

**From:** Summer Wong  
**Sent:** 20 April 2023 15:51  
**To:** David Fowler; Planning Planning  
**Cc:** Karen Jones (London Planning); Patrick Marfleet; Alex Bushell  
**Subject:** Clockwork Factory Application, ref: 2020/2940/P  
**Attachments:** Clockwork Factory - Reps 20.04.23.pdf; Clockwork Factory - Reps on behalf of 11 Blackburn Road 01.04.2021.pdf

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Dear David

**REPRESENTATIONS TO PLANNING APPLICATION REFERENCE: 2020/2940/P AT  
CLOCKWORK FACTORY APARTMENTS, 13 BLACKBURN ROAD, LONDON, NW6 1RZ**

Our behalf of our client, Narrowpack Ltd, please see enclosed a further representations to the above application (ref: 2020/2940/P) at 13 Blackburn Road, London.

Also attached our original representation from 2021.

We look forward to receiving a full response to the significant concerns raised in this letter.

I would be grateful if you could confirm receipt and confirm that our objections will be reported to the Committee on 4<sup>th</sup> May.

Many thanks.

Summer

**Summer Wong** (She/Her)

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**Our ref: KJ/SW/26374**

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Date: 20 April 2023

David Fowler  
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Dear David

**FURTHER REPRESENTATIONS TO PLANNING APPLICATION REFERENCE:  
2020/2940/P AT  
CLOCKWORK FACTORY APARTMENTS, 13 BLACKBURN ROAD, LONDON, NW6 1RZ**

We write following the submission of our detailed representations (1<sup>st</sup> April 2021) on behalf of our client, Narrowpack Ltd, the owners of 11 Blackburn Road, which is adjacent to the above proposed development site. I have enclosed a copy of the original objection.

The application at 13 Blackburn Road, London, seeks the redevelopment for the following (ref: 2020/2940/P):

*‘Demolition of existing building and construction of three buildings between 1 and 9 storeys (plus basement) in height comprising 53 residential dwellings, 4,797sqm of commercial floorspace, publicly accessible space, landscaping and residents’ facilities including cycle and refuse facilities.’*

Since the original submission of the application ref: 2020/2940/P, the applicant has submitted further technical assessments in response to consultation comments, but the scheme proposed drawings remain unchanged. The additional technical analysis submitted between 2021 and 2023 cover the subjects of: air quality, drainage strategy, daylight and sunlight (DLSL), energy and sustainability, fire strategy, and viability.

We have reviewed these additional technical submissions against the original submission and have paid particular attention to the ‘Daylight and Sunlight Revised Note’ following BRE changes, by Point 2 Surveyors dated 28<sup>th</sup> September 2022, which is the only technical response which directly acknowledged one of the points raised in our letter of 1<sup>st</sup> April 2021. All other issues raised in our original letter remain unanswered.

**Further Assessment on the Proposed Development**

In summary, the proposals would prejudice a comprehensive redevelopment of the Blackburn Road area by restricting optimum future development at the neighbouring sites including 11 Blackburn Road, contrary to NPPF paragraphs 127 and 130, London Plan (2021) Policies D6, D8, D9, Camden Local Plan (2017) Policies H1 and A1, and Camden’s West End Lane to Finchley Road SPD (2021). The additional technical analysis submitted in 2021/22 did not address our concerns and original objections. We set out below our further assessment on the proposals.

**Daylight Sunlight Impact**

The applicant has submitted a ‘Daylight and Sunlight Revised Note following BRE Changes 2022, dated 28<sup>th</sup> September 2022 by Point 2 Surveyors’. This DLSL Revised Note has undertaken an assessment looking at

the impact of the proposed scheme at 13 Blackburn Road on the internal daylight level of the 2017 consented scheme at 11 Blackburn Road as a hypothetical situation. The DLSL Revised Note assessed 18 rooms on the southern elevation of the proposed 11 Blackburn Road, and 3 of the ground floor kitchens did not meet the BRE guidance. The applicant's Revised Note concluded this to be a good level of overall compliance in respect of the central London location.

Contrary to the applicant's optimistic assessment in the Revised Note on DLSL, we consider that the failure of the three ground floor windows on 11 Blackburn Road highlights the fact that the proposed development at 13 Blackburn Road would result in undesirable living conditions for future occupants at 11 Blackburn Road.

As stated in our original objections, the proposed scheme impacts are symptomatic of 'bad neighbour' development for the purposes of latest BRE guidelines (Site Layout Planning for Daylight and Sunlight 2022) as it is taking more than its fair share of light being located unreasonably close to the shared site boundary with no.11 (BRE 209, paragraph 2.2.3).

Moreover, 11 Blackburn Road is identified as a potential development site in the West End Lane to Finchley Road SPD (2021), where future development will be designed to maximise the development potential of the site, exceeding the development parameters of the 2017 consented scheme. The daylight sunlight impact of the proposed Block A would be exacerbated on any future development at no.11 Blackburn Road.

We would also point out that none of the submitted DLSL assessments has considered the DLSL impact of a redeveloped 11 Blackburn Road scheme (application ref: 2015/3148/P and 2020/5941/P) on the internal daylight level of the proposed residential Block A. This is particularly relevant when considering the amenity of the future residential amenity at Block A, given the close proximity between the two sites.

We will submit further evidence prepared by a DLSL specialist on the impact of the proposal on no.11. Determination of the application should not be made until further assessment on the development impact on no.11 is submitted and properly assessed by the Council.

### **Impact on Future Residential Amenity Due to Loss Of Privacy and Overlooking**

Camden Planning Guidance - Housing (April 2021) section 9.4 sets out the general principles for new homes, where it states that all habitable rooms must have a suitable outlook and have suitable privacy. Camden Planning Guidance - Amenity (April 2021) Section 2 on Overlooking, privacy and outline states that *'to ensure privacy, it is good practice to provide a minimum distance of 18m between windows of habitable rooms in existing properties directly facing the proposed (either residential or non-residential development) (section 2.4) ... There may also be instances however, where the historic character of the immediate area is composed of buildings positioned less than 18m apart and it will be appropriate to reflect this in the design of development schemes (section 2.6).*

As stated in our objection letter of 1st April 2021, there is no assessment or details available in the application submission, in order to understand the separation distance between the proposed scheme, the existing building or the previously consented scheme at no.11 (ref: 2015/3148/P and 2020/5941/P).

The proposed Clockwork Factory with a 6-storey residential building (block A) is located immediately in front of no.11. This Block A north elevation on levels 1-4 has bedroom windows (three on each level) and balconies (two at each level) facing no.11. The proposed Block A residents would therefore directly overlook no.11 and any future development at the site. Moreover, there appears to be less than 18m apart between the two sites, the proposal would therefore fail to achieve reasonable living conditions for future occupants at both sites due to limited outlook, loss of privacy and overlooking.

The existing Asher House at 13 Blackburn Road has rear windows facing no.11. However, Asher House was originally built as offices, and the Council did not consider or assess residential amenity in terms of outlook, overlooking and loss of privacy when the building was converted to residential use under Permitted Development Rights. The applicant should therefore review the internal layout of the residential Block A to ensure that there are no windows or balconies directly overlooking the neighbouring site at no.11.

## Office Block West Elevation Windows

The proposed office block (Block C) has windows on the high levels on its west elevations, which abut the shared boundary between nos.11 and 13. The submitted plans are inconsistent on the form and number of these windows. The proposed floor plans indicate curtain walling windows between the fourth and eighth floors; but the west elevation plan shows a mixture of curtain walling windows and solid element between the sixth and eighth floors. These high-level windows on the office block west elevation would limit the potential development height at no.11 to six storeys (including plant), particularly at the eastern part of our client's site, as any development at no.11 at the higher levels could block the windows at Block C.

The proposed floor plans (ref: ST-PR-02-104 to -108) should therefore be updated to be in line with the proposed office block west elevation (ref: ST-PR-03-103), where there are no windows between the ground and fifth floors levels on the office block.

## Lack of Permeability

As stated in our letter of 1st April 2021, the proposed Clockwork Factory development would frustrate the Council's aspirations for the Blackburn Road area as stated in the adopted West End Lane to Finchley Road SPD (September 2021). The proposed courtyard pavilion would act as a physical barrier preventing any future connection to no.11. The proposed floor plan of the pavilion does not have any visibility or direct access to the rear of the site which would lead to Billy Fury Way..

We therefore recommend that the ground floor layout of the pavilion could be amended to introduce an access point at the rear of the pavilion, which would allow a direct link between the proposed publicly accessible courtyard and Billy Fury Way (if considered appropriate), which would also offer a clean sight of line for pedestrians.

Finally, the applicant should clarify if there is any boundary treatment around the site, particularly at the shared site boundary with no.11 around the proposed Block A. Given the close urban grain character of the area, any non-permeable site boundary such as a fence or wall would worsen the sense of enclosure around the site; however, if there is no formal boundary treatment around the Clockwork Factory site, it could open up the area and create a sense of openness when viewed from Blackburn Road.

## Basement Assessment

As stated in our letter of 1st April 2021, the applicant should have submitted a revised Ground Movement Assessment (GMA) in order for the Council to make an assessment to ensure that the proposed basement would not result in ground movements during construction and operation, which could have a significant impact on the adjacent no.11. A revised GMA should be submitted and assessed before the Council make a decision on the application.

## Conclusion

As set out in our first objection letter dated 1<sup>st</sup> April 2021, and set out in our further assessment stated above, the proposed development at Clockwork Factory will have significant adverse impacts on the future occupants' amenity of 11 Blackburn Road (either as the previously approved 2017 residential scheme or an equally appropriate optimisation of the land for commercial led redevelopment) and may prejudice any future development of no.11.

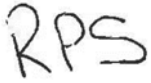
The proposals are poorly designed which will prejudice a comprehensive redevelopment of the Blackburn Road area and breach NPPF Paragraphs 127, 130 and Camden Local Plan Policies H1 and A1, as well as London Plan Policies D6, D8 and D9.

We will submit further evidence prepared by a DLSL specialist on the impact of the proposal on no.11. Further assessments and revision to the scheme is needed, as set out in this letter, before the Council can make an assessment on this application.

**Your ref: 2020/2940/P**

We ask that we are kept informed of the progress on this application and advised of the date of when it is likely to go to planning committee. We look forward to receiving a full response to the significant concerns raised in this letter and in our original letter dated 1<sup>st</sup> April 2021.

Yours sincerely

A handwritten signature in black ink, consisting of the letters 'RPS' in a stylized, cursive-like font.

for RPS Consulting Services Ltd  
On Behalf of Narrowpack Ltd

**Our ref: KJ/SW/23459**

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Date: 1 April 2021

David Fowler  
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Dear David

**REPRESENTATIONS TO PLANNING APPLICATION REFERENCE: 2020/2940/P AT  
CLOCKWORK FACTORY APARTMENTS, 13 BLACKBURN ROAD, LONDON, NW6 1RZ**

This letter has been submitted on behalf of **Narrowpack Ltd**, the owners of 11 Blackburn Road, who **object** to the above application (ref: 2020/2940/P) at 13 Blackburn Road, West Hampstead, London, which seeks the redevelopment for the following:

*‘Demolition of existing building and construction of three buildings between 1 and 9 storeys (plus basement) in height comprising 53 residential dwellings, 4,797sqm of commercial floorspace, publically accessible space, landscaping and resident's facilities including cycle and refuse facilities.’  
(Proposals)*

In summary, the Proposals are poorly designed and should, as currently proposed, be refused as poor design which fail to provide an addition to the overall quality of the area, good architectural practice and will prejudice appropriate change on neighbouring sites (including gentle densification) as part of optimising the use of neighbouring previously developed land to make an effective contribution to housing land supply. The Proposals should be refused in their current form under NPPF paragraph 127, 130 and Camden Local Plan Policies H1 and A1, as well as London Plan Policies C6, D8, and D9 on this basis. We explain the basis for this below.

**Local Context**

The 13 Blackburn Road site sits adjacent to 11 Blackburn Road, which is a 0.1 ha site located on the north side of Blackburn Road, bounded by Billy Fury Way and the railway track to the north, the Clockwork Factory to the south, the rear of West End Lane and Tower Mansions to the west, and Nido student housing to the east. 11 Blackburn Road is accessed via a lane to the west of the Clockwork Factory.

11 Blackburn Road has an east-west linear shape, currently occupied by two warehouses. The warehouse to the west is Victorian and consists of part one part two storeys with a pitched roof. The single storey warehouse to the east was built in the 20<sup>th</sup> century, and abuts the rear part of no.13 to the east.

The site at no.11 has long been recognised as appropriate for residential redevelopment. The Council granted planning permission on 5<sup>th</sup> May 2017 (ref: 2015/3148/P) for the '*demolition of existing single storey office building (Class B1) and replacement with 6 x two-bed houses (Class C3) (part 3/part 4 storey); refurbishment of Victorian warehouse (Class B1) and landscaping and associated works.*' This permission was due to expire on 4<sup>th</sup> May 2020. However, under the Business and Planning Act 2020, an application seeking Additional Environmental Approval to extend the 2017 permission to 1<sup>st</sup> May 2021 was approved (ref: 2020/5941/P) by the Council. The site at no.11 therefore has extant planning permission for redevelopment which remains a material consideration. The acceptability of the principle of development approved in 2017 itself also remains a material consideration regardless of whether the permission is implemented.

Moreover, as you are aware, we have been actively engaging with Camden Council in pre-application discussions for revised proposals for the site over the last two years. Our client therefore has clear aspirations to redevelop the site at 11 Blackburn Road with a residential-led redevelopment scheme.

11 Blackburn Road is, more generally, an identified development site, as indicated in the draft 'West End Lane to Finchley Road' Supplementary Planning Document (2021) where no.11 is acknowledged as part of the changing context in Blackburn Road.

This aspiration is recognised at the Council's emerging policy documents. The Council's Draft Informal Planning Guidance for 'A New Neighbourhood in West Hampstead' (September 2019) and the Draft 'West End Lane to Finchley Road' Supplementary Planning Document (SPD) (January 2021) have identified no.11 as a potential redevelopment site to the east of West End Lane. We also submitted representations to Camden's Call for Sites consultation in March 2020 for the inclusion of no.11 for future site allocations.

The appropriateness of optimising the contribution of the 11 Blackburn Road site to allow it to contribute to housing supply is therefore well established. The Proposals have not had any regard to this. We explain below why the Proposals are flawed as a result.

It is nonetheless evident that in principle the Proposals as they currently stand, would potentially compromise the opportunities on the eastern edge of the adjoining site 11 Blackburn Road land to achieve reasonable living conditions for future residents. This matter is critical to the proper determination of the application and a revised Daylight and Sunlight Report should be submitted and considered by the LPA before a decision is made on the acceptability of the proposal against the policies noted above.

In addition, the planning application, if approved in its current form, will render undeliverable the aspirations in the current draft 'West End Lane to Finchley Road' SPD. The draft SPD currently shows a new pedestrian and cycle street, together with public open space being provided within the application site. The development proposal is incompatible with the delivery of that infrastructure. This is expanded upon further, later in this letter.

We note that the draft SPD also has implications for the development of our client's site, and we will shortly be submitting separate representations in relation to it.

### **Proposed Development at 13 Blackburn Road Clockwork Factory (ref: 2020/2940/P)**

The Proposals seek to demolish the existing three storey residential Asher House facing Blackburn Road and the single storey warehouse to the rear, in order to redevelop the site for a residential-led mixed use scheme to provide 53 residential units and circa 4,800 sqm of commercial floorspace. The scheme comprises two residential blocks along Blackburn Road, i.e. Block A of 6 storeys plus basement, Block B of 7 storey plus basement, and a part 4 / 9 storey office block located to the rear (Block C). A single storey pavilion within the courtyard acts as a central lobby for all three buildings, which are also connected by a lower ground floor



that provides further office space along with cycle storage, plant and servicing. This is a car-free development with five disabled spaces provided on site.

Upon reviewing this planning application, it is evident that the proposed development will have the following significant adverse impacts on 11 Blackburn Road:

- Lack of assessment of impact on the extant permission at 11 Blackburn Road
- Impact on future residential amenity due to loss of privacy and overlooking
- Daylight/Sunlight effect and BRE Guidance failures which express design flaws
- Basement Assessment

We set out below our concerns and objections on these particular issues in detail below.

#### **Lack of assessment of impact on the extant permission at 11 Blackburn Road**

The application materials for the Proposals do not properly assess the impact of the Proposals on the redevelopment of 11 Blackburn Road. The Planning Statement Sections 4.17-4.18 state that the 2017 permission at no.11 expired in May 2020, and the applicant of the Clockwork Factory had high level discussions with our client on alternative development proposals at no.11 at the pre-application stage. The Design and Access Statement Section 2.18 'Recent & Planned Development' (p.26) does not make any reference to the 2015 scheme, with the existing warehouse at No.1 shown as it is. The Daylight & Sunlight Report prepared by Point 2 Surveyors Section 6.2 stated that ' 11 Blackburn Road is currently occupied for industrial usage. Whilst it is understood to have previously benefitted from a planning consent for redevelopment, this has not lapsed and was not implemented. As such we have not provided sunlight/daylight analysis for this property.'

As noted above, the redevelopment proposal at 11 Blackburn Road has been extended until 1<sup>st</sup> May 2021 (ref: 2020/5941/P). Even if the permission is not implemented, the appropriateness of residential-led optimisation of the site remains material. The loss of that opportunity is a key material consideration for the determination of the Proposals by reference to the policies referred to above. These impacts must be assessed in order for the Council to be able to properly consider the Proposals against the development plan and NPPF policies.

**The Clockwork Factory proposals should not prejudice future development at no.11**, which is a development site. The proposed development with high level windows on the office block's west elevation facing the site, would limit the development potential at no.11 to six storeys only, particularly at the eastern part of our client's site.

The submitted Daylight & Sunlight Report dated June 2020 (ref: P1382-v2) does not assess impact on development at 11 Blackburn Road. This omission means that the impacts of the planning application cannot be fully assessed for the purposes of relevant policies including NPPF paragraphs 122, 127, 130, Camden Local Plan Policy A1 and London Plan Policies D6 and D9. The Proposals cannot properly be determined in the absence of this information.

It is nonetheless clear that the design choices which have been made are symptomatic of 'bad neighbour' development for the purposes of BRE guidelines (Site Layout Planning for Daylight and Sunlight 2011) as it is taking more than its fair share of light being located unreasonably close to the shared site boundary with no.11 (BRE, 2.2.3 for example). This is highly material to the assessment against the policies noted above. We cannot see how the Council could properly conclude that these policies are being complied with given the form of development proposed on this elevation.

We also note that the proposed building footprint of Block A would extend up to its northern and western boundaries, almost to the width and length of the existing servicing road for the Clockwork Factory. The sole access route to No.11 would have a sense of enclosure having a 6-storey new building built right up to the shared boundary between the two sites.

As noted in the Council's draft Planning Guidance and emerging SPD for 'West End Lane to Finchley Road', the Council has aspirations for the delivery of a new link between Blackburn Road and Billy Fury Way, and a new 'public open space' situated between no.11 and 13, approximately to the rear of the proposed Block A at Clockwork Factory.

The proposed Clockwork Factory development would frustrate the Council's aspirations for the Blackburn Road area. The single level Pavilion proposed to the rear of the site would create a physical barrier preventing any future connection to no.11, and without providing any of the 'public open space' as envisaged by the emerging SPD. We would like to comment that, in an urban design context, the proposed Pavilion and Block C should be re-designed to allow a direct link between the proposed publicly accessible courtyard and Billy Fury Way, which also offer a clean sight of line for pedestrians, eliminating the fear of crime and potential antisocial behaviour, as highlighted by the Met Police's consultation response.

In short, we consider the current proposal at Clockwork Factory is a missed opportunity for creating a new linkage between Blackburn Road and Billy Fury Way, at the same time potentially prejudicing residential amenity on wider land acknowledged as appropriate for residential redevelopment.

#### **Impact on future residential amenity resulting in loss of privacy and overlooking**

Policy A1 of Camden's 2017 Local Plan sets out a number of criteria for judging impact on neighbouring residential properties in terms of losses of privacy and the creation of a sense of enclosure.

As noted above, there is no assessment or details available in the Clockwork Factory submission, in order to understand the separation distance between the proposed scheme, the consented scheme or the existing building at no.11.

The residential block immediately in front of no.11 to the south (Block A), on its north elevation has bedroom windows (three on each level) and balconies (two at each level) facing no.11 on levels 1-4. The proposed Block A residents would therefore directly overlook no.11 and any future development at the site. Further information stating the separation distance between the proposed Block A and the consented scheme at no.11 is needed before an assessment can be made about any potential loss of privacy or sense of enclosure.

The proposed office block (Block C) has windows on the high levels on its west elevations, which abut the shared boundary between nos.11 and 13. The submitted plans are inconsistent on the form and number of these windows. The proposed floor plans indicate curtain walling windows between the fourth and eighth floors; but the west elevation plan shows a mixture of curtain walling windows and solid element between the sixth and eighth floors. These high-level windows on the office block west elevation would limit the potential development height at no.11 to six storeys (including plant), particularly at the eastern part of our client's site, as any development at no.11 at the higher levels could block the windows at Block C.

The development of Block A and C with windows and balconies directly overlooking no.11 within close proximity would have an overbearing effect and prejudice the parameters for any future development on no.11. The proposal is therefore contrary to planning policy and fails to protect neighbouring amenity.

## Daylight Sunlight Impact

As stated above, the submitted Daylight & Sunlight Report (DLSL) prepared by Point 2 Surveyors has not provided any sunlight/daylight analysis for the consented scheme at no.11. We also note that a 3D model of the 2015 consented scheme at no.11 was included in Appendix C of the DLSL report. However, no assessment or analysis was provided in the main report.

We hereby request that a daylight sunlight analysis is undertaken in relation to the 2015 scheme at no.11. In the absence of such daylight analysis, the Point 2 Surveyors' DLSL Report is incomplete and its conclusions flawed. We consider that this analysis is essential before a robust decision can be made as to the acceptability of the proposed scheme.

Moreover, the proposed development at 13 Blackburn Road is considered as a 'bad neighbour' in accordance with BRE guidelines. BRE guidance states that a bad neighbour is one where an existing development is built up to the edge of its site and daylight and sunlight to this building is potentially disproportionately impacted by new development at adjoining site, reducing the scope for new development on the adjoining site, and taking more than its fair share of light. The BRE guidance (Site Layout Planning for Daylight and Sunlight 2011) states that *'A well designed building will stand a reasonable distance back from the boundaries so as to enable future nearby developments to enjoy a similar access to daylight. By doing so it will also keep its own natural light when the adjoining land is developed.'* The proposed 9 storey Block C is taking more than its fair share of light by being located uncommonly close to the site boundary and reducing the scope of new development at no.11.

## Basement Assessment

Camden Council commissioned Campbell Reith to carry out an audit of the submitted Basement Impact Assessment (BIA) and the preliminary Ground Movement Assessment (GMA) prepared for the no.13. The audit reviewed the BIA for potential impact on land stability and local ground and surface water condition arising from the proposed basement. The audit noted that the basement excavation in the western part will be in excess of 4m. The audit stated that the GMA should be revised and updated, following the applicant confirming the exact depth of the western part of the basement.

Given the close proximity of the proposed basement to no.11, we request that a revised GMA should be submitted with accurate details for the Council to make an assessment in order to ensure that the proposed basement would not result in ground movements during construction and operation, which could have a significant impact on the adjacent site at no.11.

## Conclusion

The impacts on the future residential amenity of 11 Blackburn Road (either as developed under the 2017 permission or an equally appropriate optimisation of the land for residential led redevelopment) are highly material for the purposes of Camden Local Plan Policies H1 and A1.

The Proposals are badly designed and breach policies NPPF paragraphs 127, 130 and Camden Local Plan Policies H1 and A1, as well as London Plan Policies D6, D8 and D9. The legal starting point for determination of the Proposals as they stand is therefore refusal.

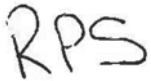
The Council also has insufficient information on these effects to be able to properly determine the Proposal as it stands. This includes the absence of a proper opportunity for interested parties such as our client to comment on both the information provided by the applicant in order to remedy this and the Council's conclusions on it.

Your ref: 2020/2940/P

We therefore strongly request that the missing information should be made available publicly and determination of the application should not be made until the additional information is submitted and the effect of the Proposals on the policies identified above has been properly assessed.

We look forward to receiving a full response to the significant concerns raised in this letter.

Yours sincerely

A handwritten signature in black ink, consisting of the letters 'RPS' in a stylized, cursive-like font.

for RPS Consulting Services Ltd  
On Behalf of Narrowpack Ltd