

Portal West, 6 Portal Way, North Acton

**in the London Borough of Ealing (and the Old Oak and Park Royal
Development Corporation)**

planning application no. 192597OPDFUL

<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</p>
<p>The proposal Full planning application to amend planning permission ref: 161144FUL, to create 97 additional homes within: an additional 10 storeys on Block A comprising 73 flats and 4 storeys on Block C comprising 24 flats; provision of 41% of the total number of additional habitable rooms as affordable housing in Block B, replacing 31 approved market units; associated changes to the basement and ground floor levels to provide additional cycle storage; and minor changes to the approved landscaping layout.</p>
<p>The applicant The applicant is City and Docklands Property Group and the architect is BUJ.</p>
<p>Key dates Stage 1 reporting: 22 July 2019. Planning Committee: 19 February 2020.</p>
<p>Strategic issues Housing and affordable housing: 41% of the uplift by habitable room is supported as the maximum amount of affordable housing. This offer would increase the overall provision of affordable housing within the development to 32% by habitable room and secures Block B as wholly affordable. LAR and LLR levels are secured within the draft S106 agreement. Early and late stage reviews have been secured. Heritage and urban design: No harm is caused to the Grade I listed Kensal Green Cemetery Registered Park and Garden and Kensal Green Cemetery Conservation Area. The affordable housing offer of 41% and the provision of new housing represent public benefits that outweigh the less than substantial harm to the Old Oak & Wormholt Conservation Area. A management strategy, fire statement and 10% wheelchair accessible units are secured by condition. Environment: A carbon offset payment of £96,030 has been secured. Outstanding energy, water and drainage and urban greening matters have been resolved. Transport: Issues relating to disabled car parking and cycle parking have been resolved. Appropriate contributions and an updated Travel Plan have been secured through the draft S106 agreement.</p>
<p>The Council's decision In this instance Ealing Council has resolved to grant permission.</p>
<p>Recommendation That Ealing 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.</p>

Context

1 On 27 June 2019 the Mayor of London received documents from Ealing Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. The application was referable to the Mayor under Category 1D of the Schedule to the Order 2008:

- Category 1D: *“Development which comprises or includes the alteration of an existing building where—(a) the development would increase the height of the building by more than 15 metres; and (b) the building would, on completion of the development, fall within a description set out in paragraph 1 of Category 1C.”*
- Category 1C(c): *“Development which comprises or includes the erection of a building more than 30 metres high and outside the City of London.”*

2 On 22 July 2019, the Mayor considered planning report GLA/3729b/01 and subsequently advised Ealing Council that the application did not yet fully comply with the London Plan and the draft London Plan, for the reasons set out in paragraph 53 of the above-mentioned report; but that the possible remedies set out that paragraph 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 22 February 2020 Ealing Council decided that it was minded to grant planning permission for the revised application, and on 19 May 2020 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 or direct Ealing Council under Article 6 to refuse the application. The Mayor has until 2 June 2020 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 consultation stage, Ealing Council was advised that the application did not comply with the London Plan and the draft London Plan, for the reasons set out in paragraph 53 of the Stage 1 report, as set out below:

- **Principle of development:** The proposal to increase the number of residential units on this brownfield site in an Opportunity Area is supported.
- **Housing:** 35% of the uplift by habitable room would be affordable housing and would increase affordable housing to 30.8% by habitable room in the whole development. The application is not eligible to follow the Fast Track Route, as set out in draft London Plan Policy H6 and the Mayor’s Affordable Housing and Viability SPG, and must follow the viability tested route. The applicant must submit a viability assessment to be robustly interrogated by GLA officers to ensure the scheme delivers the maximum quantum and affordability of affordable

housing. DMR units should be genuinely affordable and LAR/LLR rent levels robustly secured.

- **Heritage and urban design:** The proposed additional height could be acceptable in terms of its visual and environmental impacts. The proposal causes less than substantial harm to the Old Oak & Wormholt Conservation Area, which must be off-set by public benefits, including maximising affordable housing.
- **Inclusive access:** The applicant will provide an uplift of 10 adaptable dwellings to maintain 10% of units as M4(3) 'wheelchair user dwellings', which is supported.
- **Environment:** The Energy Hierarchy has been followed and the proposed strategy is generally supported; however, the applicant should submit additional information, including on carbon offsetting and renewables. Further details on how SuDS measures at the top of the drainage hierarchy will be included in the development should be provided. The applicant should consider the potential for green or brown roofs on Blocks A and C.
- **Transport:** The contribution towards North Acton station phase 1 improvements should be increased to £718,075. The applicant should demonstrate how up to 10% of units could be provided with a disabled parking space upon request in the future. All other S106 contributions secured as part of the original consent should be carried over to any future consent.

6 Since consultation stage GLA officers have engaged in joint discussions with the applicant, the Council and TfL officers with a view to addressing the above matters. Furthermore, as part of the Council's draft decision on the case, various planning conditions and obligations have been secured. An update against the issues raised at consultation stage is set out below.

7 Since consultation stage the Mayor has published The London Plan Intend to Publish Version (December 2019), which is now a material consideration which must be taken into account on the basis explained within the NPPF.

8 On 13 March 2020 the Secretary of State issued a set of Directions under Section 337 of the Greater London Authority Act 1999 (as amended) and, to the extent that they are relevant to this particular application, have been taken into account by the Mayor as a material consideration when considering this report and the officer's recommendation.

Details of proposal update

9 As detailed in the Stage 1 report, the applicant is proposing the construction of an additional 97 homes in addition to the 578 homes approved under application reference 161144FUL and the additional 26 homes approved under a section 73 application reference 190582OPDVAR ('the s73 permission'). It is understood that the current application was submitted as a full planning application as it was not considered to be a minor material amendment.

10 To clarify, although this is a full application it is linked through the description of development to planning permission 161144FUL (or as varied by the s73 permission).

The S106 agreement defines substantial implementation of this development as requiring (amongst other things) the construction of the 44th floor slab on Block A and/or the 33rd floor slab on Block C. Furthermore, a planning condition on the permission will require the development to be carried out in accordance with the approved plans and these clearly show the additional massing being provided as a further 10 storeys on Block A and 4 storeys on Block C. This massing is consistent with the architecture for planning permission 161144FUL (as varied by the s73 permission).

11 As such, this development cannot be substantially implemented unless at least the superstructures authorised by planning permission 161144FUL (or as varied by the s73 permission) have been constructed. In this regard, officers note that planning permission 161144FUL has been implemented and is currently under construction.

Housing and affordable housing

Affordable housing update

12 The proposals are for amendments to a previously consented scheme to create additional floorspace, resulting in an uplift of 97 residential units. At Stage 1 the applicant proposed to provide 35% of this uplift as affordable housing, by habitable room, split 59%/30%/11% London Affordable Rent (LAR)/London Living Rent (LLR)/Discount Market Rent (DMR) at 30% below market rates. As a result of this, the overall affordable housing in the scheme would have been raised to 31% by habitable room, split 7.8%/88.2% DMR/ 3.9% LLR/ 7.8% LAR.¹ However, it was noted that as the original permission did not meet the 35% Fast Track threshold or the required tenure split and the resulting changes would not result in the scheme meeting these criteria, the application was unable to follow the Fast Track Route, as described in paragraph 2.15 of the Mayor’s SPG and the Mayor’s intend to publish London Plan Policy H6. Therefore, the application was required to be considered under the viability tested route.

	Block A	Block B	Block C	Block D	Total
Market	362 (+73)	0 (-31)	131 (+24)	0	497 (+66)
LAR	0	19 (+19)	0	0	19 (+19)
LLR	0	12 (+12)	0	0	12 (+12)
DMR	0	0	120	57	177
Total	362 (+73)	31	251 (+24)	57	701 (+97)

Table 1: Proposed housing and affordable housing provision for this application

13 Since then the applicant has revised the affordable housing offer to 41% by habitable room (32% by unit), split 60% LAR/40% LLR, as per Table 1 above. The applicant has subsequently submitted a viability assessment in support of this revised offer. GLA officers have worked with the applicant and the Council to robustly interrogate the submitted viability information. On review, GLA officers are satisfied that the proposed offer of 41% of the uplift by habitable room represents the maximum reasonable amount of affordable housing and is supported. As detailed in Table 1 above, should the approved development be completed to allow the current application to be substantially implemented then the affordable housing offer would increase within the overall development to 32% by habitable room (30% by unit) with a tenure split of

¹ This includes a S73 application for 26 additional units that was allowed to be approved by the Mayor at Stage 2 on 10 December 2019 (reference GLA/3729a/02).

78% DMR/11% LLR/10% LAR. This is robustly secured within the draft S106 agreement and detailed in Table 2 below.

		Market	DMR	LLR	LAR	Total
Extant permission	Units	427	164	13	0	604
	% of total	70.7%	27.2%	2.2%	0%	100.0%
	Habitable rooms	1,039	421	29	0	1,489
	% of total hab rooms	69.8%	30.2%			100%
Current application	Units	493 (+66)	164	25 (+12)	19	701 (+97)
	% of total	70.3%	23.4%	3.6%	2.7%	100.0%
	Habitable rooms	1,169 (+130)	421	65 (+36)	55	1,710 (+221)
	% of total hab rooms	68.4%	31.6%			100%

Table 2: Proposed housing provision for whole development

14 The affordable housing would be provided within the already approved Block B, which is currently approved as entirely market units. The market units within Block B are now incorporated in the additional massing on Blocks A and C provided by this application. This means that Block B would be a wholly affordable block, which is supported.

15 The London Affordable Rent (LAR) levels are secured in the draft S106 agreement, for which rent levels for 2019/20 would be as per Table 2 below. This equates to between 36% and 54% of market rent in the area based on the London Rents Map. Eligibility for LAR units would be restricted based on local need and subject to nominations agreement.

Unit size	LAR weekly levels 2019/20 ²	% of market rent ³
1-bed	£159.32	54%
2-bed	£168.67	49%
3-bed	£178.05	36%

Table 3: London Affordable Rent levels 2019/20

16 The LLR units would be secured at LLR levels in the draft S106 agreement in accordance with the LLR ward level rent levels, which equate to between 55% and 65% of market rent, as per Table 3 below. The units would be offered to eligible renters, which would be those whose household income does not exceed the London Plan Annual Monitoring Report (AMR) threshold for intermediate rent products of £60,000. As such all the units proposed in this application would be genuinely affordable.

² London Affordable Rents are exclusive of service charges.

³ Market rents based on GLA London Rents Map, which is based on 2018/19 Valuation Office Agency data. To enable comparison, monthly market rents shown in the London Rents Map have been multiplied by 12 and divided by 52 to provide estimated weekly rents.

Unit size	LLR monthly rent as percentage of market rents	LLR monthly rent levels 2020/21 ⁴	Market rent ⁵
1-bed	65%	£827	£1,279
2-bed	61%	£919	£1,500
3-bed	55%	£1,010	£1,850

Table 4: LLR monthly rent levels for 2020/21 compared to market rents for the proposed development

17 An early stage viability review is secured in the draft S106 agreement and will be triggered if an agreed level of progress on implementation is not made within two years of the permission being granted. A late stage review is also secured, which would be triggered on the disposal of 75% of the dwellings, with the contribution towards affordable housing capped at the equivalent of 50% affordable housing provision, in line with the Affordable Housing and Viability SPG.

Housing choice

18 At Stage 1 it was noted that the proposal as a whole would have 426 one-bed (61%), 242 two-bed (35%), and 33 three-bed (5%) units. It was noted that although no family-sized affordable housing units would be lost, there would be a reduced proportion of family-sized affordable housing from 17% in the extant permission to 14%. By rationalising the affordable housing within Block B, the proportion has increased to 15% of the total affordable housing provision, with 37% of the low-cost rent housing now as family-sized housing, which is supported. As such, the proposed family-sized housing does not raise any strategic concerns.

Unit size	Market	DMR	LLR	LAR	Total
1-bed	303 (+53)	108	6 (+6)	9 (+9)	426 (+68)
2-bed	188 (+26)	51	0	3 (+3)	242 (+29)
3-bed	2 (-13)	18	6 (+6)	7 (+7)	33
Total	493 (+64)	177	12 (+12)	19 (+12)	701 (+97)

Table 5: Housing by unit size for whole development, with proposed uplift in brackets

Play space

19 At Stage 1 the applicant was required to confirm that the play space was not segregated by tenure. The applicant has provided plans of the extant permission's landscaping, which is largely unchanged as a result of the current application, that shows that the play space would be located within the central public realm and so would be accessible to all residents regardless of tenure, which is supported.

Heritage

20 In response to the Council's consultation on the application, Historic England raised concerns about the potential impact on the Grade I listed Kensal Green Cemetery Registered Park and Garden and the Kensal Green Cemetery Conservation

⁴ Financial year 2020/21 benchmark values for East Acton ward in Ealing.

⁵ Market rents for the postcode W3 derived from the GLA London Rents Map. Figures are exclusive of service charges.

Area, 2 kilometres east of the site. The applicant provided a view from the western edge of Kensal Green Cemetery with the application. Although this view is not from within the cemetery itself, officers consider that it is sufficiently close to be representative of its setting. The proposed tall building would be prominent in this view but given its distance from the cemetery would be visible only in the background of the setting. Given the existing and emerging cluster of tall buildings within the North Acton area, however, this part of the setting of the Grade I listed Registered Park and Garden and the Conservation Area is less sensitive to change. As such, GLA officers consider that there would be no impact on the setting and agree with the Council's assessment that no harm is caused to the significance of the Grade I listed Kensal Green Cemetery Registered Park and Garden and the Kensal Green Cemetery Conservation Area.

21 At Stage 1 it was noted that the proposal would be visible from the Old Oak & Wormholt Conservation Area. It was considered that as a result of the impact on the setting, the proposal causes less than substantial harm to the significance of Conservation Area. In accordance with paragraph 196 of the NPPF, where a development will lead to 'less than substantial harm', the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. In carrying out this balance, in accordance with the statutory requirements, great weight and importance should be attached to harm to designated assets. The applicant now proposes the maximum reasonable amount of affordable housing at 41%, which along with the development's contribution towards meeting strategic housing targets, represent a public benefit that GLA officers consider outweighs the less than substantial harm to the Old Oak & Wormholt Conservation Area.

Urban design

22 At Stage 1 it was noted that the high density of the proposal and the mixture of market, affordable and intermediate tenures in Block B would create issues for the management of the proposal. The applicant was required to provide a management plan and show that the units in Block B could be managed by a Registered Provider. The applicant has since rationalised the LAR and LLR units in Block B of the development, which will make this block easily manageable as a standalone affordable housing block.

23 A management strategy for the site is secured by condition and would provide details of: the management company; security measures; delivery management; disabled access; refuse and recycling storage and collection; anti-social behaviour prevention measures; maintenance regimes; and the maintenance and replacement of the substation in Block D.

24 In accordance with the Mayor's intend to publish London Plan Policy D12, a fire statement produced by a third party qualified assessor is secured by condition, to be reviewed by the Council prior to submission to building control.

Inclusive design

25 The Council has secured 10% of the units to meet M4(3) and the remainder to meet M4(2) wheelchair accessible requirements by condition.

Environment

Energy

26 At Stage 1 the applicant was required to address overheating issues, consider the scope for additional PV, meet the domestic zero carbon target, and review connection to a district heating network.

27 The applicant has since provided further information on overheating. The applicant has produced an updated overheating analysis in line with CIBSE TM59. The results of this demonstrate that compliance with all spaces has been achieved, assuming a g-value of 0.41 and natural ventilation. The applicant has confirmed that no blinds were included in the overheating analysis. Guidance for occupants on how to operate their dwellings during heatwaves will be included in the Home User Guide, which will be provided to all flats. The applicant is conditioned to investigate the risk of overheating using the DSY 2 & 3 weather files. The application therefore accords with London Plan Policies 5.7 and 5.9 and the Mayor's intend to publish London Plan Policies SI2 on energy efficiency and renewable energy and SI4 on overheating.

28 The Council's energy officer has confirmed that since the approval of the extant permission, a local heat network is still not expected to develop. The application therefore meets London Plan Policy 5.6 and the Mayor's intend to publish London Plan Policy SI3 on the heating hierarchy and connection to district heating networks.

29 The applicant has confirmed the provision of PV, with 44 panels to be provided on the roof of Block A and 24 panels to be provided on the roof of Block C. The net area is 120.4 sq.m., and the renewable energy generation is 23,845 kWh per annum. Officers consider that the PV provision has been maximised and the application therefore accords with London Plan Policy 5.7 and the Mayor's intend to publish London Plan Policy SI2 on renewable energy.

30 Overall, the approach proposed would achieve a 50% carbon dioxide reduction for the domestic element, up from 37% at Stage 1. The draft S106 agreement secures a carbon offset payment of £96,030, which is supported.

Water

31 At Stage 1 the surface water drainage strategy for the proposed development did not comply with London Plan Policy 5.13 and the Mayor's intend to publish London Plan Policy SI13, as it did not give appropriate regard to the drainage hierarchy. The applicant has since confirmed that a rainwater harvesting system will be installed. The discharge rate is greenfield rate, which is supported. As such drainage matters are considered resolved in accordance with London Plan Policy 5.13 and the Mayor's intend to publish London Plan Policy SI13.

Urban greening

32 The applicant was required to consider the potential for green or brown roofs on Blocks A and C. The applicant has provided further information from its structural engineers that shows that the weight of green roofs on Blocks A and C would not be feasible with the design that is currently being constructed on site. In addition, with the current provision of plant, equipment, abseiling apparatus and other servicing

allowances, the area available to provide green roof space is diminished. As such, it is accepted that further green or brown roofs cannot be provided. The application provides an additional £12,854 towards the provision of street trees, secured in the S106 agreement, which is supported.

Transport

33 The S106 agreement secures an additional contribution of £99,425 to reflect the additional trips generated by the uplift in units towards step-free access and additional gate-line capacity at North Acton station. The total contribution towards North Acton station phase 1 improvements is now £718,075, should the approved development be completed. All other transport related S106 contributions secured as part of the original consent have also been carried over and increased pro-rata, as per Table 6 below.

Contribution	Approved development	Proposed development	Total contribution
North Acton station	£618,650	£99,425	£718,075
North Acton gyratory	£200,000	£81,955	£281,955
Cycle quietway between Gypsy Corner and Ealing Broadway	£25,000	£4,000	£29,000
Controlled parking zone	£25,000	£5,000	£30,000
Pedestrian improvements	£18,000	£2,410	£20,410
New bridge over the A40 ⁶	£0	£63,474	£63,474

Table 6: Increases to transport contributions as a result of proposed development

34 No additional disabled persons car parking is proposed, with 58 spaces already to be provided under the extant consent, this equates to 8% of residential dwellings. The applicant has however provided further information demonstrating how up to 10% of units could be provided with a disabled persons parking space should demand arise in accordance with the Mayor's intend to publish London Plan Policy T6.1.

35 Further cycle parking spaces to serve the additional residential units have been included in the design. Details of cycle storage are conditioned, including a minimum of 5% of the additional cycle parking to provide for larger and adapted cycles. As such, the proposed cycle parking conforms with London Plan Policy 6.9 and the Mayor's intend to publish London Plan Policy T5.

36 A Construction Management Strategy and a Delivery and Servicing Plan are secured by condition. An updated Travel Plan is secured within the draft S106 agreement.

⁶ This bridge is proposed as part of the 4 Portal Way application (reference 191854OPDFUL; GLA Stage 1 report reference GLA/4927/01), to be delivered through developer contributions within North Acton, subject to the Mayor's Stage 2 decision.

Response to consultation

37 Ealing Council posted a total of 34 site notices. 53 objections were received from local residents on the application, in response to the public consultation. The objections related to relevant material planning considerations are summarised as follows:

- Conflict with the Local Plan;
- Proposed development is already too high;
- Inadequate public transport provision;
- Loss of privacy due to height;
- Overdevelopment of the site;
- Lack of healthcare provision;
- No plan for extra strain on utilities;
- Strain on existing community facilities;
- Lack of S106 contributions and S106 not being spent in the local area;
- Properties not affordable and being marketed to foreign investors;
- No demand for more flats in North Acton;
- Buildings will dominate the skyline;
- Too dense in excess of London Plan density matrix;
- North Acton station already at capacity and unable to cope with increased population;
- Lack of genuine community involvement;
- Increased traffic and congestion;
- Out of keeping with the character of the area;
- Increase in pollution;
- Loss of parking/inadequate parking provision;
- More open space needed;
- Noise nuisance;
- Does not fulfil the need for family or affordable housing.

Statutory and non-statutory organisations

38 Responses from statutory bodies and other organisations:

- **Thames Water** – no comment.
- **London Borough of Hammersmith and Fulham** – no comment.
- **Ealing Civic Society** – objects. The application represents overdevelopment of the site, is too high, too dense and lacks amenity space. At least a third of the flats should be affordable and the Council should push for 50% affordable housing.
- **West Acton Residents Association** – objects. The proposal is excessively dense and tall, has inadequate access to green space and has inadequate facilities. There is no suitable infrastructure to serve this and other development in the area. The proposal is contrary to London Plan policy, has a lack of affordable housing and Section 106 contributions. The proposal would have a negative noise, wind and transport impact.
- **Historic England** – confirmed that reference should be made to Historic England's Advice Note 4 'Tall Buildings' to ensure the impacts of the Towers are properly assessed in terms of the impact on views from nearby heritage assets. Particular reference should be made to assessing the development from the

Grade I listed Kensal Green Cemetery. The Council and the GLA have concluded that no harm is caused to the significance of this heritage asset, as per the heritage section above.

- **London Fire Brigade** – requested additional information to be submitted regarding access and facilities for fire fighters. A Fire Strategy is under discussion with Ealing’s Building Control Department and is secured by condition.
- **National Air Traffic Services** – no objection.
- **Heathrow Airport Safeguarding Team** – objection withdrawn. Heathrow originally raised an objection due to the proposed development falls within the Heathrow’s Aerodrome safeguarding maps and penetrated the Outer Horizontal Surface. The applicant subsequently submitted additional information that demonstrates that the proposed development would not adversely affect aircraft approaching or leaving Heathrow Airport. Following further consultation, Heathrow withdrew its objection.
- **MOD Safeguarding – RAF Northolt** – objection withdrawn. RAF Northolt originally objected due to the development being located within the statutory height limit safeguard zone and within the Obstacle Limitation Surface (OBS) and Outer Horizontal Obstacle Limitation Surface surrounding RAF Northolt. Following further consultation, RAF Northolt withdrew its objection.

Response to consultation conclusion

39 Issues raised by objectors have been considered in this report, the Mayor’s Stage 1 report, and the Council’s committee report of 19 February 2020. The Council’s Planning Committee resolved to grant the application for the reasons set out in paragraph 3 of this report. The consultation responses are not considered to raise strategic planning issues that are not otherwise covered by this report and the Stage 1 report.

Draft Section 106 agreement

40 The draft S106 agreement updates the following provisions:

- 19 LAR units and 12 LLR units, totalling 31 affordable housing units to be provided within Block B (41% by habitable room), with genuinely affordable rental thresholds secured for the LAR and LLR units;
- Early and late stage review mechanisms;
- 10% of the units to meet M4(3) requirements and the remainder to meet M4(2) requirements
- £62,500 towards contribution towards expansion projects at West Twyford Primary, West Acton Primary, John Perryn Primary and Acton High schools;
- £62,500 towards employment and training provision;
- £62,500 towards public health;
- £12,854 towards street trees;
- £2,157 towards energy monitoring;
- £96,030 towards carbon offsetting measures;
- £41,995 towards open space improvements;
- £99,425 towards North Acton Station improvements;
- £63,474 towards a new bridge over the A40;

- £2,410 towards pedestrian improvements;
- £81,955 towards the North Acton Gyratory;
- £5,000 toward CPZ consultation and implementation;
- Car club membership;
- Car parking permit restriction;
- £4,000 towards cycleways;
- £1,000 towards monitoring.

Legal considerations

41 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. 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.

Financial considerations

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

43 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.

Conclusion

44 The strategic issues raised at consultation stage with respect to the principle of development, housing and affordable housing, inclusive design, environment and transport have been addressed, and having regard to the details of the application, the matters set out in the committee report and the Council's draft decision, the application complies with the London Plan and Mayor's Intend to Publish London Plan, and there are no sound planning reasons for the Mayor to intervene in this case.

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