



28 October 2014

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Dear Chris,

**PARTIAL REVIEW OF THE CORE STRATEGY: POTENTIAL MINOR AND MAIN MODIFICATIONS TO PUBLICATION VERSION OF CONSERVATION AND DESIGN POLICIES SEPTEMBER 2014**

**REPRESENTATIONS MADE ON BEHALF OF NOTTING HILL GATE KCS LIMITED**

We write on behalf of our client, Notting Hill Gate KCS Limited, to set out our response to Council's 'Schedule of Potential Minor Modifications to Publication Version of Conservation and Design Policies September 2014' and 'Schedule of Potential Main Modifications to Publication Version of Conservation and Design Policies September 2014', following the Examination in Public (EiP) which took place in September 2014.

We will not revisit areas which have already been set out in previous representations or which were discussed at the EiP, and we focus our comments solely on the proposed new wording to policies set out in the Schedule to which we have made previous representations on.

Summary of Representations

**(i) Schedule of Potential Minor Modifications to Publication Version of Conservation and Design Policies September 2014**

We do not have any comments on this Schedule.

**(ii) Schedule of Potential Main Modifications to Publication Version of Conservation and Design Policies September 2014**

Our representations focus solely on ref. CL2c, where the Schedule proposes to delete the wording of Policy CL2(c) on the basis that the policy is not considered effective:

Ref	Publication Wording	New Wording	Reason
CL2c	facilitate the redevelopment of 'eyesores' by offering flexibility in relation to policies which make redevelopment with buildings more suited to their context demonstrably unviable.	<del>facilitate the redevelopment of 'eyesores' by offering flexibility in relation to policies which make redevelopment with buildings more suited to their context demonstrably unviable.</del>	Policy not considered effective.

## Structure of the Core Strategy

Policy CL2 part (c) cannot be considered in isolation, but needs to be considered as a development control policy within a wider document. It is essential that the current wording of Policy CL2(c) is retained, so that the Council's adopted Core Strategy remains effective.

The Executive Summary of the Council's Core Strategy states, on p.1, how the Plan is structured and separated out into three sections:

*"The first section, the Spatial Strategy, sets out:*

- *The main issues facing the Borough, the 'spatial portrait' (chapter 2)*
- *The locally distinct Vision for the Borough, with supporting Strategic Objectives (chapter 3)*
- *Where development is planned in broad terms (chapter 4)*
- *How it will effect 14 key places in the Borough (chapters 5-18)*

*The second section, the Delivery Strategy, sets out:*

- *Allocations and designations (Section 2A)*
- *Policies and Actions (Section 2B). This contains the policies that will be used in determining planning applications"*
- *Infrastructure (Section 2C)*
- *Monitoring, Risks and Contingencies (Section 2D)"*

It is clear how the document is structured and should be read: Section 1 sets out the Strategic Vision for the Borough, a series of Strategic Objectives, and the vision and objectives for 14 key areas; and Section 2 sets out how these identified objectives - and the vision for the Borough - will be delivered.

Chapter 16 is contained within Section 1 of the Core Strategy, and is focused on Notting Hill Gate (one of the 14 key areas identified by Section 1).

Chapter 34 includes Policy CL2(c), and is contained within Section 2 of the Core Strategy.

Therefore, in order for the strategic objectives and vision for Notting Hill Gate set out in Section 1 to be delivered, one must turn to the development management policies contained within Section 2 of the Core Strategy, including Policy CL2 part (c).

## Chapter 16 of the Core Strategy 'Notting Hill Gate'

Paragraph 16.1.5 of the Core Strategy describes *"many of the buildings that received planning permission in 1957/58" as "tired and unattractive."* It states that *"the architectural form" of Newcombe House "negatively impacts on the character of Notting Hill Gate and the wider area",* and subsequently describes it as *"an eyesore"*.

Paragraph 16.3.7 states how “redevelopment within Notting Hill Gate presents the Council with the opportunity to correct the mistakes of the postwar period”, and paragraph 16.3.9 states:

*“As an eyesore, the Council will adopt flexible planning standards to bring about the redevelopment of Newcombe House as a catalyst for the regeneration of the wider area.”*

Paragraph 16.4.7 then sets out one of the output indicators that will be used to monitor the delivery of the Vision for Notting Hill Gate (CV16) and renewing the legacy of the Borough:

*“What benefits has major development, including the redevelopment of Newcombe House, brought to the wider area?”*

The Council’s objective for the regeneration of the Notting Hill Gate area – including Newcombe House – is clear and unambiguous. The Council recognises that the redevelopment of Newcombe House, a designated eyesore, will act as a catalyst for regeneration, stating how they will adopt flexible planning standards to bring about its redevelopment.

In order for the objectives and vision for Notting Hill Gate set out in Chapter 16 to be delivered, it is essential that the wording of policies contained within Chapter 34 are consistent with the wider document, and contain sufficient detail to be effective.

Clearly, the removal of Policy CL2 part (c) as proposed by the Schedule of Potential Main Modifications is not consistent with the objectives and the vision set out in Chapter 16. Deleting CL2(c) will result in a development management policy that is less effective.

The removal of CL2(c) reduces the flexibility afforded to one of the two designated eyesores in the Borough, and will significantly reduce the opportunity for its redevelopment and the opportunity to regenerate Notting Hill Gate, acting as a catalyst for regeneration in the area and renewing the legacy of the Borough.

Policy CL2(c) is focused in its scope, specific to designated “eyesores”. This is a defined designation within the Core Strategy (see ‘Glossary’) and is afforded to only two buildings in the Borough; CL2(c) does not apply to other buildings outside of this defined designation. The Policy is therefore effective in its concise scope, having been worded in order to support the vision and objectives for Notting Hill Gate.

Furthermore, it is unclear on what basis the Council considers this recently adopted policy to be ineffective, and it is also unclear how the deletion of this text will render the policy *more* effective.

As it is currently worded, Policy CL2(c) is consistent with the wider Core Strategy. This development management policy is worded as such so that the vision and objectives for Notting Hill Gate (and Newcombe House) can be effectively delivered.

The proposed deletion of CL2 part (c) by the Council results in a policy that is contrary to the strategic objectives and strategic vision (Section 1), which the development management policy itself is intended to deliver (Section 2). This is entirely at odds with the Council's justification in their Schedule of Potential Main Modifications.

### Conclusion

The Schedule of Main Modifications as proposed, with reference to Policy CL2c, will be ineffective in delivering the objectives and the vision of the Core Strategy and, specifically, the previously identified aspirations for Notting Hill Gate and Newcombe House; if the text were to be deleted as proposed, Chapter 34 would be inconsistent with Chapter 16.

**We therefore consider the wording of CL2 part (c) should be retained.**

As currently worded, this Policy is both effective and consistent with the vision and objectives for Notting Hill Gate. An Inspector found this to be the case in 2010 when the Core Strategy was adopted.

If you have any queries, please do not hesitate to contact Thomas Edmunds (020 7911 2480) or Georgina Church (020 7911 2692) at these offices.

Yours faithfully,



**GVA**

For and On Behalf of Notting Hill Gate KCS Limited