



# THE GOODSYARD

Heritage Statement

September 2019



ballymore.



**Bishopsgate Goodsyards  
Shoreditch High Street, London E1**

**Heritage Statement**

September 2019

Consultancy for the  
Historic Built Environment

**KMH**Heritage

## Contents

<b>1</b>	<b>Preface .....</b>	<b>6</b>
	Proposed Amendments .....	6
	<i>Plot 1 (Formerly Plots A and B) .....</i>	<i>6</i>
	<i>Plot 2 (Formerly Plots F and G) .....</i>	<i>7</i>
	<i>Plot 3 (Formerly Plot K) .....</i>	<i>7</i>
	<i>Plot 4 (Formerly Plot C) .....</i>	<i>7</i>
	<i>Plot 5 (Formerly Plot D) .....</i>	<i>7</i>
	<i>Plot 6 (Formerly Plot E) .....</i>	<i>7</i>
	<i>Plots 7, (Formerly Plots H, I, J), 8A, 8B, 8C, 10 and 11 (the Pavilion)</i>	<i>8</i>
	<i>Public Open Space .....</i>	<i>8</i>
	Documentation .....	8
<b>2</b>	<b>Introduction.....</b>	<b>9</b>
	Background.....	9
	Description of the ‘applications’ .....	10
	Site Description .....	10
	Description of planning application .....	11
	Planning development description.....	11
	<i>LB Hackney Description of Development .....</i>	<i>11</i>
	<i>LB Tower Hamlets Description of Development .....</i>	<i>13</i>
	<i>Listed building consent applications .....</i>	<i>14</i>
	Purpose of Heritage Statement.....	15
	Note on research, analysis and resources.....	15
	Report structure .....	16
	Authorship and contributors .....	17
<b>3</b>	<b>Overview of historic development and significance.....</b>	<b>19</b>
	Overview of historic development.....	19
	Outline of Significance .....	23
	Extent of on-site statutory listing .....	25
<b>3</b>	<b>The legislative, policy and guidance context.....</b>	<b>29</b>
	The Planning (Listed Buildings and Conservation Areas) Act 1990	29
	The National Planning Policy Framework.....	30
	<i>Considering potential impacts .....</i>	<i>31</i>
	Planning Practice Guidance .....	34

Historic Environment Good Practice Advice Notes .....	34
Historic England Advice Notes .....	35
The London Plan .....	35
<i>The London Plan (2016)</i> .....	35
<i>Draft New London Plan (2017)</i> .....	37
<i>London's World Heritage Sites – Guidance on Settings</i> .....	38
Local Planning Policy .....	39
<i>Bishopsgate Goods Yard Interim Planning Guidance (2009)</i> .....	39
London Borough of Hackney Planning Policy and Guidance .....	40
<i>Core Strategy (November 2010)</i> .....	40
<i>Development Management Local Plan (2015)</i> .....	40
<i>Proposed Submission Local Plan 2033 (2018)</i> .....	41
<i>South Shoreditch Supplementary Planning Document (2006)</i> .....	41
<i>LB Hackney - South Shoreditch Conservation Area Appraisal (2009)</i> .....	42
London Borough of Tower Hamlets Planning Policy and Guidance .....	42
<i>Core Strategy (2010)</i> .....	42
<i>Managing Development Document (2013)</i> .....	43
<i>Draft Local Plan 2031</i> .....	45
<i>London Borough of Tower Hamlets Conservation Area Appraisals</i> .....	46
<b>4 The effects of the Proposed Development</b> .....	<b>48</b>
Introduction .....	48
Approach to assessment of effect .....	48
Outline of the Proposed Development .....	50
Heritage Strategy .....	55
On-site listed structures .....	58
<i>The Braithwaite Viaduct</i> .....	58
<i>The Former Forecourt Walls and Gates to Bishopsgate Goods Station         (The Oriel Gateway)</i> .....	61
Demolition of unlisted structures .....	66
The Sclater Street buildings .....	67
On-site development .....	68
On-site heritage assets - compliance with statute and policy .....	69
Effects of the Proposed Scheme on the context of the site .....	69
<i>The Tower of London World Heritage Site</i> .....	70
<i>Conservation Areas</i> .....	72
Listed structures outside the site .....	79

<i>Bethnal Green Road</i> .....	79
<i>The Boundary Estate</i> .....	79
<i>The Truman Brewery</i> .....	80
<i>Brick Lane: No. 149</i> .....	80
<i>Cheshire Street: Nos. 2-38</i> .....	80
<i>Commercial Street Centre</i> .....	80
<i>Commercial Street North</i> .....	81
<i>Elder Street and Folgate Street</i> .....	81
<i>Great Eastern Street</i> .....	84
<i>Redchurch Street</i> .....	84
<i>Shoreditch High Street</i> .....	86
<i>Worship Street</i> .....	86
<i>The Geffrye Museum</i> .....	87
Locally Listed Buildings .....	88
Registered Park or Garden of Special Historic Interest .....	88
Summary .....	89
<b>5 Conclusion</b> .....	<b>90</b>

## 1 Preface

- 1.1 This Heritage Statement has been prepared by KMHeritage.
- 1.2 It is submitted in relation to amendments ("Proposed Amendments") that are being made to the planning applications and applications for listed building consent (the "Applications") for the redevelopment of Bishopsgate Goodsyards. The Applications as amended by the Proposed Amendments form the "Revised Scheme".
- 1.3 On 21<sup>st</sup> July 2014 Bishopsgate Goodsyards Regeneration Limited (the "Applicant") submitted the Applications to the London Borough of Hackney and the London Borough of Tower Hamlets (the "Boroughs").
- 1.4 On 23<sup>rd</sup> September 2015 the then Mayor of London directed that he would act as local planning authority for the purposes of determining the Applications.
- 1.5 On 12<sup>th</sup> April 2016 the then Mayor deferred the determination of the Applications to allow the Applicant to address the issues raised in the Stage III Report.
- 1.6 The Applicant has carefully reviewed the issues raised in the Stage III Report and has liaised closely with the Mayor of London, the Boroughs and other stakeholders and consultees and is now submitting amendments to the Applications to address their feedback.

### **Proposed Amendments**

- 1.7 In broad terms, the Applicant is making the following Proposed Amendments to the Applications:  
*Plot 1 (Formerly Plots A and B)*
- 1.8 The Proposed Amendments maintain the height of the building and the type of uses, as currently proposed and retains the bridging over the East London Line box. The building massing is proposed to be revised to include setbacks at the upper levels as a result of feedback from

the GLA and the Boroughs to address the relationship with adjacent buildings.

*Plot 2 (Formerly Plots F and G)*

- 1.9 The Proposed Amendments replace the two tallest residential buildings with a commercial building with retail at the ground floor. The building would extend up to 17-29 storeys and would be the tallest building proposed. This building is being submitted with all matters in detail.
- 1.10 The reduction in height of Plot 2 means that no part of the scheme is now visible in views from the South Bastion of Tower Bridge.

*Plot 3 (Formerly Plot K)*

- 1.11 The Proposed Amendments maintain the height and footprint of the building and the type of uses, as currently proposed. The Proposed Amendments address design comments in respect of the treatment to Phoenix Street and the listed Oriel Wall along Commercial Street.

*Plot 4 (Formerly Plot C)*

- 1.12 The Proposed Amendments maintain the uses within this building and comprise retail at ground floor with residential above. The height of the building is proposed to be reduced to 19 storeys.

*Plot 5 (Formerly Plot D)*

- 1.13 The Proposed Amendments maintain the uses within this building and comprise retail at ground floor with residential above. The height of the building is proposed to be reduced to between 6 -13 storeys.

*Plot 6 (Formerly Plot E)*

- 1.14 The Proposed Amendments change the use of this building to a cultural type use with retail use. The height of the building is proposed to be reduced to up to 5 storeys in order to address comments raised by the GLA in respect of daylight and sunlight impacts along Sclater Street and the massing in the north-east part of the site.

*Plots 7, (Formerly Plots H, I, J), 8A, 8B, 8C, 10 and 11 (the Pavilion)*

- 1.15 The Proposed Amendments maintain the mix of retail uses within the Oriel as well as the potential for Class D1/D2 uses within the Braithwaite arches with public open space above, as currently proposed (Plot 7). Plot 8 introduces hotel and residential uses with access at ground floor level within a 25 storey building to the west of Braithwaite Street, plus 4 storey buildings on top of the existing arches. The Proposed Amendments introduce residential within Plot 10 with retail at ground floor. The Proposed Amendments introduce retail use within a single storey building in Plot 11.

*Public Open Space*

- 1.16 The overall amount of public space as part of the Proposed Amendments would increase at platform level, including an area of consolidated open space at the eastern end of the platform.

**Documentation**

- 1.17 The Proposed Amendments, and the rationale for them, are explained fully in the Planning Statement prepared by DP9 Ltd.
- 1.18 The Proposed Amendments to the Applications have required some changes to be made to the Heritage Statement and other documentation originally submitted with the Applications.
- 1.19 Rather than issuing tracked changed documents, the Applicant has issued this revised Heritage Statement which replaces in its entirety that submitted previously.



## 2 Introduction

- 2.1 This assessment should also be read in conjunction with the following appendices: A: Bishopsgate Goodsyards - Audit of Historic Structures and Heritage Assets; Appendix B: The Goodsyards - Context Appraisal; and Appendix C - Heritage Fabric Assessment. It should also be read with the *Structural Engineering Condition Survey Report* (WSP, March 2019). The appendices provide a thorough assessment of the site and its context in terms of heritage significance and interest.

### Background

- 2.2 Bishopsgate Goodsyards Regeneration Limited (“the Applicant”) submitted identical planning applications for the Proposed Development on the 21st July 2014 to both LB Hackney (“LBH”) and LB Tower Hamlets (“LBTH”) for determination.
- 2.3 Following further consultation with LBH and LBTH, amendments to the planning applications were submitted in August 2015 (“the 2015 Amended Scheme”).
- 2.4 On 15<sup>th</sup> September 2015 the former Mayor received a request to become the local planning authority for the purpose of determining the two planning applications at the Bishopsgate Goodsyards site. On 23<sup>rd</sup> September 2015, having considered a report on the case, the former Mayor notified LBH and LBTH that he would act as the local planning authority for the purposes of determining the planning applications. The Stage 3 report was published on 8th April 2016 and a public representation hearing was due to be held in April 2016 for the former Mayor to determine the applications. However, following a request from the Applicant to defer the representation hearing in order to work with GLA officers to satisfactorily address the concerns raised, the former Mayor decided to defer the representation hearing for that purpose.

- 2.5 Since that time, the Applicant has been working with the officers at the GLA, LBTH and LBH with regard to the submission of amendments to the current planning applications for determination by the current Mayor.

#### **Description of the ‘applications’**

- 2.6 It should be noted that references in this Heritage Statement to ‘application’ should be taken to read ‘applications’ reflecting the fact that two identical planning applications were originally submitted – one to the LBH and one to the LBTH with each borough tasked with determining consent for the extent of the Proposed Development that fell within each respective area. Therefore, references to ‘planning permission; should be taken to read ‘planning permissions’ given that two planning permissions will be required for the Proposed Amendments to proceed in its entirety.

#### **Site Description**

- 2.7 The site is approximately 4.4 ha and is centred at Ordnance Survey (OS) National Grid Reference (NGR) TQ 33618 82233. The site has been in a derelict state since a fire in December 1964 and demolition of buildings on-site in 2004. In 2010 the Shoreditch High Street Rail Station opened in the centre of the site, serving the East London Line (London Overground) between Highbury & Islington and several stations south of the River Thames.
- 2.8 The site is bounded by transportation infrastructure in the form of road and rail. The site is bounded by the A1209 Bethnal Green Road and Sclater Street to the north, Brick Lane to the east and the A10 Shoreditch High Street to the west. The Great Eastern Main Line and West Anglia Main Line railways from Liverpool Street station form most of the southern boundary of the site, with the A1202 Commercial Street to the southwest. Wheeler Street / Braithwaite Street run north/south through the centre of the site. Aside from the Shoreditch High Street Rail Station building and associated elevated London Overground rail

line, there are currently no other permanent buildings on the site. As of December 2011, there are several temporary 'recycled metal shipping containers' used as a pop-up retail mall known as the 'Boxpark'.

- 2.9 Through the centre of the site in a west/east orientation are multiple games pitches, including eight 'five-a-side' football pitches operated by Powerleague Fives Ltd. The southern section of the site including the listed arches and viaduct is vacant and overgrown with scrub-like vegetation and several low value trees.

### **Description of planning application**

- 2.10 The 2015 Amended Scheme proposed the comprehensive mixed use redevelopment of the site comprising of up to 1,356 residential units (Class C3), up to 65,859 m<sup>2</sup> Gross Internal Area (GIA), retail (Class A1, A2, A3 and A5) up to 17,499 m<sup>2</sup> GIA, assorted uses (Class D1, D2, sui generis) and 22,642 m<sup>2</sup> of new public open space and landscaping.
- 2.11 Following further consultation with the GLA, LBTH and LBH, the Applicant now submits the Proposed Amendments which consist of: a comprehensive redevelopment of the site which will include the provision of up to 139,023 m<sup>2</sup> Gross External Area (GEA) of commercial floorspace (B1 use), up to 19,547 m<sup>2</sup> GEA of retail floorspace (A1, A2, A3 and A5 use) the provision of up to 500 residential homes and the provision for up to a 150 room hotel and public realm.

### **Planning development description**

#### *LB Hackney Description of Development*

- 2.12 An OUTLINE application for the comprehensive mixed use redevelopment of the site comprising:
- Residential (Class C3) comprising up to 500 residential units;
  - Business Use (Class B1) – up to 130,940 m<sup>2</sup> (GIA);

- Hotel (Class C1) – up to 11,013 m<sup>2</sup> (GIA)
  - Retail, financial and professional services, restaurants and cafes and hot food takeaways (Class A1, A2, A3 and A5) – up to 18,390 m<sup>2</sup> (GIA) of which only 3,678 m<sup>2</sup> (GIA) can be used as Class A5;
  - Non-residential Institutions (Class D1) / Assembly and Leisure (Class D2) – up to 6,363 m<sup>2</sup> (GIA);
  - Public conveniences (sui generis) – up to 298 m<sup>2</sup> (GIA);
  - Basement, ancillary and plant space – up to 21,216 m<sup>2</sup> (GIA);
  - Formation of new pedestrian and vehicular access; means of access and circulation and car parking within the site; and
  - Provision of new public open space and landscaping.
- 2.13 The application proposes a total of 10 buildings that range in height, with the highest being 142.4m AOD and the lowest being 19.0 m AOD.
- 2.14 With all matters reserved save that FULL DETAILS for Plot 2 are submitted for alterations to, and the partial removal of, existing structures on the site and the erection of a building for office (Class B1) and retail use (Class A1, A2, A3, A5) comprising a part 17 / part 29 storey building; and Plot 7 comprising the use of the ground level of the Braithwaite Viaduct for retail and food and drink uses (A1, A2, A3, A5) and works to and use of the Oriel and adjoining structures for retail and food and drink uses (A1, A2, A3, A5).
- 2.15 For that part of the site within LB Hackney, the proposed development comprises the following mix of uses:
- Up to 109,599 m<sup>2</sup> (GIA) of Business Use (Class B1);

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

*LB Tower Hamlets Description of Development*

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

- Residential (Class C3) comprising up to 500 residential units;
- Business Use (Class B1) – up to 130,940 m<sup>2</sup> (GIA);
- Hotel (Class C1) – up to 11,013 m<sup>2</sup> (GIA)
- Retail, financial and professional services, restaurants and cafes and hot food takeaways (Class A1, A2, A3 and A5) – up to 18,390 m<sup>2</sup> (GIA) of which only 3,678 m<sup>2</sup> (GIA) can be used as Class A5;
- Non-residential Institutions (Class D1) / Assembly and Leisure (Class D2) – up to 6,363 m<sup>2</sup> (GIA);
- Public conveniences (sui generis) – up to 298 m<sup>2</sup> (GIA);
- Basement, ancillary and plant space – up to 21,216 m<sup>2</sup> (GIA);
- Formation of new pedestrian and vehicular access; means of access and circulation and car parking within the site; and
- Provision of new public open space and landscaping.

2.17 The application proposes a total of 10 buildings that range in height, with the highest being 142.4m AOD and the lowest being 19.0 m AOD.

2.18 With all matters reserved save that FULL DETAILS for Plot 2 are submitted for alterations to, and the partial removal of, existing structures on the site and the erection of a building for office (Class B1) and retail use (Class A1, A2, A3, A5) comprising a part 17 / part 29 storey building; and Plot 7 comprising the use of the ground level of the Braithwaite Viaduct for retail and food and drink uses (A1, A2, A3, A5) and works to and use of the Oriel and adjoining structures for retail and food and drink uses (A1, A2, A3, A5).

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

- Up to 44,067 m<sup>2</sup> (GIA) of residential use (Class C3);
- Up to 21,341 m<sup>2</sup> (GIA) of Business Use (Class B1);
- Up to 11,013 m<sup>2</sup> (GIA) of Hotel Use (Class C1);
- Up to 13,881 m<sup>2</sup> (GIA) of Retail Use (Class A1, A2, A3, A5) of which only 2,776 m<sup>2</sup> (GIA) can be used for hot food takeaways (Class A5);
- Non-residential Institutions (Class D1) / Assembly and Leisure (Class D2) – up to 4,109 m<sup>2</sup> (GIA);
- Up to 298 m<sup>2</sup> (GIA) of sui generis use;
- Up to 8,464 m<sup>2</sup> (GIA) of ancillary and plant space.

*Listed building consent applications*

2.20 The Revised Scheme also includes works which require listed building consent and therefore revised applications under the Planning (Listed Building and Conservation Areas) Act 1990 for listed building consent, have been submitted for the following:

Listed Building Consent Application (Plot 7 A):

*"Restoration and repair of the existing Grade II listed oriel and gates and adjoining historic structures to provide a*

*principal western pedestrian gateway into the scheme and to accommodate proposed Class A1/A2/A3/A5/ use into a number of the existing arches at ground floor. Part removal of a section of adjoining structures proposed to provide improved public realm and pedestrian access into the site. "*

Listed Building Consent Application (Plot 7 B, C, D):

*"Restoration and repair of the existing Grade II listed Braithwaite Viaduct and adjoining structures for proposed Class A1/A2/A3/A5/D1/D2 and sui generis use at ground level. Structural interventions proposed to stabilise London Road structure, removal of sections of London Road roof to create openings over proposed new public squares; formation of new shopfront openings, installation of new means of public access up to park level. Part removal of adjoining unlisted wall on Brick Lane to provide improved public realm and pedestrian access into the site. "*

### **Purpose of Heritage Statement**

- 2.21 The purpose of this report is to assess the effects of the proposed development on the heritage assets identified within The Goodsyards site and within its wider context. The scheme in its entirety, together with specific aspects of the proposals will be considered against the significance of the various heritage assets within the relevant historic environment statutory and policy context.
- 2.22 This report does not repeat the material or discussion set out in the appendices but draws on this information in forming its conclusion on the effects of the scheme and demonstrating compliance with historic environment statute and policy.

### **Note on research, analysis and resources**

- 2.23 It should be noted that in common with many historic buildings and sites, it is not always possible to provide a truly comprehensive analysis of the historic development

of the site. The research and analysis set out in this report is as thorough as possible given the type and number of archival resources available. Research has been carried out using a number of sources of information held in the London Metropolitan Archives, the National Rail Archive, Historic England's historic planning files and National Monument Record and the National Heritage List for England, London Borough of Tower Hamlets' Local History Library and Archives and Hackney Archives. The range of sources considered included historic maps and photographs and a wide range of relevant secondary sources.

- 2.24 This desk-based and archival research has been combined with a visual assessment and appraisal of the proposed development site and its wider context. Further sources and evidence that add to our knowledge and understanding of the site and its history may become available at a future date.

### **Report structure**

- 2.25 This report is divided into six sections. After the Preface, is an Introduction, Section 3 provides an outline of the historic development of the site, a summary of the extent of listing across and around the site and a summary of the site's significance. Section 4 sets out the relevant statutory and policy context. The effects of the proposals on the relevant heritage assets and significance and how they accord with local, regional and national policy and statute are discussed in Section 5. Section 6 is a summary and conclusion.
- 2.26 The report uses the terms 'designated heritage asset' and 'non-designated heritage asset' to describe various aspects of the site and its setting. The National Planning Policy Framework defines designated heritage assets as those which have been designated under the Planning (Listed Buildings and Conservation Areas) Act 1990. Non-designated assets are those for which there is no statutory provision and which the local authority may designate as



a 'locally listed' building or a building that makes a positive contribution to the character and appearance of conservation area.

### **Authorship and contributors**

- 2.27 The lead consultant and editor of this report is Kevin Murphy B.Arch MUBC RIBA IHBC. He was an Inspector of Historic Buildings in the London Region of English Heritage (now Historic England) and dealt with a range of major projects involving listed buildings and conservation areas in London. Prior to this, he had been a conservation officer with the London Borough of Southwark and was Head of Conservation and Design at Hackney Council between 1997 and 1999. He trained and worked as an architect and has a specialist qualification in urban and building conservation.
- 2.28 Research for and drafting of this report was undertaken by Kate Graham MA, PG DipCons (AA). Kate has been an assistant Historic Buildings and Areas team leader in the London Region of English Heritage, as well as working in English Heritage's policy team (now Historic England). Most recently, Kate was Conservation & Design Manager at the London Borough of Islington. She has also worked at the Architectural Heritage Fund. Kate has extensive experience in dealing with proposals that affect the historic environment and also has a background in research, in policy analysis and in understanding historic buildings and places. She has trained as a historian and has a specialist qualification in building conservation.
- 2.29 Additional drafting assistance was carried out by Anne Roache MA, DipFEcol. Anne is a researcher with over 25 years' experience. She has worked for leading commercial organizations in the fields of property, planning and law. Alongside a specialisation in the archaeology, architectural and social history of London.
- 2.30 Additional historical research for this report was undertaken by Dr Ann Robey FSA, a conservation and heritage professional with over twenty years' experience.

She has worked for leading national bodies as well as smaller local organizations and charities. She is a researcher and writer specialising in architectural, social and economic history, with a publication record that includes books, articles, exhibitions and collaborative research.

### **3 Overview of historic development and significance**

- 3.1 This section of the report provides an overview of the historic development and significance of the former Bishopsgate Goods Yard and also provides a summary of the extent of listing across the site. The history, significance and extent of listing is covered in full within Appendix A to this report.

#### **Overview of historic development**

- 3.2 The Bishopsgate Goods Yard and its predecessor, the Shoreditch Terminus of the Eastern Counties Railway, has been a prominent feature of the Shoreditch and north Spitalfields area for approximately 170 years. As seen in other parts of London during the middle of the 19<sup>th</sup> century, technological advances in rail transportation and passenger and consumer demand transformed the built fabric of areas of the inner city through the construction of stations, rail lines, goods yards and an explosion of associated trades and industries. Such progress and innovation saw swathes of the existing urban fabric demolished in order to incorporate this new physical and economic infrastructure and the impact of the Shoreditch Terminus and later the Goods Yard was no exception to this rule.
- 3.3 Prior to the development of the Eastern Counties Railway and its Shoreditch terminus in 1842, the area now occupied by the site was populated with a tight grid of small-scale residential streets, between Spitalfields in the south and Shoreditch and Bethnal Green in the north. This network of streets was built on a number of different landholdings including the estate of the Wheler family, later the Wilkes estate, and the Byde family who owned property across Bethnal Green. Wheler Street, the name formerly given to Braithwaite Street, is a reminder of the 17<sup>th</sup> to 18<sup>th</sup> century Wheler Estate.

- 3.4 The 1830s saw the Eastern Counties Railway Company ('E.C.R.') looking for a suitable site for a London terminus to serve the railway that it planned to run from Great Yarmouth and Norwich to London. An Act of 4 July 1836 provided for a terminus to be located 'at or near High Street, Shoreditch' and by February 1839, it was decided to proceed with the construction of the terminus on Shoreditch High Street according to a plan by the E.C.R.'s engineer, John Braithwaite. The line through the outskirts of London was raised on viaducts; one of the earliest and most substantial viaducts in London. It was noted at the time that 'the engineer, Mr John Braithwaite, has determined that it shall stand for ages, for it is built in a very substantial style.'
- 3.5 The new Shoreditch Station, in a well composed Italianate design, opened in 1840 although work continued on the station and site until 1842. In 1862 the Eastern Counties became part of the Great Eastern Railway ('G.E.R.') and the new Directors decided that a larger station was needed to serve its passengers arriving to the City. A site was chosen and the first part of the new Liverpool Street passenger terminus was brought into use in 1874.
- 3.6 In November 1875, with the Liverpool Street Station fully opened, G.E.R. turned over the old terminus at Shoreditch to goods' use. The design of the original station was not ideally suited to that purpose however and so plans were immediately made to demolish the existing terminus and rebuild the station in order to provide a purpose-built goods depot.
- 3.7 By May 1879 the clearance and rebuilding of the substructure was completed and additional land to the north and south of the former station had been acquired to allow for the outward expansion of the site. The new goods station was designed by the G.E.R. Engineer, Alfred A. Langley and built by Messrs. Vernon and Ewens of Cheltenham. The official opening date was 1 January 1881, although work remained unfinished, most notably the arches between Wheler Street and Brick Lane. By the

end of 1882 some 1,600 carts used the station every day. Bishopsgate Goods Yard was finally completed c.1884.

- 3.8 The main elevation of the new building faced Shoreditch High Street and was 680 feet long and 70 feet high. The frontage to Commercial Street was 400 feet, divided into 13 bays. A contemporary account described the main front as having 'a handsome dentiled cornice in terracotta and a relieved string course. The fronts are of red and white brick, with terracotta reliefs, rusticated pilasters and ornamental panelled work under the windows, which are filled in with Loines patent iron sashes, the intersections of the sash bars rosetted'.
- 3.9 The buildings of the goods yard were designed to be visually impressive; the upper level warehouse having an iron and glass roof resting on massive iron columns. Occupying a site much larger than the station it had replaced, it was an extensive and complex operation. In the space of only forty years, the site had been transformed from a network of residential streets to first a passenger rail terminus, and then later an extensive goods handling station for the G.E.R. In doing so, the character of the area changed considerably.
- 3.10 The goods yard was connected to the busy port of Harwich and the Zeebrugge ferry route which brought imported foods from all over Europe into the country. It was intended that a fruit, vegetable and fish market should operate from the basement level, between Wheler Street and Brick Lane and a fruit and vegetable market opened in July 1882, followed by a fish and poultry market in October. Unfortunately, being so close to the long established Spitalfields Markets, a legal challenge from the freeholder and lessee of Spitalfields Market was successfully raised as an infringement of their charter rights. The market closed in 1884 and its business transferred to the nearby Columbia Market.
- 3.11 The main entrance to the goods yard was at the corner of Shoreditch High Street and Commercial Street. There were four further entrances in Wheler Street - which

passed transversely under the station - and two at the eastern end in Brick Lane. In addition, there were eight vehicle entrance points each with its own cart weighbridge. A ramped roadway led from Wheler Street (now Braithwaite Street) in the south to the western frontage of the warehouse building where it connected to a roadway in front of the main goods yard. A railway ran through the centre of the site at vault level. There were also rails in the southern roadway, now known as London Road, together with loading bays, platforms and associated vaults.

- 3.12 On 5 December 1964, a fire devastated the upper level warehouse and the grand 1880s warehouse was destroyed and later demolished. The fire was one of the most ferocious seen in London since the Blitz and resulted in much of the perimeter walling collapsing into the surrounding streets. The damage was so complete that there was no question of the warehouse buildings at the upper level being repaired and so they were demolished. Although parts of the station remained operational until 1967, the tracks had been lifted and the upper platform level overgrown and abandoned by the 1970s. The vaults at ground level, or basement level to the former goods station, survived the fire and were retained, remaining in sporadic use until relatively recently.
- 3.13 The remains of Bishopsgate Station stood derelict until being demolished in 2003-04, as part of the conversion of the East London Line to become part of the London Overground. This work necessitated the demolition of approximately 50% of the then existing goods yard structures. The Braithwaite Viaduct was listed grade II in 2002 prior to the commencement of works – the former Forecourt Walls and Gates of the Goods Yard had been listed at grade II in 1975.
- 3.14 The Proposed Development site also includes buildings on the south side of Sclater Street. Sclater Street was laid out in the early 18<sup>th</sup> century and Nos. 70-74 are remnants of this early phase of development. The buildings are in

an advanced state of disrepair but while they have been altered internally and externally over the years, they retain much of their essential form, historic character and interest as buildings associated with the area's silk weaving industry.

- 3.15 Another Sclater Street building of interest is representative of the area's non-conformist religious tradition which resulted in several chapels and meeting-houses being built here during the first half of the 18<sup>th</sup> century. The second-half of the 19<sup>th</sup> century saw philanthropic Christian missionary activity intensify amongst the poor of the East End. In 1876 the Christian Brethren built a small brick and iron Mission Hall on a triangular site at No. 64 Sclater Street, behind the walls supporting the Eastern Counties Railway line. The simple brick room behind the G.E.R. station was used until 1893, coinciding with the period during which the goods yard was being constructed. At the end of the 19<sup>th</sup> century the building became used for storage and light industry.
- 3.16 No. 66-68 Sclater Street is referred to in this document as the 'Victorian building'. This building, with a date plaque of 1877 was constructed after the earlier 18<sup>th</sup>/19<sup>th</sup> century buildings at the western end of the street were demolished in order to accommodate enlarged railway sidings. As can be seen on the OS revised 1893 to 1894 it was the only building erected in the remaining space besides the small single storey Mission Hall. The form of the building, with a central stone flight of stairs, would suggest it was built as flats or rented rooms rather than as a single family house. It had a shop unit at ground floor. In more recent times, it has been extended to the rear and side and has had a new roof added.

### **Outline of Significance**

- 3.17 The following paragraphs provide an outline of the significance of The Bishopsgate Goodsyards site in terms of heritage assets. Further detail is provided at section 5 of Appendix A.

- 3.18 Bishopsgate Goodsyards is a site of architectural and historic interest and significance. Having been transformed from a densely populated, largely residential area into an early railway terminus and later a substantial goods yard; the significance of the site has been diminished first through the devastating fire of 1964 and more recently through the demolition of a substantial amount of the site's surviving original structures.
- 3.19 The remaining structures give some indication of the former working and operations of Bishopsgate Goods Yard and the listed Braithwaite Viaduct provides some evidence of the former use of the site as a passenger terminus although for the most part of its history, this structure was used to convey goods, rather than passengers. Whilst part of the workings of the goods yard can be understood, fully understanding the entirety of its operation and significance is no longer possible. The Goodsyards site has been largely vacant since the 1964 following the fire and subsequent demolition of the warehousing and office building. Approximately half of the remaining structures on the site were demolished in 2002/3 to allow for the construction of the new London Overground line
- 3.20 The key elements in terms of architectural or historic interest, or significance, are the listed structures on the site: the Braithwaite Viaduct and the former entrance into the site, known as the Oriel Gateway. The remaining structures have been noted as having no particular interest, forming as they do a later phase of development that uses a more standardised and commonplace form of railway architecture. Taken as a whole, while the remaining structures on the site do in part tell a story of Bishopsgate Goods Yard's history, they are only a fragment and as such their value is consequently lessened.
- 3.21 The buildings on Sclater Street represent very different building types and uses to those of the goods yard and to each other. Whilst unlisted, their inclusion within the Brick



Lane/Fournier Street Conservation Area reflects their interest as historic buildings that contribute to the character and appearance of the conservation area. The buildings are interesting examples of their type with the former Mission Hall, a rare survival highlighting the role of social welfare in the neighbourhood. The buildings at Nos. 70-74 are 17<sup>th</sup> century residential properties that have somehow escaped the wider demolition of similar properties on the street. The Victorian building (No. 66-68) was constructed after the earlier buildings at the western end of the street were demolished in order to accommodate enlarged railway sidings.

- 3.22 Overall, the Proposed Development site includes a number of historic buildings and structures that have varying degrees of architectural and historic interest and significance. Together, the buildings help to provide a narrative for the historic development of this part of London although only part of that story is legible in the existing site layout and remaining structures. Collectively, the structures on the site also add interest to the setting of the listed structures, amplifying the overall interest of the site. As set out above, this overall interest has been diminished due to the demolition of the northern part of the site which has impacted upon the setting of the listed Braithwaite Viaduct and Forecourt Walls and Gates.

#### **Extent of on-site statutory listing**

- 3.23 The Braithwaite Viaduct is listed at grade II along its full extent of 260m and includes 20 arches with 21 piers. The viaduct was built by the Eastern Counties Railway Company between 1839 and 1842 to service the raised terminus of the former Shoreditch Station. The viaduct was originally approximately 2km long and 16.5m wide and carried two lines of track. The remaining stretch of the viaduct is entirely within the existing Goodsyards site.
- 3.24 As already noted, the new goods yard development of the late 1870s encased the viaduct with further arches to create extensive sidings serving a market in the vaults

below. The goods station thrived but the market contravened local agreements and was forced to close in 1884. The traders moved to the nearby Columbia Market and the vaults were retained as warehouses. The upper levels of the goods station were destroyed by fire in 1964 after which time the basement and first floor platform were taken over as car parking space. The market vaults to the east of Braithwaite Street were not affected by the fire and continued in use as warehouse space.

- 3.25 Later brick arches abut the surviving stretch of the Braithwaite Viaduct and run to the former southern market roadway (London Road). The arches to the south are not fixed to the Braithwaite Viaduct but run alongside it. Gaps between the structures are evident in certain locations. The viaduct itself is largely unaltered with the exception of some historic cutting-back of its north face. As set out in the building's list description, 'its unusual and individual design and use of materials set it apart both structurally and visually from the more standard forms of railway architecture.' The list description also states that 'none of the other buildings or structures on the site (including structures adjoining the Viaduct) are of special interest.'
- 3.26 The Braithwaite Viaduct is listed in its entirety and listed building consent would be required to undertake any works that would affect its special interest. It is important to consider how far that listing extends given that there are historic structures that directly adjoin the viaduct. It is important to consider the issue of how far these structures are fixed to the building and whether they could be considered as ancillary structures to the principal listed structure, the Braithwaite Viaduct, fixed or otherwise.
- 3.27 Braithwaite Viaduct is effectively in itself an ancillary structure that was secondary to the former railway terminus and later goods station as were all of the arches/viaducts on the site. The later arches were added when the passenger terminus was remodelled and the goods station and market developed. The Braithwaite

Viaduct is therefore part of an older building that was encased in a new structure.

- 3.28 There are two points to note here. Firstly, whilst the Braithwaite Viaduct is a listed structure, it has a similar purpose to the adjoining arches, i.e. both have a similar status in terms of their original relationship to and role within the wider site. While the Braithwaite Viaduct has the distinction of being older and more architecturally distinctive, this does not necessarily render it the principal building within the site, as all of the arches and vaults had a similar purpose. Secondly, the Braithwaite Viaduct was constructed to serve the passenger station whilst the others were built to serve the later goods station and provide market space and warehousing to the lower levels. Beyond their role as infrastructure, the arches across the site were built for different purposes and the Braithwaite Viaduct too was subsequently adapted. The later arches were not built to be ancillary to the Braithwaite Viaduct but rather to encase it as part of a larger, later structure.
- 3.29 It is therefore considered that the later arches to the south and west of the Braithwaite Viaduct are not ancillary to the listed structure. They are therefore not considered to form part of the listing. As set out above, the list description states that no other structures around the Braithwaite Viaduct are of any special interest (with the exception of the listed Gates and Forecourt Wall to the former Goods Station) and they are obviously not listed in their own right. It is considered that listed building consent would not be required for works of alteration in these areas. Where any works could impact on the fabric of the listed viaduct, these would require listed building consent.
- 3.30 In relation to the grade II listed Forecourt Wall and the Gates to Old Bishopsgate Goods Station (for ease of reference, identified in this report as the Oriel Gateway), similar principles inevitably apply. The list description for the building, which is accepted to be written largely for

identification purposes, refers to the Forecourt Wall and Gates and this is the name given to the list entry. It does not, for example, identify the boundary walls as forming part of the listing either in name or in the description.

- 3.31 This could be taken to mean that the focus of the listing are the former forecourt wall and its gates. The forecourt itself could be described as those elements that relate to the space fronting Shoreditch High Street and being the principal entrance point to the former Bishopsgate Goods Yard. This would not then include the boundary walls to the north and south of the site. The Oriel Gateway is essentially part of a larger building that no longer exists. A similar argument therefore applies to the boundary walls which were ancillary to the former goods yard.
- 3.32 It is clear however, through the architectural treatment, character and appearance, that the boundary wall to Commercial Street is of the same date and phase of construction as the forecourt walls and gates (between 1877 and 1884). There is clearly a degree of fixing between the forecourt wall and the wall to the south. It is therefore considered that listed building consent would be required to remove this section of the wall as while unlisted, it is attached to a listed structure. Further discussion of other possible curtilage structures to the former forecourt walls and gates is set out at 4.19 and 4.20 below.
- 3.33 In summary, while the Braithwaite Viaduct and Oriel Gateway are protected under statutory designation as listed buildings, and listed building consent would be required for works that affect their special interest, the remaining structures are unlisted and do not form part of the listed structures' curtilage. Listed building consent would not be required to undertake works to these areas except where they impact on listed structures. The unlisted structures have been identified as not being of any special interest in the list description of the Braithwaite Viaduct.

### **3 The legislative, policy and guidance context**

- 3.1 This section of the report briefly sets out the range of national and local policy and guidance relevant to the consideration of change in the historic built environment.

#### **The Planning (Listed Buildings and Conservation Areas) Act 1990**

- 3.2 The legislation governing listed buildings and conservation areas is the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act'). Section 66(1) of the Act requires decision makers to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' when determining applications which affect a listed building or its setting. Section 72(1) of the Act requires decision makers with respect to any buildings or other land in a conservation area to pay 'special attention... to the desirability of preserving or enhancing the character or appearance of that area'.
- 3.3 Section 7 of the Act controls the demolition, alteration or extension of a listed building. It sets out that 'no person shall execute or cause to be executed any works for the demolition of a listed building for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest' unless those works are authorised. Section 16(2) sets out that the decision maker has a duty to pay special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 3.4 The Act also highlights the importance of the setting of heritage assets as part of broader planning considerations. Section 66 states that in considering 'whether to grant planning permission for development which affects a listed building or its setting, special regard to the

desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’

- 3.5 Section 72 of the Act, with reference to conservation areas, sets out that ‘special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.’

### **The National Planning Policy Framework**

- 3.6 The Government published the revised version of the National Planning Policy Framework (NPPF) on 19 February 2019.<sup>1</sup>
- 3.7 Chapter 16 of the National Planning Policy Framework: ‘Conserving and enhancing the historic environment’ deals with Heritage Assets describing them as ‘*an irreplaceable resource*’ that ‘*should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations*’.<sup>2</sup>

Proposals affecting heritage assets

- 3.8 Paragraph 189 brings the NPPF in line with statute and case law on listed buildings and conservation areas. It says that:

*‘In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.’*

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<sup>1</sup> Ministry of Housing, Communities & Local Government (2019) National Planning Policy Framework, 19 February 2019.

<sup>2</sup> The policies set out in this chapter relate, as applicable, to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making and decision-making.

- 3.9 In terms of the local authority, paragraph 190 requires that they

*‘Identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.’*

- 3.10 Further, ‘Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision (paragraph 191).

- 3.11 Paragraph 192. In determining applications, local planning authorities should take account of:

*a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*

*b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*

*c) the desirability of new development making a positive contribution to local character and distinctiveness.*

*Considering potential impacts*

- 3.12 Paragraph 193 advises local planning authorities that ‘When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 3.13 Paragraph 194 continues, ‘Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

*a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;*

*b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.’<sup>3</sup>*

- 3.14 In terms of proposed development that will lead to substantial harm to (or total loss of significance of) a designated heritage asset, paragraph 195 states that ‘local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

*a) the nature of the heritage asset prevents all reasonable uses of the site; and*

*b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*

*c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*

*d) the harm or loss is outweighed by the benefit of bringing the site back into use’.*

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<sup>3</sup> Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.



- 3.15 It continues ‘where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use’ (paragraph 196).
- 3.16 In taking into account the effect of an application on the significance of a non-designated heritage asset the local authority should employ a ‘a balanced judgement’ in regard to the scale of any harm or loss and the significance of the heritage asset (paragraph 197).
- 3.17 The NPPF introduces the requirement that ‘Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred (paragraph 198).
- 3.18 Where a heritage asset is to be lost, the developer will be required to ‘record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible’ (paragraph 199).<sup>4</sup>
- 3.19 In terms of enhancing the setting of heritage assets the NPPF states that ‘local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. (paragraph 200).
- 3.20 It goes on however that ‘Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under

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<sup>4</sup> Copies of evidence should be deposited with the relevant historic environment record, and any archives with a local museum or other public depository.

paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole' (paragraph 201).

- 3.21 Finally, paragraph 202 requires that the onus will be on local planning authorities to 'assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies'.

### **Planning Practice Guidance**

- 3.22 Planning Practice Guidance<sup>5</sup> provides streamlined guidance for the National Planning Policy Framework and the planning system. It includes guidance on matters relating to protecting the historic environment in the section entitled 'Conserving and Enhancing the Historic Environment' which gives advice under the following headings:

- Overview: historic environment
- Plan making: historic environment
- Decision-taking: historic environment
- Designated heritage assets
- Non-designated heritage assets
- Heritage Consent Processes and
- Consultation and notification requirements for heritage related applications.

### **Historic Environment Good Practice Advice Notes**

- 3.23 Historic England provide guidance regarding the setting of heritage assets and how to assess the effect of change

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<sup>5</sup> Ministry of Housing, Communities & Local Government (2018) National Planning Practice Guidance: Conserving and enhancing the historic environment.

on that setting. They provide ‘information on good practice to assist local authorities, planning and other consultants, owners, applicants and other interested parties in implementing historic environment policy in the National Planning Policy Framework (NPPF) and the related guidance given in the national Planning Practice Guide (PPG)’.

3.24 These notes are:

- GPA 1: The Historic Environment in Local Plans (2015);
- GPA 2: Managing Significance in Decision-Taking in the Historic Environment (2015);
- GPA 3: The Setting of Heritage Assets (2<sup>nd</sup> ed., 2017).

#### **Historic England Advice Notes**

3.25 These advice notes cover various planning topics in more detail and at a more practical level.<sup>6</sup> They have been prepared by Historic England following public consultation.

3.26 The documents most relevant to the proposed development are:

- HEA 1 - Conservation Areas
- HEA 2 - Making Changes to Heritage Assets
- HEA 4 - Tall Buildings
- HEA 10 - Listed Buildings and Curtilage

#### **The London Plan**

*The London Plan (2016)*

3.27 The London Plan (2016) is the current spatial development strategy for London. It contains various

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<sup>6</sup> Historic England, Online:  
<https://historicengland.org.uk/advice/planning/planning-system>

policies relating to architecture, urban design and the historic built environment.<sup>7</sup>

- 3.28 Policy 7.4 deals with ‘Local character’ and says that a development should allow ‘buildings and structures that make a positive contribution to the character of a place, to influence the future character of the area’ and be ‘informed by the surrounding historic environment’.
- 3.29 Policy 7.8 deals with ‘Heritage assets and archaeology’, and says:

*A London’s heritage assets and historic environment, including listed buildings, registered historic parks and gardens and other natural and historic landscapes, conservation areas, World Heritage Sites, registered battlefields, scheduled monuments, archaeological remains and memorials should be identified, so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account.*

*B Development should incorporate measures that identify, record, interpret, protect and, where appropriate, present the site’s archaeology.*

*C Development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate.*

*D Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.*

*E New development should make provision for the protection of archaeological resources, landscapes and significant memorials. The physical assets should, where possible, be made available to the public on-site. Where the archaeological asset or memorial cannot be preserved*

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<sup>7</sup> Greater London Authority (2016) The London Plan the spatial development strategy for London consolidated with alterations since 2011, March 2016.

*or managed on-site, provision must be made for the investigation, understanding, recording, dissemination and archiving of that asset.*

- 3.30 Policy 7.9 deals with ‘Heritage-led regeneration’, and says:

*A Regeneration schemes should identify and make use of heritage assets and reinforce the qualities that make them significant so they can help stimulate environmental, economic and community regeneration. This includes buildings, landscape features, views, Blue Ribbon Network and public realm.*

*B The significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration. Wherever possible heritage assets (including buildings at risk) should be repaired, restored and put to a suitable and viable use that is consistent with their conservation and the establishment and maintenance of sustainable communities and economic vitality.*

*Draft New London Plan (2017)*

- 3.31 A draft new London Plan was published by the Mayor for consultation in December 2017 and is in the process of being reviewed.<sup>8</sup> The Mayor published the *Draft London Plan: Minor Suggested Changes* on 13<sup>th</sup> August 2018. The current London Plan (2016) is still the adopted Development Plan, but the Draft London Plan is a material consideration in planning decisions.
- 3.32 Chapter 7 ‘Heritage and Culture’ expands upon the policies of the 2016 plan. It defines ‘Heritage significance’ (para 7.1.7) as ‘the archaeological, architectural, artistic or historic interest of a heritage asset. This may can be represented in many ways, in an asset’s visual attributes, such as - form, scale, materials, and architectural detail, design and setting, as well as through historic associations

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<sup>8</sup> Greater London Authority (2017) Draft London Plan, 29 November 2017.

between people and a place, and, where relevant, the historic relationships between heritage assets.'

3.33 The draft Policy HC1 'Heritage Conservation and Growth' says that 'Development that affects the settings of heritage assets and their settings should respond positively to the assets' significance, local context and character, and to protect the contribution that settings make to the assets' significance. In particular, consideration will need to be given to mitigating impacts from development that is not sympathetic in terms of scale, materials, details and form.'

3.34 Policy HC2 'World Heritage Sites' advises that 'Development proposals in World Heritage Sites and their settings, including any buffer zones, should conserve, promote and enhance their Outstanding Universal Value'. Policy HC3 'Strategic and Local Views' describes how The Mayor has designated a list of Strategic Views that will be kept under review and requires that development proposals must be assessed for their impact on a designated view if they fall within the foreground, middle ground or background of that view.' Policy HC4 'London View Management Framework' includes advice that development proposals 'should not harm, and should seek to make a positive contribution to, the characteristics and composition of Strategic Views and their landmark elements. They should also preserve and where possible enhance viewers' ability to recognise and to appreciate Strategically-Important Landmarks in these views and, where appropriate, protect the silhouette of landmark elements of World Heritage Sites as seen from designated viewing places.

*London's World Heritage Sites – Guidance on Settings*

3.35 The intention of the Supplementary Planning Guidance to the London Plan is to 'ensure a more consistent interpretation of setting and understanding of their importance in contributing to an appreciation of Outstanding Universal Value to help support consistency

in decision making to conserve the World Heritage Site's Outstanding Universal Value, integrity, authenticity and significance.<sup>9</sup>

### Local Planning Policy

*Bishopsgate Goods Yard Interim Planning Guidance (2009)*

- 3.36 The Interim Planning Guidance (IPG) is a broad ranging document that deals with various planning policy matters in relation to the potential redevelopment of the site.<sup>10</sup> It sets out a number of objectives at 1.10 which include 'to ensure new development on the site integrates with the surrounding area, taking into account local character' and 'to provide guidance on the retention and re-use of historic structures that remain on the site.' This is reflected in Policy BG1 which sets out design principles for the site.
- 3.37 BG6 of the IPG states that development on the site should enhance and integrate the listed structures by: refurbishing and re-using the arches beneath the Braithwaite Viaduct for shops and similar uses; using the area above the Braithwaite Viaduct for an open green space; retaining and integrating the listed forecourt wall and gates into development.
- 3.38 The accompanying text states that the Sclater Street wall and Weavers' Cottages on Sclater Street should be integrated into the development. It sets out at 2.27 that 'Demolition of the unlisted brick arches on the western part of the site may be appropriate where it would help to increase permeability and provide connections to the surrounding streets.'
- 3.39 BG9 states that Bishopsgate Goods Yard has a strong historical context. Proposals should respond to this

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<sup>9</sup> Greater London Authority (2012), London's World Heritage Sites – Guidance on Settings, Supplementary Planning Guidance, London Plan 2011 Implementation Framework.

<sup>10</sup> Greater London Authority, London Borough of Hackney, London Borough of Tower Hamlets (2010) Bishopsgate Goodsyards Interim Planning Guidance.

through re-use of historic structures on the site and deliver improvements to the setting and access to historic structures.

- 3.40 BG10 sets out that 'The height and volume of any tall buildings should be designed to present a carefully modelled massing when viewed from the adjacent conservation areas.' This is the only policy reference to conservation areas in the IPG.

### **London Borough of Hackney Planning Policy and Guidance**

#### *Core Strategy (November 2010)*

- 3.41 Core Strategy Policy 25 in relation to the Historic Environment sets out that 'All development should make a positive contribution to the character of Hackney's historic and built environment.<sup>11</sup> This includes identifying, conserving and enhancing the historic significance of the borough's designated heritage assets, their setting and where appropriate the wider historic environment.'

#### *Development Management Local Plan (2015)*

- 3.42 Policy DM28 – Managing the Historic Environment deals with Conservation Areas, Listed Buildings, Other Assets and Archaeology.<sup>12</sup> The Policy requires that 'Development in or adjacent to the Borough's Conservation Areas shall preserve or enhance the character and appearance of the respective Area.'
- 3.43 Proposals for development of Listed Buildings, including change of use, that involve any alterations to a listed building or within its curtilage shall:

*i. Not lead to substantial harm to or total loss of the significance of the building and should harmonise with the period, style, materials and detailing of the building;*

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<sup>11</sup> London Borough of Hackney (2010) Core Strategy Hackney's strategic planning policies for 2010-2025.

<sup>12</sup> London Borough of Hackney (2015) Development Management Local Plan.



*ii. Retain and repair existing features and fabric, or, if missing, replace them in a sympathetic manner;*

*iii. Not harm the structural integrity or stability of the building or that of adjoining buildings or structures;*

*iv. Respect and preserve the integrity of the original plan form where extensions are proposed, relate sensitively to the original building and not adversely affect the internal or external appearance or character of the building, curtilage or its setting.*

*Proposed Submission Local Plan 2033 (2018)*

- 3.44 The new borough-wide local plan 2033 ('LP33'), will be the key strategic planning document used to direct and guide development in the borough up to 2033.<sup>13</sup> The Plan is in the process of being reviewed. Once adopted LP33 will combine and replace existing plans - the Core Strategy, Development Management Local Plan and Site Allocations Local Plan as well as the area action plans for Dalston, Hackney Central and Manor House.
- 3.45 Chapter 5. 'Protecting and Enhancing Heritage and Leading the Way in Good Urban Design' advises that 'All new development in Hackney should seek to preserve, and where appropriate enhance the borough's designated and non-designated heritage assets.' Policy LP3 Designated Heritage Assets, LP4 Non Designated Heritage Assets, LP5 Strategic and Local Views and LP6 Archaeology all update and reinforce previous policy set out in the Development Management Local Plan (2015).

*South Shoreditch Supplementary Planning Document (2006)*

- 3.46 The purpose of the SPD was to develop a planning framework for the South Shoreditch area.<sup>14</sup> Part of this is to provide guidance for the conservation and

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<sup>13</sup> London Borough of Hackney (2018) Proposed Submission Local Plan (LP33), November 2018.

<sup>14</sup> London Borough of Hackney (2006) South Shoreditch Supplementary Planning Document.

enhancement of the historic environment. The Proposed Development site is partly situated within the South Shoreditch boundary. The SPD identifies that the site falls within a Tall Buildings Opportunity Area.

- 3.47 SSSPD 3.4 sets out that development proposals within the SPD area are encouraged to be of the highest architectural quality, contribute to the sense of place and relate appropriately to the surrounding townscape and any buildings of note.
- 3.48 SSSPD 3.6 states that ‘Development in South Shoreditch must preserve or enhance the character of the conservation area, or their settings.’

*LB Hackney - South Shoreditch Conservation Area Appraisal (2009)*

- 3.49 The South Shoreditch Conservation Area Appraisal builds on the 2006 South Shoreditch Supplementary Planning Document.<sup>15</sup> The appraisal describes the historic development of the conservation area and its character and appearance. It describes heritage assets with the conservation area as well as negative features with the conservation area and its smaller character sub-zones. It also identifies key management proposals for the conservation area.

### **London Borough of Tower Hamlets Planning Policy and Guidance**

*Core Strategy (2010)*

- 3.50 Section 6 of the Core Strategy<sup>16</sup> is entitled ‘Designing a high-quality city’. Strategic Objective SO22 seeks to: ‘Protect, celebrate and improve access to our historical and heritage assets by placing these at the heart of reinventing the hamlets to enhance local distinctiveness, character and townscape views’.

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<sup>15</sup> London Borough of Hackney (2009) South Shoreditch Conservation Area Appraisal.

<sup>16</sup> London Borough of Tower Hamlets (2010) Core Strategy.

- 3.51 In terms of architecture and urban design, Strategic Objective SO23 seeks to ‘promote a borough of well designed, high quality, sustainable and robust buildings that enrich the local environment and contribute to quality of life’.
- 3.52 These two strategic objectives are supported by, amongst other policies, Spatial Policy SP10, which says that the Council will ensure that ‘heritage assets and their settings’ are protected and enhanced, and that the Council will ‘preserve or enhance the wider built heritage and historic environment of the borough, enabling the creation of locally distinctive neighbourhoods’.

*Managing Development Document (2013)*

- 3.53 Policy DM26 relates to Building Heights across the Borough. It sets out that proposals for tall buildings will need to meet a number of criteria including that they should not adversely impact on heritage assets.<sup>17</sup> Policy provision in relation to World Heritage Sites is made at policy DM28. Development will need to ensure it does not negatively affect the UNESCO World Heritage Site status of the Tower of London. Development proposals must be tested against the site’s Outstanding Universal Value ensuring that this is sustained and enhanced as a result of the proposed development.
- 3.54 Policy DM27 deals with ‘Heritage and the historic environment’. It says:

*1. Development will be required to protect and enhance the borough’s heritage assets, their setting and their significance as key elements of developing the sense of place of the borough’s distinctive ‘Places’.*

*2. Applications for the alteration, extension, change of use, or development within a heritage asset will only be approved where:*

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<sup>17</sup> London Borough of Tower Hamlets (2013) Managing Development Document.

*a. it does not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting;*

*b. it is appropriate in terms of design, scale, form, detailing and materials in its local context;*

*c. it enhances or better reveals the significance of the asset or its setting;*

*d. opportunities to mitigate or adapt to climate change through the re-use or adaptation are maximised; and*

*e. in the case of a change of use, a thorough assessment should be carried out of the practicability of retaining its existing use and the wider benefits of the proposed use.*

- 3.55 3. Proposals for the demolition of a designated heritage asset will only be considered under exceptional circumstances where the public benefit of demolition outweighs the case for retention. Where exceptional circumstances require demolition to be considered, applications will be assessed on:

*a. the significance of the asset, architecturally, historically and contextually;*

*b. the condition of the asset and estimated costs of its repair and maintenance in relation to its significance and demolition, and to the value derived from its continued use;*

*c. the adequacy of efforts made to retain the asset in use; and*

*d. the merits of any alternative proposal for the site.*

- 3.56 4. For proposed development that lies in or adjacent to Archaeological Priority Areas, the Council will require the proposal to include an Archaeological Evaluation Report and will require any nationally important remains to be preserved permanently in site, subject to consultation with English Heritage.

- 3.57 The policy commentary notes that ‘Decisions will be based on the nature, extent and level of significance of the heritage asset... Restrictions on development in the historic environment should not be used to hinder otherwise satisfactory development and the Council is committed to working with applicants and developers to find creative development solutions’.

*Draft Local Plan 2031*

- 3.58 The Council is consulting on the Tower Hamlets Draft Local Plan which sets out a proposed vision, objectives and planning policies to positively plan and manage development in the borough up to 2031.<sup>18</sup> It has undergone Examination in Public and now awaits further consultation on the proposed changes.
- 3.59 Section 4.3 Design and Historic Environment notes that Tower Hamlets ‘is made up of a number of distinctive, diverse, historic and vibrant places whose characteristics together define the borough. These characteristic places have evolved gradually over the years. However, more recently the pace and scale of growth in London and the Borough is in danger of threatening the fabric of these unique and special places. As such, the new Local Plan provides an opportunity to review the effectiveness of the existing design and conservation policies to ensure that future growth is well managed and that the Borough continues to protect and enhance the Borough’s historic environment and its assets and ensure that new development complements and enhances the Borough’s distinctive place characteristics.’
- 3.60 Strategic Policy DH 3 ‘The Historic Environment’ requires that development ‘conserve and enhance the Borough’s designated and non-designated heritage assets and their settings’ and that development of or within a designated and non-designated heritage asset or asset of community value will only be permitted where it does ‘not result in

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<sup>18</sup> London Borough of Tower Hamlets (2016) Plan Draft Local Plan 2031, November 2016.

an adverse impact on the character, fabric or identity of the heritage asset or its setting'; that it is 'appropriate in terms of design, scale, form, detailing and materials in its local context'; and where it 'enhances or better reveals the significance of assets or their settings' or 'preserves views identified in the updated Character Appraisals and Management Guidelines and additional locally important views. Proposals for the demolition of a heritage asset will only be considered under exceptional circumstances where substantial public benefit outweighs the substantial harm of demolition.

- 3.61 Policy DH 4 deals with World Heritage Sites. It requires that development should, ensure that 'it does not negatively affect the UNESCO World Heritage Site status of the Tower of London or Maritime Greenwich.'

*London Borough of Tower Hamlets Conservation Area Appraisals*

- 3.62 Conservation Area Appraisals and Management Guidelines for the Boundary Estate Conservation Area and the Elder Street Conservation Area were adopted by Cabinet in March 2007.<sup>19</sup> Conservation Area Appraisals and Management Guidelines for the Redchurch Street Conservation Area and the Brick Lane & Fournier Street Conservation Area were adopted in November 2009.<sup>20</sup> The appraisals establish the character and interest of the relevant conservation areas and offer proposals for their long term management.
- 3.63 The Brick Lane & Fournier Street Conservation Area Appraisal is the only one to make reference to the potential redevelopment of The Goodsyards site. It sets out that 'This is identified as a major development site, and the East London Line will be extended west from its previous terminus at Shoreditch. Development adjoining

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<sup>19</sup> London Borough of Tower Hamlets (2007) The Boundary Estate and the Elder Street Conservation Area Appraisals and Management Guidelines.

<sup>20</sup> London Borough of Tower Hamlets (2009) Redchurch Street and Brick Lane & Fournier Street Conservation Area Appraisals and Management Guidelines.

Brick Lane should preserve or enhance the character of this street, as described in the Character Appraisal. The Braithwaite Viaduct itself will be retained and is likely to be central to any new development in this area. The existing brick walls on to Brick Lane should be replaced with new appropriate development, respecting the scale, grain and materials of Brick Lane.

- 3.64 The document also sets out on page 31 that ‘emerging large scale proposals in the general area for the re-use of Bishopsgate Goods Yard...will need to take careful account of the setting of Brick Lane and Fournier Street Conservation Area and its principal buildings.’

## **4 The effects of the Proposed Development**

### **Introduction**

- 4.1 The proposed redevelopment does represent a significant change for The Goodsyards site which for many years, and despite a variety of temporary uses, has effectively been largely redundant, in a partly ruinous condition or generally in a poor state of repair. The site has created a significant gap in the wider area's built environment and townscape and in its permeability and land use.
- 4.2 The proposed scheme for the site's redevelopment offers an opportunity to bring the site back into an active use while respecting and considerably enhancing the important on-site heritage structures and taking into account the historic character, appearance and relevant designations of the surrounding area.
- 4.3 Inevitably, any development on the site will transform its character from a largely redundant area, characterised by a series of railway vaults and other structures and the concrete box of the East London Line, into a reinvigorated site populated with homes, shops, offices and other associated uses. That this is the case was envisaged at the time of the preparation of the Bishopsgate Goods Yard Interim Planning Guidance (2009). This document establishes a framework in which development could come forward and provides guidance on managing the significant changes likely to result from the redevelopment of the site.

### **Approach to assessment of effect**

- 4.4 This section of the Heritage Statement is structured to provide an assessment of the various heritage assets (designated and undesignated) and the effects of the Proposed Development on their significance and that of their setting. The following paragraphs take into account the relevant planning legislation (the Planning (Listed Buildings and Conservation Areas) Act 1990) and the



historic environment policy context. They also consider the specific heritage benefits offered by the proposals and how these will enhance and reinforce the significance of particular heritage assets. Consideration of the wider benefits of the Proposed Development is also provided.

- 4.5 The foundation of our approach to an assessment of the Proposed Development and its effects on the historic environment is the Planning (Listed Building and Conservation Areas) Act 1990 (the Act).
- 4.6 Section 66(1) of the Act requires decision makers to ‘have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses’ when determining applications which affect a listed building or its setting. Section 72(1) of the Act requires decision makers with respect to any buildings or other land in a conservation area to pay ‘special attention [...] to the desirability of preserving or enhancing the character or appearance of that area’.
- 4.7 The necessary stages for the decision-maker in fulfilling its duties under these sections (and therefore the approach to be taken in any analysis) are as follows.
- The ‘internal balancing exercise’ - Identify whether the Proposed Development as a whole will cause harm to heritage assets and, if so, the likely nature and significance of that harm. The assessment as to whether there is likely to be harm is a matter for the decision-maker’s own judgment. The decision-maker can still reasonably conclude that there is no harm where any adverse implications for the listed building or conservation area are outweighed by the overall impact of the proposal on the heritage asset as a whole.
  - The ‘external balancing exercise’ - If harm is found (substantial or otherwise), harm must be balanced against countervailing planning benefits but in carrying out this balancing exercise, considerable

importance and weight must be given to the finding of harm. Where harm is caused, there is then be a presumption against the granting of planning permission for a development but that harm could be outweighed by material considerations powerful enough to do so.

- 4.8 Although the conclusion of this report is that substantial harm is not found in this instance, where 'substantial harm' is found, the advice in paragraph 195 of the NPPF should additionally be taken into account. That is, permission or consent should be refused 'unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss' or at least one of four specified criteria are met.
- 4.9 Where the harm found is less than substantial under the terms of the NPPF, care is needed that the decision-maker expresses and applies the test correctly. Considerable importance and weight should still be given to that finding of harm. Paragraph 196 of the NPPF states that where 'a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'
- 4.10 The following assessment therefore considers individual and grouped heritage assets to determine whether harm to the significance of those assets is found as a result of Proposed Development. It considers the heritage benefits of the Proposed Development as a whole in this assessment. Then, if necessary, the importance of countervailing wider public benefits are taken into account in considering any harm as set out in paragraph 4.7 above.

#### **Outline of the Proposed Development**

- 4.11 As noted above in the Preface to this document since the original scheme for the Goodsyards site was submitted and

following consultation on the proposals, the applicant is now submitting amendments to the application to positively address consultation feedback. The following paragraphs summarise the outline of the scheme now proposed.

- 4.12 The original scheme was developed with the Interim Planning Guidance (IPG) firmly in mind and this continues to be the case with the amended scheme. It has also considered and taken into account the presence of unlisted and listed heritage structures on the site and other numerous significant above and below ground constraints (as set out in the Design and Access Statement). Such constraints are acknowledged within the IPG.
- 4.13 The Proposed Development is a comprehensive mixed use development for a variety of uses which includes residential, business, community, leisure, retail, non-residential institutions, sui generis uses, storage and cycle parking. The scheme also includes a significant new area of public space, including a park, and improved permeability across the site with new routes that connect with the surrounding area. It has the clear goal of wherever possible retaining all historic assets on the site and finding useful and meaningful new uses for them.
- 4.14 The site has been divided into a series of plots (1-6, 7A-E 8, 10, & 11). Detailed and Listed Building Consent applications are submitted for Plots 7A-D. Application 1 (Plot 7A) contains the works to the Grade II Listed Oriel Gateway and adjoining historic structures, and Application 2 (Plots 7B-D) is for works relating to the Braithwaite Viaduct. The remaining building plots (as well as the park at the upper level) are submitted in outline. The public realm at ground level is also in outline.
- 4.15 The largest area of Plot 7 is centrally located within The Goodsyards masterplan (comprising Plots 7B, 7C, 7D and 7E) and includes the Grade II listed Braithwaite Viaduct and adjoining unlisted arches. Plot 7E sits directly to the south of the viaduct, and comprises London Road,

including the historic Boiler Room which houses the hydraulic accumulator. The smaller plot, comprising Plot 7A, sits at the western edge of The Goodsyards site fronting onto Shoreditch High Street. This collectively includes some of the site's key historic features; the Oriel, forecourt walls, two listed gates, gateposts and winding mechanism within adjacent wall.

- 4.16 In regard to heritage assets, following consultation with stakeholders, key amendments to the scheme that have been made since the submission of the original application in July 2014 and the 2015 Amended Scheme and include:
- The Oriel Gateway is to be refurbished which will then serve as the main entrance to the site;
  - The northern edge of the grade II listed Braithwaite Viaduct arches are to form and create the edge of the new east-west route through the centre of the scheme<sup>21</sup>;
  - Restoration of the Boiler Room, which houses the hydraulic accumulator in its basement, to create a heritage display;
  - The existing Goods Yard boundary wall is to be retained and re-purposed to act as a foil for bringing the larger proposed new buildings to ground;
  - A number of existing buildings, on the northern boundary are to be (Weavers Cottages, Victorian building and Mission Hall) retained and re-furbished within Plot 5.

- 4.17 The Proposed Development overall offers a number of wider planning benefits that are in addition to the numerous heritage benefits identified in 4.21 below. These include the following at 4.18 (which are described

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<sup>21</sup> A stairway through an arch of the Braithwaite Viaduct which was included within the previous scheme is now omitted.

in more detail in the Planning Statement prepared in support of the amended application).

- 4.18 The Proposed Development will make a significant contribution to the regeneration of the local area, leading to considerable economic, social and environmental benefits during both the construction phase and the operational phase. These include:
- Delivering a landmark development located at a strategically important site within LBH and LBTH;
  - Bringing a derelict brownfield site back into productive use, encouraging confidence in the market;
  - Construction of up to 500 high quality new homes;
  - Provision of up to 138,263 m<sup>2</sup> [TBC] Gross External Area (GEA) of commercial floorspace (B1 use), up to 19,301 m<sup>2</sup> [TBC] GEA of retail floorspace (A1, A2, A3 and A5 use);
  - Provision of an hotel of up to 150 rooms;
  - Providing a considerable quantity of high quality public open space in the form of a raised park; the 'Platform Park' and landscaped public realm and play space. A high-quality public park will act as a catalyst for regeneration, attracting visitors and creating an active and vibrant destination where local residents, employees and visitors can interact;
  - The potential for considerable economic benefits in the local area as a result of the development of The Goodsyrd, including the potential for uplift in residential and commercial property values outside of the site, increased visitor numbers and additional spending in the local economy;
  - Improved access between Brick Lane and Shoreditch High Street via two new public routes (i) a central east-west route to be known as Middle

Road (to the north of the viaduct); and (ii) the restoration and reopening of existing London Road

- New local facilities including retail units and other employment floorspace, offering a range of unit sizes which can provide accommodation for a range of businesses, from large occupiers to SMEs and small local entrepreneurs;
- Delivery of community facilities including a GP surgery, landscaped public realm, play spaces, and educational features incorporated into the revamped Boiler Room and wider landscape of the site, including habitats and community growing spaces;
- Restoration and incorporation of key historic elements of the site, including existing including cobblestones, turntables and rail tracks to create a streetscape which celebrates the unique culture of Shoreditch, referencing historic street patterns and the restoration of both the Oriel Gateway and the Braithwaite Viaduct;
- Refurbishment and the sensitive reuse of the Sclater Street Weavers' Cottages, Victorian building, the former Mission Hall, retained unlisted viaduct arches to the south of the Braithwaite Viaduct and large sections of unlisted boundary walls;
- Contributions to the provision and improvement of local community infrastructure through the S106 Agreement process, which will likely include improvements to: affordable housing; education; employment and enterprise opportunities (including improving access to employment); health facilities; the public realm; highways and transport; and libraries, community and leisure facilities;
- Support to ensure local people can access employment opportunities, working with the LBH

and LBTH and other local partners to provide a range of employment and procurement initiatives;

- Delivery of a scheme which adheres to high energy efficiency and sustainability standards, using Combined Heat and Power (CHP) networks, Sustainable Urban Drainage Systems (SUDS), inbuilt water saving devices, dedicated waste management schemes and recycling areas; and,
- Promotion of sustainable transportation through significantly improved connectivity and permeability through the site and local area, as well as cycle parking spaces for residents, employees and visitors.

### **Heritage Strategy**

- 4.19 The historic environment has been a necessary, essential and much valued consideration during the development of the proposed scheme and as a result, the scheme offers a number of significant heritage benefits.
- 4.20 An overriding objective has been to work with the existing grain and character of the site as far as possible through the retention of large areas of the remaining historic fabric. The Goodsyards has a strong identity that will be reinforced through the repair of listed and unlisted buildings and structures which emphasise and reinforce the character and distinctiveness of the place. Part of the site's character is derived from its patina and sense of age, wear and use and the retention of this patina is an important objective of the scheme.
- 4.21 The scheme offers the following heritage benefits and enhancements:
- Repair, reuse and enhancement of the grade II listed Braithwaite Viaduct, a substantial and currently hidden 'Building at Risk', and full integration of the structure into the wider scheme;
  - Repair, reuse and enhancement of the grade II listed Former Forecourt Walls and Gates (the Oriel

Gateway), a 'Building at Risk' which currently contributes very little to the surrounding townscape or the site, and full integration of the structure into the wider scheme;

- Both listed structures will, for the first time in decades, be enhanced and become publicly accessible and able to contribute to the site and the surrounding historic environment;
- Repair, enhancement, refurbishment and reuse of the Boiler Room, which houses the hydraulic accumulator in its basement, to create a heritage display;
- Repair, enhancement and incorporation of the unlisted Sclater Street wall (northern boundary) into the wider scheme with some alteration to provide increased openings;
- Repair, enhancement, refurbishment and reuse of the non-listed Sclater Street Weavers' Cottages and Victorian building which are currently in a very poor state of repair;
- Repair, enhancement, refurbishment and reuse of the non-listed Sclater Street Mission Hall and incorporation into the wider scheme;
- Alterations to the Brick Lane perimeter wall to improve access from Brick Lane into the site and increase public access to the Braithwaite Viaduct;
- Retention, repair, reuse and enhancement of the unlisted vaults to the south of the grade II listed Braithwaite Viaduct;
- Repair, refurbishment and enhancement of the jack arches to London Road (with some minor demolition) and incorporation of London Road into the scheme as a principal, public east-west route;
- Retention, repair and enhancement of the former Goods Yard external wall north of the existing



ramp and full incorporation into the wider scheme;

- Provision of enhanced linkages and connections between areas of related history and architectural interest as there once were;
- The general repair and refurbishment of the site will enhance the on-site heritage assets' significance and their contributions to the surrounding historic environment and nearby heritage assets; and,
- The proposed high quality development will provide a significantly enhanced interface between the site and the surrounding historic environment, vastly improving on the current character and appearance of the site.

4.22 The scheme therefore proposes the repair of the above historic structures and buildings and provides them with sustainable and much needed new uses. The repaired and retained structures add strength and character to the site and to the surrounding area. They help to ensure a sense of on-site consistency and continuity and to integrate the proposed new development with the site and the surrounding context. As noted above, the repaired on-site heritage assets will help to reinforce the historic character and architectural interest of the site and its setting on the city fringe. It will enhance the setting of other heritage assets in this regard.

4.23 While the vast majority of the listed and unlisted structures on site are retained and given positive new uses, some demolition of historic fabric is necessary so that areas of the site can be developed. Demolition is focussed principally on the south-west corner of the site; an area currently occupied by unlisted barrel vaults and associated structures (Appendix A – V1-V11, R1, R2 and B2). That demolition of structures in this location may be necessary was foreseen in the Bishopsgate Goods Yard Interim Planning Guidance (IPG).

### On-site listed structures

- 4.24 The on-site listed structures include the grade II listed Braithwaite Viaduct and the grade II listed 'Former Forecourt Walls and Gates to Bishopsgate Good Station' (as noted above the term 'the Oriel Gateway' is used throughout for ease of reference). The extent of the statutory listing is set out in section 2 above and List descriptions and further details of the listed structures are provided in Appendix A.
- 4.25 The proposed scheme allows for the full retention of the Braithwaite Viaduct with some demolition of later accretions and structures at its western end and minor alterations/interventions along its length. The scheme also allows for the full retention of the Oriel Gateway structure although it does also involve the demolition of parts of its curtilage structures to the south. This includes a section of the boundary wall along Commercial Street (B2 in Appendix A) and vaults V1 and V2 (Appendix A) which sit behind the wall at a lower level.
- 4.26 Both the Oriel Gateway and the Braithwaite Viaduct are Buildings at Risk, as identified by Historic England, and are in a relatively poor state of repair with the potential to deteriorate further. The Oriel Gateway structure is in a particularly poor condition. It is in a far more exposed position than the Braithwaite Viaduct and demolition works in the early 2000s have left the structure very vulnerable to ongoing deterioration through water ingress and corrosion of the structure. The eastern face has been left exposed with its structure visible and it is overgrown with vegetation. The Oriel Gateway itself has been hoarded so as to protect against further deterioration, as have the original gates to the site which although repaired are vulnerable to theft and further damage.

#### *The Braithwaite Viaduct*

- 4.27 The proposed scheme seeks to sensitively repair the Braithwaite Viaduct, while entirely respecting its special

interest and patina, and to introduce viable, sustainable and appropriate new uses (e.g. A1, A1 (café) and A3 uses (at specific locations)) to the structure and the associated railway vaults to the south where they adjoin London Road. The proposed uses will secure the long-term future for the listed Viaduct and ensure its on-going conservation without affecting its special interest or significance.

- 4.28 Each viaduct arch is unique; shopfront types have been developed to accommodate these differences and provide flexibility whilst maintaining coherence across the viaduct. It is proposed that all retail units located within the viaduct are front serviced to mitigate the impact of servicing on the historic structures. A3 (restaurant) use has been kept to a minimum, assigned to specific arches where cross arches can be utilised to provide the additional louvre area required. This removes the potential need to puncture up through the arches for the required servicing for restaurant kitchens.
- 4.29 The proposed shopfronts mirror the site-wide light-touch approach towards the existing heritage structures. This is reflected in the design of the shopfronts, which incorporate servicing, signage and lighting within the frame itself. This ensures that fixing to the historic structures (listed and non-listed) is kept to a minimum.
- 4.30 All of the unlisted vaults to the south of the Braithwaite Viaduct up to and including London Road will be retained, repaired and incorporated into the scheme, thus enhancing the setting of the listed structure and reinforcing and enhancing the site's historic character and appearance. There are proposed alterations to the retained structures. These include:
- The demolition of later structures at the western end of the Braithwaite Viaduct so as to give the listed structure greater prominence, visibility and accessibility at the centre of the site;
  - A number of new openings between the spine walls of the unlisted vaults;

- Opening up of the wall between the last arch and Brick Lane to provide access on axis with the Braithwaite Viaduct.
- 4.31 The previous submission considered the pros and cons of retaining the Jack Arch lid over London Road. This late 19<sup>th</sup> century enclosure has a subtle curve along its length and is open to the south. There is a structural rhythm and patina that contributes to the unique character of The Goodsyards that convinced the team to retain it. On reviewing the previous submission which sought to create additional oculi in the lid, it is proposed that the lid remains intact and the existing oculi restored to use.
- 4.32 The structural condition of London Road is very poor in areas, as identified in the Condition Survey, but where it is retained, it will be repaired with a view to retaining as much of the fabric and patina as possible. The retention of the Lid to London Road is not without its challenges but it is clearly acknowledged to be a considerable heritage benefit that enhances the distinctiveness of the site and the setting of nearby historic structures.
- 4.33 The main interventions insofar as they directly affect the Braithwaite Viaduct are the clearance of later structures from the western end of the viaduct and the insertion of a main access stair in the last vault to the east. The demolition of the structures at the western end will reveal the Braithwaite Viaduct and place it at the centre of a new public space. This will be the only point where the listed structure has an impact on the external faces of the site. Historically, public access was possible between the various vaults when the passenger terminus was in operation, and it was designed to be seen, rather than hidden. It is considered that this is a genuine benefit of the scheme and leaves this section of the listed viaduct celebrated and prominent.
- 4.34 Where new public squares are proposed along Middle Road, this historic movement between vaults, through the listed cross arches, will be reintroduced; encouraged by the stepping back of shopfronts to create sheltered,

vaulted external spaces. Further animation of these spaces is proposed with potential café spill-out and dwell spaces

- 4.35 At the Braithwaite Viaduct's opposite end, it is proposed that the non-listed wall, which extends north off the Viaduct at this location, is demolished in order to open up the space and create a square. The listed walls remain intact.
- 4.36 In terms of judging this element of the proposals against the provisions of the Act and of related policy, it is evident that the proposals insofar as they relate to the Braithwaite Viaduct and its unlisted associated viaduct structures to the south are entirely and substantially beneficial and do not cause harm. The Braithwaite Viaduct will be fully repaired and restored and integrated into the development with a variety of viable new uses and functions. The Braithwaite Viaduct is a significant building at risk, the condition of which has deteriorated and will continue to do so in the event that works are not undertaken in the near future.

*The Former Forecourt Walls and Gates to Bishopsgate Goods Station (The Oriel Gateway)*

- 4.37 The grade II listed Former Forecourt Walls and Gates (Oriel Gateway) will also be fully repaired. This is in two parts. The LBC application seeks to repair, at ground floor level, the listed gateway structure to shell state with provision for retail units at that level. Above, parts of the original Oriel façade will need to be replicated and new stonework emplaced in order to reconstruct the stone screen, balustrade and urns. This detail will be taken from historic photographs. It is proposed that all historic openings, to front and back façades, be restored and glazed. This will provide views out across surrounding streets and into the Platform Park.
- 4.38 In completing these restoration works, the historic entrance to the site will be opened up once more creating access to the proposed key east-west route across the site of King Street leading to Middle Road. The historic gates

will be retained and incorporated into the scheme as will the short surviving section of boundary wall to the west that currently houses the gates' winding mechanism.

- 4.39 As identified in the condition survey and in Appendix A, the Oriel Gateway structure is in a very poor state of repair. It is also a detracting feature on the local townscape. The rundown appearance of the structure on Shoreditch High Street deprives a site that was once the dominant feature in the street and wider area of any presence or connectivity with its surroundings. Its repair, refurbishment and the provision for re-use will offer a significant heritage benefit to the structure, the site and the wider area. It will improve the relationship with the South Shoreditch Conservation Area, enhance local distinctiveness and underline the historic character and importance of the former Bishopsgate Goods Yard site. Its retention and reuse is very much a positive aspect of the scheme overall and adds character, depth and value to the proposals.
- 4.40 As part of the demolition of unlisted structures to the north and east of the Oriel Gateway during the 2000s, the boundary wall that served as a continuation of the listed structure and continued around the site to the north was demolished. The structure was cut back to leave four vaults on the northern side of the main entrance. This cut-off point was presumably selected as it reflected the understood extent of the listing i.e. the listing applied to the forecourt walls and gates rather than to the boundary.
- 4.41 The IPG anticipates the redevelopment of the south-west corner of the site. It sets out that the demolition of unlisted arches in this area may be appropriate 'where it would help to increase permeability and provide connections to the adjacent streets.'
- 4.42 The current scheme proposes the demolition of the western vaults from V1-V11 (Appendix A) and to include the demolition of a section of boundary wall to Commercial Street. The proposals would see the demolition of the ramp at the south-west corner of the

site but would retain the robust and sizeable unlisted wall that separates the main body of the former Goods Yard from the ramp. This is so that routes through the site at a very prominent point can be achieved, so that the Proposed Development can successfully meet the ground and so that major improvements can be made to the public realm at the junction of Shoreditch High Street and Commercial Street.

- 4.43 It is not considered that any of these structures are listed in their own right but V1, V2 and the boundary wall are considered to be curtilage to the listed Oriel Gateway structure. V1 and V2 are at a different level to the Commercial Street boundary wall and to the listed structure. Joins between V1 and V2 appear to indicate that they are of a different phase of construction, which happens to have been unified externally with the boundary wall. They also very much have a relationship with V3-V11 rather than G1-G9 of the listed Oriel Gateway.
- 4.44 While attached to the listed structure, it is considered that the curtilage link between the two structures has its limitations and the demolition of these vaults would not harm the appreciation of the listed structure from Shoreditch High Street or its overall significance or historic or architectural special interest. Stylistically, the boundary wall to Commercial Street has more of a relationship with the listed forecourt walls. This is quite natural given the consistency of construction date and architectural language. The Commercial Street wall has a very different character to the Oriel Gateway structure and indeed the Sclater Street boundary wall. It is closed, heavy and with little articulation or ornament. It offers very little to the public realm and restricts permeability.
- 4.45 The Commercial Street wall will be part-demolished as part of the proposals for reasons set out above. The point at which the listed structure is cut will be sympathetically and honestly treated. While this stretch of wall would be demolished, a large section of boundary wall at the

southern edge of the site which is largely currently hidden from public view would be retained and fully integrated into the proposals. On balance therefore, while some demolition is proposed of curtilage structure, a large and substantial masonry wall will be revealed and contribute to the overall aesthetic and historic character of the site. The historic boundary will continue to be an important feature in the local area which has connections to the nearby on-site listed structures.

- 4.46 As set out in paragraphs 4.19-4.23 above in relation to the overall site Heritage Strategy, retaining a strong edge to the site while increasing permeability has been an important consideration in developing the proposals. A strong site edge and boundary are emblematic of the character and history of the Goodsyards. The Proposed Development will reinforce that character and the contribution of the site to its context through the retention of its historic boundary treatment or the contribution made through high quality new architecture. Where boundary walls can be kept, they have been successfully integrated into the proposals. Where they can't be retained, for very valid reasons, demolition is proposed. Demolition is largely limited to the Commercial Street boundary wall. Where demolition is proposed, or has been undertaken in the past, new development will seek to recreate a strong boundary edge to the site. While the buildings can't replicate the boundary wall treatment, they can attempt to reinforce one of the key prominent characteristics of the site and its historic development.
- 4.47 The proposals relating to the listed Oriel Gateway must necessarily be seen in the round. The proposals seek to meaningfully repair and reuse significant grade II listed buildings at risk and integrate them fully in the overall scheme for the site. This will reverse almost fifty years of decline and deterioration and ensure the on-going conservation of the structures. In addition, large areas of unlisted structures will be repaired, retained and reused and have a key role in the scheme as a whole.



- 4.48 Statute and policy provision quite rightly seek to protect designated and undesignated heritage assets and their settings and specifically, in the case of the Act, listed buildings and conservation areas. In the case of the Oriel Gateway, as with the Braithwaite Viaduct, the heritage benefits resulting from the repair, restoration and reuse of the Gateway are considerable. Again, this is an important building at risk for which there is no easy solution to its repair and particularly its reuse. The structure has limited viable use potential given its form and current condition. While some curtilage structure to the Gateway would be removed (a section of the Commercial Street wall), in the round, the benefits to the structure offered by the Proposed Development are considered to sufficiently outweigh any perceived harm. The National Planning Policy Framework (NPPF) sets out that harm to designated heritage assets can be substantial or less than substantial harm. In the case of the Oriel Gateway structure, the proposed demolition would directly affect curtilage rather than listed structure and it is therefore considered that overall, and on balance, the genuine heritage benefits offered in respect of the Oriel Gateway would be beneficial and enhancing and would not result in causing harm to the heritage asset.
- 4.49 In the event that, contrary to this analysis, harm was to be found, this harm would certainly be considered to be less than substantial. In such cases the NPPF states that this harm can be outweighed by public benefits. It is considered that this harm would certainly be outweighed by clear heritage benefits but the wider public benefits (as set out in 4.18 above) are clearly numerous. These wider benefits include significant public realm improvements for the site and its wider context and the provision of a large public park which is a central aspect to the masterplan for the site.

### **Demolition of unlisted structures**

- 4.50 The demolition of unlisted but curtilage structures to the grade II listed Oriel Gateway has been discussed above. The following paragraphs relate specifically to the unlisted barrel vaults at V3-V11 and R1, R2 and R5 (Appendix A). The existing piers on the south side of London Road (R2) will be retained.
- 4.51 As unlisted structures, listed building consent is not required for their demolition. A consideration of their demolition necessarily falls within the scope of the planning application for the redevelopment of this area. The IPG acknowledges that demolition of these arches may be appropriate. The reasons for the demolition of these structures are set out in the Design and Access Statement. Essentially, it is so an area of the constrained site can be meaningfully developed and so that an increased public realm and greater permeability can be created across the site alongside high quality architectural development.
- 4.52 While unlisted, these areas do contribute to a degree to the character of the wider Goods Yard and the setting of listed structures. They form part of the history of the site and the story of its transformation in the late 19<sup>th</sup> century. However, although of some character, the vaults and associated structures are a generic type of railway architecture with no real features of architectural or historic distinction. This is noted in the list description for the Braithwaite Viaduct. The value of these arches has been diminished to a degree following the demolition of the northern part of the site in the 2000s.
- 4.53 A significant proportion of unlisted historic structures will be retained as part of the proposals, not least the series of unlisted vaults to the south of the Braithwaite Viaduct. These will continue to add emphasis to the significance of the Braithwaite Viaduct, the site as a whole and the wider context and setting through their retention, repair and reuse as a key component of the overall scheme.

- 4.54 The arches to be demolished are undesignated and are therefore not directly protected under the terms of the Act. In the language of national and local policy, their demolition is therefore not considered to cause substantial harm. Clearly, the unlisted arches to be demolished form an element within the setting of two listed structures. The removal of the unlisted structures promotes the ability to understand and better appreciate the most important, listed, structures, on the site and enables a series of significant heritage benefits for designated heritage assets to the site and beyond which includes the restoration of both listed and unlisted structures. As such, and on balance, it is considered that this aspect of the proposals would not cause harm overall.
- 4.55 If harm were to be perceived at any stage in this regard, it is clear that it would be less than substantial and it is considered that any harm is significantly outweighed by the heritage benefits of the scheme overall.

#### **The Sclater Street buildings**

- 4.56 The proposals also involve the repair and refurbishment of a small group of buildings outside the historic boundary but which are now part of the site. These include the former Mission Hall, former Weavers' Cottages and Victorian building on Sclater Street, all within the Brick Lane & Fournier Street Conservation Area. The Weavers' Cottages are noted in the IPG and the document recommends their repair and reuse. The IPG doesn't mention the Mission Hall, presumably because the building has always been so hidden.
- 4.57 To the north of the boundary wall the Weavers' Cottages will be restored and extended into a co-working office space. The Victorian building will become two apartments above ground floor retail units. The Mission Hall will be used as a commercial unit, linked through the Boundary Wall with a retail unit within the apartment building. The residential buildings will accommodate retail units and a doctors surgery. The positive treatment of these buildings

is a significant heritage benefit of the scheme that will contribute substantially to the Brick Lane & Fournier Street Conservation Area and site context.

### **On-site development**

- 4.58 The former Bishopsgate Goods Yard site will inevitably be transformed by the proposed scheme. The site is largely vacant and dominated by the concrete box of the London Overground viaduct. The proposed scheme represents a large development on the site, the quantum of which is within the range envisaged by the IPG, that will have an impact on the setting of on-site listed structures.
- 4.59 The Braithwaite Viaduct has historically been encased within a number of adjacent structures. This will largely remain the case and the experience of the viaduct will be through and from the unlisted viaducts to the south and with a connection to park level. Elsewhere on site, new buildings will cover much of the site which does represent a change in the setting of the listed Viaduct. This does not cause harm to the setting of the listed Viaduct or its significance particularly in the wider City fringe context.
- 4.60 The historic setting of the grade II listed Oriel Gateway structure has already been significantly diminished. The destruction of the Goods Station in the 1960s, the demolition of the northern part of the site in the 2000s and the construction of the concrete box to the East London Line and its bridge have fundamentally altered the structure's setting. The current proposals will not only see the full repair and refurbishment of this important structure but they also seek to upgrade the setting of the listed structure and emphasise the historic boundary to the site through a related building line. The new development will add definition to the historic boundary of the site while allowing increased permeability and access across the redeveloped Goodsyards.

### **On-site heritage assets - compliance with statute and policy**

- 4.61 Overall, it is considered that the current approach to on-site significant heritage assets is proactive and positive and takes into account the significance and special interest of the heritage assets affected. The proposals offer significant benefits to the on-site heritage assets as well as delivering a new development that will see the structures and their setting significantly enhanced. It is considered therefore that the positive and beneficial approach to designated heritage assets on site is compliant with the Act and national and local policy.
- 4.62 Where alterations and demolition are proposed that could be, contrary to this analysis, considered to cause harm to the overall character of designated heritage assets and their setting, it is considered that there are firstly considerable heritage benefits of the scheme that would outweigh that harm resulting in no overall harm being caused. Even if it was concluded that harm would be caused, any such harm would be significantly outweighed by the array of public benefits the Proposed Development will deliver.

### **Effects of the Proposed Scheme on the context of the site**

- 4.63 The following paragraphs consider the effects of the proposals on the surrounding context. Given the scale of the development proposed, this includes the Tower of London World Heritage Site, which is located approximately 1.7km to the south of The Goodsyards. Closer to the site, there are five conservation areas in close proximity to the site, approximately 272 listed buildings, one registered landscape and a number of locally listed buildings.
- 4.64 As set out in Appendix B, an assessment of the nearby listed buildings most likely to be affected was undertaken

which resulted in a list of 82 buildings. These were then grouped by street or geographical area to include:

- Bethnal Green Road
- Boundary Estate
- Truman Brewery
- Brick Lane
- Cheshire Street
- Commercial Street Centre
- Commercial Street North and Quaker Street
- Elder Street and Folgate Street
- Great Eastern Street
- Redchurch Street
- Shoreditch High Street
- Worship Street

4.65 The significance of the listed buildings, or groups of buildings, has been set out within Appendix B. The following paragraphs explain the effects, if any, of the proposals on that significance. All of the listed buildings are located within close proximity of each other and are within conservation areas, almost all of which fall within the study area (see Appendix B). There is therefore a considerable overlap between the various designated heritage assets in terms of the overall effects of the proposals on significance. The following section has therefore been structured in such a way as to avoid repetition.

4.66 It should be noted that other than the Sclater Street buildings that fall within the Brick Lane & Fournier Street Conservation Area, no other heritage assets are directly affected by the proposed scheme. All other effects are to be judged as indirect, i.e. the Proposed Development forms part of the wider setting of designated heritage assets.

*The Tower of London World Heritage Site*

- 4.67 The Tower of London World Heritage Site ('WHS') is located approximately 1.7km to the south of The Goodsyards site. It should be emphasised that the Proposed Development is some distance from the WHS, well outside of the WHS's identified local setting and will not be visible from any designated (London View Management Framework) views of the Tower of London.
- 4.68 There is clear policy and guidance on development proposals that fall within the setting of World Heritage Sites. The London Plan sets out at policy 7.10B that 'Development should not cause adverse impacts to World Heritage Sites or their setting, (including any buffer zone). In particular, it should not compromise a viewer's ability to appreciate its Outstanding Universal Value, integrity, authenticity and significance.'
- 4.69 Local policy reiterates this view. Policy DM28 of LBTH Managing Development Document and Policy DH 4 of the Tower Hamlets Draft Local Plan in relation to World Heritage Sites states that development will need to ensure it does not negatively affect the UNESCO World Heritage Site status of the Tower of London. Development proposals must be tested against the site's Outstanding Universal Value ('OUV') ensuring and illustrating that 'the proposal sustains and enhances the OUV of the World Heritage Sites.'
- 4.70 The WHS's OUV is set out in section 6 of Appendix B. The proposals have been assessed against the OUV of the WHS. The most relevant elements of this relates to the architectural importance of the Tower of London and its landmark siting. The White Tower has a strong silhouette which would continue to dominate the skyline and would not be adversely harmed by the proposed scheme.
- 4.71 In the July 2014 submission, the tallest elements of the scheme, were both visible in views of the Tower from the

South Bastion of Tower Bridge.<sup>22</sup> The 2015 amendments saw a reduction in height from the earlier application.

- 4.72 The 2019 Amended Scheme has taken into account comments from Historic England, and the reduction in height of the tallest elements of the scheme means that the development will not now be visible from the South Bastion view nor will it be visible from any designated (London View Management Framework) views of the Tower of London.

#### *Conservation Areas*

- 4.73 There are five conservation areas in close proximity to the site. All are within the London Borough of Tower Hamlets with the exception of South Shoreditch which is located in the London Borough of Hackney. These include:

- South Shoreditch (Hackney);
- Boundary Estate (Tower Hamlets);
- Redchurch Street (Tower Hamlets);
- Brick Lane & Fournier Street (Tower Hamlets);
- Elder Street (Tower Hamlets).

- 4.74 The historic development and significance of the conservation areas are set out in Appendix B. With the exception of the Brick Lane & Fournier Street Conservation Area, where the proposed scheme has a limited direct effect, the proposals only have an indirect effect on the settings of the conservation areas above. It should be noted that, as set out in paragraph 3.4 above, that there is no statutory protection for the setting of conservation areas; it is historic environment policy that protects conservation area setting. With all of the conservation areas, the issue is the same – The Goodsyards site will inevitably be transformed as a result of the

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<sup>22</sup> The view from the South Bastion of Tower Bridge is not a designated view, nor has it been identified as a 'key opportunity to maintain, enhance and create views to and from the Tower' in the Tower of London Local Setting Study (prepared by Land Use Consultants & Colin Buchanan on behalf of the Tower of London World Heritage Site Consultative Committee).



Proposed Development and certain views in, out and across conservation areas will also change.

- 4.75 The South Shoreditch, Brick Lane & Fournier Street, Redchurch Street and Elder Street are all conservation areas on the City fringe with a degree of shared history and pattern of development. They therefore share certain characteristics of street pattern, building use and form, materials and scale. They also share their location on the edge of the City where taller buildings form part of their wider setting – there is a natural and necessary juxtaposition between city-scale development and the more historic and modestly-scaled built environment.
- 4.76 The South Shoreditch Conservation Area has clear views to the City to the south and the Brick Lane & Fournier Street and Elder Street Conservation Areas have clear views to taller, more recent development to the south and west. Such views are part of setting, character and appearance.
- 4.77 As set out in Appendix B, the Boundary Estate is something of an anomaly in this context, being a purpose built housing estate of the late 19<sup>th</sup> century. It is largely residential in character and is laid out on a purposefully designed street plan which contrasts significantly with the more traditional pattern of streets in neighbouring areas. The estate is something of a distinct set-piece in a highly urban environment.
- 4.78 Local and national policy is designed so as to conserve and enhance conservation areas and to avoid adverse effects on the significance of heritage assets. Policy BG10 of the IPG sets out that ‘The height and volume of any tall buildings should be designed to present a carefully modelled massing when viewed from the adjacent conservation areas.’ Clearly, this does not state that tall buildings are not acceptable within the setting of the conservation areas rather it accepts they are in principle acceptable but that they should appear as carefully modelled. This is certainly the case in this instance.

- 4.79 It is tempting to consider the effects on the setting of nearby conservation areas through an assessment only of individual local views. What must also be taken into account, and as set out in the NPPF, are the impacts on significance overall in the round as well as the very real benefits that the proposal bring to the site itself and the impact these have on the surrounding area. As noted above, The Goodsyards site is largely redundant and in a poor state of repair. It has been scarred by fire and destruction, demolition, the London Overground viaduct box and bridge and a general lack of use and maintenance. It has an interface with almost all of the conservation areas above and while traces of historic fabric remain, the site currently offers very little to the setting of conservation areas nearby.
- 4.80 The proposals will restore the retained on-site heritage structures and add life and vitality to an area of London which has long been something of a gap in the area's built environment. It will enhance Shoreditch High Street (and therefore the South Shoreditch Conservation Area) Sclater Street and Bethnal Green Road, Braithwaite Street, Quaker Street and Commercial Street (and therefore the Brick Lane & Fournier Street and Redchurch Street Conservation Areas). The scheme offers the permeability across the area that once existed prior to the construction of Bishopsgate Goods Yard, and reconnects these areas with a shared history. It offers large areas of public space, including a public park, and these benefits can only enhance the settings of the conservation areas within the study area.
- 4.81 Views from conservation areas to the site are still of course an important consideration and, due to the scale of the proposed scheme in comparison to the existing site conditions, there will inevitably be an impact on local views towards The Goodsyards site. It is located at a prominent junction of Shoreditch High Street, Commercial Street and Great Eastern Street and the open nature of this junction increases the site's visibility.

- 4.82 The Proposed Development will be visible in views across the South Shoreditch Conservation Area looking towards the site. This is largely limited to the principal routes of Shoreditch High Street and Great Eastern Street. As noted above, large developments already form part of this context and spatially, the application site must inevitably include carefully modelled tall building if it is to optimise its contribution to the meeting of the pressing needs of the capital. The context thus already constitutes a very urban environment, and the Proposed Development has been carefully composed so as to respond to the surrounding built environment.
- 4.83 The proposals also seek to significantly improve the relationship between The Goodsyards and the surrounding area, repair and reuse on site heritage structures, bring high quality design to the site and improve on the current appearance of the London Overground line. It is therefore considered that they do not cause harm to but rather enhance the setting of the South Shoreditch Conservation Area. The Redchurch Street Conservation Area has a similar relationship to the site in the views out of the conservation area that will change. The proposals overall are considered to enhance the setting of the conservation area.
- 4.84 The taller elements of the proposals would be visible in views south from the Boundary Estate, largely in winter when the tree coverage is reduced. As set out above and in Appendix B, the significance of the Boundary Estate is partly derived from its unique character and how it is distinct from the surrounding built environment while still forming part of an urban context. It is also derived from the strength, consistency and cohesive qualities of its architecture and design which create something of a robust residential enclave within a more varied surrounding environment.
- 4.85 For these reasons, while the proposals are visible in views south, it is considered that this relationship or juxtaposition is not a harmful one. The estate is so distinct

and architecturally robust and cohesive that development to the south would not diminish an appreciation of the conservation area's quality, significance or special interest. It is very much a 'self-contained' conservation area depending very little on a wider setting.

- 4.86 The Brick Lane & Fournier Street Conservation Area is the only conservation area to be directly affected by the proposals in that the Sclater Street former Mission Hall, Weavers' Cottages and Victorian building will be repaired and integrated into the wider scheme. This is clearly a direct and distinct benefit of the scheme for the buildings, Sclater Street and the conservation area. The boundary between the site at its eastern end and Brick Lane will be opened up to improve the relationship between the site and the conservation area and to encourage permeability and public access. The architectural approach to this area, as set out in the Design and Access Statement will be inventive and add colour and interest to this area of Brick Lane while better revealing the relationship between the conservation area and the grade II listed Braithwaite Viaduct.
- 4.87 Large areas of the conservation area will remain unaffected by the proposed scheme. This is largely due to the layout and orientation of streets and buildings within the conservation area. Fournier Street and associated streets will be unaffected for example. Views of the Proposed Development will be possible looking north along Commercial Street towards the site. Again, this is an urban environment where larger-scale, modern buildings already form part of the wider context of the conservation area such as those of Bishopsgate and at Spital Square. While visible in local views out of the conservation area, the Proposed Development would not diminish an appreciation of the conservation area's character, appearance or significance or its key buildings.
- 4.88 The significance of the Elder Street Conservation Area is set out in Appendix B. It is a small conservation area that reflects the historic development of the City fringe and

there are residential, institutional and industrial buildings dating to the 18<sup>th</sup> and 19<sup>th</sup> centuries within its boundary. As with other conservation areas locally, given their City fringe location, larger-scale development is already a characteristic of its setting with No. 201 Bishopsgate and Principal Place to the west and Spital Square to the south. Indeed, larger-scale buildings have been permitted within the conservation area (the former Nicholls & Clarke site).

- 4.89 The Goods Yard is currently visible in views out of the Elder Street Conservation Area, along Elder Street and Blossom Street. The conservation area is separated from the site by the railway cutting and Commercial Street but still has a relatively close proximity to the site.
- 4.90 The view north along Elder Street was once dominated by the Bishopsgate Goods Yard and is now characterised by its ruinous condition. Part of the Proposed Development will appear in this view as part of the wider Goodsyards site that is outside of the direct view but forms part of the immediate context of the conservation area and includes a number of heritage assets.
- 4.91 The buildings on Plots 2 and 3 of the Proposed Amendments scheme will terminate the view along Elder Street and will therefore have an indirect effect on the conservation area's setting. The building on Plot 3 will provide a focus terminating the view at street level. It will mediate between the foreground buildings and the tower on Plot 2 behind, making legible the alignment of Commercial Street.
- 4.92 The design of the Plot 2 building has been altered slightly to address wind mitigation issues, following environmental testing. This has resulted in the addition of a series of horizontal fins at the upper levels of the building, enlarged inset office terraces and projecting canopies above the transfer structure floors. The principle effect on heritage significance from the Plot 2 building derives from its siting, scale, massing and overall architectural appearance, and the wind mitigation measures will vary that effect only slightly.

- 4.93 Although there is a clear visual impact on the conservation area's setting as a result of the height and scale of these buildings, development of the site enables for the first time in decades the meaningful use of the listed on-site heritage structures and the comprehensive repair of the site and its relationship with surrounding heritage assets such as nearby conservation areas and listed buildings. It also introduces an enhanced character, a new vitality to the area and links between shared areas of history and architectural interest.
- 4.94 Such heritage benefits within the locality need to be given sufficient weight in the consideration of whether harm is caused to this view and to the wider setting of the conservation area. Further, the considerable wider planning benefits of the scheme need to be taken into consideration.
- 4.95 The view north along Elder Street is the only view within the conservation area that would be affected. The conservation area is relatively tightly grained and compact with views of taller buildings beyond its edges and views to the north open up more because of the historic construction of Commercial Street, the railway cutting and the current condition of the Goodsyards. The effect of the Proposed Development on the conservation area as a whole is therefore limited.
- 4.96 Any perceived harm to the setting of the conservation area has to be balanced against the benefits of bringing the site back into use. These are genuine and numerous heritage benefits that outweigh any harm caused on a local level to the conservation area. In addition, the scale of the Proposed Development is not out of context with other developments to the south and west and is therefore not atypical of the conservation area's City fringe setting. Further, even if harm is caused following the 'internal balancing exercise' (which is not accepted), the wider public benefits of the Proposed Development are crucial in balancing against any perceived harm

beyond the considerable heritage benefits of the proposals.

### **Listed structures outside the site**

- 4.97 Similar issues that affect nearby conservation areas apply to the setting of nearby listed buildings. For many listed buildings located close to the site the impact of the proposed scheme on their significance and that of their setting would be minimal. The following summarises the impact of the proposals on the nearby listed buildings according to their geographical grouping.

#### *Bethnal Green Road*

- Nos. 123-159
- No. 25 The Knave of Clubs

- 4.98 The buildings will not be directly affected by any aspects of the proposals but the Proposed Development will appear in longer views to the west when complete. This would not harm the significance of the buildings, which exist in an urban environment with modern development already forming part of their context, or an appreciation of their special interest. Their setting will be enhanced through the repair of on-site heritage structures and a new use for the site.

#### *The Boundary Estate*

- 4.99 The Boundary Estate<sup>23</sup> is formed of a collection of 20 listed blocks with additional listed structures. All listed buildings and structures within the estate are listed at grade II. The estate buildings will not be directly affected by any aspects of the proposals but the proposals will appear in longer views to the south when complete. This would not harm the significance of the buildings, which exist in an urban environment with modern development already forming part of their context, or an appreciation of their

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<sup>23</sup> See Appendix B for full address details.

special interest. The conclusions on the impacts of the Boundary Street Conservation Area also apply in this case.

*The Truman Brewery*

- 4.100 This is an important group of grade II-II\* listed buildings. They would be largely unaffected by the proposals. The alterations to the eastern end of the site would be visible in views north along Brick Lane.

*Brick Lane: No. 149*

- 4.101 This is a small grade II listed building at the northern end of Brick Lane. The building forms part of a modest townscape which is mixed in building age and quality. Given the location of the building on the northern part of Brick Lane, the existing street pattern and the relationship between the building and the site, the significance of the building and its setting would not be adversely affected by the proposals.

*Cheshire Street: Nos. 2-38*

- 4.102 This grade II listed terrace is located on the south side of Cheshire Street which runs perpendicular to Brick Lane. The buildings address Cheshire Street although there are views past the buildings to Brick Lane. The proposed scheme would be visible in oblique views along Cheshire Street and therefore would be visible in narrow views away from the listed buildings once complete. This would not harm the significance of the buildings or an appreciation of their value and special interest.

*Commercial Street Centre*

- Christ Church Spitalfields (grade I)
  - Central North Block of Spitalfields Market (grade II)
  - Ten Bells Public House (grade II)
  - Nash Monument Christ Church (grade II)
  - Cattle Trough (grade II)
- 4.103 The listed buildings in this group are focussed around the grade I listed Christ Church and the grade II listed Central



North Block of Spitalfields Market. The proposed scheme would be visible in views to the north away from the group and would therefore be visible as part of the listed buildings' more distant setting. While the site would appear in the background to the north, it would not harm the legibility or appreciation of the listed buildings' special interest, significance or setting. Modern, larger scale buildings already form part of the listed buildings' setting, predominantly to the west, and the Proposed Development will contribute to that wider character.

*Commercial Street North*

- Former Police Station (grade II)
- Nos. 135-155 Commercial Street (grade II)
- The Commercial Public House (grade II)

- 4.104 The group of listed buildings in the northern section of Commercial Street includes four grade II listed buildings and a further grade II listed building, Bedford House, on Quaker Street. The former group relates to the laying out of Commercial Street and date principally to the 1860s. Commercial Street, and its setting, is urban in character and appearance. Bedford House is situated close to Braithwaite Street and is therefore in close proximity to the site. The northern end of Commercial Street and Quaker Street generally has a relatively poor quality built environment with a run-down feel exacerbated by the ruinous and redundant site. Once complete, the proposed scheme as a whole will significantly enhance the setting of the nearby listed buildings.

*Elder Street and Folgate Street*

- 4.105 There are 13 listed buildings, 4 sets of listed railings, 2 listed bollards and a listed street lamp on Elder Street.<sup>24</sup> There are 10 listed buildings and a listed street lamp on Folgate Street. Elder Street forms a north-south axis which has the Goodsyards site at its northern end, beyond Commercial Street and the railway cutting. Folgate Street

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<sup>24</sup> See Appendix B for address details.

runs east-west with views towards Bishopsgate to the west and Commercial Street and beyond to the east. Existing views along both Elder Street and Folgate Street give an indication of the original 18<sup>th</sup> century setting of both streets which include buildings of historic and architectural interest which are of consistent scale and height. The setting is, in some aspects, characterised by the juxtaposition of the old with the new beyond, often of a higher scale.

- 4.106 The setting of the listed buildings on both streets is not defined by these limited and narrow views but by a number of features and characteristics. These include nearby 18<sup>th</sup> century architecture, the Victorian and Edwardian warehouses along Blossom Street, the buildings of Norton Folgate, Quaker Street and Commercial Street and the street surfaces of Elder Street and Fleur de Lis Street. There are links to 18<sup>th</sup> century buildings such as the Sclater Street Weavers' Cottages and to buildings on Brick Lane. The setting of the Elder Street and Folgate Street buildings and features is broader than north-south or east-west views would allow. It also includes such townscape features as the railway cutting to the north and the existing Goodsyards (and its associated on-site listed buildings). If the taller elements of the Proposed Development site are considered to fall within the setting of the Elder Street/Folgate Street listed buildings so too must the historic structures that form part of that site.
- 4.107 View 49 of the TVIA shows one element of the existing and proposed setting of the Elder Street and Norton Folgate listed buildings/features. The buildings on Plots 2 and 3 of the Proposed Amendments scheme will terminate the view along Elder Street. They will appear as a distinct layer of townscape in the background of this view, clearly separate from the older houses in the foreground. The Proposed Development as shown in view 49 will therefore affect the setting of listed buildings on Elder Street when looking north.

- 4.108 View 49 would indicate that the Proposed Development would be prominent in the view northwards however, the Proposed Development would not necessarily affect the value of the experience of a Georgian street on the City fringe and it would not of course, directly affect the significance of the listed buildings themselves.
- 4.109 While the view northward is important in appreciating the run of listed buildings along Elder Street and its special interest and significance, it is not the only view, feature, building or group(s) of buildings forming part of the wider setting of the listed buildings or that best reveals their special interest or significance.
- 4.110 The existing goods yard site is currently run-down and does not make a positive contribution to the existing setting of the listed buildings either in the individual view or in terms of the listed buildings' broader setting. Modern, larger-scale buildings already form part of the listed buildings' wider setting and are a clear characteristic of the local area given its location on the City fringe. The well-modelled and designed buildings would improve upon the existing setting of the listed buildings in this view and the wide Proposed Development site does of course involve the significant enhancement of the on-site listed and unlisted historic structures.
- 4.111 The prominence of elements of the Proposed Development in view 49 would cause a degree of harm but the harm caused in the respect of this limited view would be less than substantial given the improvement on the current conditions. In addition, it is essential to take into account the heritage benefits of the Proposed Development, including the restoration of listed structures that also form part of the wider setting of the relevant Elder Street and Folgate Street listed buildings and which is enabled by elements of the Proposed Development.
- 4.112 Applying the tests set out at paragraph 4.7 above, in being a prominent feature in an obvious juxtaposition of new and old and lesser and greater height, the relevant

elements of the Proposed Development could be perceived as causing less than substantial harm to the setting of the listed buildings on Elder Street (and Folgate Street where relevant). It is considered that there are significant enhancements of heritage assets and genuine heritage benefits of the Proposed Development that outweigh this level of less than substantial harm. Further, this harm has to then be weighed against the wider public benefits of the scheme which are considerable.

*Great Eastern Street*

- Nos. 6-8 Great Eastern Street
- Nos. 11-15 Great Eastern Street/Fairchild Place
- Nos. 40-42 Great Eastern Street
- No. 87 Great Eastern Street

- 4.113 Great Eastern Street is now characterised by a mixed built environment with buildings of varying age and quality. There are four grade II listed buildings on Great Eastern Street at various points along its length. The proposed scheme would be visible within the setting of the listed buildings. The visibility of the scheme varies according to the position within the street; it is at its most prominent closest to the grade II listed Nos. 6-8 Great Eastern Street and Nos. 11-15 Great Eastern Street and would form part of the immediate backdrop to both buildings. The buildings already form part of a very urban context and their significance would not be harmed by the Proposed Development. The scheme overall would enhance the setting of the buildings with the high-quality development of a redundant and deteriorating site and repair the listed Oriel Gateway Structure which currently forms part of the backdrop to the buildings.

*Redchurch Street*

- No. 34 Redchurch Street
- No. 113 Redchurch Street

- 4.114 No.34 Redchurch Street is experienced from within Redchurch Street only and while there are views to the

east and west, the site is not visible from the listed building given the location of the building on the street and the narrowness of the street. It would therefore not be affected by the proposals.

- 4.115 No. 113 Redchurch Street is located close to the junction with Bethnal Green Road but it is separated from the site by modern development on the south side of Bethnal Green Road and Sclater Street. Such development already forms a significant part of the building's setting and it and its significance would be largely unaffected by the Proposed Development.

*Shoreditch High Street*

- 4.116 There are nine listed buildings on Shoreditch High Street which include the grade I listed Church of St Leonards.<sup>25</sup> The proposals would not cause harm to church's significance or special interest and the building would remain a local landmark of importance. The scheme would be visible in views to the south but modern developments already form part of the context of the church and its associated buildings as derived from its city fringe location. The church and its significance would continue to be understood and appreciated as before.
- 4.117 The listed buildings at the southern end of Shoreditch High Street, Nos. 182, 187-189, 191 and 196, are located in closer proximity to the site. These buildings are slightly cut off from the site by the rail bridge of the London Overground viaduct which passes by No. 196 Shoreditch High Street and has a significant impact on the building and its setting. The listed buildings already form part of a very urban environment with modern and larger-scale buildings (permitted and constructed) to the south and west. Once complete the Proposed Development will enhance the east side of Shoreditch High Street through a high quality development that will see the repair of a redundant listed structure, in a poor condition, and will therefore enhance the setting of the listed buildings.

*Worship Street*

- Nos. 91-101 (grade II\*)
  - Nos. 103-05 (grade II)
- 4.118 There are two groups of listed buildings at the eastern end of the Worship Street which includes Nos. 91-101 and Nos. 103-105. The site is located to the north-east of Worship Street and the taller elements would be visible in views beyond the buildings once complete. However, Principal Place appears immediately beyond the listed buildings with only an element of the proposed scheme in

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<sup>25</sup> See Appendix B for address details.

the background. The proposed scheme would therefore only have a minimal impact on the significance of the listed buildings.

*The Geffrye Museum*

- 4.119 The Geffrye Museum is located far to the north of site on the eastern side of Kingsland Road. The main building is grade I listed, its forecourt walls, gates and railings are listed at grade II and a niche within the forecourt is listed at grade II\*. The proposed scheme would be visible from within the forecourt of the complex, which has substantial tree cover in summer and winter, in very distant views. The distance between the site and the Geffrye Museum (approximately 1 km) means that the scheme would not harm the significance of the site and such views already exist from this part of Kingsland Road.
- 4.120 As with all nearby heritage assets, there will be a largely positive effect within the setting of most listed buildings given the site's current condition and built characteristics and form of development. The effects are an inevitable consequence of the redevelopment of The Goodsyards site and does not necessarily mean that the impact of the scheme has an adverse or harmful effect on the significance of listed buildings and their setting. These effects however are mirrored throughout this area of London where larger and taller development is a clear characteristic of the built environment.
- 4.121 While it is considered that the setting of listed buildings overall would not be harmed by the Proposed Development, it may be possible that harm would be perceived in relation to the setting of listed buildings, as an indirect effect on the designated heritage asset. It is considered that this perceived harm could not be considered as substantial. The special interest of the buildings in question would not be directly affected and the scheme overall offers significant enhancements and heritage benefits within the setting of the relevant listed buildings in addition to an increase in scale. It is therefore

considered that the proposed scheme is in accordance with statute and national and local policy relating to the setting of listed buildings and meets the policy requirement for harm to be outweighed by heritage benefits and wider public benefits.

### **Locally Listed Buildings**

- 4.122 There are a number of locally listed buildings within the local area. These are identified and described in Appendix B. The effects of the Proposed Development on locally listed buildings are similar to those described above – there will be a significant change in the local built environment and one that offers both an increase in the existing scale of form of on-site development and significant public benefits. The assessment of the impact of the proposals on listed buildings similarly applies to that of locally listed buildings.
- 4.123 Whilst not locally listed, the largest and most significant piece of existing engineering that remains on site (within Plot 7) is the hydraulic accumulator within arch V36 on the south side of London Road (see Appendix A). It is proposed that the hydraulic accumulator is restored and opened to the public as a visitor attraction, with a new visitor platform proposed off London Road. This will be supported by a designated education and visitor offering, located in the adjoining spaces at basement level to enhance this key piece of remaining industrial heritage.

### **Registered Park or Garden of Special Historic Interest**

- 4.124 There is one registered garden within the scope of this Heritage Statement. This is the grade II registered Arnold Circus (Appendix B). The central garden to Arnold Circus is an integral part of the Boundary Estate and to the setting of a number of listed buildings. Its significance is derived from its historic development and use and relationship with the surrounding streets and blocks that make up the estate. While the proposed scheme would be visible in views from the garden particularly in wintertime,



the overall significance of the garden would not be harmed.

### **Summary**

- 4.125 It is often the case that heritage and wider public benefits are discussed together. The heritage elements of the Proposed Development are strongly embedded in the overall scheme and form key components of the site planning and of the future use of the site. The heritage and wider benefits are interrelated but even as standalone items, the heritage benefits offered by the scheme are considerable as noted above. It is the conclusion of this report that within the immediate context of the site, and in relation to conservation areas and listed buildings and the setting of these assets overall would be enhanced as a result of the Proposed Development for reasons identified above. The condition and redundancy of the site at present detracts from the setting of surrounding heritage assets. Its revitalisation and reintegration into the fabric of the city will inevitably enhance the site and its context while creating a transformation in the local built environment.
- 4.126 It is therefore considered that the Proposed Development offers a gain in heritage terms for both the site and context even before a consideration of the wider public benefits which are compelling and significant. It is therefore considered that the proposed scheme complies with statutory and national and local policy.

## 5 Conclusion

- 5.1 The proposed redevelopment of the former Bishopsgate Goods Yard site represents a clear opportunity to deliver significant enhancements and benefits for the on-site historic structures and the surrounding context. For decades, the site has presented as a dominating and unappealing barrier within the local streetscape - a partially demolished and partly redundant structure, far from its original historic character and appearance.
- 5.2 Since the submission of the original application and following the consultation process and consideration of the proposals by the relevant statutory authorities, meaningful changes have been made to the application as noted above. This has included the redesign of individual buildings and the reduction in height of a number of buildings across the site.
- 5.3 It is still the case that the Proposed Development will result in a complete transformation of the site and there will also be effects on the surrounding historic environment. The Bishopsgate Goods Yard Interim Planning Guidance (IPG), which draws together various policy considerations including those relating to the historic environment, allows for a large scheme on this site. The general acceptance of a large-scale development on the site is also an acceptance that the setting of nearby heritage assets will change or be affected by the Proposed Development.
- 5.4 But, as demonstrated above, this change does not have to be harmful and indeed can be beneficial and provide enhancement to the historic environment. The proposed scheme offers genuine heritage benefits for the listed and unlisted structures on the site and enhancements to the surrounding historic context. In almost all cases, city-scale development forms part of the context of The Goodsyards site and the surrounding historic environment. This has resulted from the relationship between the City

and its fringe and from being part of the fabric of the urban inner city.

- 5.5 The significance of the heritage assets within the context of the site and outside of the Proposed Development boundary will not be directly affected by the scheme. Instead, the Proposed Development forms part of their setting and will enhance the local built environment.
- 5.6 For the heritage assets on the site, the scheme offers considerable and significant benefits. Two important, listed 'Buildings At Risk', the Oriel Gateway structure and the Braithwaite Viaduct, will be repaired and brought back into active use, as well many of their neighbouring unlisted structures. The heritage strategy for the site is positive and in line with good practice. It therefore is in accordance with relevant historic environment statute and policy.
- 5.7 In terms of the scheme's overall compliance with historic environment policy, much consideration of this case will be given to the degree of harm caused, if any, to the heritage assets both on and around the site. While some harm may be perceived, it is considered that this harm would be genuinely outweighed by the benefits to significance of those assets as a whole. Further, even if the Proposed Development is considered to cause harm to heritage assets as a whole (which is not accepted) any such harm would be significantly outweighed by the numerous public benefits of the scheme, including bringing the site back into active use, enhancing permeability and public realm, a generously sized public park and the repair and reuse of redundant and deteriorating heritage assets. In this regard, the proposed scheme would meet and accord with the relevant historic environment law and policy considerations.

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