

MAYOR OF LONDON

Frances Wheat
Service Manager
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 8ND

Our ref: D&P/3849/02
Your ref: 2015/6455/P
Date: 20 March 2017

Dear Ms Wheat,

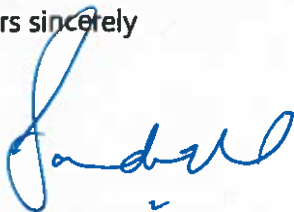
Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

156 WEST END LANE, LONDON, NW6 1SD

I refer to your letter of 7 March 2017 informing me that Camden Council is minded to grant planning permission for the above planning application, subject to appropriate conditions and Section 106 agreement. I refer you also to the notice that was issued on 15 March 2017 under the provisions of article 5(1)(b)(i) of the above Order.

Having now considered a report on this case I am content to allow Camden Council to determine the case itself, subject to any action that the Secretary of State may take, and do not therefore wish to direct refusal or to take over the application for my own determination.

Yours sincerely



Sadiq Khan
Mayor of London

cc Andrew Dismore, London Assembly Constituency Member
 Tony Devenish, Chair of London Assembly Planning Committee
 National Planning Casework Unit, DCLG
 Lucinda Turner, TfL
 Tristan Gielen, TfL
 Ian Blacker, John Rowan and Partners

20 March 2017

156 West End Lane, London, NW6 1SD

in the London Borough of Camden

planning application no. 2015/6455/P

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

Comprehensive redevelopment following demolition of all existing buildings to provide 164 self-contained residential dwellings (Class C3), 763 sq.m. of flexible non-residential use (Class A-A3, D1, D2), 1093 sq.m. of employment floorspace (Class B1) and 63 sq.m. of community meeting space (Class D1) in buildings ranging from 3 to 7 storeys. New vehicular access from West End Lane and provision of 8 accessible car parking spaces. Provision of new public open space and enhancement of Potteries Path. Associated cycle parking and landscaping.

The applicant

The applicant is **A2 Dominion Developments Limited** and the architect is **Child Graddon Lewis**.

Key dates

Stage 1 representations issued: 20 January 2016

Camden Council Planning Committee decision: 2 February 2017

Strategic issues

At Stage I concerns were raised with regards to land use, housing, design, inclusive design, climate change and transport. The applicant has since revised the scheme and provided additional information to address these points. The proposals now include 51 % affordable housing (by habitable room) and at least 20% of the new employment floorspace, approximately 220 sqm, would be affordable. The application is now compliant with the London Plan.

The Council's decision

In this instance Camden Council has resolved to grant permission

Recommendation

That Camden 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 3 December 2015 the Mayor of London received documents from Camden 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 Category 1A of the Schedule to the Order 2008: *“Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats”*.

2 On 20 January 2016 the Mayor considered planning report PDU/3849/01, and subsequently advised Camden Council that whilst the application was generally acceptable in strategic planning terms, on balance it did not comply with the London Plan; but that the possible remedies set out in paragraph 78 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 February 2017 Camden Council decided that it was minded to grant planning permission for the revised application, and on 7 March 2017 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 Camden Council under Article 6 to refuse the application or issue a direction to Camden 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 20 March 2017 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 Camden Council was advised that whilst the application was generally acceptable in strategic planning terms, on balance it did not comply with the London Plan; but that the possible remedies set out in paragraph 78 of that report could address these deficiencies:

- **Land use principles:** The principle of a residential led redevelopment with a mix of other uses including flexible non-residential, employment and community uses is acceptable in strategic planning terms, however the loss of employment uses in particular the builders merchants which provides an important local service, should be addressed and where appropriate satisfactory business relocation measures provided.
- **Housing:** The provision of affordable and shared ownership housing is acceptable, though a viability assessment together with a copy of the Council’s independent report to demonstrate that the maximum amount of affordable housing has been achieved are still required. The Council should also confirm that the proposed scheme is appropriate for the local needs of the Borough. In regard to density, the applicant is asked to provide a density calculation by habitable rooms using a net residential density (that discounts the commercial uses) as set out in the Draft Interim Housing SPG, in order to usefully compare the density of the scheme with surrounding developments. Information is required on proposed child play space which should be designed to positively respond to and meet the minimum requirements of the child play space SPG, based on the child yield.
- **Design:** The design of the scheme has appropriate heights and materials. In regard to residential quality further consideration and information is required regarding massing, balcony

size, access to daylight and sunlight, and ventilation prior to Stage II. In regard to the public realm further consideration should be given to active frontages along the flexible non-residential space and permeability throughout the site. Further information regarding the townscape and visual impact of the development is required too.

- **Inclusive design:** The inclusive design provisions are welcomed. 90% of units should meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' and the remaining 10% of units meet Building Regulation requirement M4(3) 'wheelchair user dwellings'. These requirements should be secured via condition or legal agreement and the Council and the applicant should be mindful of this when drafting any related planning conditions and/or obligations. The Council should confirm that the proposed mix of wheelchair tenures reflects its own housing requirements and its understanding of local demand. Further plans showing wheelchair circulation across the wheelchair adaptable units were required.
- **Climate change:** Further information is required concerning the energy strategy for the site, and energy saving measures should be secured by way of condition. The carbon dioxide savings (36%) meet Policy 5.2 of the London Plan, however further information and issues are to be addressed before the carbon savings can be verified. The approach to flooding surface water drainage is generally acceptable, and appropriate sustainability measures should be secured by way of condition.
- **Transport:** The application is generally acceptable in principle and in accordance with the transport policies of the London Plan subject to appropriate conditions and s106 obligations which should be secured in relation to cycle parking and facilities, parking permits, deliveries and servicing, car park management, construction logistics, public transport and a travel plan. Mayoral and local CIL payments will also need to be secured.

Revisions to the scheme

6 The applicant has submitted two sets of revisions since Stage I, in June and September 2016. These revisions can be summarised as follows:

- Elevational changes, reduction of the building by one storey, the addition and removal of dormers, addition of and changes to balconies, larger windows, reconfigured flats at ground floor and changes to materials. These are summarised in more detail in the Design section of this report.
- Increasing the employment floorspace by reducing the area of retail space and including 2 new starts-up units on the ground floor of the western building;
- Increasing the number of affordable rented units;
- Increasing the number of family units within the proposed affordable rented tenure;
- Increasing the number of 1-bedroom units within the proposed intermediate tenure to improve affordability of these units;
- Increasing the number of wheelchair units to 18;
- Increasing the non-residential floorspace BREEAM rating from 'Very Good' to 'Excellent';
- Introduction of landscaped roof terrace at the fifth floor of the east building;
- Removal of four car parking spaces and the introduction of increased landscaping treatment to the north eastern corner of the site.
- Additional information and supporting documentation was also submitted in support of the revised application.

Land use principles

7 The existing buildings contain 2,401 sqm of B1 floorspace (former Council offices), 1,618 sqm of Sui Generis floorspace (builders merchants warehouse and distribution space) and 2,762 sqm of external storage, parking and servicing associated with the builders merchants. At the consultation stage, concern was raised regarding the loss of some Class B1 office space and space occupied by builders merchants, given the valuable local service and employment they provide and Camden Council's policies seeking to protect employment land. As such, the Council was asked to confirm that the proposed mix of uses reflected its own requirements and its understanding of local demand, and consider whether any loss of existing uses can be re-provided elsewhere. The applicant was also asked to provide a viability report confirming the maximum reasonable amount of replacement employment space had been included in the scheme.

Loss of office floorspace

8 Camden Council have considered the overall loss of employment generating floorspace in paragraphs 8.10 to 8.59 of the case officers committee report. It is explained that the previous office function has been relocated since 2012 and that there is no longer demand for such an occupier at this location. Furthermore it is contended that the building would require significant investment in order to make it suitable for modern office occupiers, and there are not strong economic reasons for resisting the loss in favour of residential development. As such the loss of B1 office space is acceptable in line with Camden Council's policy DP13 and paragraph 51 of the NPPF.

Loss of storage and distribution space (showroom, yard, trade counter and store building)

9 In considering the loss of this floorspace in light of Camden Council policy DP13, the Council have explained that the 344 sqm showroom is considered A1 retail use, rather than B class employment space, and therefore this is excluded from the employment floorspace calculations. It is also explained that, although not employment generating space, the 2,762 sqm of external space in the yard supports the functioning of the existing employment generating use. It is accepted that the 1,247 sqm trade counter and store building is employment space, albeit with a dual retail function.

10 Camden Council have set out how their local policies DP13 and FGWHNP 12 seek the protection employment generating land, rather than a specific occupier. In considering the level of re-provision appropriate in light of these policies, Camden Council reiterate that housing is the priority land-use of the Camden LDF and that this needs to be considered alongside policies seeking to protect non-residential uses.

11 The Council have also considered material submitted by the existing occupier which outlines how the existing use may be retained within an alternative scheme. Although accepting that this would be possible, Camden Council conclude that such a development would necessitate an unacceptable level of compromise with regards to other policy objectives for this site, including the level of residential development, public amenity, public realm, open space, and the building being able to accommodate a range of business types. It is also concluded that, as the site is not designated as industrial land, it cannot be said that the proposed uses would prejudice continued industrial uses in the surrounding area. It is acknowledged by the Council that failure to re-provide the Sui Generis storage, warehouse and distribution floorspace is in potential conflict with local policy. It is also explained, however, that the existing use represents underutilisation and inefficient use of the site and that Camden Council policy CS1 requires the council to resist inefficient use of land and concentrate growth, particularly housing, within Growth Areas. Furthermore CS2 requires development in Growth Areas to maximise site opportunities.

12 It is also noted that the site is within a London Plan Area for Intensification, which envisages the optimization of development in highly accessible areas, and that this development would meet the requirements of London Plan policy in respect of areas for Intensification.

New floorspace

13 Since Stage I the applicant has revised the level of new employment floorspace from 889 sqm to 1,093 sqm, which will comprise space for startups and small and medium-sized enterprises SMEs. It is noted that this reflects well on local need, and that such businesses are a demonstrably important to the economy of inner London. Camden Council have set out how the flexible workspace element of the scheme has been optimized for this market, how at least 20% of the floorspace will be provided at 50% below market rates and how this will be secured by s106 legal agreement.

14 Camden Council also assess that the development would be capable of accommodating 108 new jobs on-site, which is likely to represent a significant uplift over the existing use. It is accepted that there is a loss of employment space, whilst the provision of SME space, including affordable workspace meets London Plan and local policy.

Conclusion

15 Camden Council have provided justification for the loss of employment floorspace and explained how the proposed land-use mix is appropriate in light of local planning policy objectives. The uplift in employment floorspace since Stage I is welcomed and the principle of development accepted.

Housing

Affordable housing

16 At Stage I the applicant was proposing 164 units, broken down as follows:

Tenure	No. of units	Hab Rooms	% of scheme
Affordable rent	38	224	50%
Shared ownership	40		
Private sale	86	224	50%
Total	164	448	100

Unit size	No. of units	% of scheme
One bed	58	35
Two bed	86	52
Three bed	16	10
Four bed	4	3
Total	164	100

17 This is 50% affordable housing by habitable room. This was welcomed but fell marginally short of Camden Council's strategic target when calculated by floorspace (Camden Council's preferred measurement). Further information was required in relation to viability and how the split related to local need.

18 The applicant has since revised the affordable housing offer as follows:

Tenure	No. of units	Hab Rooms	% of scheme
Affordable rent	44	143	32%
Shared ownership	35	84	19%
Private sale	85	221	49%
Total	164	448	100

Unit size	No. of units	% of scheme
One bed	69	42%
Two bed	74	45%
Three bed	17	10%
Four bed	4	2%
Total	164	100

19 This is 51% affordable housing by habitable room; 37% of which is shared ownership and 63% affordable rent. This is an improvement over the offer at Stage I and when broken down by floorspace it is 62:38 in favour of affordable/ social rent, close to Camden Council's 60/40 split.

20 The applicant has confirmed that all affordable rented units will be at Camden Council's target social rents, which is strongly supported. With regard to the intermediate shared ownership housing proposed, Camden Council acknowledges issues associated with the affordability of such products in Camden. In order to address this it is proposed that the s106 legal agreement contains a clause securing the following:

- the submission for approval by the Council of an Intermediate Housing Scheme prior to implementation;
- a requirement for the developer to consider the feasibility of intermediate rent on some or all of the intermediate units as part of this submission; and
- any shared ownership units provided should be marketed on the basis of a sale of 25% equity, with a maximum 2% rent on the remaining equity.

21 This clause would leave open the possibility to bring forward more affordable forms of intermediate housing, such as intermediate rent or potentially the London Living Rent, whilst also mitigating the cost of shared ownership if it does end up as the product delivered. The Council would negotiate with the developer through the build process with a view to securing a proportion (or all) of the intermediate units as intermediate rent at the time of completion/sale of the units.

22 It is recognised that it is challenging to provide intermediate shared ownership housing in inner London that is genuinely affordable. It is also noted that Camden Council have sought to address by using the s106 legal agreement to ensure that these units are affordable as possible to the many local residents who do not qualify for social housing but cannot afford private rent and/or sale.

23 Further information was requested in relation to viability. Since then the affordable housing offer has been increased to 50% by floorspace, however, no financial viability assessment has been submitted. Notwithstanding this, the proposals meet the strategic target set out in the Draft Affordable Housing and Viability SPG, and local policy, and are proposed at a mix supported by Camden Council. Given these circumstances, this is considered acceptable.

Density

24 The applicant was also asked to provide a density calculation by habitable rooms using a net residential density (that discounts the commercial uses), in order to usefully compare the density of the scheme with surrounding developments.

25 The applicant has provided further information showing that, calculated in this way, the proposal would result in an 'effective' density of approximately 786 habitable rooms per hectare, which exceeds the maximum 700 habitable rooms per hectare suggested by the London Plan density matrix. It is accepted, however, that the density matrix should not be applied mechanistically and the density is appropriate for this site given the high level of affordable housing provided in an accessible location, high overall residential quality and the flexible employment space and town center uses provided by the scheme.

Childrens playspace

26 Information was also required on proposed child play space. The revised scheme would generate a child yield of 62 children, 27 of which are expected to be under five years old. This generates a need for 270 sqm of on site playspace. The applicant has provided information showing the planned provision of 270sqm of dedicated play space on site. This includes areas within the central public open space, the east and west courtyards and the communal roof terrace on the east building. Of this 120 sqm is within the publically accessible central public open space. The proposals now comply with London Plan policy on child play space.

Design

27 With regard to residential quality further consideration and information was requested regarding massing, balcony size, access to daylight and sunlight, and ventilation. The applicant was also asked to give further consideration to activating frontages along the flexible non-residential space and increasing permeability throughout the site. Further information regarding the townscape and visual impact of the development was also requested.

28 The applicant has significantly revised the design of the scheme and provided supplementary information to address concerns raised at Stage I. These changes can be summarised as follows:

- Changes to the roof of the east building and the overall reduction by one storey.
- Changes to balconies on the southern elevations; the treatment of the corner of the western building; additional glazing to the flexible non-residential floorspace at ground floor; incorporation of balconies to the flats above first floor of the West End Lane elevation;
- Revisions to the treatment of the top floor of the west building, the introduction of a feature dormer on the corner and removal of dormers to the southern elevation;

- Changes to southern elevation including introduction of architectural details, including textured brickwork to provide continuity with the West End Lane and south elevations;
- Revisions to the treatment of the north elevation including introduction of porches to entrances of ground floor flats to better establish an active relationship between flat entrances and the northern path;
- Introduction of opaque glazing and angled windows to northern elevation of east building to prevent perceived overlooking.
- Reconfiguration of lower ground floor of the east building flats to enhance lighting and amenity;
- Increasing window widths and reconfiguration of flat layouts throughout the proposed scheme to increase internal daylighting;

29 The revisions and additional information address concerns related to residential quality and the additional glazing to the ground floor flexible non-residential floorspace will help to activate that frontage and provide passive surveillance to the adjacent public realm.

30 A Daylight/ Sunlight report was provided by the applicant and assessed by Camden Council in paragraphs 10.8 to 10.21 of the committee report. It is noted that the revised scheme overall would provide a good level of outlook, privacy, daylight and sunlight. Concerns were noted with regards to a small number of rooms, within the proposed internal courtyards, but these are outweighed by the significant number of rooms that exceed the BRE guidance, the design quality and the high level of residential amenity throughout the scheme. As such the application is acceptable in daylight/ sunlight terms.

Heritage and conservation

31 The current design is a significant improvement over the existing condition and the height and scale matches that of neighbouring development. The detailed architectural design responds well to local character and should be a beneficial addition to the local townscape.

32 Although at Stage I it was concluded that the impact of the West End Green Conservation Area would likely be very limited, it was noted that the submitted Townscape and Visual Impact Assessment contained only wireframe proposals in some views. The applicant was therefore asked to address this in order to confirm the impact on views of the Conservation Area.

33 The applicant has since submitted an addendum to the Townscape and Visual Impact assessment which accounts for the design revisions made to the scheme. The views provided confirm that the scheme would have an overall positive impact on the setting of the West End Green Conservation Area. Camden Council officers consider the submitted information and the potential impact on heritage and conservation in detail in paragraphs 9.32 to 9.58 of the committee report. Here it is concluded that the proposal preserves the setting of both conservation areas and therefore comply with the NPPF in terms of heritage and conservation.

Inclusive design

34 The Council were asked to confirm that the proposed mix of wheelchair tenures reflects its own housing requirements and its understanding of local demand. The scheme proposes 18 wheelchair units within the affordable rented tenure which is in excess of what is required by policy and Camden Council have welcomed this in light of their long waiting list for this type of accommodation. The Council have included a planning condition requiring submission of full details relating to all wheelchair adaptable units to ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time. The scheme is acceptable in terms of London Plan inclusive design policy.

Climate change

35 At the consultation stage further information was required concerning the energy strategy for the site and the claimed carbon savings. The applicant has since provided additional information regarding the energy strategy. This demonstrates the feasibility of CHP and verifies that the scheme will achieve a carbon dioxide reduction of 37.2%. The applicant has also confirmed that connection to a wider decentralised energy network, should one become available. This is to be secured by s106 legal agreement. The application now complies with London Plan climate change policy.

Transport for London's comments

36 The application is generally acceptable in principle and in accordance with the transport policies of the London Plan subject to appropriate conditions and s106 obligations which should be secured in relation to cycle parking and facilities, parking permits, deliveries and servicing, car park management, construction logistics, public transport and a travel plan. Mayoral and local CIL payments will also need to be secured.

37 At Stage 1 there were some transport issues raised which as a result of negotiations have been addressed in the Council resolution. The draft s106 legal agreement includes £15,000 towards a bus stop shelter upgrade and pedestrian permeability will be improved with the enhancement of Potteries Path, which connects West End Lane to Lymington Road, with 24/7 access being secured.

38 London Plan policy complaint cycle parking and facilities have been secured. The development itself will be car free, which is welcomed. Following an assessment by the Council, the number of Blue Badge spaces in the development has been reduced by 50%. Whilst this takes provision below 10% given the availability of on street Blue Badge parking this is considered acceptable. Policy complaint electric vehicle charge points (active and passive) are secured by way of planning condition.

39 On balance the development is acceptable from a transport perspective and welcomed in terms of it being car free and its support for active travel.

Response to consultation

Thames Water

40 No objection subject to the inclusion of planning conditions relating to SUDS and submission of water supply impact studies and piling method statement

Environment agency

No comment

Network Rail

No objection subject to inclusion of planning conditions relating to drainage, boundary fencing, submission of method statements, soundproofing, lighting and landscaping

Historic England

No objection

Greater London Archaeological advisory service

No objection

Natural England

No comments

Local consultation

41 Camden Council carried out an initial three-week period of public consultation on 4 December 2015. This process was repeated following submission of amendments on 20 October 2016 and 8 December 2016. On each occasion a site notice was displayed, letters were sent to neighbouring properties and the application/ revisions were advertised in the local press.

Over the course of the three consultations 1,073 individual objections were received. In addition Fortune Green and West Hampstead Neighbourhood Development Forum, West End Green CAAC, Crediton Hill Residents Association, Redington Frogna! Association, West Hampstead Garden Residents Association and the Lymington Road Residents Association, Save West Hampstead, all objected.

42 These are summarised as follows:

- Daylight/ sunlight: Concerns around the reliability of the data, methodology and interpretation of results by Camden Council
- Residential amenity: Overlooking, overshadowing, space standards, cumulative impacts from surrounding development, loss of views, exclusivity of proposed roof terrace
- Affordable housing: Affordability of shared ownership units, location and ownership of affordable units
- Proposals perceived as contrary to Neighbourhood Development Plan
- Potential impact on archaeology
- Transport: Parking; overcrowding and impact on public transport; local highways and emergency service vehicles; planning obligations; noise; safety; cumulative impact of other developments; overcrowding of pavements; increased air pollution.
- Design: Poor quality and failure to design out crime; wrong architects; height and massing; layout; differences in levels of amenity across site; loss of views; damaging to character of area; overshadowing
- Heritage and conservation: Impact on character and views to and from West End Green Conservation Area; material palette; height, bulk and massing
- Infrastructure: Pressure on local social infrastructure and services, drainage and water; impact on ability to link underground stations in future
- Sustainability: Existing building should be refurbished
- Open space: Not enough green space; Will be overshadowed and cold, impact of MUGA

- Land use: Loss of employment floorspace; loss of jobs and service associated with builders merchants; level of wages likely to be low in alternative use; housing not needed
- Application process: Impartiality of Council (as landowner) called into question; local people being ignored; consultation process flawed
- Other: Impact on property prices; loss of workmen's storage; increase population and tension between residents; wrong kind of retail; sales biased against UK buyers

43 A local architect submitted sketches of a potential alternative scheme as part of their objection. This proposal included 163 residential units with commercial and office floorspace, taller buildings along the southern elevation and open space adjacent to the northern boundary.

44 CGMS Consulting, Morgan Tucker Consulting Engineers and M_E_C Consulting engineers provided a response on behalf of the builders Merchants currently on-site, Travis Perkins. This objected to the proposals on the following basis:

- Loss of land suitable for industrial uses
- Loss of employment floorspace, including sui generis floorspace and external yard
- Proposals are contrary to local and national planning policy
- Flawed evidence used to substantiate applicant's argument
- Optimising housing and providing this level of affordable housing should not be considered to outweigh the harm caused by the proposals
- Precedent set for the erosion of business use
- Builders merchants and residential accommodation are compatible land uses
- Camden Council should protect the existing use, despite the area not being designated for industrial use
- Applicant's submitted transport material is flawed, does not take into account some important issues and changes to proposed access and loading arrangements should be considered

45 There were 28 individual expressions of support received during all consultation periods. The West Hampstead Amenity and Transport group also expressed support for the scheme. The expressions of support are summarised as follows:

- Proposals deliver much needed housing
- Affordable rent levels are genuinely affordable
- Should mean fewer HGVs on local roads
- Generation of benefits for taxpayers and the community

46 The substantive planning objections have been satisfactorily addressed in this report, the Stage I report of 20 January 2016 (attached) and Camden Council's committee report of 2 February 2017.

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

47 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at stage I, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

48 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 and any connected 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

49 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.

50 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.

51 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

52 At Stage I the application was considered to broadly comply with the London Plan, however, concerns were raised with regards to land use, housing, design, inclusive design, climate change and transport. The applicant has since revised the scheme and provided additional information to address these points. The application is now compliant with the London Plan.

for further information, contact GLA Planning Unit (Development & Projects Team):

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