

GREATER LONDON AUTHORITY

REQUEST FOR ASSISTANT DIRECTOR DECISION – ADD2272

Title: Bishopsgate Goodsyards: Daylight/Sunlight consultancy

Executive Summary:

The planning application for the mixed-use redevelopment of land at Bishopsgate Goodsyards, Shoreditch High Street and Braithwaite Street in London (the “**Bishopsgate Goods Yard Planning Application**”) submitted by Bishopsgate Goodsyards Regeneration Limited (the “**Applicant**”) is scheduled for an amended submission towards the end of 2018 and scheduled for a Mayoral Hearing in the summer 2019.

In order for the Mayor to reach a decision on the Bishopsgate Goods Yard Planning Application, specialist advice is required with regards to the daylight and sunlight impact of the proposed development on existing occupiers in the vicinity of the site and the quality of the environment for prospective occupiers. This advice involves the scoping and reviewing of the Daylight and Sunlight report to be submitted to the GLA by the Applicant.

In view of their prior involvement as consultants instructed by the GLA following Mayoral call-in and the expediency required, it is proposed to contract GVA Schatunowski Brooks to carry out these services.

Decision:

That the Assistant Director of Planning approves:

1. Expenditure of up to £14,500 on the engagement of GVA Schatunowski Brooks to provide advice on the Daylight and Sunlight report and to review the Applicant’s submission in respect of the Bishopsgate Goods Yard Planning Application through to a Mayoral Planning Hearing;
2. The receipt of up to £14,500 from the Applicant to reimburse the GLA for the expenditure required to commission the services required; and,
3. A related exemption from the requirement of the GLA’s Contracts and Funding Code to procure such services competitively and to re-commission the above services from GVA Schatunowski Brooks (the “**Consultant**”) without procuring competitively on the basis that the Consultant provided the advice following the original Mayoral call-in, is well versed with the development site, the surrounds, and the historic daylight & sunlight issues which led to the previous Mayoral deferral.

AUTHORISING ASSISTANT DIRECTOR/HEAD OF UNIT

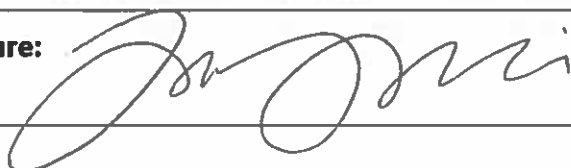
I have reviewed the request and am satisfied it is correct and consistent with the Mayor’s plans and priorities.

It has my approval.

Name: Juliemma Mcoughlin

Position: Assistant Director - Planning

Signature:



Date:

9-10-18

PART I - NON-CONFIDENTIAL FACTS AND ADVICE

Decision required – supporting report

1. Introduction and background

- 1.1. In July 2014, a hybrid planning application (and listed building consent application) was submitted to the London Borough of Tower Hamlets and the London Borough of Hackney for the comprehensive mixed-use redevelopment of land at Bishopsgate Goodsyards, Shoreditch High Street and Braithwaite Street, London. On 23 September 2015, the then Mayor notified the London Boroughs that he would act as the local planning authority for the determination of planning applications. The GLA is acting as Local Planning Authority on behalf of the Mayor.
- 1.2. The Bishopsgate Goodsyards Hearing was scheduled to be heard on 18th April 2016 with a recommendation for refusal from the Planning Officer because of negative amenity impacts, specifically daylight/sunlight resulting from inappropriate density, height, layout and massing. Harm to local heritage assets including listed buildings and Conservation Areas was also identified as a reason to refuse. The Mayoral Hearing was postponed at the request of the applicant. The then Mayor agreed.
- 1.3. Since that time Bishopsgate Goodsyards Regeneration Limited (the 'Applicant') has engaged in dialogue with GLA Officers, in consultation with the London Boroughs, to understand the significant issues raised and is now able to present a draft amended scheme for the basis of discussion ahead of a formal re-submission. For the Mayor to reach a decision, specialist advice is required with regards to the Daylight and Sunlight impact of the proposed development on existing occupiers near the site. This advice involves the scoping and review of, the Daylight and Sunlight Report to be submitted to the GLA by Gordon Ingram Associates on behalf of the Applicant.
- 1.4. GVA Schatunowski Brooks were engaged to provide advice for the GLA in 2015 on the original application up to the point of the deferred Mayoral Hearing in April 2016 when the consultancy work was postponed pending the submission of an amended scheme. The continued engagement of the GVA is considered expedient given that the company is well versed with the development site, the surrounds, and the particular daylight & sunlight issues at this site.
- 1.5. The Applicant has agreed to meet the full costs associated with the expenditure. The GLA will fund the costs associated with the work and will be reimbursed by the Applicant as the project progresses. Two separate invoices, for comparable amounts totalling together up to £11,500, will be submitted by the Consultant by January 2019 for the first invoice and by June 2019 for the second. A further invoice of £3,000 would be submitted only if a personal appearance by GVA Schatunowski Brooks at a Mayoral Planning Hearing is required (no later than October 2019). The Applicant would be advised of all invoices issued and a request for reimbursement made, promptly on their receipt.
- 1.6. Approval is therefore sought for the following:
 - Expenditure of up to £14,500 on the engagement of GVA Schatunowski Brooks to provide advice on the Daylight and Sunlight report and to review the Applicant's submission in respect of the Bishopsgate Goods Yard Planning Application through to a Mayoral Planning Hearing;
 - The receipt of up to £14,500 from the Applicant to reimburse the GLA for the expenditure required to commission the services required; and
 - Exemption of the requirement of the GLA's Contracts and Funding Code to procure the services referred to above competitively and to recommission the continued services of GVA Schatunowski Brooks in advising the Mayor on this called-in planning application.

2. Objectives and expected outcomes

Objectives

- 2.1 Securing specialist Daylight and Sunlight advice on the technical assessment submitted alongside the amended planning application for Bishopsgate Goodsynd, ensuring that the proposed development accords with relevant national, regional and local guidance and helps to deliver a comprehensive and sustainable redevelopment of this significant and strategically important site.

Outcomes

- 2.2 The outcome of the work procured is a consultant report and potentially the appearance as an expert advisor at the Mayoral Planning Hearing. The consultant's report will feed into a GLA planning report - which will be published on the GLA website and used to inform the Mayor's consideration of the Bishopsgate Goodsynd application.

3. Equality comments

- 3.1. The Equality Act 2010 provides that in exercising its functions, the Mayor and the GLA (as a public authority) shall have due regard to the need to a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act; b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and, c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.2. The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 3.3. With regard to age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation there are no identified equality considerations which arise in respect of this request for an Assistant Director Decision.

4. Other considerations

- 4.1. The review of the daylight and sunlight impact of the proposed development at the Bishopsgate Goodsynd site is fundamental to the full and proper assessment of the planning application and its general accordance with the London Plan. The GLA do not possess the required expertise in-house and officers are reliant on external expertise. The Applicant has agreed to reimburse the GLA in full for all costs associated with this work.

5. Financial comments

- 5.1 Assistant Director's approval is sought for expenditure up to £14,500 on the engagement of a Daylight/Sunlight Consultant to provide advice on the scope of a Daylight Sunlight report and to review the applicant's submission in respect of the Bishopsgate Goods Yard planning application through to a Mayoral Planning Hearing.
- 5.2 The cost of this is to be met by in full by the Applicant (Bishopsgate Goodsynd Regeneration Limited) as agreed on 17th August 2018. Approximately £11,500 will be spent in 2018-19 with the remaining £3,000 in 2019-20.

6. Legal comments

- 6.1 Pursuant to section 2A of the Town and Country Planning Act 1990 the Mayor may direct that he is to be the local planning authority (Mayoral call-in) for the purposes of determining a planning application of potential strategic importance ('PSI Application'). In these circumstances the GLA will become responsible for processing the PSI Application and negotiating a section 106 agreement.
- 6.2 A planning performance agreement ('PPA') is a project management tool which a local planning authority and an applicant can use to agree timescales, actions and resources for handling a planning application and in the case of a Mayoral call-in is agreed voluntarily with the applicant and the GLA after the Mayor exercises his power.
- 6.3 PSI Application relate to large and complex development proposals and a PPA will usually provide for voluntary contributions which the applicant has offered to pay to assist with the significant costs of processing the PSI Application and to ensure that adequate resources (including specialist experts) are available to achieve the agreed timetable for determination.
- 6.4 Pursuant to section 30 of the Greater London Authority Act 1999, the GLA has the power to do anything which it considers will further economic development, wealth creation, social development and improvement of the environment of Greater London. Consequently the GLA has statutory powers to enter into a PPA with an applicant for planning permission in circumstances where the Mayor has exercised his powers to determine a PSI Application.
- 6.5 Section 93 of the Local Government Act 2003 requires that any charge must be on a not-for-profit basis year by year and taking with one year with another, the income from charges for planning services must not exceed the cost of providing them.
- 6.6 The foregoing sections of this report indicate that in formulating the proposals in respect of which a decision is sought officers have complied with the GLA's related statutory duties to:
- Pay due regard to the principle that there should be equality of opportunity for all people;
 - Consider how the proposals will promote the improvement of health of persons, health inequalities between persons and to contribute towards the achievement of sustainable development in the United Kingdom; and
 - Consult with appropriate bodies.
- 6.7 In taking the decisions requested, the assistant director must have due regard to the Public Sector Equality Duty; namely the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010, and to advance equality of opportunity between persons who share a relevant protected characteristic (race, disability, gender, age, sexual orientation, religion or belief, pregnancy and maternity and gender reassignment) and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it (section 149 of the Equality Act 2010). To this end, the assistant director should have particular regard to section 3 (above) of this report.
- 6.8 Section 9.1 of the Contracts and Funding Code (the 'Code') requires the GLA to seek a call-off from a suitable framework, where possible, or if not, undertake a formal tender process which will be managed by TfL in respect of the services. However, the assistant director may approve an exemption from this requirement under section 10 of the Code upon certain specified grounds. The officers have set out at paragraph 1.4 of this report the reasons why they believe this meets the exemption. On this basis the assistant director may approve the proposed exemption if satisfied with the content of this report.

- 6.9 Officers must ensure that appropriate contract documentation is put in place with and executed by the GLA and GVA Schatunowski Brooks before the commencement of the required services.
- 6.10 Officers have indicated that the Applicant is providing the funds for the services required. Officers must ensure that an agreement is put in place between and executed by the GLA and the Applicant in respect of such contribution and in any event no reliance should be placed upon such funding until there is a legally binding commitment from the Applicant to provide the same.

7. Planned delivery approach and next steps

Activity	Timeline
Procurement of contract	September 2018
Delivery Start Date	September 2018
Delivery End Date	July 2019

Appendices and supporting papers:

SSJ form.

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary. **Note:** This form (Part 1) will either be published within one working day after it has been approved or on the defer date.

Part 1 - Deferral

Is the publication of Part 1 of this approval to be deferred? NO

If YES, for what reason:

Until what date: (a date is required if deferring)

Part 2 - Sensitive information

Only the facts or advice that would be exempt from disclosure under FoIA should be included in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:

Drafting officer to
confirm the
following (✓)

Drafting officer:

Paul Roberts has drafted this report in accordance with GLA procedures.

✓

Corporate Investment Board

This decision was agreed by the Corporate Investment Board on 8 October 2018.

HEAD OF FINANCE AND GOVERNANCE:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature



Date

08.10.18