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Mr D Fowler
Planning Department
Camden Council

Our Ref: AGH/MG/11945

By email only

18th November 2016

Dear Mr Fowler,

RE: OBJECTION TO PLANNING APPLICATION FOR THE REMODELLING, REFURBISHMENT AND EXTENSION OF EXISTING OFFICE BUILDING (CLASS B1) AT UPPER FLOOR LEVELS, ROOF LEVEL AND WITHIN LIGHTWELLS TO PROVIDE 9,682SQM ADDITIONAL FLOORSPACE, INCLUDING TERRACES, A NEW PUBLIC ROUTE, A RELOCATED OFFICE ENTRANCE (CHARING CROSS ROAD), ROOFTOP PLANT AND FLEXIBLE RETAIL USES (CLASSES A1/A3), ALONG WITH ASSOCIATED HIGHWAY, LANDSCAPING AND PUBLIC REALM IMPROVEMENTS (REF: 2016/5202/P)

My clients, the Directors of 1A Phoenix Street Ltd, would like to strongly object to the above proposals on the grounds set out below.

Firstly, we must bring to the Council's attention the fact that our client was not informed about this proposal until the developer provided a letter stating that the application had been submitted. This was received after the statutory consultation period had closed and although this is no fault of the developer (as they are not required to provide notice to neighbours), this is neither acceptable nor conducive to inclusive planning and we would question the appropriateness of the neighbour notification procedure undertaken by the Council.

We note that the Council confirm that they will no longer, as a matter of course, provide neighbour consultation letters as part of an application. However, it is noted that the Council operates an email alert system to notify residents of planning applications in their neighbourhood, which our client had signed up to, although in this instance nothing was received.

Whilst our client recognises that the existing building is not of any particular architectural merit, is somewhat 'of its day' in terms of design and appearance and that some form of new development would potentially be acceptable on the site; it is considered that in respect of this particular application there are a number of issues which are unacceptable. As such, our client wishes to object on the following grounds.

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Sunlight/Daylight

We have some considerable concern with the submitted Daylight/Sunlight Assessment undertaken by GIA. Our client has commissioned their own assessment and this can be found at **Appendix 1**. This concludes that the submitted report makes various assumptions about neighbouring buildings and especially our client's property at 1A Phoenix Street.

In terms of daylight the submitted report it is noted that only 20.9% of apertures tested meet the Vertical Sky Component (VSC) methodology. It is the case that the building currently receives little light to existing kitchens and bedrooms, and the increased massing of 125 Shaftsbury Avenue will exacerbate this to the detriment of existing occupiers/owners. Furthermore, we have some concern that the assessment may have used incorrect floorplans for the property in the NSL methodology and therefore the results and findings are likely to be favourable to the developer. It is imperative that this is reviewed and resolved.

A simple review of the shadowing models contained within the assessment clearly demonstrates that at certain points of the year, our client's property and many others in the locality, will be impacted significantly by the proposed development.

The Housing SPG 2016 sets out that unacceptable harm should not arise from new development particularly in regard to privacy and overshadowing. It is acknowledged that a degree of flexibility to the BRE guidelines should be applied when assessing the impacts of daylight/sunlight of new developments on surrounding properties, however, in this particular case it is clear that the proposal would result in severe consequences for neighbouring properties.

This is reinforced by Camden's Development Policy DP26, which states that the Council will protect the quality of life of occupiers and neighbours and ensure that new development does not impact privacy, cause overlooking, overshadowing or impact sunlight and daylight.

Massing and Scale

The above concerns regarding sunlight/daylight to our client's property are a direct result of the proposed increase in massing and scale of the building immediately opposite his property.

Currently, 1A Phoenix Street is provided with some relief through the existence of an area of open space immediately opposite the site frontage. This area delivers significant amenity value to the occupiers of 1A Phoenix Street and provides important 'breathing space' and a modicum of sunlight and daylight to enter the property. It is acknowledged that the existing building at a height of 7 storeys extends for approximately half of Phoenix Street, from its junction with Charing Cross Road. Although this is an uneasy relationship between 125 Shaftsbury Avenue and the flats at 1A Phoenix Street due to the mismatch in scale and massing of the two buildings, it is considered acceptable given the area of open space at the corner of Phoenix and Stacey Street.

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Planning policy at all levels seeks to achieve high quality design so that new development does not result in poorly considered schemes which do not contribute to their locality or impact upon the people that live there. This is reinforced by Policy 7.6 of the London Plan, Policy CS14 of the Core Strategy and Policies DP22, DP24 and DP26 of the Development Policies of Camden Council.

Whilst it is noted that the upper floors of the proposed redevelopment have been stepped back to provide relief and improve sunlight/daylight to neighbouring properties, the introduction of an infill development on the area of open space immediately opposite 1 Phoenix Street coupled with an additional storey of development will result in a significantly overbearing property.

This increased massing and scale of the proposed building will not only result in the outlined loss of daylight and sunlight (as acknowledged by the developer's own assessment) but will result in a development which does not sit comfortably on its plot and results in an overbearing impact on neighbouring development. It is considered that there is an opportunity to provide increased scale and massing on the site, where the intersecting highways provide the width to allow for this increase. However, Phoenix Street is a very narrow road and the increased massing of the building along this highway will result in an alleyway effect resulting in a poor relationship with neighbours that will only increase the threat of anti-social behaviour.

Conservation Area

The proposed location falls directly adjacent to the Denmark Street Conservation Area. In planning terms Conservation Areas should be afforded great weight in relation to their conservation. In particular, Core Strategy Policy CS14 seeks to preserve and enhance Camden's rich and diverse heritage assets and their setting, including the Conservation Areas, which is further reinforced by Paragraph 132 of the National Planning Policy Framework. Whilst it is accepted that opportunities should be explored for new development within Conservation Areas and within the setting of heritage assets, the current proposals are not considered to respect this setting, seeking instead to substantially increase the massing of the building located towards the Denmark Street Conservation Area and adjacent listed buildings, thereby failing to take account of these important heritage assets as required by Policy 7.8 of the London Plan.

Conclusion

Given the above, our client, wishes to object in the strongest possible terms to the proposed remodeling of 125 Shaftsbury Avenue. It is considered that the proposal has given little thought to the impacts of the development on neighbouring properties within the locality.

Whilst it is commended that the proposal seeks to make improvements to the public realm and external areas of the development to reduce anti-social behaviour; the substantial increase in massing and scale of the proposed building will not only result in an expansive and overbearing building on neighbouring development but, as the submitted daylight/sunlight analysis and our client's own consultant demonstrates, a severe impact on the living conditions of people within the vicinity. The resulting built form will in turn negate any proposed improvements to the public realm.

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I trust that these comments are clear and will be taken into account when considering this proposal. However if you require any further information, please do not hesitate to contact me.

Yours sincerely



Alex Hicken
Managing Director

Cc. 1A Phoenix Street Limited



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We have been instructed by the leaseholders of 1a Phoenix Street to review the Daylight and Sunlight Report for the development at 125 Shaftesbury Avenue, and pass comment on its assumptions and conclusions.

We consider this report to be overly favourable towards the development, and makes many arguments to fit the case. It would seem that justification for light loss is attributed to balconies, proximity of the development and that it is acceptable for built up urban environment. It ignores the fundamental issue that most windows to 1a Phoenix Street will have a noticeable change in daylighting and sunlighting levels.

Daylight

Firstly, the third paragraph of the Executive Summary states that the impacts are 'fully compliant' with the BRE Guidelines, however we do not share this view.

Only 20.9% of the apertures tested to 1a Phoenix Street pass the Vertical Sky Component (VSC) methodology (not 27.9% as stated in the report). Many of the remaining windows are to kitchens and bedrooms (which the BRE guide notes daylight is required). These have very poor light anyway and it would be detrimental to reduce their light further through this development.

The No-Sky Line (NSL) methodology has been completed using assumed room layouts. If these are not correct they can alter results favourably. I am informed by my client that the plans used from an old planning application, are wrong and would therefore skew results.

ADF

As a further test the report takes any rooms that do not fulfil the VSC and NSL methodologies and assesses their ADF figures. This is a much less stringent method of testing and is not recommended by the BRE for use on surrounding properties.

Furthermore, we note that both the *glazing transmittance* and *surface reflectance* figures have not been provided in the results. These must be correct as they can alter the ADF results dramatically.

Sunlight

The fifth paragraph of the *Executive Summary* states that 'the sunlight criterion demonstrates a very good rate of compliance for such a dense urban site', we disagree with this statement.

The BRE Guide notes that only living rooms should be tested for sunlight to their windows, there are 14 of these (not 33 as noted in the report). Following the Annual Probable Sunlight Hours (APSH) test, 42% of these will fail the BRE Guidance.



Many of these windows will far exceed the recommended maximum loss amount of 20%, stated in the BRE Guidance. The windows will see up to 66% of their sunlighting reduced and will be significantly detrimental to the enjoyment of these rooms.

Having reviewed this development and surrounding situation, we believe there will be an adverse impact to 1a Phoenix Street in both daylight and sunlight terms.

Yours Sincerely



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