

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION - MD2350

Title: Bishopsgate Goodsyrd Planning Performance Agreement

Executive Summary:

This Mayoral Decision seeks approval for expenditure to cover costs associated with the employment of a Planning Officer and other staff time to process the called-in Bishopsgate Goodsyrd planning application. Approval is also sought to recover costs from the Applicant to cover this Greater London Authority (GLA) expenditure.

The Planning Officer provides professional and technical expertise relating to the proposed planning application, manages and directs the work of external consultants and works with the Applicant and Tower Hamlets and Hackney Councils to develop an amended scheme. The Planning Officer will undertake all necessary public and stakeholder consultation on a revised application, complete a detailed Stage III planning report and presentation, manage all aspects of the Mayoral Planning Hearing and oversee completion of any necessary s106 legal agreement.

All costs associated with this role and staff time will be reimbursed to the GLA by the Applicant under the terms agreed in an associated planning performance agreement (PPA).

Decision:

The Mayor is asked to approve:

- Receipt of up to £185,000 from Bishopsgate Goodsyrd Regeneration Limited;
- Expenditure by the GLA of up to £102,000 on the engagement of a Planning Officer (including agency costs), noting the remaining £83,000 will cover GLA staffing and overhead costs required to oversee the Bishopsgate Goods Yard planning application through to a Mayoral Representation Hearing and completion of section 106 legal agreement; and
- A delegation to the Assistant Director of Planning, to be exercised via Assistant Director Decision Forms, to approve additional:
 - recovery of costs of up to £50,000 for any further staffing costs that may be incurred;
 - recovery of costs for the commissioning of further studies related to this planning application.

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:

13/5/19

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

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 Boroughs that he would act as the local planning authority for the determination of planning applications.
- 1.2. The Bishopsgate Goodsyards Representation Hearing was scheduled to take place on 18 April 2016 with a recommendation for refusal from the then 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 refusal. The Mayoral Representation Hearing was postponed following a request from the Applicant.
- 1.3. Since that time Bishopsgate Goodsyards Regeneration Limited (the 'Applicant') has engaged in dialogue with GLA Officers, in consultation with the 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.
- 1.4. A Planning Performance Agreement (PPA) has been drawn up between the GLA and the Applicant setting out timescales, actions and resource for the handling of the application. The PPA sets out a work programme encompassing design and technical reviews of the evolving proposal ahead of an expected scheme amendment submission in spring 2019. The programme sets out a series of meetings between the GLA and the Applicant alongside separate ones with the Boroughs, up to and following the formal re-submission. A full public and stakeholder consultation exercise will be undertaken by the GLA on receipt of the revised proposal before the anticipated planning report and recommendation to the Mayoral Representation Hearing, anticipated for some time in late 2019. A designated Planning Officer will manage this process.
- 1.5. The PPA agrees that the consideration of the Applications requires the commitment of a dedicated and suitably experienced Planning Officer at the GLA. It is anticipated that the position will cease in December 2019. The Applicant has agreed to fund this resource in full. In addition, the Applicant agrees to contribute to the GLA's reasonably and properly incurred costs associated with obtaining the advice of external consultants in relation to:
 - Environmental statement matters;
 - Daylight and sunlight;
 - Heritage; and
 - Legal advice.
- 1.6. The approval to procure and contract with consultants on the above work will be obtained when required via the delegation to the Assistant Director of Planning.

2. Objectives and expected outcomes

Objectives

- 2.1. A dedicated and experienced Planning Officer to manage the Bishopsgate Goodsyards planning application process through to a Mayoral Representation Hearing, ensuring 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 Bishopsgate Goodsyard Planning Officer will:

- a) Work collaboratively with the Applicant to ensure the Applications are efficiently and expediently processed;
- b) Co-ordinate a series of meetings with the Applicant to cover all relevant technical and design matters;
- c) Liaise and work with Officers at Hackney and Tower Hamlets Councils through to and following the submission of the amended scheme;
- d) Manage and direct the work of specialist consultants, as required during the determination of the Bishopsgate Goodsyard planning application;
- e) Provide professional/technical expertise in the decisions relating to agreeing formal revisions and the processing of the application, preparation of briefing notes or other advice;
- f) Deal with all aspects of this strategically important and highly complex planning application;
- 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;
- h) Complete a detailed Stage III planning report and presentation in order to advise the Mayor and allow him to make a timely decision;
- i) 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
- j) 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). All recruitment and procurement activity outlined in this report will be conducted in line with our statutory equality obligations and 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

- 4.1. Mayoral Strategies and Priorities: the work is fundamental to the implementation of the Mayor’s London Plan which 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 planning application will be accompanied by a range of environmental and socio-impact assessments in the form of an Environmental Statement and the planning application will be consulted upon.

5. Financial comments

- 5.1 Approval is sought for expenditure of up to £185,000 on the engagement of a designated Planning Officer (including agency costs) and necessary consultancy advice to oversee the Bishopsgate Goodsyrd planning application through to a Mayoral Representation Hearing and completion of any necessary section 106 legal agreement. The costs associated with the consideration and determination of the planning application will be reimbursed in full by the Applicant.

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 Applications 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 The Planning Officer would be expected 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 Draft London Plan.
- 6.8 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	Timeline
Completion of Planning Performance Agreement (PPA) and appointment of dedicated planning officer.	August - Jan 2019
Submission of Planning Application	Jan - May 2019
Delivery End Date	December 2019
Project Closure:	December 2019

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:

Debbie Jackson 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 13 May 2019.

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature

Date

13.05.19

TOM MIDDLETON ON BEHALF OF MARTIN CLARKE

CHIEF OF STAFF:

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

Signature

Date

13/5/2019