

Subject: The Mayor's Strategic Planning Decisions

Report to: Planning Committee

Report of: Executive Director of Secretariat

Date: 18 November 2014

This report will be considered in public

1. Summary

- 1.1 This report sets out background information for a discussion with the Deputy Mayor for Planning and invited experts. The meeting will review the policy considerations behind the Mayor's decision to take over strategic planning applications and whether the process is working as envisaged and set out in the GLA Act 2007.

2. Recommendation

- 2.1 **That the Committee notes the report as background to hearing from, and putting questions to, a number of invited experts on the exercise of the Mayor's strategic planning decisions powers.**

3. Background

- 3.1 Boroughs must consult the Mayor on all planning applications that are of potential strategic importance to London (applications defined as strategic are set out in **Appendix 1**).
- 3.2 Having received the Mayor's comments, the borough must then resolve to grant or refuse permission and inform the Mayor of the borough's intended decision. The Mayor then has 14 days to decide to either direct the borough to refuse the application; direct that he is to act as the Local Planning Authority or take no further action (and let the borough's decision stand).
- 3.3 In advance of the 2007 GLA Act, the then Mayor of London, Ken Livingstone lobbied Government for the power to direct approval (as well as refusal). This power enables the Mayor to ensure applications that can help to implement strategic planning policies can be approved. Equally, it allows the Mayor to determine controversial strategic applications where boroughs are reluctant to do so, or where the proposals are complex, e.g. affecting more than one borough.

- 3.4 Since 2009, the Mayor has taken over and decided eleven applications (these are set out in **Appendix 2**).

4. Issues for Consideration

The current debate

- 4.1 In his election manifestos in 2008 and 2012 the Mayor promised “an end to City Hall diktats” and a more cooperative approach to relations with London boroughs.
- 4.2 The Mayor’s use of his powers to determine planning application of strategic importance has been increasing in the past year; he has decided to make decisions on five schemes, having previously used the call-in power only five times in the previous five years.
- 4.3 Some Assembly Members have expressed concern that “the recent acceleration in the number and speed with which the Mayor is taking over planning decisions from boroughs totally undermines those pledges and puts developers and investors before local democracy.”¹
- 4.4 In March 2014 the Assembly called on the Mayor to set out clear criteria to define under what circumstances he will use his power to call-in planning applications to City Hall. A motion (agreed by 16 votes for to 5 against) said that local democracy is being threatened by the frequent use of the call-in power, ignoring local concerns about large scale developments.²

Issues for discussion

- 4.5 At this meeting Members may wish to focus on a number of aspects of Mayor's use of his powers. These might include: the reason for the apparent increase in their use; the extent to which they are in alignment with the "letter and spirit" of the legislation and whether they are being used to advance the Mayor's strategic objectives. Specific areas of discussion might cover:
- The Mayor's reasons for taking over applications (such as ensuring London plan policy objectives are met, addressing performance issues at borough level regarding the consultation and decision making process, or seeking to improve the speed of decision making to facilitate growth);
 - The impact his decisions have had on London-wide housing targets, the funding of Crossrail the funding and delivery of other community infrastructure through the infrastructure levy, and the agreement of section 106 contributions;
 - Whether there is a need for greater transparency within the call in process and how this could be achieved; and
 - How the call in process fits with the Government's Localism agenda and how it could be better aligned.

¹ Darren Johnson, London Assembly Plenary, 5 March 2014

² <https://www.london.gov.uk/media/assembly-press-releases/2014/03/assembly-calls-for-criteria-to-define-mayor-s-use-of-planning>

Invited guests

- 4.6 The following guests have confirmed attendance at this meeting:
- Sir Edward Lister, Chief of Staff and Deputy Mayor, Policy and Planning
 - Duncan Bowie, Senior lecturer in planning, University of Westminster
 - Peter Eversden, Chair, London Forum of Amenity and Civic Societies
 - Edward Denison, Secretary, The Mount Pleasant Association

5. Legal Implications

- 5.1 The Committee has the power to do what is recommended in this report.

6. Financial Implications

- 6.1 There are no direct GLA financial implications arising from this report. Financial implications for the individual projects within the programme of work in 2014/15 will be dealt with separately in reports to the Committee as and when the Committee is required to make relevant decisions.

List of Appendices:

Appendix 1 - Definition of planning applications that are of potential strategic importance to London

Appendix 2 - Applications that the Mayor has taken over and decided

Local Government (Access to Information) Act 1985
List of Background Papers: None
Contact Officer: Paul Watling, Scrutiny Manager Telephone: 020 7983 4393 E-mail: scrutiny@london.gov.uk

Appendix 1 – Categories of potentially strategic applications

Definitions of potentially strategic applications are determined by the government and are set out in the Town and Country Planning (Mayor of London) Order 2008.³The Order lists applications of potential strategic importance, for example:

- Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats.
- Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings—
 - in the City of London and with a total floorspace of more than 100,000 square metres;
 - in Central London (other than the City of London) and with a total floorspace of more than 20,000 square metres; or outside Central London and with a total floorspace of more than 15,000 square metres.
- Development which comprises or includes the erection of a building of one or more of the following descriptions—
 - the building is more than 25 metres high and is adjacent to the River Thames;
 - the building is more than 150 metres high and is in the City of London;
 - the building is more than 30 metres high and is outside the City of London.
- Development which comprises or includes the alteration of an existing building where the development would increase the height of the building by more than 15 metres.

The list also includes a number of waste development as well as transport proposals such as aircraft runways, heliports, railway or bus stations and river crossings. Furthermore, the list sets out developments that would have an impact on or cause a loss of significant housing or employment uses, playing fields or land allocated as Green Belt or Metropolitan Open Land in the development plan. Also noted are major development in a range of categories where this development does not accord with one or more provisions of the development plan in force in the area in which the application site is situated.

³ <https://www.london.gov.uk/sites/default/files/archives/Mayor%2520of%2520London%2520Order%25202008.pdf>

Appendix 2 – Mayoral planning decisions

- **Mount Pleasant Sorting Office:** The representation hearing was held on 03 October 2014, at which the Mayor resolved to grant planning permission and conservation area consent, subject to planning conditions and the prior completion of a section 106 legal agreement.
- **City Forum, 250 City Road, Islington:** The representation hearing was held on 1 April 2014, at which the Mayor resolved to grant planning permission, subject to planning conditions and the prior completion of a section 106 legal agreement.
- **Convoys Wharf, Deptford:** The representation hearing was held on 31 March 2014, at which the Mayor resolved to grant planning permission, subject to planning conditions and the prior completion of a section 106 legal agreement.
- **Southwark Free School:** The representation hearing was held on 19 December 2013, at which the Mayor resolved to grant planning permission, subject to planning conditions and the prior completion of a section 106 legal agreement.
- **Eileen House, Elephant & Castle:** The representation hearing was concluded on 19 December 2013, at which the Mayor resolved to grant planning permission, subject to planning conditions and the prior completion of a section 106 legal agreement.
- **Holy Trinity Primary School, Dalston:** A representation hearing was held on 18 November 2013, at which the Mayor resolved to grant planning permission, subject to planning conditions and the prior completion of a section 106 legal agreement.
- **London Fruit and Wool Exchange, Spitalfields:** A representation hearing was held on 10 October 2012, at which the Mayor resolved to grant planning permission, subject to the prior completion of a section 106 legal agreement.
- On 12 October 2011 the Mayor resolved to grant planning permission for the **SITA Recycling Park, Mitcham**, subject to the prior completion of a section 106 legal agreement.
- On 19 September 2011 the Mayor approved **the Saatchi Block, Fitzrovia** planning application.
- On 25 March 2010 the Mayor approved the **Southall regeneration scheme**.
- On 7 October 2009 the Mayor approved the **Hertsmere House, Columbus Tower** application, subject to a section 106 agreement.