

LOCAL PLANNING AUTHORITY REF: 2022/1835

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY WATKINS JONES GROUP

**FOLLOWING THE NON-DETERMINATION OF PLANNING APPLICATION REFERENCE
2022/1835 BY THE LONDON BOROUGH OF WANDSWORTH**

IN RESPECT OF

**SITE AT 41-49 AND 49-59 BATTERSEA PARK ROAD LONDON SW8 5AL
(BOOKER CASH & CARRY AND BMW CAR SERVICE GARAGE)**

APPEAL REFERENCE – APP/H5960/W/24/3358065

SUMMARY PROOF OF EVIDENCE

OF

P Fletcher BSc (Hons) MSc

ON BEHALF OF THE APPELLANT

Summary and Conclusions

1.1 In relation daylight, sunlight and overshadowing, the only issue the Council have raised relates to the overshadowing of the two podium amenity decks in the 2014 outline consented scheme on the New Covent Garden Market Entrance site to the northeast of the site. However, it is important to note that this an outline consent which is defined only by maximum parameter plan drawings. Since around 2016 the New Covent Garden Market Entrance site has housed the temporary Covent Garden Flower Market building which it is understood will be demolished once the permanent Flower Market is completed. The outline consented massing is for a residential led scheme which is yet to be designed and will be subject to a reserved matters application.

1.2 Some of the scenarios considered in the overshadowing studies are purely hypothetical for a number of reasons. Firstly, it is highly unlikely that a building on the New Covent Garden Market Entrance Site would be designed and built prior to the redevelopment of the Appeal Site. Secondly, it is unlikely to be built out in accordance with the maximum parameters.

1.3 However, we have assessed all relevant scenarios and have compared the overshadowing of the Appeal Scheme with that of the Extant Consent and many other recently constructed developments locally within the VNEB opportunity area. The findings of the assessment are summarised below.

1.4 The overshadowing impact to proposed future podium decks in the New Covent Garden Marker Entrance Site is considered acceptable for the following reasons;

- i. Whilst the overshadowing to the proposed future podium decks would be below BRE guidelines, for both the Extant Scheme and the Appeal Scheme, the difference in impact between the two is small.
- ii. Whilst the Council cited the height of the scheme as an issue, the small changes in the overshadowing of the podium decks is mainly due to the alteration to the footprint and form of the Appeal Scheme compared to the Extant Scheme rather than its increased height.
- iii. The overshadowing situation is commensurate with, and in many cases better than, similar existing amenity areas nearby in the VNEB region.
- iv. These findings are based on consideration of both the 2014 outline consented maximum parameter massing and an illustrative scheme massing for the New Covent Garden Market Entrance Site rather than a detailed scheme.
- v. Since the 2014 consent on the New Covent Garden Market Entrance Site is outline only, the detail of the scheme is yet to be designed and during the design process the overshadowing of these spaces would be considered and optimised.
- vi. Even though the New Covent Garden Market Entrance Site 2014 outline consent relied on access to sunlight over the undeveloped Appeal Site, and had tall blocks to the south of each amenity area, we have shown that minor alterations to the massing could be made within the consented maximum parameters to ensure that the situation with the Appeal Scheme in place would not be worse than with the Extant Scheme, and indeed could readily be improved to achieve full compliance with the 50% BRE guideline target.
- vii. Even in 2014, less than full compliance with the BRE guideline targets was accepted and indeed some amenity areas within the New Covent Garden Market Entrance Site

consent had very much lower levels of sunlight than is currently proposed with the Appeal Scheme. Since numerous relevant factors have altered since the 2014 outline consent, including policy, regulations, development of adjacent sites, viability and market conditions, it is likely that the suitability of the 2014 outline consented parameter plan would be reviewed and possibly altered more radically.

1.5 My conclusions above are similar to those expressed in the officer's report to Committee in relation to the Appeal Scheme¹, At paragraph 11.55, the report concluded that *"...the impacts of the proposed development in lighting terms in respect of impact upon neighbouring residential buildings is considered proportionate to the form of development and its location within a densely built-up setting with the Opportunity Area (VNEB) that does not depart significantly from the extant scheme approved on the site. For these reasons, the objections raised on loss of light and overshadowing grounds are not therefore considered sustainable."*

1.6 Overall, I conclude that the overshadowing effect of the Appeal Scheme allows access to sufficient sunlight to the neighbouring amenity areas and does not prejudice the future development of the New Covent Garden Market Entrance Site.

¹ CDF.01