

20 October 2015

Bavaria House, 13-14 Appold Street

in the London Borough of Hackney

planning application no. 2015/1685

Strategic planning application combined stage 1 and 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 building and full planning application for the redevelopment of the site comprising a 46 storey (156metres AOD) mixed-use office (B1) and hotel (C1) with ancillary retail/restaurant uses (A1/A3) at ground and lower ground levels; with ancillary servicing and plant.

The applicant

The applicant is **Appold Broadgate** and the architect is **KPF**.

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 Draft City Fringe OAPF. Following assessment of the relevant strategic issues relating to **principle of development, urban design, heritage, strategic views** and **townscape, inclusive design, climate change** and **transport**; the proposal is recognised as being in broad compliance with the London Plan.

The Council's decision

In this instance Hackney Council has resolved to **grant** permission.

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 15 May 2015 the Mayor of London was issued documents from Hackney Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor had until 25 June 2015 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. However, in this instance it was agreed that a combined Stage One and Stage Two report would be prepared on receipt of referral documents from Hackney Council once the application had been determined by its planning committee. This was confirmed in a letter to the Council, dated 19 August 2015.

2 The application is referable under the following categories of the Schedule to the Order 2008:

- Category 1B *“Development which comprises the erection of a building or buildings in Central London with a total floorspace of more than 20,000 square metres;*
- Category 1C *“Development which comprises or includes the erection of a building that is more than 30 metres in height”*

3 On 30 September 2015, Hackney Council decided that it was minded to grant planning permission and on 8 October 2015 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 Council under Article 6 to refuse the application or issue a direction to 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 21 October 2015 to notify the Council of his decision and to issue any direction.

4 The Mayor of London’s statement on this case will be made available on the GLA website www.london.gov.uk.

Site description

5 The site consists of a relatively small parcel of land of 0.11 hectares currently occupied by a seven storey office building dating from the 1980s. The building is not listed and has limited architectural significance. The site lies within the South Shoreditch area at the southern end of the borough of Hackney and adjacent to the administrative boundaries of both the City of London to the south and the London Borough of Islington to the west. It is located within the City Fringe Opportunity Area and the Central Activities Zone (CAZ) as set out in London Plan policies 2.10 to 2.13. It is also within the protected vista of St. Pauls’s from Westminster Pier as set out in the London View Management Framework (LVMF). The site also forms part of a locally designated Priority Employment Area (PEA) and lies within the setting of the neighbouring Sun Street Conservation Area. The boundary of the Broadgate Estate lies immediately to the east of the site. The site is 150metres south of the South Shoreditch Conservation Area and other nearby heritage assets include the Holborn Union Infirmary Conservation Area in Islington, which includes Finsbury Square, Bunhill Fields and the Honourable Artillery Company Fields. There are no listed buildings in immediate proximity of the site.

6 The site is bounded by Pindar Street to the north, Appold Street to the east, Earl Street to the south and Finsbury Market to the west. The nearest section of Transport for London’s Road Network (TLRN) is Norton Folgate, 200m east. Finsbury Square is the nearest part of the Strategic Road Network (SRN), 350m west. Due to the proximity of the site from Liverpool Street Station which provides to National rail services and Central, Circle and Hammersmith & City lines, the site has a Public Transport Accessibility Level (PTAL) of 6b which represents the highest level of connectivity. In addition, within walking distance from the site, there are 25 bus services available.

Details of the proposal

7 The proposals involve the demolition of the existing seven storey office building and redevelopment of the site to provide a mixed use development comprising 11,270 sq.m (GIA) of office floorspace (Class B1), 2,854 sq.m (GIA) of retail and restaurant space (A1/A3) at lower and upper ground levels, and a 392 room hotel. The combined uses are contained within a 46 storey building (156metres AOD).

Case history

8 A pre-application meeting was held at City Hall on 26 March 2015. The advice note that followed concluded that the principle of a tall building comprising a mix of uses within the Central Activities Zone (CAZ) and City Fringe opportunity area was supported.

Strategic planning issues and relevant policies and guidance

9 The relevant issues and corresponding policies are as follows:

- Principle of development *London Plan*
- Central Activities Zone *London Plan; Draft CAZ SPG*
- Mix of uses *London Plan; Draft City Fringe/Tech City Opportunity Area Planning Framework*
- Offices *London Plan; Draft City Fringe/Tech City Opportunity Area Planning Framework*
- Urban design *London Plan; Shaping Neighbourhoods: Character and SPG*
- Tall buildings *London Plan; London View Management Framework SPG*
- Inclusive access *London Plan; Accessible London SPG*
- Sustainable development *London Plan; Sustainable Design and Construction SPG; Mayor's Climate Change Adaption Strategy; Energy Strategy; Mayor's Water Strategy;*
- Transport and parking *London Plan; the Mayor's Transport Strategy*
- Crossrail *London Plan; Mayoral Community Infrastructure Levy*

10 For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the 2010 Hackney Core Strategy, 1995 Hackney 'saved' UDP Policies and the London Plan (Consolidated with Alterations since 2011).

11 The following are also relevant material considerations:

- The National Planning Policy Framework, Technical Guide to the National Planning Policy Framework and National Planning Practice Guidance.
- Draft Hackney Development Management Local Plan
- The Draft City Fringe Opportunity Area Planning Framework, (public consultation ended February 2015)

Principle of development

12 The site is within the City Fringe Opportunity Area and as per London Plan policy 2.13 should seek to maximise residential and non-residential output and densities while containing a mix of uses. Annex 1 of the London Plan states that new developments in the City Fringe Opportunity Area have the scope to deliver an indicative capacity of 70,000 new jobs and a minimum of 8,700 new homes.

13 Policy 3.4 of the London Plan seeks to ensure that development proposals achieve the optimum intensity of use taking into account local context, the design principles of the London Plan and public transport capacity. The site is also within the Central Activities Zone (CAZ) and London Plan policies 2.10 and 2.11 address the role of the CAZ and how development should complement and strengthen its strategic functions, whereas London Plan Policy 4.3 concerns

mixed-use development and offices and policy 4.10 outlines how development should support new and emerging economic sectors. The Draft City Fringe Opportunity Area Planning Framework sets out the role of the City Fringe and in particular the economic growth opportunity, and how development proposals should respond in the context of these policies.

14 The principle to include employment, retail, and leisure uses as part of a mixed-use development proposal in this part of the City Fringe is supported. The inclusion of a hotel within the scheme is also supported in line with London Plan policy 4.5. Notwithstanding this, the ongoing supply of employment floorspace within mixed-use schemes in this part of the City Fringe Opportunity Area is of particular strategic importance and as identified by the Council in its Site Allocations Local Plan Document, should the extant permission not be implemented, the majority of the floorspace within any future development proposals should be for employment use, including hotel or office. The proposals are recognised as having the potential to meet this objective.

15 The site sits within the Inner Core of the City Fringe, as set out in the Draft City Fringe OAPF, where demand for employment floorspace is high and expected to remain so. The proposals include a total provision of 11,270 sq.m. (GIA) office floorspace which is an uplift of 5,677 sq.m. in comparison to existing B1 uses on site. This is strongly welcomed and will contribute towards the employment space requirements of the opportunity area and overall employment target of 70,000 jobs as defined in Table A1.1 of the London Plan.

Office floorspace

16 The draft City Fringe OAPF identifies a particular need for varying sizes of flexible business space and grow-on space in the City Fringe and London Plan policy 4.1 provides that office development should include a good supply of workspace in terms of type, size and cost, including provision for Small and Medium Enterprises (SMEs). In response to this, proposed office floorplates are typically 600 sq.m. on each floor and are designed to enable sub-division to accommodate a range of potential occupiers including SMEs and co-working spaces. The proposal includes a 24 hour shared facility space at the 16th floor of the building with access to an external terrace and areas for networking. It is also noted that potential tenants would have access to alternative work and meeting space within the applicant's sister facilities in the City. These measures are welcomed and in addition, the applicant has committed to the provision of ten per cent affordable workspace, in compliance with Hackney's local policy.

17 Notwithstanding the above, and as discussed at pre-application stage, confirmation is needed that the Section 106 agreement includes the findings of an office market review that determines vacancy levels, pipeline supply and future demand for office space in the area for a range of occupiers. While the applicant has confirmed that the scheme is capable of supporting approximately 800 jobs, of which the majority will be attributed to the office floorspace, confirmation is also needed on the inclusion of suitably worded mechanisms within the Section 106 to secure the type of businesses and affordability levels with added flexibility to ensure that a range of businesses of different types and sizes can be accommodated.

Hotel and other uses

18 London Plan policy 4.5, London's Visitor accommodation, seeks to improve the range and quality of London's visitor accommodation in order to support London's visitor economy and stimulate its growth. The policy sets out a target of 40,000 net additional hotel rooms by 2036. The Council's draft Development Management Local Plan cites hotel use as a preferred use within the PEA and is also deemed an appropriate use in its site allocation document.

19 It is noted that proposed hotel floorspace provision exceeds proposed office floorspace and equates to 53 per cent of overall employment floorspace within the building. This raises no specific strategic issue given the significant uplift in office floorspace on site and the constraints imposed on the extent of building envelope from the 15th floor upwards, resulting from the site's location within protected viewing corridors. It is also recognised that the hotel is intended to be a business focused operation and would support the business function of the site and wider context of the opportunity area. The hotel use is therefore supported and considered appropriate on this site given the exceptional public transport accessibility, its location within the City Fringe Opportunity Area and the CAZ.

20 The proposed ancillary leisure uses within the hotel element are recognised as being important in supporting the continued role of Tech City as a vibrant business quarter with abundant informal networking opportunities and "third space" provision for start-ups. As such these uses are supported and while the proposed 733 sq.m. (GIA) of A1/A3 floorspace would require a sequential test to be undertaken, in this context and as cited in the committee report, this is not deemed necessary given that the retail uses are intended to support the proposed office and hotel uses.

21 It is noted that London Plan Policy 2.11 includes a requirement for housing provision within the CAZ, however as discussed at the pre-application meeting, the proposed increase in office (B1) floorspace is recognised as a strategic priority in this particular area of the CAZ and as such the inclusion of housing in this instance would demonstrably conflict with London Plan Policy 4.2. The proposed mix of uses is therefore supported from a strategic perspective.

Urban design, views and heritage

Layout

22 As discussed at pre-application stage, the proposed scheme is designed to optimise active frontage to all four public facing edges of the site improving on that of the existing building, which is welcomed and the constraints involved in achieving this that result from developing an island site with streets on all edges are acknowledged. It is further noted that the applicant has worked to address level changes of approximately 700mm running east west across the site, and positioned entrances to lobby areas and retail units accordingly. Entrances to office and hotel lobbies are located so as to be legible on the approach from Liverpool Street to the south and Shoreditch to the north, which is welcomed. Servicing access is contained at less prominent north-west corner of the site and the applicant has worked to ensure the extent of its frontage is minimised with the majority of the Finsbury Market edge given over to the restaurant frontage. Access points to the restaurant are included from both Finsbury Market and Earl Street which helps to activate the street corner and in conjunction with the intention to implement a shared space strategy along the length of Finsbury Market, gives potential to create a more intimate pedestrian environment in comparison to the traffic thoroughfares of Appold Street.

23 At the upper levels, the proposed office and hotel floor plans are designed to optimise daylight/sunlight penetration by positioning the shared core along the northern edge of the building. The hotel layout includes three different types of accommodation, including medium stay hotel units and all rooms are recognised as being adequately sized and arranged to provide ease of access.

Form, massing and scale

24 The site is recognised as being an appropriate location for a tall building in the context of the CAZ and draft City Fringe opportunity area and through design development and consultation with GLA, Council officers and Hackney's Design Review Panel, the simple building form of a

fifteen storey element with a narrower 31 storey element above, is complimented by a distinctive and contrasting architectural approach.

25 The massing of the scheme is arranged to form a simple podium block which is a direct extrusion of the full site footprint, with its height directly constrained by the viewing plane of LVMF 8A.1 at 52.1 AOD. The scale of this element sits comfortably with the predominant 8-10 storey scale of neighbouring development and the double height articulation of ground floor uses assist in optimising the pedestrian environment which mitigates its massing impact at ground level where street widths are relatively narrow. The form of the slender office element is directly informed by the viewing corridor and is offset to the eastern edge of the podium block which results in an asymmetrical massing configuration when viewed on the approach from both the north and south of the site where the narrowest edge of the hotel element is dominant. The massing of the hotel is further subdivided into distinct vertical elements including the lift core which itself is articulated from ground level to the full height of the building, providing a datum that successfully ties all elements of the building together. This approach is supported.

Heritage and views assessment

26 London Plan Policy 7.8 'Heritage Assets and Archaeology' states that development should identify, value, conserve, restore, re-use and incorporate heritage assets where appropriate. The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should *"have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"* and in relation to conservation areas, special attention must be paid to *"the desirability of preserving or enhancing the character or appearance of that area"*.

27 The NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be. Significance is the value of the heritage asset because of its heritage interest, which may be archaeological, architectural, artistic or historic, and may derive from a heritage asset's physical presence or its setting. Where a proposed development will lead to 'substantial harm' to or total loss of the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss. 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.

28 London Plan Policy 7.8 also applies to non-designated heritage assets. The NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, and a balanced judgement is required having regard to the scale of any harm or loss and the significance of the heritage asset.

29 The applicant has carried out a Townscape, Built Heritage and Visual Impact Assessment (THVIA) which forms part of the submitted Environmental Strategy (ES). A total of 23 local and strategic views have been identified and tested and as set out in the Council's committee report, the proposal is recognised as being a positive addition to its immediate context and will not result in any harm to nearby designated or non-designated heritage assets, as identified in paragraph five of this report. It is further noted that the applicant engaged with ward councillors and Historic England at an early stage of the process.

30 As discussed at pre-application stage, the height of the building is more aligned with the scale of the City cluster to the south and Broadgate tower to the east of the site, but will stand alone in comparison to the scale of immediate context. This is particularly apparent from the

perspective of submitted local views on the approach towards the site from the north. The refined proportions and height of the tower give the potential to provide a distinctive landmark that denotes the boundary between Hackney's southern boundary and the Broadgate Estate. In wider views from the perspective of Curtain Road and Commercial Street (both falling within the South Shoreditch Conservation Area) the views indicate that the building will be clearly visible but due to its refined proportions will appear largely recessive and will not have a harmful impact on the setting of the conservation area.

31 Similarly, in views from the Sun Street conservation area, the modern and clean-lined appearance of the proposal provides clear visual delineation from the established built fabric and thereby enhances its character rather than detracting from it. The proposal is supported in strategic heritage terms and recognised as meeting the requirements of the London Plan policy 7.8 in this regard.

32 The proposal has previously been identified as having the potential to impact on a number of strategic views, notably those from Westminster Pier (Linear View 8A.1), the Millennium Bridge (River Prospect 13A.1), Tower Bridge: upstream (River Prospect 10A.1), Waterloo Bridge: downstream (River Prospects 15B.1 and 15B.2). The proposal would also sit within the River Prospect view from Gabriel's Wharf viewing platform (16B.1). The submitted Visual Impact Assessment confirms that the proposal will not have a significant impact on the above protected views and the building would be perceived as an integral element of the emerging northern cluster of tall buildings.

33 As detailed in paragraph 5 of this report, the western portion of the application site sits within the protected view from Westminster Pier (8A.1) and this restricts development above an AOD of 76.4metres. As described in the form and massing section above, the proposed massing is designed to respond directly to the constraints defined by this viewing corridor which avoids the proposal being visible from the Westminster Pier in the background view of St Paul's Cathedral. This is demonstrated through Accurate Visual Representations (AVRs) forming part of the visual impact assessment and confirms that the proposal is entirely concealed behind existing buildings in this view.

34 In conclusion, the proposal is recognised as satisfying the requirements of London Plan policies 7.11 and 7.12.

Architecture and materials

35 The simple and well-defined massing arrangement provides the basis for a strong architectural response to the site and its context and this is based on the use of varying high quality facing materials and façade articulations for each of the three vertical interlocking volumes. An appropriate balance of solid and transparent elements defined by regular horizontal bands provides a refined character to the building as a whole while also addressing daylight and energy efficiency requirements.

36 The proposal is therefore recognised as demonstrating a high quality of architecture, in keeping with a building of scale and visual prominence. The application therefore accords with the policies of London Plan chapter seven.

Inclusive design

37 London Plan Policy 7.2 together with the Accessible London SPG aim to ensure that proposals achieve the highest standards of accessibility and inclusion (not just the minimum). Inclusive design principles, if embedded into the development and design process from the outset help to ensure that all of us, including older people, disabled and Deaf people, children and young

people, can use the places and spaces proposed comfortably, safely and with dignity. An access statement has been provided in support of the application, as well as series of detailed plans and drawings.

38 With regards to the hotel provision, in accordance with London Plan Policy 4.5, the applicant has demonstrated in the design and access statement how the proposals will meet the requirement for 10% of the total bedrooms being designed to enable wheelchair access. Drawings of individual wheelchair accessible bedrooms have also been included, demonstrating full compliance. This is welcomed.

Climate change

39 As set out in the Council's committee report, the development targets a 37 per cent reduction in baseline carbon emissions with 14.7 per cent achieved through fabric efficiency and passive design measures. The remaining reduction will be achieved through the installation of a CHP system and photovoltaic (PV) panels. The scheme will target a BREEAM excellent rating for both the hotel and office uses and this has been included as a condition.

40 The applicant has provided further information on how the demand for cooling will be minimised. This includes glazing optimisation, external shading using brise-soleil, provision of vents for cross ventilation and internal reflective blinds. The applicant has also provided the solar gains check which shows that the solar gain limits are not expected to be exceeded. The applicant has also stated that dynamic thermal modelling will be undertaken to refine the passive design measures such as the external shading design. It recommended that the dynamic modelling is undertaken at the earliest opportunity as it is important that the principles of effective ventilation and solar gain optimisation are addressed at this stage as they could impact on the visual appearance and layout of the building. It is also recommended that the modelling is undertaken using Dynamic CIBSE Guidance TM52 and TM49, including future weather predictions. No further information is required.

41 The applicant has provided extracts from the London Heat Map online mapping system. The applicant was requested to support the findings of the heat map investigation with confirmation of discussions with the local borough energy officer and local DE network providers such as Citigen regarding opportunities to connect the site. Evidence of this correspondence has now been provided which is welcomed.

42 The applicant has provided a drawing showing the route of the heat network and a plan of the energy centre which details the location of the heat exchanges for connection point to a future heat network. The applicant has also confirmed that all building uses will be connected to the energy centre. No further information is required.

43 The applicant is proposing to install two CHP units (140kWe and 70kWe) as the lead heat source for the site heat network. The CHP is sized to provide the domestic hot water load, as well as a proportion of the space heating. A reduction in regulated CO₂ emissions of 268 tonnes per annum (26.2%) will be achieved through this second part of the energy hierarchy. An updated load profile has been provided to support the CHP sizing. No further information is required.

44 The applicant has investigated the feasibility of a range of renewable energy technologies and is proposing to install Photovoltaic (PV) panels on the roof of the development. The applicant should confirm the anticipated size of the PV array in both kilowatt peak (kWp) and square metres. A roof plan has been provided detailing the location of the PV. The applicant has confirmed that the PV will generate 4,500kWh, and has provided details of the area (31.1 sqm) and the kWp (5.8kWp) of the PV panels. No further information required.

45 In conclusion, the application is recognised as meeting the requirements of London Plan chapter five relating to climate change.

Transport

46 TfL understands that cycle parking will be provided in excess of minimum standards in the London Plan (2015) which is welcomed. The development will also be car free, which is welcomed. However, given that no blue badge parking is proposed on the site, the development proposes formal drop off bays in Earl Street and Appold Street to cater for disabled people arriving by car, and taxis. The applicant should seek the approval of LBH Parking Services in respect to the proposed changes.

47 TfL requested the applicant to explore the feasibility of providing a taxi rank, blue badge parking and coach parking in line with London Plan (2015). Whilst TfL is disappointed that the borough and the developer did not agree, it is accepted that this is reasonable given that the site is very close to Liverpool Street Station and taxi ranks and coach stopping facilities that service the station.

48 TfL welcomes the contribution of £200,000 to be secured for a new Cycle Hire Docking Station through the section 106 agreement. This contribution should be payable to the council and then transferred to TfL. Further discussions with TfL are required prior to completing the section 106 agreement.

49 A framework travel plan and monitoring fee should be secured through the section 106 agreement in accordance with London Plan policy 6.3. Construction Management and Delivery and Servicing Plans should be secured by condition.

Community Infrastructure Levy

50 The Mayor has introduced a London-wide Community Infrastructure Levy (CIL) to help implement the London Plan, particularly policies 6.5 and 8.3. The Mayoral CIL formally came into effect on 1 April 2012, and it will be paid on commencement of most new development in Greater London that was granted planning permission on or after that date. The Mayor's CIL will contribute towards the funding of Crossrail.

51 The Mayor has arranged boroughs into three charging bands. The rate for Hackney is £35/sq.m. The required CIL should be confirmed by the applicant and Council once the components of the development or phase thereof have themselves been finalised. See the 2010 regulations: <http://www.legislation.gov.uk/ukdsi/2010/9780111492390/contents> as amended by the 2011 regulations: <http://www.legislation.gov.uk/ukxi/2011/987/made>

52 London borough councils are also able to introduce CIL charges which are payable **in addition** to the Mayor's CIL. Hackney Council has adopted a scheme. Please see the Council's website for more details.

53 The site falls within the London Central Activities Zone (CAZ) and therefore the Crossrail contribution has been calculated at £2,012,085. This should be secured through the Section 106 agreement.

Response to consultation

54 The Council publicised the application by sending notification letters to 78 nearby properties in the vicinity of the site, and issuing site and press notices.

Public consultation

55 In response to the public consultation, three responses were received by the Council from neighbouring properties which are summarised below. Further consultation was carried out on receipt of additional environmental information. No further comments were received by Hackney Council at the time of writing their committee report.

- 15 Appold Street – the occupiers raised concerns with regards to the impact of proposed demolition and construction activities; noise/vibration; an increase in traffic; dirt and disturbance; health and safety issues; concern that the environmental strategy was not adequate in detail and would not satisfy relevant law on assessment of environmental impacts; concern that the proposal would result in overshadowing and loss of daylight to 15 Appold Street; insufficient assessment of sunlight/daylight impacts and overshadowing; access limitations to 15 Appold Street during construction; the application's transport assessment is deficient as it does not refer to construction and has contradictory information relating to delivery and servicing.
- 30 Appold Street – the occupier do not object to the proposals in principle but raised objection with regards to the limited information provided as part of the application, specifically in relation to the inadequacy of detail included within the submitted environmental strategy. They requested draft conditions and Section 106 obligations are included to mitigate concerns raised with regards to demolition/construction impacts and a commitment from the developer to control vehicle numbers, minimise noise levels and to set up a regular working group to discuss impacts and any mitigation measures.

56 Hackney Council have responded to these concerns in their committee report which sets out that while the application's site area (0.11 ha) means that it falls below the threshold for the requirement of an Environmental Impact Assessment (EIA), the applicant has voluntarily provided an EIA accompanied by an environmental statement (ES). The Council have commissioned an independent assessment of the ES to ensure that it meets the minimum requirements of the EIA Regulations 2011. This concluded that where significant adverse effects of the development on the environment are identified as being likely, the ES includes measures to prevent, reduce and, where possible, offset these effects. The Council have confirmed that the findings of the ES have been considered and assessed and where necessary, mitigation measures are secured through conditions or Section 106 agreements.

Responses from other organisations

57 The following organisations issued responses to the consultations:

- The Hackney Society: Raised no objection in principle but requested that any consent should include a caveat that the scale of the proposal should not set a benchmark for other development in the immediate area. They also commented that of primary concern was the scheme's relationship with the immediate character of streetscape, and specifically with regards to the step change in massing between hotel and office elements, and the ground floor arrangement being overly constrained by the location of core, servicing and lobby entrances.
- Historic England: Raised no objection.
- Historic England (Archaeology): Raised no objection.

- Thames Water: Raised no objection but requested conditions relating to surface water drainage, subsurface water infrastructure, water supply infrastructure capacity and groundwater.
- City of London: Raised no objection but commented on LVMF and locally protected views to the Tower of London and St Paul's Cathedral.
- Civil Aviation Authority: Raised no objection but highlighted a number of potential issues to be considered including aerodrome safeguarding, communication and navigating systems, aviation warning lights, aviation notification, crane operations, emergency services helicopter activity and other aviation stakeholders.
- London Borough of Islington: No comments were received.

58 The statutory and non-statutory responses to the Council's consultation do not raise any material planning issues of strategic importance that have not already been considered by the Mayor in this report or addressed within the Council's committee report.

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

59 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 1, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

60 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

61 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.

62 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.

63 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).

Conclusion

64 The principle of a mixed use development contained within a tall building in this location within the City Fringe opportunity and within the CAZ is strongly supported from a strategic perspective. The proposed development is recognised as meeting the relevant policies of the London Plan as set out in this report.

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