

GREATER LONDON AUTHORITY

[REDACTED]
(By email)

Our Ref: MGLA170320-5412

14 April 2020

Dear [REDACTED]

Thank you for your further correspondence which the Greater London Authority (GLA) received on 17 March 2020. I am sorry that you were not happy with the way the GLA has responded to a request for information (ref MGLA230120-1015). I am now responding to you under the GLA's internal review procedure.

Background

On 23 January 2020 you submitted the following request for information (ref MGLA230120-1015);

Please would you send me all correspondence, emails, notes of meetings and minutes of meetings or phone calls - internal and with outside parties - concerning the decision to keep the Bishopsgate Goodsynd planning application in the hands of the GLA and not return it to the boroughs of Tower Hamlets and Hackney, after the planning decision was deferred by the Mayor Boris Johnson on 18 April 2016.

For reference, on 11 July 2019 Jules Pipe (Dep Mayor for Planning) told the Assembly Planning Committee : "it was tough to decide whether it [the Bishopsgate Goodsynd planning application] should go back to the boroughs again. We agonised over that but, in the end, everyone settled on it staying here because it had got to that stage."

The GLA responded¹ on 5 March 2020 with the information held within scope of your request and advising that further communications held were covered by the exceptions to our duty to disclose, found under Regulation 12 (5)(b) (The course of justice and inquiries exception), of the Environmental Information Regulations (EIR) 2004.

Your complaint

In your correspondence of 17 March 2020, you submitted the following complaint:

¹ <https://www.london.gov.uk/about-us/governance-and-spending/sharing-our-information/freedom-information/foi-disclosure-log/eir-bishopsgate-planning-application-decision>

Further to my reply just now, the information provided for this request MGLA170320-5217 only consists of a letter to one borough (Tower Hamlets) and a single planning report dated 21 October 2019.

I would have expected to receive communications to and from Hackney and the GLA, as well as details of any meetings and emails between the GLA and the two boroughs, where applicable, as I requested.

Could you please tell me why the information on this case MGLA170320-5217 is minimal?

Internal review

I have carried out this internal review as someone who was not involved in handling your original request. I should firstly clarify that the purpose of the Internal Review is to assess if the initial request submitted to a public authority was handled in accordance with the Regulations and, where the requested information could not be provided, that the correct provisions of the Regulations have been applied. This process is not designed to address any subsequent requests for information, or to answer new questions. Where appropriate we will be able to provide additional background information to help explain the initial response or add context to the information released, or to help clarify our decision to withhold information.

I have therefore focussed on the following areas of your complaint whilst conducting this review; to review whether the GLA provided the information you had requested.

As part of this review, I have asked our Planning team to confirm whether or not they hold any further information that was relevant to the scope of your request – i.e. any information which we had not referred to in our initial response letter – and to help provide an explanation about why there are no further communications with the borough to address your expectation about why additional information would be held.

They have confirmed there are no email communications with the borough concerning the decision to retain the application. There is one email with an attachment relating to meetings in October/November 2016 where some design changes to the scheme at that time were presented by the applicant to the GLA and the Boroughs. This details the collaborative process with the borough going forward.

By way of explanation as to why there is not more information, the Planning Officer has explained that once the Mayor takes over an application, it's ours and stays that way through to the Mayoral decision. There is no provision for returning applications within the Mayor of London Order, although it has happened in one instance.

As we have said previously, the Boroughs have been engaged as part of a collaborative process with GLA Officers since 2016. The matter of us keeping the application has not been a subject of discussion between Officers at least. Although not required, the Mayor took the decision to retain the application once an amendment was submitted in October 2019 as per the Stage II report already sent.

Outcome

In summary, I am satisfied the GLA does not hold additional information which was in-scope of your request, that there is no outstanding correspondence due, and that the GLA fully complied with our obligations under Regulation 5(1) to the extent that we provided you with all the information to which you were entitled.

I hope this review has helped to address your concerns. If you remain dissatisfied, you may take your complaint to the Information Commissioner at the following address:

*Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF*

<http://www.ico.org.uk/complaints>

However, if you have any further questions or concerns, please feel free to contact me and I will be happy to help where I can.

Yours sincerely

A handwritten signature in black ink, appearing to be 'I. Lister', written in a cursive style.

Ian Lister
Information Governance Manager

[REDACTED]

From: [REDACTED]<[REDACTED]@Hackney.gov.uk>
Sent: 20 February 2017 12:15
To: [REDACTED]
Cc: [REDACTED]<[REDACTED]@towerhamlets.gov.uk> [REDACTED]
Subject: Bishopsgate Goodsyrd
Attachments: BGGYletter from the Boroughs to GLA 200217.pdf

Afternoon [REDACTED]

I hope all is going well. Following on from our useful discussions about Bishopsgate Goodsyrd towards the end of last year, ourselves and Tower Hamlets thought it would be a good idea to set out our position at Planning Officer level.

The attached joint letter reiterates the initial comments made to you at our informal meetings where we were presented with further amendments to the scheme. The letter also confirms our desire to have continued engagement and collaboration with the GLA to help shape further amendments – and as such we would find a further joint meeting between the Borough Planning Officers and your team really useful. If you are happy to proceed on this basis and wanted to send through some potential dates in March or April we would be happy to confirm availability.

Whilst this is an Officer level letter, both Mayors of Hackney and Tower Hamlets are aware of the letter's content, and have followed this up with their own letter to the Mayor of London, reiterating some of these points.

I trust that this is useful, and should you have any queries please let me know.

Best regards
[REDACTED]

[REDACTED]
Head of Planning
London Borough of Hackney
2 Hillman Street
London E8 1FB

[REDACTED]
[\[REDACTED\]@hackney.gov.uk](mailto:[REDACTED]@hackney.gov.uk)

www.hackney.gov.uk

The contents of this email are confidential to the intended recipient at the email address to which it has been addressed. It may not be disclosed to or used by anyone other than this addressee, nor may it be copied in any way. If received in error, please contact Hackney Council, www.hackney.gov.uk on 020 8356 3000 (out of hours - 020 8356 2300) quoting the name of the sender and the addressee and then delete it from your system. Please note that neither Hackney Council nor the sender accepts any responsibility for viruses and it is your responsibility to scan the



Mr [REDACTED]
Strategic Planning Manager
Greater London Authority
City Hall
The Queen's Walk
London SE1 2AA

Date: 20 February 2017

Tower Hamlets Council
Place Directorate

Hackney Council
Planning Service

Joint Correspondence c/o
Town Hall
Mulberry Place
Clove Crescent
London E14 2BG

Tel: 020 7364 5009 (LBTH)
020 83568134 (LBH)

e-mail: amy.thompson@towerhamlets.gov.uk
ian.rae@hackney.gov.uk

Dear [REDACTED]

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
GREATER LONDON AUTHORITY ACT 1999
TOWN AND COUNTRY PLANNING (MAYOR OF LONDON) ORDER 2008

BISHOPSGATE GOODS YARD

Planning Applications 2014/2425 & 2014/2011
Listed Building Applications 2014/2427 & 2014/2096

Joint Borough response to the proposed amendments for the comprehensive mixed use redevelopment of the Bishopsgate Goodsyrd site

As you are aware the London Borough of Hackney (LBH) and the London Borough of Tower Hamlets (LBTH) each recommended on 15 December 2015 that the previous Mayor of London should refuse planning permission for the above development citing a number of reasons for refusal. Following a GLA Officer recommendation to refuse the application, the Stage 3 Hearing was deferred pending amendments to the scheme and the application is still currently with the GLA.

The applicant has approached the GLA with various proposed amendments to the application in order to address the issues raised by the GLA in their Stage 3 report. This letter sets out the joint response of both Boroughs to the latest amended proposals which were submitted to the GLA and shared with borough officers in late October and early November 2016.

Summary of Changes

The changes proposed within the scheme include:

- A reduction in height of Plot C from 26 and 30 storeys to 22 storeys
- A reduction in height of Plot D from 19 and 27 storeys to 18 storeys
- The setting back of Plot D building from Sclater Street
- A new 'community building' at Plot E, 6-8 storeys in height
- Introduction of more employment uses within plots C, D and E
- Alterations to Phoenix Street
- Retaining the listed wall (originally to be felled in Hackney)

The overall number of residential units within the Tower Hamlets part of the site would reduce from c. 774 to c. 493 homes and an increase in commercial floorspace from c. 86,500 sqft to 403,250 sqft (GEA). Overall, the proposed revised scheme would be "employment-led."

Procedure

Before we set our detailed response to the amendments, the Boroughs maintain their position that the determination of any proposed development for the site (whether an amended or new planning application) should return to the Boroughs to be decided locally by elected Members.

Comments on the proposed amendments

Both Boroughs welcome the opportunity to comment on the changes to the application. We note that these are presented at a relatively high level setting out approaches to changes in the massing and disposition of certain buildings and the mix of land uses in the development. The proposals have not been subject to any detailed testing or assessment.

Bishopsgate Goods Yard is a site of strategic importance and notwithstanding the challenges, it is hoped that the site can be developed to meet identified housing need, whilst providing a genuinely attractive employment offer that contributes to the success of Shoreditch.

With the above in mind we believe it will be helpful to set out our comments on the latest amendments. These have been considered in the context of the original reasons for refusal agreed by the Boroughs at their respective Planning Committees last December.

Both Boroughs' maintain the view that they cannot support a recommendation for approval until all the reasons for refusal have been adequately addressed. This is a position endorsed by both the Mayor of Hackney and the Mayor of Tower Hamlets. The reasons for refusal have been relayed to the GLA in our letters of 10 March and 23 June 2016.

Alterations to Plots C and D

The boroughs welcome the reduction in height of the buildings within Plot C and D, and the setting back of proposed buildings in plot D. The changes will improve the relationship to the development directly opposite at 32-42 Bethnal Green Road. The overall acceptability of these changes will be dependent on townscape and environmental considerations.

Given the substantial amenity impacts arising from the current application proposals, other options such as reducing the overall number of towers across these plots or amalgamating two buildings within Plots C and D could be tested as an alternative approach. Alternatives may improve separation distances between the individual tall buildings to enable daylight and sunlight to penetrate through the site, reducing the current unacceptable amenity impacts.

The proposed revisions would help, but still do not reduce the size of the buildings on the part of the site within the London Borough of Hackney that have significant impacts on the setting of many surrounding heritage assets and important townscape views. It is suggested that the size of the buildings on the western part of the site and overall architecture are also reconsidered as part of these discussions

The Boroughs are still of the view that the architectural design of the proposed residential towers E and F, are not of sufficient quality and should be reconsidered. The height of building F needs to be reduced to remove it from the Tower Bridge South Bastion view of the Tower of London.

The Boroughs also remain concerned about the overall height of buildings A and B and in particular how they would sit in relation to the Tea Building.

Broadly speaking, the Boroughs are supportive of the architectural treatment for blocks A, B and K and suggest that the current discussions represent an opportunity to secure this design, rather than leave it as outline (which is the current proposal).

A new 'community building' at Plot E, 6-8 storeys in height

The boroughs have concerns over the proposed amendments to Plot E which would result in a reduction to the usable space in the proposed park at the eastern end of the site. Officers would suggest any buildings on Plots C, D and E should be designed to reinforce a strong building line and not encroach or reduce the site of the park.

Introduction of more employment uses within plots C, D and E

The proposed revisions would increase employment provision within the scheme, but not sufficiently to meet demand. It is suggested that more employment floorspace is provided, or it is demonstrated through a financial viability assessment that the maximum economically feasible amount of employment floorspace would be provided. It is also suggested that any new viability information is shared with the Boroughs. Recent Information Commission

decisions have indicated that it is desirable for viability information to be freely available in the public realm, which is an approach shared by the Boroughs.

Alterations to Phoenix Street

The boroughs are broadly supportive of the approach to increase the staircase and the overall improvements and relationship of built form to Phoenix Street.

Retention of the listed wall in Hackney

The boroughs welcome the proposed revisions which would reduce the overall harm as previously identified by the GLA and LBH's committee report, as more of the existing listed boundary wall is to be retained. However, the proposed amendments do not include any further changes to the Oriel Gate. This is not acceptable for reasons previously set out in detail in Hackney's Committee report. Borough officers would be happy to discuss this point further and suggest an appropriate way forward for this element of the proposal.

Housing provision

The boroughs consider the overall provision of affordable housing should be in line with both boroughs housing targets and relevant planning policies. We will want to explore how affordable housing can be optimised on site and to include genuinely affordable products. The overall approach to housing has not been agreed to date and should be reconsidered within this amended proposal.

The boroughs also note the draft Affordable Housing and Viability Supplementary Planning Guidance 2016 which seeks to move away from Market Value when setting the benchmark land value. The boroughs hope this will enable the boroughs and the GLA to help increase the current affordable housing offer at genuinely affordable rent levels.

Permeability

The boroughs consider the introduction of commercial floorspace at plots C, D and E to represent a further opportunity to create a new east – west route to the north of and parallel to London Road. This would better reveal the significance of the listed Braithwaite arches, but also enable the commercial spaces within C, D and E to be connected at ground floor with plots H, I and J.

Conclusions

In summary, the Boroughs welcome the attempt by the applicant to redevelop the site and address some of the concerns raised. However, at this stage significant concerns remain over aspects of the proposals which have not been addressed.

The Boroughs would seek to work collaboratively, with the GLA, in order that we can together shape a development proposal that adequately addresses all our concerns. For this to be a

meaningful process and to ensure that the development delivers the maximum amount of affordable housing and appropriate amount of commercial floorspace, we consider it necessary to re-open the viability assessment in a transparent way with the Boroughs and revisiting the viability assumptions made in the Stage 3 GLA Officer report. In addition, we would request that the full results of a revised sunlight/daylight assessment are disclosed; and Borough officers are given the opportunity to work in a collaborative way towards informing wider design changes across all of the plots – particularly the towers.

We would like to thank the GLA for its continued dialogue with the Boroughs in regards to this application and look forward to working collaboratively with your team to inform the development proposals going forward.

Yours sincerely,



**Head of Planning
Hackney Council**



**Paul Buckenham
Development Manager
Tower Hamlets Council**