2.1 The Framework states that there should be a sequential approach to development, meaning that development in a particular area should not proceed without the necessary evidence and consultation. Despite this, the proposed policy does not follow this approach. It would restrict development in the A5 use class without adequate justification.

2.2 The suggested restrictions take an ambiguous view of the A5 use class by applying a generic approach to restrict development with little sound planning reasoning or planning justification. This is contrary to the principles of the Framework and would not be consistent with the sequential planning approach.

2.3 The proposed policy is contrary to the sequential approach and Chapter 7 of the Framework. Restricting A5 uses with centres would restrict all A5 development in the area.

2.4 The Framework cannot be interpreted to provide generic restrictions on a particular use class in certain centres without justification. Moreover, the evidence does not support such restrictions. A thorough assessment of the evidence is necessary before any restrictions can be proposed.

3.1 We consider that restricting hot food takeaways (A5) would be unsound and fails to meet the four tests of the Framework. It is not a positive approach to planning; justified; effective; or consistent with national planning policy. The Council must provide adequate evidence to support any proposed restrictions.

3.2 There is no adequate evidence to justify the underlying assumption that A5 uses within Nothing Hill Gate cause adverse impacts. Such a restriction would in turn have negative land use planning consequences. No evidence has been provided to support the restriction of A5 uses within the site.

3.3 We consider that the Council has failed to demonstrate a five year supply of housing within the site. The sites and assumptions used to inform the supply of housing do not meet the NPPF tests of being developable and deliverable in the required time. The Council has not properly addressed the Inspector's concern regarding the five year supply of housing.

3.4 The Council has not properly addressed the concern of the Inspector, when he was of the view that the Council had failed to demonstrate a 5 year supply. Rather than seeking to deliver additional homes by introducing flexible policy wording to support the NPPF in favour of development, the Council has merely changed the methodology to show that it does in fact have a five year supply.

3.5 The Inspector was of the view that the Council had failed to demonstrate a five year supply of housing. This has been a concern for several years and has been raised in previous reports. The Inspector's concern regarding the five year supply of housing has not been addressed.

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Questionnaire Responses - Main Modifications Consultation, September 2018

| Name | No | RBKC | Yes | GLA (Celeste Giusti) | MM8 | Yes | MM127, MM102, MM87, MM46, MM17, MM9 | 148 | MM84, MM71, MM54, MM17 | 148 | MM102, MM101, MM86, MM84, MM71 | 148 |

**Compliance Legally.**

**MMs are sound/consistent with National policy.**

**MM to be related to?**

**Q3: If you consider MM to be consistent with National Policy, inconsistency with Permitted Development Rights and a failure to recognize the vitality that banks can contribute to the high street as it continues to evolve.**

**A response was issued in relation to the draft London Plan in March 2018 highlighting the latest position with regard to the Counters Creek Flood Alleviation Scheme. It is considered that the text in Paragraph 36.3.29 is unsound.**

**4.2 It would be unsound to propose such a widespread land use policy clause; any issues could be dealt with on a case by case basis using relevant conditions.**

**Chapter 40: Housing Trajectory and Supporting Information**

**Welcome the reference to the safeguarded wharf.**

**MM128: 36.3.38**

**Support addition**

**Welcome the expectation that Build to Rent schemes deliver affordable housing**

**Support the clarification that the minimum affordable housing that should be sought is 35% in order for the threshold approach to apply.**

**MM91: 35.3.24**

**promotes a capacity and design led approach to density.**

**MM83, MM84, MM85: 35.3.3 – 35.3.5**

**As stated in his correspondence LDF20/LDD20/CG02, the Mayor supports the inclusion of the un-delivered housing numbers in the borough’s rolled forward housing target. In addition,**

**Chapter 35: Diversity of Housing**

**that there are no strong economic reasons to retain a warehouse use, the loss to a non-business use may be appropriate. However, the Council will have regard to the length of time that**

**uses is to a residential use. Such a change of use will have a detrimental impact on the borough’s economy and upon employment opportunities with it.**

**supply. The borough’s light industrial and warehousing sectors are much smaller in scale, estimated by the GLA to be some 4.5 ha. Much of this is made up by studios and hybrid**

**Amend suggested wording to: London’s industrial land is occupied by general industry and the same percentage is occupied by warehouses, with utilities occupying 11.7%. Vacant industrial land is just 1.7% and land**

**The GLA Industrial Land Demand 2017 shows that non-designated industrial land makes up 35% of the supply of industrial land in London, and therefore makes a strategic contribution**

**Fostering Vitality**

**MM54: High Street Kensington**

**It is noted that these modifications safeguard the provision of transport infrastructure at Kensal Canalside and allow for scenarios where the Kensal Portobello station and /or the road**

**MM29: Kensal Canalside**

**MM9: 4.2.8 Policy CP1 – bullet 2**

**Support the clarification that a minimum of 35% of residential floorspace should be affordable on qualifying sites.**

**Chapter 3: Building on Success**

**which the Mayor endorses, are included within this response.**

**Representations from Transport for London (TfL),**

**London Plan. However, the Mayor has afforded me delegated authority to make more detailed comments on his behalf as set out below. Representations from Transport for London (TfL),**

**Thank you for consulting the Mayor of London on the proposed Main Modifications to**

**paragraph 4.2.8.**

**“...account population growth, development, urban creep and climate change.”**

**sewer Thames Water have concluded that it is not, at present, required. Thames Water will continue to investigate what future resilience is required for the sewer network, taking into**

**review of the requirement for the strategic sewer Thames Water have concluded that it is not, at present, required. Thames Water will continue to investigate what future resilience is**

**Thames Water previously planned a major sewer tunnel in the Counters Creek catchment of west London, which was planned to be driven from Cremorne Wharf. Following a detailed**

**To ensure that the Local Plan is up to date with regard to references to the Counters Creek Flood Alleviation Scheme it is considered that the paragraph 9.2 should be revised to state:**

**A response was issued in relation to the draft London Plan in March 2018 highlighting the latest position with regard to the Counters Creek Flood Alleviation Scheme. It is considered that the text in Paragraph 36.3.29 is unsound.**

**4.2 It would be unsound to propose such a widespread land use policy clause; any issues could be dealt with on a case by case basis using relevant conditions.**
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<td>Q3</td>
<td>If you consider MM to</td>
<td>We trust that in its current form, our representation in this letter is sufficient. However, if you have any issues, please contact us.</td>
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The case we did not make at the time of the Inquiry, but is clearly relevant now having seen the Council's most recent Annual Monitoring Report and heard the discussion at the EIP, is that the Site must deliver housing and infrastructure investment so desperately required in the Borough and the wider City.

We have reprovided these representations for ease. The feasibility of a refurbishment was discussed at the Appeal Inquiry. The architect provided clear evidence that any extension of the existing building would be more expensive than a new build. Furthermore, the MLO was constructed in 1938 and is a Category 1 Listed Building, so any works would need to be closely considered with regard to conservation requirements. Our conclusion is that the site is not capable of delivering the required housing in an efficient and affordable manner.

3. any proposal must reprovide and enhance the existing office, retail and residential floorspace as a minimum; and

4. the site must also deliver additional new homes for the Council to be able to meet its 5 year housing supply.

All parties that have ever engaged with NHGKCL, including Council officers, GLA officers and the Government appointed Inspector for the planning appeal have maintained extensive agreement on the following:

1. the physical shortcomings of the building and the inaccessibility of the site;

2. the need for the site to deliver a high quality retail and office floorspace, a new surgery, a new public square and a significant investment in the tube network to deliver Step Free Access.

3. any proposal must reprovide and enhance the existing office, retail and residential floorspace as a minimum; and

4. the site must also deliver additional new homes for the Council to be able to meet its 5 year housing supply.

We would be grateful for a meeting with a council officer to discuss these points further.

Noting that this is a complex and challenging site, not least due to its proximity to Notting Hill Gate Underground Station, we would point out the following:

- The site is currently located within the Notting Hill Gate Conservation Area (NHGCA), which is a designated Area of Great Landscape Value (ALV) and is also a site of special geological interest.

- The site is zoned as a Site of Metropolitan Importance (SMI), which is a designation that recognises the site's potential for significant development and investment in the future.

- The site is part of the Notting Hill Gate Opportunity Area (NGO), which is a priority area for investment and development in the Local Plan review.

- The site is part of the Notting Hill Gate Local Plan Review (LPPR), which is due to be notified by the Council in the near future. The LPPR is a comprehensive review of the site's future use and development potential, and will provide a framework for future decisions.

In light of these considerations, we believe that the site is not currently capable of delivering the required housing and infrastructure investment in an efficient and affordable manner. We would therefore urge the Council to consider the following:

- The deletion of the notional new homes requirement, which is currently set at 3,500 new homes.

- The deletion of the notional new offices requirement, which is currently set at 10,000m² of new offices.

- The deletion of the notional non-residential floorspace requirement, which is currently set at 2,000m² of non-residential floorspace.

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- The deletion of the notional non-residential floorspace requirement, which is currently set at 2,000m² of non-residential floorspace.
1. Your reference MM51, policy/para CV11, Final sentence. The words "in some cases" should be reinstated to reflect accurately the Notting Hill Gate SPD, which states in 4.16 that "redevelopment to a different plan form might be acceptable" (our emphasis).

2. Your reference MM52, policy/para 11.4 Amend and add too priorities. The amended phrase in the first bullet should be re-written as follows to reflect accurately sections 4.15 and 4.16 of the Notting Hill Gate SPD: "where refurbishment is considered to be an appropriate option, or where redevelopment to a different plan form might be acceptable." For consistency the second bullet should be amended to include the word "Refurbishment" as follows: "Refurbishment or redevelopment options should provide active frontages at ground floor level.

The Notting Hill Gate SPD sets out clearly in sections 4.11-4.14 why the refurbishment of Newcombe House "is considered to be an appropriate option for the site" (section 4.15), whereas redevelopment of Newcombe House is only seen as a possibility if certain clear conditions and qualifications, as set out in sections 4.16-4.23, are met. The proposed Main Modifications to the LPPR do not accurately reflect the priorities, conditions and qualifications for Newcombe House contained in the Notting Hill Gate SPD which is why the further changes outlined above need to be made.