

MAYOR OF LONDON

Cheryl Saverus

Planning and Borough Development
Royal Borough of Kensington and Chelsea
Kensington Town Hall
Hornton Street
London W8 7NX

Our ref: GLA/3109a/02/AP

Your ref: PP/17/05782

Date: 26 March 2018

Dear Ms. Saverus,

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008

Newcombe House, Notting Hill Gate and Kensington Church Street, Royal Borough of Kensington and Chelsea
Local planning authority reference: PP/17/05782

I refer to your letter of 14 March 2018 informing me that Kensington and Chelsea Council is minded to refuse planning permission for the above planning application. I refer you also to the notice that was issued on 26 March 2018 under the provisions of article 5(1)(b)(i) of the above Order.

Having now considered a report on this case, reference GLA/3109a/02 (copy enclosed), I hereby direct (under the powers conferred by Section 2A of the 1990 Act) that I will act as the local planning authority for the purposes of determining the above planning application.

My reasons are as follows:

- (i) the proposed development would have a significant impact on the implementation of the London Plan - as set out within the above-mentioned report;
- (ii) the proposed development or any of the issues raised by it has significant effects that are likely to affect more than one borough - as set out within the above-mentioned report; and,
- (iii) there are sound planning reasons for my intervention - as set out within the above-mentioned report.


In making this decision, I must also have regard to targets identified in the Development Plan. As set out in the attached report, I recognise that whilst Kensington and Chelsea Council has taken a positive approach to approving new homes in the borough during the last four years,

it is currently significantly under-delivering against its annualised housing completions targets and the borough's affordable housing targets.

In my view the proposed development has the potential to make an important contribution to the delivery of an accessible and inclusive underground and rail transport network in response to London Plan Policies 3.1 and 6.1; and to the vitality of the town centre, with a modern GP surgery, offices, retail, farmers' market and housing, in line with London Plan Policies 2.15, 3.3, 3.11, 3.16, 3.17, 4.2, 4.7 and 4.8. Having regard to the above, and noting the potential contribution of the proposed development, I wish to fully consider this case by becoming the local planning authority.

I would be grateful if you could provide me, as soon as reasonably practicable, with any further relevant information to the application. In due course I will notify you of the date of the Representation Hearing, and I will consult you on any draft planning obligation and planning conditions.

Yours sincerely



Sadiq Khan
Mayor of London

cc Tony Devenish, London Assembly Constituency Member
Nicky Gavron, Chair of London Assembly Planning Committee
National Planning Casework Unit, DCLG
Lucinda Turner, TfL
Georgie Church, Quod, Ingeni Building, 17 Broadwick Street, London W1F 0AX

Newcombe House, Notting Hill Gate and Kensington Church Street

in the Royal Borough of Kensington & Chelsea

planning application no. PP/17/05782

Strategic planning application stage II referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Demolition of existing buildings and redevelopment to provide office, 46 residential units, retail uses, and a flexible surgery/office use, across six buildings (ranging from ground plus two storeys to ground plus 17 storeys), with two-storey basement together with landscaping to provide a new public square, ancillary parking and associated works.

The applicant

The applicant is **Notting Hill Gate KCS Limited** and the architect is **Urban Sense Consultant Architects**.

Key dates

- **Stage 1 report:** 29 November 2017.
- **Committee meeting:** 31 January 2018.

Strategic issues summary

The Royal London Borough of Kensington & Chelsea ("RBKC") has resolved to refuse permission for this application. The Mayor needs to consider whether he should issue a Direction pursuant to Article 7 of the Mayor of London Order 2008 ("the 2008 Order") that he should be the local planning authority and determine the application or whether he wishes the RBKC decision to proceed unchanged.

Having regard to the details of the application and other relevant matters, it is considered that the development is of such a nature that it would have a significant impact on the implementation of the London Plan (particularly those relating to transport) and it would have significant effects which are likely to affect more than one London Borough. It is considered that there are sound planning reasons for the Mayor to issue a Direction pursuant to Article 7 of the 2008 Order.

The Council's decision

In this instance, RBKC has resolved to refuse permission.

Recommendation

That a Direction is made pursuant to Article 7 of the 2008 Order and that RBKC be advised that the Mayor will act as the local planning authority for the purposes of determining this application.

Context

1 On 15 September 2017, the Mayor of London received documents from RBKC notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 1C of the Schedule to the Order 2008:

- *“Development which comprises or includes the erection of a building of (c) more than 30 metres high and is outside the City of London.”*

2 On 29 November 2017, the Mayor considered planning report D&P/3109a/01, and subsequently advised RBKC that the application did not comply with the London Plan, for the reasons set out in paragraph 52 of the above-mentioned report.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report.

4 On 31 January 2018, RBKC resolved to refuse planning permission for the proposed development. On 14 March 2018 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 RBKC’s decision to proceed unchanged, may issue a Direction that he is to be treated as the local planning authority for the purposes of determining the application. A Direction may only be issued where the criteria in Article 7(1) (a) to (c) of the 2008 Order are satisfied. In deciding whether to issue such a Direction in this case the Mayor must take account of the extent to which RBKC is achieving, and has achieved, any other targets set out in the development plan which are relevant to the subject matter of the application. If the Mayor determines to issue a Direction there is a requirement that the reasons for doing so specify how these matters have affected his decision.

5 The Mayor has until 27 March 2018 to notify the Council of his decision and to issue any direction.

Council reasons for refusal

6 The Council’s draft decision notice sets out the following reasons for refusal:

- The height of the tall building would be significantly taller than the existing building and the surrounding townscape at a very high land point in the borough. The architecture of the proposed tall building would be of insufficient high design quality and would not have a wholly positive impact on the townscape. It would result in harm to the setting of nearby listed buildings and conservation areas, including important local views and when moving around the conservation areas experiencing them as a whole. This would result in substantial harm to those heritage assets, to which the Council attaches considerable importance and weight. The proposals are contrary to policies of the London Plan, in particular policies 7.4, 7.6 and 7.7, and the Consolidated Local Plan, in particular policies CL1, CL2, CL3, CL4, CL11 and CL12, and the Notting Hill Gate SPD. The public benefits would be insufficient to outweigh those harms.
- Although slightly more affordable housing floorspace is proposed than currently exists, the proposals would result in the loss of social rented homes within the borough and the Council is not satisfied that the approach to developing the site provides the maximum reasonable amount of affordable housing, contrary to policies of the London Plan, in particular policies 3.12 and 3.14, and the Consolidated Local Plan, in particular policies CH2 and CH3.

- In the absence of agreed obligations under section 106 of the Town and Country Planning Act 1990 and provisions under section 16 of the Greater London Council (General Powers) Act 1974 which would secure the necessary mitigation measures and infrastructure which are necessary to make the development acceptable, the proposal would be contrary to policies of the London Plan, in particular policies 3.12 and 3.16, and the Consolidated Local Plan, in particular policies C1, CT1 and CH2.

7 The Mayor’s decision on this case, and the reasons for it, will be made available on the GLA’s website www.london.gov.uk.

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

8 The initial policy test regarding the Mayor’s power to take over and determine applications referred under categories 1 and 2 of the schedule to the Order is a decision about who should have jurisdiction over the application rather than whether planning permission should ultimately be granted or refused.

9 The policy test consists of the following three parts, all of which must be met in order for the Mayor to take over the application:

- a) the development would have a significant impact on the implementation of the London Plan;
- b) the development or any of the issues raised by it has significant effects that are likely to affect more than one borough; and
- c) there are sound planning reasons for his intervention.

10 Parts (a) and (b) of the test identify the impact an application would have on the Mayor’s policies and the geographical extent of the impact, whilst part (c) deals with the reasons for the Mayor’s intervention, having regard to the Council’s draft decision on the application. These tests are intended to ensure that the Mayor can only intervene in the most important cases.

11 This report considers the extent to which the policy tests under Article 7(1) apply in this case and whether, therefore, the Mayor should direct that he is to be the local planning authority. When applying these tests, as already explained, the Mayor must take account of the extent to which RBKC is achieving, and has achieved any other targets set out in the development plan which are relevant to the subject matter of the application.

Policy test 7(1) (a): Significant impact on the implementation of the London Plan

12 The proposed development would have a significant impact on the implementation of the London Plan for the reasons set out in the following paragraphs. It should be noted that the relevant test under Article 7(1)(a) relates to significant impacts on the implementation of the “spatial development strategy”, namely the current adopted London Plan and this is therefore the focus to the consideration of article 7(1)(a) set out below.

London Plan policy context – Step Free Access (SFA)

13 The proposed development would have a significant impact on the implementation of the London Plan for the reasons set out in the following paragraphs. It should be noted that the relevant test under Article 7(1)(a) relates to significant impacts on the implementation of the

“spatial development strategy”, namely the current adopted London Plan and this is therefore the focus to the consideration of article 7(1)(a) set out below.

14 London Plan Policy 3.1 makes clear that expanding opportunities and meeting the needs of all Londoners is essential to confronting inequality across London. To achieve this, Policy 3.1 underlines the importance of addressing the barriers to meeting the needs of specific groups and communities, including persons with mobility problems. In addressing equality and inclusiveness as it relates to transport infrastructure, London Plan Policy 6.1 encourages the provision of step-free access as part of an integrated approach to development and transport.

15 Notting Hill Gate (NHG) London Underground station forms a strategically important interchange both with the Central line and local bus services at street level. However, there is no SFA at this station, which serves the District Line and Circle Line. The station is heavily used, with the latest statistics showing that 103,379 customers use the eastbound platform weekly.

16 The proposed development includes the provision of SFA at the adjacent NHG London Underground Station. Fully funded by the applicant, this SFA would be delivered from street level to the eastbound platform of the Circle Line and District Line, through two new lifts and walkways. This would provide the leverage to negotiate for the provision of SFA to the northbound platform as part of the proposals on the adjacent David Game House site. Even on its own, the proposed improvements would enable a wide range of people with mobility difficulties, including those who are physically or visually disabled, parents/ carers with young children (especially in a buggy or pram) and those with heavy and awkward luggage, to use the Underground safely and conveniently without having to use stairs or an escalator. Whilst the station is in RBKC, it is close to the border with Westminster, and as such a significant proportion of passengers who would benefit from SFA are living, working or visiting Westminster, including Hyde Park, Kensington Gardens and Queensway.

17 SFA access at the station would therefore enable passengers to travel to other stations on the District Line & Circle Line, which are also step-free. These include Westminster, Earl’s Court and Tower Hill; and, through step-free interchange, every London Underground line, DLR, London Overground and TfL Rail services could be reached hence providing links throughout London and beyond.

18 In addition, the scheme would provide stair-free access to the Central Line, which 128,837 customers use weekly. This would assist many people with mobility difficulties and would provide them with a direct link to all the Central Line stations, which are either step or stair-free from Greenford in the west to Epping in the east.

19 The 2010 Equality Act places a duty on public bodies, including the GLA, in the exercise of their functions, to have due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This requirement includes removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic and taking steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it. The Act defines the protected characteristics, and in this case disability and age are of relevance.

Conclusion – Step Free Access

20 In view of the volume of passengers using the Notting Hill Gate Underground Station, the proposed development, including the funding arrangements, presents a unique opportunity to deliver SFA at this location and contribute towards achievement of the Mayor’s ambitious target in improving access to the underground system for those with mobility issues. In addition, improved

accessibility to the town centre would also support the role of Notting Hill Gate District Centre as a location for commercial development and intensification, offering retail, employment, entertainment and other preferred uses that are accessible to all Londoners.

London Plan policy context - housing and affordable housing

21 London Plan Policy 3.3 at Part B seeks to ensure that at least 42,000 net additional homes are consistently provided annually. Additionally, London Plan Policy 3.11 seeks the provision of at least 17,000 net affordable homes per year in London.

Recent delivery

22 Table 1 below sets out pan-London delivery against the current London Plan targets between 2013-2017, the most recent available data.

net delivery	2013-2014	2014-2015	2015-2016	2016-2017	total	net delivery %
homes target	32,210	32,210	42,200	42,200	148,820	98% of target
homes delivered	29,382	32,440	38,553	45,663	146,038	
affordable homes target	13,200	13,200	17,000	17,000	60,400	46% of target
affordable homes delivered	6,592	6,985	6,675	7,381	27,633	

Table 1: Delivery against pan-London net housing and affordable housing targets (source: London Development Database and London Plan AMR).

23 Given the above statistics, it is evident that the level of new homes and affordable units delivered across London for the financial years 2013-2014 to 2016-2017 is below the target levels set out in the London Plan. This is especially apparent in relation to the delivery of net affordable units.

24 Regarding borough level targets, the London Plan sets the minimum annual monitoring target for the Royal Borough of Kensington and Chelsea (RBKC) at 733 additional homes per year between 2015 and 2025.

25 Table 2 below sets out delivery against the RBKC targets during the financial years 2013-2017.

net delivery	2013-2014	2014-2015	2015-2016	2016-2017	total	net delivery %
homes target	585	584	733	733	2,635	62% of target
homes delivered	451	911	114	153	1,629	
affordable homes target	200	200	293*	293*	986	34% of target
affordable homes delivered	46	196	67	23	332	

Table 2: Delivery against London Plan net housing target and London Plan affordable housing target (source: London Development Database and London Plan AMR). *Based on absolute target of 40% across London as set out in the London Plan.

26 Based on the information in Table 2, the delivery of new homes and affordable units within the borough is substantially below target levels set out in the London Plan. The Borough has consistently failed to meet the targets for overall additional homes and affordable units. Applying the target for affordable housing sought in the London Plan, the delivery of new affordable homes also falls considerably short.

27 The proposed scheme includes the provision of 46 new residential units, including 9 social rented units, which, though small in total, represents 39% of the total number of affordable units delivered in the Borough during 2016-2017 and 2011-2012, and more than the 4 affordable units completed within the whole Borough in financial year 2012-2013. The scheme would therefore make a reasonable contribution to the Borough's affordable housing targets.

London Plan policy context – health facilities

28 London Plan Policies 3.16 and 3.17 encourage the provision of high quality health care facilities, especially in areas of under-provision or where there are needs.

29 The proposal includes the provision of a modern GP surgery in a location that has been identified in local policy as in need of a primary health care centre. Its provision would therefore address a deficiency and would contribute to improving access to health care facilities within RBKC and by extension London.

Potential contribution of this scheme to London Plan objectives – Town centres

30 London Plan Policy 2.15 and draft London Plan Policy SD6 seek to ensure that, beyond the CAZ, centres within the town centre network remain the focus for commercial development and intensification, including residential-led development. Both policies require development proposals in town centres to sustain and enhance the vitality and viability of the centre and accommodate economic and/or housing growth through intensification.

31 In addition to the provision of SFA, housing and a GP surgery, the proposed development would deliver modern retail and office floorspace as well as public realm improvements, that would accommodate a popular Farmer's Market. These aspects of the proposal are in accordance with London Plan Policies 2.15, 4.2, 4.7 and 4.8 would further enhance the vitality and viability of the town centre.

Test 7(1)(a) Conclusion

32 Given the location of the Notting Hill Gate Underground Station in the town centre network and the large number of persons using the station, the provision of Step Free Access at this station has the potential to significantly improve accessibility for persons with mobility challenges from across London. It would also increase the number of step-free stations within the underground network, hence improving connectivity for all users. The provision of SFA at this site could also reduce car use and contribute to meeting the targets for public transportation use set out in the London Plan. Cumulatively, the proposed development would serve to enhance the vitality of the town centre with the provision of a GP surgery, modern commercial floorspace, public market and the introduction of 46 residential units, comprising social rented and family sized units, which in the context of the local authority would make a reasonable contribution to their housing delivery.

33 Accordingly, it is considered that the proposed development, in terms of its potential to promote provide transport infrastructure (step free access) to improve connectivity and accessibility for persons with mobility problems at NHG Underground Station in particular, are such that, if approved, it would have an important and a significant impact on the implementation of the adopted London Plan (in line with the test set out in Article 7(1)(a) of the Order 2008). The application would also contribute towards the provision of health care facilities, modern retail and office floorspace and public markets in London in line with the London Plan. As such, it is considered that the test set out within Article 7(1)(a) of the 2008 Order is met.

Policy test 7(1) (b): Significant effects on more than one Borough

34 Part (b) of the statutory test within Article 7(1) of the 2008 Order concerns whether the Mayor considers that the development or any of the issues raised by it has significant effects that are likely to affect more than one borough. As indicated above, 103,379 customers use the eastbound platform weekly, which indicates that the station is used by persons from across London and the provision of SFA as part of the proposed development would therefore also improve access for persons with mobility problems outside of the Borough. Additionally, as set out at paragraphs 17-18, the provision of SFA at this station would create an accessible gateway to the wider borough linking NHG with other stations served by other lines within and outside of the borough that are also step-free such as Westminster, Earl's Court and Tower Hill, and, through step-free interchange, every London Underground line, DLR, London Overground and TfL Rail services could be reached providing links throughout London and beyond. It is therefore considered that the proposed SFA would have a significant effect on more than one borough.

35 Due to the scale of the housing proposed and its location wholly within RBKC, GLA officers do not consider that the non-delivery of the proposed housing would have a significant effect on more than one borough in itself. Notwithstanding this, if RBKC continues to fail to meet its housing targets it may have to rely on neighbouring boroughs to provide housing (via the duty to cooperate), especially affordable units, which could potentially put increased housing delivery pressure on these boroughs. Since the proposed development would assist in reducing the extent to which this might occur, it could be seen to have effects upon more than one London Borough in this regard.

36 The planning and commissioning of health facilities in the Notting Hill Gate vicinity falls under the NHS West London Clinical Commissioning Group. This Clinical Commissioning Group (CCG) serves a population of over 225,000 living predominantly in RBKC, but also in areas of the City of Westminster and other boroughs. The configuration of the CCG is predicated both on commissioning patterns and patient flows across the two boroughs and on the close alignment of the northern parts of Kensington & Chelsea and Westminster in terms of demographic, cultural and socio-economic characteristics. Two existing practices, located in proximity of the borough boundary between RBKC and City of Westminster have been identified to relocate to the proposed health facility. At present, both practices provide services to residents beyond RBKC, with a proportion of the residents in Westminster, and the existing premises provide challenges in relation to space and layout. The proposed surgery forms part of the CCG's strategic delivery service plan and has been designed in consultation with the NHS and fitted out to NHS-approved specifications, with capacity to accommodate nine GPs and serve up to 18,000 patients. A range of multi-disciplinary services including mental health and wellbeing would be provided. It is therefore considered that the proposed GP surgery would have a significant effect on more than one borough.

37 In addition, the proposed development would deliver high quality Grade A flexible office space with the capacity to provide 300 jobs for Londoners in the borough and beyond, and an improved public market, which currently accommodates stallholders and serves customers from across London and beyond. As a result, the proposed development would also have significant effects upon more than one borough in relation to these matters.

38 In the light of the above, it is concluded that the development would have significant effects that are likely to affect more than one London borough.

Policy test 7(1)(c): Sound planning reasons for intervening

39 Part (c) of the statutory test within Article 7(1) of the 2008 Order concerns whether the Mayor considers there to be sound planning reasons to exercise his power to become local planning

authority in respect of the application. As discussed earlier, this site, and the development proposed, is considered to be of strategic as well as Borough importance primarily due to its potential to deliver accessible transport infrastructure, and the development proposed has the potential to make a significant contribution to strategic accessible transport infrastructure and equality objectives. This report concludes (paragraphs 32 - 33) under Test 7(1)(a) that the proposed development through the provision of SFA at a heavily used underground station would have significant impacts on the implementation of the London Plan in relation to improving the number of underground stations with SFA and creating a more inclusive underground transport system.

40 As set out at paragraphs 26-27 above, based on the current and recent performance RBKC has not been meeting development plan targets for the delivery of housing and affordable housing for a number of years. The proposed level of housing would have impacts on the implementation of the London Plan (in respect of housing and affordable housing supply). In addition, as indicated at paragraphs 36-37 above, the proposed development would deliver a GP surgery, retail and office floorspace, and public realm improvements that would enhance the vitality of Notting Hill Gate District Centre, and provide jobs, services and accommodation for Londoners in the borough and beyond, therefore having significant effects upon more than one borough in relation to these matters.

41 It is considered that there are sound planning reasons for the Mayor to intervene so that the application is not refused at this stage, as the Borough has resolved to do, but that he becomes local planning authority in respect of the application, so as to provide the opportunity for the Mayor to give further consideration to the application and to determine it himself.

Matters which the Mayor must take into account

42 The Mayor must take account of the strategic importance of providing Step Free Access at this station given the London-wide benefits that would be derived from this provision in view of the high level of use by Londoners from within and outside of the Royal Borough of Kensington & Chelsea, its location within the town centre network and contribution towards creating an accessible and inclusive London.

43 The Mayor must also take account of the Council’s current and past performance against development plan targets for housing and affordable housing. In this instance, the supply of net additional homes and net additional affordable homes are the relevant development plan targets. The Borough’s performance in relation to net delivery for housing and affordable housing have be outlined earlier at paragraph 26 and 27. Table 3 below sets out the Council’s performance in terms of planning approvals for housing and affordable housing in the borough.

net approvals	2013-2014	2014-2015	2015-2016	2016-2017	total	Performance against target
homes target	585	584	733	733	2,635	115% of target (+383 units)
homes approvals	1,261	1,226	119	412	3,018	
affordable homes target	200	200	293*	293*	986	28% of target (-706 units)
affordable homes approvals	156	90	25	9	280	

Table 3: Performance against London Plan housing target and London Plan affordable housing target in terms of planning approvals (source: London Development Database).

*Based on absolute target of 40% across London as set out in the London Plan.

44 The information in Table 3 above demonstrates that although the Council has approved 383 homes more than their total target for the period 2013-2014 to 2016-2017, only 9% of the homes approved are affordable homes. This is below the target within Kensington & Chelsea Local Plan; and also falls short of the Mayor's strategic targets for affordable housing delivery in the London Plan and draft London Plan. Therefore, these figures represent a significant undersupply of affordable housing in the pipeline.

45 The relevance of providing modern GP surgery, retail and office floorspace and public realm improvements, including a Farmer's Market, and their contribution to achieving a diverse and vibrant town centre should also be considered. Town centres are identified in the London Plan and draft London Plan as the primary locations for commercial activity beyond the CAZ and key to the local and London-wide economy.

Issues raised at consultation stage

46 Notwithstanding the above, when considering whether to take over the application it is also relevant for the Mayor to have regard to the following planning issues which were raised at consultation stage. In this context, it should be noted that at this stage the Mayor is only considering whether to intervene by becoming the local planning authority. The Mayor is not at this stage required or being invited to reach any decision on the overall merits of the proposal and whether or not to grant planning permission. The planning issues identified at consultation stage (set out at paragraph 52 of the Stage I report) were identified as follows:

- **Principle of development:** The residential-led redevelopment of the site within the town centre, providing improved public realm and step-free access to the Circle and District Line platforms at the Notting Hill Gate underground station is supported.
- **Re-provision of existing housing:** The number of affordable habitable rooms on-site has increased from 20 to 27 and there is a significant improvement in the quality of the housing accommodation, which accords with London Plan Policy 3.14 and the Mayor's Affordable Housing and Viability SPG.
- **Affordable housing:** GLA officers have robustly interrogated the viability assessment, and supplementary documents requested from the applicant, which demonstrate that the maximum possible level of affordable housing is being achieved at 17.3% by habitable room/19.6% by units, equating to 5.1% uplift in affordable housing together with the delivery of step-free access. The provision of grant funding would not viably increase the level of affordable provision. An early and a late stage review must be secured in accordance with the Mayor's Affordable Housing and Viability SPG.
- **Climate change:** The carbon dioxide savings do not meet the zero-carbon target for domestic buildings or the 35% target for non-domestic buildings. As such, the applicant should consider the scope for additional measures aimed at achieving carbon reductions. Further information on notional cooling, overheating, the CHP and the site heat network is also required. Any remaining regulated CO2 emissions must be met through a contribution to the borough's offset fund.
- **Transport:** Broadly supported; however, the provision of step-free access to the inner Circle and District line platform at Notting Hill Gate Station should be secured and TfL must be involved in the drafting of conditions and obligations; a cycle hire docking station in the vicinity of the site should be secured by planning condition and the cost of installing the docking station secured by Section 106 agreement; and, the residential car parking should be reduced and the detailed arrangements for construction agreed with TfL.

Principle of development

47 At consultation stage, the redevelopment of this town centre site to provide a mixed-use scheme comprised of retail, residential and community floorspace, including a GP surgery, as well as step-free access to the District and Circle Line and improved public realm was supported in accordance with London Plan Policies 2.15, 3.16 and 4.8. Draft London Plan Policy SD6 seeks to ensure that, beyond the CAZ, centres within the town centre network remain the focus for commercial development and intensification, including mixed-use developments. The proposal was therefore supported in accordance with the London Plan and draft London Plan.

Affordable housing

48 At Stage 1, after robustly interrogating the applicant's financial viability assessment and supplementary documents, GLA officers were satisfied that the 17.3% by habitable rooms was the maximum level of affordable housing the scheme could deliver. The Council, however, has listed the loss of social rented homes within the borough and dissatisfaction with the approach to developing the site to provide the maximum reasonable amount of affordable housing as a reason for refusal.

49 Regarding the loss of social rented units, as set out in the Stage 1 report, there are 20 existing affordable units, with a total floorspace of 955 sq.m. Notwithstanding the re-provision of nine social rent units, the units will be of a better standard with an uplift in the number of habitable rooms from 20 to 27. This will result in an increase in the amount of floorspace by 159 sq.m. This accords with London Plan Policy 3.14, draft London Plan Policy H10 and the Mayor's Affordable Housing and Viability SPG, and, which make clear that the loss of affordable housing should be resisted unless the replacement is provided with at a minimum the equivalent level of floorspace and of a better quality of accommodation. Should the Mayor issue a direction to take over determination of the application, GLA officers will ensure that the application delivers the maximum level of affordable housing in line with London Plan, draft London Plan and Local Plan policy, as well as tenures that are genuinely affordable.

Sustainable development/climate change

50 As requested at Stage 1, the applicant has considered further measures to achieve additional carbon reduction, with the applicant agreeing to make an offset contribution. Other outstanding issues relating to notional cooling, overheating, the CHP and the site heat network have been adequately addressed in accordance with the London Plan and draft London Plan. Should the Mayor issue a direction to take over determination of the application, GLA officers will ensure that the offset contribution is secured as part of the Section 106 agreement.

Transport

51 At stage 1 consultation, several amendments to the proposals and the imposition of various obligations and conditions were requested. These issues were resolved prior to the Council's planning committee. Should the Mayor issue a direction to take over determination of the application, GLA officers will ensure that various transport-related plans and contributions are secured as part of the Section 106 agreement.

Response to consultation

52 The application was advertised by site and press notices, and 2,033 nearby owners/occupiers were directly notified. The Council has received 177 letters of support, 727 letters of objection and 21 letters with general comments.

53 Support for the scheme includes: the provision of a modern GP surgery; boosts economic activity; enhances the area and important views around Notting Hill Gate; and, provides a package of benefits.

54 The basis for objection includes: the height of the building; lack of affordable housing; lack of community benefits; traffic congestion; noise and vibration; loss of daylight/sunlight; potential wind tunnel due to the height; negatively impact tourism and farmer's market; harm to the setting of nearby listed buildings; poor design and lacks architectural merit; and, disruption due to construction activity.

Responses from statutory and additional consultees

- **London Underground:** Fully supports the application and considers that that the proposed step free access would deliver significant transport improvements.
- **Historic England (GLAAS):** No objection.
- **Historic England:** Concludes that there would be modest harm to assets of the highest significance and advise that the Royal Borough should ensure that the public benefits being put forward are convincing, outweigh the extent of the harm and are secured and delivered if it is believed they justify the harm.
- **Natural England:** No comments.
- **Environment Agency:** No comments.
- **Thames Water:** No objection, subject to informatives relating to a piling method statement, Groundwater Risk Management, flow rates and diversion of a Thames Water main that crosses the development site.
- **Royal Parks:** No comments received.
- **London Fire and Emergency Planning Authority:** No comments received.
- **City of Westminster:** No objection. Highlighted the heritage importance of those parts of Westminster closest to the development to the east in the Bayswater area, and reminded RBKC of its statutory duties in determining applications involving impacts upon heritage asset.
- **Council for British Archaeology:** No comments received.
- **Victorian Society:** No comments.

Representations to the Mayor of London

55 In addition to those representations received by the local authority, the Mayor has received one letter of support from the NHS West London, Clinical Commissioning Group.

Response to consultation – conclusion

56 Should the Mayor take over the application for his own determination, the consultation responses, and the issues raised within them, will be fully considered as part of GLA officer's assessment of the application.

Legal considerations

57 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor 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. 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. The reasons must specify how the matters set out in Article 7(3) have affected his decision.

Financial considerations

58 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 RBKC to do so) and determining any approval of details (unless RBKC agrees to do so).

Conclusion

59 Having regard to the details of the application and the development proposed, to the matters set out in Article 7(3) of the Mayor of London Order 2008, to the relevant planning issues, the Council's delegated report and the Council's draft decision notice, it is concluded that the nature of the proposed development and the issues raised are such as to give rise to a significant impact on the implementation of the London Plan and would have significant effects upon more than one London Borough, in particular with respect to the provision of Step Free Access to the Notting Hill Gate London Underground Station. As set out above, there are sound planning reasons for the Mayor to intervene and issue a direction under Article 7 of the Order 2008.

for further information, contact the GLA Planning Unit (Development & Projects Team):

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