

**81 Belsize Park Gardens**  
**DWD Response to Public Comments**

Date Updated: 11/12/2023

Application Number: 2023/3407/P

Area of Concern	Resident Comment	DWD/ Project Team Response
Air Source Heat Pump (ASHP)	ASHP will not meet acceptable sound and vibration levels.	<p>A Noise Assessment, prepared by Max Fordham, was submitted with the planning application. It confirms that with the proposed induct attenuators to the AHU and MVHR units, the plant noise emission limits can be met. On this basis, no observed adverse effect level is predicted and therefore there is no significant impact.</p> <p>The applicant is willing to commit to an appropriately worded condition, that ensures that the plant installed complies with the Max Fordham report and that the relevant plant noise emissions limits are met.</p>
	<p>Concern regarding the proposed Clade Acer plant. Namely:</p> <ul style="list-style-type: none"> <li>The proposed roof plant comprises 2 ASHPs (Clade Acer 75KW Ultra Low Noise) each with a sound pressure level of 33dba at 1m'. This is incorrect, the 75KW version of the Clade Acer ASHP is a very large unit and has a sound pressure level of 56.2dba at 1m (please see page 4 of Clade Acer's info sheet). This is 23.2dba above the developers' assessed levels and 2 units will be higher than that. The acceptable noise levels at our windows will be exceeded by at least 18.2dba by day and 20.2 dbA at night. (also in section 5.1 'The units are assessed as being operational in the day and night-time periods).</li> <li>Calibration certification details for the instruments used seems to indicate they are outside of their calibration period.</li> </ul>	<p>The proposal is for a 2no Clade ASHP and acoustic enclosure to meet a specific performance requirement, as determined by the acoustic noise test submitted as part of the planning application.</p> <p>It has been suggested by residents that Max Fordham is proposing a design that is not feasible, a product that does not exist or could not be backed up by a manufacturer's specification. Please see letter from Clade dated 20/11/2023 at <b>Appendix 1</b> answering these points and confirming the performance of the acoustic enclosure ie 33db at 1m. Please note the performance guarantee offered by Clade against the agreed specification and hope that this alleviates your concerns. Both Max Fordham and the project architect have further engaged with Clade, the plant manufacturer, since receiving the comments from residents and also receiving comments directly from one of the neighbours. A response has been issued directly back to the neighbour on this.</p>

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	<ul style="list-style-type: none"> <li>The LT1 measurement location results indicate higher than expected background noise level than you might expect at the Lancaster Stables roof top positions as these may be further shielded by the building envelope to provide a lower noise climate when compared to LT1 measurement position.</li> <li>We would like to see documented evidence of the attenuators used on the MVHR's and AHU to obtain the insertion losses assumed.</li> <li>There is no data sheet for the Clade Acer 75kW ultra-low noise ASHP's included in the appendix and preliminary investigations seem only provide information for a low or standard noise model, this data is significantly higher than the 33dBA @1m stated and used within the calculations.</li> </ul>	<p>It is understood that a resident spoke to Clade regarding the availability of the product referred to in the Noise Assessment. Clade has advised us that the person the resident spoke to was in sales and not the technical advisor Tim Rook. (author of the letter at <b>Appendix 1</b>) with whom the project design team have met and developed the specification. It appears the confusion here is that for this project we have a bespoke product which had previously been marketed. As such, the product is no longer advertised on the website, but is available as a bespoke combination to order. We are advised this is a common strategy for sensitive areas such as these.</p> <p>The measurement locations were selected by Max Fordham, based on their knowledge and experience of carrying out acoustic assessment.</p>
	Location of ASHP close to residential bedrooms	The submitted Noise Assessment confirms that with the proposed induct attenuators to the AHU and MVHR units, the plant noise emission limits can be met. On this basis, no observed adverse effect level is predicted and therefore no significant impact. The location of the plant is therefore considered to be appropriate, having regard to the nearest residential receptors.
	A pre-completion sound test condition should be applied	The applicant would be willing to commit to a condition requiring the plant to be tested, once it is installed and prior to occupation of the building by the College.
	Re-consultation should be required if location of ASHP is changed	There is no proposal to change the location of the ASHP.

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Red Line Boundary	Unclear where the boundary is; <ul style="list-style-type: none"> <li>on the top floor</li> <li>where the shared wall that support the terrace is;</li> </ul>	The architects have reviewed the red line and are comfortable that the position of the red line is consistent with the information we have and. The confusion is a graphical representation and interpretation of the plan.
Evening Events	Planning condition should be imposed on the frequency and finishing times of these events.	The applicant is willing to commit to a condition that requires the adult evening classes to finish by 8pm, if this is felt to be necessary. Given the low number of attendees, it is not felt that a condition restricting the frequency of the adult evening classes should be imposed, however if officers do feel it is necessary then the applicant is open to discussing the wording of this condition.
Site Security	Concern about access to adjacent roof terraces without permission.	A final Construction Management Plan will be secured by Condition. This will ensure that construction work is carried out with regard to residents, and to mitigate the impact on residents at all times, including the provision of appropriate hoarding and ensuring that contractors do not utilise the residents existing roof terrace during construction.  Once the College is operating at the site, there will be no access for staff or pupils on to the roof of the building or access to the adjacent roof terraces. Access will only be required to the roof for maintenance purposes. If it is felt to be necessary, the applicant would be willing to commit to a condition confirming this.
	Emergency exit on Lancaster Stables must not be used for general access.	The submitted Upper Ground Floor Plan confirms that this door will be a fire exit only. It will not be used for general access by pupils or staff. The applicant would be willing to commit to a condition confirming this.
Rear parapet wall height increase	Concern that the 600mm increase in height to the rear parapet will cause a loss of light to 18C Lambolle Place	This height increase has been assessed by the Daylight Sunlight consultant, with regards to the closest windows which serve 18 and 18b Lambolle Place. The report confirms that the scheme is

## 81 Belsize Park Gardens

### DWD Response to Public Comments

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Application Number: 2023/3407/P

Area of Concern	Resident Comment	DWD/ Project Team Response
		compliant with BRE guidance, and that there will be no adverse impact on neighbouring residential properties in terms of daylight.
<b>Letter from Grade Planning Consultant representing Nos. 83, 85, 87 and 89 BPG</b>		
Windows on the eastern elevation	<p>Firstly, residents object to the inclusion of 10 new windows to the eastern elevation to be added to the first-floor level. These objections relate specifically to the following windows:</p> <ul style="list-style-type: none"> <li>a) 2 x windows to the Photography Classroom 3;</li> <li>b) 2 x windows to the General Classroom 2;</li> <li>c) 2 x windows to the Study Room; and</li> <li>d) 4 x windows to the Student Common Room.</li> </ul>	<p>The windows are proposed to provide natural light to the classrooms. The windows have been designed to be modest in size and proportional to the building and to maintain privacy and prevent overlooking.</p> <p>All windows on the eastern elevation from first floor level and above will be glass blocks or opaque glazed. Glass block glazing effectively creates the same effect as opaque glazing due to the size of the panes and thickness of the glass.</p> <p>The windows will not be openable. They will be fixed shut.</p> <p>The architect has also noted that as part of providing a balanced design of the south east elevation, their proposals is for 2no existing windows to be removed from the first and second floor, an existing 2x 2m window from the ground floor is omitted, and the ground floor glazing along the corridor has also been omitted. Of this strip removed , 3no 2.5 x 0.6m windows overlooked the neighbours garden. The windows that are being introduced, also need to be considered in the context of the windows being removed elsewhere along the elevation.</p>
	Windows in locations a) to c), above will be located on the wall adjacent to the rear garden of Number 83 Belsize Park Gardens and windows d), above will be located on the wall adjacent to the shared communal garden. Whilst	Given the opaque nature of the glazing, the light these windows omit will be limited. Furthermore, these classrooms will not be used in the evenings or at weekends, and therefore the lights will only be on

## 81 Belsize Park Gardens

### DWD Response to Public Comments

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Application Number: 2023/3407/P


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	<p>it is recognised that these windows are proposed to be opaque and non-openable, residents object to the installation of these on residential amenity grounds with particular regard to criteria) e and g) of Policy A1 of the Local Plan relating to visual privacy, outlook and artificial lighting levels. At their closest point, the proposed windows will be located 4m from the nearest elevation of Number 83 Belsize Park Gardens and 1.8m from the boundary of its rear garden. Residents have a specific objection in terms of the impact of lighting that will be emitted from these windows, which given their close proximity to garden space and rear windows is considered to adversely affect their amenity.</p>	<p>during the school day, at times when it is necessary to supplement the natural light to these rooms with artificial lighting.</p> <p>The image below illustrates that with opaque glazing, there is no potential for outlook from the windows, meaning that there will be no detrimental impact to resident's visual privacy.</p> 
	<p>Secondly, it is understood that all windows (existing and proposed) to the eastern elevation (the shared boundary wall) are proposed to be opaque and non-openable. This general approach is supported by residents, and it is requested that a planning condition is placed upon any planning permission that ensures all windows (including the glass blocks) are opaque and non-openable in perpetuity (residents would require that the glazing itself is</p>	<p>The applicant is willing to accept a condition that ensures that the windows from first floor and above are opaque (i.e that the glazing itself has a sandblasted or acid etched finish so that it is opaque), as well as a condition confirming that the windows will not be openable.</p>

## 81 Belsize Park Gardens

### DWD Response to Public Comments

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Application Number: 2023/3407/P

Area of Concern	Resident Comment	DWD/ Project Team Response
	opaque and that a condition specifically restricts the use of translucent film being applied to windows).	
Height of boundary wall	<p>Residents also have concerns in relation to the height of the proposed boundary wall to the eastern elevation of the site, which runs between the site boundary and external walkway that will be used by students. At present, the wall includes wooden panels which run along the top of this and extends to around 2.5m in height. It is understood that the proposals include the replacement of this wall (and its slight extension further north), but that its proposed height will be only c.2m in height.</p>	<p>The proposed height of the wall is between 1.92m-2m high, as measured from no 81. This is above eye height of the average person to provide privacy and prevent overlooking. This is an improvement from the current situation which has a low cill, with a timber screen in 83's garden along parts of the elevation and views into the garden of 83. The image below shows the existing position.</p> <p>The height of the wall provides privacy whilst allowing daylight to the ground floor rooms. Removing the timber screen provides more usable space in the garden of 83 and looks more in keeping to a garden.</p> 

**81 Belsize Park Gardens**  
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		<p data-bbox="1205 347 1955 411">Current View from 81 into the garden at 83. This shows the low existing cill height.</p>  <p data-bbox="1205 959 2011 1023">Current wall height, walking along the existing corridor, showing the view towards the garden of 83.</p>




## 81 Belsize Park Gardens

### DWD Response to Public Comments

Date Updated: 11/12/2023

Application Number: 2023/3407/P

Area of Concern	Resident Comment	DWD/ Project Team Response
		 <p>Timber screen along part of the wall with views into 83's garden.</p>
	<p>Given this, it is requested that the height of the wall is increased to an equivalent height along its entire length to existing (2.5m) so that residents are afforded the same level of visual privacy and amenity that they currently enjoy. It is noted that para 2.3 of the Council's Amenity CPG states that the most sensitive places to overlooking are typically habitable rooms and gardens to the rear of residential buildings, so residents would request that the existing level of privacy is retained.</p>	<p>There is not currently a 2.5 m wall/ fence along the entire length, as the photos above show. It is considered that the proposed height of the wall is appropriate to ensure the amenity of residents is protected and not harmed. In some sections, where there is currently no fence, the amenity will be improved from the current position.</p>
	<p>In addition, the boundary wall is currently proposed to reduce in height to c.1.2m alongside the driveway to Number 83 (for approximately 8m in length). It is requested that the height of the wall in this area is increased to 2.5m in order to maintain visual privacy and to ensure residents of Number 83 are protected from amenity impacts (noise and overlooking) resulting from the</p>	<p>The existing Class E lawful use of the site would result in footfall to and from the site, and therefore the proposed use must be considered in this context.</p> <p>The current situation (see photo below) has a low wall and glazing overlooking the parking and side of no83. The proposed new wall improves on the current situation by extending the 2m high wall</p>



## 81 Belsize Park Gardens

### DWD Response to Public Comments

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Application Number: 2023/3407/P

Area of Concern	Resident Comment	DWD/ Project Team Response
	intensification of the use of the building, particularly given that this area will be the main entrance for the school. It is considered that from a townscape perspective, that increasing the height of this wall in this location would be suitable, as the massing of Number 81 extends meets the pavement line (whereas the residential properties further south and east do not), so the wall would provide a clear distinction between the two types of building typologies.	beyond the edge of the building by approximately 3m. The wall then steps down for the section adjacent to the footpath, approximately 3.5m long. This is in keeping with the low level wall surrounding the gardens to no83 and all along the street. This arrangement can be seen on the historic photograph (see below) and is intended to maintain and enhance the character of the street. It is not felt that extending the higher wall to the site's boundary would be appropriate, and nor is it considered necessary.

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		<div data-bbox="1240 363 1995 719" data-label="Image"> </div> <div data-bbox="1189 738 1695 777" data-label="Caption"> <p>Existing photo showing the low wall wall.</p> </div> <div data-bbox="1258 801 1957 1324" data-label="Image"> </div> <div data-bbox="1189 1324 1485 1359" data-label="Caption"> <p>Street scene with a low</p> </div>

## 81 Belsize Park Gardens

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Application Number: 2023/3407/P

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		 <p>Image taken from page 22 of submitted DAS</p>
School opening hours	<p>It is noted that the School Travel Plan submitted to accompany the application does not include detail of any proposed weekend opening hours and that the school will be open between 08:00 and 19:30 during the week (to allow for evening classes). In order to ensure that the amenity of residents is protected during the morning, evening and at weekends, residents would request that a condition is placed upon any planning permission that restricts opening hours of the school to between 08:00 and 19:30 on weekdays, with no weekend access.</p>	<p>The Fine Arts College operates Monday to Friday, it does not operate at weekends.</p> <p>It is expected that whilst most staff will usually arrive from 8am, some staff on some occasions may arrive at the site prior to 8am. It is not considered necessary for them to be precluded from doing this. It is also expected that if there is a school event on, or evening class that there could be people at the site on occasions after 19:30. The College would also like the ability for evening classes to run until 8pm.</p>

## 81 Belsize Park Gardens

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Application Number: 2023/3407/P

Area of Concern	Resident Comment	DWD/ Project Team Response
		The College is willing to commit to an opening hours condition, if this is felt to be necessary but this should relate to hours that pupils are permitted on site and not staff. It should also not preclude one off events taking place, that may lead to pupils being at the site in the evening. We would welcome a discussion with officers on an appropriately worded planning condition.
Delivery Arrangements and Traffic Movements	It is noted that the Delivery, Service and Refuse Management Plan accompanying the application predicts up to three deliveries per day to the school. This document assumes that the area in front of Number 81 will be used as a drop-off point, but this part of the street is already an allocated area for car parking that falls with a CPZ (09:00 to 18:30, Monday to Friday and 09:30 to 13:30 on Saturday). Therefore, there are concerns that if cars are parked in front of Number 81 then delivery vehicles would stop in the cross-over area that allows access to the driveway to Number 83, as car parking is obviously not permitted in this location. It is suggested that your Highways Officer considers this point in detail and considers whether more formal changes to the loading/unloading of vehicles should form part of the proposals.	Given the limited frequency of deliveries to the Site, it is not considered that it is necessary for formal changes to the on- street parking arrangements. In the event that the space outside 81 was occupied, the delivery driver would briefly park in the closest available parking bay. This will only be for a very short period of time, whilst they make the delivery. It is not therefore considered that they will park in front of No. 83 as this would not be permitted, as there is a double yellow line here. There is therefore existing traffic enforcement measures in place to prevent a delivery vehicle parking in front of No. 83.
	Residents also have concerns regarding additional traffic generation resulting from the proposals. The Transport Assessment accompanying the application outlines that there would be an additional 28 car movements per day to and from the school. Belsize Park Gardens already suffers from peak-time congestion and the additional car movements will have a considerable impact on this, particularly as there is not proposed to be a drop-off area	The vehicle movements associated with the use are considered to be minimal and to not lead to a transport or highways impact. This is confirmed in the submitted Transport Assessment. The vehicle movements must also be considered in the context of the permitted Class E use of the site. The Transport Assessment confirms the proposed use would trigger significantly less vehicle movements than the permitted Class E use.

## 81 Belsize Park Gardens

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Application Number: 2023/3407/P

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	within the proposals and it is likely that parents will drop off/pick up students in front of the driveway to Number 83 in the absence of any other available space.	<p>It is also noted that the school only operates at weekdays and during term time. Vehicle movements associated with the site will therefore be limited to Monday to Friday in term time.</p> <p>The school will commit to a School Travel Plan, a draft of which was submitted with the application, to ensure that sustainable modes of transport are promoted and that drop off/ pick up by car is kept to a minimum.</p> <p>As confirmed above, there is existing traffic enforcement measures in place to prevent a delivery vehicle parking in front of No. 83.</p>
	We would therefore urge the Council to review in detail the trip generation, delivery and drop off/pick arrangements associated with the proposals to ensure that these can be successfully accommodated from a highways perspective.	The scheme has been reviewed by the Council's transport officer.
Introduction of Café	Residents object to the introduction of a café space to the ground floor of the building due to amenity issues (noise, odour etc.)	<p>As was explained in the application submission, the café will not be open to members of the public and will only be for use by pupils and staff. The applicant is willing to commit to a condition that confirms this, if it is felt to be necessary.</p> <p>Whilst it has been labelled a 'café', it is effectively a school dining room that is designed to reflect that it will be used by older sixth former students. The space will also be able to be used flexibly, so that it can also be used to display students art work.</p> <p>The submitted Noise Assessment, prepared by Max Fordham, includes an assessment of all plant associated with the building, including the café use. Conditions can be attached to the consent to</p>

## 81 Belsize Park Gardens

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		<p>ensure plant installed complies with the Council's noise criteria, to ensure that there is not an unreasonable impact on residents.</p> <p>There will not be a full kitchen on site. The café/ gallery space has a beverage area for self- service coffee and tea. Food will be cold food (sandwiches etc) for staff and student. As such there will be no odour impact associated with this element of the use.</p>
Heating and Ventilation	<p>Residents also have concerns in relation to the inclusion to any ventilation grilles for the proposed MVHR that are to be located on the eastern boundary of the site. Information accompanying the application does not provide detail on the exact location as to where any grilles will be located. Therefore, we would request that the Council clarifies this point with the applicant to ensure that no ventilation grilles are provided to the eastern boundary of the site.</p>	<p>As confirmed above, all plant associated with the development has been assessed as part of Max Fordham's Noise Assessment, submitted with the application. This concludes that there will not be an impact on resident's amenity, as a result of noise associated with the plant.</p> <p>With regards to the grilles, the building ventilation strategy is predominantly from rooftop MVHRs. Some rooms however are difficult to ventilate from the roof and these will be serviced by MVHRs within the room with wall grilles. These vents will be attenuated before the grilles. The attenuators will be sized based on the background noise conditions as set out in the noise report. The applicant is willing to commit to a condition to ensure appropriate acoustic attenuation and testing, prior to use.</p>
Fire Escape to Communal Garden	<p>There is an existing fire escape door to the eastern boundary wall that leads to the communal garden. As the Fire Statement accompanying the application states, following occupation of the building, the use of this door would not form part of the escape strategy and will not be required. Therefore, residents would request that a condition be placed upon any planning permission that would prevent the use of this door as a fire escape (or for</p>	<p>It is confirmed on the submitted Ground Floor Plan that this door is a fire escape.</p> <p>The applicant is willing to commit to a condition that precludes the use of this door, other than in the event of a fire. Whilst it will not form part of the school's fire escape strategy, in the very unlikely event that there is an emergency that requires the use of this door, its use should not be precluded.</p>

## 81 Belsize Park Gardens

### DWD Response to Public Comments

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Application Number: 2023/3407/P

Area of Concern	Resident Comment	DWD/ Project Team Response
	any other means of access) following occupation of the development.	
Covenant in relation to eastern boundary wall	Note that there is a covenant in place in relation to the eastern boundary wall. Whilst it is recognised that this is not directly a planning matter, any future works to the wall will need to be agreed between the applicant and residents should planning permission be granted, so the Council should be aware of this point.	The applicant is aware of this and this is being dealt with separately.

Please see separately issued:

Appendix 1 - Letter from Clade dated 20/11/2023