

POINT 2 SURVEYORS LTD
17 SLINGSBY PLACE, LONDON WC2E 9AB
TEL: 0207 836 5828



JUSTIN BOLTON • BARRY HOOD
• ANDREW CARTMELL • CHRIS SKELT •
NICK LANE • LIAM DUNFORD

Jonathan Ordidge
Senior Planner
GL Hearn Limited
280 High Holborn
London
WC1V 7EE

22 November 2018

Dear Jonathan,

RE: The Proposed Development at 7abc Bayham Street (Planning Ref 2018/2637/P) Letter of Objection

I write in relation to receipt of the objections associated with the development at 7 ABC Bayham Street, London, NW1 (Planning Application Ref 2018/2637/P). We have been provided with an objection letter from GIA who are representing the freehold owners at 2 & 4 Kings terrace and 9 Bayham Street. It is noted that a separate objection has been made to the local authority by the same freehold owners for which refers to the GIA letter.

The basis of this response therefore concentrates on the specific points made within the GIA letter dated 18th October 2018. A number of key points have been raised and importantly confirmation and appreciation by the owners of 2 & 4 Kings Terrace and 9 Bayham Street that substantial reductions in massing have been made to the scheme during the evolution of the project and ahead of the planning application. It is important to note that when concerns were raised by the freehold owners of 2 & 4 Kings Terrace and 9 Bayham Street, Camden Lifestyle (UK) Limited did take on board the feedback and sought to limit the potential amenity impacts to the neighbouring properties. The tiered scheme has sought to limit the potential amenity changes to the neighbouring properties.

The application scheme and the technical analyses undertaken by Point 2 Surveyors have been carried out by reference to the BRE Guidelines and in particular their publication "Site layout Planning for Daylight and Sunlight – A Guide to Good Practice 2nd edition (2011)". Which has been adopted by Camden in their UDP. The BRE has been assembled to provide assistance in understanding potential light effects to properties that adjoin development sites but is essentially an advisory guideline rather than an instrument for planning policy and indeed a document used to ensure a developer does not give rise to daylight impacts to existing neighbouring buildings. The BRE further acknowledge that in an urban location greater flexibility of the guidelines should be applied as the expectation for natural light is considered less than when compared to a suburban location. Achieving full BRE compliance is challenging in an urban setting and thus local authorities, the GLA as well as Planning Inspectors have sought to all consider retained values of light that are commensurate with the local area. Despite this, the strict application of the BRE does result in an overall VSC compliance rate of 95%.

Point 2 Surveyors have explored the urban setting and retained values to some degree where the headline output from the eight million VSC calculations shows that a VSC value in the region of between 13-17% would be expected for an urban location. The Planning Inspectorate from the Whitechapel

Estate site appeal (Ref:APP/E5900/W/17/3171437) also thought that a retained value along these lines would be acceptable in an urban setting. It is understood that GIA provided the supporting evidence for this case and thus I would question any suggestion that these alternate target values are unacceptable.

There are 18 windows within 2 & 4 Kings Terrace and 9 Bayham Street which have been considered for the daylight review. 12 of the windows will return a VSC value in excess of 13% of which 9 windows will have a retained VSC of over 20% with the implementation of the proposed scheme. Given the urban nature of the area, these retained values are considered exceptional. There are 6 windows that will have a retained value of less than 13% although 4 of these already have a VSC of less than 13% in the existing condition. Importantly, (and even as a result of the low-level baseline light condition) the greatest alteration equates to a percentage reduction of 27% from the former value (W1/90 which serves a study – existing VSC 9% reduced to 6.57 absolute -27% change). The suggestion that the proposed scheme causes significant light impacts is therefore unfounded. Furthermore, it is also acknowledged that under paragraph 123 of the NPPF (2018) specific reference to a flexible approach in applying policies over guidance relating to Daylight and Sunlight where they would otherwise inhibit making effective use of a development site. This is a key and important point as the current 7abc Bayham Street development site is relatively low in massing and the existing building does not occupy the entire site footprint. In such situations any additional height to the existing site building would translate into changes in light to the neighbouring properties - that are beyond the strict application of the BRE guidelines. Point 2 Surveyors have worked closely with the architects in order to assemble a development envelope in order to limit the potential light effects to neighbouring properties for which the application scheme reflects.

The GIA letter makes specific references to the VSC & NSL changes to both windows and rooms within 2 & 4 Kings Terrace. The windows and their specific locations and proximity to the development site have been recorded from assembling a computer model from a scan survey. The rooms behind the apertures have been determined by reference to some information secured from the planning portal as well as the scan data which in some instances did penetrate through the aperture and confirm the depth of those rooms overlooking the development site. The computer model assembled by Point 2 Surveyors therefore reflects the best information practically secured ahead of any application notwithstanding that these could only be confirmed by securing access into the buildings. It is acknowledged that an invitation was extended to our client in relation to discussing the proposed scheme although this was before substantial alterations were made to the proposal and thus a meeting was premature at the time. Our client would, however, be willing to discuss the application with the owners of 2 & 4 Kings Terrace and 9 Bayham Street.

The GIA objection letter further makes reference to the Sun Hours on Ground assessment which Point 2 Surveyors have undertaken both on March 21st and separately on June 21st. This considered the midpoint and the high positioning of the sun from the horizon and concentrates the review on the specific amenity areas (or those areas that could be used from an amenity perspective). Whilst it is acknowledged that there will be some reduction to the sunlight hours, this is not considered to be excessive and by no means at odds with the intension of the BRE guidelines. The amenity area can still receive sunlight and be enjoyed throughout the year.

There is a planning consent for the 9 Bayham Street and 2 & 4 Kings Terrace properties. GIA do make reference to this and the suggestion of the inclusion of a window on the flank wall elevation facing towards the development site within the technical analysis. Whilst I am not able to comment on the potential legal standing of an aperture on the boundary, I do believe that the inclusion of this window



within the analysis would translate into a Daylight (VSC) transgression. However, it is also acknowledged that the consented scheme for 9 Bayham Street & 2 & 4 Kings Terrace would substantially change the internal configuration and add significant glazing (including roof lights) to a number of the rooms which the Point 2 Surveyors report currently identifies as experiencing BRE transgressions. Importantly, if the analysis was to include the extent of the consent, then the overall conclusions reached in the Point 2 Surveyors Daylight and Sunlight report would be very different in that the impact position would be far less than what is currently being communicated. The planning permission for 9 Bayham Place and 2 & 4 Kings Terrace will improve the daylighting position – with the scheme in situ.

The submitted Daylight, Sunlight and Overshadowing Report should be read in full but briefly, it concludes:

“The results of the detailed technical assessments highlight that the majority of the neighbouring buildings will be BRE compliant in respect to daylight and sunlight amenity. Where there are changes which fall short of the BRE criteria, these are a product of the proximity and location of sensitive windows that overlook the development site.

The overshadowing results show that the proposed development will have a negligible effect on neighbouring amenity areas. Whilst there will be a minor reduction to one amenity area on 21st March, an additional assessment on 21st June has been undertaken which demonstrates that there will be an improvement in sunlight availability at certain times of the year.”

Therefore, it is considered the proposed development does not cause an unacceptable harm to the amenity of neighbouring properties by way of daylight and sunlight or overshadowing, and thus accords with London Plan Policy 7.6, and Policy A1 of the Local Plan.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Justin Bolton', with a long horizontal stroke extending to the right.

Justin Bolton

Partner

For and on behalf of Point 2 Surveyors