

Newcombe House

Secretary of State Call In

Statement of Case by the Mayor of London

(Local Planning Authority)

Applicant:	Notting Hill Gate KCS Limited
At:	Newcombe House, 45 Notting Hill Gate, 39-41 Notting Hill Gate and 161-237 (odd) Kensington Church Street
Local Planning Authority:	The Mayor of London (the Mayor/the GLA)
London Borough:	The Royal Borough of Kensington & Chelsea (RBKC)
Council reference:	PP/17/05782
GLA reference:	GLA/3109a
PINS reference:	APP/G6100/V/19/3225884
Date:	14 June 2019

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1. The proposal

- 1.1 The proposed development is as set out in the Application documents and the Representation Hearing Report, namely *“Demolition of existing buildings and redevelopment to provide office, 55 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.”*

2. Role of the Mayor of London

- 2.1 The Greater London Authority Act 1999 (as amended) (1999 Act) sets out the regional government arrangements in London. The statutory powers of the Greater London Authority (GLA) came into force on 3 July 2000 following elections for the Mayor and the London Assembly.
- 2.2 The power and functions of the Mayor and Assembly were amended through the Greater London Authority Act 2007 (2007 Act) and the procedures relating to this are set out in the Town and Country Planning (Mayor of London) Order 2008 (2008 Order) which replaced the Town and Country Planning (Mayor of London) Order 2000.
- 2.3 The 1999 Act sets out the roles of the Mayor and the London Assembly. It gives the Mayor the power to undertake any action calculated to further the ‘Principal Purposes’ of the Authority. These are:
- Promoting economic development and wealth creation in Greater London;
 - Promoting social development in Greater London; and
 - Promoting the improvement of the environment in Greater London.
- 2.4 In undertaking any action the Mayor is required to have regard to the health of persons in Greater London and the promotion of sustainable development in the United Kingdom.
- 2.5 The Mayor is also responsible for ensuring that the strategic planning interests of London as a whole are taken into account in the policies and decisions of central and local government and of relevant bodies – both within London, and in surrounding areas where these could have significant impact on the planning and development of the capital.
- 2.6 The 1999 Act sets out the detailed arrangements for strategic planning in London, in particular in relation to the London Plan and the Mayor’s role in decisions on planning applications of strategic importance.
- 2.7 In respect of plan-making, the Mayor is required to publish a spatial development strategy and keep it under review. The spatial development strategy is known as the London Plan. The 1999 Act stipulates that that the London Plan should only deal with

things of strategic importance to Greater London, taking account of the 'Principal Purposes' of the Greater London Authority, as set out above.

- 2.8 In this regard, the provision of new employment and retail uses relates to the first Principal Purpose, 'promoting economic development and wealth creation in Greater London'. The provision of the surgery use, accessibility improvements to public transport and affordable housing relates to the second Principal Purpose, 'promoting the improvement of the environment in Greater London'.
- 2.9 The 1999 Act gives the Mayor planning responsibilities and powers including in relation to planning applications which raise issues of strategic importance and which are contrary to the spatial development strategy (the London Plan) or good strategic planning in London, introducing a power to direct refusal of such applications. The 2007 Act has introduced a provision that allows the Mayor to 'take over' certain applications and issue a direction that he is to act as the Local Planning Authority for the purposes of determining the application.
- 2.10 The definition of the applications that must be notified to the Mayor is set out in the 2008 Order and comprises four main groups of developments proposals:
- Part 1: Large scale development;
 - Part 2: Major infrastructure;
 - Part 3: Development which may affect strategic policies; and
 - Part 4: Development on which the Mayor must be consulted by virtue of a direction of the Secretary of State.
- 2.11 These categories are designed to encapsulate developments, which through their size, location or nature, are most likely to be of strategic planning importance and relevant to the implementation of the London Plan.
- 2.12 The 2008 Order defines applications of strategic importance. The application was referred to the Mayor under Category 1C(c) of the Order:
- "Development which comprises or includes the erection of a building that is more than 30 metres high and is outside the City of London."*
- 2.13 In accordance with article 4 of the 2008 Order, RBKC consulted the Mayor on the Application on 15 September 2017. As set out below, the Mayor provided initial representations on 29 November 2017 advising RBKC and the Appellant that, whilst the principle of the development was supported in strategic planning terms, he concluded that the Application did not fully comply with the London Plan.
- 2.14 RBKC resolved to refuse planning permission for the Application on 31 January 2018, against officer recommendation, and as required by article 5 of the 2008 Order, RBKC formally referred it to the Mayor on 14 March 2018. After carefully considering the

proposal, the Mayor, under article 7 of the 2008 order, directed that he would act as the Local Planning Authority for the purpose of determining the application.

- 2.15 On 18 September 2018 the Mayor resolved to grant planning permission at a public Representation Hearing, subject to conditions and the prior completion of a section 106 agreement.
- 2.16 On 29 November 2018, following a request by RBKC to call in the application, the Secretary of State issued a holding direction preventing the grant of planning permission. On 14 March 2019 the Secretary of State directed, under section 77 of the 1990 Act, that the Application shall be referred to him, instead of being dealt with by the Mayor, and that a local inquiry shall be held.
- 2.17 This statement of case is submitted by the Mayor and sets out the case that GLA officers will be making on his behalf in relation to the Application.

3. Appeal site and surroundings

- 3.1 The Mayor will primarily rely on the documentation submitted by the Applicant with its appeal documentation and statement of case, and the Representation Hearing Report in respect of the description of the Application site and surroundings.

4. Planning history and context

- 4.1 The Mayor will primarily rely on the documentation submitted with the Application and upon the Representation Hearing Report in respect of the planning history. It is anticipated that a description of the relevant planning history at the Application site will be agreed as part of a statement of common ground. However, the Mayor considers that regard should be had to the following matters of context.

Previous application and appeal decision

- 4.2 An application for a similar development on the site was made by the Applicant in January 2016. On 28 January 2016 the former Mayor provided initial representations to RBKC advising that the principle of the development was supported but the application did not comply with the London Plan. On 17 March 2016, against officer recommendation, RBKC decided that it was minded to refuse planning permission. On 25 April 2016 the former Mayor decided that he was content for RBKC to determine the application itself. A further addendum response was issued by the former Deputy Mayor on 28 April 2016.

- 4.3 The application was refused by RBKC for the following reasons:

- 1) *The height of the tall building would be significantly taller than the existing building and the surrounding townscape. 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 would result in substantial harm to those heritage assets. The proposals are contrary to policies of the London Plan, in particular policies 7.4, 7.6 and 7.7, and Local Plan policies CL1, CL2, CL3, CL4, CL11 and CL12. The public benefits would be insufficient to outweigh those harms.

2) *The proposals result in the loss of social rented floorspace within the Royal Borough, contrary to policies of the London Plan, in particular policy 3.14, and the Local Plan, in particular policy CH3.*

3) *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 London Plan, in particular policies 3.12 and 3.16, the Local Plan, in particular policy C1, CT1 and CH2.*

4.4 The Applicant subsequently appealed this decision (ref APP/K5600/W/16/3149585) and an inquiry was held between 14-17 February 2017. The Mayor of London/GLA did not actively participate in this appeal. The case was not recovered by the Secretary of State and was subsequently dismissed on 12 June 2017.

4.5 The inspector found in relation to the first two of the three main issues - a) *the character and appearance of the area with particular regard to the relative height, scale and massing of the proposed tower and the architectural quality of its design,* and b) *the settings of nearby conservation areas and listed buildings* - that the development would be acceptable and accord with the Development Plan, and that the less than substantial harm to heritage assets would be clearly outweighed by the substantial benefits of the scheme.

4.6 In relation to the third issue, c) *the availability of social rented floorspace within the Borough,* noting the loss of existing social rented floorspace and that no on-site affordable housing was proposed, the inspector identified issues with the Applicant's viability assessment and concluded that the scheme could likely viably support additional social rented housing. He considered this issue to be determinative.

4.7 In dismissing the appeal, the inspector considered that the scheme should be capable of being amended quickly and easily to overcome his concerns, stating in paragraph 65 of the appeal decision: *"Since dismissing the appeal for this reason should not necessarily prevent the development going ahead in its current form, but would only delay it slightly, I give little weight to the concern that the benefits of redevelopment of the site would be lost."*

Current Application

Pre-application stage

4.8 The Applicant initiated the GLA's formal pre-planning application advice process in

respect of an amended scheme in July 2017, and, on 29 August 2017, a pre-application meeting was held with the Applicant team.

- 4.9 The advice provided by the GLA at the meeting was that the proposed development could be supported subject to addressing the inspector's concerns in relation to the provision of affordable housing. No further pre-application meetings were held.

Mayor of London consultation (Stage 1)

- 4.10 RBKC formally consulted the Mayor on the Application on 15 September 2017 and the Mayor considered a report on the Application on 29 November 2017. The Mayor's Stage 1 response advised that, whilst the principle of development was supported in strategic planning terms, it did not yet comply with the London Plan and required RBKC to refer the Application back to the Mayor once it resolved to determine it.
- 4.11 The Stage 1 report concluded that the proposed on-site affordable housing provision of 9 social rented units (1,114 sq.m., an uplift of 159 sq.m. compared to the existing situation), equivalent to 17% by habitable room was the maximum viable level, subject to early and late stage viability review mechanisms being secured.
- 4.12 Matters were also raised in respect of sustainable development and transport.

Post Stage 1

- 4.13 On 31 January 2018, RBKC resolved to refuse planning permission for the Application, against officer recommendation. On 14 March 2018 RBKC advised the Mayor of this decision, citing the following reasons for refusal:

- 1) *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.*
- 2) *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.*

- 3) *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.*

Mayor of London decision (Stage 2)

- 4.14 On 26 March 2018 the Mayor directed RBKC that he would act as the Local Planning Authority for the purposes of determining the application, for the reasons set out in the Direction and accompanying Stage 2 Report. In accordance with Article 7 of the 2008 Order he considered that;
- 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.
- 4.15 In making his Direction, the Mayor noted the potential contribution of the scheme to the delivery of an accessible and inclusive public transport network, and to the vitality and viability of the town centre, as well as its contribution to housing and affordable housing.

Mayor of London as Local Planning Authority (Stage 3)

- 4.16 Following the Mayor's Direction, the Applicant made amendments to the scheme, which were subject to public consultation between 11 July and 30 August 2018. These amendments are set out in detail in the Representation Hearing Report, but in summary comprise an increase in the number of residential units from 46 to 55, an increase in office space, an increase in the amount of affordable housing from 17% to 35% and additional storeys to two of the buildings.
- 4.17 On 18 September 2018, a public Representation Hearing was held at City Hall for the Mayor to consider the planning application and hear from third parties opposed and in favor of the scheme, as well as from RBKC. At the Hearing, the Mayor resolved to grant planning permission in line with the recommendation of GLA officers, subject to conditions and the conclusion of a S106 agreement.
- 4.18 It remains the Mayor's view that planning permission should be granted subject to conditions and the conclusion of a S106 agreement for the reasons set out in this Statement of Case.

- 4.19 Since the Mayor's resolution to approve the application, GLA officers have engaged in discussions with the Applicant and RBKC with a view to progressing the S106 agreement. The majority of matters have been agreed and further discussions will take place in advance of the Inquiry with a view to having an agreed draft in place.

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- 4.20 On 29 November 2018 a Holding Direction was issued by the Secretary of State, preventing the Mayor from granting planning permission. The Secretary of State called in the application for his determination on 14 March 2019.

5. The Development Plan

- 5.1 Planning applications must be determined in accordance with the provisions of the Development Plan unless material considerations indicate otherwise (S.38(6) Planning and Compulsory Purchase Act 2004).
- 5.2 The Development Plan currently in force for the area comprises Kensington & Chelsea's Consolidated Local Plan (2015) and Saved Policies of the Unitary Development Plan (2002), and, the London Plan (2016). Paragraph 47 of the National Planning Policy Framework (NPPF) reiterates that statutory planning law requires that applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

6. Case for the Mayor

The scheme complies with the Development Plan, subject to necessary planning obligations being secured through a S106 agreement

Development Plan Policy Summary

The London Plan

- 6.1 The London Plan is the overall strategic plan for London, bringing together the spatial aspects of the Mayor's other strategies. Below is what GLA officers consider to be the key policies relevant to this application, having regard to the matters that the Secretary of State particularly wishes to be informed about. A more extensive list of relevant policies is contained within the Representation Hearing Report.
- 6.2 London Plan Policies 2.15, 4.7 and 4.8 seek to ensure that town centre development sustains and enhances vitality and viability through economic and housing intensification, supports enhancement to the quality and diversity of town centre uses and contributes towards sustainable travel, accessibility and an enhanced environment. London Plan Policy 3.17 supports proposals for high quality health care facilities.

- 6.3 Through London Plan Policy 3.3 “the Mayor recognises the pressing need for more homes in London in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs at a price they can afford” and sets out London’s need as equating to an annual average of 42,000 net additional homes across London. Table 3.1 sets RBKC’s annual monitoring target at 733 homes. Policy 3.4 seeks to ensure that development optimises housing output and sets out a series of guidance density ranges.
- 6.4 London Plan Policy 3.12 states that “the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed-use schemes”, having regard to a number of criteria. The policy is clear that affordable housing should normally be provided on-site, except in exceptional cases. Policy 3.14 resists the loss of housing, including affordable housing, “unless the housing is replaced at existing or higher densities with at least equivalent floorspace”.
- 6.5 The design policies of the London Plan, principally 7.1-7.7, collectively seek, amongst other things, to reinforce and enhance the character of a place, improve accessibility and people’s quality of life, have a human scale and positive interaction with street level, and be of the highest architectural quality. Policy 7.7 sets out a criteria-based approach to the assessment of tall building proposals. Policy 3.5 is concerned with the quality and design of new housing. Policy 7.8 states that “development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail”.
- 6.6 Section 6 of the London Plan contains the policies relevant to the transport aspects of the scheme, including cycling (6.9), walking (6.10) and parking (6.13). Policy 6.4 seeks to improve the public transport system in London, including upgrading the London Underground network.

Local Plan Policy

- 6.7 Insofar as the local elements of the Development Plan are concerned, that is the RBKC Consolidated Local Plan (2015) and Saved Policies of the Unitary Development Plan (2002), the key policies relevant to this application are set out below. Again, this is not exhaustive, and a more detailed list is set out in the Representation Hearing Report.
- 6.8 Local Plan Policy CP16 requires “development to strengthen Notting Hill Gate’s role as a District Centre by supporting high trip generating uses; improving retail and restaurant provision including some anchor retail to serve the local catchment; and deliver new distinctive identity through high quality architecture and design of the public realm”. The supporting text identifies the application site as a catalyst for the regeneration of the area.
- 6.9 Policies CF1, CF2 and CF3 seek to ensure vital and viable town centres by supporting new appropriately scaled shop floorspace in town centres, requiring a range of unit

sizes and securing affordable retail space. Policy CF4 protects the borough's street markets. Policy CF5 permits large office developments in higher order town centres.

- 6.10 The borough's housing target proposals are set out in Policy CH1, but this has been superseded by the London Plan. Policy CH2 requires, amongst other things, a mix of types, tenures and sizes of homes to be achieved and sets out criteria for housing standards. It requires developments to provide affordable housing at 50% by floor area on residential development in excess of 800 sq.m., subject to viability, with on-site provision expected when residential floorspace exceeds 1,200 sq.m.. Policy CH3 resists "the net loss of both social rented and intermediate affordable housing floorspace and units throughout the borough".
- 6.11 The design-related policies of the Local Plan require, amongst other things; appropriate street widths, building lines and scale (CR2); removal of street clutter and provision of public art in major proposals (CR4); provision of amenity and play space (CR5); development to respond to local context through architecture, scale, plot width and materials (CL1); and development to be of the highest architectural and design quality (CL2). Policy CL3 requires development to preserve and take opportunities to enhance conservation areas, whilst Policy CL4 requires the heritage significance of listed buildings to be protected. Policy CL12 resists "buildings significantly taller than the surrounding townscape other than in exceptionally rare circumstances".
- 6.12 Policy CT1 promotes alternatives to car use by, amongst other things, directing high trip generating development towards accessible locations, requiring car parking to be at or below standards, requiring cycle parking and facilities and requiring new developments to provide improvements to public transport services, including access to them. Sub-section (k) seeks to ensure that step-free access is provided to London Underground and rail stations in the borough where there is a development opportunity.

Other material considerations

National Planning Policy Framework (NPPF)

- 6.13 National planning guidance is a material consideration in the determination of the appeals. The Mayor considers that the development proposals comply with national planning policy for the principal reasons set out in this statement. As such his resolution to grant planning permission is consistent with and supported by the application of national planning policy.
- 6.14 The NPPF was first introduced by the Department of Communities and Local Government in March 2012, later amended in July 2018 and most recently in February 2019. It sets out the Government's planning policies for England and how these are expected to be applied. The chapters of particular relevance to this application are:

5. Delivering a sufficient supply of homes;
6. Building a strong, competitive economy;
7. Ensuring the vitality of town centres;
8. Promoting healthy and safe communities;
9. Promoting sustainable transport;
11. Making effective use of land;
12. Achieving well-designed places; and
16. Conserving and enhancing the historic environment.

The Draft London Plan (incorporating Minor Suggested Changes (July 2018) and Matters Statements)

- 6.15 The Draft London Plan has been subject to Examination in Public between January and May 2019. Whilst it still carries limited weight, it will gain weight in the coming months and, depending on the extent of unresolved objections, some policies may carry more weight. It is a relevant material consideration and should be taken into account on the basis explained in the NPPF (paragraph 48). A list of the relevant draft policies is set out in the Representation Hearing Report.

RBKC Local Plan Partial Review (July 2018)

- 6.16 The Council is currently undertaking a partial review of the Consolidated Local Plan and the extant policies of the Unitary Development Plan. The review proposes amendments to some policies including: housing; climate change; flooding & drainage; waste; air quality; planning contributions for public art & open space; archaeology; and, infrastructure & planning contributions. Consultation on the 'Local Plan Partial Review Main Modifications – July 2018' (LPPR) commenced on 23 July 2018. The policies in this draft plan are capable of being a material consideration to planning decisions; but the weight to be given to this draft Plan must be determined having regard to the guidance given in the NPPF, as referred to above. The policies will gain more weight as they move through the examination process to adoption. At this stage, moderate weight is to be given to this draft plan.

Supplementary Planning Guidance/Documents, Strategies and other documents

- 6.17 A comprehensive list of supplementary planning documents/guidance, strategies and other relevant documents is set out in the Representation Hearing Report. Those of particular relevance to this proposal are referred to in more detail below.
- 6.18 The Mayor published his Affordable Housing & Viability SPG in August 2017 which, amongst other things, confirms the circumstances where viability information is expected to accompany planning applications and provides clarity over the use of viability review mechanisms. The SPD must be read in conjunction with the decision in *R v McCarthy & Stone*.

- 6.19 The Greater London Authority Act 1999 requires the Mayor of London to prepare and publish a transport strategy known as the Mayor's Transport Strategy (MTS). The MTS must include, amongst other things, policies for the promotion and encouragement of safe, integrated, efficient and economic transport facilities and services to, from and within Greater London and proposals for the provision of transport which is accessible to persons with mobility problems. A revised MTS was published by the Mayor in March 2018
- 6.20 RBKC adopted its Notting Hill Gate SPD in May 2015. The SPD sets out the Council's vision for the area to strengthen Notting Hill Gate's role as a district centre and seek new high-quality architecture and public realm. The site is identified for redevelopment to provide residential, offices and retail, including a landmark building.

Assessment

Land use principle

- 6.21 The development provides an appropriate mix of town centre uses, including office, retail and housing, as well as a doctor's surgery. The scheme also provides high quality public realm, including a public square that could be used by the local farmers' market. Subject to the detailed wording of the S106 agreement, the application would deliver step-free access to the south bound District and Circle line platform and stair-free access to the Central line. The principle of the mixed-use intensification of this highly accessible town centre site is therefore considered to be in accordance with the policy framework set out above.

Housing

- 6.22 The provision of 55 new residential units to RBKC's housing stock is welcomed in line with London Plan policy, particularly given the borough's consistent record of under-delivery.
- 6.23 The proposal would replace the existing social rented floorspace on-site with an uplift in floorspace from 955 sq.m. (GIA) to 1,094 sq.m. (GIA). There would be a reduction in the number of units from 20 to 15 but this would be acceptable given the significant improvement in residential quality, uplift in habitable rooms and increase in the number of persons that can be housed.
- 6.24 The development proposes 35% affordable housing by habitable room, comprising the replacement social rented housing (provided at London Affordable Rent benchmark levels) and 8 intermediate rented units provided at discounted London Living Rent levels. This has been verified as the maximum reasonable level of affordable housing through a financial viability assessment and will deliver genuinely affordable housing. It is a significant increase compared to that considered by the Inspector determining the previous appeal and to that considered by RBKC prior to the Mayor's intervention.

20 off-site affordable rented habitable rooms are also proposed outside of RBKC, which will be secured through the S106 agreement.

- 6.25 Two review mechanisms were agreed with the applicant prior to the Representation Hearing; 1) an early implementation review, triggered if the development has not been substantially implemented within an agreed timeframe from the date of consent; and 2) a late stage review triggered once around 75% of the residential are occupied. These reviews would be upwards only and are considered necessary to ensure that the development delivers the maximum reasonable level of affordable housing across its lengthy period of construction.

Design

- 6.26 It is considered that the design of the scheme is well-considered, responds well to the site context and development principles set out in planning policy and guidance. There is an existing, poor quality tall building on the site, which is a significant material consideration as recognised in the Notting Hill Gate SPD. The principle of a replacement tall building is acceptable. The proposed tall building, although taller than the existing, is slimmer in profile and the quality of architecture is high. Overall, the design quality of the scheme is considered to be policy compliant. This was a view shared by the Inspector determining the previous appeal, albeit there has been a modest increase in the height of some of the lower blocks.

Heritage

- 6.27 The Mayor has taken account of the statutory duties contained in the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirements of national, London Plan and Local Plan policies. Whilst there would be some instances of enhancement and neutral impact, it is considered that there would be some harm to the significance of heritage assets as a result of the proposal through impact on setting, albeit that this harm is less than substantial. The mayor considers that this less than substantial harm to significance (even when given great weight) is clearly outweighed by the public benefits of the development, principally step-free access to the London Underground and affordable housing (including review mechanisms). This is an overall view shared by Historic England and the Inspector who determined the previous appeal, albeit that the detailed assessment of harm to the significance of each heritage asset may differ from the Mayor's assessment.

Transport

- 6.28 The intensification of this highly accessible town centre site for mixed-use development, including housing, accords with the aims of Development Plan policy encouraging such development in locations that minimise the need to travel, particularly by car. The provision of step-free access to the westbound District and Circle line platform and stair-free access to both Central line platforms at Notting Hill

Gate London Underground Station is a significant transport benefit that would support the delivery of a number of strategic and local policy objectives.

- 6.29 Other transport benefits include the provision of land and funding for a cycle docking station and new pedestrian routes through the site.

Other matters

- 6.30 The application is considered to be compliant with Development Plan policy relating to other matters, including inclusive design, neighbouring amenity, sustainability and environmental issues, subject to conditions.

Summary

- 6.31 The Application complies with the Development Plan in the Mayor's view, subject to the public benefits being secured in the S106 agreement in line with the heads of terms set out in paragraph 9 of the Representation Hearing Report.

S106 agreement and conditions

- 6.32 The Mayor's resolution to grant planning permission was subject to a number of planning conditions and S106 obligations, which were considered necessary to make the development acceptable in planning terms and to mitigate its impacts.
- 6.33 Prior to the Secretary of State call in, drafting of the S106 agreement between the GLA, the Applicant and RBKC was at a relatively advanced stage, with the majority of detailed clauses largely agreed. The GLA anticipates that discussions will continue with a view to having a final draft in place in time for discussion at the Inquiry. For the avoidance of doubt, the Mayor expects the obligations agreed with the Applicant prior to the Representation Hearing to be secured and reserves his right to change his position prior to the Inquiry should agreement not be reached.

7. Conclusion

- 7.1 As set out above, the Mayor considered all relevant matters when he took his decision to resolve to approve the Application, in particular the need to balance the economic, environmental and social impacts of the proposal.
- 7.2 The Mayor's decision is consistent with relevant national policy and he remains of the view that the Application complies with the statutory Development Plan, subject to the planning obligations agreed with the Applicant being secured.
- 7.3 Subject to agreement being reached with the Applicant on the S106 agreement, planning permission should be granted.

8. Documents to which reference may be made

8.1 The Mayor reserves his right to add to or otherwise amend this list.

- The London Plan (2016)
- Draft London Plan (December 2017, with Minor Suggested Changes August 2018 and subsequent amendments by Matters Statements January-May 2019)
- The Mayor's Transport Strategy (2018)
- RBKC Consolidated Local Plan (2015) and Saved Policies of the Unitary Development Plan (2002)
- RBKC Local Plan Partial Review (July 2018)
- The Mayor's Affordable Housing & Viability SPG (August 2017)
- The Mayor's Housing SPG (2016)
- RBKC Notting Hill Gate SPD (May 2015)
- Kensington Conservation Area Appraisal (2017)
- Kensington Palace Conservation Area Proposals Statement (1997)
- Pembridge Conservation Area Appraisal (2017)
- Ladbroke Conservation Area Appraisal (2015)
- National Planning Policy Framework (2019)
- The Application documents
- Documents referred to in the Rule 6 statements of parties to the Inquiry and other relevant sources of information or documents that arise as a result of the production of third parties' or the Applicant's statements of case, proofs of evidence and rebuttal proofs etc.

These documents will be made available to members of the public to read at the GLA offices at City Hall, The Queen's Walk, LONDON SE1 2AA, and on the City Hall website:

www.london.gov.uk