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17 SLINGSBY PLACE
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20th January 2021

Dear Hannah,

RE: PROPOSED REDEVELOPMENT OF 14-19 TOTTENHAM MEWS ND 11-12 TOTTENHAM MEWS

Thank you for providing me with a copy of the Right of Light Consulting ('RTL Consulting') letter dated 8th January 2021 which has been prepared on behalf of the owners of flats 1, 3 and 7, 11-12 Tottenham Mews. The letter is essentially a critique of our Daylight and Sunlight report dated November 2020. I have considered the contents of the letter and I set out below my general observations and the specific points relating to flats 1, 3 and 7.

Overview

The letter begins with an introduction to the BRE Guidelines and a narrow extract (half a paragraph from a 72-page document) from the Introduction to the BRE Guide. Presumably this is to provide context to their critique of the results for the flat owners they represent. The RTL Consulting letter makes little attempt to give due consideration to the fundamental and underlying themes of the BRE Guidelines and how they are conventionally applied within a city centre environment such as this.

Whilst I fully accept that it is appropriate for RTL Consulting to identify the effects of their clients' properties, there is a stark absence of any objectivity or holistic appreciation of the factors that are of material relevance to the assessment of Daylight and Sunlight on this site. There is no acknowledgement that the development site is located within Zone 1 of central London, where the urban grain differs greatly from the suburban context upon which the BRE Guideline specification is predicated; a principal that is uniformly acknowledged by planning authorities and professionals across London.

There is no acknowledgement that the site is situated in a mews location, where the availability of natural light is invariably lower than that of conventional street patterns in central London.

The letter fails to recognise that the principle of the redevelopment of the site is established within the Fitzrovia Area Action Plan, which identifies the site as an 'opportunity site' for development. This site is also a designated development site within the draft site allocations document 2020 (Policy IDS2) where the existing 2012 consent is also referenced. The principle of redeveloping a brownfield site for affordable housing in a highly accessible location is consistent with the objectives of Camden planning policy and in accordance with the Government's overarching objectives for sustainable growth.

There is no acknowledgement that within the Introduction to the BRE Guidelines (the same Introduction that RTL Consulting selectively cite in their letter) that the BRE expressly state that a higher degree of obstruction (i.e. reduction) may be unavoidable if new developments are to match the heights and proportions of existing buildings. This point is all the more relevant to the application site given the uncharacteristically low-rise nature of the existing building (a two-storey structure) by comparison to the prevailing scale of the wider context, which is typically defined by buildings of between 4-6 storeys and in some instances, 8+ storeys.

Similarly, context is not solely defined by the buildings which have historically occupied a particular area; it must also consider how an area will change over time as new development responds to the evolving urban grain. The Arthur Stanley House development (which considered the 5 storey 2012 consent for the site within its context) and the recently approved 13 Tottenham Mews both effectively provide buildings that are equivalent in scale to 5 storey residential buildings. 44 Cleveland Street (former Middlesex Hospital Annex Site), which is located immediately to the north of the site and will be connected to the application site via the provision of a new route through the site is a 5 storey building although it will appear closer to 6 residential storeys as it contains two floors of commercial space.

Therefore, the BRE's advice that greater effects can be expected when new development responds to the development context is particularly pertinent to this site, yet no consideration is given to this fundamental principal whatsoever.

This point is specifically considered by Camden's Planning Guidance on Amenity which states;

"While we strongly support the aims of the BRE methodology for assessing sunlight and daylight we will consider the outcomes of the assessments flexibility where appropriate, taking into account site specific circumstances and context. For example, to enable new development to respect the existing layout and form in some historic areas, or dense urban environments, it may be necessary to consider exceptions to the recommendations cited in the BRE guidance."

Finally, on page 2 of their letter, RTL Consulting present a table which categorises daylight losses in percentage terms as negligible to major adverse. They claim that *'it is well recognised in practice that the reduction in light is defined as set out below'* (their table).

As you will be aware, classifying effects is a requirement of an Environmental Impact Assessment (EIA), where effects are reported against a pre-determined Significance Criteria. No such requirement exists for planning applications outside of EIA regulations and there are countless of examples of where Daylight and Sunlight reports do not apply the cumbersome requirements of an EIA. Therefore, no weight should be given to RTL Consulting's claim that it is *'recognised practice'* to report in this manner.

Even if it were, their categorisation of the effects is contradictory with how they report on Daylight and Sunlight effects in support of development. For example, in a project known as South Lambeth Estate, which is a low density, Zone 2 location which has no resemblance to the very dense environment of the application site, RTL Consulting promote;

'Note that the numerical values given are purely advisory (sic in reference to the BRE Guideline criteria). Different criteria may be used based on the requirements for Daylight in an area viewed against the

other site layout constraints. With this in mind and for the purpose of South Lambeth Estate, we are of the opinion that a ratio reduction of 0.65 (i.e. 35% reduction) and above can be considered as a borderline shortfall.'

This is in contrast to their assessment of the application scheme whereby they state that a reduction of more than 30% would be a Moderate Adverse effect. Surely a borderline shortfall would correspond with a minor adverse effect if one were applying the classifications as they have?

It is evident that RTL Consulting have failed to consider the context in which the development is taking place as this unquestionably has a material bearing upon to the application of the BRE Guidelines- a principal supported by Camden's own planning policy. Their approach is also completely inconsistent with their Daylight and Sunlight reports in support of development I would therefore strongly encourage officers to review the contents of their letter in that context.

2012 Consent

RTL Consulting claim that it is inappropriate to compare the effects of the application scheme to the 2012 consent on the basis that 11-12 Tottenham Mews was not in residential use.

RTL Consulting will of course be aware that there was an extent planning permission (ref 2011/5279/P) to convert 11-12 Tottenham Mews to residential use prior to the 2012 application being determined. The potential effect upon 11-12 Tottenham Mews was clearly considered in detail by Camden. The 2012 application was accompanied with a Daylight and Sunlight report prepared by GVA dated 13th December 2011. A second Daylight and Sunlight report was prepared by GVA dated 16th July 2012. This report was specifically prepared to report on the potential effect to 11-12 Tottenham Mews and 6 Tottenham Mews on the basis that both buildings benefited from a change of use consent to residential use.

In my experience, it is fairly rare for submitted documents to be updated after their submission. It would be reasonable to conclude that the July 2012 report was prepared in response to requests from the planning authority for the applicant to fully consider the amenity effect to both the existing and future occupiers in Tottenham Mews.

The subsequent planning committee report specifically reports on the effects to 11-12 Tottenham Mews including the percentage change in VSC and NSL to the windows/rooms in the building. This is the correct approach as the planning timeline of both sites was such that there was at least a reasonable prospect tenants would have occupied 11-12 Tottenham Mews by the time 14-19 Tottenham Mews was completed. It is acknowledged that the committee report does recognise that 11-12 Tottenham Mews was not occupied with residents at the time however consideration is given to the absolute level of daylight the flats would be left with the development in place as this ultimately informs whether satisfactory living conditions would be maintained. Nevertheless, 11-12 Tottenham Mews was clearly a material and relevant consideration in 2012 and so I remain of the view that a comparison of the effects to the 2012 consent is a material consideration for the current application.

Flat 1, 3 and 7

Pages 3, 4 and part of 5 of the RTL Consulting letter are extracts from our November 2020 Daylight and Sunlight report. The results consider the effects of the scheme against the existing baseline. I can confirm the data in the tables accurately reflects the effects to flats 1, 3 and 7 for this baseline condition. The results confirm the effects are beyond national BRE Guidelines and will be noticeable to the occupants. Our report does not seek to steer away from this point.

However, and for the reasons set out above, I remain firmly of the view that it is both informative and relevant to quantify the effects by comparison to the 2012 consent. In VSC terms, there is no discernible difference between the retained values enjoyed by windows within flat 1 (lower ground & ground floors) and 3 (1st floor). Therefore, irrespective of whether the 2012 consent or the application scheme is built, the VSC received by the windows within these properties would be substantially similar. The retained VSC for the 2012 application was reported to Camden officers and the effect to 11-12 Tottenham Mews formed part of officers reporting to the planning committee and so it would be reasonable to assume the VSC values are considered acceptable for this mews location.

With regards to Flat 7, which is located on the 3rd floor of the building, the windows do experience a reduction by comparison to the consented scheme. I believe the change in VSC could be noticeable however, the windows retain in excess of 20% VSC which for a city centre location such as this, can be considered a good level of daylight.

I also note that by comparison to the existing baseline condition, the windows experience VSC reductions of between 29-31%. As you will have seen from RTL Consulting's reporting on other development sites in London, they would classify this scale of effect as a '*borderline fail*' which I would concur with given the very dense urban environment of the site. Furthermore, the LKD within the property meets the No Sky Line test, as does one of the two bedrooms within the property. Therefore, I remain of the view that whilst there is some effect to Flat 7, the retained levels of daylight remain good, particularly for this Zone 1 location.

Site Inspection

RTL Consulting have requested that Point 2 undertake an inspection of the three flats and amend our analysis as necessary. In light of the severity of the current Covid-19 pandemic, this isn't a viable request. Our assessment is based upon floorplans obtained for the building and we will provide RTL Consulting with a copy of those plans who can validate their accuracy through their clients.

Rights to Light

We note that the owners desire for the applicant to engage on this matter however it isn't a planning consideration and it will be addressed separately by the applicant.

Yours Sincerely



POINT

Nick Lane
Senior Director
For and on behalf of Point 2

