



MINUTES OF A MEETING OF THE PLANNING SUB-COMMITTEE

MONDAY, 16TH NOVEMBER, 2020

Councillors Present: Cllr Vincent Stops in the Chair

Cllr Katie Hanson, Cllr Brian Bell, Cllr Clare Potter
Cllr Michael Levy, Cllr Peter Snell and Cllr Steve
Race

Apologies: Cllr Clare Joseph

Officers in Attendance

**Natalie Broughton, Head of Planning and Building
Control**

Robert Brew, Major Applications Manager

**Barry Coughlan, Deputy Team Leader - Major
Projects**

Graham Callam, Growth Team Manager

Joe Croft, Sustainable Transport Planner

**Luciana Grave, Conservation Urban Design
Sustainability Officer**

Mario Kahraman, ICT Support Analyst

Peter Kelly, Senior Urban Design Officer

**Matt Payne, Conservation, Urban Design &
Sustainability Deputy Manager**

Qasim Shafi, Principal Transport Planner

Christine Stephenson, Acting Senior Legal Officer

Gareth Sykes, Governance Services Officer

**John Tsang, Development Management &
Enforcement Manager**

**Timothy Walder, Principal Conservation and Design
Officer**

1 Apologies for Absence

- 1.1. There was an apology for absence from Councillor Joseph.

2 Declarations of Interest

- 2.1 All the Planning Sub-Committee members had received a letter and proposal details from the applicant. Councillor Race declared an interest as a third of the proposed site was in his ward. The Councillor stated that he had never had a say or expressed a

position on the application. The legal officer present at the meeting confirmed that this was not an issue for the Councillor to participate in the meeting.

3 Consider any proposal/questions referred to the sub-committee by the Council's Monitoring Officer

3.1 There were no proposals/questions referred for consideration.

4 Minutes of the previous meeting

4.1 The minutes of the 2nd September 2020 meeting were agreed. The minutes of the 29th July 2020 meeting were not agreed and would be reconsidered at a later date.

RESOLVED, the 2nd September 2020 Planning Sub-Committee meeting minutes were agreed as an accurate record of those meeting's proceedings.

5 2014/2425 & 2014/2427 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

5.1 PROPOSAL:

2014/2425:

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

- 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.

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.

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 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.

- 5.2 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.
- 5.3 The Planning Service's Acting Head of Planning and Building Control gave a brief overview of the background to the application and it was noted that the Greater London Authority (GLA) was the final decision maker on the application. Committee members were being asked to support the application in principle but to object on design and heritage grounds.
- 5.4 The Planning Service's Deputy Team Leader-Major Projects introduced the application, as set out in the report in the published meeting papers. During the course of his presentation reference was made to the addendum, published prior to the meeting, which summarised a number of consultation responses received, various clarifications/corrections to the application report and also details relating to recommendation C and plans/documents*.
- 5.5 Two representatives from the Reclaim Bishopsgate Goodsyrd campaign spoke in objection to the application highlighting a number of concerns over the application including its poor design, over dominance of the site and its suitability as an office-led scheme in the age of Covid-19. It was highlighted that there appeared to be no Viability Assessment provided by the applicant and it was not clear whether the application had also taken into account the future Shoreditch Area Action Plan.
- 5.6 A representative for the applicant spoke of the extensive consultation process that had taken place as part of the application process and the number of revisions that had taken place as a result. They also highlighted that Historic England had not objected to the proposals and it was felt the scale of the building was in keeping with similar neighbouring buildings. It was recommended that the concerns raised could be mitigated by a further role for the Design Review Panel (DRP) in reviewing the discharge of Reserved Matters applications, a legal agreement and through an

agreement to retain Eric Parry as architect for Plot two. The representative for the applicant also suggested that the reserved matters applications could come back to the Planning Sub-Committee for further consideration.

5.7 The Planning Sub-Committee members raised a number of questions and the following points were raised:

- It was confirmed that residential density had not been reduced to accommodate more retail space. The density matrix, as set out in the London Plan, was a guide and was dependent on the particular characteristics of a site. Due to the significant restraints at the Bishopsgate Goods Yard site and the character of the surrounding area the housing density proposed was deemed appropriate. Committee members noted that the housing element of the application was on the Tower Hamlets side of the site
- The public park would be under private management with controlled public access at night
- Regarding the application and the impact on local business, 10% retail floorspace, including such space located within arches, would be for small independent retailers and within that 20% would be for micro start up entities. Through the contribution Hackney Council had secured for business support, Hackney would be able to facilitate local businesses getting access into those spaces in order to provide a springboard for smaller companies. Hackney Council would also be able to control the manner in which the affordable workspace discount was applied. and could choose to allocate a higher discount to certain types of local businesses. The Affordable Workspace Strategy was to be secured by legal obligation which would set out the approach to ensure there was a broad range of affordable workspace typologies. Also, the contribution would enable local businesses, who had been displaced by the development to take on the affordable work space within the development
- Committee members were reminded that, while matters relating to the redevelopment of the site as a whole were relevant, the application of Hackney policy could only apply to those parts of the scheme within Hackney. As such, the officer's report focuses primarily on those plots within Hackney with some commentary on the wider scheme where appropriate.
- The Committee would be asked to vote on the individual aspects of the recommendations, as set in the application report. These were focused on the design and heritage aspects of the site on the Hackney side
- Following the Planning Sub-Committee's decision the application would go to the GLA. The GLA would then have to make the final decision to determine whether the concerns raised outweighed the public benefits of the scheme
- The representative for the applicant suggested that the Plot one building was similar in height to the neighbouring, soon-to-be-constructed, Highgate Hotel. Because the building was constructed either side of and above the London Overground railway box at Shoreditch High Street Station, in order to deliver office buildings that were economically viable, the building had to be of some height over the railway viaduct
- The architects spoke of how the plinth of the Plot one building needed to be level with the height of the neighbouring Tea Building in order to get over the station. The top of the plinth formed a shoulder on Plot one, with a set back of seven metres to the floors above. The length of Plot one, along Bethnal Green Road, was divided into at least two volumes with a central inset section. The view up and down Shoreditch High Street both ways was such that the building

had been cut back in order to retain view of the corner of the Tea Building. The Plot one building also had flexible floor plates to allow companies to grow within the building. It would also form a transition in height between the Plot two and the Tea Building

- The representative for the applicant explained there was no viability assessment because the scheme was providing 50% affordable housing, which allowed it to qualify for the fast track route and therefore it was not required to provide viability information
- The Conservation, Urban Design and Sustainability (CUDS) Deputy Manager acknowledged the constraints of the site but felt this was not a justification for the excessive bulk above the railway line. Massing remained an issue throughout the design process and the proposal could not be considered to be contextual massing. The Plot one building was seen as monolithic and not comparable to the more slender form of the Highgate Hotel
- The Police's Designing Out Crime Officer had recommended that the park should be closed between 11pm and 7am. The applicant was seeking further discussion with the officer to see if the park could be kept open at night
- On the impact of Covid-19, the representative for the applicant stated that building plots one and three were in outline, therefore this allowed flexibility in terms of how buildings were laid out and provided in the future under reserved matters. It was recognised that there may be lower levels of office building occupation because of Covid-19, so from a density perspective any additional space would be welcomed. It was also noted that the proposals would provide six acres of open space
- It was clarified that affordable housing on the Tower Hamlets side was not available to Hackney residents.
- The current condition of the Oriel Gate was unclear as it had been in a box since 2006. The Principal Conservation and Design Officer stated that the proposed changes would still result in the level being too high leading to unfortunate changes e.g. there was no roof and the window sills were too low. The officer was of the view that this was a missed opportunity and without having a function, questions remained over the long term maintenance. He made the point that "less than substantial harm" did not fall to be considered, since the Council was not the Local Planning Authority at this point and that, in any case, NPPF Para 195 was not relevant, since the test in NPPF Para 194 ("a clear and convincing justification" for the harm) had not been met
- The representative for the applicant accepted that there were always areas for improvement regarding the Oriel Gate and he suggested that this could be conditioned. He reiterated that Historic England had made no objection to the proposals on heritage grounds
- The Principal Conservation and Design Officer was of the view that concerns about the Oriel Gate could not be remedied through condition and he highlighted, from the application report, that Historic England had stated that the proposals were 'not fully detailed' and 'subject to further investigations'. As stated in paragraph 6.2.13 of the application report, the three key concerns were the levels, the roof and the windows, the trees adjacent to the gate and thirdly the creation of stairs to access. With the latter it was suggested that these were altered to brick to create a more appropriate finish. The impact of the cantilevers and the wind mitigation fins of the Plot one building were also of concern as there was a considerable overhang and which was aggressive towards the Oriel Gate
- The CUDS Deputy Manager explained that the height of the Plot two building could be acceptable. However, there were significant concerns with the bulk

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and width of the building, particularly on the north and the south elevations, which would have an adverse effect on townscape views, particularly along Shoreditch High Street. The red colour scheme was also inappropriate as it was far too dominant and bold for the locality. The wind mitigation fins on the south west elevation are an afterthought that should have been included from the start of the design process. They were not considered to represent design excellence

- The application is for full Planning Permission for Plots two and 7A. The application for Plots one and three are applications for Outline Permission only. The Planning Service was of the view that the concerns raised could not be mitigated through Reserved Matters applications
- The new Future Shoreditch Area Action Plan had been taken into account in the application report. The plan was in draft and by and large the application was in accordance with it. Although it was noted that the allocation did envisage residential on the Hackney side
- The Planning Service were of the view that the inclusion of a Viability Assessment would not have acted as a justification for the design and heritage impacts of the scheme. Although it may well have affected some of the other public benefits of the scheme such as the level of affordable workspace
- Eric Parry, the architect for the Plot two building, acknowledged that the proposed building was on a difficult site but it was designed in such a way that rather than lying flat it would be levitated off the ground. It was recognised that wind was an issue in the area and a lot of work had gone into mitigating this with the inclusion of the wings. The architect added that the proposals included elegant integrated elements. As mentioned earlier, the floors were designed in such a way with space in mind which would go some way to mitigating those concerns around the impact of Covid-19 on office space

Prior to the vote Councillor Bell left the meeting and did not further participate in the meeting's proceedings.

Votes:

The Planning Sub-Committee members voted on the following recommendations as set out in the application report:

Recommendation A

Recommendation A1: Broadly supportive of the development in principle and its general public benefits

For: Councillors Stops, Hanson, Levy, Potter, Snell and Race
Against: None
Abstentions: None

Recommendation A2: Objection to the bulk and massing of Plot one

For: Councillors Stops, Hanson, Levy, Potter, Snell and Race
Against: None
Abstentions: None

Recommendation A3: Objection to the design of the proposed building at Plot 2

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For: Councillors Stops, Hanson, Levy, Potter, Snell and Race
Against: None
Abstentions: None

Recommendation A4: Objection to the massing at Plot three

For: Councillors Stops, Hanson, Levy, Potter, Snell and Race
Against: None
Abstentions: None

**Recommendation A5: Objection to the proposed development at Plot 7A
(the Oriel Gate)**

For: Councillors Stops, Hanson, Potter, Snell and Race
Against: None
Abstentions: Councillor Levy

**Recommendation B: The London Borough of Hackney objects to the proposed works
in the Listed Building Consent application**

For: Councillors Stops, Hanson, Levy, Potter, Snell and Race
Against: None
Abstentions: None

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

For: Councillors Stops, Hanson, Levy, Potter, Snell and Race
Against: None
Abstentions: None

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

6 Delegated Decisions document

6.1 There were no delegated decisions document for consideration at the meeting.

Duration of the meeting: 18:30 – 20:25

Signed:

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Chair of Planning Sub-Committee, Councillor Vincent Stops

Contact:
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*The planning application report and the addendum can be viewed in full by accessing

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the meeting papers at <https://hackney.gov.uk/council-business> and scrolling down and clicking on the Planning Sub-Committee meeting section on the Hackney Council website.