

## St Quintin and Woodlands Neighbourhood Forum

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### **APPLICATION PP/24/05920 UNIT 9 LATIMER ROAD W10 REPRESENTATION FROM THE ST QUINTIN AND WOODLANDS NEIGHBOURHOOD FORUM/ ST HELENS RESIDENTS ASSOCIATION**

The St Quintin and Woodlands Neighbourhood Forum/St Helens Residents Association wish to object to this application, on the grounds set out below. These two bodies have a shared membership of 380 residents in the neighbourhood area designated by RBKC in 2013. The Forum was redesignated in 2023. The StQW Neighbourhood Plan was adopted by the Council in 2018 and forms part of the development plan for the Borough.

Our membership has been closely involved in planning policies for Latimer Road for over a decade. The StQW policies in the neighbourhood plan are specific to this street. This objection reflects views discussed and agreed at an open meeting of our members on 9th December at St Helens Church Hall. Forty five residents attended for a detailed discussion on the application.

In summarised form, our grounds for objection are:

1. The proposed building height does not conform with StQW Policy LR5 and should be reduced by one floor. We suggest a potential means of achieving this, minimising the impact on financial viability.
2. In terms of building design, the proposals do not conform with Local Plan Policy CD1 A and B on Context and Character.
3. Architectural design is out of character and not appropriate to the Oxford Gardens Conservation Area. The proposed elevational treatment is over-complex and incongruous, and will not harmonise with further developments in this row of light industrial units. The proposals are contrary to Local Plan Policy CD2 A, B and C and CD4 A and B.
4. Massing and height create a significant 'sense of enclosure' and the loss of views and vistas in this part of the street, contrary to StQW Policies E1 and E2 and Local Plan Policy CD9 D. Front facing balconies are not in accordance with guidance in the SPD Design Code and would cause significant loss of privacy to houses opposite.

#### **Policy context for the application**

The new RBKC Local Plan was adopted in July 2024. This includes Site Allocation SA9 for Units 1-14 Latimer Road (the row of light industrial units on the western side of the street) with a housing target of 70 units intended to be achieved through redevelopment of individual units over the plan period. Redevelopment of Unit 1 has been completed, and a final planning consent for redevelopment of Unit 10 was issued in June 2024,

It was the StQW Neighbourhood Plan in 2016 which introduced policy LR1, allowing for residential use of the upper floors at Units 1-14 provided that the ground floor (and any mezzanine floor) remains in commercial use. This variation to the then RBKC policy on Business Uses in Employment Zones reflected the views of local residents that the Latimer Road part of the Freston/Latimer EZ was not proving successful in terms of EZ objectives, with a growing volume of vacant commercial space.

The 2024 RBKC Local Plan fully endorses the policies in the StQW Neighbourhood Plan. Paragraph 8.24 recognises that Latimer Road needs a bespoke policy on Business Use and reads at *The only exception will be in those parts of the Freston/ Latimer Road Employment Zone which lie north of the Westway and within the area covered by the St Quintin and Woodland's Neighbourhood Plan, the document which forms part of our development plan. In order to reflect these locally determined policies and the more marginal nature of the commercial market in this small area, the Council will require new development to retain, or re-provide, existing commercial floorspace but does not require an additional uplift in the quantum of this commercial floorspace.*

The Forum has long supported the principle of a mixed use development on this and adjoining plots. But development needs to meet other parts of the suite of StQW policies for the street, specifically in relation to building height and sense of enclosure.

The SPD Design Code for Units 1-15 offers 'policy guidance' that supplements the Local Plan. But as a SPD, **this document does not set 'policy'**. The Local Plan, including its Site Allocation SA9, does not include a policy on building heights. The StQW Neighbourhood Plan, by contrast, does set such a policy. While the SPD Design Code includes a set of principles which carry some material weight, **this weight is less than for a neighbourhood plan policy.**

NPPF **paragraph 30** is clear that *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; unless they are superseded by strategic or non-strategic policies that are adopted subsequently* (our emphasis)

2024 Local Plan policies supersede StQW NP policies but do not supersede StQW LR5 on building heights in Latimer Road, which is a 'non-strategic policy'. In arguing for a reduction in height of one floor at Unit 9 the Forum is not seeking to undermine the Council's housing target in Site Allocation SA9. The SPD Design Code for the street offers 'guidance' on massing and building heights, but such guidance takes second place to StQW policies. StQW Policy LR5 'takes precedence'.

### **Guidance in the SPD Design Code**

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

Section 4 of the Design Code on Heights and Massing, along with the diagram at 4.1, and the 'model plot' diagram at page 60 all indicate building heights at three storeys and a set back fourth. Paragraph 4.1.4 states *The total building height for a four storey proposal should not exceed 14.3 metres from ground to roof level. This maximum dimensions are illustrated in diagram 4.1. **The application building is proposed to be 17.7m in height.***

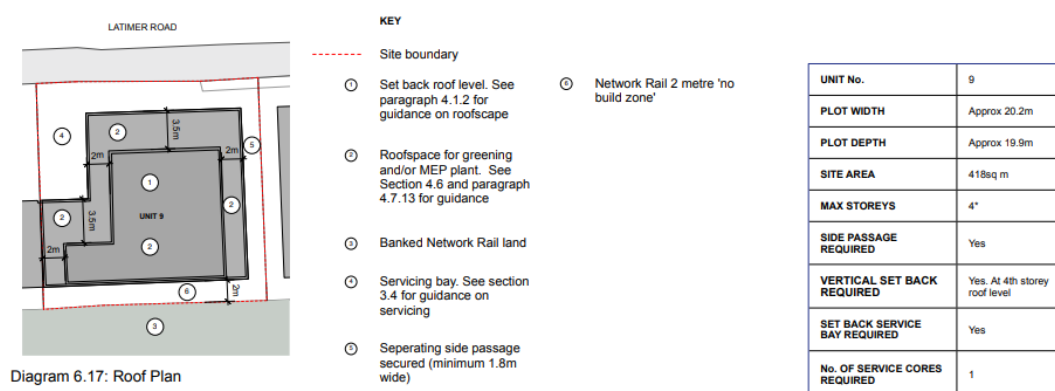
Paragraph 3.2.1 of the Design Code introduced an ‘option B’ on building heights. This reads *Four storeys with a set back fifth storey (five storeys in total), provided that applications are supplemented with a detailed sunlight/daylight study, evidencing there would be no adverse impact on neighbouring properties. Applicants should also evidence how adverse impacts to the sunlight and daylight of neighbouring residential properties have been mitigated*

It was on this basis that the five storey application at Unit 10 was granted consent by the RBKC Planning Committee on 12th December 2023. We continue to see this decision as being contrary to the 2019 Development Plan for the Borough (which includes the StQW Neighbourhood Plan). We do not see that this position has changed in relation to application **PP/24/05920**.

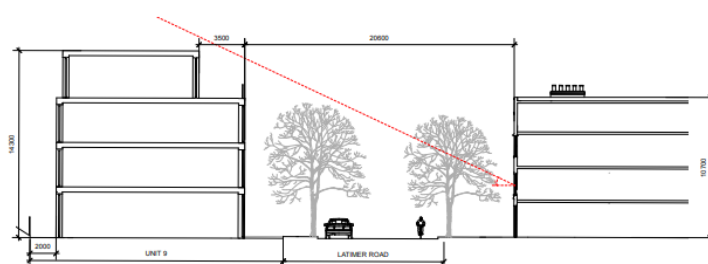
The RBKC Design Code includes diagrams and guidance on ‘model plots’ of each of the Units. That for Unit 9 is below. **While only ‘guidance’ as opposed to ‘policy’ several important aspects do not feature in the proposals in application PP/24/05920**

- The existing light industrial building is set back from the site boundary line. This position appears to be retained in the proposed ground floor plan but this is not clear. The drawings are scaled but with no dimensions, and are simplistic for a major development.
- The residual service yard is small and is shown with two trees planted in it. As recognised in the Design Guide, these yards play an important part at present in breaking up massing in the street, and admitting more daylight/sunlight. In mixed use buildings these service areas will be needed for the increasing number of deliveries to seven flats in the building, without causing traffic congestion in the street.
- The section below shows the impact of reduced daylight/sunlight on the houses opposite, with a three storey building plus a set back fourth. A separate objection from Latimer Road residents questions the assumptions in the Daylight/Sunlight study on impacts for Nos 276-282 Latimer Road. The cumulative impact of additional redevelopments at five rather than four storeys must also be considered.

## 6.9 Unit 9



\*See paragraph 3.2.1 for further guidance on heights.



Redevelopment of Unit 1 at the southern end of Units 1-14 (PP/19/00991) was consented in May 2019 (and has been built and occupied) at three storeys and a setback fourth. In terms of height (14.4m) as well as architectural design, this redevelopment of a light industrial building is now recognised by most local residents as setting a good precedent for the remaining units. Its design, simple appearance, and choice of materials are seen as being in character with the neighbourhood. This application predated the Design Code.



Subsequent proposals for Unit 11 (PP/20/05721) were refused by RBKC under delegated powers in January 2021. This decision was supported by the Planning Inspector on appeal.

We repeat below (in brown text) an extract from our previous objection to the application for Unit 10 (March 2023). **As explained below, it is evident from this sequence of pre-application advice that following the Inspector's decision, RBKC planning officers took the view that five storey buildings at this point in the street would not be acceptable even given the Design Code 'Option B'. But they then changed this view, seemingly in light of push back from Savills, in a further set of pre-application advice.**

### **Extract from our March 2023 objection in Unit 10.**

*"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 sun-light/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 2023 application gave the following explanation of this apparent conflict between 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 proposals (for Unit 10), 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.**

We consider the above comments to be as relevant to this latest application for Unit 9 as they were to that for Unit 10 last year. In May 2024 pre-application advice on this latest application at Unit 9, a five storey height is deemed by officers to be acceptable subject to a daylight/sunlight study and testing of visual impact.

The above is a lengthy analysis of the planning context and history. But it is a necessary reminder now that the 2024 RBKC Local Plan includes a specific site allocation and set of policies encouraging further mixed use development in this part of the Freston/Latimer Employment Zone.

Forum members feel that the neighbourhood plan and its policies **should be fully respected as having greater weight than the SPD Design Code**. It was the initiative taken by local residents in 2013 which opened up the prospect of mixed use and much needed new housing in a street experiencing continued decline and disinvestment.

At the 2016 neighbourhood-level referendum on the Draft Plan, 91% of the electorate voted in favour of the plan on a 23% turnout. But within the street itself there has been continued opposition to almost any form of change, as demonstrated by the subsequent high number of objections from residents in this street (and in Eynham Road in LBHF ) to each of the proposals which have come forward in recent years.

The long-term goal in the neighbourhood plan of regenerating Latimer Road as a successful mixed use street is now coming a step closer (after a decade of delay) with Imperial’s updated plans to construct a pedestrian/cycle underpass the West London Line. Hence the strength of local feeling at present that the right parameters must be set for the street.

The content set out above supports Grounds 1 and 2 of our objection as summarised at the start of this letter.

### Architectural Design

On Ground 3, we ask the Planning Committee to recognise that this building will potentially be one of 14 replacements for existing light industrial premises. All but two units (Nos 13 and 14) are in individual ownership. Attempts several years ago by a prospective developer to acquire six units for a more comprehensive redevelopment did not progress. Unit 12 is owned by RBKC and is occupied by community organisations.

The Inspector's appeal decision of November 2021, on proposals for a four storey redevelopment at Unit 11, commented *However, its excessive height in this location would not respond to the vernacular of the buildings opposite, to which it shares a close relationship. It would appear as an incongruous feature in this context, failing to respond to local distinctiveness and would not harmonise with the characteristics of the local area, thus failing to create a coherent streetscape.*

This application had been refused by RBKC on two grounds as below:

1. *By virtue of its vertical emphasis and largely commercial character the proposed design would be overly dominant and inappropriate for this location. By virtue of their number and difference from the surrounding townscape the proposed materials are unacceptable. As such the proposals would conflict with StQWNP policy LR5, as well as Local Plan policies CL1, CL2 and CL12.*
2. *The proposed design creates an unnecessarily overbearing structure which would harmfully increase the sense of enclosure within properties on the street to its east and would conflict with StQWNP policy LR5(vi) as well as Local Plan policy CL5.*

At our open meeting on 9th December 2024, after reviewing the CGI images of Unit 9 as below, there was strong support for an objection to include the ground of inappropriate and incongruous design.



*The Morelli building, Nos 341A and 341, and redeveloped Unit 1*

No one can claim that the 1980s office buildings at the southern end of Latimer Road are of exemplary architectural quality. The 'Morelli building' with a recording studio added to the top (architects Stiff and Trevillion) was the tallest in the street before the redeveloped Unit 1 and was used as a benchmark of 14m height during consultation discussions on the neighbourhood plan (and the Design Guide).

The Design and Access Statement submitted with the application sets out the context of the street. We agree with the description of its history, which reads *Latimer Road was predominately occupied by brickworks, potteries and laundries up until the end of the 19th century. Development was stimulated by the opening of the Hammersmith and City Railway in 1864 which opened up this relatively inaccessible area for housing for the working classes. Latimer Road was developed mainly with modest two-three storey workers' houses built in yellow stock bricks and simple pitched roof clad in slate .*

Local residents do not understand how this history is reflected in the design of Unit 9, as submitted in the planning application. We have real concerns that the requirements included in the Design Code (which the architects have sought to follow) have led to a design solution which is **peculiarly inappropriate** to the character of the street.

As set out in the D&A Statement, the Design Code includes a set of principle which (in our view) become prescriptive and over-detailed. For example **Frontage and elevation principles** - *The design of all elevations across the 14 units should correspond to a unifying principle which is a tripartite division: Base, Middle and Top, as illustrated in Diagram 4.2.*

**Facade Design** - *The elevation design is structured by the primary elements (Base Zone, Middle Zone and Top Zone) which must be defined as contrasting horizontal components. - The Base Zone should be characterised as visually transparent. The Middle Zone should be characterised in contrast to the Base Zone. The Top Zone should contrast to the Middle Zone beneath. The Base Zone and Middle Zone may share characteristics. - Rainwater pipes, balconies, balcony drainage and sanitary waste pipes should not be visible on primary or secondary elevations fronting Latimer Road. The horizontal articulation between the tripartite zones should be clearly distinguished and be the ordering principle of the design on the Latimer Road elevation. All facades should be layered and composed of parts to reduce bulk and to avoid monolithic reading buildings.*

This language is opaque to most of the public. What was clear from our recent meeting of 45 local residents is that they do not see the proposed elevational treatment as having any characteristics of the Oxford Gardens Conservation Area, or of Latimer Road itself.

The greatest concern locally is that a series of redevelopments replacing Units 1-14 will **not** prove to *harmonise with the characteristics of the local area*, and will *fail to create a coherent streetscape* (in the words of the Planning Inspector upholding the refusal on the Unit 11 scheme).



While the Design Code, with its requirement for 'primary elements' of a façade may have been intended by RBKC urban design staff to result in a relatively consistent and coherent sequence of new developments at Units 1-14, we fear that in practice it is proving to have the opposite effect.

- *The Design Code advises against the design of flat, monolithic reading buildings. The use of a secondary articulation expressed through small architectural details provide the facade with more depth and texture, further reducing bulk to the overall facade (extract from the D&A Statement). Has this led to a high quality design solution?*

The proposed ground floor 'retail shopfronts' with their extruded bay windows are intended to reflect a single perfumery identified by the architects from historical records (as stated in the D&A Statement). We do not see this feature as resonant of the 19th century character of Latimer Road, where joineries and laundries were more prosaic in their design.



*Latimer Road in the early 1900s, a busy thoroughfare between North Pole Road and Holland Park Avenue, with a mix of housing, joinery businesses, several laundry firms, pubs and footfall on the street.*

*From page 54 of the StQW Neighbourhood Plan*

### **Choice of materials**

In our input to the Design Code, the Forum was very supportive of the emphasis on the use of brick. We have worked hard to ensure that the 'red-brick' Edwardian facades in the many of the streets of the Oxford Gardens CA have not been overpainted. Other Victorian streets in the CA are built in grey brick or London stock. As said on page 23 of the applicant's D&A statement *Many of the buildings may also feature two colours of brick, red and buff, which adds visual interest to the building.*

Hence we do not understand why proposals for Unit 9 involve a light coloured brick on the main façade, with some terracotta-coloured glazed brick as a feature?





## Balconies

Paragraph 3.3.11 of the Design Code is clear that *Balconies of any kind should not be located on the primary frontage to avoid overlooking of neighbouring properties*. Yet the above CGI in the Design Code shows front balconies in use by occupants of the flats. **This is directly contrary to guidance and to RBKC Policy CD9 C.**

## Live/Work accommodation

Subsequent to our open meeting on December 9th, a copy of a set of pre-application advice from August 2023 was added by officers to the RBKC online planning file. This revealed that the applicants for PP/24/05920 had raised with planning officers the possibility of providing Live/Work units at both ground floor and first floor levels.

The StQW Forum discussed with planning officers the scope for Live/Work units at an early stage of preparing our neighbourhood plan in 2014/5. We were advised that the RBKC Local Plan ruled out this form of planning consent, on the basis that it had been misused in the past by those keen to convert commercial premises to residential accommodation. Experience had shown, we were told, that occupants used such accommodation for ‘living’ with very little evidence of ‘working’ on site.

We recognise that there was a move away from Live/Work by London Boroughs, in the early 2000s (see LBHF 2005 report *Does Live/Work*). But we think the potential policies needs another look in a post-pandemic era with London’s time-consuming commuting patterns.

We have long felt that Latimer Road is potentially an ideal street in which to allow genuine Live/Work usage and permissions. This reflects the 19th century use of terraced properties in the street and would (we believe) appeal to makers and those in the creative industries (see page 55 and StQW Policy LR3 in the neighbourhood plan (*‘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’*)).

As explained in the August 2023 pre-application advice, the RBKC policy obstacles to a Live/Work option for ground and first floor (as opposed to E1 use) are that Local Plan policy would resist any net reduction to the currently existing amount of Class E use, in a building within an EZ part of Latimer Road. The applicants were also warned that the overall residential floorspace might trigger a requirement for affordable housing.

In a context where planning policies are determined by local plan and also neighbourhood plan policies, we consider that there is a good case for some flexibility to be shown. **If carefully controlled Live/Work use was allowed for the ground and first floor of a redesigned Unit 9, this could allow for the removal of a floor and a consequent reduction in building height. This outcome, we believe, would create a precedent that could usefully be followed at redevelopments of other units.**

As detailed in the original 2016 StQW Neighbourhood Plan and in subsequent submissions to a RBKC ‘Enterprise Review’ the Latimer Road part of the Freston/Latimer Employment Zone has never helped to create or even retain significant numbers of jobs. The office buildings at the southern end prove hard to let and have high vacancy levels. A number of Units 1-14 have been used primarily for warehouse and storage purposes over the past decade. Local residents have doubts that the two floors of E1 floorspace in the consented

**We would therefore welcome discussions with planning officers and with the developers at Unit 9 on the scope for forms of Live/Work planning consent which are tailored to a row of former light industrial units that remain within an Employment Zone while transitioning to higher levels of residential occupation.** If this could include elements of affordable workspace/affordable living, we think this would meet high demand from younger creatives and makers currently being priced out of North Kensington.

The Borough cannot afford to lose this generation. In the 1970s the Council sponsored and funded innovative forms of co-ownership housing aimed at this demographic. A model developed for Units 1-14 could attract further proposals for redevelopment at other units. The Council, as the owners of Unit 12, could add to its housing stock and employment floor-space in the same manner.

### **Conclusions**

On the series of grounds set out at the start of this objection and supported with detailed information above, the StQW Neighbourhood Forum asks that this application PP/24/05920 be **refused**.