

Our ref: KJ/SW/26374

Date: 20 April 2023

David Fowler
Deputy Team Leader – Planning
Camden Council
5 Pancras Square
London
N1C 4AG

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 (1st 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 28th September 2022’, which is the only technical response which directly acknowledged one of the points raised in our letter of 1st 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 28th 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 1st 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.

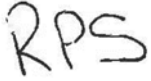
The proposals are poorly designed which will prejudice a comprehensive redevelopment of the Blackburn Road area and breach NPPF Paragraphs 127, 130 and Camden Local Plan Policies H1 and A1, as well as London Plan Policies D6, D8 and D9.

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 1st April 2021.

Yours sincerely

A handwritten signature in black ink that reads "RPS". The letters are slightly slanted and have a casual, cursive feel.

for RPS Consulting Services Ltd
On Behalf of Narrowpack Ltd