

Planning and Place

Kensington Town Hall, Hornton Street, London, W8 7NX

Interim Director for Planning and Place

Sue Foster MRTPI OBE



The Planning Inspectorate
3/J Kite Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

18 September 2019

My reference: PP/17/05782

Your reference: APP/G6100/V/19/3225884

Please ask for: Ms Cheryl Saverus

Dear Sir/Madam,

Town and Country Planning Act 1990 – Section 77 and Town and Country Planning (Inquiries Procedure) (England) Rules 2000

Application by Notting Hill Gate KCS Ltd

Site at Newcombe House, 43-45 Notting Hill Gate, 39-41 Notting Hill Gate and 161-237 (odd) Kensington Church Street, LONDON, W11 3LQ

I write regarding the Council's grounds of objection to the planning application.

The Council's Objection 2 states:

Although 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 preparing for the Inquiry the Council has reviewed its position in relation to this objection and has decided to withdraw Objection 2. The reasons for the Council no longer pursuing Objection 2 are set out as follows.

There are two strands to the Council's argument expressed in this objection:

1. The net loss of social rented homes within the borough
2. Failure to provide the maximum reasonable amount of affordable housing

1. Net loss of social rented homes within the borough

The Council had based this part of the objection upon its Consolidated Local Plan (CLP) (2015) Policy CH3 (b) which resists the loss of social housing. Subsequent to this line of objection being formed, the Council has undertaken a Partial Review of the CLP. The Local Plan Partial Review (LPPR) Publication Policies (February 2017) were adopted by the Council on 11 September 2019. This

incorporates both the “main modifications” recommended by the Local Plan Inspector and the “minor/additional modifications” published by the Council. The adopted LPPR policies replaces parts of the CLP (and the remaining saved policies within RBKC’s Unitary Development Plan (2007)).

New Local Plan Policy CH1 “Increasing Housing Supply” is relevant to the Application Proposal. Local Plan Policy CH1 states that:

The Council will boost the supply of homes in the borough. To deliver this the Council will:

(f) resist the net loss of affordable housing floorspace and units throughout the borough.

Local Plan Policy CH1 does not distinguish between social and other intermediate tenures. Applying the new policy to the the Application Proposal, the scheme would result in the loss of 20 existing social rent homes (1,071 sqm GEA) that would be replaced by 23 affordable homes comprising 15 social rent homes and 8 intermediate rent homes (2,631 sqm GEA). Under the provisions of Policy CH1, which now carries full weight, there would be no net loss of affordable housing floorspace and units. The Council therefore considers the Application Proposal to comply with Local Plan Policy CH1 (f) and will no longer be pursuing this part of the objection at the Inquiry.

2. Maximum reasonable amount of affordable housing

Local Plan Policy CH2 Affordable Housing states that the Council will seek the maximum reasonable amount of affordable housing.

Notwithstanding the Applicant’s failure to provide an updated viability statement to the Council’s appointed viability consultants to assess, the Council has been able to undertake a new review of the viability position using reasonable updated assumptions (based on current market data). Having carefully assessed the position, the Council has reached the conclusion that, whilst the proposals would not provide a minimum of 35% of all residential floorspace (GIA) as affordable housing on-site, the scheme will likely demonstrate the maximum reasonable amount of affordable housing at application stage. In light of this finding the Council will no longer seek to pursue this part of the objection at Inquiry.

The Council will continue to seek assurance that the scheme, if granted permission, delivers the maximum reasonable amount of affordable housing through a robust viability mechanism to review the scheme’s affordable housing delivery at the appropriate future juncture. The Council will seek to secure this through the Section 106 legal agreement.

Summary

For the avoidance of doubt, the Council will not pursue Objection 2 relating to affordable housing at the Inquiry for the reasons set out above. All references in the Council’s Pre-Inquiry Statement of Case relating to Objection 2 should be considered withdrawn. The Council does not intend to produce a Proof of Evidence or present any evidence on this matter to the Inquiry.

The Council’s other grounds of objection which are detailed in the Council’s Pre-Inquiry Statement of Case relating to the height and design quality of the tall building and its impact on surrounding heritage assets (Objection 1), and the Section 106 legal agreement (Objection 3) (subject to completion in a form acceptable to the Council), will continue to be advanced in full by the Council at the Inquiry.

I have copied in the Applicant’s and the Greater London Authority’s representatives to ensure they are aware of the Council’s position as the matters in dispute are now narrowed.

Please do come back to me if you have any further questions.

Yours faithfully,

Cheryl Saverus
Senior Planning Officer
For the Interim Director of Planning and Place

Copy (by email only): Quod, GLA

PlanningLine: 020 7361 3012

Web: www.rbkc.gov.uk

Email: planningappeals@rbkc.gov.uk