

GREATER LONDON AUTHORITY

REQUEST FOR MAYORAL DECISION

Title: MD3072 Bishopsgate Goodsyard Reserved Matters Applications

Executive summary:

This Mayoral Decision seeks approval of expenditure to cover costs associated with processing the Bishopsgate Goodsyard reserved matters applications.

All costs associated with Greater London Authority (GLA) officer time and external consultants to support the GLA team will be reimbursed to the GLA by the developer under the terms agreed in associated planning performance agreements, and as part of statutorily prescribed planning application fees.

Decision:

The Mayor is asked to approve:

- i. receipt of up to £915,000 from the developer Bishopsgate Goodsyard Regeneration Limited (includes £200,000 already approved under cover of MD2475 and ADD2601) to recover the GLA's reasonable costs for processing Bishopsgate Goodsyard Reserved Matters Applications (RMAs) 1, 2, 3 and 4.
- ii. expenditure of up to £915,000 (includes £200,000 already approved under cover of MD2475 and ADD2601) on processing the Bishopsgate Goodsyard RMAs 1, 2, 3 and 4. This includes both the pre-application stage and determining the four RMAs.

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:

25/4/23

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

Decision required – supporting report

1. Introduction and background

- 1.1. In July 2014, hybrid planning applications (and listed building consent applications) were submitted to the London Borough of Tower Hamlets and the London Borough of Hackney for the comprehensive mixed-use redevelopment of land at Bishopsgate Goodsyrd, 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 the applications.
- 1.2. A representation hearing was scheduled for 18 April 2016. However, prior to this date, GLA officers published an advisory planning report that recommended refusal of the planning application. The hearing was deferred whilst the applicant undertook further work to improve the scheme.
- 1.3. A hearing was held on 3 December 2020 by the current Mayor of London. Detailed permission was granted for Plots 2 and 7 and outline permission, with all matters reserved, for the remaining parts of the site. A Section 106 agreement was completed, and decision notices were issued in March 2022.
- 1.4. The scheme is now entering its next planning phase: the approval of the reserved matters. The applicant has proposed four reserved matters applications (RMAs) covering the part of the site with outline permission. It has been agreed that the Mayor will continue to act as the local planning authority for determining the RMAs.
- 1.5. The resourcing of this work by GLA planning officers, supported by external consultants to process the applications will be covered by planning performance agreements (PPAs) for each RMA, with the GLA recovering all costs from the developer.
- 1.6. PPAs were formally introduced in 2008 to cover GLA officer time. PPAs were principally aimed at major planning applications that need substantial amounts of officer time and negotiation throughout the life of the scheme.
- 1.7. MD2350 and MD1568 set out the expenditure to cover costs associated with the determination of the called-in hybrid planning applications and listed building consents.
- 1.8. For the RMAs, ADD2601 covered a PPA for GLA officer time and support from external consultants for the pre-application phase of RMA 1. The Assistant Director has delegated authority to sign off PPAs up to a maximum of £250,000. The exercise of the GLA's powers in this regard was delegated by the Mayor under cover of MD2475.
- 1.9. This MD sets out the expenditure to cover the GLA's costs associated with the pre-application process for RMAs 2, 3 and 4 as well as the cost of the determining all four RMAs. There will also be a planning application fee prescribed by regulations, the details of which are set out in the finance section, below. The external consultants have already been procured and have commenced work for the pre-application phase for RMA 1 under the cover of ADD2601. The scope of works for the pre-application stages of RMAs 2, 3 and 4 and the determination of all four RMAs, will be covered by this MD.

2. Objectives and expected outcomes

- 2.1. The principal objective of PPAs is to maintain an effective, high-quality, strategic planning service, by ensuring there are sufficient resources to deal with pre-application advice and applications – including call-ins by the Mayor. The expected outcomes are:
 - a continued ability to deal with workloads, particularly the pre-application service, by having sufficient resources in place

- allowing the GLA planning function to keep up with high levels of demand for advice whilst delivering an efficient, fit-for-purpose strategic planning function for the Mayor.
- 2.2. In this case, the PPAs will fund a series of pre-application meetings with the applicant (with attendance from Tower Hamlets and Hackney councils) for the RMAs. The scheme envisages a comprehensive mixed-use redevelopment, delivering an uplift of up to 500 new and affordable homes, as well as commercial, retail, hotel and leisure uses. A concentrated series of meetings are necessary to ensure a deliverable scheme that will meet the Mayor's objectives and satisfy (as far as possible) the councils' priorities.

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, sex, and sexual orientation (and marriage or civil partnership status, for the duty to eliminate unlawful discrimination only).
- 3.2. It is not considered there will be any equality issues in relation to the agreement of expenditure to cover the costs associated with the RMAs.
- 3.3. The procurement exercise for external consultants followed the TfL Framework equality and diversity procedures.
- 3.4. Any issues that may impact on people with protected characteristics will be considered as part of determining the RMAs.

4. Other considerations

Key risks and issues

- 4.1. Regular monitoring of income will be undertaken to ensure the costs of providing the service are covered; and that the income is spent within the regulations associated with the Local Government Act 2003.

Mayoral strategies and priorities

- 4.2. Pre-application advice (and in this case, determining the RMAs) 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 associated social and transport infrastructure that facilitates development. The Mayor's comments and decisions on referable planning applications and call-in applications are key implementation tools of the London Plan.

Consultations and impact assessments

- 4.3. Each RMA will be: supported by an Environmental Statement; reviewed by the Mayor's Design Review Panel (as well as Tower Hamlets' and Hackney's Design Review Panels); and subjected to public consultation as part of determining the applications.
- 4.4. In addition to the statutory public consultation carried out by the GLA, required as part of determining the applications, the applications will undergo pre-application public consultation which will be managed and funded directly by the applicant.

Conflict of interests

- 4.5. There are no conflicts of interest to note from any of those involved in the drafting or clearance of this form.

5. Financial comments

- 5.1. Approval is being sought for the receipt and expenditure of up to £915,000 in respect of the Bishopsgate Goodsyrd scheme – RMAs 1, 2, 3 and 4. PPAs will cover the pre-application stage and other GLA costs of determining the RMAs. There will also be a statutory planning application fee, as detailed within the table below.
- 5.2. As stipulated in the PPAs, the GLA is entitled to recover all costs (including external costs) associated with the processing of the pre-application and RMAs on a cost-recovery basis. This will be recovered from Bishopsgate Goodsyrd Regeneration Limited.
- 5.3. The fees for RMAs are prescribed by the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017 and set out on the Planning Portal. These fees are based on the number of residential units and/or the amount of floorspace for different types of use. It should be noted that, where applications cover more than one borough, the fee is 150 per cent of the 'single' fee. This applies to RMA 2 which covers both Hackney and Tower Hamlets.
- 5.4. To note, £200,000 of the £915,000 has already been approved via ADD2601 to recover costs for the RMA 1 pre-application phase.
- 5.5. Due to the complexity of the scheme, a 10 per cent contingency has been added to cover the possibility of more work being undertaken than is currently envisaged.
- 5.6. The breakdown of the expenditure, including that covered by ADD 2601, can be seen below:

	FY 2022-23	FY 2023-24	FY 2024-25	Total
GLA pre-app total: four RMAs	£179,000	£76,000	£58,000	£313,000
External consultants	£10,000	£81,000	£40,000	£131,000
Sub-total	£189,000	£157,000	£98,000	£444,000
Contingency @ 10%		£15,700	£9,800	£44,400
Application fee		£300,456	£144,955	£445,411
Total	£189,000	£473,156	£252,755	£914,911

- 5.7. This income and expenditure has been budgeted for in the 2022-23, 2023-24 and indicative draft 2024-25, Planning and Regeneration budgets; and is exclusive of VAT.

6. Legal comments

- 6.1 A PPA is a project management tool that a planning authority and an applicant can use to agree timescales, actions and resources for handling a planning application. This is voluntarily agreed between the applicant and the GLA. The PPA will ensure that no conflicts of interest arise in respect of the determination of the RMAs.
- 6.2 Pursuant to section 30 of the Greater London Authority Act 1999, the GLA has the power to do anything that 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 (potentially strategically important application) or an RMA.

- 6.3 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, address health inequalities between persons and contribute towards the achievement of sustainable development in the United Kingdom
 - consult with appropriate bodies.
- 6.4 The ability to charge planning application fees is set out in the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2017.
- 6.5 Section 93 of the Local Government Act 2003 requires that any charge must be on a not-for-profit basis. Taking one year with another, the income from charges for planning services must not exceed the cost of providing them.
- 6.6 In relation to external consultants, if the Mayor makes the decisions sought, officers must ensure that the services related to the Environmental Statement (as commissioned from Arup and Avison Young) are documented in accordance with the GLA's contract prior to the commencement of pre-application works for RMAs 2, 3 and 4, as well as the determination of all four RMAs.
- 6.7 In making 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; to advance equality of opportunity between persons who share a relevant protected characteristic (race, disability, sex, 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 regard to section 3 (above) of this report.
- 6.8 It is expected that the Planning Officer will 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.

7. Planned delivery approach and next steps

- 7.1. The table below sets out the timetable for delivery of this project:

Activity	Timeline
Delivery start date	March 2023
Delivery end date	February 2025

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

Part 2 – Sensitive information

Only the facts or advice that would be exempt from disclosure under the 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:

Rachael Rooney has drafted this report in accordance with GLA procedures and confirms the following:

✓

Sponsoring Director:

Phil Graham 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 the 24 April 2023.

✓

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature:

D. Gane

Date:

24/04/2023

CHIEF OF STAFF:

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

Signature:

D. Bellamy

Date:

24/04/2023