

GREATER LONDON AUTHORITY

[REDACTED]
(by email)

Our Ref: MGLA230120-1015

5 March 2020

Dear [REDACTED]

Bishopsgate Goodsyrd

Thank you for your request for information which the Greater London Authority (GLA) received on 23 January 2020. Your request has been considered under Environmental Information Regulations (EIR) 2004.

You requested:

Please would you send me all correspondence, emails, notes of meetings and minutes of meetings or phone calls - internal and with outside parties - concerning the decision to keep the Bishopsgate Goodsyrd planning application in the hands of the GLA and not return it to the boroughs of Tower Hamlets and Hackney, after the planning decision was deferred by the Mayor Boris Johnson on 18 April 2016.

For reference, on 11 July 2019 Jules Pipe (Dep Mayor for Planning) told the Assembly Planning Committee : "it was tough to decide whether it [the Bishopsgate Goodsyrd planning application] should go back to the boroughs again. We agonised over that but, in the end, everyone settled on it staying here because it had got to that stage."

Please find link to published link below information within scope of your request:

<https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/planning-application-search/site-former-bishopsgate-goods-yard>

Please also find attached the Stage 2 report of October 2019 which covers the Mayor's decision to retain the application. It also notes in part that we consider the land to be public.

The GLA holds further internal communications within scope of your request and they fall under the exception to disclose at Regulation 12 (5)(b) (The course of justice and inquiries exception). This exception is very wide in coverage, in this instance it is used to cover material covered by legal professional privilege (LPP). LPP exists in this instance to protect advice from lawyer to client.

For the exception to be engaged, disclosure of the requested information must have an adverse effect on the course of justice. Disclosure of the exchange between client and lawyer would undermine the public confidence in the efficacy of LPP.

Regulation 12(5)(b) constitutes a qualified exemption from our duty to disclose information under the EIR, and consideration must be given as to whether the public interest favouring disclosure of the information covered by this exemption outweighs the public interest considerations favouring maintaining the exemption and withholding the information.

The GLA acknowledges that there is a public interest in transparency in relation to planning and development matters, disclosure would enable the local community to understand more fully the decision-making process.

However, these communications took place in circumstances where a relationship of confidence was implied, and it is in the public interest to protect the principle of Legal Professional Privilege by allowing clients to have discussions with their lawyers in confidence. The best interest of the public – i.e. the public interest – is best served by ensuring that public authorities continue to debate robustly and comprehensively, considering all options and their potential impacts, for the best possible decisions to be taken.

I will respond to your second request as soon as possible.


If you have any further questions relating to this matter, please contact me, quoting the reference MGLA230120-1043.

Yours sincerely


Information Governance Officer

If you are unhappy with the way the GLA has handled your request, you may complain using the GLA's FOI complaints and internal review procedure, available at:
<https://www.london.gov.uk/about-us/governance-and-spending/sharing-our-information/freedom-information>

MAYOR OF LONDON


Team Leader
Development Management – West Team
London Borough of Tower Hamlets
Mulberry Place
P.O. Box 55739
5 Clove Crescent
London, E14 1BY

Department: Planning

Your reference: PA/14/02011 & PA/14/02096

Our reference: D&P/1200C&D/PR01/TH

Date: 21 October 2019

Dear Mr Smith

**Town & Country Planning Act 1990 (as amended); Greater London
Authority Acts 1999 and 2007; Town & Country Planning (Mayor of
London) Order 2008
Land known as Bishopsgate Goods Yard
LPA reference: PA/14/02011 & PA/14/02096**

I refer you to the letter dated 23 September 2015, whereby the previous Mayor directed (under article 7 of the above Order and the powers conferred by Section 2A of the 1990 Act) that he would act as the local planning authority for the purposes of determining the above planning applications and the connected listed building consent applications. The reasons given were as follows:

- a) The development would have a significant impact on the implementation of the London Plan; and
- b) There are sound planning reasons for my intervention.

In light of the amendments submitted in respect of the above applications it is considered appropriate for me to reconsider whether to remain the local planning authority for the purposes of determining these applications. Having now considered a report on this case, reference GLA/1200c&d/06 (copy enclosed) I hereby confirm that I will continue to act as the local planning authority for the purposes of determining the above planning applications and the connected listed building consent applications for the same reasons as previously directed.

In making this decision, I must also have regard to targets identified in development plans. As set out in the Report, I recognise that Tower Hamlets has performed well in recent years in terms of general housing consents and completions, however, the Borough is still falling significantly short of London Plan affordable housing targets. Whilst Tower Hamlets has a healthy pipeline of permissions, the Borough has fallen short of both its homes and affordable homes delivered during this period. In terms of employment targets I note that there has been net decrease in employment floorspace in Tower Hamlets in the last three monitored years.

In my view the proposed development has the potential to make an important contribution to the delivery of housing and affordable housing and responds positively to London Plan policies 3.3 and 3.11. The provision of employment space responds positively to policies 2.10, 2.11, 4.1 and 4.2 of the Plan and the potential positive impacts on London's heritage and transport infrastructure with regard to policies, 7.8, 6.1, 6.2 and 6.4 are also noted.

Having regard to the above, and noting the potential contribution of the proposed development, I wish to continue to act as the local planning authority for this case.

The applications represent EIA development for the purposes of the applicable Town and Country Planning (Environmental Impact Assessment) Regulations. I have taken the environmental information made available to date into consideration in formulating my decision.

I will consult you on the amended submission and in due course notify you of the date of the Representation Hearing. I will also consult you on any draft planning obligation and planning and listed building consent conditions.

Yours sincerely



Sadiq Khan
Mayor of London

cc Unmesh Desai, London Assembly Constituency Member
 Andrew Boff, Chair of London Assembly Planning Committee
 National Planning Casework Unit, DCLG
 Lucinda Turner, TfL
 Julian Shirley, DP9, 100 Pall Mall, London SW1Y 5NQ

Bishopsgate Goods Yard

in the London Boroughs of Hackney and Tower Hamlets

planning application nos. 2014/2425 & PA/14/02011

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

Strategic planning application: update on the Mayor's position as the local planning authority

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

A hybrid application for the comprehensive mixed use redevelopment of the site. The OUTLINE component of the amended submission seeks approval for the maximum and minimum amount of development proposed for each land use and plot. The proposal comprises: residential (up to 500 units); offices (up to 130,940 sq.m.) retail, financial and professional services, food and drink uses (up to 18,390 sq.m.), non-residential institutions/assembly and leisure (up to 6,363 sq.m.); a 150 bed hotel; public open space, public conveniences, the formation of new pedestrian and vehicular accesses and means of circulation plus basement, ancillary and plant space.

FULL DETAILS are submitted for alterations to and partial removal of existing structures on the site and the erection of one building for commercial use (B1), (Plot 2 – part 29, part 17 storeys), together with works to and use of the listed Oriel Gate and adjoining structures for retail, food and drink uses (A1, A2, A3, A5) and, works are proposed to the listed Braithwaite Viaduct to facilitate retail, food and drink uses (A1, A2, A3, A5). Separate and connected amended listed building applications are submitted for the restoration, repair and works to the Grade II listed Oriel Gate and adjoining historic structures and to the Grade II listed Braithwaite Viaduct. A total of 10 development plots are identified by the applicant ranging in height from 29.2m AOD to 142.4m AOD.

The applicant

The applicant is **Bishopsgate Goodsyard Regeneration Limited**. The architects are, **FaulknerBrown, Eric Parry, Space Hub, Chris Dyson Architects** and **Buckley Gray Yeoman**.

Strategic issues summary

Having regard to the details of the amendments sought to be made to the planning applications and listed building consent applications and to the nature and scale of the proposed development it is considered that the proposed amendments can acceptably be made.

Having regard to the details of the amended applications and other relevant matters, it is considered that the development, as amended, remains of such a nature and scale that it would have a **significant impact on the implementation of the London Plan** (particularly relating to Opportunity Areas, employment, housing and affordable housing, heritage and transport). It is considered that there are **sound planning reasons** for the Mayor to continue to act as the local planning authority for the applications.

Recommendation

That the Mayor accepts the submitted amendments and continues to act as the local planning authority for the purposes of determining these applications and connected listed building consent applications.

Context

1 On 18 October 2014, the former Mayor of London received documents from Tower Hamlets Council and on 20 October 2014 the former Mayor of London received documents from Hackney Council notifying him of planning applications of potential strategic importance to develop the above site. The applications were referred to the former Mayor under the following Categories of the Schedule to the Order 2008:

1A: Development which comprises or includes the provision of more than 150 houses, flats or houses and flats.

1B: Development (other than development which only comprises the provision of houses, flats or houses and flats) which comprises or includes the erection of a building or buildings....in Central London (other than the City of London) and with a total floorspace of more than 20,000 square metres.

1C: Development which comprises or includes the erection of a building of....more than 30 metres high and is outside the City of London.

4: Development subject to a Direction of the Secretary of State, in this case development within the background assessment area of Strategic Views 8A.1 and 9A.1.

2 On 12 December 2014, the former Mayor considered planning report D&P/1200b&c/01 and advised the Councils that while the applications were generally acceptable in planning terms, further details were required on land use, housing and affordable housing, impact on a world heritage site and heritage assets, urban design and tall buildings, inclusive design, sustainable development and transportation. Following the submission of amended plans the former Mayor considered planning report D&P/1200b&c/02 on 9 September 2015, and advised the Councils that he welcomed the amendments, particularly the increased employment floorspace and reduction in height of the towers, but some issues including those previously identified in the original stage I needed to be addressed, in particular the affordable housing offer.

3 On 23 September 2015, pursuant to a request from the applicant, the former Mayor issued an Article 7 Direction to become the planning authority for the Bishopsgate Goods Yard planning and connected listed building applications. Additional material was subsequently submitted by the applicant in the form of an ES Addendum in January 2016 giving rise to another round of public consultation. A Representation Hearing was scheduled for 18 April 2016 and GLA officers published an advisory planning report on 8 April 2016 (ref D&P/1200c&d/04), which recommended refusal on the basis of unacceptable impacts to neighbouring amenity, specifically in regard to daylight/sunlight, as a result of the inappropriate density, height, massing and layout of the scheme and also because of the substantial harm to the on-site Grade II listed Oriel Gate and wall and minor harm to surrounding Conservation Areas and to the setting of the Tower of London World Heritage Site. The hearing was deferred at the request of the applicant, in order to address those concerns identified in the report.

4 After the deferral, the applicant engaged in dialogue with GLA officers and the boroughs to discuss the issues concerned with the previous submission, with a view to working jointly on an amended proposal. Following a period of collaborative working on various elements of the scheme, the applicant submitted their amended submission on 27 September 2019.

5 The amended proposal would remain referable under the same Categories of the Schedule to the 2008 Order as previously, as set out in paragraph 1 above.

6 Given the length of time since the original Article 7 Direction and the changes to the scheme now submitted, it is considered appropriate for the Mayor to assess the proposal again and reconsider the reasons which led in 2015 to the taking over the applications to determine whether he should remain the local planning authority.

7 GLA officers consider that the Mayor has power to reconsider a direction made under Article 7 of the Town and Country Planning (Mayor of London) Order 2008 ('the 2008 Order') that he is to act as the local planning authority. It is GLA officers' view that the Mayor has implied power to reverse such a direction made pursuant to Article 7 of the Order if he so wishes. In the case of *R (Trustees of the Friends of the Lake District) v Secretary of State for the Environment* [2002] P&CR23, it was held in relation to section 77 of the Town and Country Planning Act 1990 that it must be implicit in that section that the Secretary of State can withdraw or revoke a call-in direction made by him under that section. It is considered that the Mayor has an equivalent implied power which can be exercised if there are sound planning reasons to do so.

8 The options available to the Mayor are: i. Maintain jurisdiction of the amended applications and connected applications and hold a Representation Hearing at which the Mayor would determine the applications; or, ii. Use his power to reverse the former Mayor's direction to call in the applications as amended and thus returning jurisdiction back to the Councils.

9 This update report should be read in conjunction with the Stage 1, Stage 2 and Stage 3 reports (D&P/1200b&c; D&P/1200b&c/02; D&P/1200b&c/03; D&P/1200b&c/04; D&P/1200b&c/05 – available at <https://www.london.gov.uk/what-we-do/planning/planning-applications-and-decisions/public-hearings/bishopsgate-goodsyard-public-hearing>) as mentioned above, which contain the site description, an overview of the previous proposals and an assessment of the previous proposals against strategic planning policies. These reports have been made available to the Mayor.

Site description

10 The site measures 4.4 hectares in area and lies across the boroughs of Hackney and Tower Hamlets. It is surrounded by a range of neighbourhoods including Shoreditch, Brick Lane, Spitalfields and sits within the City Fringe Opportunity Area and Central Activities Zone.

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

12 Retained after the fire were the Grade II listed (listing 1975) Forecourt wall, Oriel window and Gates to the former station facing Shoreditch High Street and Commercial Street. In addition, 260 metres of the 'Brathwaite Viaduct' running east-west across the site survived the fire and was Grade II listed in 2002. In addition, there are several other non-listed historic structures on the site: 19 Century arches, the original Goods Yard boundary wall along Sclater Street, and several buildings of historic significance at the north of the site. A small portion of the north-eastern part of the site lies within the Brick Lane and Fournier Street (LBTH) Conservation Area which also runs to the east and south of the site. South Shoreditch (LBH), Redchurch Street (LBTH), Boundary Estate (LBTH) and Elder Street (LBTH) Conservation Areas also surround the site.

13 The site has been mainly vacant since the fire but has recently been partly occupied by temporary uses including football pitches and the 'Box Park' pop up shopping mall. In April 2010 Shoreditch High Street London Overground Station opened in the centre of the site with an entrance off Braithwaite Street which runs north/south through the site. Otherwise, the site is currently impermeable. Shoreditch High Street and Commercial Street are located to the west, to the south lie the railway lines into Liverpool Street and the City of London with Brick Lane situated at the eastern edge. To the north on Bethnal Green Road, there are Victorian former warehouses converted to other uses, including the 'Tea Building'. Other buildings to the north include a 25-storey residential tower at the junction with Sclater Street. The area to the south and west has within it some recently developed tall buildings including Broadgate Tower and Principal Place on Bishopsgate and 'The Stage' on Curtain Road, the latter two currently under construction. Another tall building, the 'Highgate Hotel' has approval and would lie directly west and opposite the site on the western side of Shoreditch High Street

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

Details of the Proposal

15 The 8 April 2016 Representation Hearing was deferred by the previous Mayor. The application has remained live with the applicant continuing to maintain dialogue with GLA officers in consultation with the boroughs, to work-up a proposal that addresses the various areas of concern associated with the previous submission. This dialogue has intensified over the course of the last year and on 27 September 2019 an amendment to the previous proposal was submitted to the Mayor for consideration.

16 The following provides a summary of the amendments to the scheme to that proposed at Stage III back in April 2016.

Deferred Stage 3 Proposal (April 2016)		Amended Proposal (October 2019)
Use	Quantum (max proposed – floorspace = GIA)	Quantum (max proposed – floorspace = GIA)
Residential (class C3)	Up to 1,356 units	Up to 500 units
Business Use (Class B1)	65,859 sq.m.	130,940 sq.m.
Retail (Classes A1, A2, A3 & A5)	17,499 sq.m.	18,390 sq.m.
Non-residential Institutions (Class D1)/Assembly & Leisure (Class D2)	1,156 sq.m.	6,363sq.m.
Hotel	N/A	11,013 sq.m. (150 rooms)
Basement, Ancillary & plant space	39,525 sq.m.	20,731 sq.m.
Public Realm & Landscaping	22,642 sq.m.	25,812 sq.m.
Public conveniences	36 sq.m.	298 sq.m
<i>Total built floorspace proposed (GEA)</i>	<i>277,189 sq.m</i>	<i>243,856 sq.m.</i>

17 The scheme has been amended in scale and form from that previously considered with a total of 10 development plots now proposed, the lowest structure now proposed to be 29.2m AOD and the tallest being reduced to 142.4m AOD as compared to the former 12 development plots which ranged in height from 23.6m AOD to 177.6m AOD. Alongside the planning application amendments, the applicant is also seeking to amend the listed building submissions to reflect changes made. The status of the applications remains in the form originally submitted (Outline with Full details on nominated plots) with the tallest element being submitted in detail alongside the works associated with the listed building consents. The rest is submitted in outline form with all matters (access, appearance, landscaping, layout and scale) reserved.

18 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been considered to the extent relevant to the determination now under consideration.

19 The Mayor's decision on this case, and the reasons for it, will be made available on the GLA's website www.london.gov.uk.

Principle of accepting amendments to an application

20 There is no express provision made under the Town and Country Planning Act 1990 for an amendment to a live planning or listed building consent application, however, such a power is

implied and is commonly exercised, with local planning authorities routinely accepting amendments to existing applications. The discretion afforded to a local planning authority in accepting an amendment is wide with the principal guiding considerations being (a) whether the amendments amount to a substantial change to the application in its pre-amended form, and (b) whether any individual or organisation would be prejudiced by allowing an amendment to the application at this stage. Case law has indicated that the first of those tests includes consideration of whether the effect of the amendment is such that “the development proposed is not in substance that which was originally applied for”.

21 Applying these tests, GLA officers consider that it is reasonable and appropriate to accept an amendment to the existing applications and, following further public consultation, to determine the applications as amended (if the Mayor remains local planning authority for the applications (which is addressed below)).

22 Given the context of the original application, namely a large scale strategic mixed-use development, the proposed amendments to the planning and accompanying listed building consent applications, and their likely effects, are not, as a matter of judgment, considered to be such as to amount to a substantial change to the proposed development and would not give rise to the outcome that “the development proposed is not in substance that which was applied for”. In terms of the description of development (as it appears on the application as previously submitted), the various quantum of the components of the development were identified as being “up to” a certain identified amount and the amendments proposed to the residential floorspace and to that of, the B1 and D1/D2 floorspace are an adjustment to the upper limit of the quantum of development originally proposed. Revised land uses, in the form of an hotel and increased quantum of open space are proposed, however the extent of these revised land uses are considered to be modest in the context of the scale of the development as a whole, which otherwise contains the mix of uses previously submitted. Further detail has also been given as to how heritage assets will be incorporated into the development. These details and associated changes to the scheme are not considered to be significant in terms of the degree of change from the scheme as originally submitted. The red line plan remains as per the previous amendment and the applications remain in hybrid form, comprising an outline and full element, in accordance with the previous submissions.

23 About the second element of the test to be applied to a proposed amendment, a full and extensive public consultation, in accordance with statutory requirements, will take place for this amendment, re-publicising the application in the same way as the original application was publicised. As such, any individual or organisation will have a further and full opportunity to consider the proposals, as amended, and to make representations to the Mayor in respect of them. Any such representations will be considered in due course by the Mayor when determining the applications.

24 All the relevant supporting documents which accompanied the planning applications (including the Environmental Statement) have been updated to reflect the amendments sought, taking account of changes to the impact of the scheme on the local environment and people. This information will be made available, in the usual way, as part of the public consultation exercise.

25 Officers are therefore satisfied that the amendment which are sought to the planning and listed building consent applications can be made and the applications, as amended, can be re-consulted upon.

Article 7: Mayor to continue to be the local planning authority

26 GLA officers consider it appropriate now to revisit the original reasons expressed in 2015 for the previous Mayor making a direction to become the local planning authority. In this context, it is noted that the legislative framework governing the Mayor's powers to intervene in strategic planning applications has not changed.

27 In order to exercise the power to direct that he is to be the local planning authority and to determine a PSI application (within categories 1 and 2 of the schedule to the Order 2008), the Mayor must be satisfied that certain statutory tests set out in Article 7 of that Order are met. These tests relate to a decision as to who the decision maker in respect of the application should be, and not whether planning permission should ultimately be granted or refused.

28 The relevant statutory tests comprise the following three parts, all of which (subject to paragraph 29 below) must be met in order for the Mayor to take over the application:

- a) the development or any of the issues it raises must be of such a nature or scale that it would have a significant impact on the implementation of the London Plan;
- b) the development or any of the issues it raises must have significant effects that are likely to affect more than one London Borough; and
- c) there must be sound planning reasons for issuing a direction.

29 Parts (a) and (b) of the test concern the impact an application would have on the Mayor's policies and the geographical extent of the impact, whilst part (c) deals with the overall planning reasons for the Mayor's intervention. These tests are intended to ensure that the Mayor's powers of intervention are exercised only in respect of the most significant of applications which are referred to him.

30 As set out above, the applications are for up to 500 residential units. Article 7(4) of the Order sets out that where a development falls within Category 1A of the Schedule, namely that over 150 residential units will be delivered, part (b) does not apply. As such, only parts (a) and (c) of the statutory tests are engaged in respect of the present amended application.

31 Article 7(3) of the 2008 Order requires the Mayor, when considering whether to exercise his power to become local planning authority in respect of a PSI application, to take account of certain matters. Where the proposed development falls within Category 1A of the Schedule to the 2008 Order, the Mayor is required to take account of the extent to which the relevant Council, or Councils in this instance, have achieved their targets for new housing including affordable housing, and in respect of all categories of PSI application, the Mayor is required to take account of whether the Councils have achieved any other relevant development plan targets.

32 Although previously taken over, it is appropriate in light of the amendments sought for the Mayor to reconsider whether to remain the local planning authority for the purposes of these applications. This report considers the extent to which the statutory tests under Article 7(1) are met and whether, having regard to the matters to which the Mayor is required to take account pursuant to article 7(3), the Mayor should confirm that he should remain the local planning authority for the purposes of the determination of the applications. This report does not consider the merits of the application, although consideration has been given to what are considered to be the key planning issues in respect of assessing the statutory tests in Article 7(1) as set out below.

Statutory test 7(1)(a): Significant impact on the implementation of the London Plan

33 The proposed development would have significant impacts on the implementation of the London Plan for several reasons, as set out in the following paragraphs. It should be noted that the relevant test under Article 7(1)(a) relates to significant impacts on the implementation of the “spatial development strategy”, namely the current adopted 2016 London Plan and this is therefore the focus to the consideration of article 7(1)(a) set out below and the conclusion of compliance with it. However, for completeness and of relevance to the sound planning reasons under Article 7(1)(c) consideration has also been given to the emerging draft London Plan.

34 The report accompanying the Article 7 letter to the two Councils sent out in September 2015, highlighted six matters which were considered to give rise to significant impact on the implementation of the London Plan namely: Opportunity Area and Interim Planning Guidance; Regeneration; Housing delivery; London’s economy; Heritage and Transport. GLA Officers consider that although the form of the development proposed has changed the same matters remain relevant. These matters are set out in the following paragraphs.

Opportunity Area

35 The development as previously proposed was considered to meet the high-level objectives of the 2010 joint GLA and Hackney/Tower Hamlets Interim Planning Guidance for the Bishopsgate Goods Yard site, which envisaged that the site could potentially deliver 350,000sq.m. of total development, up to 2,000 homes, some 75,000sq.m. to 150,000sq.m. of non-residential floorspace and 1.8ha of publicly accessible open space. This Interim Planning Guidance is now considered to have limited planning weight, it being used to inform the adopted Tower Hamlets and Hackney Core Strategies and Development Management documents which themselves are being replaced by emerging Local Plans for both boroughs.

36 In December 2015, the previous Mayor adopted the City Fringe/Tech City Opportunity Area Planning Framework (OAPF). The designation in the London Plan (Annex 1 - 5) defines a 901-hectare part of London stretching from Old Street to Whitechapel, Hackney Central and Dalston as having the potential to become a business hub of major international significance building on the growing digital-creative cluster which has emerged in this location. The employment, business and creative potential of this sector should be nurtured and suitable employment use and infrastructure facilitated to support it. Key considerations include affordable workspace, high quality digital connectivity and an attractive ‘buzzy’ environment are highlighted in Annex 1. In addition, the area provides scope to support the capital’s critical mass of financial and business services.

37 The OAPF provides a strategic framework for development and sets out a strategic vision and objectives for the opportunity area (OA). The Bishopsgate Goods Yard site is identified as a key site within the inner core area and the largest brownfield site within the City Fringe, where demand for workspace is high as the business clusters of the Central Activities Zone, particularly the ‘Tech City’ digital-creative cluster expands. As such, development is expected to include significant commercial floorspace within a mix of other uses, including residential. The City Fringe OAPF acknowledges the important role the site can play with regards to housing delivery, giving guidance on balancing this with delivery of commercial floorspace. The site is identified as being suitable for tall buildings.

38 Bishopsgate Goods Yard is one of the largest sites within the OA and is recognised as having the potential to deliver a significant number of jobs and homes. The amended applications change the balance of uses within a comprehensive mixed use development with up to 1,356 residential units proposed (max 165,928 sq.m. GEA) to one where the residential floorspace has reduced to a maximum of 500 units (48,508 sq.m. GEA), whilst the B1 floorspace (office) has increased by 57,640 sq.m. (maximum parameters).

39 The current London Plan identifies a target of 8,700 homes and an indicative capacity of 70,000 jobs over the Plan period for the City Fringe/Tech City Area. In terms of the former target, whilst somewhat lower than previously proposed, the quantum of residential for the site remains to be significant at 6% of the City Fringe OAPF unit target. The increased commercial floorspace will at the same time create now approximately 12,500 jobs (based on London Employment Sites Database 2017, Table 3.3). This scheme would potentially create 18% of the OAPF capacity for jobs.

40 The Tower Hamlets portion of the site lies within an 'Area for regeneration' as identified by Policy 2.14 of the London Plan. Targeted to address social exclusion and special concentrations of deprivation, the policy commits the Mayor to work with strategic and local partners to co-ordinate their sustained renewal. The previous stage II report highlighted the fact that despite its City Fringe location, the site has been vacant for over 50 years because of the numerous constraints that affect the site (Central Line running tunnel, large diameter BT tunnel, range of listed heritage assets, LVMF viewing corridor and London Overground box) and also a consequence of the borough boundary between Hackney and Tower Hamlets crossing the site in a way that makes it impossible to practicably split the development up into separate parcels. This situation remains unchanged. Although there are some temporary uses in place, the site remains predominantly vacant and this proposal represents a significant and unique regeneration opportunity offering economic, housing, environmental, heritage and transport benefits.

41 Taking the above into consideration the amended proposal will remain to have a significant impact on the implementation of the London Plan as regards Opportunity Areas and to realise regeneration benefits for the local community.

Housing delivery

London Plan

42 London Plan Policy 3.3 (Increasing Housing Supply) recognises the pressing need for new homes in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs at a price they can afford. Part B of this policy states that the Mayor will seek to ensure that the housing need identified in paragraphs 3.16a and 3.16b of the London Plan is met particularly through provision consistent with at least an annual average of 42,000 net additional homes across London. Moreover, London Plan Policy 3.11 seeks provision of at least 17,000 net affordable homes per year in London.

Recent delivery

43 Table 1 below sets out pan-London delivery against the current London Plan targets between 2014-2017, the most recent years for data is available.

Total completions	FY2014-2015	FY2015-2016	FY2016-2017	Total	Delivery
<i>Homes target</i>	32,210	42,388	42,388	116,986	102% of target
Homes delivered	33,887	39,728	46,149	119,764	
<i>Affordable homes target</i>	13,200	17,000	17,000	47,200	43% of target
Affordable homes delivered	6,237	7,006	6,892	20,135	

Table 1: Delivery against pan-London housing and affordable housing targets (source: London Development Database).

44 Based on Table 1 it is evident that the delivery of new affordable housing on a pan-London basis is significantly below the London Plan target.

Housing Targets - London Plan

45 At a borough level, the London Plan currently allocates Hackney a target of 15,988 homes and Tower Hamlets a target of 39,314 between 2015 and 2025. In monitoring delivery against these targets, Hackney has been assigned an annual target of a minimum of 1,599 net additional homes per year and Tower Hamlets 3,931 net additional homes per year, (these targets were 1,160 and 2,885 net additional homes respectively per year under the 2011 London Plan).

46 Hackney's Core Strategy document sets a local borough-wide target of 50% affordable housing, equating to a numerical target of 800 affordable homes per year based on the London Plan housing target and 580 affordable homes per year under the 2011 London Plan. Tower Hamlets strategic target for affordable homes is 50% as set out in the Core Strategy equating to a target of 1,966 affordable homes based on the London Plan target and 1,443 based on the 2011 Plan. Both boroughs' emerging Local Plans reaffirm the overall target of 50% of all new homes to be affordable.

47 Tables 2 (Hackney) and 3 (Tower Hamlets) below set out delivery against the above-mentioned borough level targets during the financial years 2013-2017.

Total completions (Hackney)	FY2014-2015	FY2015-2016	FY2016-2017	Total	Delivery
<i>Homes target</i>	1,160	1,599	1,599	4,513	88% of target
Homes delivered	1,275	1,505	1,176	3,956	
<i>Affordable homes target</i>	580	800	800	2,180	32% of target
Affordable homes delivered	232	246	232	710	

Table 2 LB Hackney's delivery against London Plan housing target and Local Plan affordable housing target (source: London Development Database).

Total completions (Tower Hamlets)	FY2014-2015	FY2015-2016	FY2016-2017	Total	Delivery
<i>Homes target</i>	2,885	3,931	3,931	10,747	83% of target
Homes delivered	2,239	2,413	4,273	8,925	
<i>Affordable homes target</i>	1,443	1,966	1,966	5,375	52% of target
Affordable homes delivered	721	886	1,161	2,768	

Table 3: LB Tower Hamlet's delivery against London Plan housing target and Local Plan affordable housing target (source: London Development Database).

Assessment

48 From Tables 2 and 3 it is evident that both Boroughs have not met the aggregated London Plan and Local Plan annual monitoring target for new homes and affordable homes over these three years. Whilst both Boroughs have come close to meeting the target for the total completions,

the proportion of affordable housing delivered is significantly below the numbers expected. It should be noted that all targets are expressed as minimums, with a clear expectation in the London Plan and Local Plans that delivery of housing should be maximised.

Potential contribution of this scheme to London Plan objectives – housing and affordable housing

49 The amended proposal will deliver up to 500 new homes, all of which are sited in Tower Hamlets. In delivery terms this would equate to 13% of Tower Hamlet's London Plan annual housing target and also contribute towards London Plan affordable targets. The Boroughs have, at Officer level in the discussions to date, indicated their willingness to share the nomination rights to the affordable housing. This would have to be this to be secured by legal agreement.

50 This is a site of a significantly under-utilised portion of land at the fringe of the City of London within an Opportunity Area. The applications, to redevelop the site over 50 years since it was actively used, represents a substantial regeneration opportunity. The quantum of housing albeit lower than the previous unacceptable proposal, will make a significant contribution to the number of homes in the locality as a key element of this comprehensive mixed-use development proposal.

51 When previously proposed at Stage III back in 2016, the then submission proposed 25% affordable housing (by Habitable room) within Tower Hamlets of 131 units and an off-site payment in lieu of on-site affordable housing of £21.825m (equating to 87 dwellings, 35 intermediate and 52 social rent - 15% affordable housing by dwelling) which was agreed as acceptable (subject to an appropriate review mechanism) when presented at stage III.

52 The amended application proposes to provide a maximum of 228 affordable units in total, 107 low cost rented and 121 intermediate with the 708 affordable habitable rooms numbers representing 50% of the total proposed. In order to follow the Fast Track Route, the Affordable Housing and Viability SPG (2017) states that the application has to meet a set of criteria, including meeting or exceeding the relevant threshold level of affordable housing on site without public subsidy and being consistent with the relevant tenure split (30% low cost rented; 30% intermediate and 40% determined based on identified need). The GLA consider that for the purposes of the Threshold Approach that the site falls within the definition of Public Land as set out in the SPG, and as such this application is required to hit 50% affordable housing in habitable rooms terms without public subsidy. Following amendment and discussion with GLA Officers, this is proposed.

53 It is considered that the delivery of housing (including affordable housing) will make an important contribution to borough and London-wide and subject to acceptability of the proposal as whole would have a significant impact on the implementation of the London Plan in terms of provision of affordable and private homes.

London's economy

54 The London economy, accounts for greater than a fifth of the UK's economic output and is the engine of the national economy. The city has unique strengths in finance, business services, creative industries and in the legal profession, plays a key role in the global economy and is an attractive place to live and work attracting business of all sizes to develop and thrive. The continuing success of the city is reliant on making it work better for everyone, in terms of the environment created and the quality and affordability of spaces to live.

55 London Plan Policies 2.10 and 2.11 support the provision of office, retail and cultural/entertainment uses in the Central Activities Zone. The Zone being the core of London and one of the world's most attractive and competitive business location, accommodating one third of the capital's jobs.

56 London Plan Table 4.1 outlines the demand for office-based jobs and floorspace from 2011 to 2031. Within the Central Activities Zone (CAZ) and the north of the Isle of Dogs there is expected to be a demand for an additional 177,000 office jobs (58% of total office-based employment growth), and up to 3,070,000 sq.m. of office floorspace (gross) out of a London-wide total of 303,000 additional jobs and 5,240,000 sq.m. of office floorspace.

57 The applications propose the development of a range of employment generating land uses, including: up to 130,940 sq.m. of B1 office space and up to 18,390 sq.m. of retail, financial and professional services, restaurants and cafes and hot food takeaways floorspace (Classes A1, A2, A3 and A5) as well as a 150-room hotel. The development has the potential to create around 12,500 jobs, with an office floorspace offer of close to 70,000 sq.m. (GIA), thereby making a greater contribution to B1 office floorspace and employment creation and a significant impact on the capital's economy and the implementation of the London Plan.

Heritage and tall buildings

58 The site contains a number of designated and undesignated heritage assets, including the Grade II Listed Braithwaite Viaduct and the Grade II Listed former forecourt walls and gates (including the Oriel), the majority of which is not used or visible to members of the public. The amended proposals look to secure the long-term viable use of the Listed Arches as retail spaces and restoring the Listed former forecourt walls and gates. The proposals also repair, restore and bring into use several other undesignated heritage assets, such as the Sclater Street weaver's cottages and mission hall, unlisted arches and the historic external walls to the northern edge of the site.

59 The amended applications include tall buildings culminating in the 29-storey 142.4m AOD office building at the western edge of the site. Part of the site is within strategic viewing corridors and the site is also surrounded by Conservation Areas and close to listed buildings. The scale of the buildings has been limited by the level beyond which it could be visible from behind the Tower of London (Grade I listed and World Heritage Site) as viewed from Tower Bridge, a previously identified issue.

60 London Plan policy 7.8 stipulates that development should value, conserve, re-use and incorporate heritage assets and should conserve the significance of heritage assets.

61 The amended scheme has been designed to incorporate the heritage assets as integral elements of the proposed redevelopment. It gives rise to important heritage and views considerations, which must be considered in the context of London Plan heritage policies. As such the amended development continues to give rise to significant impacts on the implementation of London Plan heritage policies.

Transport

62 London Plan Policies 6.1, 6.2 and 6.4 collectively seek to improve the accessibility of the public transport system, increase capacity and integrate transport with new development. The London Plan notes that transport plays a fundamental role in addressing the whole range of its spatial planning, environmental, economic and social policy priorities and it is critical to the efficient functioning and quality of life of London and its inhabitants (London Plan, paragraph 6.2).

63 The applications will make contributions to the local transport network to improve connectivity, safety and permeability for pedestrians and cyclists accessing the scheme or the wider area. The site as it stands is a barrier to movement over a wide area and this scheme would make a significant contribution to enhance local connections and will show a measurable improvement in

Healthy Streets indicators. The introduction of a new pedestrian east-west link meets with one of the principles from the Interim Planning Guidance and OAPF providing a connection between Brick Lane and the Braithwaite Street increasing the accessibility of Shoreditch High Street Station.

64 Further improvements to the transport network are proposed to be provided in the form of enhanced Shoreditch High Street junctions with Commercial Road and Bethnal Green Road alongside other highway works which will improve pedestrian and cyclist comfort, accessibility and safety, and support bus reliability along the rest of Shoreditch High Street.

65 The previous iteration of the scheme was subject to a charge for Crossrail 1, the site falling within the Central London Contribution Area for Crossrail, as defined by the Mayor's SPG Use of Planning Obligations in the Funding of Crossrail, which acted in support of London Plan Policy 6.5. Within the Central London Contribution Area, a charging level of £137 per sq.m. applied to new office floorspace, £88 per sq.m. for new retail floorspace and £60 per sq.m. for new hotel floorspace. The previous application includes an uplift in office and retail floorspace at the site and gave rise to £10,805,170 (at Stage III) contribution towards Crossrail. Therefore, the application was deemed to have the potential to contribute towards the delivery of Crossrail, thus helping to deliver the Mayor's principle transport policy priority within the London Plan.

66 As of 1 April 2019, the Mayor of London Community Infrastructure Levy (MCIL2) superseded the previous Mayoral CIL(MCIL1). In this location, the charging levels are as follows (per sq.m with maximum sum highlighted):

- Office – £185
- Retail – £165
- Hotel – £140

Other development (excluding health and education) – £60 the applications gives rise to an estimated maximum exceeding £31,000,000 (subject to affordable housing relief) towards Crossrail. This and the other transport matters referred to would have a significant impact on the implementation of the London Plan with respect to transport policy.

Summary

Test 7(1)(a) Conclusion

67 As noted, both Borough's recent delivery of housing and affordable housing is below minimum targets and the proposed development has the potential to make a positive contribution to strategic housing and affordable housing numbers. Having regard to the London-wide shortfall against the minimum strategic housing and affordable housing targets more generally, the amended development proposed has the potential to make an important and significant contribution to housing and affordable housing supply in response to London Plan Policies 2.13, 3.3 and 3.11. This is an underutilised, brownfield site in an Opportunity Area, which because of this proposal will be regenerated and become significantly more accessible and is therefore of strategic importance for housing delivery.

68 The delivery of up to 130,940 sq.m. of commercial office will make a significant contribution to the demand for employment generating jobs in the CAZ and City Fringe Opportunity Area having a significant impact on the implementation of policies 2.10, 2.11, 2.13, 2.14, 4.2 and 4.3 of the London Plan. Alongside this, the delivery of retail units, hotel, and associated transport improvements would have a significant impact on the implementation of the London Plan Policies 2.10, 2.11, 2.13, 2.15, 4.5, 6.1 and 6.4. The development would

regenerate and re-use listed heritage assets impacting on the implementation of London Plan policies 7.8 and 7.9

69 Accordingly, it is considered that the scale and nature of the amended proposed development, in terms of its potential to contribute to delivery of market and affordable housing, employment and transport infrastructure, are such that it would have an important and a significant impact on the implementation of the adopted London Plan (in line with the test set out in Article 7(1)(a) of the Order 2008). The application would also contribute towards meeting the adopted Plan's policy objectives for the City Fringe Opportunity Area. As such, it is considered that the test set out within article 7(1)(a) of the 2008 Order is met.

Draft London Plan

70 The draft London Plan produced by the current Mayor was published in December 2017. The third London Plan sets out a strategic vision for the city for the next 20-25 years. The document has recently been considered by an Examination in Public (EiP) which closed in May 2019. The document is a material consideration in planning decisions and some weight can be given to the policies contained. The section below highlights the main changes from the adopted Plan, in terms of the matters raised above.

Opportunity Areas

71 The draft London Plan sets a minimum target of 50,500 new jobs and 15,500 new homes for the City Fringe Opportunity Area, as compared to the London Plan minimum target of 70,000 new jobs and 8,700 new homes for the Plan period. The development would at the maximum levels proposed, realise some 25% of the jobs target and 3% of the draft London Plan targets for the City Fringe area on a 0.5% piece of City Fringe land. In both respects the impact of the proposal on the implementation of the draft London Plan would be significant.

Housing delivery and targets

72 Draft London Plan Policy H1 (Increasing Housing Supply) sets ten-year targets for net housing completions, which each borough should plan for. Part B2 of the Policy requires boroughs to optimise the potential for housing delivery on all suitable and available brownfield sites. The Strategic Housing Market Assessment (SHMA) that supports the draft London Plan identifies a need for 66,000 net additional homes per year. Draft London Plan Policy H5 sets a strategic target for 50% of all new homes delivered across London to be affordable, although the SHMA recognises that the actual need is higher, at circa 43,500 affordable homes per year.

73 The draft London Plan proposes to amend the ten-year target to 13,300 for Hackney and 35,110 for Tower Hamlets, annualised as 1,300 and 3,511 per year which in terms of affordable homes would equate to 650 and 1,756 per year. The target number for homes delivery is down 2,688 for Hackney and 4,204 for Tower Hamlets from the current London Plan. This scheme has the potential to deliver 500 units, of which 228 would be affordable, which would represent 17% and 6% of Hackney's and Tower Hamlets' yearly affordable housing target respectively. Whilst lower than previously considered, the number of homes to be delivered on this development site would make an important contribution of the draft London Plan in this regard.

London's economy

74 Draft London Plan policy GG4 requires that those involved in planning and development must plan for sufficient employment space in the right locations to support economic development and regeneration. Policies SD4 and SD5 of the draft Plan support the unique role of the CAZ and the enhancement and provision of offices, cultural uses, night-time economy and tourism

functions. SD4 supports the enhancement of the public realm in the CAZ and together with the reduction of traffic dominance as part of the Healthy Streets Approach. SD5 states that new residential development should not compromise the CAZ and that offices and other CAZ strategic functions are to be given greater weight relative to new residential development in locations including the commercial core of the City Fringe OAPF which includes this site.

75 Projections within the draft London Plan, suggest that the total number of jobs in London could increase from 4.9 million in 2011 to 6.9 million by 2041. Table 6.1 of the draft London Plan projects demand until 2041 at 367,700 office jobs (59% of total office-based employment growth), and up to 3,500,000 sq.m. of office floorspace. Whilst retaining an important quantum of residential development, the office and complimentary CAZ uses now proposed will have a significant impact on the implementation of the draft London Plan.

Heritage

76 Draft London Plan policy HC1 notes that development proposals affecting heritage assets and their setting should conserve their significance by being sympathetic to the assets' significance and appreciation within their surroundings. The policy also notes that proposals should seek to avoid harm and identify enhancement opportunities by integrating heritage considerations early in the design process. This proposal seeks to re-use and integrate two listed structures at risk into the development. Subject to full assessment, the amended applications are considered at this stage to represent a positive and more complete opportunity to re-use of heritage assets and have the potential to make a significant contribution to draft London Plan objectives.

Transport

77 Draft policy T2 notes that, development proposals should deliver patterns of land use that facilitate residents making shorter, regular trips by walking or cycling. In Opportunity Areas, new and improved walking, cycling and public transport networks should be planned at an early stage, and demonstrate how they deliver against the ten Healthy Streets Indicators. This proposal adjacent to a London Overground station in a very accessible location will make a significant contribution to the improvement of the pedestrian environment enhancing east-west connectivity and offer enhanced cycling facilities whilst making important contributions to Crossrail funding. As such the development would work to implement draft London Plan aspirations.

Statutory test 7(1) (b): development likely to affect any other boroughs

78 Para 7(4) of the Order sets out that where a development falls within Category 1A of the Schedule, namely that over 150 homes will be delivered, this test does not apply. As the application is for up to 500 homes, this test does not need to be applied.

Statutory test 7(1) (c): Sound planning reasons for intervening

79 Paragraph 7(1)(c) 2008 Order sets out that the Mayor may exercise his power to become local planning authority where he considers that there are sound planning reasons. It is appropriate for the reasons outlined above for the Mayor to re-consider the application in light of the amendments submitted and in particular reconsider the reasons as to whether to remain the local planning authority for the purposes of these applications. As established above, the regeneration of this site and the development proposed is considered to have strategic importance for the delivery of private and affordable housing and has the potential to make a significant contribution to London's economy and employment objectives. The development would also provide significant public open space, retail and hotel floorspace, enhanced transport connections and facilities and

social infrastructure. The amended scheme whilst offering a different balance between economic and housing benefits continues to represent a scheme of strategic importance which merits retention. The housing numbers proposed will have a considerable impact on local and strategic housing targets whilst the enhanced employment offer will realise significant contributions to jobs and the continued economic success of the locality and London more widely. In doing so it would support the delivery of the City Fringe Opportunity Area objectives, support the Central Activities Zone and would have significant impact on the implementation of the London Plan and as well as the draft London Plan.

80 In addition, the submission has rested with GLA officers for some time with the active involvement of officers from both Council. The continuation of this process is considered both consistent with enabling expeditious decision making and this factor of itself amounts to a sound reason for the Mayor continuing as local planning authority for the application.

81 It is noted that the Direction to act as the local planning authority for the purposes of determining these applications was issued pursuant to a request made under Article 7(6) of the 2008 Order and in the accompanying report to the previous Mayor timely decision making was considered. Whilst it is noted that the application has remained un-determined since the September 2015 call in, GLA officers have made a recommendation in that time and a Representation Hearing was arranged in April 2016 and subsequently deferred at the request of the applicant. GLA officers have subsequently worked positively and proactively with the applicant and both Councils to address the concerns with the previous scheme. It is considered that should the Mayor continue to act as the local planning authority it would minimise any potential for delays in decision making.

82 Given the scale and importance of this proposal and the Mayor's involvement thus far in its consideration, there remains sound planning reasons for the Mayor continuing to be local planning authority.

Matters which the Mayor must take into account

83 The Mayor must take account of the Council's current and past performance against development plan targets for new housing and affordable housing. The Mayor must also take account of any other targets set out in the development plan which are relevant to the subject matter of the application.

Achievement of development Plan targets for housing, including affordable housing

84 In this case the relevant development plan targets relate principally to supply of net additional homes and net additional affordable homes. The relevant targets in this regard are set out within paragraph 47 above. The London Plan Table 3.1 states that the housing target for Hackney is a minimum of 1,599 units/year until 2025 and a minimum of 3,931 homes/year for Tower Hamlets. The tables below set out the performance of Tower Hamlets and Hackney respectively for planning approvals for the last three years for which reliable data is available, from 2014/15 to 2016/17.

Net Approvals	2014-2015	2015-2016	2016-2017	total	Performance against target
<i>Homes target</i>	<i>1,160</i>	<i>1,599</i>	<i>1,599</i>	<i>4,513</i>	161% of target
Homes approved	3,345	1,842	2,076	7,263	(+2,750 units)
<i>Affordable homes target</i>	<i>580</i>	<i>800</i>	<i>800</i>	<i>2,180</i>	17% of target
Affordable homes consented	-194	290	267	363	(-1,817 units)

Table 4: total housing approvals for LB Hackney against London Plan housing and Local Plan affordable housing targets (source: London Development Database)

Net Approvals	2014-2015	2015-2016	2016-2017	total	Performance against target
Homes target	2,285	3,931	3,931	10,747	256% of target (+16,161 units)
Homes approved	12,974	6,189	8,377	27,540	
Affordable homes target	1,443	1,966	1,966	5,375	95% of target (-254 units)
Affordable homes consented	2,450	785	1,886	5,121	

Table 5: total housing approvals for LB Tower Hamlets against London Plan housing and Local Plan affordable housing targets (source: London Development Database)

85 The tables above show that the record of planning approvals over the past 3 years has been healthy in both boroughs, both exceeding overall London Plan targets, save for the proportion of affordable housing units which in Tower Hamlets are broadly in accordance with targets but which in Hackney which are significantly below expectations. Through the use of shared nomination rights, this development would serve to make a positive contribution to this shortfall.

Office/employment targets

86 London Plan Table 1.1 projects a 14.4% growth in employment within Tower Hamlets by 2036, and 11.6% for Hackney. London Plan Table 4.1 identifies demand for up to 3,070,000 sq.m. of office floorspace in the CAZ and the north of the Isle of Dogs by 2031. At the local level, Hackney Council policy CS17 expects to deliver approximately 407,000 sq.m. to encourage economic development and meet employment demand with a predicted 18,000 new jobs created in the borough between 2006 and 2026. Tower Hamlets Strategic Objectives 15 and 16 seek to deliver successful employment hubs including supporting the City Fringe, while Policy SP06 seeks to maximise and deliver investment and job creation, supporting, maximising and promoting the competitiveness, vibrancy and creativity of the Tower Hamlets economy. No targets are set in terms of employment floorspace or job numbers. Policy S.EMP1 of the emerging Local Plan however identifies a new jobs target of 125,000 until 2031, with new employment space being supported in designated employment locations, one of which includes this site.

87 In terms of the London Plan, the latest AMR (no.14) sets out information about progress being made in implementing the policies and addressing the objectives of the London Plan. Performance Indicator (KPI) 8 sets out a target to ensure that there is sufficient development capacity in the office market which is that the stock of office planning permissions should be at least three times the average rate of starts over the previous three years. KPI 17 looks to increase the number of jobs located in areas of high PTAL values with a target of 50% of B1 development to be built in PTAL areas of 5-6.

88 Tower Hamlets Annual Monitoring Report (2016-17), Table 10, notes that across the borough there was a net loss in terms of completions of 21,976 sq.m. of B1(a) employment space during the monitoring period amidst a total loss of 43,419 sq.m. of employment (B use class) floorspace. During the same year, a net 71,288 sq.m. of office space was approved in the borough (Table 9). The AMR notes that, *“there is a need to strengthen local policy if we are to ensure that local people and the growing population of the borough are to have access to jobs”*.

89 The Hackney AMR (2017/18) notes (Table 6.1) that between 2013 and 2017 that there was a significant loss of employment (B-use class) space in the borough as a whole, falling by 50,621 sq.m. in that period. Hackney Local Plan policy seeks to protect areas of high levels of business floorspace, i.e. Priority Employment Areas (PEA's), and seeks increased employment

floorspace in these locations. In that regard, there is record of a significant loss of employment floorspace in PEA's including a loss of 5,227 sq.m. of employment space in the Shoreditch PEA, which includes this site. For 2017/18, whilst the quantum of B1a (office) space rose 249 square metres across the borough, the total for the Shoreditch area dropped by 2,236 sq.m. In terms of forthcoming development, the AMR notes the significant upturn in the quantum of approved employment floorspace in the Borough with approximately 192,953 sq.m. net of employment floorspace approved, 80% of which is in the Shoreditch PEA, almost all of which is B1a use. Hackney's Employment Land Study suggest a strong need for B1a office (a minimum of 117,000sqm). The AMR notes that in response to this evidence on employment needs, a more refined approach to the Council's employment policy has been taken in the draft Hackney Local Plan (LP33). The borough's designations have been redefined to comprise of Priority Office Areas (POAs), Priority Industrial Areas (PIAs) and Locally Significant Industrial Sites (LSIS). Within POAs, employment led development is required (with an emphasis on office delivery). The Bishopsgate Goods Yard site lies within an emerging POA.

90 In the latest London Plan AMR (no. 14) KPI 8 is shown to being met comfortably with the ratio of permissions to average three years starts at end 2017 comfortably ahead of the benchmark target of 3:1 at 5.4:1 (Table 2.9). Unimplemented office permissions at year end 2017 totalled 3,833,215 sq. m. (compared to 3,517,880 sq. m. at the end of 2016). The 2017 figure compares to a ten-year average of 3,780,000 sq. m. The quantum of consented developments rises significantly in 2019 and 2020 before falling back in 2021 and 2022. The AMR notes that if demand for office floorspace is maintained at recent levels, the market is potentially moving into a supply constrained phase. As regards KPI17, 67% of all B1 Business floorspace approved during 2016/17 is located in areas with a Public Transport Access Level of 5/6, well above the benchmark target of 50% and 2% below the previous year's figure. When just offices are considered, the figure rises to 74%, up 1% on the previous year. 2.78 The majority (62%) of the office floorspace approved in 2016/17 is in the CAZ.

91 The proposed (up to) 130,940 sq.m. of B1a office floorspace would make a contribution to London Plan and Local Plan targets for employment generation in this highly accessible location of a form appropriate to the City Fringe and to the Local Plan designations.

Heritage and tall buildings

92 According to the latest AMR, Hackney had 29 sites on the Heritage at Risk Register operated by Historic England down from 31 the previous year. In Tower Hamlets the number at risk was also 29, 1 greater than previously monitored. Both Boroughs have strategic policies that serve to protect and enhance their heritage assets (Hackney CS25, Tower Hamlets SP10). In terms of the London Plan, KPI24 target is for a reduction in the proportion of designated heritage assets at risk as a percentage of the total number of designated heritage assets in London. AMR no 14 notes that the percentage of designated assets at risk remains from the previous year at 3%, slightly above the 2.85% average since 2011/12. This proposal would redevelop, re-use and integrate 2 listed structures currently at risk and in so doing contribute to London Plan and Local Plan targets.

Transport

93 London Plan KPI 13, sets a target of raising the use of public transport in the city by a greater amount than the use of the private car per head. Since 2001, use of public transport per head has grown by over 32%, whilst private transport use per head has decreased by almost 23%, however in 2016/17 the first rise in year-on-year private car use (0.4%) was experienced at the same time that there was a 4% decrease in public transport use. KPI 14 which targets a zero-car traffic growth for London, showed an increase of 1.4% in 2016/17 KPI 15 Increase the share of all trips by bicycle from 2 % in 2009 to 5 % by 2026. The latest figures show that in 2016 there were 730,000 cycle journey stages in London on an average day, which is nearly a 9 % increase on 2015.

94 Hackney Council's Core Strategy Policy 6 seeks to reduce the need to travel, particularly by the car and ensure that developments provide high quality design and facilities for pedestrians and cyclists. Hackney's AMR for 2017/18 notes the reduction in car ownership and traffic levels in the Borough and increased levels of walking and cycling, with the highest level of active travel (50%) in London between 2014 and 2017. Increased rail usage is also noted with a close to an additional 200,000 entry/exits at Shoreditch High Street Station in 2017/18 alone, compared to the previous year. In 2017/18, 88% of all planning approvals for new residential schemes were car-free (this excludes accessible users) demonstrating the effectiveness of policy on new development. In Tower Hamlets, the picture is much the same. Core Strategy Objectives 19, 20, and 21 seek to deliver an accessible, efficient, high quality, sustainable and integrated transport network which is easy to move around by bike and foot and to create streets and spaces which promote social inclusion and interaction. The Council's AMR notes that the number of cycle hire stations in the borough decreased from 116 to 112 in the monitoring period although several upgrades to cycle infrastructure were made.

95 The proposal will provide for a limited number of car parking spaces, specifically for accessible users but be otherwise car-free with 3,180 cycle spaces and additional 2 bike docking stations (30 in total), on a development site with a PTAL of 6a-6b and encompassing an Overground Rail Station. The additional east-west links at ground and podium level will encourage greater pedestrian connectivity for local residents, occupiers and visitors. Therefore, it is considered that the development's form and position would make a significant contribution to London Plan and Local Plan sustainable travel targets.

Update on outstanding issues

96 The proposal has been amended from that presented at the previous Stages 1, 2 and 3. Substantial work has been undertaken by the applicant to address the key issues which at Stage 3 were the subject of the recommendation to refuse from GLA Officers. The scale of the development has been reduced in response in order to limit amenity impacts on daylight/sunlight for neighbouring occupiers although further testing in this regard is required. Furthermore, the full integration of the listed heritage assets into the design of the scheme and the impact on wider heritage assets remain to be fully assessed but the general approach, reached in conjunction with the GLA and the Councils is encouraging. The final affordable housing offer remains an outstanding issue, along with detailed matters relating to securing affordable workspace, urban design, design codes and details, section 106 contributions, the transport strategy and matters relating to climate change and the environment. Should the Mayor decide to remain as the local planning authority he will have to satisfy himself that these strategic matters are satisfactorily addressed. He will have to determine the applications in accordance with the Development Plan, unless material considerations indicate otherwise, have special regard to the desirability of preserving listed buildings, their settings or any features of special architectural or historic interest they possess and pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Consultation

97 The applications have to date undergone three sets of public consultation, two whilst resting with the Councils and one in January 2016 following the receipt of an Environmental Statement Addendum conducted by the GLA. The results of the consultation exercises are summarised in the accompanying Stage 3 report (paras. 99-182). The Councils took the applications to their Planning Committees post call-in in December 2015 each recommending that the Mayor refuse the applications (planning and listed building) for reasons which are detailed in the attached Stage 3 report (Paras 67-70).

98 Subsequent to the hearing deferral the GLA maintained dialogue with the developer in consultation with the Councils. In September 2017, a set of joint borough priorities for a future application or amended proposal were set out. The document lists 16 priorities including the statements that *“the development should provide a mixed use development which strikes a positive and appropriate balance between optimising housing numbers and maximising employment space”* and that, *“ The maximum feasible amount of employment space should be provided, to meet the strategic employment function of the Central Activities Zone, City Fringe, Hackney Priority Employment Area, and wider Tech City”*.

99 Both Councils have engaged fully with GLA Officers and the applicant in the discussions that have taken place since August 2018 to work up a proposal for an amended submission, having open invitations to the regular meetings with the applicant, and being invited to be present at Mayoral Design Reviews and other meetings involving advisors (such as Daylight/Sunlight consultants). This collaborative approach has been constructive and has provided a cohesive and joined up approach to the negotiations, avoiding the competing demands of applications handled separately by Councils and the GLA. It is considered that the retention of the scheme by the Mayor as the local planning authority will ensure continuity and consistency in this regard. The Councils will continue to have full involvement in discussions going forward and the amended proposals will be reviewed by the respective Planning Committees for their observations ahead of the Representation Hearing. The applicant has undertaken two rounds of public consultation ahead of this amended submission, inviting local residents, businesses and groups to public exhibitions close to the site. A full and statutory compliant consultation exercise following the form and scope of those held previously will be undertaken by GLA Officers to ensure all stakeholders are invited to review and comment on the amended proposal ahead of the Representation Hearing.

Legal considerations

100 Under Article 7 of the Order the Mayor could continue to act as the local planning authority for these applications provided the policy tests set out in that Article are met. In the specific circumstances of this amended applications, GLA officers consider that they are met, for the reasons set out in this report.

101 As set out earlier in this report, GLA officers consider that the Mayor has implied power to withdraw a direction made under Article 7 of the Order that he is to act as the local planning authority and that power can be exercised if there are sound planning reasons to do so.

102 It is considered that ordinarily there would be good reasons for the new Mayor to determine a PSI application called-in by his/her predecessor and that the implied power to “hand back” a PSI called-in application to the originating local planning authority, should only be used sparingly as an exceptional course of action. It is appropriate for the reasons outlined above for the Mayor to reconsider the application in light of the amendments submitted and in particular reconsider the reasons as to whether to remain the local planning authority for the purposes of these applications. In this instance, for the reasons set out in this report, there are considered to be sound planning reasons for the Mayor to retain jurisdiction over the applications and connected applications as amended.

Financial considerations

103 Should the Mayor retain jurisdiction over the applications he would be responsible for holding the deferred representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs Hackney and Tower Hamlets Councils to do so) and determining any approval of details (unless the Councils agree to do so).

Conclusion on Mayor remaining local planning authority for the applications

104 Having regard to the details of the applications and the amended development proposed, to the matters set out in Article 7(3) of the Mayor of London Order 2008, to the relevant planning issues, it is concluded that the nature of the proposed development and the issues raised remain such as to give rise to a significant impact on the implementation of the London Plan (as well as having a similar impact on the draft London Plan), in particular with respect to the delivery of Opportunity Area objectives, housing and affordable housing, employment floorspace and jobs, heritage and transport. As set out above, there are sound planning reasons for the Mayor retain jurisdiction over the applications and connected listed building consent applications.

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