

RESPONSE TO RBKC CONSULTATION ON A DRAFT DESIGN CODE FOR UNITS 1-14 LATIMER ROAD, W10. FROM THE ST QUINTIN AND WOODLANDS NEIGHBOURHOOD FORUM AND ST HELENS RESIDENTS ASSOCIATION

Background

A proposed 'action' included in the 2016 StQW Neighbourhood Plan (adopted 2018)was *to develop a set of Design Guidelines or a Design Code, in conjunction with RBKC, to provide a framework for the incremental redevelopment of Units 1-14 and other commercial premises on the western side of Latimer Road, so as to ensure a consistent approach to building lines, building heights, massing fenestration, use of materials delivery and parking arrangements, with the aim of restoring a coherent streetscape of human scale, with active frontages and a positive relationship between building and the street.*

This suggestion was not pursued by the Council back in 2016. In subsequent years there was limited sign of change or development interest in Latimer Road. An agent acting for developers approached several owners of Units 1-14 with offers to acquire their properties. These owners (rightly in our view) chose not to accept.

Unit 8 became the Playground Theatre, with support from the StQW Forum on change of use. This move was fully in line with StQW Policy LR3 *to encourage building uses which support the creative and cultural industries, and which contribute to the Royal Borough's policies on Cultural Placemaking and RBKC Core Strategy Policy CR6.*

In mid 2020 a planning application for a six storey redevelopment of Unit 10, with four storeys of commercial offices and two storeys of residential flats above, prompted widespread opposition from residents in the street. The application was in the event withdrawn. In response to resident concerns, the Council suggested that preparation of a Design Code for Units 1-14 would be timely.

The StQW Forum supported this proposal and joined a project group convened by RBKC. This included the forum, a group of Latimer Road residents which had formed into a Latimer Road Preservation Society, and a number of building owners. This group held four meetings in 2020/21 at which the content of a draft Design Code was discussed.

Central Government enthusiasm for the use of design codes was growing at this time, with publication of a national Model Design Code, the establishment of an Office for Place, and a stated Government aim to 'bring back beauty' to the English planning system, with more emphasis on listening to public views on what makes for good design in new development.

Six years after the StQW Neighbourhood Plan was finalised, we still think that a successful way forward for Latimer Road can be found - and one that will be welcomed by a majority of those who currently live and work in the street. We have argued for many years that RBKC planning policies for the street, going back to the 1990s, were overly restrictive and discouraged forms of mixed use which work well in other parts of London. A future in which nothing changes, and which sees gradual decline in the physical fabric of the street and a lack investment in its buildings, does not feel the right path.

Underpass between Latimer Road and Wood Lane

We have been disappointed to have to respond to this consultation with still no firm news on the proposed pedestrian/cycle underpass between the Imperial College campus and the southern end of Latimer Road.

It is now a decade since the College committed to provide this ‘community benefit’ as part of a S106 agreement (entered into with LBHF) and as ‘mitigation’ for the impact on the Oxford Gardens Conservation Area of the 35 storey tower and other tall buildings on the Imperial site. Our efforts in recent weeks to extract information from the College’s project managers, on any final decision to start construction, have been rebuffed. The question of whether this underpass will ever happen has big implications for the future of Latimer Road.

The Draft Design Code

The RBKC Draft Design Code for Units 1-14 Latimer Road was published on 8th April for consultation. The StQW Forum/St Helens Residents Association held an open Zoom session for its 380 members on 13th May. After a presentation and discussion on the contents of the Draft Code, the audience responded by completing a Zoom poll.

The poll asked the audience (of 60 members) to click on series of statements, to indicate which they broadly agreed with them.

The results were as follows:

<i>Four storeys and a setback fifth is too high for the street</i>	<i>60% agreement</i>
<i>Four storeys and a setback is not enough for viability</i>	<i>12% agreement</i>
<i>Gaps between buildings should remain at Units 7-14</i>	<i>45% agreement</i>
<i>‘Terraced’ buildings with no gaps would work better</i>	<i>29% agreement</i>
<i>Code is right to encourage ‘tripartite’ façade design</i>	<i>38% agreement</i>
<i>Facade design should be for owners/developers to choose</i>	<i>24% agreement</i>
<i>Brick should be the main material used in new buildings</i>	<i>67% agreement</i>
<i>Choice of materials should be for owners developers</i>	<i>17% agreement</i>

The StQW Forum’s management committee has taken these responses into account in this response to the consultation on the Draft Design Code. We have 380 members, so these poll results should not be assumed to reflect the views of all.

We also recognise the major pressures on RBKC to identify further housing sites. Subsequent to the StQW plan introducing a policy which allowed the potential for mixed use in the Employment Zone sections of the street) the sites of the 14 units are now scheduled to provide 80 additional housing units over the next few years.

Building heights

This issue is the one that has raised the strongest feelings over the past 9 months, following the application for a six storey redevelopment of Unit 10. A subsequent application for redevelopment at Unit 11, with a four storey building and setback fifth, was refused by RBKC. This decision was on grounds of choice of materials and design rather than on excessive building height. The StQW

Forum representations on this application at Unit 11 took the view that the proposals fell within the requirements of StQW Policy LR 5 on building heights, at four storeys and a set back fifth. The same applies to the Forum's comments on the application for redevelopment of Unit 1 in early 2019.

Those taking part in the StQW/SHRA Zoom session on the 13th May 2021 were reminded that wording of this StQW Policy LR5 had been supported at an open meeting in February 2015, at which the image below was shown (the caption has been updated):



Back in February 2016 we agreed at an open meeting at St Helens Church Hall on amended wording for a policy on building heights at Units-14.
This image was used at that time, showing the Morelli building with its top floor studio at approx 14m height

The RBKC Draft Design Code sets a height limit of 14.3m at paragraph 4.14. A Latimer Road resident at the 13th May 2021 session maintained that the redevelopment of Unit 1 Latimer Road (consented by RBKC in May 2019) and its adjoining buildings will in reality turn out to be very significantly higher than the nearby 'Morelli building'. Having checked the various planning consents on Unit 1 we believe this will have a height just below 14.3m (an additional 600mm was approved by RBKC in March 2021 to allow for additional depth of floor slabs). We think that the Morelli building is just over 13m high.

In terms of views and retention of the western skyline, this particular group of buildings sits in front of the Imperial College campus buildings (of much greater heights). The StQW Forum recognises that the impact of increased heights on the western side of the street will be greater in the more northern sections of the street. Hence the wording in StQW Policy LR5 is *in order to restore the original urban form of the street to allow increased building heights on the western side of Latimer Road subject to - consideration of heights of nearby buildings which range from four storey at the southern end to two storey at the northern end and taking account of building heights in LBHF*. We look to the Council to take account of this wording in its decisions on planning applications.

Our Zoom poll shows that 60% of those voting see four storeys and a set back fifth as being too high for the street. This is the majority view from the May 13th poll, but does not reflect an overwhelming margin (given that few people positively welcome tall buildings). The RBKC Draft Design Code considers a four storey plus setback fifth to be acceptable provided an application is accompanied by a daylight/sunlight study. The Forum's management committee continues to support this position, taking into account issues of viability (see below).

We also think there may be a way forward which would enable viable redevelopment to take place at three storeys plus a setback, as set out in the last part of this consultation response.

Paragraph 4.1.4 of the Draft Design Code states that *the total building height for a four storey proposal should not exceed 14.3m from ground floor to roof level*. This benchmark height is very close to what was considered for inclusion in a StQW Policy on Building Heights back in 2015. **Taking**

viability considerations into account, we continue to think this is a reasonable height parameter to set.

Gaps between redeveloped buildings

We support the poll results, and the proposals in the Draft Design Code at 4.14 that ***Units 7 to 14 should allow gaps of 3 metres between units as illustrated in Diagram 3.8. Where gaps are located between units, the gap should be divided equally on either side of the boundary line.*** The continuation of two gaps between sets of four units allows more daylight/sunlight onto the street and pavements.

Design of facades

Views at our 13th May session were less divided on this question, with 38% supporting the Draft Code's encouragement of 'tripartite' facades, with redeveloped buildings meeting a 'unifying principle' of using a design with a 'top', 'middle' and 'base'. 24% of respondents felt that such design considerations should be left to building owners/developers.

We therefore support the 'unifying principle' and section 4.2 of the Design Code, at this time. There is risk that this will lead to bland design of redevelopments. Should it emerge in pre-application discussions that this requirement for 'tripartite' facades is having a deterrent effect on proposals coming forward, or adversely affecting viability, **we think it is a part of the Code on which RBKC should show flexibility in assessing and determining individual applications.**

Choice of materials

Our poll result shows clear support for the Draft Code's proposals that brick should be used as the primary material in redevelopment schemes. Paragraph 4.5.2 of the Code states ***Brick should be used as the primary material in the Middle Zone of proposals.*** We think that materials used in other 'zones' should pay some heed to the appearance of other buildings in the street, albeit that this ranges widely at present.

Other design issues

Overall, we support the introduction of a Code as a way of improving the design quality of building in the street. The random architecture of the 1980s buildings at the southern end of Latimer Road has not helped the street to stay viable as an office area, when coupled with its other drawbacks (comparatively poor public transport accessibility, a lack of places for employees to eat and drink, lack of routes to the Underground which feel safe, and insufficient footfall and 'eyes on the street' to give a sense of security to older or more vulnerable pedestrians).

We remain concerned, as expressed in responses to RBKC planning policy documents and consultations since 2013, that the viability of the street as a commercial and employment location remains very marginal. Latimer Road remains on the periphery of the Borough and 'off the beaten track'. The tide of interest in Latimer Road for office floorspace has receded during each successive dip in the London office market, leaving properties vacant or underused.

Hence a design code which places significant restrictions on how building are planned (including the layout of internal floorspace) risks deterring building owners/developers from coming forward with any proposals. Sudden and strong market interest from new e-fulfilment/distribution businesses is currently offering owners of B8 buildings more attractive returns than for some time. The arrival of Getir at Unit 11 may prove to be a forerunner of other similar enterprises.

We see certain aspects of the Draft Design Code as having a potential adverse impact on viability. This is in addition to the limitation on number of storeys:

- The requirement for commercial and residential accommodation to have separate entrances and servicing cores. For small units (and when coupled with cycle storage) these elements take up much of the ground floor area leaving little as income-earning floorspace.
- A requirement for setbacks at the sides of an upper floor as well as from the street frontage. (as shown in the 'plot models'). This limits options for residential layouts of the top floor. Where two adjoining units are developed, allowing top floor construction up to the party wall would allow for more options on apartment floorplans.
- The planning requirement that all flats in any new development must have 'private amenity space' but at the same time this cannot include a front balcony, either recessed or projecting. While we can partly understand the desire of residents on the eastern side of the street for privacy, such a requirement will make it very hard to arrange residential floorplans at redevelopments at 1-14. Latimer Road is a wide street, and in all other streets of the neighbourhood first floor windows face one another across the street. We are not clear why balconies, particularly when recessed rather than projecting, should be seen as unacceptable?
- In the current draft Code we are also not clear what is meant by 4.3.11 *The Base Zone should be characterised as visually transparent* along with 3.3.9 *Primary frontages should be active and have a relationship with the street*. Is this saying that ground floor offices should be glazed and the interior visible from the street?

Looking to the long-term future of Latimer Road

It is now seven years since the StQW Forum held an open day at Unit 8 Latimer Road at which local residents were invited to suggest ideas for the future of the street. At this session and at subsequent meetings we looked at a number of examples of mixed use streets in London which had achieved a combination of local amenity and what planners call 'vibrancy' while remaining attractive places to live and work.

These examples included the locations below. The consensus that emerged back in 2014 (from the overall membership and not necessarily those living in the street) was '*yes, we would like some of that. But not the full Hoxton effect*'. There was enthusiasm for a street more like Golborne Road (as of seven years ago, rather than of 2021. This location may now be seen by many as too crowded with tourists).

In the summer of 2020, when residents in Latimer Road were responding to the application for a proposed 6 storey office and residential development at Unit 10, the strength of feeling against almost any form of new development in the street became clear. We recognise that there are those who have chosen to buy or rent houses in the street because of its quiet and 'backwater' qualities, and its expansive western skylines.



Lambs Conduit Street, Holborn

As a management committee of the StQW Forum, we continue to believe that it is unrealistic to think that Latimer Road, and particularly the 14 units built in the 1980s as an 'industrial estate', can remain unchanged in 2020's North Kensington. A long period of rising residential values, the Council's need to increase its delivery of new homes, and competition from newer and better office space in White City, are all shaping what happens in Latimer Road.

It remains hard to balance the strong views between a number of those who live in the street, where these views compete with those who live in the wider StQW neighbourhood area. Decisions on planning issues always have to deal with this dilemma. Not everyone will be happy with outcomes.

Conclusions

In responding to this RBKC consultation on the Draft Design Code, we urge the Council to look ahead to what planning policies for Latimer Road should be included in the Borough's new Local Plan (currently in preparation).

We think that there may be a way forward which brings together latest RBKC policy aspirations, those of the StQW Forum, and the wishes of Latimer Road residents to minimise building heights on the western side of the street.

This would involve RBKC as planning authority taking a relaxed and flexible approach to that part of StQW Policy LR1 which uses the wording '*providing that the ground floor (and any mezzanine floor) remains in commercial use*'. As of 2021, and as a result of latest studies of viability for any mixed use building in the street, we can see that this wording is creating additional obstacles to redevelopment proposals (particularly when coupled with RBKC requirements to also provide for cycle storage, and separate commercial and residential entrances and cores).

A policy requirement to replace a quantum of existing '*employment floorspace on ground floor and mezzanine*' adds a floor to building heights, before the financial returns from new residential accommodation can be added into the viability equation.

As pointed out in at pages 26-28 of the [StQW Basic Conditions St](#) Golborne Road in 2014 2015 alongside the Draft Local Plan) the reality in recent decades delivered little by way of employment numbers in the Borough. Back in 2015, only Units 3, 7, 11 and 12 housed any significant number of employees. The remaining units were used largely for storage purposes.

The position has not changed greatly since 2015. Unit 11 had 30-35 staff on the premises in 2015, in what was successful co-working office space. The pandemic emptied the building of tenants. The building is now in use by Getir with perhaps a similar number of delivery drivers.

Back in 2015, this wording on retention of employment space at mezzanine level in Units 1-14 was included in Policy LR1 because at that time it was uphill work to persuade an independent examiner of the Draft Plan of the case for the EZ sections of the street being allowed to move to mixed use. The then RBKC Director of Planning had made clear his complete opposition to any such shift of policy.

As it turned out, the Examiner of our Draft Plan, after reading and listening to evidence at a public hearing, accepted the case for mixed use as made by the Forum. The Council has subsequently accepted in its own 2019 Local Plan that mixed use is the right answer for Latimer Road. As mentioned above, assumptions of 80 new homes in the airspace above Units 1-14 have since been built into the RBKC housing trajectory.

We therefore now argue that the Council, in planning policy terms, should recognise that its objectives for Latimer Road should be rebalanced. Retaining ground floors of Units 1-14 as class E1 employment space, preferably 'active' and of value to the neighbourhood, should remain a policy. But ensuring that policies for the street also bring forward viable housing propositions should be given increased priority.

Insisting on compliance with the letter of StQW Policy LR1 and full replacement of the existing quantum of mezzanine/first floor office space as well as that on the ground floor should (in our view) now become a secondary policy consideration. This would allow a larger area of residential floorspace to be achieved in the '3 storey plus setback 4th' model of redevelopment of Units 1-14, as set out in the Draft Design Code and as sought by those Latimer Road residents who remain very concerned about building heights.

An alternative route to the same end, should the Council feel unable to take a flexible approach to StQW Policy LR1, would be for the StQW Forum to review and update the neighbourhood plan.

The existing Plan was formally adopted by the Council only in July 2018 (after an unsuccessful legal challenge from a landowner). There is no requirement neighbourhood plans to be revised and updated within a five year period. It remains up to the Forum to decide on an appropriate time for review and updating.

The 2017 Neighbourhood Planning Act introduced a relatively straightforward route for amending policies and site allocations in neighbourhood plans, which could be used to vary the current StQW policies for Latimer Road.

As part of this consultation response, we suggest that the Council considers an amended policy approach to the future of Latimer Road, giving more priority to housing delivery than to retention of existing employment floorspace per se. The latter policy measure has no direct link with retention or creation of numbers of jobs.

This would help to meet the aspirations of residents who wish to see developments on the west side of the street at 3 storeys plus setback, rather than 4 storeys plus setback.

We hope that this feedback on the Draft Design Code, including the poll results set out in the first part of this consultation response, will help the Council to finalise the Design Code for Latimer Road and also to consider the policy context for the street in the preparation of a new Local Plan.

St Quintin and Woodlands Neighbourhood Forum

May 2021