

GREATER LONDON AUTHORITY

Good Growth

GLA ref: GLA/4172/06

LBRuT application ref: 18/0547/FUL

Date: 17 August 2021

Neil Henderson

Gerald Eve
72 Welbeck Street
London W1G 0AY

Dear Mr Henderson

Town & Country Planning Act 1990 (as amended); Town and Country Planning (General Development Management Procedure) (England) (Order) 2015; Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

Site: Former Stag Brewery site, Lower Richmond Road, Mortlake SW14 7ET

Applicant: Reselton Properties Ltd

REFUSAL OF PLANNING PERMISSION

The Mayor of London, acting as the Local Planning Authority, hereby refuses planning permission for the following development, in accordance with the terms of the above-mentioned application (which expression shall include the drawings and other documents submitted listed in Annex 1 to this decision):

Description of Development (Application A):

A hybrid application including:

1. The demolition of existing buildings and structures (except 'The Maltings' and the facade of the Bottling Plant and former Hotel). Site clearance and groundworks to allow for the comprehensive phased redevelopment of the site.
2. Detailed application for works to the east side of Ship Lane, which comprise:
 - a. Demolition of existing buildings (except The Maltings and the facade of the Bottling Plant and former Hotel), walls, associated structures, site clearance and groundworks.

- b. Alterations and extensions to existing buildings and erection of buildings varying in height from 3 to 10 storeys plus a basement of one and two storeys below ground.
 - c. Residential apartments.
 - d. Flexible use floorspace for:
 - i. Retail, financial and professional services, cafe/restaurant and drinking establishment uses
 - ii. Offices
 - iii. Non-residential institutions and community use
 - iv. Boathouse
 - e. Hotel / public house with accommodation
 - f. Cinema
 - g. Offices
 - h. New pedestrian, vehicle and cycle accesses and internal routes, and associated highway works
 - i. Provision of on-site cycle, vehicle and service parking at surface and basement level
 - j. Provision of public open space, amenity and play space and landscaping
 - k. Flood defence and towpath works
 - l. Installation of plant and energy centres
3. Outline application, with all matters reserved, for works to the west of Ship Lane which comprise:
- a. The erection of a single storey basement and buildings varying in height from 3 to 8 storeys
 - b. Residential development
 - c. Provision of on-site cycle, vehicle and service parking
 - d. Provision of public open space, amenity and play space and landscaping
 - e. New pedestrian, vehicle and cycle accesses and internal routes, and associated highway works

For the following reasons:

Height, massing and visual impact

- 1) The proposal, by reason of its height, scale, bulk and massing, would result in an unduly obtrusive and discordant form of development in this arcadian setting which would be harmful to the townscape, character and appearance of the surrounding area. The proposal would therefore be contrary to London Plan (2021) Policies D3 and D9; Richmond Local Plan (2018 & 2020) Policies LP1, LP2, LP5 and SA24 and the Stag Brewery Planning Brief SPD (2011).

Heritage impact

- 2) The proposal, by reason of its height, scale, bulk and massing would result in less than substantial harm to the significance of several listed buildings and conservation areas in the vicinity. The less than substantial harm is not clearly and convincingly outweighed by the public benefits, including Affordable Housing, that the proposal would deliver. The proposal would therefore be contrary to the London Plan (2021) Policies HC1 and D9, Richmond Local Plan (2018 & 2020) Policies LP3, LP4 and SA24 and the Stag Brewery Planning Brief SPD (2011).

Neighbouring amenity impact

- 3) The proposal, by reason of the excessive bulk, scale and siting of Buildings 20 and 21 in close proximity to the rear of neighbouring residential properties in Parliament Mews and the rear gardens of properties on Thames Bank, would result in an unacceptable overbearing and unneighbourly impact, including direct overlooking of private amenity spaces. The measures set out in the Design Code would not sufficiently mitigate these impacts. The development would be contrary to the London Plan (2021) Policies D3 and D9, Richmond Local Plan (2018 & 2020) Policy LP 8, the Stag Brewery Planning Brief SPD (2011) and Richmond Residential Development Standards SPD (2010).

Overall absence of a legal agreement

- 4) The proposal, in the absence of a S106 agreement, would fail to deliver a range of environmental improvements, community benefits and infrastructure to adequately mitigate the other harmful impacts of the development. The proposal would be contrary to the London Plan (2021) Policies T9 and DF1; Richmond Local Plan (2018 & 2020) Policies LP28, LP29, LP30, LP31, LP36, LP44 and SA24, the Stag Brewery Planning Brief SPD (2011) and Richmond Planning Obligations SPD (2020).

Statement of positive and proactive action in dealing with the application

In dealing with this application, the Mayor of London acting as the Local Planning Authority, has expeditiously considered the application against all relevant national, regional and local planning policy. The Mayor has decided to refuse planning permission against the recommendation within GLA Representation Hearing report GLA/4172/4172a/03. The Mayor has worked in a positive, proactive and creative manner in relation to dealing with this planning application in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 and paragraph 38 of the National Planning Policy Framework. Notwithstanding this, the proposal is not considered to be a sustainable form of development and so in the opinion of the Mayor does not comply with the provisions of the National Planning Policy Framework.



Lucinda Turner
Assistant Director, Planning

ANNEX 1

This decision has been made based on the following submitted drawings and documents:

Demolition Plan – Entire Site JAZ12_Z0_P_00_002
Demolition Plan – Development Area 1 JAZ12_Z1_P_00_001
Demolition Plan – Development Area 2 JAZ12_Z2_P_00_001
Red Line Site Location Plan – Applications A, B and C JAZ12_Z0_P_00_003
Red Line Site Location and Applicant Ownership Plan JAZ12_Z0_P_00_004
Application A – Red Line Site Location Plan JAZ12_Z0_P_00_005
Development Area 1 and Development Area 2 Boundaries JAZ12_Z0_P_00_008
Site Application Boundaries: Applications A, B and C C645_Z0_P_00_001
Application A Block Plan C645_Z0_P_00_002
Proposed Masterplan Ground Floor Level C645_MP_P_00_001
Proposed Masterplan Typical Floor Level C645_MP_P_TY_001
Proposed Development Area 1 Ground Floor Level Plan C645_Z1_P_00_001
Proposed Development Area 1 Typical Floor Level Plan C645_Z1_P_TY_001
Proposed Development Area 2 Typical Floor Level Plan C645_Z2_P_00_002
Proposed Development Area 2 Ground Floor Level Plan C645_Z2_P_00_001
Proposed Development Area 2 Typical Floor Level Plan C645_Z2_P_TY_002
Proposed Development Area 2 – Typical Level Plan C645_Z2_P_TY_001
Proposed Development Area 1 Basement Plan
Proposed Development Area 2 Basement Plan
Proposed Development Area 01 Basement Section AA
Proposed Development Area 01 Basement Section BB
Proposed Development Area 02 Basement Section CC
Proposed Development Area 02 Basement Section DD
Building 1 - Proposed Ground Floor Plan
Building 1 - Proposed First Floor Plan
Building 1 - Proposed Second Floor Plan
Building 1 - Proposed Third Floor Plan
Building 1 - Proposed Basement Plan 1
Building 1 - Proposed Basement Plan 2
Building 1 - Proposed Roof Plan
Building 2 - Proposed Ground Floor Plan
Building 2 - Proposed Typical Floor 1 (Second to Fifth Levels)
Building 2 - Proposed Typical Floor 2 (First and Sixth Levels)
Building 2 - Proposed Seventh Floor Plan

Building 2 - Proposed Eighth Floor Plan
Building 2 - Proposed Ninth Floor Plan
Building 2 - Proposed Roof Plan
Building 3 - Proposed Ground Floor Plan
Building 3 - Proposed Typical Floor 1 (First to Fourth Levels)
Building 3 - Proposed Fifth Floor Plan
Building 3 - Proposed Sixth Floor Plan
Building 3 - Proposed Roof Plan
Building 4 - Proposed Ground Floor Plan
Building 4 - Proposed First Floor Plan
Building 4 - Proposed Second Floor Plan
Building 4 - Proposed Third Floor Plan
Building 4 - Proposed Fourth Floor Plan
Building 4 - Proposed Fifth Floor Plan
Building 4 - Proposed Sixth Floor Plan
Building 4 - Proposed Seventh Floor Plan
Building 4 - Proposed Roof Plan
Building 5 - Proposed Lower Ground Floor Plan
Building 5 - Proposed Ground Floor Plan
Building 5 - Proposed First Floor Plan
Building 5 - Proposed Second Floor Plan
Building 5 - Proposed Third Floor Plan
Building 5 - Proposed Roof Plan
Building 6 - Proposed Ground Floor Plan
Building 6 - Proposed Typical Floor Plan
Building 6 - Proposed First Floor Plan
Building 6 - Proposed Second Floor Plan
Building 6 - Proposed Third Floor Plan
Building 6 - Proposed Fourth Floor Plan
Building 6 - Proposed Roof Plan
Building 7 - Proposed Ground Floor Plan
Building 7 - Proposed Typical Floor 1 (Second to Fifth Levels)
Building 7 - Proposed Typical Floor Plan 2 (First and Sixth Levels)
Building 7 - Proposed Fifth Floor Plan
Building 7 - Proposed Sixth Floor Plan
Building 7 - Proposed Seventh Floor Plan
Building 7 - Proposed Eighth Floor Plan

Building 7 - Proposed Ninth Floor Plan
Building 7 - Proposed Roof Plan
Building 8 - Proposed Ground Floor Plan
Building 8 - Proposed Typical Floor Plan (Second to Fifth Levels)
Building 8 - Proposed Typical Floor Plan 2 (First and Sixth Levels)
Building 8 - Proposed Fifth Floor Plan
Building 8 - Proposed Sixth Floor Plan
Building 8 - Proposed Seventh Floor Plan
Building 8 - Proposed Eighth Floor Plan
Building 8 - Proposed Roof Plan
Building 9 - Proposed Ground Floor Plan
Building 9 - Proposed Typical Floor Plan
Building 9 - Proposed Fourth Floor Plan
Building 9 - Proposed Roof Plan
Building 10 - Proposed Ground Floor Plan
Building 10 - Proposed Typical Floor Plan
Building 10 - Proposed Fourth Floor Plan
Building 10 - Proposed Fifth Floor Plan
Building 10 - Proposed Roof Plan
Building 11 - Proposed Ground Floor Plan
Building 11 - Proposed Typical Floor 1 (Second to Fifth Levels)
Building 11 - Proposed Typical Floor 2 (First and Sixth Levels)
Building 11 - Proposed Fifth Floor Plan
Building 11 - Proposed Sixth Floor Plan
Building 11 - Proposed Seventh Floor Plan
Building 11 - Proposed Eighth Floor Plan
Building 11 - Proposed Roof Plan
Building 12 - Proposed Ground Floor Plan
Building 12 - Proposed Typical Floor Plan (First to Fourth Levels)
Building 12 - Proposed Fifth Floor Plan
Building 12 - Proposed Sixth Floor Plan
Building 12 - Proposed Seventh Floor Plan
Building 12 - Proposed Roof Floor Plan
Building 2 - Accessible Unit Apartment 2.G.2
Building 2 - Accessible Unit Apartment 2.G.3
Building 2 - Accessible Unit Apartment 2.G.4
Building 2 - Accessible Unit Apartment 2.G.6

Building 2 - Accessible Unit Apartment 2.G.7
Building 2 - Accessible Unit Apartment 2.5.3
Building 2 - Accessible Unit Apartment 2.5.11
Building 2 - Accessible Unit Apartment 2.5.15
Building 2 - Accessible Unit Apartment 2.6.6
Building 2 - Accessible Unit Apartment 2.TY1.3
Building 2 - Accessible Unit Apartment 2.TY1.17
Building 3 - Accessible Unit Apartment 3.G.1
Building 3 - Accessible Unit Apartment 3.G.3
Building 3 - Accessible Unit Apartment 3.5.4
Building 3 - Accessible Unit Apartment 3.TY.4
Building 4 - Accessible Unit Apartment 4.1.2
Building 4 - Accessible Unit Apartment 4.1.3
Building 4 - Accessible Unit Apartment 4.2.2
Building 4 - Accessible Unit Apartment 4.2.3
Building 4 - Accessible Unit Apartment 4.5.2
Building 4 - Accessible Unit Apartment 4.5.3
Building 6 - Accessible Unit Apartment 6.TY.5
Building 7 - Accessible Unit Apartment 7.G.1
Building 7 - Accessible Unit Apartment 7.G.2
Building 7 - Accessible Unit Apartment 7.G.4
Building 8 - Accessible Unit Apartment 8.G.3
Building 8 - Accessible Unit Apartment 8.G.5
Building 8 - Accessible Unit Apartment 8.5.8
Building 8 - Accessible Unit Apartment 8.TY1.4
Building 8 - Accessible Unit Apartment 8.TY1.5
Building 9 - Accessible Unit Apartment 9.TY.1
Building 10 - Accessible Unit Apartment 10.TY.7
Building 11 - Accessible Unit Apartment 11.G.1
Building 11 - Accessible Unit Apartment 11.G.2
Building 11 - Accessible Unit Apartment 11.5.1
Building 12 - Accessible Unit Apartment 12.G.1
Building 12 - Accessible Unit Apartment 12.G.2
Building 12 - Accessible Unit Apartment 12.6.2
Building 3 - Ground Floor Level Refuse Store Plan
Building 4 - Ground Floor Level Refuse Store Plan
Building 6 - Ground Floor Level Refuse Store Plan

Building 8 - Ground Floor Level Refuse Store Plan
Building 9 - Ground Floor Level Refuse Store Plan
Building 10 - Ground Floor Level Refuse Store Plan
Building 12 - Ground Floor Level Refuse Store Plan
Building 1 - Proposed East Elevation
Building 1 - Proposed North Elevation
Building 1 - Proposed South Elevation
Building 1 - Proposed West Elevation
Building 2 - Proposed East Elevation
Building 2 - Proposed North Elevation 1
Building 2 - Proposed North Elevation 2
Building 2 - Proposed South Elevation
Building 2 - Proposed West Elevation 1
Building 2 - Proposed West Elevation 2
Building 3 - Proposed East Elevation
Building 3 - Proposed North Elevation
Building 3 - Proposed South Elevation
Building 3 - Proposed West Elevation
Building 4 - Proposed East Elevation
Building 4 - Proposed North Elevation
Building 4 - Proposed South Elevation
Building 4 - Proposed West Elevation
Building 5 - Proposed Hotel Elevations
Building 5 - Proposed South Elevation
Building 5 - Proposed East & North Elevations
Building 5 - Proposed North & West Elevations
Building 6 - Proposed East Elevation
Building 6 - Proposed North Elevation
Building 6 - Proposed South Elevation 1
Building 6 - Proposed South Elevation 2
Building 6 - Proposed West Elevation
Building 7 - Proposed East Elevation
Building 7 - Proposed North Elevation
Building 7 - Proposed South Elevation
Building 7 - Proposed West Elevation
Building 8 - Proposed East Elevation
Building 8 - Proposed North Elevation

Building 8 - Proposed South Elevation
Building 8 - Proposed West Elevation 1
Building 8 - Proposed West Elevation 2
Building 9 - Proposed East Elevation
Building 9 - Proposed North Elevation
Building 9 - Proposed South Elevation
Building 9 - Proposed West Elevation
Building 4 - Proposed East Elevation
Building 4 - Proposed North Elevation
Building 4 - Proposed South Elevation
Building 4 - Proposed West Elevation
Building 5 - Proposed Hotel Elevations
Building 5 - Proposed South Elevation
Building 5 - Proposed East & North Elevations
Building 5 - Proposed North & West Elevations
Building 6 - Proposed East Elevation
Building 6 - Proposed North Elevation
Building 6 - Proposed South Elevation 1
Building 6 - Proposed South Elevation 2
Building 6 - Proposed West Elevation
Building 7 - Proposed East Elevation
Building 7 - Proposed North Elevation
Building 7 - Proposed South Elevation
Building 7 - Proposed West Elevation
Building 8 - Proposed East Elevation
Building 8 - Proposed North Elevation
Building 8 - Proposed South Elevation
Building 8 - Proposed West Elevation 1
Building 8 - Proposed West Elevation 2
Building 9 - Proposed East Elevation
Building 9 - Proposed North Elevation
Building 9 - Proposed South Elevation
Building 9 - Proposed West Elevation
Mansion Typology Bay Study Elevation - Double Gable
Mansion Typology Bay Study Elevation - Single Bay
Mansion Typology Bay Study Elevation - Single Gable
Mansion Typology Bay Study Elevation - Retail Frontage

Bottling and Hotel Building Bay Study Elevation - Existing Façade Office
Bottling and Hotel Building Bay Study Elevation - New Façade Office
Bottling and Hotel Building Bay Study Elevation - Existing Façade Hotel
Cinema Bay Study Elevation
Warehouse Typology Bay Study Elevation
Proposed Site Elevation AA
Proposed Site Elevation BB
Proposed Site Elevation CC
Proposed Site Elevation DD
Proposed Site Elevation EE
Proposed Site Elevation FF
Proposed Site Elevation GG
Proposed Site Elevation HH
Proposed Site Elevation II
Proposed Site Elevation JJ
Proposed Site Elevation KK
Proposed Site Elevation LL
Proposed Site Elevation MM
Proposed Site Elevation NN
Proposed Site Elevation OO
Proposed Site Elevation PP
Proposed Site Elevation QQ
Proposed Site Elevation RR
Proposed Site Section AA
Proposed Site Section BB
Proposed Site Section CC
Proposed Site Section DD
Proposed Site Section EE
Proposed Site Section FF
Block Footprint and Horizontal Lines of Deviation One to Three Storeys
Block Footprint and Horizontal Lines of Deviation Four Storeys
Block Footprint and Horizontal Lines of Deviation Five Storeys
Block Footprint and Horizontal Lines of Deviation Six Storeys
Block Footprint and Horizontal Lines of Deviation Seven Storeys
Block Heights and Vertical Lines of Deviation
Proposed Building Levels - Ground Floor
Land Use Distribution Ground and Upper Floors

Land Use Distribution Basement
Basement Maximum Depth and Extent
Demolition and Retention Plan
Proposed Active Frontages - Ground Floor
Block Footprint and Horizontal Lines of Deviation Eight Storeys
Location of Elevations with Elevational Restrictions
Proposed Site Section DD_ Heights and Levels
Proposed Site Section FF_ Heights and Levels
Proposed Site Section LL_ Heights and Levels
Proposed Site Section JJ_ Heights and Levels
Proposed Site Section KK Heights and Levels
Proposed Site Section OO_Heights and Levels
Proposed Site Section QQ_Heights and Levels
Conditions Plot Plan
Conditions Plot Plan (Basement Works Only)
Proposed Masterplan Ground Floor Level - Obscured Glazing
Proposed Masterplan First Floor Level - Obscured Glazing
Proposed Masterplan Second Floor Level - Obscured Glazing
Proposed Masterplan Third Floor Level - Obscured Glazing
Proposed Masterplan Fourth Floor Level - Obscured Glazing
Proposed Masterplan Fifth Floor Level - Obscured Glazing
Proposed Masterplan Sixth Floor Level - Obscured Glazing
Proposed Masterplan Seventh Floor Level - Obscured Glazing
Proposed Masterplan Eighth Floor Level - Obscured Glazing
Proposed Masterplan Ninth Floor Level - Obscured Glazing
Alternative Phase 1 masterplan
Proposed Site Wide Landscape Rendered Masterplan
Proposed Site Wide Landscape GA Plan
Development Area 1 Landscape Rendered Masterplan
Development Area 1 Landscape GA Plan
Proposed Development Area 1 Seating Plan
Proposed Site Wide Landscape Level Plan
Proposed River Terrace Boundary Wall Treatment Plan
Proposed Site Wide Circulation Plan - Vehicular
Proposed Site Wide Circulation Plan - Cycle
Proposed Site Wide Circulation Plan - Pedestrian
Development Area 1 Flood Defence Plan

Proposed Site Wide Hard Landscape Plan
Existing Site Wide Hard Landscape Plan
Proposed Outline Application Hard Landscape and Soft Landscape Areas
Proposed Outline Application Open Space Plan
Proposed Outline Application Landscape Principles Plan
Proposed Outline Application Open Space with Play Space Location
Proposed Outline Application Circulation Plan - Vehicular
Proposed Outline Application Circulation Plan - Cycle
Proposed Outline Application Circulation Plan - Pedestrian
Proposed Green Link Section
Proposed Entry Plaza Section
Proposed Thames Street Section
Proposed Residential Street Section
Proposed Bottleworks Square Section
Proposed Maltings Plaza Section
Proposed River Terrace Section 1
Proposed River Terrace Section 2
Proposed Ship Lane Section 1
Proposed Ship Lane Section 2
Proposed Lower Richmond Road Section
Proposed Detailed Application Typical Courtyard Section
Typical Extensive Green Roof Detail
Typical Extensive Brown Roof Detail
Typical Extensive Brown Roof Detail
Typical Extensive Green Roof Detail
Development Area 1 Riverwall Elevation from Towpath
Rain Garden Typical Detail 1
Rain Garden Typical Detail 2
Typical Podium Tree Planting Detail
Typical Ground Tree Planting Detail
Indicative Proposed Watersports Centre
Boat House Access to Existing Public Draw Dock Plan
School Rendered Masterplan (Interim)
School Rendered Masterplan (Final)
School Landscape GA Plan (Interim)
School Landscape GA Plan (Final)
Internal Site Roads

Possible Highway Layout
Possible Sheen Lane and Level Crossing Improvements
Temporary Access Road and Towpath Works
Clifford Avenue / Lower Richmond Road - Proposed Highway Layout
Lower Richmond Road / Mortlake High Street - Proposed Highway Layout
Accommodation Schedule - GIA
Accommodation Schedule - GEA
Accommodation Schedule - NSA
Accommodation Schedule - Unit Mix Summary
Affordable Housing Statement
Air Quality EIA Report
Arboricultural Report
Archaeology EIA Report
Assisted Living Demand Assessment
Assisted Living Overview and Characteristics
Built Heritage EIA Report
CIL Form and CIL Form Notes (Appendices 1 and 2)
Cover Letter
Re-consultation cover letter
Community Uses and Cultural Strategy
Daylight, Sunlight, Overshadowing and Light Pollution EIA Report
Design and Access Statement: Volume 1 Masterplan Proposals
Design and Access Statement Volume 2: Detailed Design Statement
Design and Access Statement Volume 3: Design Code
DAS Addendum
Drainage Strategy
Ecology EIA Report
Employment Assessment
Energy Strategy
Energy Strategy Addendum
Circular Economy Statement
Whole Life Carbon Reporting Tool
Environmental Statement Volume 1: Main Text
Environmental Statement Volume 2: Figures
Environmental Statement Volume 3: Technical Appendices
Environmental Statement Addendum
ES Non-Technical Summary

Financial Viability Assessment
Fire Statement
Foul Sewage and Utilities Assessment
Framework Construction Management Statement
Framework Delivery and Servicing Management Plan
Framework Estate Management Strategy
Ground Conditions and Contamination EIA Report
Health Impact Assessment
Hotel Need Assessment
Internal Daylight and Sunlight Assessment
Landscape Design and Access Statement
Lighting Masterplan
Noise and Vibration EIA Report
Noise Impact Assessment
Odour Assessment Report
Operational Waste Management Strategy
Open Space and Playing Pitches Assessment
Outline Car Management Plan
Retail and Leisure Statement
Site Waste Management Plan
Socio-Economics EIA Report
Sports Pitch Lighting Assessment
Statement of Community Involvement
Structural Impact Assessment
Sustainability Statement
Town Planning Statement
Transport and Access EIA Report
Transport Assessment
Travel Plan: Framework
Travel Plan: Residential
Water Resources and Flood Risk EIA Report

ANNEX 2

Town and Country Planning Act 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of the local planning authority to refuse planning permission for the proposed development then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990
- If you want to appeal against the local planning authority's decision then you may do so within 6 months of the date of this notice
- Appeals may be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.gov.uk/government/organisations/planning-inspectorate
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of the appeal
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development having regard to the statutory requirements, to the provisions of any development order and any directions given under a development order
- In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by the Secretary of State