

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION – MD2658

Title: Second extension to Bishopsgate Goodsyrd Planning Performance Agreement

Executive Summary:

A Mayoral Decision (MD2350) on 13 May 2019 approved the receipt of up to £180,000 from Bishopsgate Goodsyrd Regeneration Ltd to cover the costs associated with the processing of the called in planning application pursuant to a Planning Performance Agreement (PPA).

A Mayoral Decision (MD2568) on the 1 February 2020 approved an extension to the existing PPA of £75,000 exclusive of VAT.

A second extension to the existing PPA of £37,500 exclusive of VAT is required to cover a further increase in the costs.

Decision:

The Mayor is asked to approve:


1. the extension to the Planning Performance Agreement and the receipt of £37,500 exclusive of VAT on a cost recovery basis from Bishopsgate Goodsyrd Regeneration Ltd taking total cost recovery to £292,500; and
2. expenditure of £37,500 exclusive of VAT on the extension to the Planning Performance Agreement in respect of the Bishopsgate Goodsyrd scheme taking total expenditure to £292,500.

Mayor of London

I confirm that I do not have any disclosable pecuniary interests in the proposed decision and take the decision in compliance with the Code of Conduct for elected Members of the Authority.

The above request has my approval.

Signature:



Date:

4/9/20

PART I - NON-CONFIDENTIAL FACTS AND ADVICE TO THE MAYOR

Decision required – supporting report

1. Introduction and background

- 1.1 Planning Performance Agreements (PPAs) were formally introduced into the planning system on 6 April 2008 and are principally aimed at major planning applications that need substantial amounts of officer time and negotiation throughout the life of the scheme and allow officers to improve the quality of schemes that are eventually submitted as planning applications and determined. They also allow the GLA to charge for officer time taken up by the larger scale strategic schemes.
- 1.2 The period covered by this PPA expired on the 1 July 2020 and a second extension to 30 November 2020 is now required. The extension will require the further receipt of £37,500 from Bishopsgate Goodsyrd Regeneration Ltd to cover the costs of resourcing the handling of the planning application.

2. Objectives and expected outcomes

Objectives

- 2.1 Retaining a dedicated and experienced Planning Officer to manage the Bishopsgate Goodsyrd planning application process through to a Mayoral Planning Hearing and completion of any necessary section 106 legal agreement. This will ensure that the proposal accords with London Plan, national and local planning policies and helps to deliver a comprehensive and sustainable redevelopment of this significant and strategically important site.

Outcomes

- 2.2 The expected outcomes are the Planning Officer will be continuing to:
 - a) deal with all aspects of these strategically important and highly complex planning applications;
 - b) work collaboratively with the Applicant to ensure the efficient and expedient processing of the Applications;
 - c) co-ordinate a series of meetings with the Applicant to cover all relevant technical and design matters;
 - d) liaise and work with Officers at Hackney and Tower Hamlets Councils up to determination of the Applications;
 - e) manage and direct the work of specialist consultants, as required during the determination of the planning applications;
 - f) provide professional/technical expertise in the decisions relating to agreeing formal revisions and the processing of the applications, preparation of briefing notes or other advice;
 - g) schedule, organise and manage all aspects of the Mayoral Representation Hearing (plus any related consultations) to be held under Article 7 of the Town and Country planning (Mayor of London) Order 2008 and complete a detailed Stage III planning report and presentation in order to advise the Mayor and allow him to make a timely decision;
 - h) brief and present to senior management, deputy Mayors, the Mayor and, where necessary Council members representing Hackney and Tower Hamlets Councils as and when required; and
 - i) contribute to the provision of a high quality, effective and efficient development management and planning service, and to have full regard to the objectives of the whole planning service and the GLA in carrying out the responsibilities of the post.

3. Equality comments

- 3.1 Under section 149 of the Equality Act 2010, in making these decisions “due regard” must be had to the need to eliminate unlawful discrimination, harassment and victimisation as well as to advance equality of opportunity and foster good relations between people who have a protected characteristic and those who do not. Protected characteristics include age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, gender, sexual orientation (and marriage or civil partnership status for the purpose of the duty to eliminate unlawful discrimination only). The Planning Officer would be expected to make themselves familiar with these core principles, and to apply the principles of the Equality Act as they apply to public bodies such as the GLA.

4 Other considerations

Mayoral strategies and priorities

- 4.1 The Mayor’s Intend to Publish London Plan seeks to ensure that the city meets the challenges of economic and population growth with much needed housing and commercial floorspace along with other associating social infrastructure and transport infrastructure to enable the development. The Mayor’s decisions on referable planning applications are a key implementation tool of the London Plan.

Risk management issues

- 4.2 Regular monitoring of income will be necessary to ensure it is properly allocated to the costs of processing these applications and the income is spent within the Regulations associated with the Local Government Act.

Conflicts of interest

- 4.3 There are no conflicts of interest to note for any of those involved in the drafting or clearance of the decision.

5. Financial comments

- 5.1 Approval is sought for receipt and expenditure of up to a total of £37,500 exclusive of VAT on the continuing engagement of a designated Planning Officer to oversee the Bishopsgate Goods Yard planning application through to a Mayoral Representation Hearing and completion of any necessary section 106 legal agreement. All costs will be reimbursed in full by the Applicant.

6. Legal comments

- 6.1 A 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.
- 6.2 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 a PPA with an applicant for planning permission in circumstances where the Mayor has exercised his powers to determine a PSI Application.
- 6.3 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 one year with another, the income from charges for planning services must not exceed the cost of providing them.

- 6.4 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.
- 6.5 The Planning Officer will be expected to continue to make themselves familiar with these statutory duties and ensure they are reflected in the consideration of the scheme having full regard to the adopted planning policies in the London Plan and the planning policies in The Mayor's Intend to Publish London Plan. On the 13 March 2020 the Secretary of State issued a set of Directions under Section 337 of the Greater London Authority Act 1999 (as amended) and, to the extent that they are relevant to these particular applications they are a material consideration.
- 6.6 In taking the decisions requested, the Mayor 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 Mayor should have particular regard to section 3 (above) of this report.

7. Planned delivery approach and next steps

Activity	Estimated Timeline
• Target for submission of scheme amendments (planning applications and Listed Building Consent applications)	July 20
• Review of submitted material • Amended public and stakeholder consultation / Reg 22 (37 days) • S106 discussions	July 20
• Potential final Design Review Panel meeting • Consultation end & review • Further S106 discussions	August 20
• Borough planning committees • Further S106 discussions	September 20
• Potential notice of Mayoral Public Hearing • Potential Further s106 discussions • DM and Mayor confirmation to proceed to Hearing	October 20
• Potential Mayoral Public Hearing	November 20
• Decision Notice	November 20

Appendices and supporting papers:

None.

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

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:

John Finlayson has drafted this report in accordance with GLA procedures and confirms the following:

✓

Sponsoring Director:

Lucinda Turner has reviewed the request and is satisfied it is correct and consistent with the Mayor's plans and priorities.

✓

Mayoral Adviser:

Jules Pipe has been consulted about the proposal and agrees the recommendations.

✓

Advice:

The Finance and Legal teams have commented on this proposal.

✓

Corporate Investment Board

This decision was agreed by the Corporate Investment Board on 24 August 2020.

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature

D. Gane

Date

25 August 2020

CHIEF OF STAFF:

I am satisfied that this is an appropriate request to be submitted to the Mayor

Signature

D. Bellamy

Date

24 August 2020

