four storey intervals on the tower's south western and north western elevations with a larger canopy above the transfer zone. Recessed terraces would be provided at each level on the north western elevation with and on the southern elevation. It is proposed that the soffit beneath the cantilevered base of the tower would be clad in a reflective material such as granite.

Plot 3 (LBH and LBTH)

- 6.0.9 Plot 3 is located on the south west corner of the site, on the corner of Commercial Street and Quaker Street. The proposal for the plot is submitted with all matters reserved and would provide 20,363sqm (GEA) floorspace in the maximum parameter and 14,776sqm (GEA) in the minimum parameter. The plot would provide up to 17,342sqm of office space with some retail at ground and platform level. The plot also includes 3,685sqm (GEA) of D1/D2 space beneath the arches leading to London Road. 42% of the office space within this building would be located within LBH.

- 6.0.10 The building would have a maximum height of 53.5m and would be arranged over ground plus 6 upper floors in the maximum parameter (with bigger than average floor to ceiling heights). The building would be founded on narrow strips of land either side of the 'open cut' railway leading to Liverpool street and would be required to span the railway at a distance of up to 35m.

Plot 4 (LBTH)

- 6.0.11 Plot 4 is located within the central part of the north side of the site, north of the railway viaduct. The proposal, which is submitted with all matters reserved, would provide a residential building up to 81.55m in height with between 119 and 144 residential alongside some retail and ancillary space at ground floor level. The existing goodsyard wall on the northern part of the site would be retained and incorporated into the base of the building. The indicative proposal sees the building arranged as three connected volumes with a taller element to the west.

Plot 5 (LBTH)

- 6.0.12 Plot 5 is located to the east of Plot 4 on the north side of the site, again north of railway viaduct. The outline proposal would provide a residential building up to 61.85m in height with between 58 and 84 residential alongside a retail at ground floor level in the main block. The plot also includes a former Mission Hall which would be renovated and converted to residential use, as well as an adjacent Victorian building and a row of Weavers Cottages which would also be renovated to provide a mixture of office, retail and residential.

Plot 6 (LBTH)

- 6.0.12 Plot 6 is located on the eastern end of the north side of the site and has a frontage onto Brick Lane. The outline proposal would provide a building up to 32.5m in height with 2,385sqm of D1/D2 space, at least 400sqm of which would be provided as community space with the remainder in a cultural use. The indicative proposal shows the building incorporating the goodsyard wall and providing a frontage onto the planned public square on the eastern end of the site.

Plot 7 (LBH and LBTH)

- 6.0.12 Plot 7 comprises the bulk of the retained heritage structures on site including the listed Oriel Gateway and associated structures in LBH and the Braithwaite Viaduct in LBTH. The proposals for this plot (with the exception of Plot 7e which is submitted in outline) are submitted in detail and are accompanied by an application for Listed Building Consent. The existing structures would be renovated and repurposed for predominantly retail use with some arches left open to facilitate permeability through and access into the site. The total retail floorspace proposed for plots 7a-7d is 5,494sqm. At Plot 7e 384sqm of retail, 390sqm of D1/D2 and 99sqm of Sui Generis space are proposed in the maximum parameter.
- 6.0.13 The proposal at Plot 7a, which is wholly within LBH, would involve the renovation of the Oriel and forecourt walls, the gate and gateposts as well as the winding mechanism in the adjacent wall which would be retained as a separate freestanding element within the public realm. The arches beneath the Oriel would provide a new entrance to the site and the Oriel structure itself would be incorporated into the landscaping at platform level.

Plot 8 (LBTH)

- 6.0.14 Plot 8, the proposals for which are submitted in outline, includes a slender tower building up to 105.75m which is footed on the western side of Braithwaite Street and two buildings of up to 43.1m located at platform level, all connected by elevated bridges. The base of the tower element and part of the first five floors are part of a 11,595sqm hotel (max parameter) along with the connected blocks on the platform. The remainder of the tower would provide between 91 and 138 residential

units. Up to 2,578sqm of retail and 299sqm of D1/D2 would be provided at ground or platform level.

Plot 10 (LBTH)

- 6.0.15 Plot 10 comprises three separate buildings arranged along the southern side of the railway viaduct, on the northern side of the new east-west route through the site. Building heights would range between 29.7m and 57.3m in the maximum parameter with heights stepping up and down along the plot. Between 78-134 residential units would be provided on the upper floors alongside up to 3,565sqm of retail and 202sqm of sui generis space.

Plot 11 (LBTH)

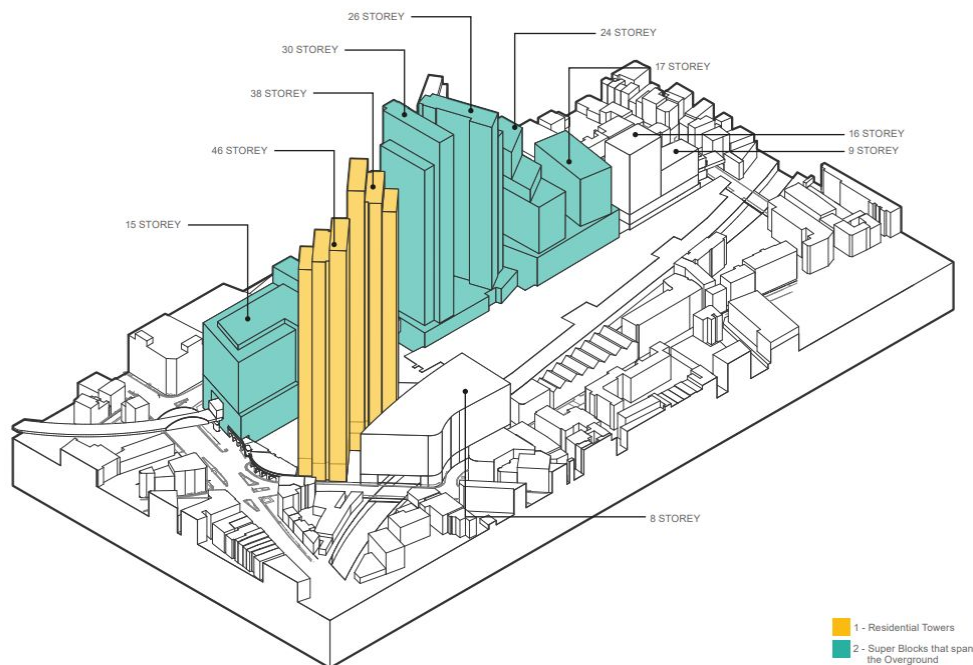
- 6.0.16 The proposal for Plot 11 is submitted in outline and would comprise a single storey pavilion structure located upon the platform with up to 170sqm of retail space.

Public Realm

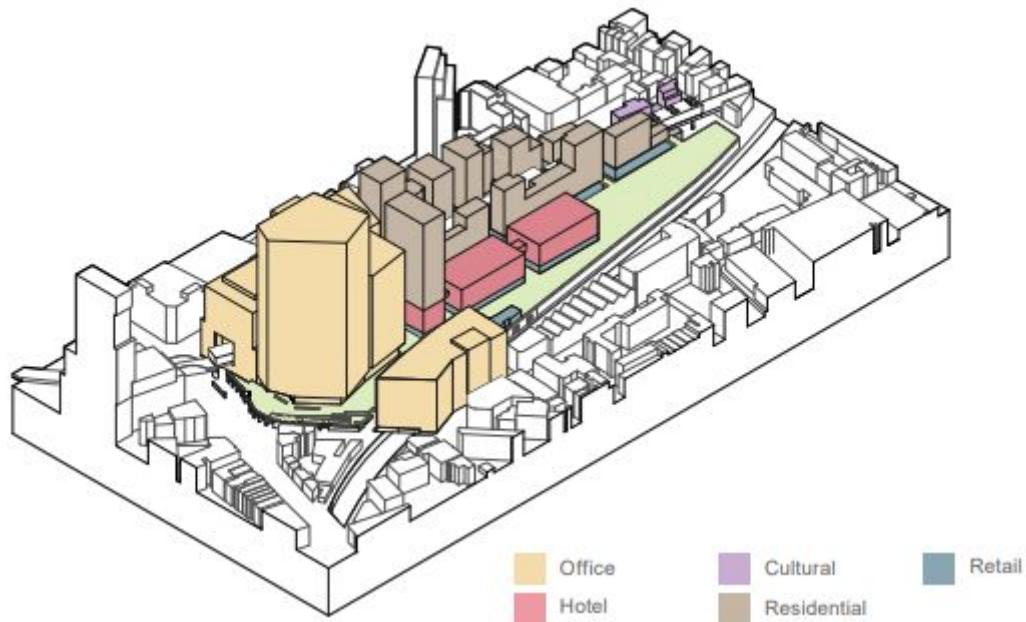
- 6.0.17 The proposal would provide a total of 25,812sqm of public realm at ground floor level and 8,155 at platform level. In LBH, a small square known as Webb Square would be provided at the base of Plots 1 and 2 and to the rear of the Oriel Gateway. This would lead on to a central east-west route through the site to be known as Middle Road with another small square, known as King Square, provided on its eastern end next to Brick Lane. North-south permeability through the site would primarily be from the existing Braithwaite Street with two additional north-south routes provided beneath the platform to the east (to be known as Sygnet Lane and Farthing Lane). Another covered east-west link between Braithwaite Street and Brick Lane is provided by London Road, a remnant of the original site layout. Those part of the public realm which are beneath the viaduct would be covered and closed at night whereas Middle Road and Braithwaite Street would be open 24 hours.
- 6.0.18 At platform level a new public park would be provided on the eastern part of the viaduct, wholly within LBTH. A continuation of this landscaped space would be provided in linear form along the southern side of the platform with additional landscaped spaces provided between the buildings of plots 8 and 2. Landscaping would continue around the base of plot 2 within LBH which would incorporate the Oriel structure along with hard landscaping and tree planting.
- 6.0.19 Vertical circulation would be provided by 7 stair and lift points, 5 arranged along Middle Road, one on Braithwaite Street and once creating an access to the podium from the pavement on Commercial Street.

The Original Proposal

6.0.20 The current proposal represents a significant revision to the scheme initially submitted in 2014 (subsequently amended). Where the original scheme was predominantly residential driven, proposing up to 1,356 units as opposed to the current 500 (max), the current scheme has a more commercial focus with up to 116,201sqm of office space (along with a hotel and a sizeable provision of D1/D2 space) as opposed to the 81,127sqm of office proposed last time. The arrangement of massing across the site has also substantially changed with only Plot 1 now spanning the London Overground viaduct rather than the row of tall buildings on the northern side of the previous proposal. The part of the site currently known as Plot 2 was also proposed at a significantly greater height with two tower buildings of between 38 and 46 storeys. Overall, the extent of floorspace proposed was 292,860sqm as opposed to the 243,856sqm currently proposed. The below images illustrated the difference between the two approaches.



Original Proposal



Current Proposal

6.0.21 As outlined at the start of this report, the original proposal was called in by the GLA with both boroughs registering an objection following the presentation of the scheme to their respective planning sub-committees. In LBH's case, the grounds of objection to the original proposal can be summarised as follows:

- The proposals were considered to represent over-development and would have had an unacceptable impact upon townscape, local character and the amenity of nearby occupiers that would not be outweighed by the public benefits.
- The proposals did not represent an employment led development as sought by policy in this location.
- The proposed only provided 10% affordable housing which was not considered to be the maximum reasonable amount taking into account scheme viability.
- The detailed proposals for the listed Oriel Gate and associated structures were considered to result in direct and substantial harm to the designated heritage asset.
- The proposals were considered to be harmful to the setting of the listed Oriel Gate and Braithwaite Viaduct
- The proposal was not considered to be of excellent architectural design such that this may mitigate the harm identified in the Townscape and Visual Assessment.
- The proposal would have an unacceptable impact upon the the view of a World Heritage Site (Tower Bridge)
- The scale and massing of Plots A & B (now known as Plot 1) was considered excessively bulky and alien to the surrounding context.
- The procession of towers at Ploy C, D and E (now known as Plots 4, 5, 6 and 10) was considered to have cumulative negative impact on

townscape

- The proposal was considered to have an unacceptable daylight and sunlight impact.
- The assessment against Air Quality Neutral requirements showed that the development does not meet the required standard.

6.0.22 The current scheme has sought to address much of the above grounds for objection through the redistribution of massing upon the site and the reorganisation of uses. There has also been a more significant retention of historic fabric and an alternative approach to the treatment of heritage assets. A further improvement to the scheme sees the introduction of a new publicly accessible east-west route through the site alongside the enclosed east-west route on London Road. It is noted that the previous proposal provided a larger area of consolidated public realm at platform level whereas the current proposal includes sizeable structures upon the platform. However, the new public realm at ground floor level would bring the overall provision to slightly in excess of that originally proposed.

6 Considerations

The principal material planning considerations relevant to this application are as follows:

- 6.1 Principle of Development;
- 6.2 Design, Appearance and impact upon Heritage Assets;
- 6.3 Standard of Office Accommodation;
- 6.4 Traffic and Transportation;
- 6.5 Energy and Carbon Emissions;
- 6.6 Amenity Impact upon Nearby Occupiers;
- 6.7 Trees, Landscape and Biodiversity;
- 6.8 Other Planning Matters
- 6.9 Environmental Impact Assessment

Each of these considerations is discussed in turn below.

6.1 The Principle of Development

6.1.1 Located within the City Fringe Opportunity Area (OA) and the Central Activities Zone (CAZ) the site is in a strategic location identified both as London's globally iconic core and an area with significant development capacity. Opportunity areas are themselves identified within the London Plan as the capital's major reservoir of brownfield land with significant capacity to accommodate new housing, commercial and other development.

6.1.2 The site is extremely well located for established public transport links with a Public Transport Accessibility Level (PTAL) of 6b (the highest possible rating). At 4.4ha in size the site is the largest brownfield redevelopment site in the City Fringe Opportunity Area Planning Framework.

- 6.1.3 At a local level the site is located within a Priority Office Area (POA) and is located in the area covered by the South Shoreditch Supplementary Planning Document (SSSPD), falling within the Edge of City sub-district.
- 6.1.4 Although Hackney has recently adopted a new Local Plan, the site allocation for this site remains as described in the Site Allocations Local Plan (SALP) adopted in 2016 until the new Shoreditch AAP is adopted. The SALP allocation seeks an employment or employment-led development comprising employment, housing (in particular affordable and family housing), leisure, culture, health at the site. A breakdown of uses by borough is not indicated.
- 6.1.5 Interim Planning Guidance was also jointly prepared for the site by LBH, LBTH and the GLA. Adopted in 2010 the IPG indicated that the redevelopment of the site could deliver up to 2000 homes and 75,000-150,000sqm of non residential floorspace within a total indicative site capacity of 350,000sqm. Given that the quantum of development proposed in the original application (292,860sqm in total) was below that suggested in the IPG but was still considered by both boroughs to represent over development of the site when taking into account the wider townscape and environmental impacts, it is considered that the development capacities suggested in the IPG have been found to be unsuitable. As such, and given the time has passed since its adoption and the more detailed understanding of the site both boroughs have following the original application, limited weight is afforded to this guidance although it remains a material planning consideration.
- 6.1.6 The draft allocation in the Future Shoreditch AAP represents the most up-to-date allocation for the site and reflects a more considered approach to indicative site capacity following the assessment of original application. The allocation now suggests 103,000sqm GEA of office floorspace (of which 84,000 would be provided within Hackney), 39,000 sqm retail/community space (of which 10,000 sqm would be provided within Hackney) and up to 700 residential units (with a minimum 500 units provided within Tower Hamlets). Although the draft APP is not yet adopted, the plan has been through its first round of consultation and is considered to carry some weight.
- 6.1.7 Notwithstanding the more conservative approach to site capacity in the emerging site allocation, overall the site is considered to have the potential to deliver substantial levels of office, residential and retail accommodation and make a significant contribution to the implementation of the London Plan. The redevelopment of the site also has the potential to unlock significant regenerative benefits for the surrounding area.

Distribution of Land Uses

- 6.1.8 The proposed approach to the distribution of land uses in the current proposal is intended to respond to the reasons for objection to the original

application. Specifically, the previous lack of a sufficient provision of employment floorspace has led to the shift in the balance of land uses towards commercial development in comparison to the original proposal. This is also understood to be a response to the shifting economic conditions since the original proposal was submitted where office floorspace in the Shoreditch area has seen a significant rise in rental values over the last number of years (notwithstanding the current economic uncertainty arising from the pandemic).

- 6.1.9 The resulting distribution of land uses sees the greatest density of development provided in the office buildings on the western part of the site (partly located within LBH). Most notably, where the original proposal would have provided 69,000sqm of residential floorspace in two towers located either partly or wholly in LBH, the current proposal is for a 61,572sqm office tower to be provided in the same location (almost entirely in LBH).
- 6.1.10 Conversely, the extent of residential floorspace has been significantly reduced in comparison to the original application with the overall number of units in the maximum parameter reduced from 1,356 to 500. All of these units would be provided within LBTH in the buildings on either side of the viaduct to west of Braithwaite St and in the slender tower on the eastern side of Braithwaite Street but just over the borough boundary.
- 6.1.11 Whilst the indicative uses suggested in both the adopted and draft allocation for the site envisage the provision of residential floorspace in LBH (alongside non-residential uses), proposals for the redevelopment of the site must be considered on their own merits and within the context of what represents an acceptable redevelopment of the site overall.
- 6.1.12 Given LBH policy objectives for a commercial led development in this area in both the adopted site allocation and in Local Plan policy (LP27 seeks 60% of floorspace to be provided as office in POAs), as well as the significant heritage and underground constraints which compromise site layout, the distribution of land uses currently proposed is considered to be acceptable in the circumstances. Moreover, the location of different uses upon the site as currently proposed would be broadly in line with the indicative site layout in the draft site allocation, with the allocation recognising that residential uses are more appropriately located within the centre and on the north eastern side of the site, away from the busy junctions on Shoreditch High Street and Commercial Street.

Residential Use

- 6.1.13 Although there are no residential units located on the LBH side of the site, it is appropriate to consider the overall provision of uses and public benefits at the site, of which the residential component is a key part.
- 6.1.14 London Plan policy 3.3 recognises that there is a pressing need for more homes to promote opportunity and real choice for all Londoners, with a

range of tenures that meets their diverse and changing needs and at prices they can afford. London Plan policy 3.4 states development should optimise housing output for different types of location within the relevant density range.

- 6.1.15 Whilst the application of LBH policy in relation to the residential component of the scheme is not appropriate in this case, it is noted that Local Plan policy LP12 supports the delivery of housing supply and that a significant residential provision is promoted in the relevant site allocation. As such, the provision of residential uses as part of the wider redevelopment of the site is supported.
- 6.1.16 In relation to the proposed density of residential development, it is noted that the London Plan provides an indicative density range of between 650-1,100 habitable rooms per hectare in this location whereas the current proposal would generate a residential density of 1,379 habitable rooms per hectare or 495 dwellings per hectare across the site. Given the site constraints, high Ptal rating and central location this is not considered to represent an overdevelopment of the site. The density of residential development is significantly reduced in comparison to the original proposal and is considered to now be more appropriate for the site's context.
- 6.1.17 In terms of optimising the extent of residential development on site, it is noted that the current proposal to provide 500 units in the maximum parameter represents an increase on the 300 units originally proposed when the revised scheme was first presented to the boroughs at pre-application stage in 2018. The increase was sought by both boroughs through pre-app negotiations to reflect the strategic nature of the site for the delivery of housing supply as part of a mixed use development.
- 6.1.18 To this end, a residential optimisation study has been submitted as part of the application which seeks to demonstrate that the density of residential development at plots 4, 5 and 10 has been optimised taking into account townscape and amenity impacts. The height of Plot 8 was also increased and the use on the upper floors changed from a hotel to residential in order to help to increase residential numbers. A feasibility study to provide residential within the buildings on the podium was also undertaken which sought to demonstrate that access to residential uses here proved problematic.
- 6.1.19 Overall, the extent of residential development proposed is considered to be acceptable given the constraints and characteristics of the site.

Affordable Housing

- 6.1.20 The GLA's housing SPG states that applications that meet or exceed 35% affordable housing provision without public subsidy, provide affordable housing on-site and meet the specified tenure mix are not required to submit viability information. In cases where the development

site is deemed to be public land, the provision must meet or exceed 50% on site affordable housing in order for viability information to not be required.

- 6.1.21 In this case, the site, which is the subject of a development agreement between network rail and the joint venture, has been deemed to be public land. The developer has opted to provide 50% of the units on site (per habitable room) as affordable housing in order to avail of the 'fast track' route where no viability assessment is required. The proposed tenure split would be for the first 35% of the units to be split 70% low cost rent and 30% intermediate. The remaining 15% of the affordable housing provision would be wholly provided as intermediate units.
- 6.1.22 As discussed above, as the residential units are located wholly within LBTH, it is not appropriate to consider the provision against LBH policy related to affordable housing tenure or housing mix. The approach to tenure split set out above is in line with GLA policy and the low cost rented component would be broken down further to provide 50% London Affordable Rent and 50% Tower Hamlets Living rent in accordance with LBTH policy. Subject to terms which would ensure the affordability of intermediate units and link the delivery of affordable housing to the commercial phases, alongside an early stage review mechanism, the overall affordable housing provision is considered acceptable by both LBTH and the GLA.
- 6.1.23 Although the approach to the distribution of land uses on site is considered to be acceptable (as discussed above), there was an aspiration through the pre-application and application process that an agreement could be reached between the boroughs to allow some access to the affordable housing in LBTH for LBH residents. Although the draft allocation for the site does express this aspiration, there is no planning policy basis for insisting upon the sharing of access to affordable housing located within another borough. Rather, in this case, it was hoped that through a joined up approach to the sharing of other key public benefits of the proposal such as affordable workspace, a reciprocal arrangement could be arrived at between the boroughs.
- 6.1.24 Following lengthy negotiations on the matter, LBTH opted to retain full access to the entirety of the affordable housing on site rather than taking a wider approach to the distribution of public benefits. As a result, key economic benefits of the scheme, which had been negotiated on a shared basis in the expectation that an agreement could be reached on affordable housing, have been reallocated on a borough-by-borough basis. Whilst the lack of agreement on this issue is regrettable, the outcome to LBH is a better affordable workspace and economic regeneration offer than would otherwise have been the case. The details of this offer are discussed in further detail below.

Employment Use

- 6.1.25 The application site is located within the Central Activities Zone (CAZ) and City Fringe Opportunity Area (OAPF) as designated by the London Plan. The site is also within Priority Office Area (POA) as designated in Local Plan.
- 6.1.26 Local Plan policy LP26 states that new development in the borough's Priority Office Areas should maximise employment floorspace. As stated above, LP27 seeks at least 60% of floorspace within new developments in the Shoreditch POA area to provide B1 floorspace. LP27 also states that retail, hotel, community, leisure and residential development in POAs will only be permitted if it: forms part of an employment-led mixed-use scheme; is appropriate to the characteristics and functioning of the site; will not compromise the on-going operations of businesses in the POA; and satisfies the requirements of other relevant employment policies including Policy LP25 (Visitor Accommodation).
- 6.1.27 The proposal to provide 87% of the floorspace within LBH as office is in line with the objectives of LP26 and LP27 and would represent a strategically significant provision of office floorspace in the borough and the City Fringe Opportunity Area. The overall provision of office floorspace at the site at 57% is also in line with the aspirations of the adopted site allocation and the draft allocation in the Future Shoreditch AAP.
- 6.1.28 The balance of uses on site, and specifically the lack of residential as part of a mixed use development on the LBH side of the boundary, have been addressed above. However, it is noted that the other uses to be provided within LBH, namely a significant retail provision and a large D1/D2 space would be complementary to the functioning of the POA.

Affordable workspace

- 6.1.29 Local Plan policy LP29 also seeks 10% of new floorspace to be provided as affordable workspace at a discount of 60% against market rates in the Shoreditch Priority Office Area. This is a reflection of the high rental values in Shoreditch and the high demand for affordable workspace in this area identified in the evidence base of the local plan.
- 6.1.30 The proposal is to provide 7.5% of the overall office quantum at a discount of 60% against market rates. Whilst this is below the 10% of office floorspace sought by policy, the offer should be understood within the context of the extent of provision at this site. With a total office floor area in LBH of 116,201sqm (in the maximum scenario), 7.5% of the space would equate to 8,715sqm. This single provision of affordable workspace would be similar to the combined total of all the affordable workspace secured by LBH elsewhere in the borough since the adoption of the relevant policy in 2015. The current offer would also be provided at the recently adopted policy target of a 60% discount against market rates, rather than the 20% discount previously sought. This amounts to a highly significant provision of affordable workspace at a genuinely affordable discount to local businesses and is seen as the key benefit of the scheme

from an LBH perspective.

6.1.31 In addition to the sizeable quantum of affordable workspace to be provided, officers have also secured a £500,000 'Local enterprise, business support and inclusive workspace contribution'. The contribution will be used:

- To support local businesses, workspace providers, third sector and cultural organisations in securing commercial space within the scheme and to deliver local benefit through retention and growth of local businesses and organisations;
- To work with the joint venture on the strategic delivery and curation of affordable workspaces that will deliver benefit to local residents and businesses;
- To work with workspace providers within the scheme to deliver benefit to local residents and businesses;
- To work with displaced local businesses to secure commercial space;
- To proactively promote the benefits of the scheme to local businesses, workspace providers, third sector and cultural organisations, and local benefit provided by the Goodsyard;
- To work with incoming commercial tenants of the Goodsyard and the boroughs' Employment and Skills teams in coordinating, identifying, promoting, and creating employment and apprenticeship opportunities for local people.

6.1.32 This contribution helps offset the shortfall against the quantum of affordable workspace sought by policy and would be of significant benefit in maximising the opportunities that the large affordable workspace offer described above could provide to businesses in the borough.

6.1.33 As noted above, an alternative scenario for the provision of affordable workspace had been negotiated in the event that an agreement to share affordable housing access was reached between the boroughs. This would have blended the approach to discount between the 60% level sought in LBH policy and the 10% sought in LBTH policy. The result was the provision of 8% of the quantum of office workspace at a 50% discount with additional funding for a joint borough economic regeneration role to oversee the occupation of the spaces.

6.1.34 The current offer represents an improvement on the blended approach in terms of the discount offered to occupiers and reallocates the funding for the joint role solely to LBH to allow the delivery of wider economic benefits at the site. The borough-by-borough approach also allows LBH to tailor AW spaces to the needs of local businesses through a flexible application of the discount levels across the affordable workspace provision in each building. This would be secured through a LBH focussed Affordable Workspace Strategy to be secured by legal agreement.

Retail

- 6.1.35 Local Plan policy LP32 promotes the provision of retail uses in the Central Activities Zone. LP37 requires new retail development with more than 1,000sqm of floorspace within designated centres to provide 10% of that floorspace for small independent retailers.
- 6.1.36 The proposal would provide 4,870sqm of retail space within LBH, arranged across the ground floor and platform levels of the commercial buildings on the western part of the site as well as within some of the arches. This is considered to be in line with the objectives of LP32 and would help animate the ground and platform levels of the development while being complementary to the office uses.
- 6.1.37 Although the Central Activities Zone is not categorised as a designated centre, given the scale of retail floorspace proposed and the desire among officers to ensure that the overall retail offer is open and inclusive to the local community, 10% of the retail floorspace within LBH has been secured for use by small/independent businesses. Within that 10%, 20% would be specifically targeted to micro/start-up retailers. This is considered to be another key economic benefit of the scheme, the delivery of which would be facilitated by the Local enterprise, business support and inclusive workspace contribution. The overall approach to retail curation in LBH and across the wider site will be controlled by the submission and approval of a Retail Strategy.

Cultural Spaces

- 6.1.38 The draft allocation for the site in the Future Shoreditch AAP seeks the provision of cultural/community uses on the LBH side of the site, alongside the provision of separate cultural centre on the LBTH side. Local Plan policy LP10 supports the provision of new major development of arts, culture and entertainment facilities within the Central Activities Zone. Policy LP8 supports the provision of social and community infrastructure, including community and cultural facilities
- 6.1.39 The proposal would provide 2,452sqm of D1/D2 space within LBH in the arches beneath Plot 2. This represents the LBH proportion of a larger 3,685sqm space that extends along the arches beneath the platform from the western end of the site to Braithwaite Street. The space is large and characterful and considered suitable for a cultural use such as a venue or performance space.
- 6.1.40 In liaison with officers from the council's area regeneration and cultural teams, agreement has been reached with the developer for a single cultural occupier to be sought for the arches space. It has also been agreed that the selection of the occupiers would be made by a Cultural Panel with representatives from LBH and LBTH having the final say on the occupier. The delivery of a community aspect to the cultural use on this part of the site would be a central part of the selection process. The process would be guided by the submission and approval of a cultural

strategy which will define the nature of the cultural occupiers sought, set out the make-up of the cultural panel, guide the selection process and ensure that a demonstrable community benefit is secured. It has also been agreed by the developer that the space will be fitted out to a suitable standard to include sound proofing and air quality mitigation.

- 6.1.41 This outcome for the space beneath the arches is seen as a key benefit of the scheme and it is hoped will allow the occupation of the space by a flagship cultural operator. The securing of a community benefit as part of the offer is also a positive outcome for LBH and helps satisfy the aspirations of the draft site allocation in this regard.
- 6.1.42 The proposal would also provide a 2,385sqm D1/D2 space within Plot 6 which is located solely in LBTH, next to the new public square at the Brick Lane entrance to the scheme. 400sqm within this building has been secured as a community space to be let at a peppercorn rent to local community groups. The remainder of the space will be let to a cultural occupier to be decided by the Cultural Panel and guided by the aforementioned cultural strategy.
- 6.1.43 Although this part of the development is located within LBTH, the delivery of this plot would contribute to the wider aspirations for the provision of cultural and community spaces across the site set out in the draft site allocation. LBH membership on the Cultural Panel will also allow involvement in how the building is occupied and the spaces operated.
- 6.1.44 Overall, the cultural/community offer that would be provided across the site is seen a key benefit of the scheme and accords with the aspirations of the draft site allocation.

Hotel Use

- 6.1.45 Although the proposed hotel would be located solely within LBTH, it is noted that LBH policy with regard to hotels seeks to ensure that they are not provided at the expense of housing supply. While the arguments put forward to demonstrate that the proposed hotel buildings on the platform level could not be used as residential are not fully accepted, it is accepted that the residential density proposed is reasonable and appropriate for the site. As such, there are no objections to the hotel use on this basis. The servicing and highways impacts of the use are considered in further detail below.

Other uses

- 6.1.46 Other proposed uses at the site include some sui generis uses to provide public conveniences as well as smaller D1/D2 spaces within Plots 5, 7e and 10. All of these uses are within LBTH and do not raise any concerns for LBH.

Local Employment

- 6.1.47 Local Plan policy LP31 states that new development should provide a broad range of employment opportunities across a variety of sectors available to local residents, including in both the construction and operation of new developments. It also requires major development to make a contribution towards employment skills and training programmes through S106 legal agreements and to demonstrate how the new development offers employment opportunities to residents.
- 6.1.48 The proposal would provide a significant provision of employment floorspace and provide local employment opportunities in the office, retail and cultural sectors. Based on the formula in the Planning Contributions SPD, the proposal would deliver a £3,863,616 contribution towards employment skills and training programmes. In addition the funding of a joint borough role has been secured in order to coordinate the delivery of local employment in both the construction and operational phases across the wider development.
- 6.1.49 Based on the above, the proposal would meet the objectives of Local Plan policy and make a significant contribution towards local employment provision both in terms of the monetary contribution and the joint borough local employment role.

Conclusion

- 6.1.50 Overall, the principle of the redevelopment of the site is considered to be acceptable. The balance of land uses is considered to be an appropriate and acceptable response to the constraints and characteristics of the site and the delivery of a significant provision of employment space on the LBH side of the boundary meets the aspirations of local policy promoting the provision of employment land in this area.
- 6.1.51 Although the affordable workspace provision offer falls short of the policy target, it is considered acceptable given the additional contribution secured towards economic regeneration objectives and given the extent of the provision at the site. Similarly, whilst the lack of access to affordable housing on site for LBH residents is regrettable, the improved economic regeneration offer that is provided in its place is considered an acceptable counterweight in the circumstances.
- 6.1.52 Overall, it is acknowledged that the public benefits provided by the scheme to LBH and more widely are substantial. Accordingly, the proposed land uses at the site are supported and do not form grounds of objection.

6.2 Design, Appearance and Impact upon Heritage Assets

Introduction

- 6.2.1 The site is split between the London Boroughs of Hackney and

Tower Hamlets. These comments relate mainly to proposed buildings at Plots 1, 2, 3 and 7A (the Oriel Gate) which are located either wholly or partly in Hackney. On the Hackney side, the applications are for no matters reserved for Plot 2 and Plot 7A and for Listed Building Consent for Plot 7A. The applications for Plots 1 and 3 are for all matters reserved. Consideration of the proposals relating to the Braithwaite Viaduct and the buildings at Plots 4, 5, 6, 7B, 7C, 7D, 7E, 8A, 10A, 10B and 10C is deferred to colleagues at Tower Hamlets.

6.2.2 In terms of the assessment of the impact on setting, these comments relate to the impacts caused by the proposed buildings within the Hackney part of the site, regardless of where the heritage assets (the setting of which is impacted) are located. These observations have been discussed with Conservation and Design staff at Tower Hamlets, Historic England and the Greater London Authority to avoid duplication.

6.2.3 The proposals will bring back into use two designated heritage assets at risk, the Braithwaite Viaduct and the Oriel Gateway, and refurbish non-designated heritage assets including the arches associated with London Road, the Goods Yard's boundary walls, the Weavers Cottages on Sclater Street, and the Mission Chapel.

6.2.4 Officers engaged in pre-application discussions from 2018 on the revisions and made initial comments in October 2019 and formal comments in February 2020 on the submitted scheme. Much of the discussion has related to whether, in terms of Plots 7A (in Hackney) and 8 (in Tower Hamlets), the impacts of the proposals can be properly understood without additional intrusive investigative works to inform the proposals having taken place, and in terms of Plot 2 (part of the detailed application) and Plot 1 (in outline only), whether the design of the proposals can be revised to be more sensitive in relation to the historic environment. The negative impacts of the development of Plot 3 have also been discussed. Design guidelines and illustrative schemes have been revised for both Plots 1 and 3. Additional information regarding heritage and the assessment of the sensitivity of views and the impact of the development upon views has been provided. Further information and revisions have been provided by the applicants on 11th June, 27th August and 18th September 2020. These comments take this information into account and relate to the applications as they stand on 3rd November 2020.

6.2.5 For clarity, references to existing building parts use the part references on the applicants' plan of the site, reproduced in the submitted Heritage Statement at Appendix A page 41.

Background

6.2.6 Applications for a previous scheme (2014/2425 and 2427) were received by Hackney Council and the scheme was amended prior to consideration by its Planning Sub-Committee. On 23rd September 2015

the Mayor of London called the applications in, just prior to the PSC meetings. The Planning Committees of both Hackney and Tower Hamlets Councils met and resolved to object to that scheme. On 12th April 2016 the Mayor deferred determination of the applications to allow the applicants to bring forward a revised scheme.

Brief history of the site

6.2.7 This brief history is included for clarification purposes:

- Prior to 1839 the site was previously developed as residential streets. These may survive as the potential for archaeology beneath the existing buildings.
- Between 1839 and 1842 the viaduct and first Shoreditch Station were built (from 1846 known as Bishopsgate High Level Station). The Braithwaite Viaduct, part of this development, mainly survives, in the west part of the site.
- In 1875 Bishopsgate High Level Station was replaced as a passenger terminus by Liverpool Street Station and mainly demolished. Parts of the platforms for the former Bishopsgate Low Level passenger station apparently survive at low basement level (“the Sliver Rooms”), adjacent to the low level tracks into Liverpool Street to the south of the site. The first Shoreditch/Bishopsgate passenger station is shown in contemporary photos and there is potential for archaeology beneath the existing buildings.
- Between 1877 and 1881 Bishopsgate Goods Yard was constructed. This included a boundary wall around the entire site, the Oriel Gate (1884) and associated structures, two ramps taking the roadway to track level on the viaducts, a substantial entrance and offices and numerous additional arches forming the track bed at high level for railway wagons and an enclosed roadway (“London Road”) at ground level running along the south, west and north parts of the site. The Braithwaite Viaduct was adapted and incorporated into the new buildings. Above track level, the site was mainly covered by brick warehouses, seven bays from 1877 to 1881 and a further five bays of similar design from 1914, their pitched roofs running north to south. The buildings included eight road entrances, two ramps and roadways, ten rail tracks and five platforms, all served by a complex set of cranes, turntables, capstans, wagon hoists and hydraulic lifts. The associated hydraulic accumulator partially survives.
- The historical character of the Goods Yard at its operational peak in the mid-twentieth century was quite different from the current state of the site. In 1933 the Goods Yard was a twenty-four hour operation and dealt with a rough daily average of 525 wagons, 35 trains, 2,000 tons and 35,000 packages both inward and outward with a workforce of 550 men and boys and 700 horses on site. As contemporary images evoke, the scene was well-organised but frantically busy and noisy.
- In 1964 the site suffered a serious fire which destroyed many of the covered sheds at high level. In subsequent years, the entire upper level was demolished, leaving London Road below, the viaducts above

and various ancillary structures around the site. Various parts of the site have had temporary uses since including an NCP Car Park, an unlicensed car breakers' yard, an indoor market, a go-kart track and (currently) all weather sports pitches. Many of these uses have tended to further erode the surviving elements.

- In 1989 proposals were brought forward by London Underground Limited (LUL) for what became part of the London Overground, then known as the East London Line Extension. In 1993 an Order was sought from the Secretary of State by LUL for delivery of the plan, including deemed Planning Permission and Listed Building Consent. This resulted in two Public Inquiries in 1994 and the permissions and consents being given in 1997. English Heritage's view in 1996 was that only the Oriel Gate was of listable quality.
- In December 2001 English Heritage reversed their previous position (in the light of a better understanding of the site) and sought to list the entire Goods Yard. The Secretary of State at the DCMS refused to do so but listed the earliest and most significant part: the Braithwaite Viaduct in March 2002. English Heritage published their own heritage-led proposals for the Goods Yard as *Delivering the Goods* in April 2002.
- In 2002 demolition of the northern third of the Goods Yard was about to start. The London Railway Heritage Trust obtained an injunction to prevent demolition pending a judicial review. This was heard in the High Court in November 2002 and confirmed by the Court of Appeal in July 2003, in favour of LUL. From July 2003 the ground level roadway, the ramp up to the higher level and the viaducts and other structures to the north of the site were entirely demolished to make way for the existing Shoreditch High Street London Overground Station.

Identification and designation of heritage assets within the Hackney part of the site

Nationally listed buildings

6.2.8 The whole site contains two buildings which are nationally listed by Historic England: the Oriel Gate (LEN: 1235316, listed 1975 and in Hackney) and the Braithwaite Viaduct (LEN: 1063895, listed 2002 and in Tower Hamlets).

6.2.9 The precise boundary of the listing at the Oriel Gate has been the subject of discussion.

- There has been ongoing discussion around the extent of the listing, with differing views being held by Historic England (in a 2015 email giving officer opinion), the applicant (reflected in the Heritage Statement at Paras 4.42 and 4.43, page 61 and Appendix A Paras 3.23 and 3.24, page 33 and Paras 4.19 and 4.20, pages 38 and 39) and Hackney Council. The Council's view during the 2018 to 2019 pre-application was that the Oriel Gate listing included the Oriel Gate

and the gate opening, the main gates, the Weighbridge Office structure above (“Oriel”), the west boundary wall including Vaults G1 to G9, the forecourt and the associated wall to the west, the iron gate and piers to the north west side, the remains of the north Roadway R4 and the west boundary Wall B2 as far as and including the pier on the north east side of the Commercial Street bridge. It is also considered to include Vaults V1 and V2 as well, since these are contemporary with, and integral to, the Wall B2 to the street. It is acknowledged that this position differs slightly (in relation to the listing of Vaults V1 and V2) from the Historic England position.

- The applicants have followed Hackney Council pre-application advice and applied for Listed Building Consent based on a green line boundary in plan for the LBC which is in accordance with the Council’s position.

Attached and curtilage listed structures

6.2.10 The Hackney Council view is that there are no buildings or structures at Bishopsgate Goods Yard which benefit from the protection of listing by virtue of curtilage or attachment.

Other heritage designations

6.2.11 The Hackney part of the site is not in a Conservation Area. There are no locally listed buildings within the Hackney part of the site.

Non-designated heritage assets

6.2.12 In the Hackney part of the site, Vaults V3 to V8 and part of V9 (the western vaults) and Roadway R1 and the parts of Roadway R2 and R5 within the borough are Non Designated Heritage Assets with the following significance:

- These vaults, roadways and walls are historic structures dating from 1877 to 1881.
- The layout and function of these elements are integral to an understanding of the Goods Yard as a mid to late nineteenth century freight interchange.
- These elements constitute a rare surviving large scale example of a London Goods Yard with an internal road with associated tracks, cart platforms and other industrial details from the period.
- These elements have structural interest as a large scale and well-preserved example of the use of short brick arches mounted on steel beams (“Jack-arches”) to form a covered roadway.
- These elements form a large scale historic environment with its own character.

Direct impacts on the heritage assets

6.2.13 This relates to works to the Grade II listed Oriel Gate, known as Plot 7A in this scheme.

Procedural issues

- Revised section drawings have been submitted (on 18th September 2020), which are clearer and this is helpful.
- At pre-application, Hackney Council requested a new survey of the listed fabric, to establish what survives and its condition. This has not happened to the extent requested. The result is that the Heritage Statement Appendix C: Heritage Fabric Assessment Section 2.0 Condition Surveys and the Structural Engineering Condition Survey Report at Para 1.5 are mainly a repetition of ground level visual inspections by Alan Baxter from 2009 and 2013, with limited access gained in February 2019 by WSP. A note has been provided (*Oriel Gateway Investigations*, on 18th September 2020) which explains the practical and legal issues with gaining the necessary access at this time. This situation is not ideal, but if the scheme were to be approved, an attempt could be made to manage these issues through a condition.
- The revised drawings provided on 18th September 2020 correct a previous disparity between the proposed drawings and the Heritage Statement. It is now clear that the intention is to repair the Oriel in situ, with dismantling and repair offsite as a last resort. This situation is not ideal, but if the scheme were to be approved, an attempt could be made to manage the issues of dismantling and repair offsite through a condition.
- The proposals for the Arches G1 to G9 and V1 and V2 forming part of the Oriel Gate include elements such as hard landscaping, indications of levels, tree pits, trees and structures such as steps. The structural information provided continues to rely on a partial understanding of a single arch, extrapolated across the site and remaining largely speculative and hypothetical. This situation is not ideal, but if the scheme were to be approved, an attempt could be made to manage the necessary structural information through a condition.
- Further detail is required on the treatment of the metal double gates and single gate and the associated metal pier. It is understood that these have previously been “restored” (circa 2006) and are in situ beneath the existing hoardings. This situation is not ideal, but if the scheme were to be approved, an attempt could be made to manage the restoration works required to these elements through a condition.

Substantial issues

- The general approach of retaining and restoring the Oriel Gate and bringing the arches beneath into use as shops, is supported, subject to detail. This building has been on the Heritage at Risk Register for many years and is in poor and declining condition: its restoration is a public benefit.

- A limited amount of demolition is proposed, to the rear of the Arches G1 to G9 and V1 and V2, as well as about 10 metres of Wall B2. The infill to the rear of the arches is not significant and its removal is not contentious and is well justified as part of the conversion into retail units. The area of demolition of the Wall B2 has been carefully selected and involves the loss of one of the less significant parts of the asset. This loss is harmful but the level of harm is relatively low and is well justified by the need to provide access into the public park.
- The approach of treating the Oriel Gate as an ornamental piece of parapet with a viewing area is subject to objection. It is clear from historical sources (*Bishopsgate Goods Yard 1875-2002*, The London Railway Heritage Society, 2002) that the first floor part of the Oriel Gate was a Weighbridge Office for the cart weighbridge on the upper roadway. It appears to have functioned as both a lookout post for viewing what was happening at the gate beneath and as a shelter and office for the weighbridge officials. This was a building with a roof and windows and probably a wall of some kind on the eastern side. These should be researched and reinstated so that the structure can have a use. The adjacent change of level is driven by wider site level requirements which have the effect of making the future use of the structure impossible, since no roof can be reinstated. This will permanently demote the listed building to a landscape folly and make its future maintenance less viable. There is no clear and convincing justification for this harm and it therefore does not meet the NPPF Para 194 test.
- The adjacent change of level makes the window openings a falling hazard and results in proposals for large panes of safety glass, which are uncharacteristic, harmful and prevent the reinstatement of the historic windows and are therefore subject to objection. There is no clear and convincing justification for this harm and it therefore does not meet the NPPF Para 194 test. It also results in the front parapet wall being too low and an additional toughened glass and Cor-Ten railings being proposed, which sits oddly in relation to the brickwork on a highly visible elevation and is also subject to objection.
- The formation of a new ground floor surface within the arches through a 75mm excavation and the use of concrete is problematic since the existing levels are poorly understood (because of rubble infill) and the understanding of the stepped footings is currently notional.
- Although the Council normally regards the provision of trees very positively, the trees which backdrop the Oriel Gate are subject to objection. The Oriel Gate is an urban structure and the provision of trees behind it appears odd and uncharacteristic. Historic England and the GLA DRP concur with this view. More fundamentally, given the concerns above about the loading and levels on the arches, the provision of tree pits on the listed building are an unquantified risk in terms of the structure. The trees here appear unlikely to thrive in any case, given their contained root pits and the shading from the overhang of the building on Plot 2 and they are therefore subject to objection. There is no clear and convincing justification for this harm and it therefore does not meet the NPPF Para 194 test.

- The proposed concrete curve at the end of Wall B2 where it meets the Commercial Street entrance and the steps (Design and Access Statement page 512 and Para 6.3.49) is subject to objection, since a brick facing and better integration of this highly visible area would be more appropriate. There is no clear and convincing justification for this harm and it therefore does not meet the NPPF Para 194 test..

Planning Application 2014/2425

6.2.14 This relates to development at the Non Designated Heritage Assets in the Hackney part of the site, namely Arches V3 to V9, Roadway R1 and parts of Roadways R2 and R5:

- The demolition of Vaults V3 to V9 and Roadway R5 is proposed. It is noted both that Paragraph 2.27 of the *Bishopsgate Goods Yard Interim Planning Guidance* (LBH, 2010) indicates that their demolition is likely to be acceptable and that a greater extent of demolition was considered acceptable by Hackney Council in relation to the previous scheme.
- The applicant makes a case that given the above and below ground constraints on the site, developable land is limited on the site and the plot occupied by these elements is one of few available.
- In the wider site, the unlisted parts of Vaults V13 to 39, Roadway R5 and Wall B1 and most of Wall B2 are retained and these are a large scale and representative area.
- The areas proposed to be demolished are less significant parts of the non designated heritage asset, have been more damaged by later alterations, particularly at ground level and are in the poorest condition. Justification is provided in terms of the need to provide scope for development to make the scheme viable. This demolition is therefore considered to be acceptable, subject to archaeological and recording conditions.
- The application continues to provide little detail of the proposals for the Exhibition Space beneath Roadway R2.
- More detail is required on the level of survival of historic road surfaces (and other historic elements if any) within this Roadway and the intentions to retain or remove this. A solution which retained the historic elements as part of the proposed Exhibition Space would be preferred. This situation is not ideal, but if the scheme were to be approved, an attempt could be made to manage the retention of historic features and fit-out of the Exhibition Space through a condition.
- At upper level on the retained arches generally, the edge treatment is subject to objection. This is the result of the whole development at upper level being set too high within the structure, resulting in an inability to use the existing or reinstated brick parapets or walls as a safe parapet. In many areas a steel railing is proposed which raises issues about the intended state of the retained brickwork and the maintenance of the picturesque planting.
- There is a general issue across the site with the assessment of the significance of, and the intentions in relation to, above ground

archaeology. Subject to the views of GLAAS, the above ground archaeology including surviving items at ground level and at platform level, including the soil fill to the arches and vaults, should be subject to an initial assessment prior to determination and an initial gazetteer of items to be salvaged drawn up. Prior to the start of demolition works, further investigation should take place and a plan drawn up for the recording and, where appropriate, relocation and reuse of historic items.

Indirect impacts on the heritage assets

Planning Permission 2014/2425

6.2.15 Two settings are identified, the “immediate” setting and the “wider” setting of the Goods Yard. The immediate setting is the Goods Yard itself. The wider setting is the other heritage assets from which the proposed development may be experienced and tends to relate to views (discussed below).

The immediate setting

6.2.16 The heritage assets in the immediate setting which are affected are the listed Oriel Gate and Braithwaite Viaduct and the Non Designated Heritage Assets identified above.

6.2.17 The proposed development results in the following enhancements to the setting:

- The restoration and reuse of the Oriel Gate, the Braithwaite Viaduct and Vaults 13 to 39 as shops and a park
- The retention and reuse of Wall B1 and Roadway R2.
- The retention and reuse of the Weavers Cottages and Mission Hall on Sclater Street
- The opening up of the site, with the loss of enclosure, improved public access and permeability and enhanced views into, through and within the site

The impact of the proposed demolition on the immediate setting

6.2.18 The Goods Yard is an enclosed industrial site, still bounded by walls B2, B1 and B3 and elsewhere enclosed by development. Within the site are large scale Non Designated Heritage Assets including Vaults V1 to 39 and Roadways R1 to R3. The setting has been damaged by the loss of the upper levels of the Goods Yard to fire in 1964 and the demolition of the northern third of the site in 2003 for London Overground. Nevertheless large scale elements survive and these have significance on grounds of rarity and industrial understanding. The surviving elements are thought to be the last remaining large scale elements of a Victorian Goods Yard in London. Once numerous and extensive, these structures

have been almost entirely demolished with the switch from rail to road freight from the 1960s, the undervaluing of industrial heritage until recent years and the development pressures in the capital. The surviving elements continue to have a story to tell about the scale of goods movements on the site, the technologies and methods used and the lives of those who once worked there.

6.2.19 The proposed development results in the demolition of Vaults V3 to V12, Roadways R1 and R5 and part of Wall B2. This is harmful to the immediate setting, since it constitutes further erosion of the surviving historic Goods Yard. However, the demolition of the Non Designated Heritage Assets is considered acceptable (for the reasons given above) and this reasoning also holds good in relation to the impact on setting.

The impact of the proposed buildings on the immediate setting

6.2.20 The following proposed buildings are in the Hackney part of the site:

Building Name	Maximum height in storeys	Maximum height in metres AOD
Plot 1	17 storeys	89.15m (maximum)
Plot 2	29 storeys	142.4 m
Plot 3	8 storeys	51.7m

6.2.21 Consideration of the appropriate building height for this site, in terms of the impact on the immediate setting of the listed buildings, involves two considerations:

- Historical height norms at the site
- Heights of nearby historic buildings

6.2.22 It is apparent from historical imagery that, prior to the fire of 1964, building heights at the Goods Yard were tiered. The local road surface is about 14 metres AOD. The first floor level roadway and tracks are about 21 metres AOD, to the west the historic offices were two tall storeys high (perhaps about 27 metres AOD) and the warehouses above the tracks were two very large storeys high with an attic floor in the gable (perhaps about 35 metres AOD). The ridge lines of the warehouses were thus about 21 metres in height from the local road surface, equivalent to about 7 traditional storeys. The tallest nearby (within 100 metres) comparable historic building is the Tea Building (which is about 41.4m AOD, 26.6m in height above the adjacent pavement, 8 traditional storeys) on the north corner of Bethnal Green Road and Shoreditch High Street. The historical norm, given what previously existed on the Goods Yard site and the Tea Building, is therefore about 8 storeys (26.6 metres). The three proposed buildings all exceed this by factors ranging from nearly two to over five, with a range in height from 51.7m to 142.4m.

6.2.23 The assessment is as follows:

- The height of the proposed buildings is damaging to the immediate setting of the listed buildings because there is no meaningful visual relationship between the scale of the proposed buildings and the scale of the historic structures.
- The location of the proposed buildings bears no meaningful visual relationship with the two listed buildings.
- This is particularly apparent in views from the south west, where the single storey Oriel Gate is visually proximate to the base of the proposed 29 storey Plot 2 and dominated by it (ESA TVIA Volume 3, Views 65 and 66). We are not persuaded by the discussion in the Design and Access Statement at Paras 6.2.6 and 6.2.7 of the extent of the setback and the character of the overhang. We are particularly unconvinced by the concept of the reflective soffit (the “smile”) and how this may relieve the overshadowing caused by the overhang. In our view this is not likely to achieve the intended effect and may be visually obtrusive in its own right.
- There is no attempt to achieve a stepping-down in the scale of buildings as they approach the historic structures.
- The proposed cantilevered element on the west elevation of Plot 2 is aggressive towards the setting of the Oriel Gate in terms of its location, mass, height, design, proposed material and colour and is harmful. The impact is worsened by the addition of the large wind flap on the western elevation of Plot 2. The cantilever and flap also tend to reduce the public benefits from the scheme, oversailing the proposed small public park. The scale of the overhang is most apparent in Drawing BGY-FBA-07-XX-DR-A-00_10-7 A62 P1.
- Plot 2 causes a high level of harm to the setting of the listed building, since it visually impacts and dominates the asset, reducing it to an ornamental footnote adjacent to a dominant modern building.
- Proposed plot coverage is generally dense, resulting in the listed buildings appearing as afterthoughts in their own setting. Proposed footprints are generally large. With the exception of the park (its size dictated by the plot of the viaduct), spaces between the proposed buildings are small scale, preventing views of the listed buildings within and around the Goods Yard.
- The proposed buildings are blocky in form, with heavy massing, particularly Plot 1. Even the taller building, at Plot 2, is not slender. This massing competes with the listed buildings and detracts from their character.
- The design details and materiality of the proposed buildings at lower level are not contextual with the historic buildings.

6.2.24 The impact of the location, plot coverage, massing, height, design and materiality of the proposed buildings is considered to be harmful to the immediate setting of the heritage assets and is subject to conservation objection.

Impact on the wider setting

Procedural and technical issues

6.2.25 The assessment of setting relates mainly to the views and assessment provided in the Environmental Statement Addendum: Townscape and Visual Impact Assessment Volume 3 and in the Environmental Statement Volume 1, Chapter 16 and the Heritage Statement, as revised.

6.2.26 The heritage assets whose settings may be impacted and the Council's view of their significance are detailed in Appendix 1 attached. There is a degree of consensus between the applicants and the Council with regard to the identification of the relevant assets and the viewpoints for assessment (except as noted below).

6.2.27 On 16 September 2019, following receipt of the revised scheme (but for quite separate reasons), Hackney Council extended the existing South Shoreditch Conservation Area to include a number of Victorian and Edwardian buildings adjacent to the application site. The impacts of the proposals on the setting of the extended Conservation Area are covered further on this report and also under the visual impact headings within this section.

6.2.28 The ES TVIA Volume 3 arrives at an assessment of the significance of an impact by factoring in the sensitivity of the view with the magnitude of the change. This general approach is supported and reflected in Appendix 2, where the same general approach is used for ease of comparison.

6.2.29 However, Hackney Council differs over the methodology for the assessment of sensitivity (ESA TVIA Volume 3 Para 2.19). In our view this is mainly a product of the recognised significance of the asset and the intactness (lack of existing and cumulative impacts) of the view. The applicants' approach of using townscape areas is not supported since it is insufficiently fine grained. The applicants' value judgements of sensitivity of those areas are also not generally supported.

6.2.30 Hackney Council also does not support the applicants' assessments of the magnitude of change or the resulting assessment of the significance of the impact (ESA TVIA Volume 3 Para 2.33). Fundamentally, the applicants' view is that the proposed buildings are of good design and will therefore enhance the view where they become visible. In particular we dispute the statement at ESA TVIA Volume 3 Para 2.34 that "An effect that is significant (because of the combination of magnitude and sensitivity) may be neutral in respect of effect on the quality of the view or townscape under consideration". As the Design comments below demonstrate, the proposed buildings are not considered by Hackney Council to be of the "exemplary standard of design" required by *Historic England Advice Note 4* (Historic England, 2015) for taller

buildings. While the methodology for the assessment of qualitative effects (beneficial, adverse and neutral) is an acceptable approach, we generally dispute the qualitative assessments. Where the proposed buildings are visible this is generally not “beneficial” but harmful to setting and therefore to significance.

6.2.31 ESA TVIA Volume 3 Para 2.39 clarifies that, for the proposed buildings where Outline Planning Permission is sought, the maximum parameter is shown by a yellow line. This is helpful, as is the statement at Para 2.40 that the differences between the minimum and maximum parameters is generally not great and the impacts in views have been assessed on the basis of the maximum parameters. The Council therefore follows this statement and assesses the impact on the basis of the maximum parameters, given this concession that the impacts of the minimum parameters are likely to be almost as serious. Officers note the statement at ESA TVIA Volume 3 Para 2.44 that the applicants’ assessment “is based on the reasonable assumption that the detailed appearance of the outline parts of the Revised Scheme would be of a high standard as set out in the Design Guidelines”. This assumption is unreasonable, since the application is for Outline Permission only and the Design Guidelines (including the Design Guide and Illustrative Design Options provided on 27th August 2020) are illustrative and the quality of design and materials is not guaranteed at this stage. The Council therefore makes no assumption either way as to the design quality of Plots 1, 3 and 8a: our assessment is based on the limited information available about the location, height and massing of these buildings. More generally it is not considered (in relation to all the proposed buildings) that design elements such as facade details and materials can substantially alter the impact on setting illustrated in the views where the location, height and massing of the buildings causes harm.

Substantive issues

6.2.31 The wider setting consists broadly of the other heritage assets and settings from which the proposed development may be experienced. In this context, the wider setting includes the settings of nearby heritage assets (including the setting of the Tower of London World Heritage Site and the settings of Conservation Areas and other nationally and locally listed buildings).

6.2.32 The following heritage and conservation values inform the assessment:

- Building height and scale in historic buildings and areas are regulated by historical norms depending on the date of the buildings. In Hackney and Tower Hamlets, buildings of 18th century date are normally about three traditional storeys (about 9 metres) in height; 19th century industrial buildings may rise to five traditional storeys (about 15 metres); early twentieth century industrial buildings may rise to eight traditional storeys (about 24 metres). New development outside these

parameters is uncharacteristic of these historic areas and settings and, where visible, is therefore harmful, albeit to an extent and scale that may vary from case to case and that may be balanced by the public benefits of the proposal.

- Views of heritage assets are an important element in the appreciation of their significance. Where new development is outside traditional parameters of height and is visible in views of heritage assets, this is harmful to their significance. Back dropping is harmful, albeit to an extent and scale that may vary from case to case and that may be balanced by the public benefits of the proposal.
- Views along streets and in the spaces between buildings are often characteristic of historic and significant patterns of plot coverage and urban grain as well as contributing much to the character and appearance of historic buildings and areas. New development which infills views along streets and the spaces between buildings is harmful to views in historic areas and settings and therefore harmful to their settings and significance, albeit to an extent and scale that may vary from case to case and that may be balanced by the public benefits of the proposal.

6.2.33 Summary of assessment:

- Whilst revisions to the elevations have taken place to Plot 2, these have had little impact on the views as a whole or the impact of the scheme upon the surrounding Conservation Areas.
- Whilst the design codes and parameters for the development give an indication of what is proposed, for the scheme elements subject to all matters reserved, the lack of definite information means that it is difficult to fully anticipate and assess the impact of proposals on the historic environment.
- Whilst revisions to the design guidance have taken place for Plot 1, this remains a large and bulky building and these revisions have had little impact on the views as a whole or the impact of the scheme on the surrounding Conservation Areas.
- Plot 3 has also been subject to amended guidance within the design code, but the revised proposals remain a concern to officers. Whilst some amendments to the design parameters have taken place to try to reduce the apparent scale of this building, its relationship to its context, to Quaker Street and the listed Bedford House remain a concern. It rises directly from the back edge of pavement and in terms of its scale will completely dominate the immediate historic environment particularly Bedford House. It will also terminate views to Elder Street, and this role needs to be considered. The Temple Heritage Assessment indicates clearly that the impact of the scheme will be moderate adverse on the view down Elder Street.
- The impacts to the setting of heritage assets are considered to be major and adverse in Views 28, 29, 30, 32w, 35, 40, 43, 43n, 44, 46, 49, 49n, 51, 63, 64, 65 and 66. The impacts to the setting of heritage assets are considered to be moderate to major and adverse in Views

24, 31, 36, , 58, 60, 61 and 62. For other levels of impact, please see Appendix 2: Assessment of Impact on Wider Setting below.

- The major and adverse impacts are most serious where Plots 1 and 2 appear close into the view, where the excessive scale of the buildings is most apparent i.e. Views 28, 35, 40, 46, 49, 49n, 65 and 66.
- Hackney Council therefore disagrees with the conclusions of the ESA Volume 2 Chapter 16 Paras 16.10 to 6.13 and Table 16.6 and ESA TVIA Volume 3 Para 10 in their entirety.
- It is noted that the proposed buildings are no longer visible in the submitted views of The Tower of London UNESCO World Heritage Site.

Design

General

6.2.34 These comments relate to Plots 1, 2, 3 and 7A, which are all situated fully or partially within the LB Hackney boundary. The comments reflect the most recent changes made to the scheme between May and September 2020. The changes comprise minor tweaks (*relative to the overall scale and bulk of the proposals*) to the parameter plans for Plot 1 along with two illustrative proposals of how the plot might come forward at the detailed design stage. There have also been further refinements of the wind mitigation measures for Plot 2. The comments and concerns are largely the same as with the scheme initially presented to officers at pre-app as there have not been substantial changes to the scale, bulk and massing of the proposals.

6.2.35 The general principles of the Masterplan with regards to site layout, building disposition, east/west link and site permeability are generally supported in design terms. However, concerns are raised with regards to the scale, height, form and massing of the plots, their relationship to the wider context and the resulting harmful impacts to townscape and heritage assets. The advice within this report focuses on the key issues on each plot in this regard.

6.2.36 The proposed buildings on Plots 1, 2 and 3 are all significantly taller than the immediate local context and have been assessed as tall buildings (*LBH, LP33, Policy LP1 and The London Plan Policy D8*).

6.2.37 Plots 1 and 3 raise significant issues in terms of the maximum parameter, the scale and bulk of which cause harm to the local townscape and the setting of a number of heritage assets. These concerns also arise with the minimum parameter of Plot 1 and less so with Plot 3.

6.2.38 Plot 2 raises issues in terms of its height, bulk, massing and design, particularly in regard to the wind mitigation fins and colour scheme for the external bracing. The height could be acceptable if the design for this tall building were outstanding. However, the issues with bulk, massing

and external appearance do not result in an outstanding design.

6.2.39 The Design Guide and illustrative proposals are not robust and only give an indication of how Plots 1 and 3 might be delivered. The applicant's assumption that the outline parts of the scheme will be of a high standard is only an assumption. The fact that these plots are in outline, with detailed design to be resolved through reserved matters, means that the "design excellence" justifications put forward in the TVIA for buildings of this height and scale are of limited merit.

6.2.40 The applicants' Design and Access Statement plays down the level of concern that has been raised by the boroughs with regards to the scale, height, form and massing of the proposals and there generally seems to be less emphasis given to concerns raised by the boroughs in the supporting documents.

6.2.41 In assessing these proposals, the boroughs have been mindful of purely relying on storey heights when considering the relationship with the existing local context as in some cases individual storey heights are as much as 6.7 metres, well in excess of average commercial floor heights.

Pre-Application Discussions

6.2.42 As part of pre-app negotiations, the scheme was seen at a number of design workshops. During this period, the key concerns raised related to the height and massing of the proposals and the resulting impact on the local townscape and heritage assets. In response to these comments, various tweaks were made as opposed to the suggested significant revisions and reductions in height. The changes made throughout the process have been minor relative to the overall scale and bulk of the proposals.

Joint Borough Design Review Panel

6.2.43 The proposals were last seen by a joint borough Design Panel on 23rd January 2019. The Panel's concerns are summarised as follows:

- Concerns with massing of Plot 2, which appears excessively bulky in some views to the detriment of the local townscape.
- Concerns with the proximity of Plot 2 to the listed Oriel. The proposed building looms over the Oriel and the impact is exacerbated by the sloping soffit.
- Concerns with the shoulder height of Plot 1 and its relationship with the Tea Building, which appears uncomfortable. Needs to be tested in verified views.
- Serious concerns with the quality of some of the residential accommodation either side of the East London Line box.
- Concerns that the open space calculations included too much hard landscaping.

6.2.44 The revised scheme is substantially similar to the scheme seen by the joint Design Panel in January 2019 and these comments are therefore still relevant. The revisions made to the scheme in May 2020 were therefore not considered significant enough to warrant a further review.

GLA London Review Panel

6.2.45 The proposals were last seen by the GLA's London Review Panel in January 2020. A summary of the comments is provided below:

6.2.46 *The panel notes that the proposals are continuing to evolve and have great potential to benefit the city, but that some aspects require further development. For example, the design of Building 2 and the proposed wind mitigation fins would benefit from being more clearly integrated with the façade. The panel encouraged further thought about the material palette to ensure it is appropriate for the context. It also questioned the decision to omit detailed landscaping and public realm designs from the application. The quality of the building's setting will be essential to its success, especially at Platform Gardens level. Building 1, although still in outline form, is not yet of the quality required for such a prominent site. The panel's view is that it is too tall and lacks a distinctive architectural identity. More detailed designs should be developed before outline permission is granted, to provide confidence that it will match the quality of Building 2. The Design Guide will play an important role in this process. It will also be essential to ensure there is no structural impact on the listed elements below before detailed permission is granted. The footpath width and public realm quality beyond the western boundary requires significant improvement as part of the development, and the panel encourages discussions to ensure this is achieved.*

6.2.47 The revised scheme is not considered to satisfactorily address these concerns, particularly with regards to the wind mitigation fins and material palette for Plot 2 and the outline quality of Plot 1.

Plot 1

General

6.2.48 This plot was formerly Plots A and B under the original proposal. The revised scheme broadly maintains the overall height of that proposal with greater setbacks at the upper levels as a result of feedback from the boroughs and the GLA. There is a difference of approximately 13 metres between the height of the minimum and maximum parameter schemes. The proposals are disproportionately tall at the upper levels in both the minimum and maximum parameters, giving rise to a top heavy and overbearing appearance.

6.2.49 In assessing these proposals, the boroughs have been mindful not to only rely on storey heights when assessing the relationship with the existing local context. The average storey height for Plot 1 at maximum parameter is 5.3 metres (85.2m/16 storeys), which is in excess of average commercial floor heights. In comparison, the Highgate Hotel scheme to the west of the site has an average commercial floor height of 4 metres (121.3m/30 storeys). Using this average, Plot 1 is closer to 21 storeys at maximum parameter; 11 storeys taller than the Tea Building, or more than twice the height in terms of AOD (41.4m and 89.15m).

6.2.50 Under the revised scheme (*including both illustrative options*), the building has been pushed back a further 10 metres on the western side in order to give more prominence to the Tea Building and provide some relief to the listed Oriel gate, which is welcomed. Efforts have also been made to create a greater split in the massing between the eastern and western parts of the building and the shoulder height of the lower plinth level is approximately the same height as the Tea Building in both the minimum and maximum parameter schemes, which is also supported.

Scale, Height, Form and Massing

6.2.51 Whilst the revisions represent improvements to the original proposal, the changes represent only minor tweaks to an otherwise massive building and the proposals remain broadly of the same overbearing and monolithic scale.

6.2.52 The proposed building is more than twice the height (and more at the maximum parameter) of the Tea Building, which is itself one of the tallest buildings within the South Shoreditch Conservation Area.

6.2.53 The Planning Statement's assertion that "*Alternating shifts in the massing ensure that the both blocks will be perceived as slender, independent buildings*" (para 7.188), is not supported by the TVIA, which shows a continuous wall of development for more than 100m along Bethnal Green Road in both the minimum and maximum parameter proposals.

6.2.54 The proportionality of the upper part of the building makes it appear particularly top heavy in comparison with the lower plinth level at both minimum and maximum parameters.

6.2.55 Despite attempts to create separation between the eastern and western parts of the plot, the component buildings remain monolithic and significantly out of keeping with the finer grain of the adjacent South Shoreditch and Redchurch Street Conservation Areas and grossly out of scale with the buildings of both Conservation Areas. These impacts are outlined fully in the heritage sections above.

6.2.56 The lack of any setback at the upper level on the western elevation is a particular concern as it emphasises the monolithic nature of

the building to an even greater extent. The lack of meaningful setbacks (relative to the overall scale, bulk and massing of the proposals) is also apparent across Plot 1.

6.2.57 On the north elevation, the lack of meaningful setbacks in the maximum parameter scheme (3.5 metres setback on a 70 metre tall building), also serves to increase the monolithic and overbearing nature of the proposals. The impact is particularly significant at the north-east corner of the building. The impacts are reduced in the minimum parameter scheme, which has a better relationship with the proposed Station Square.

6.2.58 On the southern elevation, the lack of any setback at the upper levels to the eastern building and only a marginal setback on the western building results in a significantly overbearing, canyoning effect on the principal east/west route through the site.

Design Guide

6.2.59 The significant issues with the scale, bulk and massing of Plot 1 at both minimum and maximum parameters are fundamental and cannot be overcome or designed out by way of a Design Code.

6.2.60 Officers' assessment of the Design Guide for Plot 1 gives rise to significant concerns in terms of both the minimum and maximum parameters, which are grossly out of scale with the immediate context. The proposals do not accord with the general principles in the Design Guide, which seek to “*respect the cityscape with independent structures*” and provide “*height and massing where appropriate*”. Statements within the Design Guide about the massing being “generous to its context” and “lightweight and translucent” in appearance are clearly at odds with what is shown in the proposals.

6.2.61 The incorporation of a crown element is inappropriate and further complicates an already unacceptable massing, creating a piecemeal layer cake effect that exacerbates the building's harmful visual impacts.

6.2.62 Notwithstanding the above, the Design Guide is also not robust enough in terms of external design and materiality, which is shown as illustrative only and includes references to inappropriate materials such as concrete. The applicant's assumption that the outline parts of the scheme will be of a high standard of design is therefore only an assumption. The Council will strongly resist any attempts at value engineering, which would exacerbate the negative impacts of the proposed development. The Design Guide does not give sufficient assurances that design excellence will be delivered such that this could be used as a justification for tall buildings of this scale and any adverse impacts identified within the TVIA .

Illustrative Design Approaches

6.2.63 The Design and Access Statement Addendum puts forward two illustrative approaches for how Plot 1 might come forward at the detailed design stage. However, the proposals are only indicative and not a guarantee of design quality or excellence.

Option 1 (Approach A)

6.2.64 This option provides an illustrative approach at the maximum parameter and comprises a brick plinth and brick body at the upper level. This option raises significant issues in terms of scale, bulk and massing, which is harmful to local townscape and the setting of a large number of heritage assets. The upper level is disproportionate to the plinth, appearing top heavy and overbearing. The use of brick for both the plinth and the body of the building is not considered to be successful as it exacerbates the concerns with the massing.

Option 2 (Approach B)

6.2.65 This option provides an illustrative approach at the minimum parameter and comprises a brick, warehouse style plinth with a glazed body at the upper level. This option is an improvement on Option 1 as the massing is reduced and the architectural approach is more contextual, but still raises significant issues in terms of scale, bulk and massing, which is harmful to local townscape and the setting of a large number of heritage assets. The upper level is disproportionate to the plinth, appearing top heavy and overbearing.

Visual Impacts

6.2.66 Major adverse visual impacts to the local townscape and a number of heritage assets are identified in the following views:

8, 30, 32w, 35, 40, 51n, 65 and 66. (See Appendix 2).

The updated renderings of Plot 1 do not alter these assessments as the design is only illustrative and not a guarantee of design excellence.

Plot 2

General

6.2.67 This plot was formerly Plots F and G under the earlier scheme. The proposed amendments replace the two tallest residential towers (38 and 46 storeys) with a single commercial building (part 17/part 29 storeys) with retail on the ground floor. The average floor height is 4.9 metres (142.4m/29 storeys), which is in excess of average commercial floor heights.

6.2.68 Under the revised scheme, the reduction in height means that

no part of the building is visible in a key LVMF view from the South Bastion of Tower Bridge. However, concerns are raised with the massing of the scheme, its close proximity to the listed Oriel Gate and the addition of wind mitigation fins and cut away terraces to the south and west elevations.

Scale, Height, Form and Massing

6.2.69 Whilst the height of the proposed building could be acceptable, subject to design excellence, the proposed building, by virtue of its bulky massing and poor external appearance, does not meet this criterion.

6.2.70 Significant concerns are raised with the building's bulky and inelegant massing when viewed from the north and south and its close proximity to the listed Oriel Gate. Comparisons are made in the applicants' DAS with other nearby tall buildings such as Principal Tower and Highgate Hotel. However, these buildings are considerably slimmer in terms of building footprint and floor plan. Principal Tower is approximately 25.5 metres on all sides and Highgate Hotel is approximately 18 X 29 metres at the upper levels. This is compared with a width of up to 50 metres on the north and south elevations of Plot 2.

6.2.71 Full comments on the adverse impacts of the proposed building on the Oriel Gate are contained in the heritage section above. The looming and overbearing relationship of the building to the listed structure does not represent good design. The proposed 15 metre cantilevered prow exacerbates the harmful impact.

Architecture and Materiality

6.2.72 With regards to the architecture and materiality, the lower level bracing and gridded elevations have an industrial aesthetic, which references the site and is appropriate within this City Fringe location. The facade design is divided into three horizontal zones (base, main building/top) each with its own function and character. However, concerns are raised with several elements of the design relating to the cantilevered prow, materials palette and wind mitigation.

Cantilevered Prow

6.2.73 The western apex of the building incorporates a cantilevered prow, which projects approximately 18 metres with a dark reflective soffit. This element of the design is considered to be an overbearing and dominant feature that sits almost directly above the Oriel Gate and adversely impacts its setting.

Material Palette

6.2.74 Concerns are raised with the proposed red colour scheme, which is considered too bold, visually intrusive and unsympathetic to the

setting of surrounding heritage assets.

Wind Mitigation

6.2.75 Concerns are raised with the addition of a series of substantial wind-mitigation measures. These form a revision to the scheme presented at pre-app stage and are considered to be an afterthought that severely compromises the design quality of the scheme. The proposed wind-mitigation measures that are objected to (as specified in the applicant's Non-Technical Summary) comprise:

- Horizontal fins 3m wide protruding from floor levels 5,10,15 and 20 on Building 2, and a solid 6m wide canopy above the transfer structure on the southwestern facade of Building 2;
- A series of stacked, cut away terraces on the western apex;
- 11 elevated banners along the thoroughfare to the north of Building 2, 6m above the ground and suspended from poles;
- Baffles suspended from the underside of the Overground structure where this crosses pedestrian thoroughfares;
- Three trees east of the southwestern corner of Plot 2;
- Solid screens between the southeastern corner of Plot 2 and the southwestern corner of Plot 8A.

6.2.76 The principal concern is with the proposed 'wind mitigation fins' on the southern and western elevations along with the exposed cut away terraces at the western apex of the building. The substantial, 3 metre projecting fins at 5 floor intervals appear as unattractive add ons that go against the original, industrial design concept of the building.

6.2.77 Whereas previously, the building was strongly defined by its trussed base, vertical lines and steel framework, the revised scheme is compromised by a series of incongruous projecting flaps and cut away decks, which are unprecedented on any of the other taller buildings in the area.

6.2.78 The proposed fins and decks are an afterthought, added too late in the design process and indicative of poor site planning. Wind mitigation measures should be carefully designed into a building, not added as a design detail at the late stages. The proposed glazing within the fins is not considered to mitigate their appearance.

6.2.79 The cut away decks are incompatible with the robust, gridded design of the building and appear particularly incongruous in the night-time visuals. They are also heavily exposed and offer little amenity value for users.

6.2.80 Hackney Council does not have detailed guidance on wind mitigation. The neighbouring City of London therefore provides an obvious reference point. In their 2019 document '*Wind Microclimate Guidelines for Developments in the City of London*', it states that;

“For very tall towers, it is necessary to require wind studies at a very early stage of design to ensure that the adverse wind effects can be mitigated through positive massing adjustments. - Massing Modifications: Most effective form of mitigation for wind effects, but requires very early-stage input from a qualified wind engineer. The City requires that any wind mitigation measures should be incorporated on the building as opposed to on the public realm.”

6.2.81 It is clear with these proposals that there has not been the early stage involvement of wind engineers and the wind mitigation measures are an afterthought that is contrary to guidance and does not represent the exceptional quality of design that is required when building tall. It is a patching up of a problem with wide ranging, adverse visual impacts. It is unprecedented on any of the towers within the locality, with which the building is supposed to share a similar vernacular.

6.2.82 In views, where the unobstructed elevations of the building are seen alongside those with fins, the poor quality of the revised design is particularly apparent. In heritage terms, the proposed fins will also exacerbate the harmful impacts identified above particularly in nearby views from within several Conservation Areas and in terms of the setting impacts to the Oriel gate. This is especially true of the lowest fin, which is closest to the Oriel and projects more than 5 metres from the building.

6.2.83 The planting of trees on the southwestern corner is not supported as it is not in keeping with the setting of the Oriel Gate (see heritage section above).

Visual Impacts

6.2.84 Major adverse visual impacts to the local townscape and a number of heritage assets are identified in the following views:

28, 30, 32w, 35, 43/43n, 44, 46, 49/49n, 51n, 64 and 65 (See Appendix 2).

Plot 3

General

6.2.83 This plot was formerly Plot K under the earlier scheme. Under the revised scheme, the proposed amendments address earlier comments regarding active frontages on Quaker Street. However, concerns remain with the height of the building at maximum parameter and with the overbearing appearance of the western end of the building at both minimum and maximum parameters.

6.2.84 This plot is described in the Non Technical Summary as a 7

storey building and has previously been supported on that basis (the immediate context being 5 storeys). However, due to the large floor to floor heights at the lower level, which are in excess of commercial averages, the building is significantly taller than the immediate context. Based on an average floor to floor height of 4 metres, the proposed building is closer to 8 storeys at minimum parameter and 10 storeys at maximum parameter. The proposed scale and massing at maximum parameter is considered unacceptable in this lower scale context.

Design Guide

6.2.85 The Design Guide gives rise to concern at the maximum parameter, which is significantly out of scale with the immediate context and contrary to the key design principles of the document. The Design Guide is also not robust enough in terms of external design and materiality, which is shown as illustrative only. The applicant's assumption that the outline parts of the scheme will be of a high standard of design is therefore only an assumption. The Council will strongly resist any attempts at value engineering, which would exacerbate the negative impacts of the proposed development. The Design Guide does not give sufficient assurances that design excellence will be delivered such that this could be used as a justification for tall buildings of this scale and any adverse impacts identified within the TVIA.

Scale, Height, Form and Massing

6.2.86 Whilst it is acknowledged that the height and massing of this building were not objected to as part of the earlier scheme, on more detailed assessment (including of documents only received in August 2020), the height of the building raises significant concerns at maximum parameter as it is grossly out of scale with the immediate 5 storey context.

6.2.87 The building has a ground floor height of 6.7 metres and a first floor height of 5.2 metres, well in excess of average commercial floor heights. The overall height of the building, including roof plant is approximately 38 metres, which far exceeds the immediate 5 storey context, despite the building being described as a 7 storey building. Plot 3 is in fact more than twice the height of the immediate context.

6.2.88 The building line immediately on the back of pavement at the western end of the building creates an unacceptable overbearing impact to the pavement and street at both minimum and maximum parameters.

Visual Impacts

6.2.89 Major adverse visual impacts to the local townscape and a number of heritage assets are identified in the following views:

51n, 63 and 64 (See Appendix 2).

The updated renderings of Plot 3 do not alter these assessments as the design is only illustrative and not a guarantee of design excellence.

Plot 7a

6.2.90 Plot 7A comprises the listed Oriel Gate and associated arches and is the subject of a full Listed Building Consent application. Full comment on the merits of this scheme in relation to this heritage asset are contained in the heritage section above.

6.2.91 In design terms, the proposed modern shopfronts for the listed and curtilage listed arches are all of a high quality and complement the existing heritage asset. The standardised base fit out with signage and lighting incorporated and flexibility for door positioning is supported in principle.

6.2.92 What is proposed is a standardised base fit out, with details such as the location of doors being more flexible, signage and lighting is incorporated. This is an approach that is supported in principle. As the arches vary in detail, each shopfront will need to be individually prepared and proposals have been drawn up for each arch.

6.2.93 Although generally supportive of the proposed shopfronts, some concerns remain:

- It is intended that the signage zone will span the unit and will be louvred to allow ventilation. It is positive that ventilation is being considered early, but the strategy of encompassing it in the signage zone can be problematic since louvres make adding signage tricky, making it difficult to unify proposals in terms of adding letters, or a board and the sizing of the board.
- The entirety of the arch above the louvres is identified as an internal signage zone. This is a large area which may be an excessive extent of signage. Concerns are raised about the suitability of the projecting fins.
- No indication of the colour for shopfronts is provided. It is assumed that they will be a consistent colour. In terms of the fins, these are identified as aluminium, it is assumed that they will be coloured to match the shopfronts.
- A design guide which deals with initial and future shop fitout and signage in more detail should be provided or conditioned.

6.2.94 Further detail in relation to the above will be sought by condition to ensure the final design approach is acceptable.

Phasing

6.2.95 The phasing of the scheme should be formalised within the

Section 106 Agreement to ensure that the heritage benefits of restoring the Heritage at Risk buildings are secured as follows:

- 1) A term to ensure that the Oriel Gate, including the front wall, courtyard and ramp area, the swinging gate, the main gates, the arches, the wall and parapet and the weighbridge are all restored in line with the approved drawings and any discharges of condition. It is suggested that the occupation of Plot 2 be dependent on the result of the LBH Conservation Officer's sign off that the works are complete.
- 2) A term to ensure that the development to the retained areas of the Non Designated Heritage Assets (Arches V3 to V9 and Roadways R1 and R2) including the exhibition space are completed in line with the approved drawings and any discharges of condition.

Conditions

6.2.96 In the event that the proposals are to be approved, conditions are suggested which will be provided in an addendum to this report. These will include conditions based on the previous proposals, conditions provided by Historic England and conditions suggested by the applicants themselves.

Conclusions

Heritage

6.2.97 The Council are not persuaded by the conclusions of the Environmental Impact Assessment Volume 2, Chapter 16, Paragraphs 16.10 to 16.13 which assesses the impact of the proposed development as variously "minor adverse", "negligible" and "minor beneficial". The submitted Heritage Statement at Paragraph 5.7 (page 91) concludes with an argument on alternative counts: either the effects are not harmful, or if they are the harmful, the harm is not substantial and even if there is harm this is outweighed by the public benefits of the proposals. This is not persuasive since there is clearly harm to local heritage and views: the question is whether this is avoidable, acceptable in amount and justified by clear public benefits, in line with NPPF Para 194.

6.2.98 The proposed development is contrary to adopted 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.

6.2.99 The proposed development is 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.

6.2.100 The conservation and design objections discussed above

constitute a finding of harm to the listed buildings on site, the immediate setting of the listed buildings on site and the wider setting (including harm to the wider setting of the on-site listed buildings and harm to the setting of nearby listed and locally listed buildings and local Conservation Areas).

6.2.101 In terms of the NPPF Para 195 and 196 tests, the quantum of harm is assessed as follows:

- In relation to the works to the Oriel Gate the harm is considered to be at the high end of the “less than substantial” scale.
- In relation to the effect on the immediate setting of the Oriel Gate, these comments find that the harm to significance caused by the impact to setting is at the high end of the “less than substantial” scale.
- In relation to the effect on the wider setting of the Oriel Gate, these comments find that the harm to significance caused by the impact to setting is at the high end of the “less than substantial” scale.
- In relation to the effect on the wider setting, including to the setting of nearby listed and locally listed buildings and local Conservation Areas, these comments find that the harm to significance caused by the impacts to settings is at the high end of the “less than substantial” scale.
- In relation to the setting of the Tower of London, these comments find that there is no harm to the World Heritage Site.

Design

6.2.102 The proposed development is contrary to NPPF Para 127, which seeks to ensure that developments are “visually attractive as a result of good architecture” and “are sympathetic to local character and local history”. The proposals do not represent good architecture due to their unacceptable scale and massing and adversely impact a number of heritage assets in terms of setting and local views. The wind mitigation measures to Plot 2 are an afterthought that also do not represent good architecture. The outline nature of Plots 1 and 3 means that the quality of the architecture is uncertain.

6.2.103 The proposed development is contrary to The London Plan 2016 Policy 7.7 (Location and Design of Tall and Large Buildings). The proposals are contrary to this policy as they adversely affect local character by virtue of their unacceptable scale and massing, they do not relate well to the form proportion, composition, scale and character of the surrounding area and they do not incorporate the highest standards of architecture and materials, particularly with regards to the plots that are in outline. The proposals also adversely impact a number of local views.

6.2.104 The proposed development is also contrary to the draft New London Plan 2019 Policy D8, which states that architectural quality and materials should be exemplary. Exemplar design cannot be demonstrated in this application due to the massing being grossly out of scale with its immediate context. The proposals do not also demonstrate exemplar

design as the design quality is illustrative and based on a design guide which is not considered to give sufficient assurances as to final design quality. The proposed development is also contrary to this policy as it adversely impacts a number of heritage assets and fails to carefully consider wind impacts and mitigate those impacts through early integration into the design.

6.2.105 The proposed development is not in accordance with Historic England Advice Note 4 2015 on Tall Buildings, which states that “Tall buildings need to set exemplary standards in design because of their scale, mass, wind impact and longevity”. The proposed development fails to meet this exemplary standard of design because of its unacceptable scale and massing, adverse impacts to a number of heritage assets, inadequacy of the Design Guide and failure to successfully incorporate wind mitigation measures into Plot 2.

6.2.106 The proposed development is contrary to Hackney’s 2018 Characterisation Study, which states that tall buildings should relate well to urban grain and not result in adverse impacts to heritage assets and local views.

6.2.107 The proposed development is contrary to Policy LP1 Design Quality and Local Character of the Hackney Local Plan 2033, which requires all new development to be of the highest architectural and urban design quality. The proposed development fails to meet the following key criteria:

- i. respond to local character and context having regard to the boroughwide Characterisation Study; and
- ii. be compatible with the existing townscape including urban grain and plot division; and
- iii. be compatible with local views and preserve protected views; and
- iv. preserve or enhance the significance of the historic environment and the setting of heritage assets;

6.2.108 Policy LP1 provides a further set of criteria, specifically for taller buildings, which requires them to respect the setting of the borough’s local character and historic townscapes and landscapes including those in adjoining boroughs.

6.2.109 The proposed development fails to meet the following criteria for taller buildings:

- i. have a legible and coherent role in the immediate and wider context and where relevant be fully justified in respect of the Council’s place policy vision for the area; and
- ii. relate and respond to its immediate and wider surrounding context: the base of the building must enhance the existing streetscape, and the top of a tall building must enhance the skyline; be of exceptional design quality both in materiality and form and not lead to unacceptable

overshadowing of public spaces, especially public open spaces and watercourses/canals; and

iv. preserve or enhance the borough's heritage assets, their significance, and their settings in line with policies LP3 'Designated Heritage Assets' and LP4 'Non Designated Heritage Assets'.

6.2.110 The Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008) Section 39(2A) requires the Local Planning Authority to "have regard to the desirability of achieving good design". Having had such regard, the Council is of the view that the proposed development is not of good design and should therefore be refused permission.

Summary

6.2.111 Overall, the extent of design and heritage concerns set out above are considerable. Comments setting out these concerns were provided to the applicants during the application process but, other than the minor changes discussed above, no significant revisions to the design were undertaken that would address officer concerns. As such, it is the Council's position that the proposal is unacceptable in design and heritage terms and should be objected to on this basis.

6.3 Standard of Commercial Accommodation

6.3.1 Local Plan policy LP27 states that new development involving the provision of new office (B1a) floorspace must comprise well designed, high quality buildings and floorspace that is flexible/adaptable to accommodate a range of unit sizes and types with good natural light, suitable for sub-division and configuration for new uses and activities, including for occupation by small or independent commercial enterprises.

6.3.2 The proposed development provides open plan office space that would be readily adaptable to the needs of different types of occupiers. The design and layout of Plot 2 is considered to be such that there would be an acceptable provision of natural light and the overall design and layout of the office floorspace is considered to be of a high quality and likely to appeal to potential office and affordable workspace occupiers. The quality of the office space within Plots 1 and 3 can be secured through the reserved matters process.

6.3.3 The proposal would provide accessible terraces at nearly each office level in Plot 2 and a similar provision can be secured through the reserved matters process for Plots 1 and 3. As such, and given that a substantial provision of public realm is to be provided at platform level, the provision of communal space for the commercial buildings within LBH is considered to be acceptable.

6.4 Traffic and Transportation

Context

6.4.1 The submitted Transport Assessment outlines that the application site is approximately 4.4 hectares and is bounded by the A1209 Bethnal Green Road and Sclater Street to the north, Brick Lane to the east and the A10 Shoreditch High Street to the west. The Great Eastern Main Line and West Anglia Main Line railways from Liverpool Street station form most of the southern boundary of the site, with the A1202 Commercial Street to the southwest.

6.4.2 The site has been in a derelict state since a fire in December 1964 and demolition of buildings on-site in 2004. In 2010 the Shoreditch High Street Rail Station opened in the centre of the site, serving the East London Line (London Overground) between Highbury & Islington and several stations south of the River Thames.

6.4.3 Bethnal Green Road as well as streets to the north of the site such as Redchurch Street and Boundary Street are considered to be key activity nodes. In the recent Shoreditch Pedestrian Movement Analysis report prepared for London Borough of Hackney in July 2019, these areas are highlighted as having significant footfall at lunch times and evenings during the working week as well as Saturday's.

6.4.4 On a typical Friday, the section of Bethnal Green Road, which falls within the London Borough of Hackney boundary, can expect in the region of 1500-2000 two-way total pedestrians between 0800 -1000 and between 2000-4000 during both 1200-1400 and 1700-1900. There is also a strong evening Shoreditch night time economy which attracts significant numbers of pedestrians.

General Comments

6.4.5 The scale of the development and combination of land uses in Hackney include: Residential (Class C3) comprising up to 500 residential units; Business Use (Class B1) – up to 130,940 m² (GIA); Hotel (Class C1) – up to 11,013 m² (GIA); Retail, financial and professional services and restaurants and cafes and hot food takeaways (Class A1, A2, A3 and A5) – up to 18,390 m². Although the delivery and servicing figures have been revised, they remain high. The overall site will generate an estimated 391 daily arrivals after it is fully constructed. This equates to approximately 11,893 daily arrivals per month.

6.4.6 These combined factors will have a substantial impact on TfL and Local Authority highways. This is the case through the projected thirteen year construction phase and post occupancy.

Braithwaite Street Yard (servicing)

6.4.7 The applicant has proposed two servicing accesses to the western end of Braithwaite Street. The Braithwaite service yard will service

plots 2 and 8. The London Road servicing area will service plot 3. Concerns have been raised through the application process because of the number of proposed delivery and servicing trips combined with the pedestrian dominant and lightly trafficked nature of Braithwaite Street. A concern was also raised that the Braithwaite servicing yard access was not wide enough to accommodate two-way vehicular movements.

6.4.8 In response to these concerns, the applicant has revised their trip generation estimates. The previous trip generation data estimated that there would be 470 two-way daily movements on Braithwaite Street consisting of 386 two-way trips for the Braithwaite Street yard and 84 two-way trips for the London Road service area. The revised estimation has been reduced to 384 two-way trips consisting of 300 two-way trips for the Braithwaite service yard and the same figure of 84 two-way trips for the London Road servicing area.

6.4.9 In addition, the servicing yards will only be accessed via Quaker Street. All vehicles will enter and exit to the south and the vehicular restriction will remain in place to prevent through traffic on Braithwaite Street. For the Braithwaite Street servicing yard, the access point proposal has been widened to 13 metres to facilitate two-way vehicular access. The applicant has also agreed to restrict or possibly prohibit service vehicle movements at particular times and are amenable to the potential relocation of the London Road servicing area on to Quaker Street to further reduce delivery and servicing vehicles on Braithwaite Street in consultation with the Boroughs and TfL.

Servicing - Bethnal Green Road

6.4.10 The Bethnal Green Road service yard will serve Plot 1 only. This will include Retail - 945 sqm; and Office - 54,230 sqm. The proposed location of the access point and trip numbers associated with this servicing yard has been a concern through the application process.

6.4.11 The access point for the proposed servicing yard off Bethnal Green Road is approximately 36m from the Shoreditch High Street junction / stopline. Although it is understood that this is due to the constrained nature of this part of the site, concerns were raised that this may introduce traffic management issues, including bus delays, close to an already congested junction. In addition, the opening of new routes around the site may disperse some of the pedestrian footfall away from this part of Bethnal Green Road but pedestrian and cyclist flows along the footway and carriageways are likely to remain significant due to the proposed active frontages along Bethnal Green Road.

6.4.12 In response to these concerns, a number of physical and strategic measures have been proposed. The applicant has reassessed the overall servicing trip generation associated with the proposed development. The previous trip generation data estimated 270 two-way daily movements for the Plot 1 service yard on Bethnal Green Road are

now reduced to 126 two-way daily movements whilst the previously estimated 36 two-way development peak hours are now reduced to 20 two-way movements.

6.4.13 In response to concerns about traffic management, a number of physical mitigation measures have been proposed. These revised proposals include extending the westbound bus lane along the south edge of Bethnal Green Road, up to the location of the proposed service yard access. This is combined with the provision of yellow box markings in the westbound lane of Bethnal Green Road to alleviate concerns in relation to servicing vehicles turning right.

Servicing - Mitigation

6.4.14 Notwithstanding the reassessed trip numbers and proposed physical mitigation measures at each yard set out above, concerns remaining among officers at LBH and LBTH as to the volume of servicing trips that would take place and the consequent impact upon highway and pedestrian safety. Following negotiation with TfL and the developer, the following additional measures in relation to a monitoring, and enforcement are now also proposed:

- The developers will need to prepare a site-wide Delivery and Servicing Strategy (DSS) prior to occupation and use of any service yard. This should be updated to take account of best practice advice at time of submission.
- The site-wide DSS will need to set targets based on forecasts in the Transport Assessment and Transport Addendum for each service yard and site wide.
- The forecasts represent a cap on the number of vehicle movements per service yard. The DSS will need to include targets to reduce daily and hourly HGV and LGVs movements in line with good practice over time, and unless otherwise agreed, the target is to reduce HGV/ LGV movements by 20% over 5 years, and 50% over 10 years compared to forecast in the TA and addendum report.
- To show compliance, developers will need to collect data on deliveries to and from site, including through the use of CCTV. Each local authority should have access to the raw data and CCTV on request. The targets will be based on average vehicle movements based on monthly targets. The DSS should set out how data is reported to each local planning authority.
- If for a period of 3 months, the data shows an individual service yard or site overall exceeds the targets set within the DSS, then the site operators will need to produce a plan to achieve the targets.

- This subsequent 3 month period will be known as a Non-Compliance period. If this Non-Compliance continues for another 3 months then developers forfeit the Non-Compliance Bond. For each month breach, the developer pays £40,000 split between LBH and LBTH. The developer must confirm that they have a bond amount of £500,00.
- The overall aim of the Non-Compliance Bond, is incentive the developer not to trigger the payment, whilst the sums payable could be useful; to the local authority to support soft or hard measures to offset the impact of non-compliance, for example, safety training. It remains the direct responsibility of the developers to remedy the non-compliance as quickly as possible.

6.4.15 It is considered that the above measures would effectively manage the overall number of delivery and servicing vehicles at the site. These measures, such as the non-compliance bond and use of the DSS combine effectively with the physical mitigation measures to make the Bethnal Green Road and Braithwaite Servicing yards servicing areas more acceptable in transport terms. It is recommended that these measures be secured by condition and legal agreement.

Taxi movements

6.4.16 Taxi movements remain a concern. The TA estimates 13 two-way taxi trips in the AM peak hour and 9 two-way taxi trips in the PM peak hour associated with the hotel. As part of a response to this concern, the applicant has highlighted that there is a taxi rank on Ebor Street. This has capacity for three taxis and is proposed as a potential pick-up location for visitors to the hotel. It is important to note that the rank is not accessible for private-hire vehicles.

6.4.17 The TA addendum states that the issue of undesirable taxi pick-up/drop-off is regarded as a wider issue and not one that is unique to the development proposals at The Goodsyrd site. The subsequent Transport Note submitted in August 2020, highlights that taxis and private hire vehicles are permitted to pick up or set down customers in a bus lane. Considering the known concerns around heavy traffic flows, including bus flows, this is not a strategy that should be supported by the applicant.

Car Parking

6.4.18 The scheme is proposed to be car-free which is in line with the London Plan and Hackney Local Plan policy LP45. An exclusion to restrict parking permits being issued is recommended for all users of the proposed site (except those with a blue badge). This should be done in the shape of a condition, secured via a legal agreement.

6.4.19 In relation to accessible on-site car parking, it is the LBTH's position that the provision should be situated off the highway. Disabled

parking should be in line with Draft London Plan Policy T6. A Parking Design and Management Plan (T6.1 (G)) is required to demonstrate the scheme will meet the 3% target from the outset. It is acknowledged that the applicant has proposed that the passive provision of the remaining 7% of disabled parking would be provided on the public highway if this is required. This proposal requires further consideration and will be assessed as part of a Reserved Matters application.

Cycle Parking

6.4.20 Hackney Policies LP41, LP42 and LP43 in the recently adopted LP33 highlight the importance of new developments making sufficient provisions to facilitate and encourage movements by sustainable transport means. Provision of adequate cycle parking is deemed necessary to make this development acceptable in transport terms. Cycle parking needs to be in sheltered, secure and locked facilities. Two-tier cycle parking is not recommended.

6.4.21 Cycle parking provision must adhere to the applicable standards which must be London Plan compliant.

Construction Logistics

6.4.22 At this stage there are not any major concerns providing that the Bethnal Green Road element is carefully managed. TfL colleagues should be consulted throughout the process owing to the impact on their network.

LBH s278 Highway works contribution

6.4.23 Hackney's Local Plan policy LP41 states that new development and its associated transport systems should contribute towards transforming Hackney's places and streets into one of the most attractive and liveable neighbourhoods in London. LBH Highway engineers have provisionally estimated the following costs for essential Highway Works. All costings are for the southern footway and the full width of carriageway within the LBH boundary, as follows: -

Footway (approx 620sqm) Reconstruction in Yorkstone paving
£155,000

Carriageway (approx 1000sqm) Resurface minimum 100mm £100,000

Total cost = £255,000

6.4.24 Agreement to fund these works has been secured from the developer. LBH and LBTH will discuss how these works would be carried out, in partnership, given the shared borough and highway boundaries.

LBH s106 Public Realm contribution

6.4.25 A contribution of £25,000 has been agreed to introduce/ improve the public realm in the vicinity of the site in and around Redchurch Street. The overall aim is to reduce vehicle dominance and improve the public realm for vulnerable road users. Works could include but not limited to, greening/ planting, permeability scheme and safe resting places (pocket park etc).

S106 contributions paid to TfL

6.4.26 Shoreditch High Street public realm works are an important element of the scheme. LBH have supported the proposal on the basis of improved cycling and public realm facilities from Bethnal Green Road junction of Shoreditch High Street north to the junction with Hackney Road.

6.4.27 The proposed works have been split into two sections. Section 1 would provide Shoreditch High Street Junction improvements and is priced at £4,500,000. Section 2 would provide link works along Shoreditch High Street and was initially priced at £1,700,000. The applicant agreed to fund the full cost of the section 1 works but were initially unwilling to fund the cost of the section 2 works.

6.4.28 Following detailed conversations with TfL, the applicant has now agreed to contribute towards the section 2 agreement with a total of £1,000,000. TfL have agreed to value engineer their design to fit with the reduced contribution.

6.4.29 The finalised contributions are secured as follows: -

- Section 1: Shoreditch High Street junction works: £4,500,000 contribution.
- Section 2: Link works along Shoreditch High Street: £1,000,000 contribution.

These contributions will help to provide public realm and healthy streets improvements to mitigate the additional walking and cycling demand generated by the development.

Summary

6.4.30 Based on contributions and measures set out the above, it is considered that the overall impacts of the development in transport terms would be sufficiently mitigated. As such, the proposal does not give rise to an objection in transport terms.

6.5 Energy and Carbon Emissions

Energy assessment

6.5.1 The outline proposal considers that the domestic development is

to target net zero carbon with a minimum 35% carbon emission reductions beyond part L baseline and the remaining emissions to 100% to be offset with a carbon offset contribution.

6.5.2 The non-domestic development including the full planning application attached to this submission are targeting 35% carbon emission reductions beyond Part L 2013 baseline.

6.5.3 With the adoption of Hackney's Local Plan in July 2020 non-domestic development needs to be zero carbon. Any shortfall is to be offset off-site or through the cash-in-lieu contribution. Both Hackney and Tower of Hamlet Boroughs consider the price of £95 per tonne CO₂ to offset contributions.

6.5.4 Both full planning to plot 2 and outline permission should target net zero carbon and any remaining regulated carbon emissions to 100% be the object of a carbon offset payment, or offset off-site.

6.5.5 Because the information provided in the energy assessment associated with Plot 2 has only been updated for the 'be lean stage' it is not possible to confirm any shortfall to the zero carbon after the 'be green' stage for this full application. A condition to request an updated energy statement for plot 2 in line with the latest amendments and indicating the carbon savings for all the three stages and an updated carbon offset contribution is therefore proposed.

6.5.6 A capped figure of £4.5m has been agreed for the payment of carbon offsetting contributions across the scheme as a whole. LBH seeks the payment of a carbon offsetting sum for plot 2 to be included within this sum, once the energy savings set out in an updated energy statement for plot 2 are submitted prior to the commencement of works and the extent of the contribution for this building is known. This is alongside the other carbon offsetting payments that would be due for the parts of the scheme with all matters reserved. The commitment made to submit reserved matters applications in line with updated energy requirements at that time and as feasible is welcome.

6.5.7 The current Hackney local plan requires a minimum 15% reduction in regulated carbon emissions with energy efficient measures alone for non-domestic developments. It is therefore satisfactory that plot 2 has proposed solutions that reduce 16.6% of the regulated carbon emissions at this stage. Similarly domestic developments need to target 10% reductions at the 'be lean' stage of the energy hierarchy. The commitment to target better energy performance as feasible for future reserved matters applications instead of the very conservative target of 5 and 2% indicated for domestic and non-domestic development, respectively, at the outline submission is welcome.

6.5.8 Given the impossibility to connect now to a district heating network, the proposed energy system for plot 2 using a LTHW chilled

water network providing the possibility for connection to the heat network in the future is deemed acceptable. The proposal to share energy and expected reduction in carbon emissions are also seen as positive. LBH is also in agreement with the proposed GLA condition associated with the energy strategy for future reserved matters applications associated with the outline proposal.

Risk of overheating

6.5.9 The overheating risk, the adoption of the cooling hierarchy, in particular utilising passive solutions to reduce solar gains in the cooling season is satisfactory. External shading is particularly welcome. However, analysis with dynamic simulation allows a better understanding of the performance against a simple check with a set of criteria in Part L . An active cooling is proposed and the predicted cooling demand for the proposal is lower than that of the notional building. However, it may be worth considering other passive cooling technologies beyond those proposed, to reduce reliance on active cooling systems and make the building more resilient to climate change.

6.5.10 The assessment with the three criteria indicated in CIBSE TM52 (2013), developed for predominantly naturally ventilated or hybrid buildings, should be replaced with the PMV and PPD criteria and/or any other criteria based on percentage of hours above a certain threshold as indicated in CIBSE Guide A (2017), or any other methodology that may replace it. The model should consider the proposed cooling capacity and it is worth assessing the adaptation to climate change and adopting weather files as indicated in CIBSE TM49 (2014) and at the GLA guidance. It is therefore suggested that the overheating risk assessment using dynamic simulation not be excluded in the consideration of reserved matters.

Sustainability assessment

6.5.11 The sustainability assessment submitted is very comprehensive and addresses various spheres of sustainable development with insightful proposals. Current applicable policies are addressed and the proposed solutions are satisfactory.

6.5.12 Some of the proposed strategies are addressing outdoors and holistically the whole development. Given the expected phasing of construction, some strategies/proposals could be implemented as much as possible in the initial detailed applications. Proposals to enhance well-being, comfort to the occupants and low carbon buildings are expected to be much further explored in plot 2. The building targets BREEAM excellent but proposals to promote a human centric design could clearly be tested indoors. The WELL building standard or any other recognised metric is welcome in the realm of a large office building proposed for plot 2. Suggested principles have been adopted to some degree and it is welcome that they may be object of certification on a future on a building by building basis.

6.5.13 Proposals for conservation of heritage assets, car free and air quality neutral, principles of circular economy, biodiversity net gain, enhancement of green infrastructure including the qualification of the urban greening factor, SuDS, rain water harvesting and water efficiency, to mention a few are very welcome.

6.5.14 More information should have been included in regards to the strategies associated with overheating without relying on active systems and climate change, promoting adaptation and resilience, as indicated above. More emphasis could also be given to materials and their life cycle analysis as emerging circular economy and whole life carbon analysis policies will be adopted with the emerging London plan. This is sought by condition and reserved matters.

6.5.15 It is welcome that proposals to monitor the consumption of the development are planned and action plans are in place to mitigate possible performance gaps and promote a development that is better than predicted.

Summary

6.5.16 Overall, the proposal is considered acceptable in sustainability terms subject to the additional information sought above being provided by condition or reserved matters and subject to the final CO2 offsetting payment being based on LBH policy requirements when calculated prior to occupation.

6.6 Amenity of Nearby Occupiers

Daylight/Sunlight

6.6.1 A daylight/sunlight assessment has been submitted in line with the methodology set out in the BRE report “Site Layout Planning for Daylight and Sunlight – A Good Practice Guide (2011)”.

6.6.2 When assessing daylight to existing properties, the primary methods of measurement are vertical sky component (VSC); and No Sky Line (NSL).

6.6.3 The BRE Report sets out two guidelines for vertical sky component:

- a) If the vertical sky component at the centre of the existing window exceeds 27% with the new development in place, then enough sky light should still be reaching the existing window
- b) If the vertical sky component within the new development is both less than 27% and less than 0.8 times its former value, then the reduction in daylight will appear noticeable to the occupants and more of the room will appear more dimly lit

6.6.4 The BRE Report also gives guidance on the distribution of light in existing buildings, based on the areas of the working plane which can receive direct skylight before and after. If this area is reduced to less than 0.8 times its value before, then the distribution of light in the room is likely to be adversely affected, and more of the room will appear poorly lit. This is referred to as the No Sky Line (NSL) analysis.

6.6.5 For sunlight, the primary method of measurement is annual probable sunlight hours (APSH) to windows of main habitable rooms of neighbouring properties that face within 90° of due south. If a point at the centre of a window can receive more than one quarter of APSH, including at least 5% of APSH in the winter months, then the room should still receive enough sunlight. If these percentages are not met and the reduction in APSH is more than 20% of its former value, then the loss of sunlight will be noticeable.

6.6.6 It is important to note that the BRE guidelines are generally based on a suburban rather than inner urban model and acknowledge that a higher degree of obstruction may be unavoidable in densely developed or historic areas. As such, some flexibility against BRE standards is appropriate, as suggested in paragraph 1.6 of the BRE guidance.

6.6.7 Based on the methodology set out in BRE guidance, a number of residential properties have been identified for daylight/sunlight assessment in LBH.

6.6.8 The following properties within LBH have been assessed and found to be in full compliance with BRE guidance in relation to daylight and sunlight.

- 23 Shoreditch High Street
- 64 Shoreditch High St
- 180 Shoreditch High St
- 186 Shoreditch High St
- 187 Shoreditch High St
- 188 Shoreditch High St
- 189 Shoreditch High St
- 190 Shoreditch High St
- 191 Shoreditch High St
- 3 Plough Yard
- 232 Shoreditch High Street
- 231 Shoreditch High St
- 228 Shoreditch High St
- 229-230 Shoreditch High St
- 233 Shoreditch High Street
- 227 Shoreditch High St
- 21-22 Shoreditch High Street

6.6.9 The following properties within LBH have been assessed with

regard to daylight and sunlight and have transgressions against BRE guidance to varying degrees. These shall be addressed in turn below.

- 25 Shoreditch High St
- Fairchild Place
- The Stage
- Principle House - Block 3
- 225 Shoreditch High St
- 224 Shoreditch High St
- Principal Tower
- 192-193 Shoreditch High St
- 10 Holywell Lane
- 11-15 Great Eastern St
- 226 Shoreditch High Street
- 223 Shoreditch High Street
- 194 Shoreditch High St;
- 195 Shoreditch High St;
- 196 Shoreditch High St;
- 1-3-5-7 Great Eastern St;

25 Shoreditch High St

6.6.10 Of the 2 windows assessed for VSC at this property, 1 marginally falls short of BRE guidance. All four rooms assessed meet BRE guidance in relation to the No Sky Line test and sunlight. On this basis, the impact of the proposal upon the daylight levels experienced at this building is considered to be negligible.

Fairchild Place

6.6.11 1 of the 3 windows assessed for daylight marginally falls short of BRE guidance. However, this window would retain a VSC in the mid teens which is considered reasonable in this inner urban context. The one room assessed would pass the NSL test but would fall short of the guidance in relation to sunlight. Given the location of this building in relation to the site and the currently open, undeveloped nature of the site, this is considered acceptable in the circumstances.

The Stage (under construction)

6.6.12 64 of the 415 windows assessed for daylight would experience reductions in excess of 20% but with the exception of four windows, this reduction would be marginal (less than 30%). Those windows which experience reductions in excess of 30% are on the lower floors of the building and would retain VSC levels over 10 which would not be unusual in a densely developed inner urban context. None of the rooms tested would fail the NSL test. 22 of the 108 windows tested for sunlight would not meet BRE guidance but would experience reductions only slightly over 20%. Overall, this is considered an acceptable impact in the circumstances.

Principle House - Block 3

6.6.13 11 of the 149 windows assessed for daylight would experience reductions in excess of 20% but with the exception of one window, this reduction would be marginal (less than 30%) and the retained VSC level of that window would remain over 10 which would not be unusual in a densely developed inner urban context. None of the rooms tested would fail the NSL or sunlight tests. Overall, this is considered an acceptable impact in the circumstances.

225 Shoreditch High St

6.6.14 All six windows assessed for daylight would experience reductions in excess of 20% but all would retain VSC levels over 25 which is considered a good daylight provision in this context. None of the rooms tested would fail the NSL or sunlight tests. Overall, this is considered an acceptable impact in the circumstances.

224 Shoreditch High Street

6.6.15 All 12 windows assessed for daylight would experience reductions in excess of 20%. However, all but 3 would have retained VSC levels over 20 which is considered a good daylight provision in this context. None of the rooms tested would fail the NSL or sunlight tests. Overall, this is considered an acceptable impact in the circumstances.

Principal Tower

6.6.16 109 of the 628 windows assessed for daylight would experience reductions in excess of 20%, although 39 of these would be marginal reductions of below 30%. Whilst there would remain a significant number of windows impacted in terms of a loss of daylight, given the densely developed nature of the area around the site and the emerging context in which it sits as part of a cluster of new towers in the area, the relative impact is considered to be within acceptable limits. It is noted that all windows would pass the relevant test for NSL and sunlight. Overall, the impact of the proposal upon the daylight of this building is considered to be within acceptable limits.

192-193 Shoreditch High Street

6.6.17 9 of the 51 windows assessed for daylight would experience reductions in excess of 20% but all those windows would have retained VSC levels in the high teens which is considered acceptable in a densely developed inner urban context. Three of the six rooms tested would fail the NSL but given the high retained VSCs the overall provision of daylight is considered acceptable. All 4 windows tested for sunlight would fall short of BRE guidance. However, a noticeable loss of sunlight in the buildings immediately to the north of the subject site was inevitable if any form of

development commensurate with that envisaged in the site allocation was delivered. Overall, the impact is considered an acceptable impact in the circumstances.

10 Holywell Lane

6.6.18 12 of the 22 windows assessed for daylight would experience reductions in excess of 20%. However, all would have retained VSC levels either in the high teens or over 20 which is considered a reasonable daylight provision in this context. None of the rooms tested would fail the NSL. 8 out of 10 windows tested for sunlight would fall short of BRE guidance. However, as above, a noticeable loss of sunlight in the buildings immediately to the north of the subject site was inevitable in the event of the high density redevelopment of the site. Overall, the impact is considered an acceptable impact in the circumstances.

11-15 Great Eastern Street

6.6.19 4 of the 48 windows assessed for daylight would experience reductions in excess of 20%, two of which would experience reduction under 30% and 2 of which would experience reductions over 40%. 3 of the 21 rooms assessed for NSL would also fall short of BRE guidance. While the loss of daylight would be noticeable, given the proportion of windows/rooms affected at the block and the densely developed inner urban context the overall daylight impact would be acceptable. The building would pass the relevant tests for sunlight.

226 Shoreditch High Street

6.6.20 All seven windows assessed for daylight would experience reductions in excess of BRE guidance. However, all would have retained VSC levels over 20 which is considered a good daylight provision in this context. None of the rooms tested would fail the NSL. All 3 windows tested for sunlight would fall short of BRE guidance. However, as above, a noticeable loss of sunlight in the buildings immediately to the north of the subject site was inevitable in the event of the high density redevelopment of the site. Overall, the impact is considered an acceptable impact in the circumstances.

223 Shoreditch High Street

6.6.21 25 of 47 windows assessed for daylight would experience reductions in excess of BRE guidance. However, of that 25, only two would have retained VSC between 10-15 with the remaining in the high teens or twenties which is considered a good daylight provision in this context. 1 of the 37 rooms tested would fail on NSL but would do so only marginally. 5 of the 19 windows tested for sunlight would fall short of BRE guidance which, as above, is considered unavoidable in the event of the high density redevelopment of the site. Overall, the impact is considered an acceptable impact in the circumstances.

194 Shoreditch High Street

6.6.22 All 6 windows assessed for daylight would experience reductions in excess of BRE guidance. However, all would have retained VSC in the high teens which is considered a good daylight provision in this context. 3 of 3 rooms tested would fail NSL, although the retained daylight levels would mean that a reasonable amount of daylight would still be provided to these rooms. All 3 windows tested for sunlight would fall short of BRE guidance which, as above, is considered unavoidable in the event of the high density redevelopment of the site. Overall, the impact is considered an acceptable impact in the circumstances.

195 Shoreditch High Street

6.6.23 All 5 windows assessed for daylight would experience reductions in excess of BRE guidance. However, all would have retained VSC in the high teens which is considered a good daylight provision in this context. None of the rooms tested would fail NSL. All 3 windows tested for sunlight would fall short of BRE guidance which, as above, is considered unavoidable in the event of the high density redevelopment of the site. Overall, the impact is considered an acceptable impact in the circumstances.

196 Shoreditch High Street

6.6.24 20 of 21 windows assessed for daylight would experience reductions in excess of BRE guidance. However, all would have retained VSC in the high teens which is considered a good daylight provision in this context. Only one of the rooms tested would fail NSL. All 12 windows tested for sunlight would fall short of BRE guidance which, as above, is considered unavoidable in the event of the high density redevelopment of the subject site. Overall, the impact is considered an acceptable impact in the circumstances.

1-3-5-7 Great Eastern Street

6.6.25 All 27 windows assessed for daylight would experience reductions in excess of BRE guidance. However, all would have retained VSC in the high teens or low twenties which is considered a good daylight provision in this context. 3 of 21 rooms tested would fail NSL, although the retained daylight levels in these rooms would mean that a reasonable amount of daylight would still be provided. No windows tested for sunlight would fall short of BRE guidance. Overall, the impact is considered an acceptable impact in the circumstances

Overshadowing

6.6.26 For shadow assessment, BRE guidance recommends that a garden or amenity area with a requirement for sunlight should have at

least 50% of its area receiving 2 hours of sunlight on 21 March.

6.6.27 The submitted assessment shows that all but 2 nearby amenity spaces that have been identified would meet BRE guidance in terms of overshadowing. The 2 spaces that would fail are the roof terrace and pool area at Shoreditch House, a private members club located on the upper floors of the Tea building immediately to the north of the site. It is noted that this building currently faces an open site and would suffer some degree of overshadowing in the event that the subject site were redeveloped at a high density.

6.6.28 The assessment shows that, although both of these spaces would be significantly overshadowed in winter and mid season, they would both continue to enjoy a reasonably good provision of sunlight in the summer months. As such, and given that these spaces serve a private business rather than a residential block where sensitivity to overshadowing would be greater, the impact is considered to be acceptable.

Privacy

6.6.29 Given that there are no residential uses proposed on the western part of the site, the impact upon the privacy of nearby residential occupiers would be limited to that from the commercial uses. The distances between surrounding residential windows and the commercial windows and open space of the proposed development, along with the busy inner urban character of the area, are such that any impact upon the privacy of nearby residential uses would be negligible.

Increased Sense of Enclosure

6.6.30 While the proposed development would create a considerable mass on the western side of the site (and comments on the appropriateness of this massing are set out in the design and heritage sections above), it is the case that any substantial redevelopment of the site is likely to have some kind of overbearing impact upon its immediate context. The western part of the site has been earmarked as appropriate for taller buildings in the site allocation and there is an emerging context which has seen a number of tall buildings consented in recent years. Overall, and notwithstanding the concerns expressed above in relation to the bulk and massing of Plot 1, the overbearing impact of the proposed development in LBH upon nearby residential uses is considered to be within acceptable limits given the number of residential units affected and the character of the area. As such, this does not form grounds of objection.

Noise and Disturbance

6.6.31 The noise from plant associated with the use has been assessed in the submitted Noise Survey within the Environmental Statement. This document is considered acceptable to demonstrate that

the noise from plant would not have an unacceptable impact upon neighbouring amenity. LBH recommend that a condition requiring the plant noise to not exceed background noise.

6.6.32 The proposed office and retail uses and the busy nature of the surrounding context are such that it is considered unlikely there would be an unacceptable noise and disturbance impact arising from the development. It is proposed that noise attenuation be provided for the cultural space within the arches. LBH recommended a condition to ensure that there will not be unacceptable levels of noise breakout from this space.

Summary

6.6.33 The overall impact on amenity arising from the proposal is considered to be within acceptable limits. The site is located in a busy, inner urban area where some degree of noise and disturbance is expected. Similarly, a sense of overbearing in the immediate vicinity of the site is difficult to avoid if the site is developed at a density commensurate with that suggested in the site allocation and in line with the emerging context of buildings to the east and south.

6.6.34 The overall daylight/sunlight impacts and considered broadly acceptable given the allocations for the site which envisage high density redevelopment, the open undeveloped nature of the site in its current form, the emerging context of a cluster of tall buildings in this location and the general character of the surrounding area. It is also noted that the daylight/sunlight impacts are significantly reduced compared to the original proposal (albeit this mainly affects properties in LBTH).

6.6.35 As such, the amenity impacts arising from the proposal are considered to be acceptable and do not form grounds of objection.

6.7 Trees and Landscaping

Public Realm

6.7.1 The revised proposal includes significant levels of public realm in the form of a network of north-south routes and a primary east-west route connecting Shoreditch High Street to Brick Lane, which align with the existing historic roadways and structures on the site. Whilst, it is unfortunate that the size of the high level park has been significantly reduced, overall the public realm strategy for the site is considered positive. However, there are some concerns specifically relating to the Hackney side of the site.

Layout of site and structure

6.7.2 At the western end of the site, the Oriel Gateway is the main entrance into the development. The space beyond, known as 'Webb

Square”, is proposed to be lined with active uses to the ground floor which is positive. However, this space will be impacted in terms of light levels and overshadowing by the presence of Plot 2. There are also concerns with the canyoning of the main east/west King Street, which is 13.5 metres wide and bounded by buildings of significant scale to both the north and south. This will create an overbearing environment and is likely to suffer from downdrafts.

6.7.3 At platform level, the public realm provided with Hackney would predominantly be hard landscaped with some tree planting and other soft landscaping. The indicative plans also show a water tower integrated within the public realm design and hard landscaping that is designed to reference the original platform layout. Notwithstanding the comments relating to the proposed trees below, the layout of this space is considered acceptable and the space in general is seen as a positive aspect of the scheme.

Access and Circulation

6.7.4 There are a total of 7 vertical circulation points across the site with three located within LBH. The first stair access would be provided to the rear of the listed wall adjacent to the Oriel Gateway with a lift provided at the base of Plot 2. A stairs and lift would also provide access to the platform level from Commercial Street, with this being envisaged as a key entry point to the site for those visiting Plot 2. The third stairs and lift would be provided on Middle Road allowing access to platform level at the area of public realm on the eastern side of Plot 2. The overall approach to access and circulation in LBH and across the site in general is considered acceptable and is a reflection of the heritage constraints that the retained historic fabric creates.

Hard and Soft Landscaping and Trees

6.7.5 In broad terms, the quality of the detailing and approaches to the landscaping is considered to be of high quality. However, concerns are raised with the proposed trees beneath the cantilevered element of Plot 2 as the trees here are likely to struggle due to accelerated wind conditions. In addition, in order for tree planting on the platform at the base of Plot 2 to be successful, large tree pits would be required. This would add significant weight upon the platform, particularly when the soil is wet, and there are concerns that this may impact upon the structure of the listed building.

6.7.6 Whilst it is noted that the trees at the base of Plot 2 are part of the wind mitigation strategy, given the concerns set out above, and the inappropriateness of trees to form a backdrop to the Oriel Gateway as set out in the heritage section above, in it is considered that an alternative approach to wind mitigation at the base of Plot 2 would be more appropriate.

Summary

6.7.7 Notwithstanding the appropriateness of tree planting at the base of Plot 2, overall the approach to public realm and landscaping is considered to be acceptable and would represent a public benefit of the scheme. Subject to conditions that would allow an alternative approach to planting at the base of Plot 2 and safeguard the listed buildings from any structural impacts of tree pits, the landscaping and public realm proposals are not grounds for objection.

6.8 Other Planning Matters

Microclimate

6.8.1 A Pedestrian Level Wind and Microclimate Assessment has been submitted as part of the Environmental Statement which analyses the wind impacts of the proposed development against the Lawson Comfort Criteria, the established methodology for assessing the wind impacts of tall buildings. The assessment finds that in both the existing scenario and a cumulative scenario when adjacent planning permissions are built out, the proposal would provide an acceptable level of comfort for pedestrians using the site at both ground and platform level. This is the case for both the all matters reserved and no matters reserved parts of the application.

6.8.2 Plot 2 is recognised as being most prone to strong wind levels given its size and orientation on the south west corner of the building. It is acknowledged that the recessed terraces on the north western elevation of the building may experience strong winds but it is stated that the terraces elsewhere at the building will be suitable for their purposes. With regard to the wind impacts at platform level at the base of the building and those at ground level both within and outside the site, the assessment finds that an acceptable level of pedestrian comfort for sitting and standing use would be provided. This takes into account the mitigating effect of the fins on the western side of the building and the landscaping provided at platform level. It is acknowledged that without such mitigation, a different outcome to that modelled may occur.

6.8.3 Although the mitigating fins allow an acceptable degree of pedestrian comfort to be provided, the comments above relating to the visual impact of the fins still stand. Given the scale and orientation of the building, wind mitigation measures should have been factored into the initial design than as an afterthought following a detailed wind tunnel assessment. The use of tree planting at the base of Plot 2 as part of the wind mitigation strategy is also questioned given the likelihood that wind conditions here could limit the success of tree planting and given the concerns related to the setting and structure of the listed Oriol Gateway set out above.

Waste Management

6.8.1 The proposed development is considered capable of providing adequate storage of waste, subject to a condition requiring further details.

Land Pollution

6.8.2 The council's Land Pollution officer has raised no concern with the proposal subject to conditions.

Air Quality

6.8.3 The Air Quality Assessment submitted as part of the Environmental Statement has been assessed by the Council's Air Quality Officer who has raised certain concerns in relation to the proposal. Whilst additional assurances provided to dispersion modelling in relation to construction vehicles are considered satisfactory, concern has been raised about the modeling of vehicular movements in relation to the cultural space as well as the NO₂ exceedances recorded at a receptor on Commercial Street within LBH.

6.8.4 LUC, the ES consultants appointed by the GLA, have suggested that further details in relation to the modelling of vehicle movements and the effects of NO₂ exceedances could be secured through reserve matters. With regard to the NO₂ exceedances, LUC acknowledge the effect would represent a 'substantial adverse' impact, it would be unreasonable to recommend refusal of the application on the basis that a single receptor affecting one residential property would suffer such an impact. The proposed condition suggests mitigation measures to the affected property should updated dispersion modelling continue to show exceedances at this receptor.

6.8.5 Whilst the Council's Air Quality Officer continues to have concerns about the impact at this location, within the balance of scheme impacts, the approach proposed by LUC is considered reasonable in the circumstances. As such, subject to the conditions proposed by LUC, the Council do not object to this aspect of the proposal.

Flood Risk/Drainage

6.8.4 Policy DM43 requires all development to have regard to flood risk during its lifetime and have regard to the SUDS hierarchy. Policy LP53 states that all developments should achieve greenfield runoff rates by attenuating rainwater on site, utilising SuDS and in accordance with the drainage hierarchy.

6.8.5 The Council's Drainage Officer has raised no objection subject to conditions in relation to Sustainable Urban Drainage and Drainage Management.

6.9 Environmental Impact Assessment

6.9.1 Environmental Impact Assessment (EIA) is a structured process for identifying the likely significant environmental effects of a development. The Town and Country Planning (Environmental Impact Assessment) (England) Regulations, 2017 (the EIA Regulations) set out the relevant procedures. The Development falls within the definition of an “urban development project” as specified in Schedule 2 of the 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 have been taken into account in determining that an EIA should be carried out. As such an Environmental Statement (ES) has been submitted in support of the Development.

6.9.2 In this case, the GLA has engaged Land Use Consultants (LUC) to undertake a review of the ES submitted by the developer. Officers were satisfied from the outset that LUC’s review would be sufficient without the need for an independent reviewer to be appointed by the Council.

6.9.3 LUC have submitted a final report on the submitted ES which has taken into account new information requested as part of the review process and various correspondence exchanged between the respective consultants. LUC have confirmed that they are now satisfied with the information and clarifications provided by the developers consultant. Based on LUC’s report and a subsequent meeting, officers are satisfied that the ES has been properly reviewed.

7 Conclusion

7.1 Overall, it is recognised that the proposal would provide a host of public benefits to Hackney. These include a substantial provision of affordable workspace; a contribution towards economic regeneration objectives; the provision of small independent shops and micro retailers; the funding of a joint borough local employment role; a community aspect to the cultural space in the arches; and contributions towards highways improvements within the borough. It is acknowledged that the proposal would also unlock a key regeneration site in the area and reactivate a currently derelict part of inner London with new public realm at ground and platform level and enhanced permeability through a large urban block. The proposal would also satisfy policy objectives for the site in terms of commercial floorspace provision and would broadly meet the aspirations of the adopted and emerging site allocation.

7.2 However, the extent of design and heritage concerns raised are considerable. 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. At Plot 2, the design of the proposed building is such that it would have a harmful impact upon its immediate and wider heritage setting including the listed Oriel Gateway, and the proposed approach to wind mitigation is considered to detract

from the design of the building and exacerbate its impacts. Whilst the massing of Plot 3 is considered broadly acceptable in the minimum parameter, it is too large for its context in the maximum parameter and in both scenarios its relationship with the street edge is unsatisfactory.

7.3 Whilst the benefits of the scheme are recognised and the principle of the proposed development at the site supported, the extent and nature of design and heritage harm identified above are such that these matters remain a significant concern for the Council. As such, it is recommended that the London Borough of Hackney object to the proposal on the basis of the design and heritage harm caused.

8. RECOMMENDATION

Recommendation A

8.1. The London Borough of Hackney supports the development in principle but **OBJECTS** to the following aspects of the scheme:

8.1.1 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

8.1.2 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.

8.1.3 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.

8.1.4 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

8.2 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

8.3 Should the Greater London Authority be minded to grant approval for the proposed development the following matters (details to be provided as addendum to this report) should form the subject of conditions and/or a legal agreement.

Signed..... **Date**.....

ALED RICHARDS – DIRECTOR – PUBLIC REALM, NEIGHBOURHOODS AND HOUSING

NO	BACKGROUND PAPERS	NAME/DESIGNATION AND TELEPHONE EXTENSION OF ORIGINAL COPY	LOCATION CONTACT OFFICER
1.	Hackney Local Plan 2020	2 Hillman Street London E8 1FB	Barry Coughlan 2 Hillman Street London E8 1FB Tel: 02083567939

