

BGY Plot 1 RMA

Planning Compliance Statement

December 2023

DP9 Ltd

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1. Introduction

- 1.1 This Planning Compliance Statement has been prepared by DP9 Limited on behalf of Bishopsgate Goodsyrd Regeneration Limited (“the Applicant”) to support the Reserved Matters Applications (“RMAs”) for the development of Plot 1 at the former Bishopsgate Goodsyrd site (“the Site”).
- 1.2 The Site lies across the boundary between London Borough of Hackney (“LBH”) and London Borough of Tower Hamlets (“LBTH”). As such, identical planning applications were submitted to both LBH and LBTH in 2014 (LBH ref. 2014/2425; LBTH ref. PA/14/02011) in October 2014 for the comprehensive redevelopment of,
- 1.3 *“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.”*
- 1.4 In September 2015, the Mayor of London concluded that he would act as the local planning authority for the purpose of determining the planning applications and conducted a Hearing in December 2020 where the Mayor resolved to grant planning permission in respect of the applications (“the OPPs”), subject to the prior completion of a s106 agreement. The Mayor also resolved that the reserved matters applications would be submitted to and determined by the Mayor, unless he directs LBH or LBTH to do so.
- 1.5 The s106 Agreement was completed and the OPPs were issued on 25th March 2022. The GLA references for the planning permissions are LBTH planning permission (“LBTH OPP”) GLA/1200cd/12 and LBH OPP (“LBH OPP”) GLA/1200cd/11.
- 1.6 The OPPs granted consent with all matters reserved, for the following:

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

- *Residential (C3) – up to 500 residential units;*
- *Business use (B1) – up to 130,940 sq.m (GIA);*
- *Hotel (C1) – up to 11,013 sq.m. (GIA);*
- *Retail, financial and professional services, restaurants and cafes and hot food takeaway (A1, A2, A3 and A5) – up to 18,390 sq.m. (GIA) of which only 3,678 sq.m. (GIA) can be A5;*
- *Non-residential institutions (D1) / assembly and leisure (D2) – up to 6,363 sq.m. (GIA);*
- *Public conveniences (sui generis) – up to 298 sq.m. (GIA);*
- *Basement, ancillary and plant space – up to 21,216 sq.m. (GIA);*
- *Formation of a new pedestrian and vehicular access and means of access and circulation within the site and car parking; and*
- *Provision of new public open space and landscaping. The application proposes a total of 10 buildings that range in height, with the highest being 142.4 metres above ordnance datum (AOD) and the lowest being 29.2 metres AOD.*

All matters reserved save that FULL DETAILS for Plot 2 are submitted for alterations to, and the partial removal of, existing structures on site and the erection of a building for office (Class B1)



and retail use (Class A1, A2, A3, A5) comprising a part 17, part 29 storey building; and Plot 7 comprising the use of the ground level of the Braithwaite Viaduct for retail and food & drink uses (A1, A2, A3, A5) and works to and use of the Oriel and adjoining structures for retail and food & drink uses (A1, A2, A3, A5).”

1.7 Condition 4 of the LBH OPP states,

1.8 *“The first application for approval of the Reserved Matters shall be made to the GLA (or the Local Planning Authority, where this has been agreed in writing by the GLA) before the expiration of three years from the date of this outline permission. All other applications for Reserved Matters shall be submitted before the expiration of two years from the date of approval of the previous Reserved Matters application. Application for approval of the last reserved matters must be made to the GLA (or the Local Planning Authority, where this has been agreed by the GLA) within ten years of the date of this permission.”*

1.9 Condition 4 of the LBTH OPP states,

1.10 *“The first application for approval of the Reserved Matters shall be made to the GLA (or the Local Planning Authority, where this has been agreed in writing by the GLA) before the expiration of three years from the date of this outline permission. All other applications for Reserved Matters shall be submitted before the expiration of two years from the date of approval of the previous Reserved Matters application. Application for approval of the last reserved matters must be made to the GLA (or the Local Planning Authority, where this has been agreed by the GLA) within ten years of the date of this permission.”*

1.11 As such, in line with the terms of the OPPs, the RMAs are being submitted to the GLA as the determining planning authority pursuant to the above planning conditions. Identical RMAs are submitted pursuant to the above planning conditions for the LBH OPP and the LBTH OPP.

Non-Material Amendments to the OPPs

1.12 The OPPs have been amended by identical non-material amendments granted by LBH (2023/2566) and LBTH (ref. PA/23/02025). The scope of the non-material amendment was to amend the relevant consented parameter plans to reflect the proposed design submitted under the RMAs as follows:

Extensions beyond the Maximum Parameters

- Lobby extension at ground floor brought outwards to the east, closer to the London Overground Station;
- Changes to the façade, services, structure and floorplate around the station and railway infrastructure. Previously the maximum parameters included a gap (‘the exclusion zone’) between the Plot 1 building and the overground box. This has been brought down to the top of overground box to allow the installation of services between the building and the overground box; and
- Amendment to the northern façade to align the plinth and upper structure.



Reductions beyond the Minimum Parameters

- Amendment to the annotated minimum parameter to allow for curved corners of the building onto Shoreditch High Street;
- Recessed façade on the southern side of the Plot 1 building at ground;
- Additional space made for the loading bay at ground level; and
- Approximately 400mm recess on the western elevation of levels 6 and 7 inside the minimum parameter.

1.13 As such, references throughout the RMAs to the 'OPPs' are in respect of the OPPs, as amended by the non-material amendments.

The Reserved Matters Applications

1.14 Pursuant to conditions 3 of both OPPs, as amended, approval is sought for the following:

1.15 *"Details of the access, appearance, landscaping, layout and scale, (hereinafter called "the Reserved Matters") for the part of the site not identified on drawings BGY-FBA-00-00-DR-A-00-0023 Rev P1 and BGY-FBA-00-00-DR-A-00-0024 Rev P1 as forming the detailed component of the application shall be submitted to and approved in writing by the Greater London Authority (hereinafter called "the GLA"), or the Local Planning Authority where this has been agreed in writing by the GLA, before any development of the relevant outline component begins and the development shall be carried out as approved."*

1.16 Note that for that part of the RMA site within LBH, the proposed development comprises the following mix of uses:

- 38,985 sqm (GIA) of Business Use (Class B1);
- 577 sqm (GIA) of Retail Use (Class A1, A2, A3)
- 5,241 sqm (GIA) of ancillary and plant space.

1.17 Note that for that part of the RMA site within LBTH, the proposed development comprises the following mix of uses:

- 9,243 sqm (GIA) of Business Use (Class B1);
- 134 sqm (GIA) of Retail Use (Class A1, A2, A3)
- 791 sqm (GIA) of ancillary and plant space.

1.18 Alongside this Planning Compliance Statement, the following documents are submitted in support of the RMAs:

- Reserved Matters Application Forms; (one form for LBTH and one form for LBH);



- CIL Forms; (one form for LBTH and one form for LBH);
- Application Drawings, prepared by Gensler and Buckley Gray Yeoman and Spacehub;
- Air Quality Positive Statement, prepared by Temple;
- Environmental Compliance Report, prepared by Temple;
- Design Overview Statement, prepared by Gensler and Buckley Gray Yeoman
- Landscape and Public Realm Strategy, prepared by Spacehub;
- Planning Compliance Statement, prepared by Dp9 Limited;
- Transport Assessment, prepared by WSP Transport, including;
 - o Delivery and Servicing Plan, prepared by WSP Transport;
 - o Car and Cycle Parking Management Plan, prepared by WSP Transport;
 - o Travel Plan, prepared by WSP Transport;
 - o Outline Construction Logistics Plan, prepared by WSP Transport
- Energy Strategy addendum, prepared by Hoare Lea;
- Sustainability Strategy; prepared by Hoare Lea;
- Circular Economy Statement, prepared by Temple;
- Whole Life Carbon Assessment, prepared by Temple;
- Statement of Community Involvement, prepared by Cascade Communications.

1.19 The remainder of this Statement is structured as follows:

- Section 2 provides a summary of the OPPs;
- Section 3 provides a description of the proposed development and an assessment of the proposed development against the OPPs;
- Section 4 sets out the technical assessments included within this Planning Compliance Statement.



2. The Outline Planning Permissions

- 2.1 The OPPs granted consent for the comprehensive redevelopment of the Site, as previously described. The OPPs set the parameters for the layout, scale, access, appearance, and landscaping of the Proposed Development (“Approved Parameters”). In short, the OPPs set the rules within which the detailed proposals submitted as part of RMAs will need to comply.
- 2.2 As set out under condition 1 on both OPP decision letters, the Proposed Development shall be carried out in accordance with the approved plans, unless otherwise agreed in writing with the Local Planning Authority. Whilst not listed on the OPP decision letters, the OPPs are also controlled by ‘Control Documents’ which were submitted with the planning applications and include:
- The Parameter Plans;
 - The Development Specification;
 - The Design Guide.
- 2.3 The OPPs contained a number of planning conditions which require particular details to be submitted at RMA stage. The RMAs address the requirements of the following conditions, as summarised in the table below.

LBH Planning Permission		LBTH Planning Permission	
<i>Condition</i>	<i>Topic</i>	<i>Condition</i>	<i>Topic</i>
18 a)	Cycle Parking Provision	17	Cycle Parking Provision
34	Air Quality Monitoring	36	Air Quality Monitoring
42	Energy Strategy	44	Energy Strategy
44	Photovoltaics	46	Photovoltaics
49	Circular Economy (Outline Elements)	51	Circular Economy (Outline Elements)
54	Urban Greening Factor	55	Urban Greening Factor
67	Accessible Car Parking	68 b)	Accessible Car Parking
72	Sustainability Strategy	72	Sustainability Strategy



3. Planning Policy Update

- 3.1 The Development Plan for the Site at the time the OPPs were granted in March 2022 comprised the following:
- National Planning Policy Framework (“NPPF”) (2021);
 - London Plan (2021);
 - The Tower Hamlets Local Plan 2031 (2020);
 - The Hackney Local Plan 2033 (2020).
- 3.2 Since that time, the only Development Plan documents that have been superseded by updated versions is the NPPF, most recently published in September 2023.
- 3.3 The primary consideration for the RMAs is to meet the requirements of the OPPs (i.e. to ensure compliance with the OPP documents and relevant planning conditions).
- 3.4 The remainder of this Statement sets out the compliance of the proposal with the approved OPP Control Documents and conditions.



4. The Proposed Development and Assessment against the OPPs

4.1 The Site

4.2 The RMAs site comprises Plot 1 located on the south side of Bethnal Green Road, at the junction with Shoreditch High Street and opposite the Tea Building.

4.3 The building is proposed to straddle the Overground Box with a taller element to the east towards Shoreditch High Street station which would also be located within the Plot 1 structure. The Design Guide provides further control over the approach to scale, form, composition and materiality.

4.4 The building is subject to a number of restrictions in terms of its relationship with Overground infrastructure, being subject to a 2 metre exclusion zone to allow for full access to the Overground Box and also subject to restrictions to allow for exit/entrance to the station, including escape routes.

4.5 The Proposed Development

4.6 The description of development for the Plot 1 RMAs is as follows:

4.7 *“Details of all reserved matters (Access, Appearance, Landscaping, Layout and Scale) in respect of Plot 1, pursuant to LB Tower Hamlets outline planning permission ref PA/14/02011 (GLA ref. GLA/1200cd/12); LB Hackney planning permission ref. 2014/2427 (GLA reference GLA/1200cd/11) dated 25/03/2022, for the erection of a building comprising office floorspace (Class B1), retail uses (Use Class A1-A5), plant and ancillary space landscaping, public realm, and all associated works.”*

4.8 Principle of Development

4.9 The RMA site sits entirely within the boundary of the OPPs and has been granted approval for redevelopment as part of the comprehensive redevelopment of Bishopsgate Goodsyrd. The principle of redeveloping the site has been established by the OPPs and compliance with the OPPs is set out below and also within the Design and Access Statement accompanying the RMAs.

4.10 Proposed Floorspace

4.11 Table below shows the total quantum of floorspace for Plot 1 set within the context of the overall floorspace permitted by the OPPS:

Table 1 – Total Proposed Floorspace

Floorspace	Proposed RMAs Floorspace (sqm GEA)	OPPS Development Specification (sqm GEA)	Compliance
Total Floorspace (sqm GEA)	58,263 (rounded)	61,572	Yes



4.12 Land Use

4.13 The RMAs propose two land uses, plus ancillary plant. Table 2 below sets out how the Proposed Development complies with the maximum floorspace in the Development Specification:

Table 2 – Land Use

Land Use	Proposed RMAs Floorspace (sqm GEA)	Development Specification Maximum (sqm GEA)	OPPs Compliance
Office (B1)	51,039	54,230	Yes
Retail (A1, A2, A3, A5)	831	945	Yes
Plant/Ancillary	6,392	7,038	Yes

Table 3 – Land Use Split by LBH and LBTH

Land Use	LBH		LBTH		OPPs Compliance
	Proposed Floorspace (sqm GEA)	Development Specification Maximum (sqm GEA)	Proposed Floorspace (sqm GEA)	Development Specification Maximum (sqm GEA)	
Office (B1)	41,059	116,201	9,973	22,822	Yes
Retail (A1, A2, A3, A5)	639	4,870	149	14,677	Yes
Plant/Ancillary	5,463	12,752	11,052	8,464	Yes

4.14 As demonstrated above, the Proposed Development is in compliance with the OPPs Development Specification in respect of the proposed maximum quantum of floorspace and land use.

4.15 Compliance with Conditions under the OPPS

4.16 The table below sets out the relevant conditions on the OPPs to be included as part of the RMAs

Table 4 - LBH OPP Conditions Requirements

LBH OPP Condition	Condition Wording	Submitted with RMA
18 a)	Cycle parking provision Each Reserved Matters application shall include sufficient detail to demonstrate that a policy compliant level of cycle parking is provided, including detailed drawings, access and shower / changing facilities for non-residential uses.	Yes
34	Air quality monitoring Each Reserved Matters submission shall be accompanied by an updated air quality assessment which sets out a detailed assessment of air quality impacts of the relevant phase / building. Any updated assessment shall be informed by a programme of air quality monitoring, shall demonstrate how each relevant phase / building will be air quality neutral and shall set out any	Yes



	necessary mitigation measures. The updated air quality assessment shall be implemented as approved.	
42	<p>Energy strategy for Reserved Matters</p> <p>Each Reserved Matters submission shall be accompanied by an energy addendum which details how it accords with the site-wide Energy Strategy (including with regard to overheating) and demonstrates how the relevant phase / building meets the relevant carbon emission reductions targets. This should also address the policy requirements in place at the time of the reserved matters application. Any addendum shall also demonstrate that:</p> <ul style="list-style-type: none"> • the energy efficiency targets (Be Lean) have been achieved. • the proposed heating strategy for Reserved Matters applications: <ul style="list-style-type: none"> ○ is the optimal solution in the context of the wider site, considering network flow and return temperatures and connections to earlier and later phases ○ will facilitate the creation of the masterplan site heat network ○ will facilitate the future connection to wider heat networks ○ will facilitate heat sharing where possible • solar PV provision has been maximised. <p>Where the energy addendum demonstrates that the relevant phase will not comply with the energy reductions targets specified, a carbon offset payment shall be required.</p>	Yes
44	<p>Photovoltaics</p> <p>Each Reserved Matters application shall demonstrate how the provision of photovoltaic panels has been maximised, having regard to rooftop amenity, MEP and access requirements.</p>	Yes
49	<p>Circular Economy Statement (outline elements)</p> <p>Each application for reserved matters shall be accompanied by a detailed Circular Economy Statement and Operational Waste Management Strategy in line with the GLA's Circular Economy Statement Guidance, which shall be submitted to and approved in writing by the Local Planning Authority. The statement shall adhere to the principles set out in the draft Circular Economy Statement. The development shall be carried out in accordance with the details so approved.</p>	Yes
54	<p>Urban Greening Factor</p> <p>Each Reserved Matters application shall demonstrate how urban greening has been maximised, with a target of achieving an Urban Greening Factor score of 0.3.</p>	Yes
67	<p>Accessible car parking</p> <p>Each Reserved Matters application shall be accompanied by a parking design and management plan, which shall set out measures to increase accessible car parking provision (for all uses) either on site (including use of service bays) or off site through conversion of on-street bays. The measures shall be implemented as approved.</p>	Yes
72	<p>Sustainability Strategy</p> <p>Notwithstanding the Sustainability Strategy hereby approved, a revised Sustainability Strategy shall accompany each Reserved Matters application for subsequent approval by the Local Planning Authority as part of that process.</p>	Yes



Table 5 - LBTH OPP Conditions Requirements

LBH OPP Condition	Condition Wording	Submitted with RMA
17	<p>Cycle parking provision</p> <p>Each Reserved Matters application shall include sufficient detail to demonstrate that a policy compliant level of cycle parking is provided, including detailed drawings, access and shower / changing facilities for non-residential uses.</p>	Yes
36	<p>Air quality monitoring</p> <p>Each Reserved Matters submission shall be accompanied by an updated air quality assessment which sets out a detailed assessment of air quality impacts of the relevant phase / building. Any updated assessment shall be informed by a programme of air quality monitoring, shall demonstrate how each relevant phase / building will be air quality neutral and shall set out any necessary mitigation measures. The updated air quality assessment shall be implemented as approved.</p>	Yes
44	<p>Energy strategy for Reserved Matters</p> <p>Each Reserved Matters submission shall be accompanied by an energy addendum which details how it accords with the site-wide Energy Strategy (including with regard to overheating) and demonstrates how the relevant phase / building meets the relevant carbon emission reductions targets. This should also address the policy requirements in place at the time of the reserved matters application. Any addendum shall also demonstrate that:</p> <ul style="list-style-type: none"> • the energy efficiency targets (Be Lean) have been achieved. • the proposed heating strategy for Reserved Matters applications: <ul style="list-style-type: none"> o is the optimal solution in the context of the wider site, considering network flow and return temperatures and connections to earlier and later phases o will facilitate the creation of the masterplan site heat network o will facilitate the future connection to wider heat networks o will facilitate heat sharing where possible • solar PV provision has been maximised. <p>Where the energy addendum demonstrates that the relevant phase will not comply with the energy reductions targets specified, a carbon offset payment shall be required.</p>	Yes
46	<p>Photovoltaics</p> <p>Each Reserved Matters application shall demonstrate how the provision of photovoltaic panels has been maximised, having regard to rooftop amenity, MEP and access requirements.</p>	Yes
51	<p>Circular Economy Statement (outline elements)</p> <p>Each application for reserved matters shall be accompanied by a detailed Circular Economy Statement and Operational Waste Management Strategy in line with the GLA's Circular Economy Statement Guidance, which shall be submitted to and approved in writing by the Local Planning Authority. The statement shall adhere to the principles set out in the draft Circular Economy</p>	Yes



	Statement. The development shall be carried out in accordance with the details so approved.	
55	Urban Greening Factor Each Reserved Matters application shall demonstrate how urban greening has been maximised, with a target of achieving an Urban Greening Factor score of 0.3.	Yes
68 b	Accessible Car Parking Each Reserved Matters application shall be accompanied by a parking design and management plan, which shall set out measures to increase accessible car parking provision (for all uses) either on site (including use of service bays) or off site through conversion of on-street bays. The measures shall be implemented as approved.	Yes
72	Sustainability Strategy Notwithstanding the Sustainability Strategy hereby approved, a revised Sustainability Strategy shall accompany each Reserved Matters application for subsequent approval by the Local Planning Authority as part of that process.	Yes

4.17 Compliance with OPP Planning Conditions

- 4.18 As set out above, the OPPs require certain assessments to be submitted with each RMA. In addition the RMAs are to demonstrate a policy compliant provision (car and cycle parking provision) and demonstrate how the urban greening factor has been maximised.
- 4.19 Car and Cycle Parking
- 4.20 As set out above, under conditions attached to the OPPs, each RMA is required to include sufficient detail to demonstrate that a policy compliant level of cycle parking is provided.
- 4.21 LB Hackney planning condition no. 18 states: '18a) *Each Reserved Matters application shall include sufficient detail to demonstrate that a policy compliant level of cycle parking is provided, including detailed drawings, access and shower / changing facilities for non-residential uses*'.
- 4.22 As set out in the accompanying Transport Assessment, the number of long-stay cycle parking spaces required in accordance with the London Plan minimum cycle parking standards and the OPP.
- 4.23 Urban Greening Factor
- 4.24 As set out above, each Reserved Matters application shall demonstrate how urban greening has been maximised, with a target of achieving an Urban Greening Factor score of 0.3.
- 4.25 The Landscape and Public Realm Strategy submitted with the RMAs includes an assessment of the urban greening factor for Plot 1. Given the OPP conditions require the urban greening to be "maximised" for the RMAs to achieve a "target of 0.3", Plot 1 forms part of the wider development of the Site, an assessment has also been included across the Site as a whole.



- 4.26 The Landscape and Public Realm Strategy sets out that urban greening has been maximised within the RMAs with the introduction of additional street trees and planting areas at ground level, and the inclusion of extensive areas of biodiverse roof on Plot 1.
- 4.27 However, as the majority of the ground level public realm will need to be hard landscape to allow for comfortable flow of pedestrians, it is not appropriate to introduce the extent of urban greening which would be required to achieve a policy compliant score. Other parts of the masterplan, in particular the platform level park, will contain extensive urban greening and the proposals therefore achieve a balanced approach across the site.
- 4.28 At roof levels, Plot 1 comprises a flexible communal terrace at level 12, which will be accessible to building occupants. All other roof levels will be treated with biodiverse roof to maximise urban greening on the building.
- 4.29 Opportunities to maximise urban greening at the ground level have been maximised, bearing in mind the various constraints such as existing and proposed utilities, light levels, wind, vehicular movements and heritage sensitivities.
- 4.30 All existing trees around the site will be retained wherever possible. Opportunities to provide vertical greening in the form of climbing plants will be explored wherever possible.
- 4.31 The proposals seek to maximise green infrastructure across the site, whilst maintaining a character of public realm which is appropriate for the context and allowing for the proposed functions.
- 4.32 The area of the TfL overground box is not suitable for urban greening, and therefore has been removed from the calculation. The table and diagram opposite show how the site achieves a compliant score of 0.30 across the site, despite the considerable constraints.
- 4.33 Compliance with Approved Parameter Plans**
- 4.34 The Design and Access Statement accompanying the RMAs provides a comparison of the Proposed Development and how this relates to the approved parameter plans. The Design and Access Statement demonstrates that the RMAs comply with the Approved Parameter plans.
- 4.35 In addition, a 'Design Guide – Design Principle Checklist' is included in the Design and Access Statement that demonstrates that the Proposed Development adheres with the Design Guide.



5. Other Technical Assessments

- 5.1 The RMAs are accompanied by an Environmental Statement Compliance Report. This assesses the extent to which the RMAs for Plot 1 are compliant with the likely significant effects as presented in the 2019 Environmental Statement Addendum, with any changes appropriately assessed and presented.

- 5.2 The submitted Environmental Compliance Report has found that there are no changes to the findings of the 2019 Environmental Statement Addendum as a result of the Proposed Development. There are also no changes to the findings of the cumulative assessment from those presented in the 2019 ESA.