

MAYOR OF LONDON

Philip Elliott
Development Management
Royal Borough of Kensington and Chelsea
Kensington Town Hall
Hornton Street
London W8 7NX

Department: Planning
Your reference: PP/18/03461
Our reference: GLA/4266/03
Date: 23 April 2019

Dear Mr Elliott

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008 Direction under Section 2A of the 1990 Act

**Kensington Forum Hotel, 97-109 Cromwell Road, London, SW7 4DN
Local planning authority reference: PP/18/03461**

On 27 September 2018, Kensington & Chelsea Council resolved to refuse planning permission for the proposed development. On 16 April 2019 the High Court confirmed a Consent Order setting out the timescale for the Mayor to give an updated Direction, should he choose to.

The Mayor has delegated his planning powers to me and having now considered a report on this case, reference GLA/4266/03 (copy enclosed), I hereby direct (under the powers conferred by Section 2A of the 1990 Act) that the Mayor will act as the local planning authority for the purposes of determining the above planning application.

My reasons are as follows (which summarise those set out in the attached report, the findings of which I endorse):

- (i) the development or any issues it raises is of such a nature or scale that it would have a significant impact on the implementation of the London Plan – as set out within the above-mentioned report;
- (ii) the development or any of the issues that it raises has significant effects on more than one London borough - as set out within the above-mentioned report; and
- (iii) there are sound planning reasons for issuing a direction – as set out within the above-mentioned report.

In making this decision, I must also have regard to targets identified in development plans. 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 three years, it is currently significantly under-delivering against its annualised housing and affordable

housing targets. However, for the reasons set out in the report, regardless of the housing delivery position in Kensington and Chelsea, there are sufficient reasons to make a Direction.

In my view the proposed development has the potential to make an important contribution to the delivery of enhanced visitor infrastructure to support London's visitor and business economy and the strategic function of the Central Activities Zone, in addition to improving employment opportunities for Londoners in response to London Plan Policies 1.1, 2.1, 2.10, 2.11, 4.5 and 4.6. The provision of housing and affordable housing also responds positively to London Plan policies 3.3 and 3.11. Having regard to the above, and noting the potential contribution of the proposed development, I wish for the Mayor to fully consider this case as the local planning authority.

The application represents EIA development for the purposes of the applicable Town and Country Planning (Environmental Impact Assessment) Regulations. I have taken the environmental information made available to date into consideration in formulating my decision.

I would be grateful if you could provide the Mayor, as soon as reasonably practicable, any information relevant to the application that has not already been provided. In due course, the Mayor will notify you of the date of the Representation Hearing, and he will consult you on any draft planning obligation and planning conditions.

Yours sincerely



Jules Pipe

Deputy Mayor, Planning, Regeneration and Skills

cc Tony Devenish, London Assembly Constituency Member
Nicky Gavron, Chair of London Assembly Planning Committee
National Planning Casework Unit, DCLG
Lucinda Turner, TfL
Greg Smith, Avison Young, 65 Gresham Street, London EC2V 7NQ

Kensington Forum Hotel, Gloucester Road

in the Royal Borough of Kensington & Chelsea

planning application no. PP/18/03461

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 building and comprehensive redevelopment to provide a part 30, part 22 and part 7 storey building comprising new 749-bed hotel, 340 serviced apartments with ancillary bar, restaurants, conferencing and dining areas, leisure facilities and back of house areas, 46 residential units with associated basement, plant, parking, servicing areas, associated highway works and creation of new publicly accessible open space with associated hard and soft landscaping.

The applicant

The applicant is **Queensgate Bow UK Holdco Limited** and the architect is **SimpsonHaugh Architects**.

Key dates

Stage 1 report: 28 August 2018, **Committee meeting:** 27 September 2018, **First Stage 2 report:** 5 November 2018.

Strategic issues summary

Kensington & Chelsea Council 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 for the purposes of determining the application or whether he wishes the 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 and scale that it would have a **significant impact on the implementation of the London Plan** (particularly those relating to visitor infrastructure) 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, Kensington & Chelsea Council has resolved to refuse permission.

Recommendation

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

Context

1 On 10 July 2018, the Mayor of London received documents from Kensington and Chelsea Council 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 Categories 1B and 1C of the Schedule to the 2008 Order:

- *1B(c) – Development (other than development which only comprises the provision of houses, flats or houses and flats) which comprises or includes the erection of a building or buildings outside of Central London and with a total floorspace of more than 15,000 square metres.”*
- *1C – “Development which comprises or includes the erection of a building more than 30 metres high outside the City of London.”*

2 On 28 August 2018, the Mayor considered planning report GLA/4266/01, and subsequently advised the Council that while the application was generally acceptable in strategic planning terms the application did not fully comply with the London Plan and draft London Plan, for the reasons set out in paragraph 50 of the above-mentioned report; but that the measures set out in that paragraph could address these deficiencies.

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

4 On 27 September 2018, Kensington & Chelsea Council resolved to refuse planning permission for the proposed development. On 23 October 2018, the GLA, on behalf of the Mayor, confirmed receipt of the relevant documentation for the purposes of article 5(1)(b)(i) of the Order. On 5 November 2018 the Mayor considered a GLA planning report reference GLA/4266/02. The report recommended that having regard to the details of the application, the development is of such a nature and scale that it would have a significant impact on the implementation of the London Plan, it would have a significant effect on more than one borough and there are sound planning reasons for the Mayor to intervene in this case and issue a direction under Article 7 of the Order that he would act as the Local Planning Authority for the purpose of determining the application. The Mayor agreed this recommendation and issued a direction on 5 November 2018.

5 On 14 December 2018 Kensington & Chelsea Council filed a Judicial Review (JR) claim form with the High Court, challenging the Mayor’s decision to direct that he is to act as the Local Planning Authority for the purpose of determining the application. On 19 March 2019, the Mayor filed a Consent Order with the High Court agreeing that the decision of 5 November 2018 ought to be quashed. The Consent Order was approved by the Court on 16 April 2019. A copy of this Consent Order is attached, which sets out the basis on which it was agreed that the decision should be quashed. The reasons for this have been reflected in the contents of this report, which also re-assesses the previous recommendation including in light of any changes of circumstance. No officer directly involved in the decision of 5 November 2018 has been directly involved in the preparation of this report.

6 Under the terms of the Consent Order, the Mayor has a period of 14 days beginning with the date of the Consent Order to re-determine whether he wishes to make a new Direction under the 2008 Order.

7 Under the provisions of Article 7 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the Council's decision to proceed unchanged, or he may issue a Direction that he is to act 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 all satisfied. In deciding whether to issue such a Direction in this case the Mayor must take account of the extent to which the Council is achieving, and has achieved, any 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.

8 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 has been taken into account in the consideration of this case.

9 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.

Council reasons for refusal

10 The Council's draft decision notice sets out the following reasons for refusal:

- i. The height and massing of the proposed development, including an additional tower, would cause less than substantial harm to the character and appearance of nearby heritage assets, especially in nearby views. The elevational treatments would be of an insufficiently high design quality to have a wholly positive impact on the character and quality of the townscape, and the relevant tests for tall buildings in the Building Height SPD have not been undertaken. The benefits of the development would not outweigh these harms. The proposal is, therefore, contrary to Consolidated Local Plan policies CL1, CL2, CL3, CL4, CL11, & CL12 and the Building Height (in the Royal Borough) SPD.
- ii. In the absence of agreed Section 106 obligations, and provisions under section 16 of the General Powers Act, 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 Consolidated Local Plan, in particular policies C1, CT1, CR1, CR4, CR5, CR6, CE1, CE5, and CH2 and the London Plan.

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

11 Before the Mayor exercises his power to make himself local planning authority in respect of a PSI application (within categories 1 and 2 of the schedule to the Order 2008), thereby taking over and thereafter determining such an application, he must be satisfied that certain statutory tests set out in article 7 of that Order are met. These tests relate to a decision as to who the decision maker in respect of the application should be, and not whether planning permission should ultimately be granted or refused.

12 The relevant statutory tests comprise the following three parts, all of which must be met in order for the Mayor to take over the application:

- a) the development or any issues it raises must be of such a nature or scale that it would have a significant impact on the implementation of the London Plan;
- b) the development or any of the issues that it raises must have significant effects on more than one London borough; and
- c) there must be sound planning reasons for issuing a direction.

13 Parts (a) and (b) of the test concern the impact an application would have on the Mayor's policies and the geographical extent of the impact, whilst part (c) deals with the overall planning reasons for the Mayor's intervention. These tests are intended to ensure that the Mayor's powers of intervention are exercised only in respect of the most significant of applications which are referred to him.

14 This report considers the extent to which the statutory tests under Article 7(1) are met. Article 7(3)(b) also requires that in making his decision the Mayor takes account of the extent to which the Council is achieving and has achieved any other targets set out in the development plan which are relevant to the subject matter of the application. Having reviewed these matters this report then makes a recommendation as to the making of a Direction. This report does not consider the merits of the application, although consideration has been given to what are considered to be the key planning issues in respect of assessing the statutory tests in Article 7(1) as set out below.

Statutory test 7(1) (a): Whether the Development is of such a Nature or Scale as to have a significant impact on the implementation of the London Plan

15 It is considered that 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 – London's global role and visitor economy

16 A core objective underpinning the vision of the London Plan and embodied within Policy 1.1, is to ensure London remains an internationally competitive and successful city with a strong and diverse economy that makes the most of its rich heritage and cultural resources. Furthermore, strategic Policy 2.1 seeks to ensure that the Capital retains and extends its global role as a sustainable centre for business, innovation, creativity, health, education and research, culture and art, and as a place to live, visit and enjoy. Leisure and business visitors make a significant contribution to London's economy and in recognition, London Plan Policy 4.5 seeks to strengthen and support London's visitor economy through the improvement of related infrastructure, namely the quantum, range and quality of accessible visitor accommodation in appropriate locations.

17 Specifically, London Plan Policy 4.5 seeks to achieve 40,000 net additional hotel bedrooms by 2036, of which at least 10% should be wheelchair accessible and supports the provision for business visitors, including large scale convention facilities in or around the Central Activities Zone (CAZ) to support its distinct and unique international, national and London-wide status as a globally iconic core of one the world's most attractive and competitive business locations, and as a world leading visitor destination being home to internationally significant tourist attractions.

18 The proposed development would replace an existing hotel with a modern 749-bedroom hotel and 340 serviced apartments, which results in a net increase of 183 bed spaces of visitor accommodation on site and would deliver them in close proximity to the internationally significant tourist attractions in the South Kensington Museum Complex and Royal Albert Hall Strategic Cultural Area, as identified by London Plan Map 4.2. This is also in a location on the fringe of the CAZ with excellent access to public transport. The proposed development accords with the strategic locational principles set out within London Plan Policy 4.5. Furthermore, in light of the continuing need and policy requirement for high quality visitor accommodation referred to in paragraphs 14 and 15 above and identified within the London Plan, the proposed hotel and

ancillary facilities would support the continued success of the South Kensington Museum Complex/Royal Albert Hall Strategic Cultural Area in line with London Plan 4.6, As a result, the proposed development would support the strategic function of the CAZ in accordance with policies 2.10 and 2.11.

19 In addition to the delivery of visitor accommodation, the proposed hotel includes substantial high-quality conferencing and events space, capable of accommodating 1,500 seat conference and 1,200-person seated banquet events. This high quality and modern facility would be a significant qualitative and quantitative enhancement on the current conferencing offering at the existing hotel which can accommodate 1,083 delegates or a reception capacity of 300 delegates. Furthermore, the proposed large-scale facilities are located on the fringe of the CAZ adjacent to Gloucester Road underground station which is served by the Circle and District Line and the Piccadilly Line, providing excellent public transport links to Central London and beyond, and in addition to Heathrow Airport, sustainably supporting the strategic business function of the CAZ.

Potential contribution of this scheme to London Plan objectives – London’s global role and visitor economy

20 The provision of high quality visitor accommodation and conference facilities, that would deliver a net increase in bed spaces and a substantial qualitative and quantitative improvement in business facilities, in a highly accessible and sustainable location on the fringe of the CAZ and in close proximity to a Strategic Cultural Area, would contribute towards the overarching London Plan objective of ensuring London remains an internationally competitive and successful city with a strong and diverse economy and retains and extends its global role as a sustainable and competitive centre for business and a world class visitor destination through delivering significant visitor infrastructure to support the Capital’s visitor economy.

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 2014-2017, the most recent available data.

Total completions	FY2014 -2015	FY2015 -2016	FY2016 -2017	Total	Delivery
<i>Homes target</i>	32,210	42,388	42,388	116,986	101% of target
Homes delivered	32,830	39,848	45,079	117,757	
<i>Affordable homes target</i>	13,200	17,000	17,000	47,200	43% of target
Affordable homes delivered	6,237	7,006	6,892	20,135	

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

23 Given the above statistics, it is evident that the delivery of new affordable housing across London between 2014 to 2017 was significantly below London Plan target levels.

24 At a borough level, the London Plan allocates the Royal Borough of Kensington and Chelsea (RBKC) a target of 7,330 homes between 2015 and 2025. The draft London Plan sets a reduced ten-year target to 4,480. In monitoring delivery against these targets, RBKC is expected to deliver a minimum of 733 net additional homes per year, reducing to 488 in the draft London Plan.

The RBKC Local Plan (2015) requires developments to provide affordable housing at 50% by floor area on residential floorspace in excess of 800 sq.m. (GEA), which should be provided on site if more than 1,200 sq.m. is proposed. Emerging policy CH2 of the Local Plan Partial Review requires all developments in excess of 650 sq.m. or more gross residential floorspace (GIA) to provide 35% of all residential floorspace as affordable on site. In light of the difficulty in translating the Council’s floorspace based policy target into a numerical unit-based target for comparison, the absolute strategic target of 40% affordable housing across London set out in the London Plan, has been applied for assessment purposes. This equates to 293 affordable homes per year based on the current London Plan housing target and 195 based on the draft London Plan.

25 Table 2 below sets out delivery against the RBKC targets during the financial years 2014/15 to 2016/17. For the purposes of Article 7(3)(a) of the order, the applicable development plan targets are set out in the London Plan at Annex 4, Table A4.1, and those targets include vacant units.

net delivery	2014-2015	2015-2016	2016-2017	total	net delivery %
homes target	584	733	733	2,050	65.5% of target
homes delivered	911	114	319	1,344	
affordable homes target	200	293*	293*	786	18% of target
affordable homes delivered	53	67	23	143	

Table 2: Delivery against London Plan net housing target and London Plan affordable housing target (source: London Plan Annual Monitoring Reports 2014/15 to 2016/17). *Based on absolute target of 40% across London as set out in the London Plan.

Assessment

26 From Table 2 it is evident that the delivery of new homes and affordable housing in the Royal Borough of Kensington and Chelsea has fallen significantly 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. Of the overall provision of affordable housing units delivered over the three-year period set out above, this equates to 18% of the total affordable homes target, which is substantially below the London Plan target. It should also be noted that all targets are expressed as minima, with a clear expectation in the London Plan and Local Plan that delivery of housing should be maximised. Furthermore, notwithstanding the reduced draft London Plan target set for the RBKC, there has been a shortfall against that target. It is acknowledged that RBKC has received financial contributions in lieu of on-site affordable housing due to the high number of small sites in the borough and the impracticality of delivering affordable housing on-site in these circumstances.

Potential future pipeline

27 On 5 November 2018 the Council outlined its proposals for delivery of new homes on Council-owned land (Housing & Property Scrutiny Committee Report A4). It is proposed to deliver 600 new homes, including a minimum of 300 social rent homes. The Report identifies a number of sites, but many don’t have planning permission and projected potential commencement is not until 2020. The programme is also reliant on grant funding that is conditional on the project commencing by March 2022. Overall, whilst the Council’s proposals are welcomed, as the figures in Table 2 demonstrate this project alone would not address years of under-delivery. Furthermore, and in any event, there is no certainty at this stage that the housing will be delivered. For both of these reasons (separately and together) these proposals are given limited weight.

Potential contribution of this scheme to London Plan objectives – housing and affordable housing

28 The proposed scheme includes the provision of 46 new residential units, 11 of which would be social rented units and 9 intermediate units. Though small in total, this quantum represents 7% of the Council's annual affordable housing target (based on London Plan absolute target of 40% across London) and would represent 87% of the total number of affordable units delivered in the Borough during 2016-2017 financial year. As set out within the consultation stage report (ref: GLA/4266/01), the provision of housing and affordable housing as part of the proposed mix of uses is supported by London Plan Policy 3.3. In light of the consistent shortfall in housing and particularly affordable housing delivery in RBKC, it can be concluded that the affordable housing proposed will contribute significantly to both local and strategic affordable housing targets.

London Plan policy context – improving opportunities for all

29 London Plan Policy 4.12 seeks to improve employment opportunities for Londoners and requires developments to support local employment, skills development and training opportunities. Notwithstanding the significant temporary contribution, the development would make to construction employment in the area and beyond, estimated at a monthly average of 604 monthly jobs over the 60-month demolition and construction programme, the proposals would deliver a net increase of up to 617 FTE operational phase jobs. In accordance with local policy, the applicant has also committed to an employment and skills plan to support and promote local recruitment and employment opportunities and provide financial contributions to the Council towards supporting training initiatives. The proposals would therefore make a significant contribution towards London Plan objectives of improving employment opportunities for Londoners.

Test 7(1)(a) Conclusion

30 The provision of high quality visitor accommodation and conference facilities on the application site, that would deliver a net increase in visitor bed spaces and a substantial qualitative and quantitative improvement in business facilities, in a highly accessible location on the fringe of the CAZ, with excellent and convenient public transport links to Central London and Heathrow Airport, would sustainably support the CAZ's distinct and unique international, national and London wide status as a globally iconic core of one the world's most attractive and competitive business locations, and as a world leading visitor destination being home to the nearby Strategic Cultural Area. The delivery of the proposed visitor infrastructure would contribute directly towards meeting the strategic visitor accommodation targets identified in the London Plan and combined with the enhanced modern conferencing offer would therefore support the overarching London Plan objective of ensuring London remains an internationally competitive and successful city with a strong and diverse economy and retains and extends its global role as a sustainable and competitive centre for business and a world class visitor destination through its contribution to the capital's visitor economy.

31 The proposal would also deliver a significant net increase in full time jobs on site, improving employment opportunities at the local level and beyond. The introduction of 46 residential units, including social rented and family sized units, which in the context of the local authority would make a significant contribution to its housing delivery. However, even without this contribution, given the factors mentioned in paragraph 30 above, the test in Article 7(1)(a) of the 2008 Order would be fulfilled.

32 Accordingly, it is considered that the proposed development, in terms of its direct delivery of visitor and business infrastructure to support the strategic functions of the CAZ, the Strategic Cultural Area and London's world city role, in a well-connected location, in addition to the proposed significant net increase in employment and delivery of affordable housing, is such that, if

approved, it would have an important and a significant impact on the implementation of the adopted London Plan and the test set out within Article 7(1)(a) of the 2008 Order is fulfilled.

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

33 Part (b) of the statutory test within Article 7(1) of the 2008 Order concerns whether the development or any issues it raises will have significant effects that are likely to affect more than one London Borough. As indicated above, London's visitor and business economy, the core of which is focussed around the CAZ, is fundamental to the economic prosperity of the capital as a whole, and therefore its global role as a sustainable centre for business and a world class visitor destination. The provision of high quality, large-scale, modern and accessible visitor accommodation, including provision for business visitors, comprising conferencing capacity for approximately 1,500 delegates, in a highly accessible location on the fringe of the CAZ and within close proximity and easy access to the Strategic Cultural Area surrounding the Kensington Museum Complex and Royal Albert Hall, which is a visitor destination of international significance, meets a strategically identified need established within the London Plan visitor accommodation targets and supports the strategic functions of the CAZ. Given the excellent pedestrian and public transport connectivity of the proposed large-scale hotel facilities (see paragraph 17), visitors will not simply visit Kensington but will inevitably visit and benefit the economy of the other Boroughs, supporting the capital's visitor economy, which is recognised in the London Plan as being important to London as a whole. It is therefore considered that the proposed development, by the nature of its provision of visitor infrastructure to support London's visitor economy and stimulate its growth would have a significant effect on more than one borough.

34 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, particularly for low cost rented housing, it may have to rely on neighbouring boroughs to provide housing (via the duty to cooperate), 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 significant effects upon more than one London Borough in this regard. However, given the factors mentioned in paragraph 33 above, the test in paragraph 7(1)(b) would be satisfied regardless of this.

35 In addition, the proposed development when operational would provide a net increase of up to 617 full time equivalent jobs. While it is acknowledged that 10% of the jobs will be promoted to local residents as per the heads of terms agreed by RBKC planning officers, the scale of the potential uplift in jobs generated by the proposed development, in addition to supply chain effects of the hospitality and catering activities associated with the large-scale hotel, will inevitably benefit the labour market of other London Boroughs beyond RBKC. As a result, the proposed development would also have significant effects upon more than one borough in relation to job creation.

36 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 and the test in Article 7(1)(b) is fulfilled.

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

37 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 importance primarily due to its potential to support London's visitor economy and the strategic functions of the CAZ, through its contribution towards

enhancing the range and quality of accessible visitor accommodation in a highly accessible location with convenient and sustainably public transport links to Central London and beyond. The proposed visitor and business infrastructure would ensure that London retains and extends its global role as a sustainable and competitive centre for business and a world class visitor destination.

38 As set out at paragraphs 25-26 above, based on the current and recent performance the Council has not been meeting development plan targets for the delivery of housing and affordable housing for a number of years. Whilst not a substantial number of units, in light of the Royal Borough's performance against targets, the proposed housing would provide a substantial proportion of the borough's housing need, including affordable housing. However, for the reasons in paragraph 37 above, the test in paragraph 7(1)(c) is satisfied regardless of the benefits of the proposed housing. In addition, as indicated at paragraph 35 above, the proposed development would provide a significant net increase in jobs for Londoners in the borough and beyond.

39 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, and that he should become the local planning authority in respect of determining the application, so as to provide the opportunity for the Mayor to give further consideration to the application and to determine it himself. It is considered that the test in Article 7(1)(c) is fulfilled.

Consideration of emerging Draft London Plan policy context

40 It is also relevant to consider whether the emerging draft London Plan would support intervention by the Mayor in this application. However, it has to be remembered that the draft London Plan has not been adopted, is to be the subject of examination from January 2019 and that its policies relating to housing requirements and supply are the subject of significant numbers of objections. The following paragraphs have to be read with these points in mind.

41 Many of the strategic London Plan objectives referred to above are updated and carried forward into the draft London Plan and similar conclusions can be drawn to those set out in paragraphs 12 to 29 above when considering the proposals against emerging draft London Plan. The relevant draft policies for the purposes of statutory test 7(1) (a) are summarised below.

42 In summary, the proposals accord with Policy GG5 which seeks to conserve and enhance London's global economic competitiveness and ensure that economic success is shared amongst all Londoners, through its direct contribution to London's visitor economy and through its support for the strategic function of the CAZ. Policy SD4 recognises the unique, international, national and London-wide roles of the CAZ with its strategic business, tourism and cultural functions. Policy E10 of the draft London Plan seeks to strengthen London's visitor economy by enhancing supporting infrastructure, including serviced accommodation and high-quality convention facilities in and around the CAZ, and based on projections of demand and supply for visitor accommodation (GLA Economics, 2017) the target for the delivery of serviced accommodation has been updated to 58,000 bedrooms by 2041. This further demonstrates the continuing key role of London's visitor infrastructure in the successful function of the capital's economy. The provision and quantum of housing and affordable housing proposed respond positively to the requirements of Policies H1, H5, H6 and H7 of the draft London Plan.

Matters which the Mayor must take into account – Article 7(3)

43 The Mayor must take account of the strategic importance the delivery of visitor infrastructure makes to supporting and stimulating the growth of London's visitor economy and the strategic function of the CAZ in view of their fundamental contribution to capital's global city role. London Plan Policy 4.5 recognises that the size of proposed hotel and conference facilities

comprises strategically important hotel capacity and therefore the proposed development by the nature of its scale, and location, would make a strategic and significant contribution towards delivering the London-wide visitor accommodation target of 40,000 net additional hotel bedrooms by 2036 set out in the London Plan.

44 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 25 and 26. Table 3 below sets out the Council’s performance in terms of planning approvals for housing and affordable housing in the borough.

net approvals	FY2014-2015	FY2015-2016	FY2016-2017	total	performance against target
homes target	584	733	733	2,050	78% of target (-452 units)
homes approvals	1,156	94	348	1,598	
affordable homes target	200	293	293	786	16% of target (-661 units)
affordable homes approvals	90	26	9	125	

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

45 The information in Table 3 above demonstrates that although the Council has approved 452 homes less than their total target for the period 2014 to 2017, only 8% of the homes approved are affordable homes. This is significantly below the target within the Kensington & Chelsea Local Plan; and also falls significantly 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.

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 for the purposes of determining the application. 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 50 of the Stage I report) were identified as follows:

- **Principle of development:** the principle of the proposed intensification of the existing hotel site to provide enhanced visitor accommodation facilities and new homes, including affordable housing, in this highly accessible location in the vicinity of a number of major visitor attractions is supported in accordance with London Plan Policies 3.3, 4.5 and 4.7, and Policies H1, H5 and E10 of the draft London Plan.
- **Affordable housing:** the applicant is proposing 43.5% affordable housing by habitable room, comprising 55% social rented and 45% intermediate accommodation. This is strongly supported and responds positively to the threshold level set out in Policy H6 of the draft London Plan and the Mayor’s Affordable Housing and Viability SPG. To ensure that the scheme fully qualifies for the Fast Track route, as set out in draft London Plan Policy H6

and the Mayor's Affordable Housing and Viability SPG, the applicant must confirm the tenure and affordability and seek to increase the level of affordable housing further through accessing grant.

- **Urban design:** the layout of the scheme greatly improves on the existing condition and the simple plan form of the proposed building responds positively to all four public facing edges of the site. The reintroduction of a generously sized garden square is strongly supported and the high-quality landscaping and edge treatments to the garden will enhance the public realm and setting of the neighbouring conservation areas. The applicant should provide additional visuals demonstrating the ability to create views through to the gardens while also illustrating the material treatment to the loading bay/servicing frontage should be provided.
- **Heritage:** the proposed height and massing arrangement has been developed through a thorough design-led process with due regard given to the amenity requirements of neighbouring buildings and the setting of neighbouring conservation areas. The impact on the surrounding conservation areas and listed buildings is considered less than substantial harm and would be sufficiently outweighed by the public benefits that would be delivered by the scheme, which include significant improvements to the surrounding pedestrian environment which will be well activated by the replacement hotel and new residential units, the reintroduction of a high quality and publicly accessible garden square, and the provision of high quality affordable homes on site. In light of the above, the proposals are in general accordance with London Plan Policy 7.8 and Policy HC1 of the draft London Plan.
- **Energy:** the proposals meet the minimum onsite carbon reduction targets set within London Plan Policy 5.2 and Policy SI2 of the draft London Plan for both the domestic and non-domestic uses. GLA officers require further clarification on the overheating and cooling demand study, energy efficiency modelling, the site heat network, CHP analysis and clarification on the renewable energy strategy which must be addressed prior to the Mayor's determination at the final decision-making stage.
- **Sustainable drainage and water efficiency:** a full review of the flood risk assessment, surface water drainage strategy and water efficiency measures are required in order to comply with London Plan and draft London Plan policy requirements.
- **Transport:** further information on the trip generation analysis is required as concerns are raised that this has been underestimated. Discussions are ongoing with the applicant and the Council to resolve those strategic concerns with regards to the capacity and management of the proposed pick-up/drop-off arrangements during large events. Those issues and requirements set out in the above report regarding car parking, cycle parking, delivery and servicing, construction logistics and travel plans should also be addressed prior to the Mayor's final determination.

Principle of development

47 At consultation stage, the principle of the proposed intensification of the existing hotel site to provide enhanced visitor accommodation facilities and new homes, including affordable housing, in this highly accessible location on the fringe of the CAZ and in the vicinity of a number of major visitor attractions in the Strategic Cultural Quarter was supported in accordance with London Plan Policies 3.3, 4.5 and 4.7, and Policies H1, H5 and E10 of the draft London Plan. As set out in the preceding paragraphs the proposals are also supported in accordance with London Plan Policies 1.1, 2.1, 2.10 and 2.11.

Affordable housing

48 At consultation stage, the proposal to provide 43.5% affordable housing by habitable room, comprising 55% social rented and 45% intermediate accommodation set at London Living Rents, including family-sized units was strongly supported and responds positively to the threshold level set out in Policy H6 of the draft London Plan and the Mayor's Affordable Housing and Viability SPG. This offer was also supported by the Council in its committee report, as was the overall residential mix when taking into consideration the context of the site and the overall mix of uses proposed.

49 Should the Mayor recover the application GLA officers will work with the applicant to ensure the proposals deliver the maximum contribution of affordable housing in line with London Plan, draft London Plan and Local Plan policy, as well as securing tenures that are genuinely affordable. An early stage review is likely to be required should the Mayor decide to call the application in.

Urban design and heritage

50 At consultation stage, the overall layout of the scheme was supported. The proposed simple plan form greatly improves on the existing condition, responds positively to all four public facing edges of the site and more successfully integrates with the immediate context. The reintroduction of a generously sized London Square, with its high-quality landscaping and edge treatments enhancing the public realm and setting of the neighbouring conservation areas was also supported. The applicant has since provided requested views, demonstrating that the hotel lobby would allow clear, high quality views from the surrounding public realm through to the new London Square, further enhancing the pedestrian experience and legibility in this area.

51 The impact of the proposed height and massing on nearby heritage assets is cited as the Council's primary reason for refusal, and while the Council acknowledge that the proposed height and massing would cause less than substantial harm to the character and appearance of the nearby heritage assets, it considered that the level of harm would not be outweighed by the benefits of the development. The scheme's response to development plan policy on height, massing, and heritage impact and the balance to be struck between any harm and any benefits, would be fully considered should the Mayor recover the application, in addition to an assessment of the scheme against London Plan Policy 7.7.

Energy

52 At consultation stage, it was demonstrated that the proposals would meet the minimum onsite carbon reduction targets set within London Plan Policy 5.2 and Policy SI2 of the draft London Plan for both the domestic and non-domestic uses. However, the applicant was requested to provide further clarification on the overheating and cooling demand study, energy efficiency modelling, the site heat network, CHP analysis and clarification on the renewable energy strategy. A full review of the flood risk assessment, surface water drainage strategy and water efficiency measures were required. Should the Mayor take over the determination of the application, GLA officers will work with the applicant to address the outstanding matters, to ensure compliance with London Plan Policies 5.2, 5.12 and 5.13 and draft London Plan Policies SI2, SI12 and SI13.

Transport

53 At the consultation stage, further discussion and clarification with regards to the proposed pick-up and drop-off facilities during events was required. The applicant has committed to

providing a detailed Event Management Plan and the detailed design of the pick-up and drop-off facilities could be secured via appropriate planning conditions. The plan would include robust management measures including actions to be taken by hotel management staff prior to every event, specific events-signage to be placed at the site, liaison with the Transport for London (TfL) Taxi-Private Hire team, engaging with the major private hire operators to ensure awareness of the hotel's event management arrangements, and event-time traffic marshalling by staff.

54 The proposal complies with adopted London Plan car and cycle parking standards. However, car parking for both elements of the development is in excess of draft London Plan maximum standards and cycle parking for the housing is below the minimum. It is noted that a car parking management plan, including details of blue badge parking and electric vehicle charging points, would have been secured by condition should the Council have resolved to grant permission.

55 Furthermore, a financial contribution of £50,000 towards improvement and expansion of the cycle hire scheme was agreed by the parties, as was the provision of Legible London signage. A contribution of £2,450,000 to be paid towards public realm contributions aimed at creating a cohesive and legible environment for pedestrians walking to and from Gloucester Road was also secured in the heads of terms set out in the Council's committee report. GLA officers also note that planning conditions were agreed to secure construction traffic management plan, demolition traffic management plan, delivery servicing management plan, and full travel plans.

56 Should the Mayor call this application in for his own determination, GLA officers will work with the applicant to reduce car parking on-site, increase cycle parking, and develop and secure the above-mentioned provisions.

Response to consultation

57 The application was advertised by site and press notices, and 4,527 nearby owners/occupiers were directly notified. The Council has received 4 letters of support, 794 letters of objection and 17 letters with general comments from local residents, amenity groups, resident's associations and other interested parties.

58 Representations supporting the proposals have been provided on the basis of the replacement of existing building with a modern, well-designed building; improved appearance; provision of affordable housing; general site improvements; and support for proposed bar and restaurants.

59 Objections have been provided on the following grounds: impact of design on the conservation area and neighbourhood architecture; height, size and scale out of character with the area; contrary to planning policy; increased sense of enclosure for nearby residents in Ashburn Gardens and Cromwell and Courtfield Road; the proposals will obscure existing townscape views for residents; loss of light to properties in Ashburn Gardens; reduction in air quality; construction noise; over-densification of the area; impact on water infrastructure; increased flood risk; increased traffic congestion; public realm improvements are unnecessary; and flats will be purchased by foreign investors.

Responses from statutory and additional consultees

- **Historic England:** Did not wish to offer any comments and advised the Council to seek the views of its specialist conservation advisers, as relevant.

- **Historic England (GLAAS):** Advised that the proposals would be unlikely to have a significant effect on heritage assets of archaeological interest and no further assessment or conditions are necessary.
- **Natural England:** Offered no comments.
- **Environment Agency:** Offered no comments.
- **Thames Water:** No objection, subject to informatives and planning conditions relating to surface water infrastructure; water infrastructure capacity and safeguarding; run-off rates and a piling method statement.
- **Royal Parks:** No comments received.
- **London Underground:** No comments received.
- **City of Westminster:** No comments received.
- **London Fire and Emergency Planning Authority:** No comments received.

Representations from local councillors, amenity groups and resident's associations

60 The following local councillors, amenity groups and residents' association objected to the proposals on the following grounds summarised below:

- **Cllr Janet Evans, Courtfield Ward:** Proposals too ambitious for Courtfield Ward and will have intolerable environmental impact for residents, including air and noise pollution, overlooking, privacy, and increased traffic congestion. Proposals should be built within parameters of the present site and offer added benefits to the surrounding area. Object to addition of another tower on site and further constraints on infrastructure.
- **Cllr Gregory Hammond, Courtfield Ward:** Object to replacement of one tall building with a taller bulkier structure; increased height would loom over conservation areas; fire risk and safety concerns; object to massing; is a lost opportunity to redevelop the site for more housing and object to separate residential entrances; access arrangements; strongly support proposed garden square; support public realm improvements although require further details; water and drainage infrastructure concerns.
- **Cllr Charles Williams, Recliffe Ward:** Proposals by being larger than the existing building fails to comply with local building heights policy.
- **Cllr Max Chauhan, Cllr Matthew Palmer, Cllr Maxwell Woodger, Queen's Gate Ward:** Object to height and scale, its harm to existing architecture and does not meet local plan policy.
- **Cllr Emma Dent Coad, Golborne Ward:** Object to height, bulk and massing and its impact on the skyline; impact on the transport infrastructure; impact of demolition and construction impacts; impact on conservation areas; does not accord with London Plan and Local Plan policy.
- **Ashburn Courtfield Gardens Residents' Association (ACGRA):** Proposal will cause over-densification of the already dense area; increase sense of enclosure to residents of Ashburn Gardens, Cromwell and Courtfield Road; reduce daylight to Ashburn Gardens;

RBKC has refused all tall buildings for the last 45 years, why is it considering this scheme; current infrastructure cannot support proposals; increased air, noise and light pollution, mediocre design; public realm already well maintained; viability parameters should be reassessed.

- **The Kensington Society:** Object to Council's approach to community engagement, its pre-application consultation with the applicant and its assessment of the application against strategic and local planning policy. Object on the grounds that the building does not meet relevant London Plan and local plan policy requirements; will cause significant harm to surrounding area, in particular Cornwall and De Vere Conservation Areas; daylight, sunlight and overshadowing impact; impact local and longer-range views; public benefits are limited; and that the existing tall building should not be used to justify the proposals. The methodology used to produce the townscape analysis is also disputed.
- **Cornwall Gardens Residents' Association:** Object on the basis of the proposed architecture and design; introduction of additional buildings; should refurbish and improve existing building and reduce disruption; if approved, it will create a dangerous precedent; gross over-development; impact on privacy, rights to light and increased enclosure; and impact on infrastructure in particular the road network.
- **Nevern Square Conservation Area Residents' Association:** Object to proposed taller building and introduction of a second tower which would be out of context with the surrounding townscape and conservation areas and create a precedent for tall buildings; loss of privacy, daylight and increased sense of enclosure; increased traffic congestion; and affordability of affordable housing.
- **The Boltons Garden Enclosures Committee:** Object to height, scale and impact on the skyline and sense of enclosure for nearby residents; loss of daylight to nearby properties; apartments will be bought by overseas investors and concerns over affordability of low-cost housing.
- **South Kensington and Queen's Gate Residents' Association:** Strongly object to inappropriate development; 50% increase in building on site will compound mistake of original building; unwanted impact on the Borough's skyline; object to second tower; out of context of existing residential architecture; loss of daylight and increased sense of enclosure; impact on infrastructure; increased congestion.
- **Earls Court Gardens and Morton Mews Residents' Association:** Object to scale and massing; architecture; daylight impact; increase in built footprint; impact on local amenities; lack of community benefit.
- **Orpen House Residents' Association:** Proposal is out of proportion and character to the local area; no public or tourist need for enlargement of the hotel; housing will not be affordable; demolition and construction will be disruptive.
- **Kempford Gardens Residents' Association:** Object to larger replacement building; impact on heritage assets; building will dominate skyline; increase sense of enclosure to residents and loss of daylight; overlooking and loss of privacy; over-densification of site; materials out of context with conservation areas.
- **Earls Court Society:** Proposal is too high and overbearing for surrounding area; has no respect for its surroundings; design is monolithic and does not enhance the conservation

areas; existing building should be demolished and not replaced; but given to green space and tree planting; Council should CPO land and permit a smaller building.

- **Kensington and Chelsea Liberal Democrats:** Proposals are contrary to the local plan; is out of scale with local area; could put off visitors; likely to increase air and noise pollution.
- **Cornwall Mews South (West side) Residents' Association:** Existing building should never have been permitted to destroy garden square and should not set precedent for the proposals; Council may consider listing the building; development too tall and will dominate the skyline; increase wind microclimate; impact on daylight; contrary to local plan; construction impacts.
- **The Boltons Association:** Proposals will add to height and mass problems of the existing building and are less sympathetic.
- **Victoria Road Area Residents' Association:** Proposal will be more of an eyesore than existing building and will impact daylight to nearby properties; negative construction impacts and against local plan policy and SPD guidance; object to methodology used to produce CGI's.
- **Grenville Place, Southwell Gardens and St Stephens Walk Residents' Association:** Proposals breach local planning policy due to massing impact on skyline, particularly views from Grenville Place; over-densification; heritage and townscape impacts; does not enhance the area; daylight and sunlight impacts on nearby properties; overlooking and loss of privacy; traffic impacts.
- **Courtfield Garden West Sub-Committee:** Proposals are out of scale with the area and will overwhelm the area.
- **Onslow Neighbourhood Association:** Taller, wider and bulkier building does not fit into the context, character and appearance of the surrounding townscape; does not respect local plan building heights; would dominate the skyline and substantially harm surrounding heritage assets; increase impact on local infrastructure; the construction and operation of the building will disrupt local area; the development does not meet local housing need.
- **Thurlowe Owners and Leaseholders Association:** The proposed larger mass will destroy the character of the area both visually and by increased infrastructure impact.
- **Cromwell Mansions Residents' Association:** Object to impact on heritage assets; overlooking and privacy issues; increased sense of enclosure; impact on infrastructure; impact on skyline; daylight and sunlight impact; increased pressure on road network from construction, in addition to noise and air quality impact.
- **Elm Park and Chelsea Park Residents' Association:** Larger buildings on an already overdeveloped site is unacceptable; 50% increase in floorspace will cause more traffic congestion; development of site should be reduced to 50% of current level; design is oppressive on neighbours; dominates views from Royal Parks to Battersea; design is unacceptable; should be 50% smaller development with more social housing.
- **The Chelsea Society:** Existing building is a material consideration and not a precedent to justify taller building; should be refused for same reasons as Newcombe House; the proposed building is contrary to local plan policy and London Plan tall buildings policy; would have a harmful impact on adjoining conservation areas; too dense; intrude in views

from Kensington Gardens, Battersea Bridge and Cromwell Road; conferences would cause congestion; public benefits are insufficient to outweigh impacts; viability basis is incorrect.

- **Ashburn Garden Square Garden Association:** Object to height, footprint and massing; loss of local amenity; object to proposed fencing of the garden square; demolition impacts on air quality; water infrastructure impact; impact on broadband speed; object to separate residential entrances; object to reduction in size of the original garden square.
- **Prince Gate Mews Residents' Association:** Object to height and scale and the precedent the proposals would set for the Borough, it does not comply with London Plan, the local plan, would impact residential amenity and would harm the conservation area; lack of consultation and public engagement.
- **Courtfield Gardens East Garden Committee:** Proposals do not meet local plan policy with regards to building heights and character and context; object to construction impacts on amenities and infrastructure; opportunity to put something beautiful back; the proposed building will harm the surrounding heritage assets; increased density will further impact infrastructure for water supply; sewage disposal, noise, vibration, traffic, public transport and parking; servicing of the hotel will cause disturbance and inconvenience to residents; proposals do not address London's housing need; the provision of the square is a fulfilment of law not a benefit.

Representations to the Mayor of London

61 In addition to those representations received by the local authority, the Mayor has direct representations from 10 individuals and groups objecting to the proposals with regards to the impact of the proposed height, scale and massing on the surrounding townscape, conservation areas and views, the absence of benefits to mitigate the harm, viability and inadequate affordable housing, the methodology used to inform the visual material in the townscape analysis, construction impacts, traffic, tube overcrowding, inadequate taxi drop-off space, overdevelopment, sustainability, loss of light and overshadowing, tree loss, and with regards to the design assessment set out within the GLA stage one report.

Response to consultation – conclusion

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

Legal considerations

63 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

64 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for

determining any reserved matters applications (unless he directs the Council to do so) and determining any approval of details (unless the Council agrees to do so).

Conclusion

65 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 committee 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 (as well as having a similar impact on the draft London Plan) and would have significant effects upon more than one London Borough, in particular with respect to the delivery of enhanced visitor infrastructure to support London's visitor and business economy and improving employment opportunities. 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.

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IN THE HIGH COURT OF JUSTICE
ADMINISTRATIVE COURT
PLANNING COURT

CO/5019/2018

BETWEEN:

ROYAL BOROUGH OF KENSINGTON AND CHELSEA

Claimant



-and-

THE MAYOR OF LONDON

Defendant

-and-

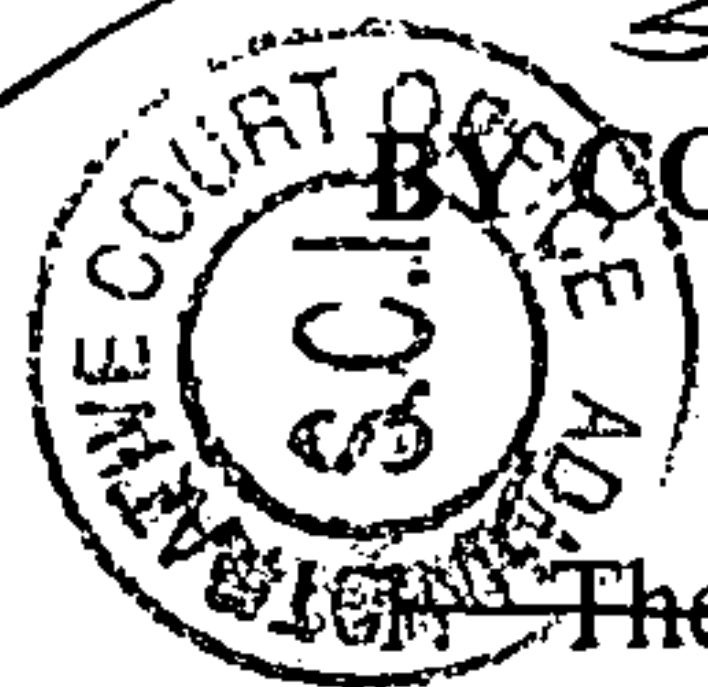
- (1) QUEENSGATE BOW UK HOLDCO LIMITED
- (2) QUEENSGATE BOW UK PROPCO LIMITED
- (3) QUEENSGATE BOW OPCO LIMITED

Interested Parties

CONSENT ORDER

Upon the Claimant and the Defendant having agreed the terms of this Order for the reasons set out in the attached Schedule

PERMISSION HAVING BEEN GRANTED BY SC WYD WILLIAMS SITTING AS A HIGH COURT JUDGE ON 13/02/2019
BY CONSENT IT IS ORDERED THAT:



~~The Claimant's application for permission to bring its claim for judicial review is granted.~~

- 1/2. The Claim is allowed, for the reasons set out in the attached schedule.

- 2 ~~β~~. The Defendant's decision dated 5th November 2018 to make a direction ("the Direction") pursuant to section 2A of the Town and Country Planning Act 1990 and Article 7 of the Town and Country Planning (Mayor of London) Order 2008 that he is to be the local planning authority, in place of the Claimant, for the purpose of determining planning application reference PP/18/03461 is quashed.
- 3 ~~γ~~. The Defendant shall re-determine whether or not to make a Direction within a period of 14 days beginning with the date this Order is approved by the Court.
- 4 ~~δ~~. When re-determining whether or not to make a Direction, the Defendant shall:
- a. Ensure that no officer of the Greater London Authority directly involved in reaching the decision dated 5 November 2018 be directly involved in the process of reaching a fresh decision.
 - b. Give adequate reasons for his decision.
- 5 ~~ε~~. It is declared that for the purposes of Article 7(3)(a) of the Town and Country Planning (Mayor of London) Order 2008, the applicable development plan targets are those set out in the London Plan at Annex 4 Table A4.1. In accordance with Paragraph A4.1, those targets include vacant units.
- 6 ~~ζ~~. The Defendant shall pay the Claimant's costs to be assessed if not agreed.


BY THE COURT

Roe. L 12.4.19


By the Court

Statement of Reasons


As set out in the Claimant's "Reply" dated 14th January 2019, the Officer's Report recommending that the Direction be made included vacant dwellings that had been converted to residential use in the assessment of the Claimant's performance against the London Plan net housing target in the years 2014-15 and 2015-16. However, a different approach was taken for the year 2016-17, with changes in the number of vacant dwellings being excluded from the assessment. No explanation was given in the report for this change of approach. The Defendant concedes that the correct figure is set out in the London Plan at Table A4.1., that the Defendant's reasons for making the Direction were inadequate, and that the Direction should be quashed and the matter redetermined taking into account the vacant unit figure and with the giving of adequate reasons for any redetermination.

Signed: 
Dated: 19/3/19
Position DIRECTOR OF LAW

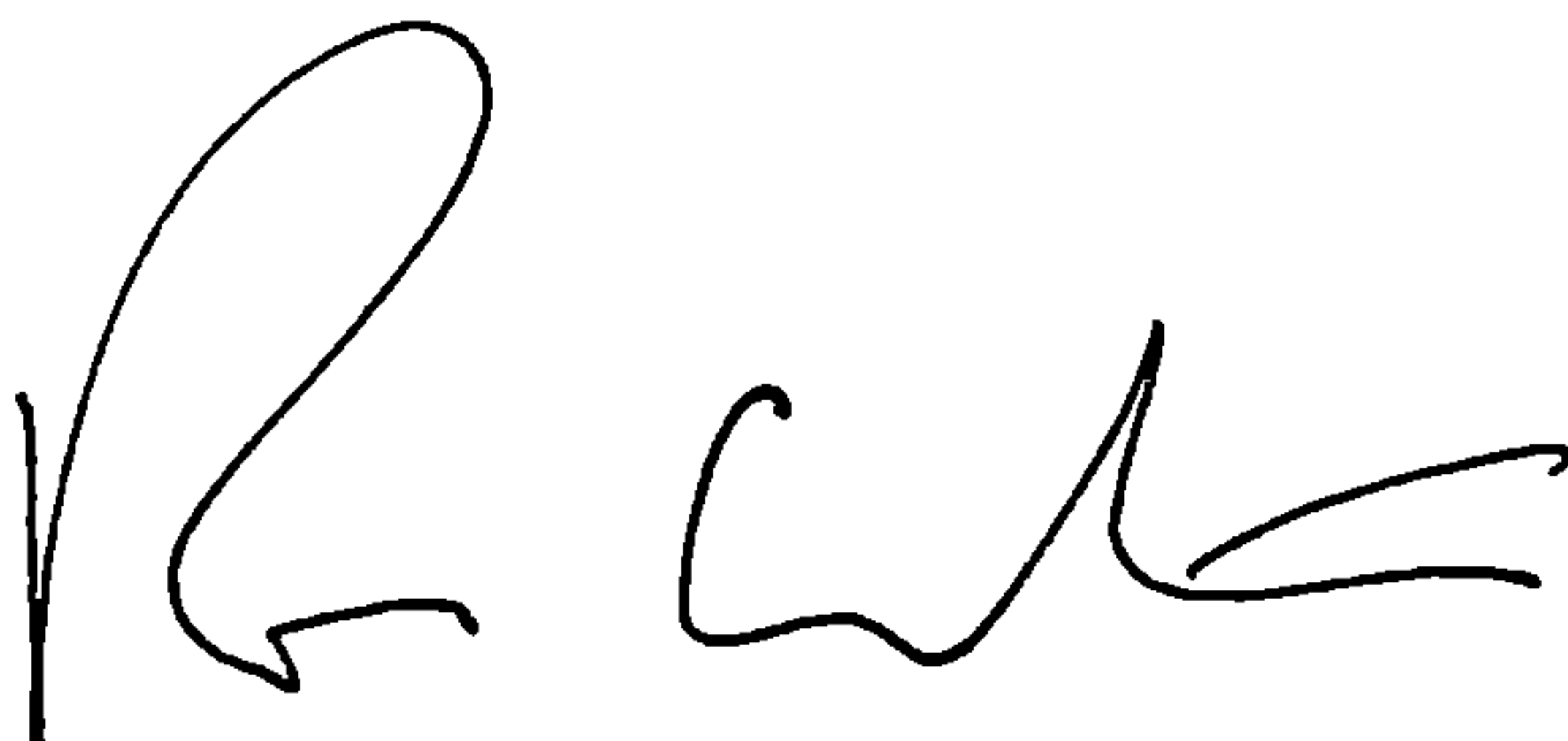
For and on behalf of the Claimant

Signed: 
Dated: 18th March 2019
Position: Solicitor, TfL Legal

For and on behalf of the Defendant

Signed: 
Dated: 15 March 2019
Position Partner, Dentons UK and Middle East LLP

For and on behalf of the Interested Parties

 12.4.19

By the Court