

Response from the St Quintin and Woodlands Neighbourhood Forum to RBKC's proposal for a borough wide Article 4 removing the permitted development right on change of use from Class E commercial, business and service uses to residential.

The St Quintin and Woodlands (STQW) Neighbourhood Forum and Neighbourhood Plan covers an area of North Kensington bounded by Latimer Road to the West, Dalgarno Gardens to the north, St Marks Road and St Helens Gardens to the east and the Westway to the south. The Neighbourhood Plan was supported by 92 per cent in the referendum held on 26 February 2016.

For the reasons given below the STQW Forum objects to the council's proposal for a borough wide Article 4 Direction withdrawing the national permitted development right for change of use from B1 offices to C3 residential. We made a similar case in October 2017 that such a blanket exemption is a blunt instrument that will not serve well this small north eastern part of Borough.

1. The StQW neighbourhood is subject to a set of specific planning policies within the neighbourhood plan supported at its referendum in 2016 and adopted by the Council in July 2018 as part of the Borough's Development Plan.
2. These tailored policies addressed the high level of vacant commercial space in the Latimer Road part of the Freston/Latimer Employment Zone. Although strongly resisted By RBKC officers at the time, the independent examiner of the Draft NP accepted the Forum's evidence that an element of mixed use should be allowed in Latimer Road. The Council has in recent years supported the use of the airspace above Units 1-14 Latimer Road for housing use. A Design Code has been prepared in consultation with the Forum and residents in the street.
3. Despite this change of policy, proposals for redevelopment of Units 1-14 for mixed use have been slow to come forward. One scheme at Unit 1 is nearing completion. One at Unit 11 was refused in 2021 on design grounds (and is subject to appeal). The aim of the Forum to see up to 80 new housing units built Latimer in the street is making slow progress. The flexibility offered by the Government's new Permitted Development regime could play a significant part in

making this a reality. This is a housing site allocation included in the July 2021 Local Plan Issues and Options document.

4. While we have always understood the Council's desire to protect office space, in a Borough with extreme housing values, the differential in values between commercial and residential space in Latimer Road has long been less than in 'prime' parts of the RBKC housing market. With national PD flexibilities rights in place, and based on long experience of office vacancy levels, we think that the new national PD rights would bring better outcomes, and new housing, to the StQW neighbourhood.

5. The Secretary of State's intentions, in limiting the use of Article 4 Directions, have been expressed very clearly. Paragraph 53 of the recently revised NPPF states that newly introduced Directions, *'should in all cases, be based on robust evidence, and apply to the smallest geographical area Possible'*. It is hard to see that the Council is doing other than ignoring this NPPF requirement. The same goes for the NPPF's stipulation that an Article 4 Direction vetoing residential conversions under Permitted Development should only be used *"to avoid wholly unacceptable adverse impacts"*. This is a high bar but it should not just be ignored by RBKC – particularly given the Council's poor record on the provision of new housing. It is a risky precedent for occasions when the Council, and its public, wish to see other guidance in NPPF applied with its full force to combat excessive developer aspirations.

6. We do not agree with and support all aspects of Government planning policy, and major reform of the English planning system is needed. But on this issue we think that the Council should have taken a more selective approach to those parts of the Borough to which this proposed Direction will apply. It is not clear that representations made on this same subject in 2017 were taken into account in the drafting of the Key Decision report.

7. The Key Decision report refers to the risk of loss of shops and commercial activities to housing in neighbourhood centres. The StQW Neighbourhood Plan allowed for change of use between A, B and D classes in the three shopping parades. The results in terms of introduction of uses other than retail have been limited, and welcome overall where they have taken place. We do not foresee a rush of proposals for change of use to C3 for ground floor premises in these shopping parades. The locations, pavement widths, and footfall do not make such spaces appealing as residential floorspace.

8. We were not consulted on the brief section on the StQW Neighbourhood Plan at the foot of page

19 of the Key Decision report, and do not recognise this interpretation of StQW policies on change of use. We see the balance of the Plan as giving greater priority to creating opportunities for new housing in the neighbourhood, rather than protecting all commercial and office uses.

9. As is widely recognised, the Borough's poor track record on housing delivery has led to the 'tilted balance' being applied. Given a choice between allowing office space to switch to residential under PD rights, as compared with the housing density levels and building heights now being promoted by developers for Kensal Canalside, we would rather see more homes created through re-use of commercial and office buildings – provided the basic requirements of space, light, and natural ventilation are met.

10. At a time when changes of home/work and travel patterns in London look unlikely to return to those of a pre Covid period – quite possibly forever – no one can predict changes in demand for office space or for new homes in London. We argue that against this background it makes sense for the StQW Forum to be able to take advantage of both the comparative responsiveness of the neighbourhood planning system and also the flexibility of the Government's new Permitted Development regime.

Conclusion

So far we do not see the April 2021 changes to the GDPO and the introduction of the E Class as a negative threat to the neighbourhood. We see positives, in encouraging building owners in Latimer Road to consider mixed use where offices are falling vacant and new tenants near impossible to find (as is becoming the reality for certain premises). We believe the emptying out of office space may well gather pace, when leases fall in and/or evictions for non-payment of rent resume.

In our 2017 submission on this same issue, we urged the Council not to include Latimer Road in a blanket Article 4 Direction covering the whole Borough. We repeat that request.

St Quintin and Woodlands Neighbourhood Forum

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