

By Hand

Head of Development Management
London Borough of Camden
2nd Floor
5 Pancras Square
c/o Town Hall
Judd Street
London
WC1H 9JE

**CMS Cameron McKenna Nabarro
Olswang LLP**

Cannon Place
78 Cannon Street
London EC4N 6AF
DX 135316 London Cannon Place

T +44 20 7367 3000
F +44 20 7367 2000

cms.law

Direct +44 20 7524 6018
E nicola.insley@cms-cmno.com

8 September 2017

Our ref NIN/CAP/NB4352.00005

Dear Sirs

Objection to Planning Application Reference 2017/4306/P Arthur Stanley House, 40 - 50 Tottenham Street, London, W1T 4RN (the "Planning Application")

We are instructed by BC Noho Limited (the "**Owner**") the owner of the freehold land shown edged red on the title plan (attached) known as 30 Cleveland Street (the "**Property**"). The development proposed by the Planning Application (the "**Proposed Scheme**") will have a significant adverse impact on the Property and we are instructed to submit an objection on behalf of the Owner.

The Owner secured planning permission for: erection of extensions at 4th and 5th floor (north east elevation), replacement and enlargement of 6th floor extension to provide additional office floorspace (Class B1), relocation of existing plant to plant enclosures at 4th & 6th floors (north east elevation), creation of terrace at 5th floor level and enlargement of 6th floor terrace, replacement of metal framed glazed façade at ground to 1st floor level on Cleveland Street and Tottenham Street elevation, replacement of roller shutter

UK - 604699559.6

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with metal framed glazing and replacement entrance canopy pursuant to planning permission reference 2016/7076/P on 17 May 2017 (the “**Permission**”).

The Planning Application site currently has the benefit of planning permission reference APP/X5210/W/15/3141159 (the “**Approved Scheme**”). The Proposed Scheme has greater height and massing at the rear which abuts the Property than the Approved Scheme. The impact of this is that existing windows on the third floor of the Property would directly abut a brick wall on the rear façade of the Proposed Scheme. Existing windows on the fourth and fifth floor at the rear of the Property would also experience a significant loss of light. When the Owner constructs the development permitted by the Permission, windows at the fourth and fifth floor at the rear of the Property and terraces on the fourth and fifth floor will directly abut brick walls proposed under the Proposed Scheme leading to a greater loss of light and sense of enclosure. This is illustrated on the montage of plans and commentary provided with this objection letter numbered 1-4 and 1a to 3a.

The Planning Application does not address the loss of amenity, daylight and sunlight that would be experienced at the Property if the Proposed Scheme were constructed. It also does not address consequential considerations relating to good design. Taken together it is our view that the London Borough of Camden (the “**Council**”) cannot determine the Planning Application until these issues, which amount to material considerations, are addressed.

We submit objections on the following grounds:

1. THE PLANNING APPLICATION DOES NOT ADEQUATELY CONSIDER DAYLIGHT AND SUNLIGHT

- 1.1 Current BRE guidelines do not require planning applications to consider the impact of new development on daylight and sunlight in commercial buildings. Paragraph 2.2.2 on page 7 of the BRE guidelines does however state that “*the guidelines may also be applied to a non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include... some offices.*” Given the context of the proximity of the glazed aspects of the Property and the Proposed Scheme it is unacceptable that the impact of the proposed scheme was not addressed. The Council’s CPG 6 is clear that it will deviate from the BRE guidelines where there is a need in the context of a proposed development.
- 1.2 Policy A1 of the Council’s Local Plan states that the Council will seek to ensure that the amenity of communities, occupiers and neighbours is protected (para a.); and consider “sunlight, daylight and overshadowing.” (para f.).
- 1.3 Paragraph 6.3 of the Council’s Local Plan expects “*development to avoid harmful effects on the amenity of existing and future occupiers and nearby properties, or where this is not possible, to take appropriate measures to minimise potential negative impacts.*” The Proposed Scheme will severely impact the amenity enjoyed by future occupiers of the Property by entirely blocking light that would otherwise have been enjoyed through the existing windows shown on plans 1, 2, 3 and 4 and the proposed windows shown on plans 1a, 2a and 3a.
- 1.4 Paragraph 6.5 of the Council’s Local Plan acknowledges that “*loss of daylight and sunlight can be caused if spaces are overshadowed by development.*” Windows at the Property, including a glazed façade on the Fourth Floor of the Property, will directly abut brick walls to be constructed as part of the Proposed Scheme. These windows at the rear of the Property are crucial to providing

natural light to the rear half of the office. This is because the majority of windows are located on the front of the Property. The complete obfuscation of natural light from the rear windows will degrade what would otherwise have been a light and airy working space. This will have a harmful effect on the health and wellbeing of existing and future occupiers of the Property. The Council's CPG 6 states at paragraph 6.1 notes that "*access to daylight and sunlight is important for general amenity, health and well-being.*"

- 1.5 The impact of the Proposed Scheme on daylight and sunlight at the Property was not considered in the daylight and sunlight report prepared by Point 2 Surveyors dated July 2017 and submitted with the Planning Application (the "**Daylight and Sunlight Report**"). Given the proximity of the windows at the Property to the Proposed Scheme it will not be possible for the Council to determine the Planning Application because this is a material consideration which must be taken into account pursuant to section 70 Town and Country Planning Act 1990.
- 1.6 The bank of windows which run up the stair core at the rear of the Property will also suffer reduced light levels as a result of the Proposed Scheme. The lower levels of the stair core will likely not be lit at all if permission for the Proposed Scheme is granted. The higher levels of the stair core will suffer a material and substantial impact on light levels received as a result of the Proposed Scheme. The stair core is indicated on plan 4.
- 1.7 It should also be noted that the 3D images of the Property included in the Daylight and Sunlight Report show the current buildings at the Property but not the Property as developed under the Permission. This is important because additional windows and outdoor terraces will be impacted at the Property when the development pursuant to the Permission is constructed. In addition, they omit existing third floor windows at the Property which will be completely blocked by the rear brick façade of the development pursuant to the Planning Application (see plan 1).

2. LOSS OF AMENITY AT PROPERTY

- 2.1 The Council's Local Plan seeks manage the impact of development on amenity. Policy A1 identifies the following characteristics as being important to amenity:
 - 2.1.1 Outlook (para e.)
 - 2.1.2 Sunlight, daylight and overshadowing (para f.)
- 2.2 The Council's planning guidance CPG 6 addresses issues of amenity created by new development. It provides more detail on what the Council requires in terms of daylight and sunlight which are considered in detail at paragraph 1 above.
- 2.3 The scheme proposed in the Planning Application will also result in other amenity impacts including creating a sense of enclosure and a loss of outlook for the future occupiers of the Property, creating an undesirable working environment. Paragraph 7.9 of the Council's CPG 6 notes that:

"you should also ensure that the proximity, size or cumulative effect of any structures do not have an overbearing and/or dominant effect"
- 2.4 The only interpretation that can be afforded to a brick wall abutting existing and proposed windows is that it will have an overbearing and dominant effect.

- 2.5 Loss of outlook, a sense of enclosure, and loss of daylight are likely to have impacts on the physical and mental health of future occupiers of the Property. These potential health impacts are noted in paragraph 6.1 the Council's policy CPG6.
- 2.6 Similarly the outdoor amenity space on the terraces at the Property will be valued by future occupiers as a way of taking a break from work in the natural environment. It will provide important meeting, relaxation and social space which will support occupational health and the development of creative ideas. Enclosing the terrace as is proposed under the Proposed Scheme will be overbearing and create a sense of enclosure for users of the terraces, reducing the beneficial impact of this outdoor space.

3. POOR DESIGN - HEIGHT AND MASSING

- 3.1 The design of the Proposed Scheme is unacceptable because it will block existing windows and new windows which have been consented pursuant to the Permission. As well as impacting on the visual amenity of future occupiers of the Property, this will appear incongruous externally, as the new building covers the windows of an already consented building at the Property.
- 3.2 Paragraph 7 of the Council's Local Plan highlights that good design is "*essential to creating places, buildings or spaces that work well for everyone*". It is evident from this overarching statement that something is not "good design" where its impact is the significant loss of amenity in one building, to the benefit of another.
- 3.3 Policy D1 of the Council's Local Plan specifically states that good design:
- 3.3.1 Promotes good health (para h.)
 - 3.3.2 Incorporates outdoor amenity space (para l.)
 - 3.3.3 Preserves strategic and local views (para m.)
- 3.4 Paragraphs 1 and 2 of this letter explain how the obstruction of windows at the Property will impact on loss of visual amenity, sense of enclosure, and the resultant impact that this will have on health. Paragraph 2 explains how the design of the Proposed Scheme will enclose the terraces and block windows at the Property limiting the impact of the provision of outdoor amenity space. It is evident that provision of good quality outdoor amenity space promotes good health. The design of the Proposed Scheme is therefore not compliant with the design requirements of the development plan.
- 3.5 Paragraph 7.2 of the supporting text for Policy D1 explains that the Council will expect developments to consider the scale of neighbouring buildings and the composition of elevations. It is impossible to conceive that the Proposed Scheme complies with this policy requirement given its obstruction of windows on the existing elevations at the Property. Similarly, the scale of Proposed Scheme does not take into account the impact of the design on the consented terrace, and the amenity value of that outdoor space.
- 3.6 The Council's planning guidance on design specifically notes at paragraph 2.10 that new buildings should not significantly overshadow existing outdoor spaces or amenity areas. The impact on the amenity areas at the Property is not considered in the Design and Access Statement submitted with the Planning Application and it is clear from the enclosed plans that the proposals will have a powerful impact on sense of enclosure and the amenity value of that space.

Accordingly the Planning Application cannot be determined until these critical design issues are resolved.

4. FAILURE TO CONSULT

- 4.1 The developer of the Planning Application site has failed to adequately consult the Owner. Given the proximity of the buildings and the impact of the Proposed Scheme there ought to have been close and early consultation regarding design, to avoid the issues which are the subject of this objection letter being presented as part of the Planning Application. Only one meeting took place regarding “neighbourly matters” when the Owner was informed that it was lawful to build up against the Property.
- 4.2 DCLG Guidance emphasises the value of pre-application consultation “Before submitting an application”. Given the substantial impacts of the Proposed Scheme on the Property, we would have expected to have had several discussions with the developer to support the development of the design of the Planning Application scheme. The guidance states that by “*working collaboratively and openly with interested parties at an early stage to resolve issues associated with the proposed development*” applicants can improve the efficiency and effectiveness of the planning application and improve the quality of planning applications.
- 4.3 Thorough consultation would have allowed the substantial impacts to be discussed prior to submission of the Planning Application.

5. CONCLUSION

- 5.1 In summary, it is inappropriate for the Council to determine the Planning Application given:
- 5.1.1 the minimal consultation with the Owner;
 - 5.1.2 the inadequacy of the Daylight and Sunlight Report; and
 - 5.1.3 the non-compliance of the Proposed Scheme with development plan policies on design and amenity.
- 5.2 Please note that this letter does not amount to a letter before claim and that the Owner reserves the right to send such correspondence in the future should a claim for judicial review become necessary. It is also without prejudice to any private law rights of light of the Owner.
- 5.3 Please notify the author of the committee date which will consider the Planning Application and the Owner reserves the right to speak at the committee meeting.

Yours faithfully

CMS

For and on behalf of CMS Cameron McKenna Nabarro Olswang LLP

Enc.

cc: planning@camden.gov.uk

Title plan

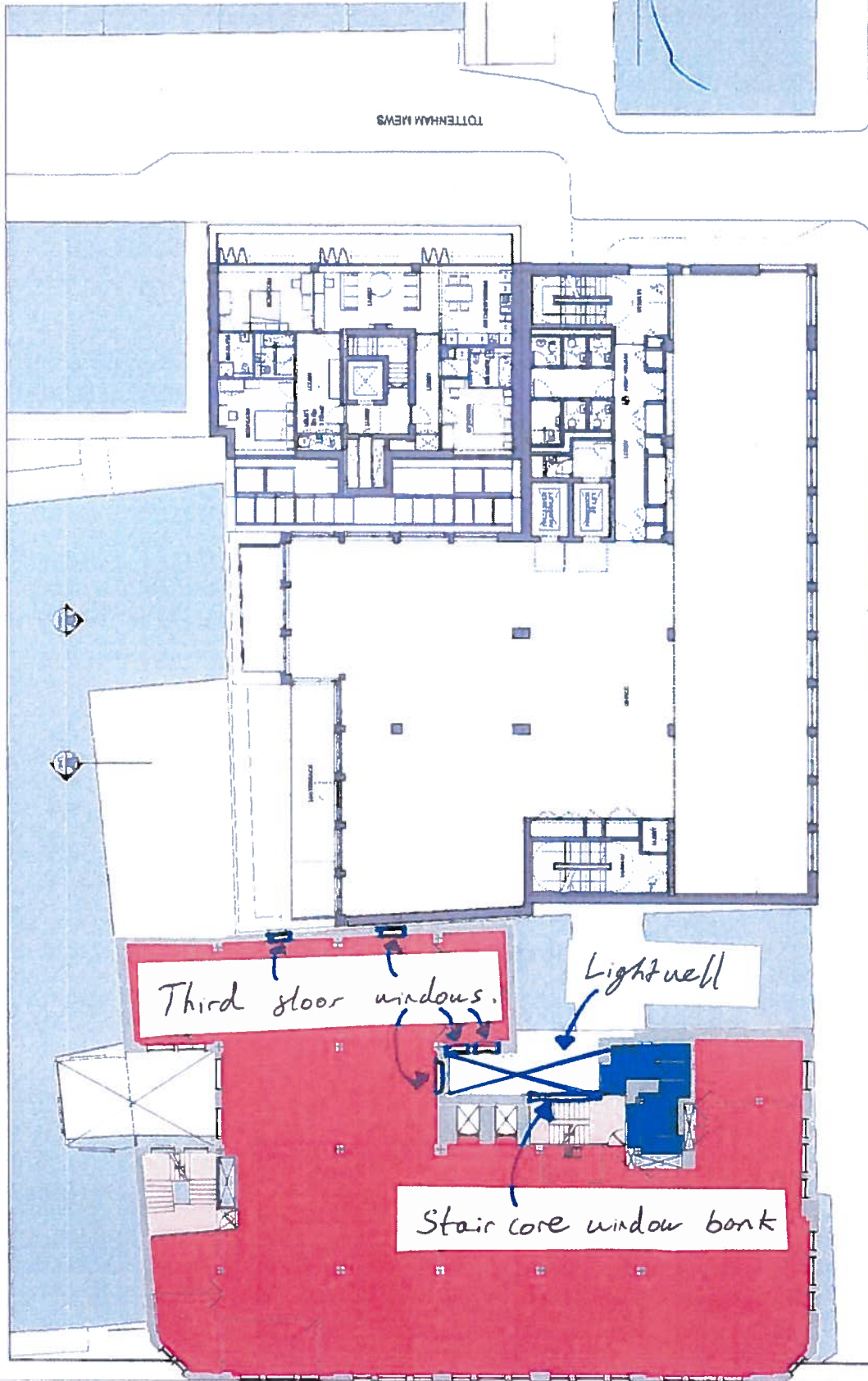
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ORDNANCE SURVEY PLAN REFERENCE	TQ 2981	SECTION D	Scale 1:1250
COUNTY	GREATER LONDON		© Crown copyright 1989



Plan 1

Impact of Proposed Scheme on existing third floor of the Property.

The windows indicated will not receive any light.



ALFORD HALL MORGANSON MORRIS
 150688 (00)_P103_P01

PROJECT: ALFORD HALL MORGANSON MORRIS
 CLIENT: ALFORD HALL MORGANSON MORRIS
 ARCHITECT: ALFORD HALL MORGANSON MORRIS
 DATE: 15/06/2023
 DRAWING NO: 150688 (00)_P103_P01
 DRAWING TITLE: THIRD FLOOR PLAN PROPOSED PLAN
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

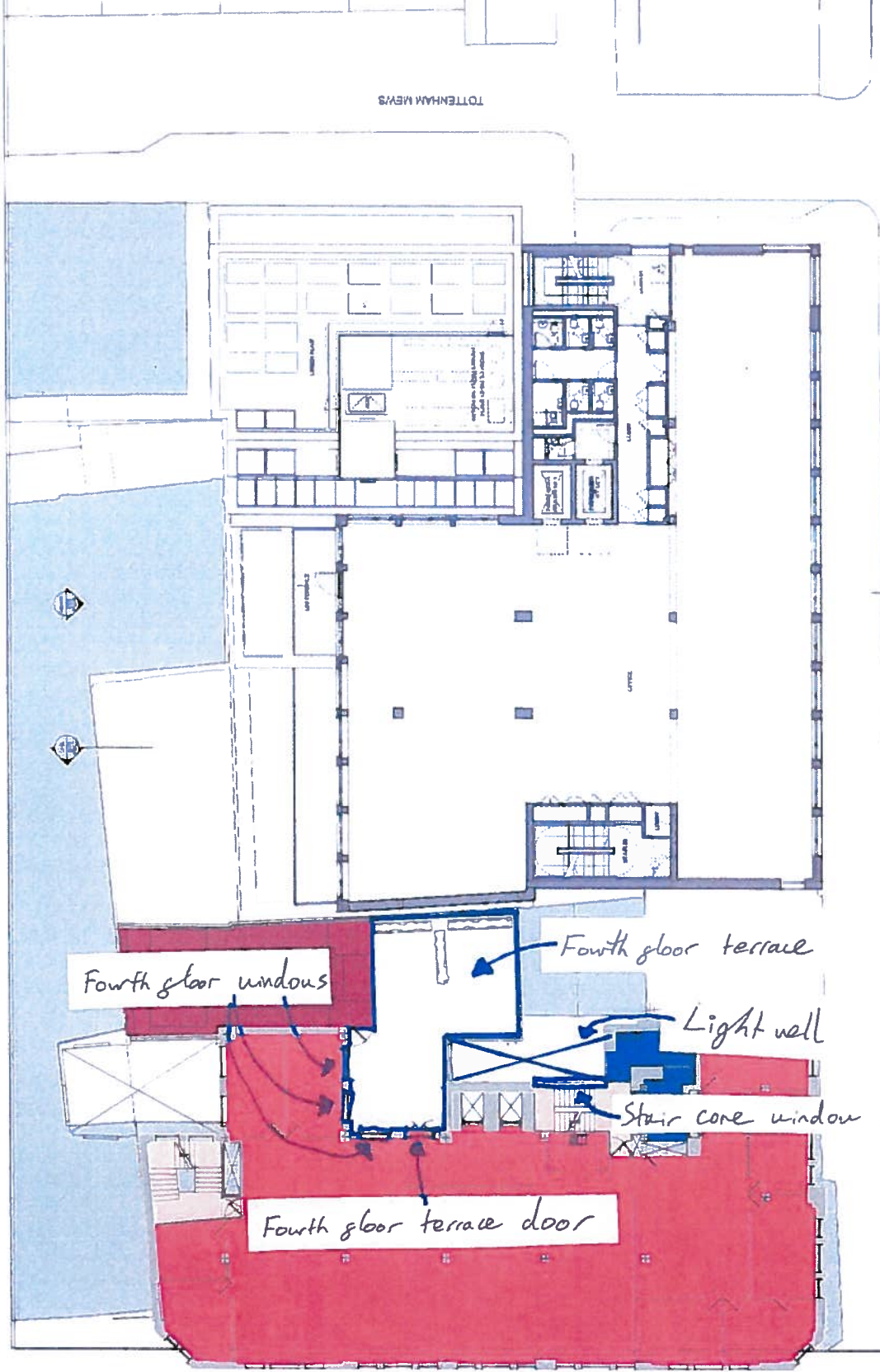
150688 (00)_P103_P01

Plan 2

Impact of Proposed Scheme on existing south
floor of the Property.

The windows indicated will be materially and
substantially affected.

Amenity of the terrace will be substantially reduced.

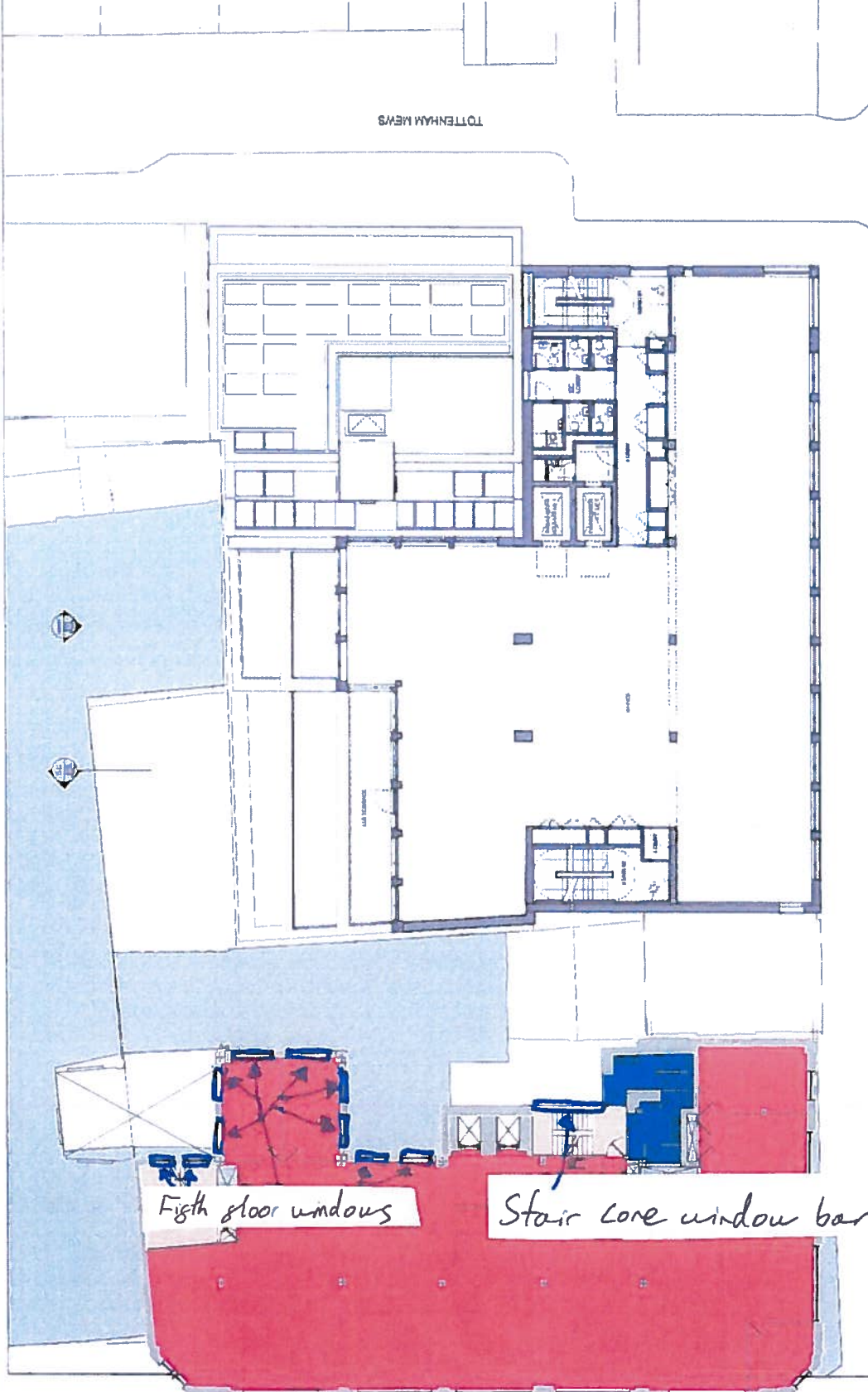


ALFORD HALL MORGENTHAU RECORDS	
ALFORD HALL MORGENTHAU RECORDS 15068 15068	
ANTHONY STONE EYEBIDGE	
FURNITURE ORDER PLAN PROPOSED PLAN	
15068	(00)_P104_P01
GENERAL NOTES: 1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE BUILDING REGULATIONS AND ALL APPLICABLE STANDARDS. 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS. 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING SERVICES AND STRUCTURES. 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES. 5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING SERVICES AND STRUCTURES. 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES. 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING SERVICES AND STRUCTURES. 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL ADJACENT PROPERTIES.	
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DESIGNER: ANTHONY STONE EYEBIDGE	PROJECT MANAGER: ANTHONY STONE EYEBIDGE
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PROJECT: ALFORD HALL MORGENTHAU RECORDS	CLIENT: ANTHONY STONE EYEBIDGE
DESIGNER: ANTHONY STONE EYEBIDGE	PROJECT MANAGER: ANTHONY STONE EYEBIDGE

Plan 3

Impact of Proposed Scheme on existing sixth floor of the Property.

The windows indicated will be materially and substantially affected.



ALLFORD HALL MONUMENTAL EGRESS

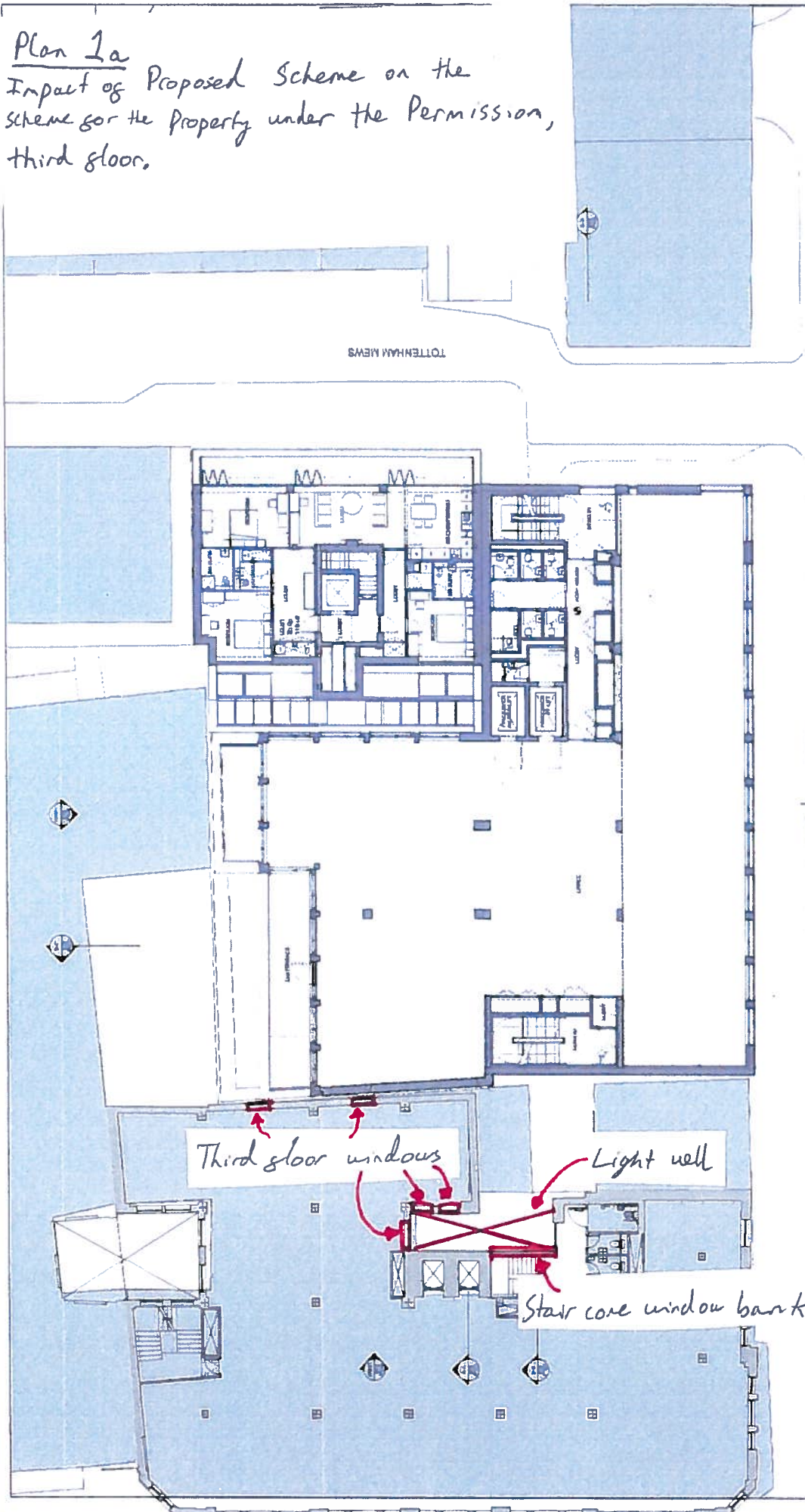
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PROJECT CODE: PLAN
DRAWING NO: 15068
DATE: 11/08/2011
DRAWN BY: T. MURPHY
CHECKED BY: S. MURPHY
SCALE: 1:500
PROJECT NO: (00)_P105_P01

15068

TOTTENHAM STREET

Fifth floor windows
Stair core window bank

Plan 1a
 Impact of Proposed Scheme on the
 scheme for the Property under the Permission,
 third floor.



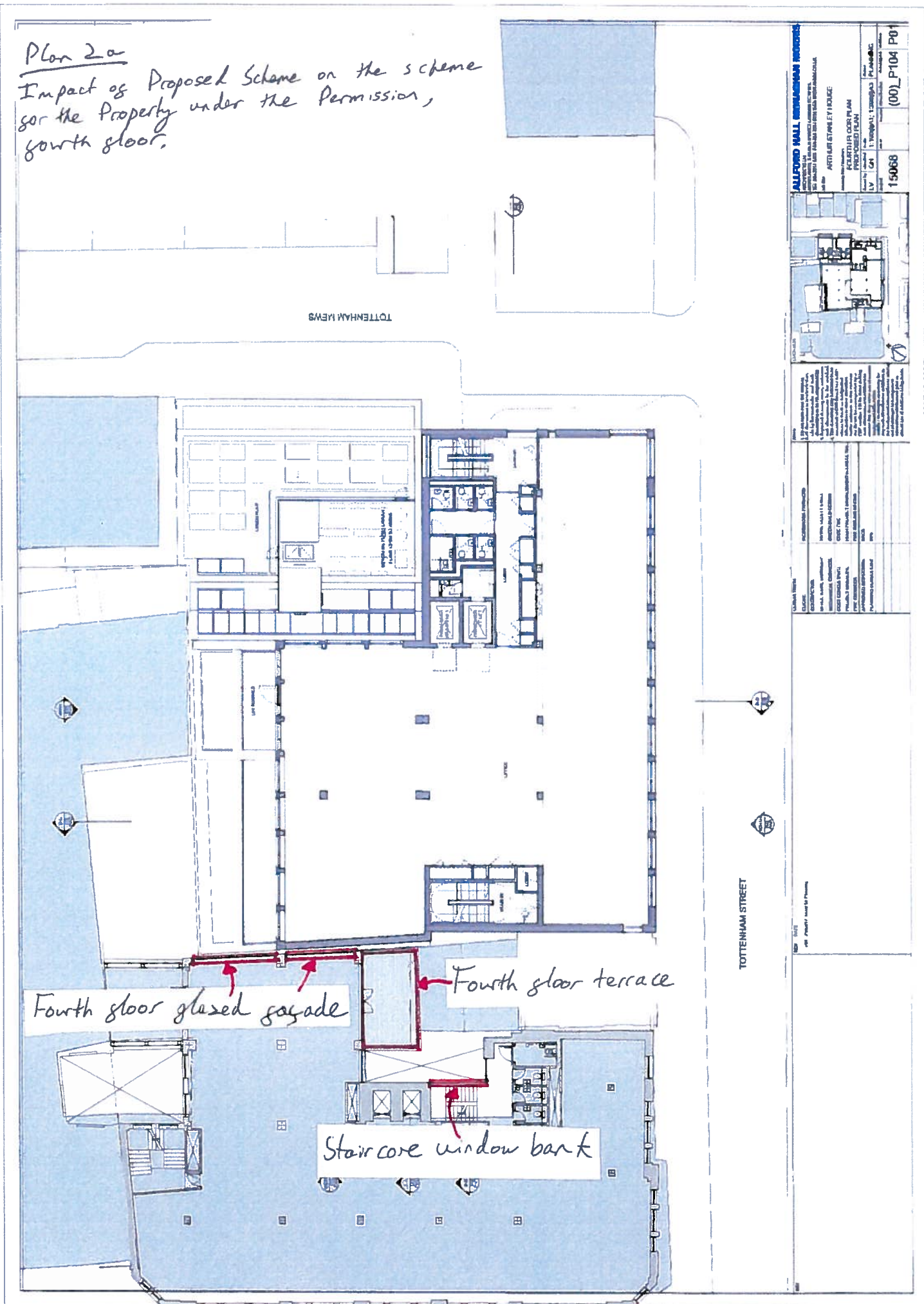
TOTTENHAM STREET

TOTTENHAM NEWS

<p>ALFRED HALL, TOTTENHAM ARCHITECT: ARTHUR STUBBS & PARTNERS PROJECT NO: 15068 DATE: 15/11/2011</p>	
<p>THIRD FLOOR PLAN PREPARED BY: ARTHUR STUBBS & PARTNERS DATE: 15/11/2011</p>	
<p>15068 (00)_P103_P01</p>	
<p>NOTES: 1. This plan is to be read in conjunction with the other plans of this project. 2. All dimensions are in millimetres unless otherwise stated. 3. All work is to be in accordance with the Building Regulations 2010. 4. The client is responsible for obtaining all necessary permissions. 5. The architect is not responsible for the accuracy of the information provided by the client. 6. The architect is not responsible for the accuracy of the information provided by third parties. 7. The architect is not responsible for the accuracy of the information provided by the client's agents. 8. The architect is not responsible for the accuracy of the information provided by the client's consultants. 9. The architect is not responsible for the accuracy of the information provided by the client's other advisers. 10. The architect is not responsible for the accuracy of the information provided by the client's other stakeholders.</p>	

Plan 2a

Impact of Proposed Scheme on the scheme for the Property under the Permission, fourth floor.



Fourth floor glazed facade

Fourth floor terrace

Staircore window bank

TOTTENHAM STREET

ALFORD HILL TOTTENHAM PROJECT
 ALFORD HILL TOTTENHAM PROJECT
 ARTIST AIR STAIRS EYEWALL
 PLANT ROOM PLAN
 PROPOSED PLAN
 LV 04 11/2004/1 1/2004/3 PL 0400C
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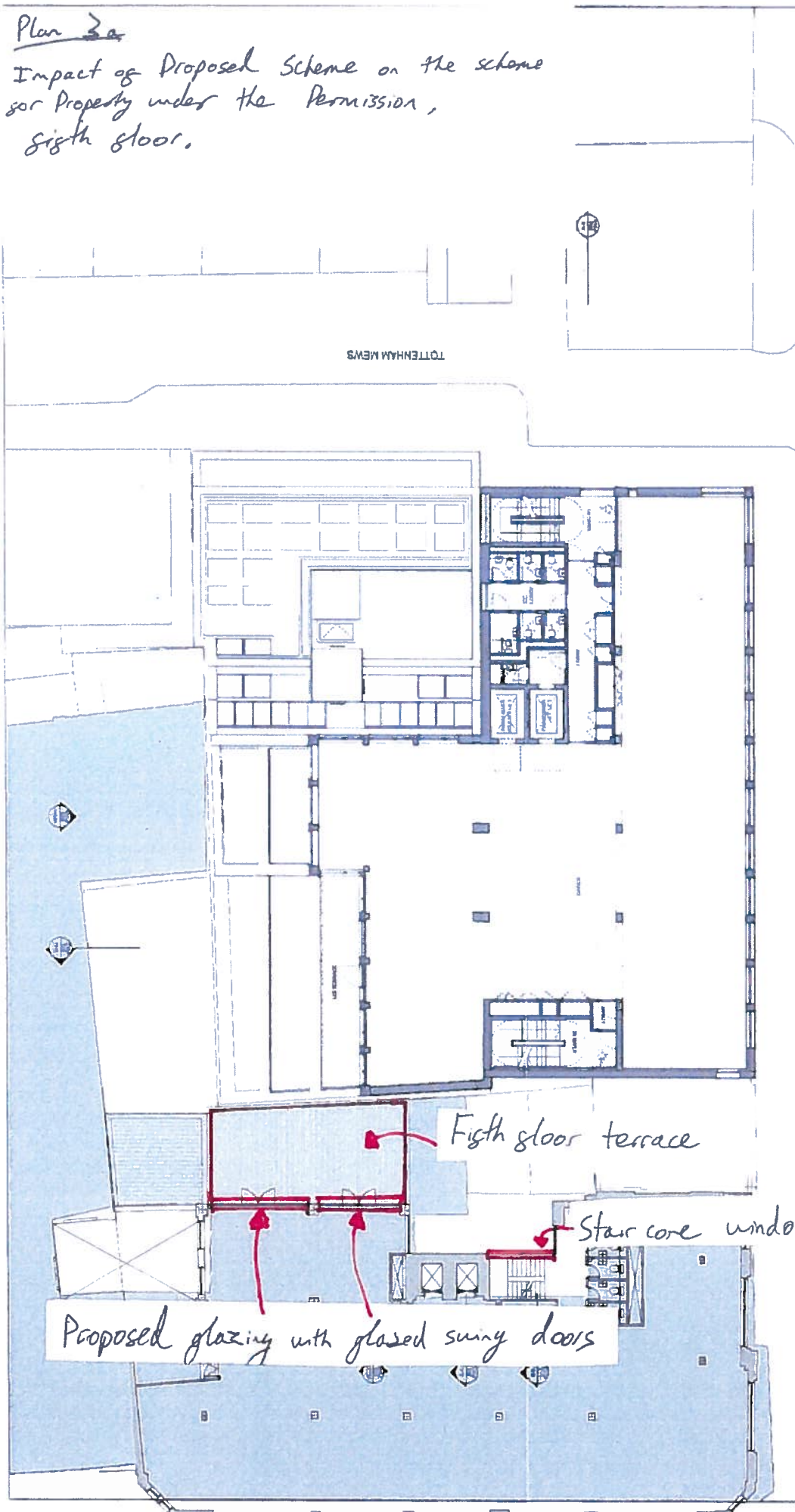


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PROJECT INFORMATION
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 PROJECT NO: 15068
 PROJECT ADDRESS: TOTTENHAM STREET, TOTTENHAM, NORTH YORKSHIRE
 CLIENT: [REDACTED]
 ARCHITECT: [REDACTED]
 DRAWING NO: P104 P01
 DATE: 11/2004/1 1/2004/3
 SCALE: 1:100
 DRAWN BY: [REDACTED]
 CHECKED BY: [REDACTED]
 APPROVED BY: [REDACTED]

Plan 3a

Impact of Proposed Scheme on the scheme
for Property under the Permission,
Sixth floor.



Proposed glazing with glazed sunny doors

Fifth floor terrace

Stair core window bank

ALLFORD HALL TOTTENHAM MENS
 ARCHITECT: ALLFORD ARCHITECTS
 100, MILLER STREET, TOTTENHAM, NORTH YORKSHIRE, YO1 2JX
 TEL: 01876 515555 FAX: 01876 515555
 WWW.ALLFORDARCHITECTS.CO.UK

PROJECT: ANTHUR STANLEY HOUSE
 FIFTH FLOOR PLAN
 PROPOSED PLAN
 DATE: 04/11/2016
 DRAWN BY: [Name]
 CHECKED BY: [Name]

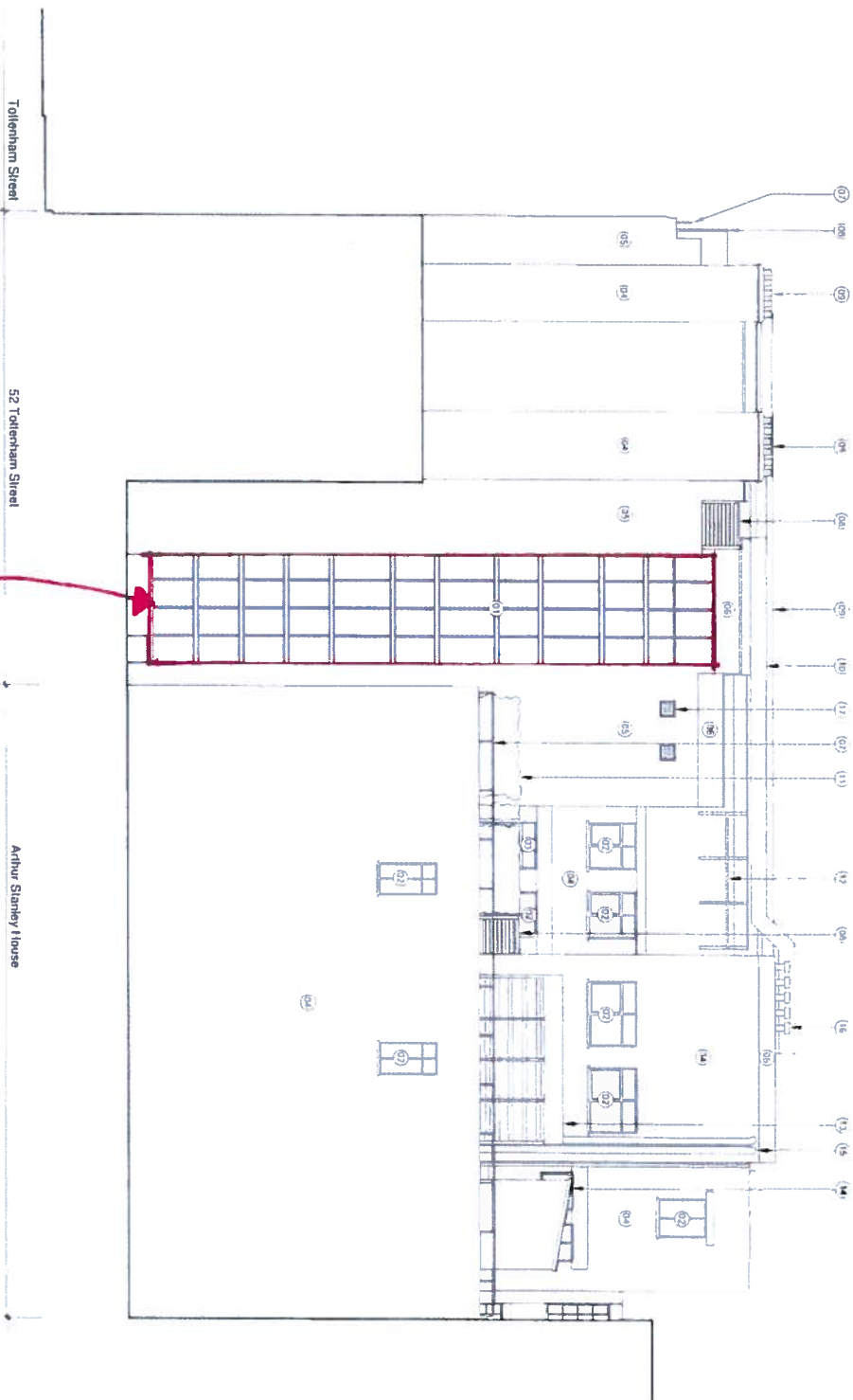
15068 (00)_P105_P01

TOTTENHAM STREET

NOTES:
 1. THE PROPOSED SCHEME IS SUBJECT TO THE APPROVAL OF THE LOCAL PLANNING AUTHORITY.
 2. THE PROPOSED SCHEME IS SUBJECT TO THE APPROVAL OF THE LOCAL PLANNING AUTHORITY.
 3. THE PROPOSED SCHEME IS SUBJECT TO THE APPROVAL OF THE LOCAL PLANNING AUTHORITY.

LEGEND:
 PROPOSED SCHEME
 EXISTING SCHEME
 EXISTING BUILDING
 EXISTING TERRACE
 EXISTING DRIVE
 EXISTING PATIO
 EXISTING LANDSCAPE

REVISIONS:
 NO. DATE
 BY: [Name]
 FOR: [Name]



Stair core bank windows to be obstructed by Proposed Scheme. To be repaired under the scheme for the Property under the Permission.

Notes

- 1 Existing white metal framed curtain walling.
- 2 Existing white metal framed window.
- 3 Existing white metal framed doors.
- 4 Existing London steel sills with beige colour painting.
- 5 Existing white render.
- 6 Existing grey mould relief panels.
- 7 Existing galvanneal metal substructure.
- 8 Existing bronze plate screen.
- 9 Existing No. 32 Tottenham Street sills chimney.
- 10 Existing galvanneal ductwork.
- 11 Existing bronze screen with deterring.
- 12 Existing metal gully support structure for ductwork.
- 13 Existing light grey metal framed metal enclosure.
- 14 Existing bronze sills condensing plate endframe.
- 15 Existing black paint cables.
- 16 Existing metal chimney.
- 17 Existing metal grille.

For Planning

Rev	Description	By	Date
P1	For Planning	TR	20.12.18

Client
BC Noho Limited

Address
Cleveland Street

Title
Existing North East Elevation

Project No	Drawing No	Rev
1621	10.273	P1

Scale	Drawn	Checked	Date
1:5 @ A1			24.10.18

Do not scale from this drawing. The Contractor is to verify all dimensions and levels on site prior to work commencing. Dimensions must be reported to the Architect. Subcontractors must verify all dimensions on site before making a shop drawing or commencing manufacturing. This drawing is copyright.

01 Existing North East Elevation
Scale: 1:5 @ A1
10.202