



OpticRealm

Mr Rob Tulloch
Development Management
London Borough of Camden
Camden Town Hall
Judd Street
London WC1H 9JE

17th January 2017.

Dear Mr Tulloch,

**Re: Application reference 2016/2457/P;
1-3 and 4, 6 and 8 Ferdinand Place London NW1 8EE**

Further to this company's representations of 7th July 2016 on the originally submitted scheme I have now had the opportunity to obtain advice and therefore submit the following objection to the revised scheme.

Opticrealm Ltd are the freeholders of twenty residential units which are located immediately adjacent to the application site, comprising of the following: 2 Ferdinand Place, 10 Ferdinand Street, 12 Ferdinand Street.



Figure 1: Plan showing the application site in red and sites owned by Opticrealm Ltd in green.

Daylight and Sunlight

The revised report prepared on behalf of the applicant by GVA only shows the updated technical appendices rather than the main body of text and does not make any reference to justifying the impacts on the properties at 2 Ferdinand Place, 10 Ferdinand Street and 12 Ferdinand Street.

It is clear that the assessment of 2 Ferdinand Place is not correct and by simply searching the planning records one can see application 2006/5900/P shows the correct layout configurations.

From our consultant's review, the only noticeable difference between the April 2016 scheme and the revised scheme is that the developer has removed the top storey massing from the proposed block 'B'. It is clear from the GVA results that the design amendment has not reduced the level of impacts on the properties owned by Opticrealm:

2 Ferdinand Place

Similar to the April 2016 scheme, the Vertical Sky Component (VSC) assessment shows some significant reductions, ranging between 22% to 37% to the ground and first floor levels when comparing the existing and the proposed condition.

GVA were contacted by Opticrealm's consultants, Anstey Horne, in June 2016 requesting that they update their technical assessment as the internal layouts used to model the assessment were not a true representation of the actual layouts. GVA whilst acknowledging receipt of the letter stated that their client was still working on the design proposal and that they would wait before arranging a site visit until a new scheme had been developed. Clearly this has never happened and the significant issues raised at the time, have never been addressed.

It is therefore clear that the report and revised appendices prepared by GVA have been produced based on incorrect and inaccurate information. Furthermore, it is clear that the developer and GVA have been made aware of this fact.

10 Ferdinand Street

With regard to this property, the results show no change from the April 2016 assessment. Only the corner windows/rooms facing on to Ferdinand Place have been tested, whilst there are further windows/rooms on the north facing elevation that have not been included in the technical assessment.

12 Ferdinand Street

Similar to the April 2016 scheme, the results show that there are significant reductions in light to the bedrooms within each of the flats from the ground to the second floor levels. Two bedrooms at the first floor level obtain ADF levels of 0.1% and 0.2% in comparison to the 1% minimum recommended by the BRE guidelines. The second floor bedrooms also obtain low levels of ADF (0.41% and 0.42%) which clearly shows that all of the bedrooms will receive a very poor level of light.

With regard to the ground floor studio, the BRE guidelines suggested a target of 2% but one would expect a level of at least 1.5% ADF to be achieved. The result shows that this room obtains an ADF level of 0.83%, (nearly no light at all) which is evidence that over half the light is reduced to this room with the proposed development in place.

Given that the applicant's consultants have been informed that their assessments are fundamentally flawed as they are based on wholly inaccurate layouts (particularly in relation to 2 Ferdinand Place) and that accurate layouts for the neighbouring properties are freely available with site visits being offered to the applicant's consultant to verify these layouts, one might reasonably conclude that the intention of the applicant is to misinform or mislead the local authority in relation to the extent of the harm to neighbouring occupiers' amenity in terms of loss of light.

Furthermore, the Local Authority were made aware of the fact that the GVA report was based on inaccurate information in this company's letter of 7th July 2016, a point that is reiterated here.

The local authority has a responsibility to take into account material planning considerations in determining applications. The local authority cannot reasonably be expected to fulfil this role if they have been presented with inaccurate or misleading information. However, in the knowledge that this might be the case, the local authority has a responsibility to establish the facts.

If the Local Authority proceeds with an approval of the application based on the GVA Daylight and Sunlight report as it currently stands, the decision will become the subject of an application for a Judicial Review.

Other Matters

There remain further objections to the original scheme which the revised scheme fails to address. These objections are detailed within our letter of 7th July 2016.

Conclusions

Opticrealm Limited, the freehold owner of the 20 residential units located at 2 Ferdinand Place and 10 & 12 Ferdinand Street, objects to the proposals contained within application reference 2016/2457/P for the reasons set out above and within our letter of 7th July 2016.

We believe that at present the Council has insufficient accurate information to adequately assess the harm particularly in terms of daylight and sunlight to neighbouring properties, and the information, such that it is, that the applicant has presented demonstrates a very significant detrimental impact on the amenity of adjacent neighbours to the point that, in at least one case, daylight will be reduced to a point where near enough no light at all is entering the window, and in other cases very poor levels of light will be received.

Most importantly, the information submitted by the applicant and prepared by their consultants GVA is incorrect and/or inaccurate to a material extent, resulting in the local authority having misleading information with which to determine this application. Such a situation would mean that in light of an approval by the local authority, this company would seek a judicial review of the decision.

Furthermore, to approve proposals that had such a significant effect on amenity would be contrary to both Local Plan policies and the National Planning Policy Framework, and in the context of a potential challenge to any future approval, could only be viewed as perverse or irrational.

Should this matter proceed to be heard by the Development Control Committee, we would request the opportunity to address that committee.

Yours sincerely,

Mr Nick Cockburn
Opticrealm Limited