



St Quintin and Woodlands Neighbourhood Forum

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APPLICATION [PP/23/00778](#) UNIT 10, LATIMER ROAD W10 REPRESENTATIONS FROM THE ST QUINTIN AND WOODLANDS NEIGHBOURHOOD FORUM/ST HELENS RESIDENTS ASSOCIATION

The St Quintin and Woodlands Neighbourhood Forum/St Helens Residents Association wishes to object to this application, on the grounds set out below. These two bodies have a shared membership of 370 residents. SHRA acted as the 'qualifying body' in setting up the neighbourhood forum, which was designated by RBKC in 2013.

Our membership has since been closely involved in planning policies for Latimer Road. The Forum supported the principle of introducing a measured element of mixed use development on the western side of this street in the 2016 StQW Neighbourhood Plan.

The neighbourhood plan recognised that the construction of a series of light industrial units at 1-14, and the designation of this side of the street (which lay in LBHF as part of the Wood Lane Employment Zone until a boundary change in 1996) was based on a set of employment policy objectives dating from the 1980s which had not succeeded in making the street as a viable small-scale office location. This was for a series of reasons, not least the poor level of public transport access for employees working in the street.

The 2016 StQW Neighbourhood Plan, supported by 91% of registered electors in the neighbourhood area at its referendum, therefore included a set of policies framed to secure successful incremental redevelopment of Latimer Road **while setting firm parameters on building heights**. Without these neighbourhood plan policies, we believe that market forces over the past decade would have led to a series of redevelopments at Units 1-14 of a scale and height as has happened in the Freston Road part of the Freston/Latimer EZ, and in Kensal Road within the Kensal EZ.

When RBKC announced its intention to prepare a Design Code for Units 1-14, we agreed to participate in this exercise along with a number of residents living in Latimer Road, and some owners of business premises. We felt that this would be a good way of achieving consensus on the scale of redevelopment, and some principles on architectural design and use of materials.

At the same time as the Design Code was being prepared, RBKC responded to requests from residents in the street to add a series of sections of Latimer Road (which retain their original buildings) to the boundary of the Oxford Gardens/St Quintin Conservation Area. This has added a further dimension to what is now an unusually wide range of planning policies applying to a single London street. In summary these policy parameters are:

- RBKC Draft Local Plan (under Examination) **Site Allocation SA9 Units 1-14 Latimer Road** Deliverable Years 1 to 5 – 10 homes Developable Years 6 – 10 – 65 homes. Not yet adopted policy but carrying some material weight after two rounds of public consultation.
- RBKC Draft Local Plan Policy BC1 on Business Uses and particularly **BC1 K**, which refers to *the Freston/Latimer Road Employment Zone north of the Westway*. Only Latimer Road falls under this spatial description, so this is effectively a bespoke policy for the street.
- RBKC Local Plan Conservation policies relating to development on the boundary of a conservation area.
- StQW Neighbourhood Plan policies LR1 – LR5 specific to Latimer Road and further StQW NP policy E2 as cited below.
- RBKC Supplementary Planning Document Design Code for Units 1-14 Latimer Road, adopted 2021.

For the reasons set out below, we consider application [PP/23/00778](#) to be contrary to relevant policies, especially StQW Policy LR5 and the policy guidance in the Design Code for Units 1-14.

1. Site Allocation SA9 Units 1-14 Latimer Road

We support that part of the Unit 10 proposals involving 8 new residential units. We continue to support the principle, introduced via the StQW Neighbourhood Plan, that the 4 separate Employment Zone sections of the street should include a carefully calibrated element of mixed use redevelopment. The 19th and 20th century of the street, until the 1980s, was one in which commercial and housing use (laundries, furniture makers) co-existed in terraced premises, many with ground floors in commercial use.

We continue to support measures to bring some restored vitality and additional amenities for employees in the street (and those living in the wider neighbourhood) without harming existing living conditions, through e.g. implementation of standard RBKC 'car-free' policies on new residential units in order to minimise impact on parking and traffic generation.

2. RBKC Draft Local Plan Policy BC1 on Business Uses

As part of RBKC consultation on the Government's proposals to remove a Borough-wide Article 4 Direction, the StQW Neighbourhood Forum argued strongly for an adjustment (in the new Regulation 19 Draft Local Plan) to existing Policy CF5 K on Business Uses. This current policy 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;*

Our experience over a decade of monitoring levels of commercial use, and vacant commercial floorspace, in Latimer Road is that the 'significant uplift requirement' further reduces what has long been marginal financial viability of business premises in the street. This has discouraged any form of redevelopment or investment in the fabric and maintenance of existing commercial buildings.

This in turn damages the prospects of attracting tenants to what is outdated office or commercial floorspace. While a number of Units 1-14 have building owners for whom this type of premise meets their business needs, several have had long periods of vacancy or use only for storage. The recent market interest in warehouse premises as locations for last mile online delivery services (e.g. Getir, Just Eat) may not last and in any event is not a 'good neighbour' usage.

We therefore welcome the new Draft Local Plan policy B1(K) which varies Borough-wide Business Use policy to read *In the Freston/Latimer Road Employment Zone north of the Westway: support the creation of residential floorspace where the existing commercial floorspace is retained or re-provided and where its quality is improved.* This varied policy requires no 'significant uplift' in commercial floorspace. **This improves the prospects for financial viability of any redevelopment proposals at Units 1-14. It makes it easier for building owners/developers to replace existing light industrial/warehouse units while remaining within the StQW and RBKC Design Code parameters of 4 storey buildings and a 14.3m height limit.**

3. RBKC Local Plan policies on Conservation and Design

RBKC Local Plan **Policy CD3: Heritage Assets** - Conservation Areas Part A states *Require development to preserve or enhance the character or appearance of the conservation area and thereby protect the special architectural or historic interest of the area and its setting.*

B. Development in conservation areas should take opportunities to enhance the character and appearance of its setting.

The existing 1980s light industrial and warehouse units lie on what is now the boundary of parts of the extended Oxford Gardens Conservation area. These buildings, in themselves, cannot be claimed as having any heritage value or contributing to the conservation area. But their low height provides a western skyline and daylight/sunlight to the street, an attribute of the location which is immensely valued by those living on the eastern side of the street. This has become part of the 'setting' of this additional part of the conservation area.

RBKC Policy CL1(B) *requires development to respond to the local context*. The combination of sections of an EZ within an otherwise residential street has been the local context of Latimer Road for the past 40 years. But this is not the historic context of the street, nor the wider neighbourhood.

RBKC Policy CL5 on Living Conditions is more directly relevant to application [PP/23/00778](#). The StQW Forum supports the view of many objectors that the proposed height of the development, at 5 storeys, is contrary to CL5 (d) which *requires that there is no harmful increase in the sense of enclosure to existing buildings and spaces, neighbouring gardens, balconies and terraces* (see also below on StQW Policy LR5).

StQW Policy E2 states *Where development has adverse impacts on views and vistas within and from the StQW neighbourhood, to **resist proposals** which cause harm to, or fail to preserve or enhance, the character of the StQW part of the Oxford Gardens Conservation Area* (our emphasis).

To date, this StQW Policy has not been invoked or tested in RBKC decisions on previous applications for development in Latimer Road, as have been made by the council or by the Planning Inspectorate on appeal. Now that the conservation area boundary has been extended to relevant sections of Latimer Road, StQW Policy E2 needs to be applied. Even when taking account of the ‘planning balance’ on 8 new housing units and RBKC’s position in relation to housing supply, **we consider the present application for a 5 storey building fails to conform to StQW Policy E2.**

4. StQW Neighbourhood Plan policies on Latimer Road

The StQW Neighbourhood Plan (adopted 2018 as part of the development plan for the Borough and endorsed in the new RBKC Draft Local Plan under Examination) included a set of policies on Latimer Road. These have been referred to in a number of the objections from Latimer Road residents. These policies are highly relevant to a decision on application [PP/23/00778](#). As neighbourhood plan policies they carry more weight than the Design Code (which is SPD ‘policy guidance’ only).

As stated at NPPF paragraph 30: *Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict*. While we do not see any direct conflicts with RBKC policies in the 2019 Local Plan or new Draft Local Plan, this part of the NPPF makes clear that neighbourhood plan policies should be taken seriously.

We see this application as meeting StQW Policies LR1, LR2, and LR4. Policy LR3 on encouraging building uses which support the creative and cultural industries cannot be tested at this stage. Given the breadth of the new E1 use class a wide range of uses may choose to take up the commercial floorspace were this development to proceed.

The full StQW Policy LR5 reads as below:

LR5) 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:

- i) 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*
- ii) Meeting RBKC and national requirements on standards of daylight, sunlight, and visual privacy for occupants of new development and for occupants of existing properties affected by development*
- iii) No harmful increase in the sense of enclosure to existing buildings and spaces and neighbouring gardens.*

The StQW Forum made clear in the discussions on the Design Code for Units 1-14 that the wording ‘restore the original urban form of the street’ should be interpreted as meaning an ‘urban street’ in a London context with buildings of roughly the same built form and height on each side – rather than a replica version of the 19th century street as built. This point is clear from the wording in part i) of the policy with its reference to 4 storey buildings.

This height parameter of 4 storeys has always been part of the intended StQW policy framework for the western side of Latimer Road (see further under 5 below). The wording of Policy LR5 was agreed on a vote at an open meeting of StQW/SHRA at St Helens Church hall on February 5th 2015.

Sub-paragraph iii) of StQW Policy LR5 reinforces RBKC generic policy CL5 on ‘sense of enclosure’ and makes it specific to the context of Latimer Road. It is clear from the many objections submitted on this application that residents in the street (and some in Eynham Road in LBHF) consider the proposals in [PP/23/00778](#) to have a harmful impact.

On sub-paragraph ii) it is for the applicants to demonstrate (and RBKC officers to assess) whether RBKC and national standards on daylight and sunlight have been met. This should include reference to habitable rooms in lower ground floors/basements on the eastern side of the street.

We do not consider application [PP/23/00778](#) to conform with StQW Policy LR5 and ask the Council to recognise the weight of this street-specific NP policy in relation to any possible appeal.

5. The RBKC Design Code for Units 1-14 Latimer Road

As mentioned above, committee members of the StQW Forum (along with several residents in Latimer Road) took part in the series of project group meetings which led up to the finalisation of the detailed design code for Units 1-14 (the first example of such a code in the Borough).

On building height and massing the Design Code states:

4.1 Massing, scale and height

The massing and scale sections of this design code have been drafted with the intention of creating building massing and proportions that both respond to existing context and optimise the potential of the plots to units 1-14.

4.1.1 The massing, scale and height of proposals should positively contribute to the surrounding area. As outlined in section 3.2, all proposals should be no taller than either 4 or 5 storeys. 5 storey proposals will need to provide a detailed sunlight/daylight study, evidencing that adverse impacts to sunlight and daylight of neighbouring properties have been mitigated.

4.1.2 To reduce sense of enclosure and allow visual breaks between the units, all roof storeys should be set back from the immediate lower storey parapet of the application buildings east (Latimer Road), north and south sides by a minimum of 2 metres.

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.

The proposed overall height of the 5 storey building in this application is a fraction under 18m (17.985m). Given the Inspector’s conclusions on the appeal on Unit 11, we consider this proposal to be one floor too high at this location, within the run of Units 1-14. As noted under StQW Policy LR%, the position on townscape might be different for a 5 storey redevelopment of one of the units, with setbacks, sited closer to the southern end of the street and to the very tall buildings of the Imperial development in Wood Lane.

Pre-application advice and consultation feedback

The application documents have been published along with two sets of pre-application advice, the first dated 30/12/2021 and the second dated 22/11/2022.

We note the view of the planning officer in the 2021 advice, saying that *The Appeal decision for Unit 11 scheme PP/20/05721 dated 17/12/2021 means that four storeys plus set back fifth storey would no longer be acceptable due to the impact on townscape and the sense of enclosure. This overrides the earlier allowance in the Design Code for this height if supported by a light report. As such the proposed preapplication scheme is too high by one storey and proposals should be for a maximum of three above ground storeys plus set back fourth storey, as shown in the Model Plot diagram in the Design Guide*

The second set of RBKC advice in November 2022 took a different view, stating at paragraph 4.2 *The Latimer Road Design Code prescribes a total of 4 storeys (3 storeys with a set back fourth storey). It further notes that 5 storeys in total (4 storeys with a set back 5th storeys) will be acceptable, provided the applicant can evidence there would be no adverse impact to the sunlight/daylight of neighbouring properties. The proposal shows 3 base storeys with 2 set back upper storeys. While this is not the form that is advised in the design code, there is merit in setting back the fourth storey as this reduces the height presented directly onto Latimer Road and provides a parapet datum that relates relatively well with the residential properties on the east side of the street. However, the applicant is advised to explore how the massing to the 5 storey can be sculpted to reduce the impact of its height and to avoid top-heaviness.*

The Planning Statement from Savills accompanying the application gives the following explanation of this apparent conflict within two sets of RBKC officer advice:

Initial written advice provided by Officers expressed that a five storey development would not be supported. However, a follow-up email was received from the Planning Officer on 7th January 2022 (Appendix 1) following further internal RBKC consideration of the unit 11 appeal decision. This confirmed Officers advice that it may be possible to erect a 5 storey building along Latimer Road subject to sensitive design. The addendum advice outlined that the overall mass of the emerging proposals (3 storeys with set back 4th and 5th storey) was generally acceptable, provided the massing is appropriately handled. Officers noted that the Design Code accepts that 5 storeys with a setback top floor could be acceptable as long as it can be evidenced there is no adverse impact to daylight/sunlight of neighbouring properties.

We are not persuaded that the present proposals, with the setback 4th and 5th storeys, have been *appropriately handled or sculpted* to allow for this interpretation of the RBKC Design Code. If the Planning Department is perceived as being overly flexible in interpreting its own (first ever) Design Code, this will result in loss of confidence in any resident participation in what was presented at the time as an exercise in 'co-design' in drafting the detail of the Code for Units 1-14 Latimer Road.

The Inspector's decision to uphold the Council's decision to refuse the Unit 11 application (APP/K5600/W/21/3277364) said at paragraph 23: *To conclude, the proposal by virtue of its large scale and massing, use of inappropriate materials would not respect the context and character of the local area. Therefore, the proposal would conflict with the St Quintin and Woodlands Neighbourhood Plan 2018 (NP) policy LR5, as well as the Kensington and Chelsea Local Plan 2019 policies CL1, CL2 and CL12 in their combined design aims.*

The covering letter from Savills, enclosing the application documents for [PP/23/00778](#), stated *The proposals will deliver a significant uplift in commercial floorspace in accordance with aspirations for the Employment Zone, as well as delivering high quality new homes to meet identified borough needs.* At a consultation exhibition in Latimer Road in November 2022, I alerted the applicant team to the fact that the New Draft Local Plan would be amending RBKC Policy on Employment Zones to remove the 'significant uplift requirement' (see under 2 above). Hence a building with one floor of commercial floorspace removed would be policy compliant under the new Draft RBKC Local Plan.

In an email of 11th December, this option of removing one floor of commercial space was suggested by StQW to the applicants as a way forward, given the very marginal viability of commercial floorspace in Latimer Road and the risk of such new floorspace joining that in other buildings with vacant floors and office suites.

In relation to the Planning Inspector's comments above on building design, it has been evident from our own StQW/SHRA open meetings that local residents would give a more favourable response to an architectural solution which does not seek to be a 'statement' building. The design adopted for the redevelopment of Unit 1 Latimer Road (3 storey with a setback fourth in a traditional 19th century 'warehouse' style at a height of 14.3m) is now completed. The resultant new development is considered by many of our members to be a positive addition to the street, even if some residents on the eastern side continue to feel it is too high for the western side of Latimer Road.

Conclusion

It is of course for the Council to determine this application rather than the neighbourhood forum, and in doing so to interpret StQW policies as set out in the adopted neighbourhood plan. We ask the Council to consider the grounds for refusal set out in paragraphs 1-5 above, along with its own previous planning advice and the decision of the Planning Inspector on earlier proposals for Unit 11. **Taking account of all these considerations, we ask that the application [PP/23/00778](#) be refused.**

Henry Peterson, Chair
St Quintin and Woodlands Neighbourhood Forum
St Helens Residents Association
March 2023