

Letter of objection concerning:

Application 2020/5633/P for the “erection of a six storey building (and basement) to provide office (use class E) at part ground and basement levels and self-contained flats (use class C3) at ground and floors one to five; with associated landscaping, cycling parking and enabling works” at 14-19 Tottenham Mews, London, W1T 4AA

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On behalf of: Tottenham Mews Owners Association Date:

25/02/2021

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Introduction

This letter of objection has been prepared on behalf of *Tottenham Mews Owners Association*. Those members of this ad-hoc Association who are party to this objection are as follows:

Owners of residential properties

Andrew Stone & Lord Etherton,

Alicia Ung,

Chrysanthos Pantazis & Marilena Karaolis,

Mews;

Bob Katovsky,

Yung-Liang Wang,

Dr Tim Hunt & Professor Mary Collins,

Ben Blausten,

Simon Blausten,

Owners of commercial properties

Bericote Properties Limited

Crockford Management Limited

Chalford Limited

The application here objected concerns the erection of a 7-storey building at 14-19 Tottenham Mews (2020/5633/P).

The objectors own the various historic mews buildings located adjacent and opposite to the application site, across the narrow mews.

This letter sets out *Tottenham Mews Owners Association's* full grounds of objection which can be summarised as follows:

- i. The principle of the development is not supported by any local or national planning policy or any other material planning considerations;
- ii. The development falls far short of discharging the applicants' obligations with respect to housing provision. In particular, the lack of any market housing provision is wholly unjustified;

- ii. The design of the development causes considerable harm to the affected streetscene and sensitive historic environment which is not counterbalanced by any public benefit;
- iv. The development achieves a poor standard of living accommodation, with the overwhelming lack of useable outdoor spaces (private or communal) being of particular concern; and
- v. The development causes considerable, unsupportable harm to the living conditions of existing residents of the mews. Of particular note is the substantial and alarming reduction in sunlight and daylight availability.

The local residents who have commissioned this objection letter here confirm that they would welcome a development at this location which:

- a) comprised an affordable housing scheme;
- b) reached a height no materially greater than the heights adopted by neighbouring mews buildings (c. 12 metres); and
- c) provided a high standard of living to its occupants, meeting the minimum requirements of local policy (at least).

This development is an adjunct to the development and change to office user of the Network Building. The profit to the developer in this connected development (we submit) is in the Network Building, not Tottenham Mews. The housing in Tottenham Mews is proposed as a trigger for receipt of the sole office user at the Network Building, effectively sacrificing the Mews for profits elsewhere.

Process

The objectors raise the following preliminary concerns which are procedural and do not relate to the merits of the application:

- i. The submitted Statement of Community Involvement refers to a webinar held for residents of the local area, the “objective” of which is stated as having been to provide residents, community groups etc. with “an opportunity to participate in shaping the plans.” The objectors believe it should be known that this webinar was not interactive and, unfortunately, did not provide any opportunity for the residents to ask any responsive questions, make any comments or provide any input. The objectors feel, overall, that the applicants have been somewhat disingenuous as to the extent of consultation undertaken with the local community; and
- i. The objectors are concerned that the impact of the Covid-19 Pandemic has not been taken into proper account when consulting the local community. Of particular concern, the objectors are aware of several properties with local businesses in close proximity of the application site. Nos. 7 and 8 Tottenham Mews¹ and no. 12, at the perpendicular end between 11/12 and the subject site, are all affected, but are “dark”, currently unoccupied, presumably as a result of the Covid Restrictions. As a result, it is highly unlikely that these owners or occupants will have been made aware of the major application currently under consideration on the plot directly adjacent to them. Bearing in mind the substantial impact of this site’s development (as currently proposed), the objectors consider that greater efforts should be made to find these owners and to offer them the opportunity to comment on the proposals.

¹ One of the objectors indicates that he has recently spoken with the owner of no.8 and made them aware of the application. The owner of no.8 has indicated that they were not aware of the application prior to this communication. Since being made aware of the application, the owner of no. 8 has added their name to this objection letter

Principle/Justification

Policy consideration

The developers suggest that the principle of the development proposed has already been confirmed by the council in pre-application meetings.

However, current national planning guidance is clear that, “pre-application advice provided by the local planning authority cannot pre-empt the democratic decision making process or a particular outcome, in the event that a formal planning application is made” (Paragraph: 011 Reference ID: 20-011-20140306).

It is therefore considered that the principle of development is certainly not a “given” but must, instead, be carefully and thoroughly considered by both the applicants and the decision-maker, in the face and with the full knowledge of all concerned and affected parties. This does not appear, yet, to have occurred.

The objectors consider this is firmly corroborated by the decision notice issued in respect of the recently approved application for the demolition of the on-site building. This notice explicitly provided the following:

“It must be noted that the current proposals are for demolition purposes only, and not redevelopment for future uses. In the event that the site comes forward in due course for redevelopment, the proposed use(s) will be assessed against the relevant policy framework in place at the time, with this permission and the circumstances underpinning it being material considerations.”

It is necessary to consider local policy C2 which is the relevant policy against which proposals entailing the loss of an existing community facility will be assessed.

The relevant provision of this policy is that existing community facilities will be retained unless one of the following tests is met:

- i. A replacement facility of a similar nature is provided that meets the needs of the local population or its current, or intended, users;
- ii. The existing premises are no longer required or viable in their existing use and there is no alternative community use capable of meeting the needs of the local area. Where it has been demonstrated to the Council’s satisfaction there is no reasonable

prospect of a community use, then our preferred alternative will be the maximum viable amount of affordable housing.

Policy C2 is clear that, where there is no reasonable prospect of a community use (which has not been demonstrated here), the preferred alternative will be for the maximum viable amount of affordable housing.

Whilst the application might appear at first glance to be an affordable housing scheme, the reality is very different, as set out below.

A number of outline and reserved matters applications have recently been submitted for redevelopment of the Network Building at 95-100 Tottenham Court Road and 76-80 Whitfield Street (2020/5624/P & 2020/5631/P & 2020/5638/P). These applications propose the demolition of the existing office building and 7 flats, to be replaced with a maximum of 17275 sqm (GIA) of commercial (class E) floorspace.

The applications concern a major commercial development which, by its nature, triggers important local plan requirements in respect of housing and affordable housing provision.

As the applicants correctly calculate, local policies H2, H3 and H4 trigger the following minimum housing requirements based on both the amount of additional commercial floorspace proposed (10,719 sqm) and the number of existing residential units to be demolished:

- 3524 sqm of market housing; AND
- 2680 sqm of affordable housing.

It is the council's expectation that housing requirements triggered by policies H2, H3 and H4 should be provided on-site. Indeed, policy H2 explicitly provides the following:

Where housing is required as part of a mix of uses, we will require self-contained housing to be provided on site, particularly where 1,000sqm (GIA) of additional floorspace or more is proposed. Where the Council is satisfied that providing on-site housing is not practical or housing would more appropriately be provided off-site, we will seek provision of housing on an alternative site nearby, or exceptionally a payment-in-lieu.

This is further amplified in the policy's supporting text:

“3.53 Inclusion of self-contained housing on-site as part of a mixed use development offers the best prospect for achieving the benefits set out in paragraph 3.43 and creating a complementary range of activities across an area with continuous activity and natural surveillance. Where the Council considers that provision of housing is appropriate, we will seek provision on the development site. Where development adds 1,000sqm (GIA) or more floorspace, the Council considers that it will generally be possible to achieve a significant number of homes on-site sufficient to support the stairs, lifts and circulation space needed to serve them, and will therefore particularly expect on-site provision.”

Accordingly, in this instance, the council's clear preference would be for the required 5359 sqm of market and affordable residential floorspace to be integrated within the Network Building itself.

The applicants are seeking, instead, to provide the required residential floorspace off-site, at 14-19 Tottenham Mews.

Their justification for providing the housing off-site, contrary to the clear preference of the council is understood to be as follows:

- Offices are of strategic importance in this location;
- Residential units would be single aspect;
- Loss of commercial floorspace would affect financial viability; and
- Objection to the appropriateness of combining residential and commercial uses in this location.

The objectors do not agree that any of these reasons stand up to scrutiny and would respond as follows:

- There is no dispute that offices are of strategic importance in this location. However, there is no risk that this would be undermined by the provision of a high-quality mixed commercial/residential scheme - of which there are many examples in the locality and central London areas. The scheme would still entail a net addition of commercial floorspace which would directly support the strategic importance of the area;
- Given the size and opportunities presented by the site, it is disputed that residential

- units would necessarily require to be single aspect;
- The housing requirement is for market housing in addition to affordable housing. Provision of the required minimum of market housing would greatly assist with the financial viability of the scheme overall; and
 - The appropriateness of mixing commercial and residential units in this location is confirmed by the Local Plan, particularly policy H2 and its supporting text. The developers also present themselves as “one of London’s most innovative office and mixed-use property regenerators and investors”. Various examples are provided in the submitted Design & Access Statement of their successful mixed commercial/residential schemes.

In the event that it can be agreed that the housing requirement triggered by the commercial redevelopment of the Network Building can be provided off-site, due regard must be had to the clear implications of supporting paragraph 3.55 as accompanies local policy H2. This appears as follows:

“3.55 Where the housing is delivered off-site, this will enable additional non-residential space to be provided at the application site, and increase the overall scale of development, so the Council will generally expect the development to deliver significantly more housing than it could provide on-site.”

As previously noted, the scale of the major commercial development triggers a minimum housing requirement of:

- 3524 sqm of market housing; AND
- 2680 sqm of affordable housing.

Supporting paragraph 3.55, above, would indicate that the applicants should seek to exceed these minimum requirements, taking account of the fact that the housing is to be provided off-site.

Far from exceeding the bare minimum requirements, the development falls far short.

Indeed, the applicants intend to provide just 2339 sqm of affordable housing floorspace, all of which is to be sited at 14-19 Tottenham Mews. No market housing floorspace is proposed at all.

Accordingly, the scheme is in demonstrable and substantial conflict with most important

local policies H2, H3 and H4. The full extent of the conflict is best expressed as follows:

- The scheme would provide only 43.6% of its overall minimum housing requirement;
- The scheme would provide only 87.3% of its minimum affordable housing requirement; and
- The scheme would provide 0% of its minimum market housing requirement.

In these respects, the application here objected cannot be assessed as though it were an affordable housing scheme or its approval were “in the public interest”². On the contrary, in failing to meet the minimum housing requirements triggered by policy, the scheme is of overwhelming public disbenefit.

Other material planning considerations

Returning to the “principle” of the application here objected, it is clear that there is an overriding conflict with local policy C2.

Accordingly, it would be necessary to demonstrate that other material considerations support a departure from policy in this instance. It is firmly considered that no such material considerations exist in this case, as set out below.

1. “Provision of (affordable) housing” - in order for neutral weight to be given to the applicants’ delivery of new homes, they would need to meet the minimum policy requirement. In order for any positive weight to be given to the applicants’ delivery of new homes, their proposed delivery would need to at least exceed the minimum policy requirement. As it stands, the applicants seek to deliver less than 50% of the minimum housing floorspace requirement generated by their commercial development. Following from the above, this attracts substantial negative weight;
2. Provision of residential accommodation off-site (as opposed to contained within the Network Building, as preferred by policy) would add additional negative weight against the scheme;
3. The development is of inappropriate design that will cause material harm to the character and appearance of the historic built environment (discussed later in this

² in the same way that a commercial development providing less than the minimum environmental measures required by adopted planning policy could not reasonably expect weight to be given to its “eco” credentials

document). On this matter, it is worth noting that the existing, detracting buildings already been demolished in order to facilitate an unrelated development on an adjacent site. Any arguments that the current application would improve the historic/built environment via removal of the existing building must therefore be firmly discounted; and

4. The development fails to secure a policy-compliant standard of living for its intended occupants and would also cause substantial, unsupportable harm to the living conditions of existing residents of Tottenham Mews (discussed later in this document).

As discussed above, the objectors consider that there are various compelling reasons for this application to be refused in principle.

In order for material considerations to overcome the identified policy conflicts, any development on this site should, as a minimum, cause no harm to the surrounding historic built environment and ensure that a genuinely high standard of living is secured for all existing and future residential occupants of the mews.

Financial Viability Assessment

The applicants state that the application is supported by a Financial Viability Assessment (FVA). This does not appear with the public documents for the application.

The objectors do, however, have access to a copy of the FVA submitted with the Network Building applications (2020/5624/P & 2020/5631/P & 2020/5638/P). It is assumed that this is likely the same FVA referenced in the context of the current application, although the applicants' confirmation would be appreciated.

The objectors would make the following comments on the FVA submitted with the Network Building applications:

- i. The FVA appears to include the cost of demolition of the existing building. As discussed elsewhere in this document, this building already has extant permission for its demolition. As confirmed in the planning documents submitted by the applicants, the demolition is required to facilitate the development of an adjacent site. Its demolition cannot, therefore, form part of the current application or be included in its costs;

- i. The FVA goes to great lengths to justify the shortfall in affordable housing provision. However, it remains silent on the issue of market housing provision. The applicants have confirmed (see Affordable Housing Statement) that the scheme must provide a minimum of 3524 sqm of market housing. This could be provided on-site or off-site, on as many plots as necessary. No justification, financial or otherwise, has been provided for the lack of any inclusion of market housing; and
- ii. The lack of any consideration of market housing provision renders the FVA null and void. It is understood that the provision of 3524 sqm would materially assist with the financial viability of the scheme and should generate sufficient profits to enable provision of the full quantum of affordable housing floorspace. It is not understood why the required provision of market housing has been abandoned. It is certainly unjustifiable from a financial standpoint.

Commercial floorspace

The application is intended, primarily, in order to discharge the applicants' obligations arising from their proposed commercial redevelopment of the Network Building.

The obligation is to provide both market and affordable housing. The obligation arises due to the considerable amount of additional commercial floorspace proposed to be added to the Network Building site.

Accordingly, the objectors fail to understand the incentive or reasoning behind the applicants' decisions to:

- i. Provide far less than the minimum amount of housing floorspace required; AND
- ii. Add further commercial floorspace at 14-19 Tottenham Mews.

The addition of further commercial floorspace on the Tottenham Mews site not only increases the overall amount of residential floorspace required by the scheme (see paragraph 3.55 of the Local Plan), it also materially increases the height and scale of the building required to be sited on this small and sensitively-located plot.

Removal of the affordable commercial floorspace would enable the building to be reduced in height by at least one storey. Alternatively, it could be replaced with market housing which would, at least, bring the scheme slightly closer in line with the relevant local policies.

Impact on the locality

Relevance of the 2012 application (2012/4786/P)

The current application seeks to rely heavily upon the council's approval of a previous application for development of the same site in 2012 (2012/4786/P).

Page 15 of the Statement of Community Involvement, for example, states, ““when the site was bought there was already an existing planning permission that we have used as a guide for our own proposals.”

This is echoed in the submitted Planning Statement where paragraph 7.131 states, “There is a historical consent for the site which, provides a sensible alternative baseline condition from which to consider the effects of the proposed development on the neighbouring residential properties. Whilst the 2012 planning permission is no longer extant, the intention behind the principal of comparing new proposals to a previously approved scheme is still applicable to this site as it clearly allows a comparison to be made between the current proposals and a scheme which has previously been considered acceptable.”

In particular respect of the building's design and massing, the 2012 application is relied upon in the following ways:

- i. Page 14 of the Design & Access Statement provides visual comparisons of the two schemes, with it stated that “the current proposals are largely within the massing envelope of the 2012 scheme [and] the street frontage is pulled back a further 2m from the 2012 scheme”;
- ii. Paragraph 4.2 of the Daylight/Sunlight Report states, “the historical [2012] consent [...] offers a logical indication of the form and massing that has previously been considered appropriate for this site”³.

It is quite clear, therefore, that the application depends heavily upon the 2012 scheme, claiming this to set an agreed “baseline” from which the current scheme ought to be judged. The appropriateness of such an approach is emphatically disagreed by the objectors.

³the Daylight/Sunlight Report then proceeds to assess and consider the impact of the current scheme only by comparison to the impact of the 2012 scheme. The evident inappropriateness of such an approach is discussed later in this report.

Whilst it is acknowledged that previous planning decisions may comprise of material planning considerations in the context of a particular application for planning permission, it is still vital that each planning application is determined on its own merits.

Furthermore, careful attention must be paid to any material differences between development schemes which indicate that a different decision-making approach or outcome is warranted. In this instance, it is considered that the differences between the 2012 scheme and the current scheme are of such substance that they simply cannot be considered genuinely comparable.

These material differences include, but are not limited to:

i. The 2012 application entailed the provision of a new Community Mental Health Resource Centre (MHRC) on behalf of the Camden and Islington NHS Foundation. The officer's report on the application provided through consideration of the substantial public benefits associated with this, including the following comments:

- *“The development of Community Mental Health Resource Centres is vital to achieving Government targets on improving access to care, reducing inpatient admissions, reducing suicide and self-harm, and reducing inequalities in the experience of care amongst ethnic minority service users. The key driver for the proposal is the need to improve access to psychological therapies and improve the level of personal care provided by the Camden Islington NHS Foundation Trust and bring forward the S106 obligation of the UCLH Foundation Trust”;*
- *“The services that will operate from the Tottenham Mews MHRC will serve a population of up to 44,000 Camden residents who are registered with primary care practices, plus a significant number of people who are either registered with practices outside of Camden or are not registered. The latter group includes a high proportion of people in hard to reach sections of society such as ethnic minorities, homeless and individuals who are victims of alcohol or substance misuse”;*
- *The Government has consulted the service prior to the publication of a new strategy for mental health and it is anticipated that there will be an increase in demand for mental health services from people of working age. Contributory factors are thought to be the recession, higher unemployment and increases in personal debt. Camden and Islington NHS Foundation Trust have predicted that*

within the South Camden population demand for mental health services will grow significantly, which will have an impact on the requirements for community mental health services”.

- *“The proposed uses within the building comprise certain facilities which will be relocated from other parts of the borough as well as new facilities. Providing these facilities under one roof helps to integrate the different facilities and provides ease of access to support and care. It is considered that the proposed facility will improve health care provision in the borough. The proposal meets the requirements to consolidate and modernise the NHS’s facilities to develop, fewer, larger health facilities, and help enable the NHS to meet the predicted increased demand for mental health facilities over the Core Strategy period.”*

As per the above, the 2012 application proposed the provision of a community MHRC, this entailing substantial public benefits which would have weighed very heavily in the balancing exercise undertaken by the planning department.

By contrast, the current scheme is entirely commercial in nature and its inherent public benefits are, therefore, considerably more limited⁴. For this reason alone, it is simply not reasonable or possible to draw the comparisons between the two schemes which the developer attempts to draw. A public health building, approved in 2012, simply cannot provide the design/amenity “baseline” against which a residential building, comprising part of a commercial, for-profit scheme, in 2021 should reasonably be assessed.

- i. The 2012 application was proposed at a time when the character and uses of established buildings along Tottenham Mews were very different to how they are currently. Indeed, as confirmed by the officer’s report, the 2012 application was determined at a time when only no. 10 Tottenham Mews was in residential use, although nos. 6 and 11-12 Tottenham Mews had extant permissions for their residential conversions (2010/4069/P and 2011/5279/P). Significantly, the officer’s report acknowledged a substantial reduction in daylight to the lower/ground floor windows of nos. 11-12 Tottenham Mews but felt this was supportable as these windows “do not serve habitable rooms, therefore there is no daylight requirement for these rooms”. As acknowledged in the current application, this is no longer the case

⁴ Consideration of the commercial nature of the proposals and the evident inappropriateness of any allusion to an “affordable housing scheme” is discussed under the previous heading

as nos. 6 and 11-12 are now in permanent residential use. Furthermore, those lower/ground floor windows at nos. 11-12 most seriously affected by both the 2012 and 2021 schemes now serve LKDs (living room/kitchen/diners) which comprise those rooms in the affected properties with the most compelling requirement for natural light and indeed the only natural light (apart from two tiny windows at the rear, looking into a narrow lightwell and producing little light) to these two flats.

- ii. The 2012 application was also accompanied by a S106 Agreement which secured a variety of public realm and environmental improvements in the vicinity of the site, including the provision of a shared surface scheme along Tottenham Mews, street furniture (benches, cycle stands, lighting) and other financial contributions. It is not believed that the application currently being considered would secure any of these public benefits.
- iv. Finally, as explored in greater detail below, it is firmly asserted that the design and form of the two buildings are sufficiently dissimilar that their accordance with the surrounding built environment/impacts on neighbouring properties cannot reasonably be compared.

Comparison of building design & impact - 2012 scheme vs. current:

As per the officer report, the building approved for the site in 2012 had a height of 16.3 metres excluding the rooftop plant enclosure. By reference to the below drawing extract, it is estimated that the total height of the building from pavement level, including plant enclosure, was approximately 18 metres:

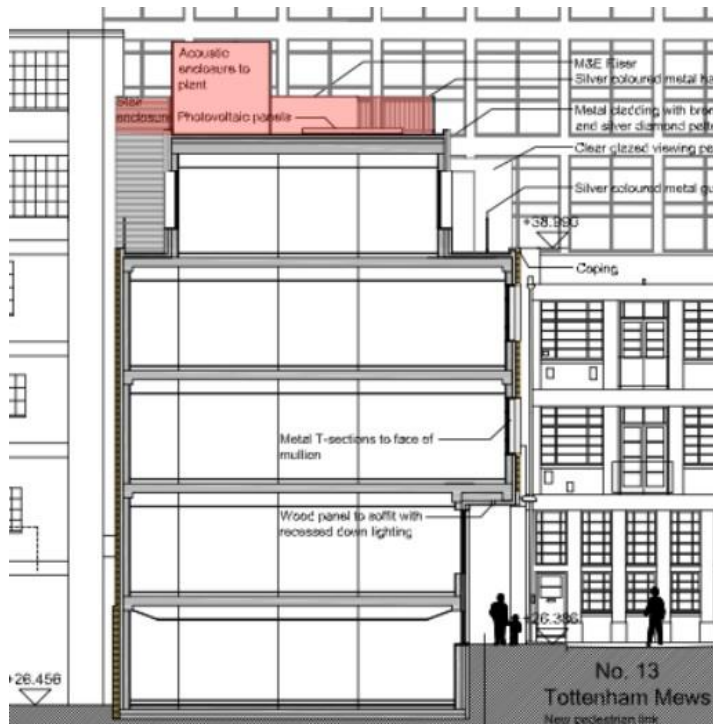


Annotated extract of drawing 233/PD/312 submitted with application 2012/4786/P - blue shading highlights the main bulk of the building, the red line marks 16.3 metres from pavement level and the yellow line indicates the full height of the building (including plant)

By reference to the above drawing extract, it can be seen that both nos. 10 and 11-12 Tottenham Mews reach total heights of approximately 12 metres.

Accordingly, the main bulk of the building approved in 2012 (2012/4786/P) rose under 4 metres above its mews neighbours. It was also articulated such that the storey rising above its mews neighbours appeared reasonably well set-in (approx. 2 metres) from the front elevation.

The other elements on its roof were sufficiently modest and well set-back that their practical impact on Tottenham Mews, and the buildings there located, was negligible.



Annotated extract of drawing 233/PD/312 submitted with application 2012/4786/P - excluding the minor rooftop elements highlighted in red above, the building rose only approximately 4 metres above its mews neighbours

Such an assessment appears to have been agreed by the council in the context of their officer's report on the 2012 scheme. For example, paragraph 6.3.9 of the report finds that, "due to the typically narrow nature of the mews the set back attic storey will not have significant presence from street level in front of the building."

Not only is the current scheme materially taller, overall, than the scheme approved in 2012, it also places considerably greater bulk both at roof height and at the frontage onto the mews.

This is indicated by the below annotated drawing extract:



Annotated extract of drawing 303 submitted with the current application - blue shading highlights the main bulk of the building, red line marks the height of the main bulk of the building approved in 2012 (as shaded blue on drawing 233/PD/312 above)

Whereas the 2012 building stepped back notably as it overtook the height of its neighbours (by approx. 2 metres), the current building only sets itself back by approximately 0.75 metres at this same point, a material difference.

The current building also proposes an additional storey over and above that secured by the 2012 scheme. Whilst this additional storey is set in from the storey below, the set-back is minor at just over 1 metre.

Furthermore, the additional storey achieves a total height of approximately 3.4 metres which is in excess of that achieved by any of the lower storeys forming the building (at approximately 3.1 metres each).

As a result of both its mass and positioning, this additional storey does not read as a minor or incidental rooftop element and clearly forms, instead, part of the main bulk of the building. It is incomparable, in these respects, to those perceptibly modest rooftop

elements which caused the approved 2012 scheme to exceed 16 metres in total height.

<u>2012 scheme vs. current scheme</u>			
	<u>Existing building</u>	<u>2012 building</u>	<u>2020 building</u>
<u>Total height (m)</u>	7.5	18	20.45
<u>Height excluding plant/ancillary rooftop elements (m)</u>	7.5	16	19.2

<u>% increases</u>			
	<u>From existing building to 2012 building</u>	<u>From existing building to 2020 building</u>	<u>From 2012 building to 2020 building</u>
<u>Total height (m)</u>	140%	172%	13.6%
<u>Height excluding plant/ancillary rooftop elements (m)</u>	113%	156%	20%

It is also necessary to compare the impact of the two schemes upon Tottenham Mews' specific contribution towards the character, views and townscape of the area. This matter is of particular importance in this case as the site lies within the Charlotte Street Conservation Area, a designated heritage asset.

A large part of the Conservation Area's special interest and heritage value, as confirmed by both the Conservation Area Appraisal (CAA) and the Officer's Report on application 2012/4786/P, lies in its hierarchy of wider primary streets vs. narrower secondary streets and mews, with larger-scale buildings on the first giving way to smaller-scale buildings on the second.

This results in a valuable and densely-packed townscape which is, of course, most readily perceptible in the secondary streets and mews, where the smaller scale of buildings enable views to be had of the larger buildings and taller local landmarks which rise above and beyond on the surrounding primary streets.

It is therefore highly significant to consider that the buildings fronting the narrow

Tottenham Mews are of a perceptibly smaller scale than the buildings located on the wider primary roads enveloping it (such as those with frontages onto Cleveland Street, Tottenham Street and Charlotte Street) and that this provides for rich public views of the townscape noted above.

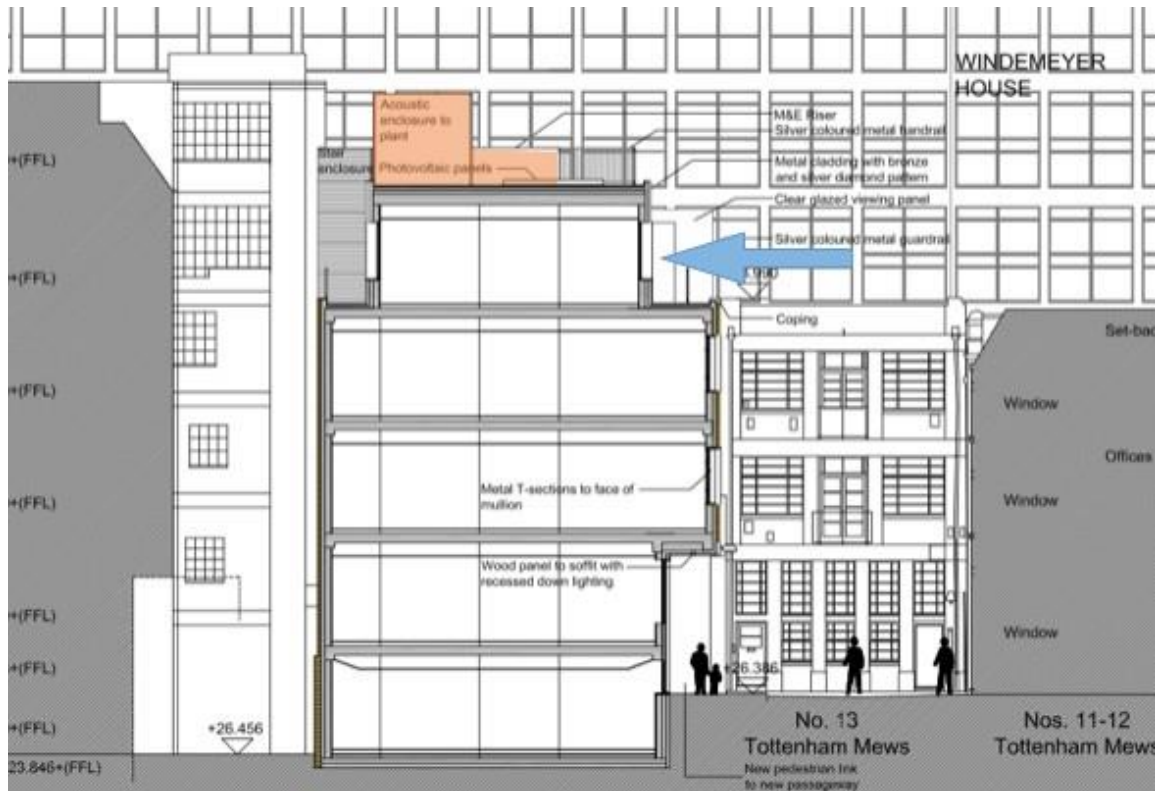
Indeed, the built landscape as visible from this historic mews location is firmly representative of the area's contrasting network of primary streets vs. secondary mews which, as above, contributes greatly towards its overall heritage significance and value.

It is, therefore, most relevant to consider that the 2012 scheme took care to ensure that the massing of the building was broken up at its highest points and also placed firmly towards the rear of the plot. This enabled its higher protruding elements to share a closer physical and visual relationship with the larger 20th Century buildings sited beyond, but which remain to be seen peering above, the mews.

In this manner, as visually represented below, the 2012 structure was able to limit the disruption it caused to either the perceived scale of Tottenham Mews itself or the wider defining townscape of the Conservation Area:



Annotated Google Streetview depicting the significant heritage townscape which can be seen at Tottenham Mews - small-scale buildings of the foreground (secondary mews street) are highlighted in green, elements of the larger buildings of the middle ground (primary streets) are seen peering above/around (in orange). The notably taller local landmark of the BT Tower, seen rising far above in the background (in yellow), completes this valuable built composition



Annotated extract of drawing 233/PD/312 Rev B submitted with application 2012/4786/P - by comparison to the above Google Streetview extract, it can be seen that the highest elements of the structure would appear to protrude above and to the rear of the main bulk of the building, appearing no materially different in views from Tottenham Mews than those protruding elements belonging to the larger buildings on primary streets which already surround it. The use of a clear glazing panel also provides an effective visual set-back (marked by a blue arrow) where the building first begins to rise above its mews neighbours (at nos. 10 & 11-12). This greatly assists to maintain the perception of a gradual increase in building scale as one progresses away from the narrow mews towards the primary streets.

The building currently proposed for the site does not make the same efforts to maintain this important contrast of scale. As indicated by the extract of drawing 303 inserted above, the currently proposed structure bears very little relation to its mews neighbours in terms of either its scale or its height. The massing of the building at its higher levels no longer steps back perceptibly towards the rear of the site as it did in 2012.

Rather, the building now proposed for this narrow mews site unabashedly adopts the scale and height of the larger buildings which relate to and define, instead, the primary streets positioned beyond and around it. This, indeed, appears to be acknowledged by

the applicants, who state:

“Although the surviving 19th century light industrial buildings to the north and west side [the objectors presume the applicants mean “north and east side” rather than “north and west”] of the mews rise to four to five storeys the more recent development of Arthur Stanley House, Middlesex Annex and Middlesex House (the first two both currently under redevelopment) to the south and north are larger in their massing and scale and so the additional mass of the proposal would sit comfortably within the townscape” (section 5.1.3 of the Heritage Statement).

To be clear, Arthur Stanley House, Middlesex Annex and Middlesex House are all located on primary streets, albeit in close proximity of Tottenham Mews. Arthur Stanley House relates to Tottenham Street where buildings are of comparably great scale and height. Similarly, Middlesex Annex and Middlesex House belong to Cleveland Street, another primary route whose large scale and height of buildings contrasts considerably with those residing on Tottenham Mews.

The larger scale, massing and height of these recently permitted developments are, accordingly, in direct and appropriate response to their own “primary” built contexts which stand in distinct contrast to the “secondary” built context of the current application site.

Certainly, these larger developments on primary streets cannot be considered to “set a precedent” for comparably large buildings to be erected throughout the Conservation Area’s narrow secondary streets and mews.

Having regard to all of the above matters, it is firmly asserted that the present scheme entails a substantial additional degree of permanent and irreversible harm to the local built character and heritage value (and capacity for public appreciation) of the place which was not presented by the 2012 scheme.

It is also firmly asserted that very little - if any - weight can be attached to the applicants’ stance that the 2012 scheme provides an appropriate “baseline” from which the current proposals deserve to be assessed.

On the contrary, the two schemes are subject to various material differences (including, but not limited to, their different uses, different policy contexts, different built contexts, different public benefits, different massing, different height and different overall design)

which render any comparison inherently problematic.

Heritage impact

As touched on previously, the Conservation Area (CA) is valuable, in particular, for its arrangement of primary and secondary streets which each have their own character and scale and which combine to provide a pleasing built composition (or townscape) of smaller scale buildings in the foreground (secondary streets), over and around which rise the larger scale buildings of the middle ground (primary streets), all whilst allowing for views of higher rising landmarks in the background (such as the BT Tower).

In this manner, Tottenham Mews has a particular heritage value as it comprises one of those rare locations in the CA where this significant townscape is so readily apparent.

In particular, the two-storey scale of the existing building at 14-19 Tottenham Mews enables clear views to be had of the larger-scale buildings which appear to loom behind and around it.

This, coupled with the prominence of the iconic BT tower in the same views, provide the public vantage point at Tottenham Mews with a particular value to the CA which warrants both recognition and careful conservation.

Whilst the Conservation Area Appraisal (CAA) identifies that “the prefabricated buildings on Tottenham Mews detract from the overall character of the street”, it is quite clear that this assessment is warranted on the basis of their poor-quality materials and built construction (being prefabricated), rather than their height or scale which is, conversely, highly appropriate⁵.

Indeed, the applicants’ assertion (at paragraph 6.6 of the submitted daylight/sunlight report) that, *“the site is currently underdeveloped as it is occupied with a two-storey*

⁵ It must also be acknowledged, as per paragraph 1.4 of the submitted Planning Statement, that “the building is currently vacant and is soon to be demolished by the Applicant to allow the site to be utilised to facilitate the construction of the approved scheme at Middlesex Hospital Annex”. Removal of the existing “detracting” building already has planning permission, this specifically proposed and required to facilitate a separate development on a separate site. Accordingly, the building’s removal will occur irrespective of the outcome of this application. The merits of the building’s removal were fully assessed in respect of approved application 2020/3289/P which secured the permission for its demolition. No weight should therefore be granted - as part of this subsequent, unrelated application - to the positive heritage effect caused by removal of the existing structure.

building. The existing building is therefore of a scale that is uncharacteristic of the prevailing urban grain of Fitzrovia” appears to be in firm conflict with the following assessments extracted from the CAA:

“The special interest of The Mews Areas [including Tottenham Mews] lies in their narrow entrances and small scale of mews buildings” (paragraph 6.37);

*“Few of the **original two-storey mews properties** remain. These have been mainly replaced by warehouses and workshops built during the 19th century” (paragraph 3.8);*

and that;

“Later 20th century buildings tend to be of a larger scale and have plain utilitarian frontages that do not contribute to the character of the area. A number [...] detract as a result of both their imposing mass and bulk within the street” [bold emphasis added].

On the basis of the above assessments, it is firmly considered that, far from being uncharacteristic of the area, the two-storey height of the existing building at 14-19 Tottenham Mews is highly representative of the historic scale of traditional mews buildings and thereby comprises a distinctly positive and rare feature of the CA whose continuation in any future development would be of clear heritage benefit.

Comments on the Heritage Statement

Notwithstanding the above, it is firmly considered that the Heritage Assessment submitted with the application contains a number of significant shortcomings which indicate that the heritage impact of the development has not been appropriately or fully considered.

This is a significant omission which indicates a firm conflict with Section 16 of the NPPF and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The main shortcomings of the Heritage Assessment are as follows:

1. At Section 1.3 (Summary Assessment of Significance), the Heritage Assessment states, *“Due to the enclosed nature of Tottenham Mews, the site is only visible in public views from within Tottenham Mews and partially from Bedford Passage to the rear. The site is not visible from, and therefore has no impact on, the setting of the majority of the nearby listed buildings”.*

Evidently, the applicants have concluded that, as the site is not visible from nearby listed buildings, it has nil potential to affect their settings and so no further consideration of this impact is required.

This is wholly inappropriate, having regard to the below, adopted Planning Practice Guidance:

“The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but aren’t visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time” (Paragraph: 013 Reference ID: 18a-013-20190723 Revision date: 23 07 2019).

As set out previously, the built composition or townscape of the CA makes a notable contribution to its heritage significance, with Tottenham Mews itself providing an excellent and rare visual representation of this special townscape.

There can be no dispute that the proposed development of 14-19 Tottenham Mews would alter the affected townscape. In this manner, it also has the clear potential to affect the settings of nearby listed buildings which are, of course, very much informed by the quality and character of the host townscape.

The applicants’ evidently inappropriate conclusion that there is no need for any assessment of the impact on nearby listed buildings due to a lack of views betrays their lack of attention to, or understanding of, important historic environment policy/guidance and must be redressed.

2. At Section 4.2 (The Wider Setting) the Heritage Assessment similarly asserts, *“due to the enclosed nature of Tottenham Mews the site is only visible from within Tottenham Mews and partially from Bedford Passage to the rear and so has no impact on the setting of the conservation area or listed buildings.”*

The development's clear capacity to impact on the setting of listed buildings, irrespective of the availability of views, is set out above.

In respect of the applicants' assertion that the development has "no impact on the setting of the conservation area", this is startlingly inaccurate.

Firstly, the above PPG is emphatic that the contribution made by a setting towards heritage significance does not depend on this setting being prominent in public views.

Secondly, the site lies firmly within the confines of the CA and not just within its setting, as the applicants would appear to imply.

In terms of its particular contribution to the special interest and significance of the CA, this is notable.

Indeed, the CAA specifically identifies that Tottenham Mews contains numerous "positive contributors" to the CA. Under the heading "Views and Vistas", Tottenham Mews is also specifically identified, alongside only 3 other locations (being Charlotte Street, Charlotte Place and Goodge Place), as providing "clear views of the BT Tower".

Reinforcing the special heritage interest and contribution of Tottenham Mews towards the CA, the CAA also asserts that, *"the most notable views are to local landmarks, primarily the BT Tower (outside the conservation area), viewed when travelling north, which serves as a more recent reference point and aid to orientation"* (paragraph 3.5).

Being a mews site where:

- A traditional small-scale, two-storey height is maintained;
- Clear (rare) views are available of the distinctive townscape which partly informs the significance of the CA; and
- The most notable local landmark (BT Tower) is also prominently visible in the built landscape;

it is firmly asserted that its redevelopment to include the erection of a building some 172% taller than the existing structure (itself already set for demolition - 2020/3289/P) has substantial capacity to cause material harm to the significance and appreciation of the CA in which it resides. As discussed elsewhere in this document, this harm is not outweighed by any public benefits.

Quality of the development

Private Outdoor Amenity Space

Although the applicants have referred to the Mayor's (interim) London Housing Design Guide (LHDG), the objectors consider the most relevant planning policy document is the Mayor's Housing Supplementary Planning Guidance (SPG), published in March 2016.

The Housing SPG contains the following requirements:

Private open space

Standard 26 - A minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant.

Standard 27 - The minimum depth and width for all balconies and other private external spaces should be 1500mm.

The SPG's supporting text also provides:

*“2.3.31 Private open space is highly valued and should be provided in all new housing developments. The resultant space should be of **practical shape and utility** and care should be taken to ensure the space offers good amenity.*

2.3.32 In exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement.

2.3.33 Dwellings on upper floors should all have level access to a terrace, roof garden, winter garden, courtyard garden or balcony. the use of roof areas for additional amenity or garden space is encouraged (including green roofs, see below). houses and ground floor flats should preferably have private gardens.”

By reference to the above SPD extracts, it is plain that the proposed development falls far short of providing the minimum outdoor amenity space required.

Indeed, of the 23 total residential units proposed, only 2 (or 8.7%) are provided with a policy-compliant area of private outdoor amenity space. These are the 2 no. 2b3p units located on the 5th floor which are each provided with a dedicated terrace garden.

The two disabled persons' flats on the ground floor have no outdoor space of any size or form.

There are also instances of upper floor dwellings having no access to any form of terrace, roof garden, winter garden, courtyard or balcony (see, for example, extract of drawing 104 below).

Some units are provided with very modest Juliette balconies but, for the following reasons, these cannot seriously be considered to comprise private outdoor space:

- i* The balconies are not private but, instead, directly face onto the objectors' own residential properties located in very close proximity on the other side of the narrow mews;
- ii* The balconies are very small (with total depths no greater than 500mm), substantially below the 5sqm/1500mm minimums required by Standards 26 and 27 above; and
- iii* The very small size and position of these areas mean they are not of practical shape or utility and will not offer good amenity.

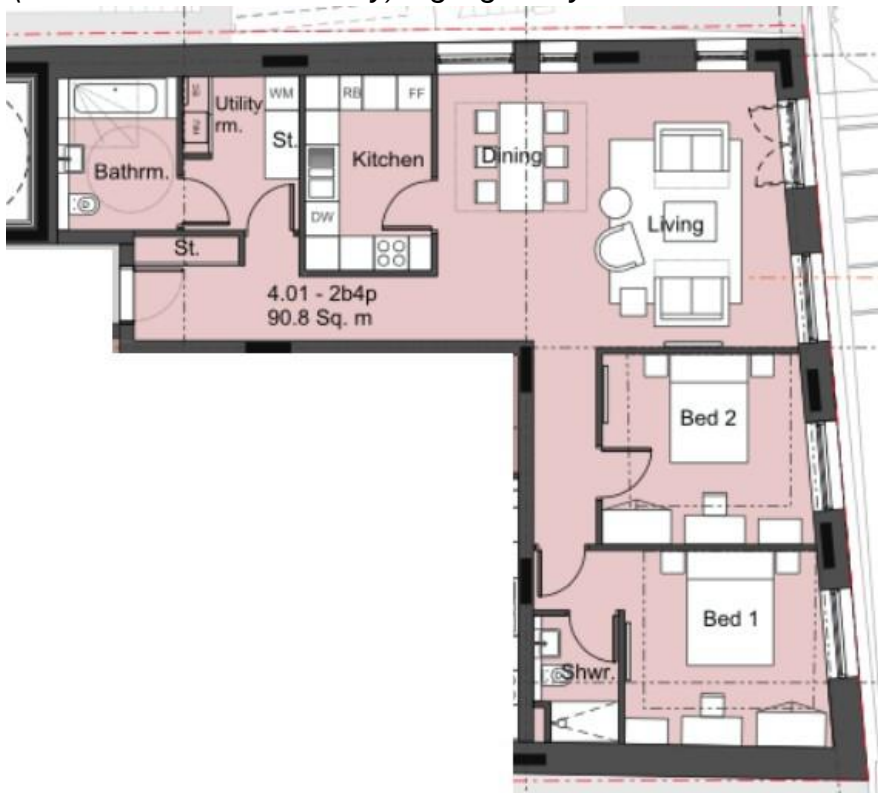
The evidently substandard provision of outdoor amenity space is further demonstrated by the below drawing extracts:



Extract of drawing no. 100 - 2b4p disabled persons' flat on the ground floor. No outdoor space is provided in any form.



Extract of drawing no. 103 - 2b3p flat on the third floor. Total outdoor space for this flat (in form of Juliette balcony) highlighted yellow



Extract of drawing no. 104 - 2b4p flat on the fourth floor. No outdoor space is provided in any form.

Whilst the SPG indicates that there may be potential, in exceptional circumstances, for dwellings to be provided with compensatory internal living space where site constraints

prohibit the creation of outdoor space, it is clear that such a compromise should only be required for “a proportion” of the scheme’s dwellings.

It is firmly refuted that the SPG at all indicates that support should be given to any housing scheme where “site constraints” render impossible the provision of private open space to over 91% of the total dwellings to be provided, as is the case here.

Furthermore, it does not appear that any of the units which lack outdoor amenity space have, in fact, been provided with additional internal living space equivalent to the area of the private open space requirement. This finding is supported by the below drawing extracts:



Extract of drawing 103 - 2b3p flat on the third floor. This unit has no countable outdoor space. Living room/kitchen/diner (LKD) measures approximately 30 sqm



Extract of drawing 105 - 2b3p flat on the fifth floor. This unit has policy-compliant outdoor space. Nonetheless, the LKD measures approximately 29 sqm

Within their submitted planning documents, the applicants have sought to justify the evidently substandard provision of private outdoor space in the following ways:

“Adding further amenity would begin to compromise the internal daylight and the proportion of affordable homes proposed as certain amendments would be required to the building which would impact upon the number of residential units. Taking all factors into account, the proposed level of amenity is considered acceptable in this instance”
(Paragraph 7.50 of the Planning Statement);

“Play space is not proposed to be provided on this site. Play space amenity would compromise the private amenity space for the apartments⁶”
(Paragraph 7.49 of the Planning Statement);

“If we were to incorporate roof amenity space we would need to reduce the number of affordable apartments on the top floor which we do not want to do”
(Page 14 of the Statement of Community Involvement).

It is not considered that these justifications are at all well-reasoned or supportable from a planning perspective.

Fundamentally, if the constraints of a site are such that it is impossible to BOTH (a) secure the number of residential units desired by the developer AND (b) provide a policy-compliant standard of living/amenity to each unit, then the only outcome of this should be that EITHER the number of residential units must be reduced/reconfigured OR the scheme abandoned in its entirety.

It should never be appropriate to conclude, as attempted by the current applicants, that if the constraints of a site prevent a high standard of living from being provided or important planning policy from being followed, the outcome should be that the scheme is simply permitted to flout policy and/or provide a poor standard of living to its occupants.

Indeed, this is antithetical to the very idea of having a plan-led system. If developers were permitted to stray from a policy as and when the constraints of a site required it,

⁶ considering only 2 of the 23 units are provided with any form of useable or countable private amenity space, this statement really highlights that the constraints of the site render it fundamentally unsuited to the type/amount of residential development proposed

then what purpose would this policy serve, if any?

In their submissions, the applicants have also made reference to the Design Review Panel's response to the scheme, as presented to them in September 2020. The applicants imply that the Panel's concerns with respect to outdoor amenity space have been addressed in their amendments to the scheme's design. This is strongly disputed.

Having regard to the above discussion, it is firmly considered that the below unfavourable assessments, as offered by the Design Review Panel's response dated 11/09/2020, remain to apply to the scheme currently in consideration:

“The panel is also concerned by the lack of amenity space for flats, particularly for social rented units and those that are likely to house children. It therefore asks the team to explore the potential for small balconies, a communal roof garden, and play space in Tottenham Mews which will be a low traffic area. Addressing these quality of life issues may require a reduction in the number of units;

Any large social-rented family unit should be provided with at least some directly accessible private external amenity space; and

The panel is concerned that number of units included in the building is excessive, that they appear squeezed in, with internal layouts and the quality of accommodation compromised.”

Whilst the developers have modestly extended a number of the Juliette balconies included in the scheme, these remain firmly substandard, as set out above.

Furthermore, it is evident that the Panel intended for the developers to explore a combination of different methods of providing outdoor space which, cumulatively, could serve to mitigate for the overriding lack of private amenity areas.

In particular, the developers were directed by the Panel to explore the potential for small balconies, a communal roof garden and public play space in Tottenham Mews. Such an approach would have provided each unit with access to a very modest but nonetheless private area of outdoor space PLUS access to two more generous/useable/amenable communal outdoor areas, one provided within the building and one just outside.

Although a number of the flats (but not all) are now provided with minimal private

outdoor space, this is not supplemented by any communal areas. Furthermore, there remain a number of flats (notably including disabled persons' and family units) with no access to outdoor space of any kind.

As a final comment on outdoor amenity space provision, the objectors would raise their serious concerns around this scheme's inclusion of private outdoor amenity areas for only the top floor "penthouse" units.

The objectors have serious concerns that such an approach is fundamentally inappropriate, especially for a building comprised wholly of affordable housing.

Certainly, approval of this scheme risks affirming that private outdoor space is to be considered a "luxury" rather than a basic necessity for new housing in Camden. A favourable decision could very easily be relied upon by future developers who would, of course, prefer to limit the amount of amenity space included in affordable housing schemes in order to maximise profits. This could have direct and grave consequences for the quality of new housing proposed and delivered in Camden, especially where this is to be affordable.

If the council remains of the opinion that residents of affordable housing should be entitled to a high standard of living and amenity which is commensurate with that required by planning policy and provided in market housing schemes, then they must refuse this development as it currently stands.

Public Open Space

Policy A2 of the Local Plan requires new residential schemes to deliver 9sqm of open space per future occupant. The policy gives priority to this being secured on-site, with off-site provision only acceptable where on-site provision is unachievable. A financial contribution in lieu of direct provision is a last resort, only permissible where there is "no realistic means" of direct provision.

The number of residents which each of the 23 proposed units is capable of housing is clearly marked on the submitted plans. Overall, the building provides capacity for 79 occupants, generating a total requirement for open space provision of 711 sqm.

The application as submitted proposes no open space provision (0 sqm) and this is a significant shortcoming, especially taking account of the overwhelming lack of private outdoor space, as discussed above.

Whilst there remains potential for a financial contribution to be secured (s106), local policy A2 is clear that this should only be pursued as a last resort when there are no realistic means of direct provision being secured.

The application is not accompanied by any statement or document which would indicate that direct provision of open space has, as a minimum, been considered and appropriately investigated.

Having regard to local policy A2, if the applicants do not consider that direct provision is achievable here then this should be appropriately explained and justified.

In the event that direct provision cannot be achieved (and this is appropriately supported by the evidence), then the developers must be required to provide the relevant financial contribution.

Any such financial contribution ought to take account of the scheme's failure to provide the required minimum of private outdoor space (considering this is highly likely to lead to increased recreational pressures on local open space, above and beyond the levels usually associated with a residential scheme of this size and nature).

Parking

The scheme is proposed as a car-free development and this is agreed to be appropriate having regard to local policy T2 and the sustainable context of the site.

However, local policy T2 and its supporting text is clear that even car-free developments must provide appropriate parking spaces to disabled users. In particular, paragraph 10.17 confirms that,

*“Car-free development means that no car parking spaces are provided within the site **other than those reserved for disabled people** and businesses and services reliant upon parking” [bold emphasis added].*

As it stands, the application proposes that, *“disabled car users will be expected to make use of on-street parking bay in the local area, such as the three parking bays available on Tottenham Street circa 45 metres from the site”* (paragraph 4.5 of the Transport Statement).

However, the exact location of the three parking bays on Tottenham Street has not been identified. Nor is it clear whether these parking bays are subject to use restrictions or would realistically be available for disabled residents of the site. Further information is evidently required.

Furthermore, the scheme includes two units designed for disabled residents which have a cumulative capacity for 7 total occupants. In the event that the three disabled bays on Tottenham Street were fully occupied, it is not clear where the remaining disabled residents would be expected to park.

This is a significant shortcoming of the scheme which warrants careful consideration.

Undercroft Passage

The objectors are also concerned that the undercroft passage proposed to link the Mews with Bedford Passage is likely to result in a material increase in the occurrence of crime and anti-social behaviour.

Whilst the objectors are broadly supportive of the proposal to provide a pedestrian link here, it is considered that further consideration must be given to the design of this link.

Indeed, it is the objectors' understanding that, although the council has promoted the provision of such a link for some time, it has previously adopted the stance that any such link should be open to the sky and that it would be essential that a clear line of sight were created between Tottenham Mews and Bedford Passage.

The objectors are aware that the Metropolitan Police Service's consultation response to the application has raised serious concerns over the proposed undercroft passage and has strongly recommended that this element of the scheme is removed.

For the safety, security and amenity of all residential and commercial occupants of Tottenham Mews, the objectors must strongly recommend that the response of the Metropolitan Police Service's is heeded by the council's planning department.

Daylight/Sunlight impact

The objectors have commissioned a separate assessment of the scheme's impact on sunlight and daylight. This comprehensive assessment has been prepared by Right of Light Consulting Chartered Surveyors and looks in detail at the unacceptable harm caused to the objectors' properties as a result of the development proposed. It is not intended to rehearse the contents of this separate document here. However, it is considered that the following matters warrant emphasising.

Response of the Camden Design Review Panel

The application makes various references to the response of the Camden Design Review Panel to the plans as submitted in September of 2020. At paragraph 4.1.8 of the Design & Access Statement, for example, it is stated:

"The scheme was presented to the Camden Design Review Panel meeting on 11th September 2020. The following key comments were discussed and subsequently addressed:

- *Single aspect units facing Middlesex House (west) were omitted, replaced by dual-aspect units with frontages to Tottenham Mews.*
- *Privacy to the ground floor units has been increased with the introduction of a wider defensible zone between ground level windows and the pavement.*
- *The depth of Juliette balconies facing Tottenham Mews has been increased for the potential for eg. tenant installed planting."*

It is firmly considered that the applicants have entirely omitted to address one of the critical concerns of the Design Review Panel, as pertained to the scheme's impact on daylight and sunlight. Indeed, the Design Review Panel's letter of 11/09/2020 includes the following highly pertinent comments:

"Bulk and massing

- *The panel considers the bulk and massing of the scheme is ambitious but acceptable given the quantum of affordable housing it seeks to provide. The caveat is that levels of daylight to existing homes on the eastern side of Tottenham Mews should not be reduced.*
- *Lighting levels should be carefully tested to ensure that homes on both sides of the mews receive good levels of daylight."*

What is clear from these comments is that the Panel was willing to support the imposing bulk and mass of the scheme PROVIDED this did not result in levels of daylight to existing homes on the eastern side of the mews being reduced.

The applicants' submitted Daylight and Sunlight Report provides clear and incontrovertible evidence that levels of daylight to existing homes on the eastern side of the mews are substantially reduced by the proposed development. As such, the Panel's caveat is evidently not heeded.

On the Panel's second point, the applicants' own Daylight and Sunlight Report makes it quite clear that the scheme would reduce levels of daylight to the objectors' properties far below what could reasonably be considered a "good" level.

It is the objectors' firmly-held stance, therefore, that - far from indicating the bulk and massing of the scheme to be acceptable - the Design Review Panel's response coupled with the subsequent daylight/sunlight investigations, provide a compelling reason for the application's refusal.

Application of BRE guidance

The applicants correctly identify that the relevant BRE guidance is not mandatory and should be applied flexibly, having regard for built context and other factors.

The objectors also firmly agree with the subsequent assessment of the applicants which appears as follows:

"The application site is clearly positioned in a historic area that is within a dense urban location. Therefore, it is clear from both the BRE guidelines and local policy that the technical specification offered by BRE should be treated flexibility [sic] and that a practical application of the target values is required as natural lighting is only one of many factors that should be considered" (paragraph 6.5 of the Daylight and Sunlight Report).

However, the objectors firmly dispute that the "outcome" of these appropriate assessments is justification or support for the erection of a building far taller than any of

the existing buildings belonging to this narrow mews street⁷.

On the contrary, paragraph 1.6 of the relevant BRE document provides the following guidance:

*“For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to **match the height and proportions of existing buildings**” [bold emphasis added].*

Clearly, therefore, the “flexibility” inherent in the BRE Guidance is intended to enable developments to preserve the established built context of a site, rather than to provide justification for their erosion of this.

The objectors remain firmly convinced that any new building on this site must make greater efforts to relate more closely, particularly in terms of its height and massing, to its mews neighbours, including the objectors’ own buildings.

Provided the new building rose no materially higher than nos. 10, and 11/12 Tottenham Mews (which stand at a not overly restrictive 12 metres), the objectors confirm that they would take no issue with BRE’s Guidelines being applied flexibly, as is appropriate.

Relevance of the 2012 consent

The submitted Daylight and Sunlight Report relies heavily upon the now expired 2012 permission secured on the site (2012/4786/P).

This letter of objection has already explained the limited relevance of the 2012 application in some detail. Notwithstanding this, the following matters are of particular importance to the issue of daylight/sunlight impact:

As correctly identified in the separate assessment provided by Right of Light Consulting Chartered Surveyors, one of the buildings now occupied by the objectors (11/12 Tottenham Mews) was not in residential use at the time of the 2012 application.

It is worth noting, however, that nos. 11/12 did benefit at the time of the 2012 application

⁷To be clear, Arthur Stanley House does certainly form part of the immediate built context but it does not “belong” to Tottenham Mews in the same manner as those mews buildings fronting Tottenham Mews. It belongs instead to Tottenham Street, which it fronts, with a side elevation onto the mews

from extant permission for their residential conversion.

What is of greatest relevant, therefore, is the changed uses of those rooms most seriously affected (in terms of access to natural light) by the proposed development of the application site. At nos. 11/12, these are the rooms situated on the ground floor directly overlooking the mews.

As confirmed by the officer's report on the 2012 application, *"the windows on the Mews elevation at ground floor level do not serve habitable rooms, therefore there is no daylight requirement for these rooms."*

This is no longer the case. As confirmed by the applicants' own Daylight and Sunlight report, these worst affected windows now serve LKDs. The LKDs comprise those habitable rooms in the affected properties with the greatest requirement for natural light, meaning the substantial loss of light to these windows (as identified in the same report) would cause a very serious degree of harm to the living conditions of these dwellings.

This is a level of harm which did not, as a matter of fact, arise from the 2012 scheme.

Consequently, no weight at all should be given to the applicants' strained and disingenuous attempts to argue that "it would be difficult to distinguish between the Proposed Development and the 2012 consent in terms of sunlight"⁸.

⁸ See, for example, paragraph 7.37 of the Daylight and Sunlight Report which states (of the lower ground and ground floor flats at nos. 11-12), "the remaining four windows will experience alterations in VSC of 56% or 57%. When compared to the 2012 consent, there is less than 0.8% absolute difference in the retained VSC between the two schemes which is imperceptible". The report does not identify, however, that all of these four windows serve habitable rooms (3 x LKDs, 1 x bedroom), whereas in 2012 they did not.



Ground floor window serving the LKD of flat no. 1 at nos. 11-12 Tottenham Mews. This large window provides the only noteworthy source of natural light to the property. This is one of the windows which would be most substantially harmed by the proposed development. Flat 2 at nos. 11-12 benefits from a near-identical layout.

N.B. As depicted, the panes in these windows are mostly composed of frosted glass in the interest of maintaining privacy. Accordingly, its only real amenity value lies in its provision of ample natural light to the flat's habitable spaces.

Commercial units

At paragraph 2.3, the Daylight and Sunlight Report submitted with the application states, “commercial properties and non habitable rooms such as bathrooms and hallways have not been considered within this report.”

The applicants’ failure to assess the loss of light to neighbouring commercial premises is considered to be at odds with the relevant BRE Guidance. In particular, paragraph 2.2.2 of the BRE Guidance states, “the guidelines may also be applied to any existing non-domestic building where the occupants have a reasonable expectation of daylight; this would normally include schools, hospitals, hotels and hostels, small workshops and some offices.”

No. 10 Tottenham Mews contains offices on the ground floor whose access to natural light is likely to be materially impacted by the development proposed. The lack of any investigation or assessment of the light impact on commercial occupants of the mews renders it impossible to establish whether or not this would be acceptable.

No. 10 Tottenham Mews

The residential occupants of no. 10 Tottenham Mews are also particularly concerned that their building’s front elevation onto Tottenham Mews is the only aspect of their building which receives any natural light. The few small windows at its rear open onto a building “well” which is enclosed by the rear elevations of buildings on Charlotte Street. Accordingly, the substantial loss of light to no. 10’s windows arising from the proposed development is immitigable and would cause material and unsupportable harm to its residential amenity.

Conclusion

As explained over the course of this document, the objectors consider that there are significant issues with the proposed development of 14-19 Tottenham Mews (2020/5633/P) which cannot be overcome or mitigated and which necessitate that planning permission is refused.

The objectors consider, as a minimum, that the height of any building which might be permitted on this site should be no greater than c. 12 metres in total.

The objectors also hereby invite the planning department and any members of the Planning Committee, as appropriate, to conduct a site visit of their own residential properties, in order to better assess the substantial harm that the development in its current form will cause to their living conditions and to the special character of Tottenham Mews itself. "Covid safe" arrangements can be made to facilitate this (for example, the two ground floor units at numbers 11/12 open directly onto the street into the affected rooms).