

International House, Mitre Square

in the City of London

planning application no. 10/00371/FULMAJ

Strategic planning application stage 1 and 2 referral (new powers)

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 on the site and construction of two basements and a nineteen storey building providing 37,655 sq.m. office (Use Class B1), and 297 sq.m. retail (Use Classes A1/A3) at ground floor level, alterations to vehicular and pedestrian access into the site, the provision of a vehicular servicing access off Creechurch Lane, hard and soft landscaping and other incidental and enabling works associated with the development.

The applicant

The applicant is **Helical Bar PLC**, and the architect is **Sheppard Robson**.

Strategic issues

The strategic issues considered are: **land use; design; access; sustainable development; and transport.**

Recommendation

That the City of London Corporation 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.

Context

1 On 2 February 2011 the Mayor of London received documents from the City of London Corporation 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 would normally have had until 15 March 2011 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. However, prior to any notification to the Mayor, the application had already been reported to the City of London Corporation planning committee on 1 February 2011 where the members resolved to grant consent. This report therefore acts as a stage 2 report, and sets out the information needed by the Mayor in deciding whether to direct refusal.

2 The application is referable under Category 3G(b) of the Schedule to the Order 2008: *“Development which does not accord with one or more provisions of the development plan in force in the area in which the application site is situated; and comprises or includes the provision of more than 2,500 sq.m. of floorspace for... class B1 (business)”*. In this case, the policies concerned are ENV 18 (*setting of the former PLA building*), and ENV 35 (*daylight to neighbouring dwellings*), within the Council’s 2002 Unitary Development Plan.

3 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 in this report. As stated, on 1 February 2011, the City of London Corporation decided that it was minded to grant planning permission for the application, and on 3 February 2011 it first advised the Mayor of this decision. This referral was subsequently withdrawn by the Council on 14 February 2011 to allow further time for GLA officers to review the application. On 17 February 2011 the application was re-referred to the Mayor for his 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 the Council under Article 6 to refuse the application. The Mayor has until 2 March 2011 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 is a rectangular plot located near the Aldgate-Houndsditch junction in the City of London. The red line boundary also includes a partially enclosed area of open space known as Mitre Square. The site is bound by Duke’s Place, Creechurch Lane, Mitre Street and the Sir John Cass’s School.

6 Two office buildings occupy the site, International House (constructed 1970-71), and 1 Mitre Square (constructed 1979-80). Both buildings are nine storeys, and are currently vacant. The buildings have a combined floorspace of 14,347 sq.m. gross external area. Of this, 13,504 sq.m. gross internal area is office, and 102 sq.m. gross internal area is cafe.

7 The site lies 200 metres west of St Botolph Street (A1211), which forms part of the Transport for London road network. Aldgate and Aldgate East Underground stations (served by Circle, District, Hammersmith and City and Metropolitan Lines) and Fenchurch Street station (served by national rail services) are both within 900 metres of the site. The site has a public transport accessibility level of six, where one represents the lowest accessibility level and six the highest.

Details of the proposal

8 The application proposes demolition of both buildings on site, and the erection of a nineteen storey office building. The level of office floorspace proposed is 37,655 sq.m., and the development will also provide 297 sq.m. of shop, cafe, or restaurant floorspace.

9 Parking will be provided across two basements, and spaces have been allocated for up to five cars (two of which are for disabled users), 52 motorcycles, and 158 bicycles.

10 A number of public realm improvements are also proposed, including the enlargement of Creechurch Passage, a new staircase at the pedestrian subway under Duke’s Place, and landscaping and enlargement of Mitre Square.

Case history

11 In 2005 the former Mayor considered report PDU/0853/01 for an application at the site for a part six, part twenty storey building, providing 47,206 sq.m. office floorspace (Council reference: 03/5253A). The former Mayor was content for the City of London Corporation to determine the case itself, and in 2007 the Council granted planning permission.

Strategic planning issues and relevant policies and guidance

12 The relevant issues and corresponding policies are as follows:

- Economic development *London Plan; the Mayor's Economic Development Strategy*
- Mix of uses *London Plan*
- World city role *London Plan*
- Urban design *London Plan; PPS1*
- Tall buildings/views *London Plan; RPG3A, Revised View Management Framework SPG*
- Access *London Plan; PPS1; Accessible London: achieving an inclusive environment SPG; Planning and Access for Disabled People: a good practice guide (ODPM)*
- Sustainable development *London Plan; PPS1, PPS1 supplement; PPS3; PPG13; PPS22; draft PPS Planning for a Low Carbon Future in a Changing Climate; the Mayor's Energy Strategy; Mayor's draft Climate Change Mitigation and Adaptation Strategies; Mayor's draft Water Strategy; Sustainable Design and Construction SPG*
- Transport & parking *London Plan; the Mayor's Transport Strategy; PPG13*
- Crossrail *London Plan Alteration; Crossrail SPG*

13 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 2002 City of London Corporation Unitary Development Plan (saved policies), and the London Plan (Consolidated with Alterations since 2004).

14 The following are also relevant material considerations:

- The draft replacement London Plan, published in October 2009 for consultation.
- The City of London Corporation Core Strategy (Proposed Submission Stage).

Principle of development

15 The principle of rejuvenating office stock in the Central Activities Zone (CAZ) is supported in line with London Plan policy 3B.2, and draft replacement London Plan policy 4.2.

16 Policy 3B.3 of the London Plan requires that, within the CAZ, where an increase in office floorspace is proposed, development should provide for a mix of uses, including housing, unless such a mix would demonstrably conflict with other policies in the London Plan. This principle is reinforced by emerging policy 4.3 within the draft replacement London Plan. The need to provide office floorspace in locations such as the City to support London's economic development and world city role is recognised by both the Mayor and the Council.

17 In this case, an off-site provision for other uses, including affordable housing, has been secured by the Council through planning obligation. London Plan policies 6A.4 and 6A.5 set out the Mayor's priorities and expectations regarding planning obligations. Policy 6A.4 promotes the

pooling of contributions for the provision of facilities related to proposed developments, and states that affordable housing and public transport improvements should generally be given the highest priority. A figure of £1,749,510 has been agreed, based on a contribution of £70 per sq.m. of additional floorspace, and secured in accordance with the City of London Corporation's Supplementary Guidance. Of this, a sum of £519,605 has been secured for provision of off site affordable housing, and £259,802 has been earmarked for transport improvements (excluding Crossrail).

18 On the basis of the above contribution to the off-site provision of other uses, secured by the Council through Section 106 legal agreement, the GLA is satisfied that London Plan mixed use policy has been addressed, and the principle of the development is acceptable.

Urban design

19 Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained in Chapter 4B. London Plan Policy 4B.1 sets out a series of overarching design principles for development in London. Other policies in Chapter 4B and elsewhere in the London Plan set out design requirements relating to specific issues. London Plan policies 4B.9 and 4B.10, which set out specific design requirements for tall and large-scale buildings, are applicable to the proposal. Chapter 7 of the draft replacement London Plan sets out design related policies.

Massing and scale

20 The proposed deconstruction of massing into slim vertical sub-units has the potential to reduce the perceived bulk of the building, and is a welcome improvement to the design over the extant permission. The architect has sought to reinforce this concept by introducing variations in vertical articulation in order to further differentiate between the sub-units. This approach is supported.

21 At nineteen storeys, the proposal is ten storeys taller than the existing buildings on the site, but in the context of the wider City townscape, and the principle established by the extant permission, it is not disproportionate for this location.

Tall buildings / views

22 In order to assess the potential impact of the development on the World Heritage Site, and relevant strategic views defined by the London View Management Framework (LVMF), the applicant has submitted a visual impact assessment. The assessment provides accurate visual representations of the proposal from the following strategic views: 10A.1 *Tower Bridge the north bastion*, 25A.1 *City Hall: The Queen's Walk*, 25A.2 *City Hall: the amphitheatre*, and 25A.3 *The Queen's Walk at City Hall – close to Tower Bridge*. The location of view 25A.2 changed in July 2010 following the publication of the revised LVMF. At the request of GLA officers, the applicant has provided additional visual representations to facilitate assessment of the proposal's impact within view 25A.2 *The Queens Walk at City Hall – in front of the public terraces*, and view 10A.1 *Tower Bridge the north bastion*.

23 LVMF view 10A.1 is a broad panorama encompassing both the north and the south banks of the river, looking upstream from the north bastion of Tower Bridge. The White Tower of the Tower of London features approximately 45 degrees to the right within this view. The LVMF describes the view as enabling the fine detail and the layers of history of the Tower of London to be readily understood. It also states that this understanding and appreciation is enhanced by the free sky space around the White Tower.

24 The proposed development is located immediately behind the White Tower, which is the most important focal point of the World Heritage Site. In this case, the LVMF defines the policy test of acceptability thus: *“development should not breach the skyline of the four towers of the White Tower or dominate its castellations.”* The LVMF also points to the Tower of London World Heritage Site Management Plan published by Historic Royal Palaces (2007) for guidance. This guidance states that *“assessments of the impact of the new on the old necessarily involve achieving a balance between subjective judgements on what is dominant or overwhelming.”*

25 Within the visual representations of view 10A.1 submitted by the applicant, it is evident that the vast majority of the proposal would be concealed behind the White Tower. However, the telephoto view provided indicates that a small portion of the proposal would be partially visible between three of the ten castellations on the riverside facade of the White Tower. It is, therefore, necessary to consider whether this impact dominates or overwhelms the castellations. In making this assessment it is also noted that, to a large extent, a sliver of the Broadgate Tower already occupies the portion of background setting that would be affected by the proposal. On the basis of the verified views provided, GLA officers are satisfied that the proposal would not dominate the castellations of the White Tower, and therefore, would not harm the setting of the World Heritage Site in this view.

26 LVMF views 25A.1 – 25A.3 are three assessment points looking north of the River Thames providing views of the Tower of London and the cluster of tall buildings in the City. The LVMF describes this juxtaposition of the World Heritage Site with the modern City as the central characteristic of this view. The clear view of the sky in the backdrop of the White Tower is an important attribute of the view, as are Tower Bridge and the mature trees on the north bank of the river. Landmark elements such as 30 St. Mary Axe, Tower 42, and the grade II* listed former Port of London Authority building are also identified as significant.

27 Each of the verified views provided in relation to 25A.1, 25A.2 and 25A.3 demonstrate that the proposed development would appear on the horizon some considerable distance away from the White Tower. It is also evident that the building would be partially hidden by various other elements of the cityscape. On this basis, the proposed development would not harm the setting of the Tower of London World Heritage Site, and would not harm the ability of the viewer to recognise and appreciate it as the strategic landmark in this view.

28 The proposal would, however, interact with the silhouette of the former Port of London Authority (PLA) building, to a varying degree, from each of the 25A assessment points. The impact is most evident in views from assessment points 25.A1 and 25A.2. From these locations the proposal would interact with the tower element of the PLA building, which would no longer be seen primarily against clear sky. This change to the setting of the building in the views from these locations is acceptable as the building is typically viewed against the fringes of the eastern City cluster, and the proposal would not harm the actual setting of the listed PLA building.

29 On this basis, GLA officers are satisfied that the proposal would be broadly consistent with the relevant requirements of the LVMF in relation to the relevant views from the north bastion of Tower Bridge, and along The Queen’s Walk, and in respect to the impact on the Tower of London World Heritage Site and the grade II* listed Port of London Authority Building.

Relationship with local context

30 Immediately southeast of the site is the Sir John Cass’s Foundation Primary School. The red brick Edwardian building is grade II* listed, and represents an important element of the townscape. It is most prominent and expressive at its frontage along Duke’s Place, with the rear of the building helping to enclose the school playground, and Mitre Square beyond. The other neighbouring

buildings to the site, and the existing 1970's office buildings on the site itself, are more modern, and generally larger in scale than the school, and do little to contribute positively to the setting of the listed building.

31 It is evident that the proposal would be a prominent neighbour to the school in terms of its increased scale compared with the existing buildings at the site. Notwithstanding this, the extensive use of glazing should offer a more pleasing juxtaposition with the red brick of the school building in its immediate interactions at street level. This would deliver noticeable improvements along the Duke's Place street frontage, as well as the relationship at St. James's Passage, with the contrasting visual textures likely to enhance the appreciation of the listed school building.

32 The proposal will also offer enhancements to the setting of the school in terms of landscaping and public realm improvements to Mitre Square and Mitre Passage.

33 In summary, the proposed choice of materials and public realm improvements would help to enhance the setting of the listed building in its most immediate context. The fundamentals of the school's setting within the wider City townscape would remain that of a listed building partially enclosed by larger, more modern buildings. The Council's committee report states on the matter: *"The relationship of small historic buildings viewed alongside large scale commercial development is a characteristic of the City."* This is a principle that GLA officers broadly accept, and on this basis, the GLA is satisfied that the proposed response to the listed Sir John Cass's Foundation Primary School has been managed appropriately.

34 The proposal would also be seen in the context of the grade I listed St. Botolph's Aldgate Church. This would be most noticeable in the background of views from Aldgate High Street. Given that this building is typically viewed in the context of the gyratory road system, and against the backdrop of various other large-scale elements of the modern cityscape, this change to the setting is not a cause for concern. The GLA is, therefore, satisfied that the proposal would not harm the setting of the grade I listed Botolph's Aldgate Church.

Other contextual sensitivities

35 Given the proximity of the Sir John Cass's School to the site, and a number of adjacent residential apartments, this location is more sensitive than many others in the City in terms of potential impacts on daylight and sunlight levels. In order to facilitate an impact assessment of the proposal on these sensitive land uses, the applicant submitted a daylighting report, carried out in accordance with Building Research Establishment guidelines.

36 The Council assessed the findings of the report against relevant guidance and adopted planning policy. The Council observed that the proposal would have a slightly greater impact than the extant permission on daylight levels for residential apartments on Mitre Street and Creechurch Lane. Based on the average daylight factor (ADF) method, twenty rooms would fail to meet the minimum daylight level standard. This represents an increase of four rooms when compared with the impact of the extant permission. It should also be noted that eleven rooms fail to meet minimum standards under the existing situation. On consideration, the Council determined that this additional impact did not outweigh the wider benefits of the scheme.

37 With regard to the Sir John Cass's School, the Council observed that the proposal would have a slightly greater impact than the extant permission on daylight levels for five class rooms, a hall, gym and dining room. Based on the ADF method, while there were percentage reductions in light levels over the existing situation, no rooms would fall below minimum standards. On consideration, the Council determined that the school would continue to receive adequate daylight.

38 The Council notes within its committee report, that due to the orientation of the proposed buildings, there would be no material loss of sunlight to neighbouring dwellings or the Sir John Cass's School as a result of the proposal.

39 On the basis of the above, and the Council's consideration of the matter, expressed within their committee report, the GLA is satisfied that impact of the proposal on daylight and sunlight levels would, on balance, be acceptable.

Layout and public realm

40 The introduction of the main office entrance at Duke's Place is welcomed, and would provide punctuation and animation along this street frontage. The proposed location of ground floor retail / cafe uses at the corners of Mitre Square, (close to Mitre Street and, potentially, St. James's Passage), will help to enliven this space, and is also supported.

41 In terms of public realm and landscaping, the applicant is proposing an improved pedestrian link between Creechurch Place and Mitre Square. This would provide a more legible and engaging route through from the end of Creechurch Lane into the public space, and would open up a view of the attractive rear facade of the listed Sir John Cass's School building. This is welcomed.

42 As part of the original landscaping strategy submitted, the applicant proposed to pedestrianise Mitre Square (displacing car parking and drop-off space which currently exists in this location). The Sir John Cass's School expressed concerns regarding the impacts of relocation of parking spaces and access, and likely impacts on playground space. Despite the applicant submitting an alternative landscaping strategy, a satisfactory solution is still to be found.

43 In response to this, the Council have imposed a requirement through Section 106 agreement for the applicant to undertake further work and consultation with the Council, and local stakeholders, before preparing a landscaping scheme for subsequent approval. Given the complexities of the local issues involved, the GLA supports this approach.

Access

44 London Plan policy 4B.5 seeks to ensure that proposals aim for the highest standards of accessibility and inclusion (not just the minimum), and that the design process has considered how everyone, including disabled and deaf people, older people, children and young people, will be able to use the places and spaces that are proposed.

45 It is clear from the applicant's design and access statement that access and social inclusion has been integrated well as part of the overall design process. Consideration has been given to ensuring the building complies with Part M of Building Regulations, and the careful sizing of lifts and circulation routes, and provision of accessible toilets and blue badge parking spaces is welcomed.

46 The applicant has sought to overcome a 0.85 metre level change between the main office entrance on Duke's Place, and the main reception area, through the use of steps and the provision of a platform lift for wheelchair users. While this may meet the requirements of Part M, this approach does not represent a genuine form of inclusive access in the spirit of Policy 4B.5. It is, however, noted that level access through to the main reception area can be obtained from the Creechurch Place entrance at Mitre Square.

47 The design of the landscaping and the public realm around Mitre Square will be crucial to determining how inclusive the development is. Given that work on resolving the nature of the landscaping proposals is on going, it is not possible to provide an assessment of the public realm

against Policy 4B.5. However, in preparing a collaborative landscaping scheme, the Council should ensure that pedestrian routes to the different uses on the site are designed to provide full and inclusive access for all users. It is noted that the original landscaping approach effectively proposed separate stepped and ramped routes in parallel across the square, separated by raised planting. This would not represent best practice in terms of inclusive access, and the applicant is urged to investigate a more unified solution of east-west movement across the square.

48 In summary, while the response to providing inclusive access from Duke's Place through to the main reception is somewhat disappointing, the overall approach of the scheme is broadly supported, and, on balance, accords with London Plan policy 4B.5.

Sustainable development

49 The London Plan climate change policies set out in Chapter 4A collectively require developments to make the fullest contribution to the mitigation of, and adaptation to, climate change, and to minimise carbon dioxide emissions. London Plan Policy 4A.1 sets out an energy hierarchy for assessing applications, London Plan Policy 4A.3 ensures future developments meet the highest standards of sustainable design and construction, and London Plan Policy 4A.9 promotes and supports the most effective adaptation to climate change. Further detailed policies on climate change mitigation and adaptation are found throughout Chapter 4A and supplementary guidance is also given in the London Plan Sustainable Design and Construction SPG. Chapter 5 of the draft replacement London Plan sets out the approach to climate change and requires developments to make the fullest contribution to minimising carbon dioxide emissions.

Climate change mitigation

50 The applicant has broadly followed the energy hierarchy, and sufficient information has been provided in order to understand the energy proposals in principle. Based on the information provided, the development will approach 2010 Building Regulations compliance through energy efficiency measures alone.

51 The applicant states that there are no district heating networks within the vicinity of the development. The proposal is to install a gas fired combined cooling, heat and power unit as the lead heat source for the development, with cooling provided via an absorption chiller (in conjunction with electric chillers). A reduction of 256 tonnes of carbon dioxide per annum (17%) is envisaged through this second part of the energy hierarchy.

52 No renewable energy technologies are proposed for the development. The applicant has identified that a small number of photovoltaic panels could be incorporated on the development, but this has been discounted as uneconomical. Ground source heat pumps have been identified as technically viable, but the energy strategy suggests that they would make only a small contribution to reducing carbon emissions. Notwithstanding this, the Council has secured a condition requiring further investigation of the potential for renewables as part of the scheme.

53 GLA would have expected to see a contribution from renewable energy in line with Policy 4A.7 of the London Plan. The fact that the applicant has not yet committed to the use of renewables is disappointing, however, the GLA welcomes the Council's intention to investigate the matter further. Overall, the energy strategy applies the energy hierarchy to demonstrate a reduction in carbon dioxide emissions of 44% compared to a 2006 Building Regulations compliant development. This meets the target contained within the London Plan and, on balance, is acceptable.

Climate change adaptation

54 The applicant has proposed a range of passive design features, and demand reduction measures, to reduce the carbon dioxide emissions of the proposed development. Heat loss parameters will be improved beyond the minimum backstop values required by building regulations. This is welcomed. Other proposals include the use of heat recovery, variable speed drives, and the use of high efficiency lighting.

55 The applicant has incorporated green roofs to enhance biodiversity opportunities at the site, and to mitigate contribution to the urban heat island effect. The Council has secured this by way of planning condition, and the provision is welcomed in line with London Plan policy 4A.11, and emerging policy 5.10 in the draft replacement London Plan.

Transport

56 Transport for London (TfL) welcome the approach taken to the level of car parking at the site based on the high public transport accessibility. The provision of five car parking spaces is in line with London Plan policy 3C.21. The applicant is also proposing 158 cycle parking spaces. This is in accordance with the minimum standards set out in TfL's cycle parking guidelines and is welcomed. Although there are no specific standards relating to motorcycle parking in the London Plan, TfL understands that the provision of 52 spaces is consistent with the Council's aspiration to encourage motorcycle use, and this is therefore supported.

57 TfL is satisfied that the low level of vehicular trips that are likely to be generated by the proposed development can be accommodated on the strategic highway network. TfL is also satisfied that the impact of the scheme on the bus network is acceptable.

58 The draft Section 106 heads of terms include a contribution of £259,802 towards local transport improvements. TfL welcomes this commitment, and the Council's intention to spend this on enhancing the public realm at Aldgate, and improving accessibility and linkages between local rail and underground stations.

59 The draft Section 106 heads of terms also require the applicant to prepare and submit interim and full travel plans, as well as a delivery and servicing plan, which is welcomed.

60 There is a requirement for a contribution of £3,219,417 towards the funding of Crossrail. This is based on the expected net additional impact of the new development, taking into account the theoretical charge that would be paid by the existing uses. The applicant has committed to provide the full Crossrail contribution, which should be paid to TfL, in full, on commencement of the development. This has been reflected in the draft heads of terms of the section 106 agreement, and is therefore welcomed in line with London Plan policy 3C.12A.

Response to consultation

61 The Council publicised the application by sending letters to addresses in the vicinity of the site, and issuing site and press notices. The relevant statutory bodies were also consulted.

Public consultation

62 In response to the adjoining occupier consultation the Council received a total of 39 communications of objection. These were submitted on behalf of the occupiers of 24 Creechurch Lane (FIBI Bank), the Sir John Cass's Foundation Primary School, the Governors of the Sir John Cass's School, and over individuals including parents of pupils at the Sir John Cass's School, and local residents.

63 In thematic summary, the representations cite reasons for objection relating to: urban design, scale of development, impact on adjoining uses, loss of daylight/sunlight/visible sky, impact on heritage assets, impact on local road network and parking, the applicant's assessment methodologies and construction impacts.

Responses from other local planning authorities

64 Southwark Council objected on the basis that: *"The proposed scale, height and massing would have a harmful impact on the Tower of London World Heritage Site and its wider setting. As a result of the scale and form of the proposed buildings, it would have a dominant relationship with, and in some cases appear to completely block out the backdrop of the War Memorial at the north end of Tower Hill. The monolithic appearance of the design does not enhance the setting of the World Heritage site."* By "War Memorial" Southwark Council is understood to be referring to the tower element of the former PLA building.

65 Tower Hamlets Council stated that it raised no objection to the proposal.

Responses from other organisations

66 English Heritage responded stating that it did not wish to comment on the proposal. CABE provided detailed design comments on the proposal suggesting further work on various elements to the scheme. The applicant made a number of revisions to the design, and CABE responded stating they were content for the Council to consider the amendments. Thames Water raised no objection to the proposal, but provided informatives regarding drainage and water supply. The Retail Traders' Association raised no objection to the proposal.

Representations made directly to the Mayor of London

67 The Sir John Cass's School sent a copy of their previous representations to the Council (outlining objections summarised previously within paragraph 63 of this report), and a written copy of the address made by Nigel Priest, Chairman of Governors for Sir John Cass's School, presenting those objections at the Council's planning committee meeting.

68 A copy of this correspondence was also sent to John Biggs, Assembly Member for City and East. John Biggs AM subsequently wrote to the Mayor in support of the school's objections, asking him to take proper account of them when coming to his decision. The Chair of Governors also contacted the GLA planning department directly, to reiterate the school's objections.

Summary

69 The statutory and non-statutory responses to the Council's consultation, and those representations made directly to the Mayor, do not raise any material planning issues of strategic importance that have not already been considered in this report.

Legal considerations

70 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

71 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance in Circular 03/2009 (*'Costs Awards in Appeals and Other Planning Proceedings'*) emphasises that parties usually pay their own expenses arising from an appeal.

72 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

73 Having had regard to the details of the application, responses to consultation, representations to the Mayor, matters set out in the Council's committee report, and the draft decision notice and Section 106 heads of terms, the proposed scheme is broadly in accordance with London Plan policy, and is, therefore, acceptable in strategic planning terms.

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