

**Erection of single storey roof-top extension to facilitate
the provision of additional B1(a) floorspace at**

13 Tottenham Mews, London, W1T 4AQ

February 2019

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1 Introduction

1.1 This Planning Statement is submitted in support of an application which seeks full planning permission for a proposed scheme of commercial development at 13 Tottenham Mews, London, W1T 4AQ and is a revised version of an earlier scheme. The proposed development is described as:

*‘Erection of single storey roof-top extension to facilitate
the provision of additional B1(a) floorspace’*

1.2 The statement is split into the following sections: Section 2 describes the site; Section 3 cites all relevant planning history; Section 4 describes the proposal; Section 5 cites all relevant planning guidance/policies; Section 6 provides a planning appraisal before Section 7 draws the conclusion.

1.3 This statement should of course, be read alongside the submitted Application Form, CIL Questions, Design and Access Statement, Daylight and Sunlight Study and set of Proposed Scheme Drawings.

2 Site Description

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- 2.1 The application site occupies an end of mews location in Fitzrovia. It currently comprises a three-storey building which is attached to 95 and 97 Charlotte Street as well as 11-12 Tottenham Mews. It was originally used for industrial/warehousing purposes although is currently in use as offices.
 - 2.2 The property it is not listed but does lie on the northern edge of the Charlotte Street Conservation Area. The property is also subject to an Article 4 Direction which has removed all office to residential permitted development rights in Camden's part of the City's Central Activities Zone (CAZ).
 - 2.3 To the north and west of the application site lies Astor College, an eight-storey student housing block which is currently being renovated/extended in line with 2015/1139/P and The Middlesex Hospital Annexe which is currently being redeveloped to provide a part four, five and eight-storey building to provide mixed B1, D1 and C3 uses in accordance with planning permission 2017/0414/P.
 - 2.4 To the south of the application site, on the west side of Tottenham Mews, lies a vacant two storey building which was previously used as a Day Hospital. Planning permission was granted in 2012 to provide a five-storey Mental Health Resource Centre (2012/4786/P) although this has now lapsed.
 - 2.5 To the south of the site, on the east side of Tottenham Mews, lie a terrace of properties which are between three and five storeys in height. Although predominantly in residential use, some of these properties are in commercial use. All properties back immediately onto those in Charlotte Street.
 - 2.6 At the entrance to Tottenham Mews (which leads off of the northern side of Tottenham Street) is Arthur Stanley House. This is an eight-storey building which has extant planning permission for a four -storey rear extension to facilitate a mixed B1, D1 and C3 use development (2017/4306/P).
 - 2.7 Flanking the other side of the entrance into Tottenham Mews is a site comprising 73-75 Charlotte Street, 34-38 Tottenham Street and 4 Tottenham Mews - a part three, four, five and six-storey (plus basement) building (built out under application 2012/2045/P) which is in mixed C3 and B1 uses.

3 Planning History

3.1 In 1937, permission was granted for the rebuilding of the site's petrol store (156701) and then in 1962, permission was refused and an appeal later dismissed for the redevelopment of 95-97 Charlotte Street and 13 Tottenham Mews to provide a part two, part four storey building with basement for use as a car park and loading dock, showroom, warehouse floorspace at ground and first floor levels and flats over all of the upper floors (TP/81747/19483 and APP/735/A/74520).

3.2 In 1972, permission was granted for the change of use of the ground floor of 13 Tottenham Mews from use as a garage in order to provide light industrial floorspace. Notwithstanding the absence of planning history, there is no doubt that the property's current office use has existed for decades.

3.3 More recently, planning permission was refused for the erection of a two-storey roof-top extension to facilitate the provision of additional B1(a) floorspace (2018/4282/P) for the following reasons:

(i) the proposal would detract from the street scene along Tottenham Mews and harm the character and appearance of the Charlotte Street Conservation Area;

(ii) a Construction Management Plan had not been secured via a legal agreement; and

(iii) 'car-free' office accommodation had not been secured via a legal agreement.

4 Proposed Development

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- 4.1 The aim of the scheme is to take full advantage of the site's highly accessible location within the City's Central Activities Zone (CAZ) and provide additional B1(a) office accommodation without adversely affecting the local character, neighbouring amenities or existing highway conditions.
- 4.2 To fulfil the aim it is proposed to erect a single-storey extension over the application property's flat roof. The proposed roof-top extension will provide additional B1(a) office accommodation which will be of an open plan design and offer 77.0 square metres of additional gross internal floor space.
- 4.3 The extension would utilise almost all of the application property's footprint being set in very slightly from the roof-top's existing parapet walls. The elevations and roof of the proposed extension would be constructed in zinc and its fenestration would mirror, as accurately as possible, the style, proportions, alignment and finish of the fenestration found in the property's lower floors.
- 4.4 It is also important to appreciate that the proposed scheme seeks to address those reasons for refusal that were cited on the decision notice issued in respect of the previous two-storey scheme.

5 Planning Policy

5.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the development plan comprises the following guidance and policies.

5.2 At the national level, regard must be had to the *National Planning Policy Framework (NPPF) 2018* as it sets out Central Government's planning policies for England and describes how the policies are expected to be applied by Local Planning Authorities when plan-making and decision-taking.

National Planning Policy Framework 2018

5.3 NPPF paragraph 10 states that in order for sustainable development to be pursued in a positive way, '*...at the heart of the Framework is a presumption in favour of sustainable development*'. NPPF paragraph 11 builds on this overarching aim by maintaining that '*For decision-taking this means:*

- c) approving development proposals that accord with an up-to-date development plan without delay; or*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets or particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

5.4 The following NPPF policies are argued to be directly applicable to the proposed scheme of development. The relevant parts of each will be referred to within the following planning appraisal.

- 6 Building a strong, competitive economy
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed places
- 16 Conserving and enhancing the historic environment

5.5 At the regional level, particular regard should be had to the *London Plan 2016*. The following list includes those city-wide policies which it is considered particular regard should be had to.

London Plan 2016

- 2.9 Inner london
- 2.10 Central activities zone - strategic priorities
- 2.11 Central activities zone - strategic functions
- 4.1 Developing london's economy
- 4.2 Offices
- 4.3 Mixed use development and offices
- 5.3 Sustainable Design and Construction
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.13 Parking
- 7.4 Local Character
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

5.6 At the local level, regard should be had to policies within the *Camden Local Plan 2017*. The following list includes all those that are considered most applicable to the proposed development.

Camden Local Plan 2017

- G1 Delivery and location of growth
- E1 Economic development
- E2 Employment premises and sites
- A1 Managing the impact of development
- D1 Design
- D2 Heritage
- CC1 Climate change mitigation
- CC2 Adapting to climate change

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- T1 Prioritising walking, cycling and public transport
 - T2 Parking and car free development

5.7 In addition to these Local Plan policies, due regard should also be had to the relevant parts of the:

- Charlotte Street Conservation Area Appraisal and Management Plan 2008
- Fitzrovia Area Action Plan 2014
- Camden Planning Guidance 1 - Design 2018
- Camden Planning Guidance 3 - Sustainability 2018
- Camden Planning Guidance 7 - Transport 2011
- Camden Planning Guidance 8 - Planning Obligations 2018
- Camden Planning Guidance - Employment sites and business premises 2018

5.8 It is important, at this stage, to stress that whilst all of the aforementioned policies etc are considered to be directly applicable to the proposed scheme of development, it is not considered entirely necessary to refer to each and every one within the planning appraisal section that follows.

6 Planning Appraisal

6.1 This section considers the scheme's acceptability by assessing it against the requirements of the aforementioned planning framework and local policies whilst also taking into consideration relevant material considerations. The main issues for consideration are argued to include the:

- Principle of Development
- Quality of External Design
- Neighbouring Amenity
- Transport and Highways
- Community Infrastructure Levy

Principle of Development

6.2 The NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt and doing so, emphasises the need to allow each business area to build on its strengths, counter any weaknesses and address the challenges of the future.

6.3 London Plan Policies 2.10 and 2.11 set out the strategic priorities and functions for the CAZ. Whilst it recognises the mixed land use nature of much of the CAZ, it acknowledges that employment is expected to grow substantially and be driven largely by the office-based business services sector.

6.4 Policy 4.1 emphasises the need to develop London's economy by ensuring the availability of sufficient and suitable workspaces. Policies 4.2-4.3 recognise the need to address the distinct needs of the central London office market and increase the current stock in appropriate locations.

6.5 Camden Local Plan Policies E1 and E2 are both applicable here. Amongst other things, they state that new office development will be directed to the growth areas in order to meet the particularly high forecasted demand for additional office space to serve businesses between 2014 and 2031.

6.6 It is also important to note that schemes to intensify business uses at suitable premises will be encouraged so as to support the functioning of the CAZ and the need for new premises - to include floorspace suitable for start-ups (in particular, small and medium-sized enterprises) is recognised.

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- 6.7 Camden's Planning Guidance for employment sites and business premises expands on Local Plan Policy E2 and acknowledges that a substantial proportion of the projected supply will be provided on large floorplates, so is likely to be out of reach of micro, small and medium-sized enterprises.
- 6.8 The application site occupies a highly accessible CAZ location in Fitzrovia where increasing the size of existing office premises is encouraged in order to help meet the forecasted demand for B1(a) floorspace and assist in maintaining the CAZ's functionality as London's centre for all activities.
- 6.9 The proposed development will see the introduction of a further 77.0 square metres of additional gross internal floor space. This is regarded as very modest in size so the proposed accommodation will be considered particularly well suited for perhaps either a micro- or small-sized enterprise.
- 6.10 It is therefore argued that the proposal will be appropriate in land use terms and make a contribution (albeit small) to the identified need for the provision of further office space within the CAZ. Accordingly, the development is considered acceptable subject to satisfying all design criteria.

Quality of External Design

- 6.11 NPPF Policy 11 focuses on the need for making the effective use of land. Paragraph 118(e) states that planning decisions should support opportunities which arise for using the airspace above existing residential and commercial premises in order to facilitate the provision of new homes.
- 6.12 Furthermore, it makes clear that upward extensions which would be consistent with the prevailing height and form of neighbouring properties and the overall character of the streetscene which are well-designed and can maintain safe access and egress for intended occupiers should be allowed.
- 6.13 NPPF Policy 12 emphasises the need for well-designed places and in doing so, recognises that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve and also notes that good design is a key aspect of sustainable development.
- 6.14 London Plan Policy 7.4 maintains that new buildings should provide a high-quality design response that has regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings in order to improve/enhance an area's local character.

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- 6.15 Policy 7.6 states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape and incorporate the highest quality details and materials that complement local architectural character and also be designed to be appropriate to its context.
- 6.16 Camden Local Plan Policies D1 and D2 are also applicable. The former echoes the design principles set out in the London Plan Policies mentioned above whilst the latter reinforces London Plan Policy 7.8 by placing emphasis on the need for development to preserve Camden's heritage assets.
- 6.17 The application site occupies a location where a wide range of building ages, scales, and styles exist - due to considerable past alterations that have been made. This, in turn, has left Tottenham Mews exceptionally mixed in character and the mews has lost much of its original architectural interest.
- 6.18 It is however, important to note that the scale/height of existing buildings within Tottenham Mews varies between three and five storeys. As suggested above, the Mews' buildings have been constructed at different times, using different materials so no single style or finish dominates.
- 6.19 The proposed single-storey roof-top extension will respond successfully to existing circumstances in that it will not only address the current imbalance in building heights which runs along the east side of the mews but will also assist in re-emphasising the host building's end of mews position.
- 6.20 It will have a simple, modern appearance and be constructed using bands of zinc metal cladding and include windows on all elevations which will draw heavily upon the fenestration proportions and arrangement that is evident within the host building's existing first and second floor levels.
- 6.21 By virtue of its form and construction, it is considered that the proposed upward extension will successfully respect the site's context and conservation area setting and will also meet with the key design principles of sustainable development. It is therefore considered an acceptable design.

Neighbouring Amenity

- 6.22 At all levels of government, development is required to avoid having an adverse impact on existing privacy and light levels for neighbouring occupiers by paying particular attention to its scale, height, form, siting and its potential for generating noise and disturbance through traffic movements.

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- 6.23 Camden Local Plan Policy A1 is directly applicable. It states that the quality of life of occupiers and neighbours will be protected and maintains that planning permission will be granted for development unless it causes unacceptable harm to amenity where mitigation would not suffice.
- 6.24 In consideration of any potential for overlooking and loss of privacy, it is important to note that whilst four windows are proposed for the development's north and east elevations the majority would only serve the lobby and w.c. and be a significant distance from all neighbouring windows.
- 6.25 Three windows would be incorporated into the proposed extension's south elevation. Whilst this would inevitably, lead to a degree of overlooking there would be no significant harm to existing neighbouring amenities given that the angle between the properties would remain oblique.
- 6.26 The same conclusion was reached when planning permission was granted to change the use of 11-12 Tottenham Mews (2011/5279/P). In their assessment, Officers recognised that the resulting relationship between windows on Nos.11-12 and 13 would be typical of any mews development.
- 6.27 Given the additional bulk and mass that the previously submitted two-storey extension would bring, it was considered necessary, to commission a Daylight and Sunlight Study to assess the impact that the scheme may have on those properties which lie in closest proximity to the application site.
- 6.28 After having undertaken a thorough assessment which was based on best practice BRE guidelines, the Study concluded that (i) all main neighbouring habitable room windows passed the relevant tests and (ii) there would be no undue overshadowing to neighbouring gardens or open spaces.
- 6.29 By reason of the current scheme being half the size (in terms of its bulk/mass), it is suggested that the same conclusion can again be drawn. For completeness, the Daylight and Sunlight Study that was submitted in support of the previously proposed two-storey scheme has been re-submitted.
- 6.30 Lastly, it is noted that in the assessment of the previous two storey scheme (2018/4282/P) Officers suggested that there would likely be '*some disruption during the construction period*' and had the application otherwise been considered acceptable, the Council would have looked to secure a Construction Management Plan (CMP) to protect neighbouring amenities throughout construction.

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- 6.31 With respect, it is argued that there would be no need for a CMP as the Council did not consider this to be necessary in the case of an almost identical scheme of office development which was granted permission in January 2018 for 83 Charlotte Street & 7 Tottenham Mews (2017/4361/P).
- 6.32 Specifically, it is argued that due essentially to the application site's end of mews location, the anticipated construction works would be far less likely to cause any sense of disruption to either neighbouring amenities or for that matter, the flow of traffic on the local highway network.
- 6.33 Accordingly, contrary to the second reason for refusal that was attached to 2018/4282/P in respect of the two-storey scheme, it will not be necessary for a legal agreement to be drawn up to secure the submission of a CMP should the proposal be considered acceptable in every other respect.

Transport and Highways

- 6.34 The London Plan states that an appropriate balance should be struck between promoting new development and preventing excessive car parking provision which, in turn, can undermine those more sustainable modes of transport such as cycling, walking and a range of public transport.
- 6.35 Camden Local Plan Policies T1 and T2 aim to promote sustainable transport by prioritising walking, cycling and public transport and requiring all new developments in the borough to be car-free. They set out the design elements that will be encouraged and detail how on-site parking will be limited.
- 6.36 It should be noted that whilst it is not possible to offer any form of on-site car parking provision (due to the site's physical constraints), the application site boasts a Public Transport Accessibility Level of 6b and therefore benefits from 'excellent' access to the city's public transport network.
- 6.37 Whilst it is understood that the provision of on-site cycle parking facilities would be preferable, unfortunately, due to the site's physical constraints it is simply impossible to do so. Notwithstanding this fact, it may be conceivable for future occupiers of the space to perhaps store cycles internally.
- 6.38 In the assessment of car parking provision, the Officer Report that was prepared for the two-storey scheme (2018/4282/P) stated that all new developments within the borough should be 'car free' and also stated that '*...if the application was otherwise considered to be acceptable, the Council would look to secure the new office accommodation as 'car free' through a legal agreement*'.

6.39 Notwithstanding this, it is considered vital to appreciate that Officers did not insist on a legal agreement being drawn up for the recently approved scheme of development at 87 Charlotte Street and 7 Tottenham Mews (2017/4361/P) which also proposed erecting roof-top extensions to provide additional B1(a) office floorspace. For this reason, it is respectfully argued that there will similarly be no requirement for a legal agreement to secure a 'car free' development in this case.

Community Infrastructure Levy

6.40 It is understood that in accordance with the 2008 Act and Regulations, the proposed development will be exempt from any community infrastructure levy at either the regional or local level as the proposed scheme of development will create less than 100 square metres of office floorspace.

7 Conclusion

7.1 This section reflects on the merits of the development and in turn, identifies the key reasons why it is respectfully considered that the proposed scheme is entirely acceptable in planning terms.

- The site occupies a Central Activities Zone location, where the principle of creating additional office floorspace is acceptable - subject to all design criteria being met;
- The proposed development would preserve the character and appearance of the host property, Tottenham Mews street scene and wider Charlotte Street Conservation Area;
- The proposed development would not have an adverse impact on existing levels of outlook, privacy or light for any of the occupiers of neighbouring residential properties; and
- The proposed zero provision of on-site car and cycle parking provision is acceptable in this location given the site's 6b PTAL score and the approval of 2017/4361/P within the Mews.

7.2 As the proposed development successfully accords with all relevant policies and guidance across all levels of government, the London Borough of Camden are respectfully invited to grant permission.

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