

planning report D&P/3606/02

11 February 2015

201-207 Shoreditch High Street and 1 Fairchild Street

in the London Borough of Hackney

planning application no. 2015/2403

Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Demolition of existing buildings and structures and erection of a part 7, part 10 and part 30 storey building (plus 2 levels of basement) comprising office (Class B1) and hotel (Class C1) accommodation with ancillary retail, restaurant, event space, lounge and amenity areas; roof terraces; refuse and recycling facilities; cycle parking; servicing and plant; and landscaping.

The applicant

The applicant is **HG (Europe) Shoreditch Limited and Folgate Estates Limited**, and the architect is **Gensler**.

Strategic issues

The application is in the City Fringe Opportunity Area and the proposals have the potential to contribute strongly towards the objectives of the **City Fringe OAPF**. Strategic issues regarding **equalities, employment, urban design, tall buildings, strategic views, historic environment, inclusive design, climate change** and **transport** are also relevant to this application.

The Council's decision

In this instance Hackney Council has resolved to grant permission subject to the completion of a Section 106 legal agreement.

Recommendation

That Hackney Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

Context

1 On 21 August 2015 the Mayor of London received documents from Hackney Council notifying him of a planning application of potential strategic importance to develop the above site

for the above uses. This was referred to the Mayor under Categories 1B and 1C of the Schedule to the Order 2008:

- Category 1B *“Development which comprises the erection of a building or buildings with a total floorspace of more than 15,000 square metres”*;
- Category 1C *“Development which comprises or includes the erection of a building that is more than 30 metres in height”*.

2 On 23 September 2015 the Mayor considered planning report D&P/3606/01, and subsequently advised Hackney Council that the application does not fully comply with the London Plan, for the reasons set out in paragraph 90 of the above-mentioned report; but that the possible remedies set out in paragraph 91 of that report could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, the application has been revised in response to the Mayor’s concerns (see below). On 2 December 2015 Hackney Council decided that it was minded to grant planning permission subject to the prior completion of a Section 106 legal agreement, and on 27 January 2016 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Hackney Council under Article 6 to refuse the application or issue a direction to Hackney Council under Article 7 that he is to act as the local planning authority for the purposes of determining the application and any connected application. The Mayor has until 11 February 2016 to notify the Council of his decision and to issue any direction.

4 The decision on this case, and the reasons will be made available on the GLA’s website www.london.gov.uk.

Update

5 At the consultation stage Hackney Council was advised that the application does not fully comply with the London Plan, for the reasons set out in paragraph 90 of the above-mentioned report; but that the possible remedies set out in paragraph 91 of that report could address these deficiencies.

Principle of development

Equality of opportunity/Diversity issues

6 The GLA Stage 1 report for the scheme noted that Mayor and the GLA have a statutory duty to promote equality, and equality of opportunity arising from the GLA Act 1999 and the Equality Act 2010. London Plan policy 3.1 sets out the Mayor’s commitment to meeting the needs and expanding opportunities for all Londoners – and where appropriate, addressing the barriers to meeting the needs of particular groups and communities. This is considered key to tackling the important issue of inequality across London. Development proposals are expected to protect and enhance facilities and services that meet the needs of particular groups and communities.

7 One of the businesses currently occupying the site is the Chariots sauna facility, operating for and used by the LGBT community. Chariots runs three other such facilities in London and the Shoreditch site is reported to be the busiest such facility in London as well as the largest in Europe. As such this is clearly a significant facility that meets the needs of this particular group and its loss should be resisted in the absence of adequate justification or provision for replacement, in line with

London Plan policy 3.1. At pre-planning application stage the applicant demonstrated an awareness of this issue and explained that this was currently being considered in ongoing discussions with the operators of Chariots sauna. It was explained that the operators may have planned to leave for some time and that this was a business decision separate from this planning application. GLA officers strongly encouraged further discussions with the sauna operators with a view to confirming the situation with regard to the loss of this facility. This point needed to be addressed before any development proposals could be considered acceptable on this site.

8 In the planning committee report received by the GLA at Stage 2 the Council emphasised that they will protect existing social and community facilities and it can be argued that the existing health spa/club use is such a social/community facility as it serves a specific and protected group (gay men). However, the Council took the view that a particular business serves a specific and protected group does not necessarily mean that it is social/community facility that should benefit from the Council's protection. In the same way some public houses are an important community facility and so are worthy of protection, and some are not.

9 In order to judge the value of the health spa/club as a social/community facility the Council acknowledged it is helpful to look at the public consultation carried out for the application to see if the community is opposed to its loss. In addition to notifying nearby occupiers of the development and providing two site notices as is highlighted below in the consultation section of this report the Council also wrote to Stonewall directly via email during the consultation period, for their views on the loss of Chariots Sauna on the site, and whether Stonewall could suggest any other organisation to help the Council judge whether the loss of Chariots is just a side effect of the development of land like any other use that may be lost to new development or raises equality and diversity issues that warrant serious attention. No response from Stonewall was received by the Council. The development also featured in the gay press, and a notification was placed in the local press (Hackney Today) on 2 November 2015. No objection has been received in relation to the loss of the existing health spa/club. The Council suggested it is therefore reasonable to conclude that the existing use is not a social/community facility that should benefit from the Council's protection.

10 The Council's planning committee report also noted that the applicant has stated that the operators lease expired in November 2010 and they have subsequently been in occupation on a rolling license with a reduced rent to enable them to remain in occupation (i.e. to stop the building becoming vacant and at risk). They have not been paying their rent since 2013 and are now in significant arrears, although the landlord has allowed them to remain in situ (again to keep the building occupied). It is argued that the operators have, therefore, been aware for many years that their occupation was coming to an end and, in any event, are not currently paying rent to be on site.

11 At the request of the GLA, the applicant team has also provided further information outlining the background of the tenancies at the subject site, specifically the discussions had with Chariots. This notes that since taking up occupation of the site, the tenant has been fully aware that they are occupying a prime redevelopment site at a discounted rent in underdeveloped buildings pending the right time for development. Furthermore, the applicant team outlines that a tenant representative has been kept informed of the proposals for redevelopment over the last two years and the applicant team are aware that the tenant has made arrangements to vacate shortly.

12 Having received and analysed evidence of the Council's two site notices regarding the development, press notice in Hackney Today and articles in the gay press discussing the development, as well as the being provided with the above information by the Council and applicant team, the GLA consider that the further engagement requested at Stage 1 has been attempted and subsequently London Plan Policy 3.1 has been adhered to, and the Mayor and GLA's statutory equality duty under the GLA Act 1999, and Section 149 of the Equality Act 2010

to have 'due regard' to the need to achieve the objectives in this section has been considered in the Mayor making his decision regarding this scheme.

Mix of uses

13 The proposed mix of land uses on the site that does not include residential development but instead incorporates new office floorspace, provision of the touch-down and break-out spaces, and small scale retail and hospitality uses was supported by GLA officers at Stage 1 given the site's location within the Central Activities Zone (CAZ) and within the City Fringe/Tech City Opportunity Area. However, the GLA did note that in line with London Plan Policy 4.3, Para 4.17 which states that exceptions (to providing housing) can be permitted where mixed uses might compromise broader objectives, as set out above, and in such circumstances, contributions to off-site housing provision should be required as part of a planning agreement. GLA officers therefore recommended the applicant liaise with the Council with a view to agreeing a suitable contribution towards off-site affordable housing, to be secured by s106 agreement. GLA officers also welcomed further discussions with the applicant and Hackney Council officers with regard to the level of contribution secured and how any affordable housing would be delivered.

14 The Council's affordable housing policy only requires contributions for residential schemes of 10 or more units and so off-site contributions are not considered by the Council to be applicable for this scheme. The Council also considered that an affordable housing contribution would not pass the required tests of reasonableness and being related to the proposed development, and so would be inappropriate to include in a s106 agreement. GLA officers have no objection to this approach in providing no affordable housing off-site contribution for the development, being in line with the Council's affordable housing policy.

Employment

15 At Stage 1 it was noted that GLA officers strongly supported the proposed 11,866 sq.m. of B1 office floorspace which can be subdivided if necessary, so that it can be used flexibly as demand dictates. As this additionally represents a significant uplift in employment generating floorspace from the approximately 2,450 sq.m of A1 and sui generis floorspace currently on site and is in line with the (then draft, now adopted) City Fringe OAPF it was further welcomed by GLA officers at Stage 1.

16 The affordable workspace to be delivered as a co-working space managed by either themselves or an established workspace provider was well-received by GLA officers at Stage 1 being in line with the City Fringe OAPF, however, details of the level of provision, management and how this can be secured by Hackney Council were asked to be provided before the Mayor sees this application again. GLA officers also welcomed the opportunity to be involved in ongoing discussions around this where necessary. The Council planning committee report outlines that the proposed office use is appropriate on the site and that a marketing strategy will be required to ensure delivery of these elements. The s106 agreement also outlines requirements regarding leasing and plans of the affordable workspace, in line with the Council's affordable workspace policies.

Urban design

17 At Stage 1 it was suggested that the proposed development is generally well thought out and offers the potential to form a high quality mixed-use scheme in this prominent location. However, the applicant had also been asked at pre-planning applicant stage to explore means of minimising servicing frontage and opening up the northern ground floor frontage to respond effectively, should the space to the north of the site, under the railway viaduct, be brought back into public use at some point post-construction. Furthermore, the applicant was asked to give

consideration to means of activating this edge in the interim period, avoiding areas of blank and under-utilised frontage.

18 Whilst the applicant responded by acknowledging the opportunity to respond to the Shoreditch Village proposals and potential future development on land immediately to the south of Holywell Lane, the design was not changed for the planning application to reflect comments made at pre-planning application stage. It was acknowledged at Stage 1 that there is an issue with land-ownership and uncertainty surrounding future plans for the site immediately to the north, however, GLA officers noted it was disappointing that the applicant has not made an effort to show what at least could be possible, and how the proposals could positively relate to this site and the Shoreditch Village beyond. There remained concern that this could result in a problematic unused space along Holywell Lane and the applicant was encouraged to examine ways of addressing this before the Mayor saw this application again. GLA officers stated that this should have included details of how pedestrian routes will be clearly delineated from servicing access through subtle level changes and/or the strategic planting of street trees/positioning of furniture.

19 In the Council's planning committee report it is stated, that the legibility of the site would be improved in comparison to the existing arrangement and there is further opportunity to enhance movement through the site to the north should the adjoining site become available (the applicant is actively trying to acquire that site). The Council suggested that currently the narrowness of the Holywell Lane frontage leaves insufficient space to accommodate a meaningful public way through the site. Furthermore, the Council notes that even without that link to the emerging Shoreditch Village scheme the development will improve the quality, clarity and sense of spaces around and between buildings. This is principally because the existing site is of poor or ill-defined character, and the proposed development builds on the positive elements that contribute to establishing an enhanced character for the future function of the area.

20 The design and layout were generally considered well thought out and the architectural approach was supported at Stage 1. The context to the north of the site and along Holywell Lane is changing and, whilst acknowledging difficulties associated with uncertainty surrounding the site immediately to the north, the applicant was encouraged to look again at ways the scheme could positively relate to that site and the emerging Shoreditch Village scheme, an issue which the Council has addressed at Stage 2 as is highlighted above.

Tall buildings/strategic views/historic environment

Tall buildings

21 As outlined in the Stage 1 report, the proposed height and massive of the building is expected to sit comfortably in its context, being at a prominent nodal point at the southern edge of the Shoreditch Triangle, while being of sufficient scale to act as a landmark, denoting gradual increases in height of existing and emerging development further towards the city. Varying setbacks of building edges and roof lines proposed are expected to form a well-proportioned and distinctive building. Massing arrangement of a podium block containing office space with a taller hotel block above a smaller footprint, was supported at Stage 1 subject to the applicant successfully addressing the points raised, relating to impact on the historic environment.

Strategic views

22 The townscape and visual impact assessment (TVIA) provided at Stage 1 demonstrated that the potential impact of the proposed development on numerous highly sensitive strategic views, identified in the London View Management Framework, becomes less significant when taking into account the nearby emerging schemes that include tall buildings.

Historic environment

23 At Stage 1 the applicant provided qualitative visual analysis (QVA) as part of the TVIA to examine the potential impact the proposed development would have on strategic views and the settings of several conservation areas and listed buildings. The TVIA included views of the proposed development from the 27 most significant local views.

24 In each view where sufficient information was provided it was determined that the potential impact varies, within the current build context. This impact, however, does not result in an effect which could be deemed as causing substantial harm. The effect becomes diluted and is significantly reduced when considering the consented and emerging proposals, as the scheme would become visible as part of a larger cluster, appears less significant when viewed closer to the larger scale development or be almost entirely screened. Furthermore, the impact is considered to be outweighed by the public benefits of the scheme which include bringing an underused site into more intensive use resulting in increased employment capacity and improved wayfinding, legibility and the public realm. The proposals will also introduce a new building of high quality architecture and as such improve the overall townscape quality and the setting of the South Shoreditch Conservation Area.

25 Whilst the assessments of Views 26 and 27 examining the potential impact on the setting of the Grade I listed Geffrye Museum from within its garden, suggested that the impact of the proposed scheme will be negligible, this was difficult to determine at Stage 1 because of the presence of foliage within the photographs used. Given the importance of the heritage asset in question and the need to examine the potential impact to a view of such sensitivity, the applicant was required by GLA officers to provide additional view assessments using photographs taken at a time when foliage was not present. This was to examine the worst case scenario and thoroughly test the potential impact on the setting of the Grade I listed Geffrye museum.

Conclusion

26 The TVIA provided by the applicant at Stage 1 demonstrated that the proposed development will have an impact on several local views and therefore to the setting of the conservation areas. In cases where the impact is significant, however, it is not considered to cause substantial harm and the significance of the effect will reduce when emerging development is delivered. Furthermore, any harm would be outweighed by the public benefits of the scheme, subject to the applicant satisfactorily addressing the points raised the GLA Stage 1 report. In order to confirm that this is the case, the applicant was asked to confirm the dimensions used for the emerging Bishopsgate Goodsynd scheme (as this has changed substantially recently and is a live planning application), information the GLA now have access to. Furthermore, the GLA requested a new QVA in relation to the potential impact the proposal may have on the setting of the Grade I listed Geffrye museum, as outlined above. A view of the proposed building from the Geffrye Museum, provided to the GLA at Stage 2, suggests the view impact of the scheme is negligible.

27 The Council's planning committee report provided at Stage 2 states the impact on numerous views has been assessed and the proposed building is mostly seen in the context of taller buildings to the south, and the harm that would arise from seeing a building taller than the others in the conservation area is considered to be less than substantial. Similarly the Council argues the relationship between the proposed building and nearby listed buildings is not unusual with smaller heritage buildings sitting in front of larger modern buildings. This same relationship will arise at Principal Place and The Stage. Furthermore the Council state that the impact on the setting of the listed buildings is considered to be one resulting in less than substantial harm.

Inclusive design

28 As detailed at Stage 1, the inclusive design principles of the scheme were supported, responding well to the requirements of London Plan Policy 7.2. The needs of all people have been considered throughout the proposed development. The building is usable and permeable through the innovative use of materials, surfacing, finishes, inclusive design of fixture and fittings. There are to be 10 (5%) wheelchair accessible rooms to the standards set out in Building Regulations 2013 Part M. The specific access needs of disabled people have also been considered with regard to transport. The applicant too provided information explaining how inclusion will be maintained and managed beyond construction, and how staff training will be tailored accordingly.

29 Council have also imposed a planning application condition on the development that: “Details of the layout and location of the wheelchair accessible hotel rooms, including an investigation into the feasibility of increasing the number of such rooms from 5% to 10% of the total number of hotel rooms, shall be submitted to and approved by the Local Planning Authority before the construction of the hotel commence, and the approved layouts shall be implemented in full before the first use of the hotel commences”. The GLA is supportive of this condition which ensures the hotel is of a satisfactory standard of accessibility.

Climate change

30 It is noted that the applicant failed to respond to the energy comments raised at pre-planning application stage and consultation stage. Conditions 13 and 14 in the planning decision notice relate to the energy strategy but there is no mention of the fact that they fall short of meeting the targets within London Plan Policy 5.2, with only 26% carbon dioxide savings.

31 The applicant is required to maximise the carbon savings on site and pay for the shortfall. If the Council have a process for taking the off-set payments, they should include this requirement in the s106 agreement. Additionally the GLA suggest a change to Condition 14 as follows: Details of the PV panels to be installed including details of their performance and contribution towards the reduction of carbon emissions shall be submitted to and approved by the Local Planning Authority. The PV installation size and performance shall be specified ensuring that opportunities for on-site carbon reductions are maximised. The approved PV panels shall be installed and connected before the first use of the building commences.

Transport

32 At Stage 1, TfL was satisfied that the proposals would not have an unacceptable impact on the operation of the strategic highway or public transport network, subject to appropriate mitigation measures being secured, as further detailed below.

33 TfL requested contributions to be secured within the s106 agreement towards the Shoreditch Triangle Scheme, with appropriate CIL funding allocated towards the provision of additional cycle hire capacity. A Crossrail contribution was also requested, to be included in the section 106 agreement. In addition, a coach facility and Blue Badge parking provision should be provided within the vicinity of the site and clarification is required regarding cycle parking. Finally, a construction logistics plan and delivery and servicing plan should be secured by condition in addition to a travel plan secured through the s106 agreement.

34 The applicant advised that given the site constraints they were unable to provide any coach parking but the proposed site layout does include a suitable set down for coaches. Given the location in the City Fringe, TfL accepts that this arrangement is acceptable.

35 TfL is satisfied that construction logistics, servicing and deliveries and travel plans will be secured by s106 or condition as appropriate.

36 A Crossrail contribution of £2,458,124 has been secured through the s106 agreement which TfL welcomes. The sum secured is subject to a CIL credit to be determined when the scheme commences.

37 TfL also requested that a contribution towards the Shoreditch Triangle Scheme be secured. The s106 agreement provides for footway renewal and a public realm contribution which TfL welcomes. Any contributions secured will be pooled with that from Bishopsgate Goodsynd and other nearby development. The footway and public realm renewals adjacent to this site on Shoreditch High Street will be delivered by the applicant through a s278 agreement with TfL as highway authority. In conclusion, TfL is satisfied that the development will be acceptable in strategic transport terms.

Public consultation

38 Since being submitted the current application has been subject to public consultation, comprising of a press notice in Hackney Today (2/11/2015), two site notices (displayed 20/08/2015) and 355 notification letters were sent to nearby occupiers.

39 The Council also contacted Stonewall directly via email, for their views on the loss of Chariots sauna on the site, and whether Stonewall could suggest any other organisation to help the Council judge whether the loss of Chariots is just a side effect of the development of land like any other use that may be lost to new development or raises equality and diversity issues that warrant serious attention. No response from Stonewall was received by the Council.

Responses to neighbourhood consultation

40 As a result of the consultation process 50 neighbour responses have been received, all of which object to the proposal.

41 In summary objectors have raised the following concerns regarding the proposal:

- No need for another hotel or restaurant/bars in the area
- Retail space and housing are required
- Building too high and out of scale with surroundings
- Massing of building too great
- Architectural design and materials not in keeping with the area
- Proposal would harm the character of the conservation area and other heritage assets
- Unacceptable loss of light to nearby premises
- Noises from adjoining nightclub has been underestimated

Responses from local grounds/non-statutory consultees

Hackney Design Review Panel

42 Hackey Design Review Panel support the scheme's reflection of the contemporary character of Shoreditch and consider the height, massing and form of the building to be generally sound. However, the heavy concrete frames and grid patterning are less successful and the grids particularly appear more corporate and of the 'city'. The Panel recommend efforts should be made to bring more of the changing/innovative spirit of this particular part of London into the design. Furthermore, they suggested the ground floor would benefit greatly from being opened up more in order to draw people into the building and create an improved experience of the public realm. They also argue that it is important that simplicity of the form, materiality and elevations carries through the design process. The Panel also welcomed another opportunity to review the scheme with long elevations along Shoreditch High Street and Great Eastern Street to understand the elevations in context.

Hackney Society

43 The Hackney Society stated that the massing of the building in terms of the existing townscape, irrespective of emerging proposal in the area, and should be deconstructed to more honestly reflect the function of each element, that the height should be reduced, and further consideration of materials is essential to ensure the building is of quality. The Society stated the 'Market' part of the scheme at ground level is the most successful part of the scheme and has the potential to enliven the street if the open design and public access are retained. The workspaces above they also think fit well in terms of use and design, but noted they should be let in a way that avoids large single-tenancies.

Shoreditch Conservation Area Advisory Committee (CAAC)

44 Shoreditch CAAC strongly objected to the proposal on the grounds that a justification for a tall building on this site based on reinforcing the corners of the 'Shoreditch triangle' is flawed. They argue a key characteristic of the conservation area is a tight street pattern but the proposed building introduces a different urbanism of towers in a larger context that subverts the traditional street pattern, which is demonstrated by the orientation of the building to the site boundary and not the primary roads in a way that alienates the building from its local context. The cluster form of the building is designed to diminish scale and reduce impact but actually increases the apparent bulk and mass, and from ground level the building is difficult to comprehend as it sticks out at many incoherent angles. The proposed materials, detailing and form fail to follow the conservation area appraisal guidelines as substantial cantilevers, large areas of gridded fenestration and metal cladding are inconsistent with new and old buildings in the area.

Responses from statutory consultees

Civil Aviation Authority

45 The Civil Aviation Authority sets out the legal requirements for tall buildings, none of which apply to this scheme except for a requirement for notifications to be sent to various organisations when construction works commence because of the height of the cranes that will be required. An informative is suggested to set out these requirements.

Historic England

46 Historic England is supportive of the redevelopment of this site which currently detracts from the character of South Shoreditch Conservation Area, however, feel that due to the scale, massing and materiality of the replacement development, the scheme would cause harm to the character of the conservation area. In line with the NPPF they state that any harm should be weighed against the public benefits of the proposal, including the optimum viable use for the site. Although they have recognised the benefit of reinstating street patterns and active street

frontages, they feel that these benefits alone fall substantially short of outweighing the level of harm caused to the nearby designated heritage assets. Therefore, they argue the Council will need to be satisfied that significant non-heritage related benefits are offered as part of this scheme to satisfy this overarching policy. Moreover they question whether the plans accord with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), which states that local authorities should pay special regard to preserving or enhancing the character or appearance of conservation areas and the setting of listed buildings. They have significant concerns with the development in its current form, and urge the Council to seek changes to the scale, massing and materiality development which would better respect the setting of nearby designated heritage assets, and more successfully respond to the scale of the High Street buildings at its east end.

Greater London Archaeological Advisory Service

47 The Greater London Archaeological Advisory Service noted that an appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates the need for field evaluation to determine appropriate mitigation. However, in this case the archaeological interest and/or practical constraints are such that they consider a condition could provide an acceptable safeguard. A condition is therefore recommended to require a two stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation, and that the archaeological field work would comprise evaluation and excavation.

Consultation process – conclusion

48 The strategic issues raised as a result of consultation have been addressed in this report and in the Stage 1 report. Those issues have been addressed in the Council’s planning committee report.

Article 7: Direction that the Mayor is to be the local planning authority

49 In this instance the Council has resolved to grant permission with conditions and a planning obligation subject to the completion of a s106 agreement, which satisfactorily addresses the matters raised at Stage 1, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

50 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

51 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

52 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

53 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the Council to do so) and determining any approval of details (unless the Council agrees to do so).

Conclusion

54 The proposed redevelopment of the site including office use, hotel accommodation with ancillary retail, restaurant, event space, lounge and amenity areas; roof terrace; and other amenities is supported in strategic planning terms. Furthermore, many of the issues raised at consultation stage in relation to mixed-use policy, employment, urban design, tall buildings, strategic views, historic environment and climate change and transport have been addressed. The Mayor in accordance with the statutory equality and diversity duty under the GLA Act 1999 and s149 of the Equality Act 2010 has had due regard to the equality objectives and has taken into account the equality impact of the scheme.

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