



St Quintin and Woodlands Neighbourhood Forum

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Jon Wade
Head of Spatial Planning
RB Kensington and Chelsea
By email

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Dear Jon,

Ministerial letter to RBKC on Article 4 Direction

We spoke on the phone on the above and I said that I would follow up in writing. Having consulted members of the StQW Forum management committee, we wish to convey our views on the current state of play on the Council's 2021 proposal to extend the current Borough-wide Article 4 Direction removing permitted development rights on change of use from E1 commercial space to other uses including residential.

We were surprised that the 28th February 2022 letter from the Minister was published by the Council only after the March 23rd closing date of the Regulation 18 Draft Local Plan. In the course of the consultation webinar on the Regulation 18 Draft Local Plan on March 16th we were under the impression that a letter or other notification from the government on the Council's proposed Borough wide Article 4 Direction was still awaited,

It turns out this was not the case and that the response from the Minister was already known to the council. However, we were in the dark when preparing this part of the StQW Neighbourhood Forum response to the Regulation 18 Draft Plan. We would have said more on this subject had we seen the letter.

This was a statutory consultation process, and the Minister's letter was an official one which was relevant and (we feel) should have been published on receipt. Other London Boroughs and the GLA seem also to have sat on their letters for a couple of weeks, but I am not aware of any of these which were consulting on their draft Local Plans at the same time.

To find a copy of the Ministerial letter requires searching the Council website under *Planning and Development/Heritage and Conservation/Article 4 Directions*. This is not an obvious place for the public to be looking for this information. An additional item added to the New Local Plan Review web page would raise awareness across a wider audience? We see no press release on the subject. It is important that people should not think RBKC is trying to hide the current outcome of its application for a Direction.

So we are sending in this letter as a late representation on the Regulation 18 Draft Local Plan, and as a reminder that our Neighbourhood Forum has never supported this removal of PD rights, for this small part of the north-west of the Borough. Other areas will no doubt take a different position.

A brief chronology of our (consistent) views on this subject is below:

- In discussions with RBKC from 2013-15, the StQW Forum argued that the four sections of Latimer Road designated as part of the Freston/Latimer Employment Zone had never flourished since this EZ designation was made by RBKC in 1997.
- At the examination of the StQW Draft Plan, the independent examiner read and listened to evidence on office vacancy levels in Latimer Road, coupled with the low number of employees in warehouse/light industrial premises. He accepted the case for mixed use redevelopment of Units 1-14 and to StQW Policies LR1 and LR2.
- In September 2017 we responded to the consultation on the Borough-wide Article 4 Direction by asking that Latimer Road be excluded from the boundary, or a varied Direction made for limited protection only to ground floor commercial activity (this had been a suggested 'action' in the StQW Neighbourhood Plan).
- We made a similar case in September 2021, when we responded to the Leadership Team decision to re-apply for a Borough wide exemption.
- In our recent response to the Regulation 18 consultation, we have made the same points. We have long argued that a Borough-wide exemption is a blunt instrument which does not serve well this small north-eastern part of the Borough.

The Minister has now asked the Council to reconsider its application and has *requested additional evidence to*

areas within the Central Activities Zone, and taking consideration of the safeguards that apply to the new commercial to residential permitted development right to ensure the Article 4 Direction is proposed only where it would have wholly unacceptable adverse impacts and applies to the smallest geographical area possible.

He has also said *Where you are also proposing an Article 4 Direction for an area outside of the Central Activities Zone. the same policy applies and therefore you are also **requested to provide additional evidence for each of these areas** to demonstrate why the application of Article 4 Directions are necessary or cannot be reduced to apply to a smaller geographic area (our emphasis). We don't see that such evidence, of wholly unacceptable adverse impacts, exists in relation to Latimer Road.*

It is not yet clear to us how the Council will go about this process of *providing additional evidence*, if indeed that is the route it decides to take? What opportunity will there be for input by land and building owners, amenity bodies, businesses, residents association and others with an interest on what will be an important set of planning parameters for the Borough in the next few years?

While we are primarily making a location-specific case on one street (as the Minister recommends) we think that there needs to be adequate consultation on any revised proposals for a revised set of Article 4 proposals. We assume that DLUCH will insist that there are some significant changes in identifying more concentrated areas of the Borough and a more 'granular' re-submission. We were puzzled at the time of the Leadership Team decision of July 2021 that the Council chose to re-apply for a Borough-wide exemption, given the clear statements already made by Government on '*smaller geographic areas*'.

No one knows how far demand for office space will contract in North Kensington. What we do know is that the locational disadvantages of Latimer Road as a business location and particularly an office location are not going to disappear anytime soon. These disadvantages include poor access to public transport and lack of amenities.

We also know that the demand for small offices has migrated in large part to bigger, more central, better served business centres, often in the major town centres. Jeremy Barnard of JMW Barnard spoke on this subject in the Local Plan webinar on March 16th. Small fringe commercial locations, with inadequate amenities and transport as in Latimer Road, are becoming even more unviable than before.

Given that any change of use to residential involves significant costs in meeting Building Regulations and other requirements for housing accommodation, we do not see that there will be any sudden impact on a street such as Latimer Road (let alone an 'unacceptable impact'). The Council's own Employment Land Study refers to the Freston Road/Latimer Road EZ as 'Latimer Road EZ'. We do not understand why this nomenclature is used when Latimer Road as a single street is the smaller part of what is a much larger and more successful Freston Road area. So the statistics in this document do not help much as evidence. Even when combined with Freston Road, this analysis by Icen/BNP Paribas notes that *The Latimer Road EZ has seen the highest vacancy rates of all the office areas in the Borough.*

Our strong view remains, after a decade of observing the viability of commercial space in Latimer Road, that planning policies for this street should be for mixed use with a minimum of restrictions on use of buildings. In our response to the Regulation 18 Local Plan, we suggested that the four separate parts of Latimer Road with current Employment Zone designation should be de-designated.

In terms of economic activity and vitality, history shows the most successful period of the street as being in the early 20th century. It was then a busy north-south route through to Holland Park Avenue, with its own railway station on the West London Line and an active mix of commercial and housing use. A series of 'planning' interventions in the last 70 years (from the building of the Westway to partial EZ designation) have not been good for the street. Nor have they delivered the stated policy outcomes sought.

In terms of a revised application for a Direction, we support the DHLUC position that a more focused set of proposals is needed for the Borough. **We ask again that Latimer Road be excluded from coverage by such a Direction.**

Henry Peterson
Chair StQW Neighbourhood Forum and St Helens Residents Association

cc Cllr Johnny Thalassites
Amanda Reid, Director of Planning
StQW/SHRA management committee members