

## St Quintin and Woodlands Neighbourhood Forum

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Planning Department  
RB Kensington and Chelsea  
(by email)

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### [PP/22/03115](#) Site Address: Ivebury Court, 325 Latimer Road, LONDON

The StQW Neighbourhood Forum wishes to oppose this application in its present form, while strongly supporting the principle of redevelopment of the site for a new mixed use building. Our representation starts by setting out what we see as the planning policy context for this section of Latimer Road, in relation to the long term aims of the StQW Neighbourhood Plan.

We also comment on some misperceptions evident from several objections. While these are not material considerations in determining the application, we wish to correct some misapprehensions which might influence decision-makers, assuming that this application is referred to the Council's Planning Applications Committee.

#### **RBKC policy context**

The southern section of Latimer Road is one of four separate parts of the street defined as part of the Freston/Latimer Employment Zone, designated in the 1990s. The site is therefore subject to RBKC Policy CF5(k) in the 2019 RBKC Local Plan which states '*resist residential uses including for student housing or any form of living accommodation, unless the use can be shown to be necessary to support a significant uplift in both the quantity and the quality of the business use on the site*'.

#### **St Quintin and Woodlands Neighbourhood Plan policy context**

The StQW Neighbourhood Plan came into force in 2016 following a referendum in the neighbourhood area and was adopted by the Council as part of the development plan for the Borough in 2018. Neighbourhood plan policies carry the same statutory weight as those in the Local Plan. They take precedence where there is any policy conflict with the local plan for the area.

The neighbourhood plan includes 5 policies specific to Latimer Road. These include LR1 which allows for mixed use redevelopment at Units 1-14, LR2 which widens the commercial use classes permitted in other premises in the street, and LR5 on building heights on the western side of Latimer Road.

#### **RBKC Design Code for Units 1-14 Latimer Road**

This is a Supplementary Planning Document adopted by the Council in 2021. It applies only to the light industrial units 1-14 (and not to the site of this application). It can be argued that aspects of the Design Code should be taken into account in determining an application in all parts of the street and we would support this view. But as a SPD the document offers policy guidance only, of less weight than Local Plan or StQW Neighbourhood Plan policies.

#### **Oxford Gardens Conservation Area**

In 2021, the Council extended the boundaries of this Conservation Area to include several sections of the street. The site of this application is outside the CA boundary, but is close to the CA and this may bring into play a number of conservation policies within the Local Plan.

This is a complex policy context for any development in the street. The StQW Neighbourhood Forum has had

longstanding concerns that Employment Zone designation of parts of Latimer Road has never met the original policy objectives of increasing or retaining local employment and has led to a street with very few amenities (apart from the Playhouse theatre) as compared with the role that it played in the wider neighbourhood prior to the construction of the Westway.

Office vacancy levels have varied over the past 25 years but rise swiftly in every recession. The street has comparatively poor access to public transport and lacks the local facilities needed to help to recruit and retain staff at a successful and viable local office centre.

The introduction by the Government of the E class category (within national use classes) has meant that a wide range of commercial uses can now be carried out without permission for change of use. This has had some impact in sustaining rental levels at Units 1-14, but with other consequences such as the arrival of e-delivery services as tenants in one of the units.

### **Neighbourhood level consultation on this application**

An open meeting of the St Helens Residents Association and the StQW Neighbourhood Forum held on May 30th discussed the application, and was attended by some 40 residents and ward councillors. The discussion was in the context of revised and reduced coverage in the Borough of the current Article 4 Direction removing permitted development rights for change of use from commercial to residential floorspace, in existing premises.

The outcome of this discussion, as circulated to the 370 members of the forum/association, was:

- The meeting concluded that as part of the Freston/Latimer Employment Zone, residents would prefer to remain outside a revised set of Article 4 areas, with national permitted development rights applying on change of use (as is expected to be the case in future in many other streets of the Borough, where these rights are viewed by Ministers and DHLUC as not causing significant harm through loss of commercial space).
- There was some discussion on whether the best long-term future for Latimer Road would be primarily as a residential street with commercial and 'active' uses (workshops, retail, cafes/restaurants, a pub, and others) retained at ground floor level.

This second bullet above largely reflects the objectives and policies for the street as set out in the 2016 StQW Neighbourhood Plan. The ideal balance between future residential and commercial uses needs further discussion within the neighbourhood. StQW has invited the Latimer Road Preservation Group to join in such a discussion, on these broader issues.

This background sets the context for the views of the StQW and SHRA management committees on application PP/22/03115. These are set out below:

- We strongly support the principle of mixed use (commercial/residential) in a redeveloped building. Residential floorspace will provide much needed housing and contribute to the 70 unit housing target set for gradual redevelopment of Units 1-14 in RBKC's new Draft Local Plan. Extra housing at the southern end of the street should ease future pressure on building heights in the middle section of the western side of Latimer Road.
- Housing at this southern end of the street will add to 'eyes on the street' at a location which many in the wider neighbourhood view as unsafe in the hours of darkness. The pedestrian route past the Westway sports centre to Latimer Road Underground station is not well used currently. This detracts from the current efforts of Westway Trust to use Mayoral Good Growth funding to revitalise a complete north/south pedestrian/cycle route along the 23 acres of its estate.
- The plans in PP/22/03115 include 650 sq m of higher quality commercial floorspace on 3 floors, replacing 518 sq m of outdated 1980s office space. We have seen evidence over many years that the existing floorspace has proved almost impossible to let in successive periods of a downturn in the market (including lockdown).

- We therefore ask that RBKC applies a flexible approach to Local Plan Policy CF5(k) and does not apply the requirement for a 'significant uplift' in the quantum of commercial floorspace.
- In terms of building height, we think that the present proposals would be much improved by the removal of one storey, reducing height from six storeys to five. Relaxation by RBKC of CF5(k) would potentially allow for one of the commercial floors to be removed.
- In determining the application significant weight should be applied to StQW Policy LR5, as a neighbourhood plan policy specific to the street. This policy *requires 'consideration of heights of nearby buildings which range from four storeys at the southern end to two storey at the northern end, and taking account of building heights in LBHF'*. In terms of long distance views to the west, the application site backs onto the Imperial White City campus with its very tall buildings blocking the western skyline (including two further buildings under construction on Wood Lane). Height is therefore less of an issue than at most of Units 1-14, albeit that the proposed floor-to-ceiling heights for the new building are 3-3.5m and a total of 20.9m.
- StQW Policy LR5 requires *'no harmful increase in the sense of enclosure to existing buildings and spaces and neighbouring gardens'*. The buildings opposite the site, on the eastern side of the road, are not residential. It is RBKC and not the StQW Forum which interprets StQW policies when determining applications, but in our view some harm would be caused by a six storey building of this height in terms of 'sense of enclosure' for the southern end of Latimer Road. StQW Policy LR5 therefore applies, in our view.
- In terms of design, we note the efforts made to adhere to the Design Code for Units 1-14 in the choice of brick as the predominant material. We are not convinced that the semi-circular window arches work well in the context of the street. The same applies to the 5<sup>th</sup> and 6<sup>th</sup> floor pediments of the building, shown as 'Exposed RCC Slab' and to the rounded corners of the proposed building which we feel may impinge on a consistent appearance for other future redevelopments nearby.
- Over the past decade, we have reviewed many efforts to establish financial viability for any form of redevelopment on the western side of Latimer Road. This includes consultancy studies commissioned by RBKC at the time of the examination of the draft neighbourhood plan in 2015, and more recent studies which form part of the evidence base for successive local plans. It has long been clear that viability of office and commercial floorspace in the street is more marginal than in the Freston Road part of the Employment Zone.
- For residential floorspace, the location does not come close to the values of sites in 'prime' locations in the Borough and the differential with commercial floorspace is less. But until the underpass between Latimer Road and Wood Lane is in place, we have concerns that even brand new office floorspace will remain hard to fill at this location. Hence it is the residential floorspace that will bear the brunt of viability requirements, for any future development and reinvestment at this end of Latimer Road.
- RBKC requirements for cycle and refuse storage reduce the income-generation potential of ground floors in any redeveloped buildings in the street. This adds viability pressure to build higher, and also means that the two proposed ground floor retail units may be too small to be viable. We ask the Council to take a pragmatic view on these requirements, to minimise the height of a redeveloped building.

#### **Objections submitted to the application to date**

The StQW Neighbourhood Forum/St Helens Residents Association is very aware of the strength of feeling amongst residents in Latimer Road. Many wish to keep the street as it is, with its row of light industrial/warehouse units on the western side of the street.

We think that this is an unrealistic aspiration, given development pressures in London. One of the main reasons for preparing a neighbourhood plan was to seek to influence the type and uses of new buildings in the street, rather than leave this to market forces and developer interest. We are very aware of development that has and is taking place in the Freston, Kensal and Lots Road Employment Zones. All three areas have seen developments higher than six storeys. Residents of Lots Road are responding to proposals for 6-10 storeys on a RBKC owned site in the Lots Road EZ.

Residents in White City and in Ealing are battling with development proposals of 40-56 storeys. At Kensal Canalside the Council (via its draft Local Plan) has tried to curb enthusiasm by developers for 35 and 36 storey buildings – a step which we welcome.

There are references in a series of objections to Ivebury Court which have resulted from a serious misunderstanding by some residents in the street. This has become a local urban myth. Following on from development proposals at Unit 11 (refused by RBKC) residents in the street began to believe that the owners of this building had acquired most or all of Units 1-14 as a major ‘developer’ intent on bringing forward further proposals.

This rumour resulted from a misunderstanding on references in Land Registry titles, relating to a historic covenant dating from when these 14 units were built. Back in 2016 the owners of Unit 11 liaised with other building owners to bring about the discharge of this covenant for all of the units.

Mizzi Studios, formerly based at Unit 11 Latimer Road, are the architects and agents commissioned by the building owner of Ivebury Court (as made clear on the planning application form). They are not the owner of the building and have not acquired others of Units 1-14. As far as StQW/SHRA are aware, the remaining units 2-14 remain in separate and individual ownerships (in several cases by the current building occupants) apart from two units which are in a single ownership.

Hence comments made in various objections referring to ‘Mizzi’ or ‘Mr Mizzi’ as a ‘developer’ should be set aside. The history of how this misunderstanding came about was aired briefly at the open meeting of SHRA/StQW on May 30th 2022. It seems evident that a number of objectors are still under a mistaken impression. The last time a ‘developer’ (as opposed to an existing building owner) sought to buy up several of Units 1-14 for a comprehensive redevelopment was six years ago.

## **Conclusion**

Taking account of all the above, the view of the StQW/SHRA management committee is that application PP/22/03115 fails to conform with StQW Policy LR5 in terms of building heights and resultant ‘sense of enclosure’ for the southern end of the street, and in terms of design within a street parts of which are now a conservation area. We therefore ask that it be refused in its present form.

We strongly support the principle of redevelopment of an outdated building, with a long history of vacant office space, for mixed use. We note that RBKC granted consent to change of use of the top floor to residential in November 2020 ([PP/20/04385](#)). In the event of a further application, we ask the Council to take a flexible approach to the weight of RBKC Policy CF5(k) and drop the requirement for a ‘significant uplift’ in commercial floorspace, thereby potentially opening the way to a building of reduced height.

Henry Peterson  
Chair StQW Neighbourhood Forum and St Helens Residents Association