
From: Ben Beneche [REDACTED]
Sent: 19 December 2023 12:37
To: Planning
Subject: Planning objection from B Beneche 22 New End NW3 1JA

[REDACTED]

Planning Application 2023/4757/P Utopia Village

I am writing to object in the strongest terms to the proposed plant rooms that form part of this application.

1. No consultation was conducted on these specific proposals prior to submitting a planning application despite the scale of the plans and the serious risk of loss of amenity to residents. Requests for proper consultation, including from local councillors, have been ignored.

2. The Camden Local Plan, paragraph 6.88, states that: "The aim within development proposals should be to design out noise prior to proposing mitigation. The effect of noise and vibration can be minimised by separating uses sensitive to noise and vibration from sources that generate them." The proposed development fails against this policy by placing extremely noisy industrial machinery on the periphery of the development site where it affects neighbouring properties and only then proposing mitigation.

3. The developer has not submitted an energy statement to explain why equipment on this scale is required to power such a small and little used site. What is the capacity of this equipment compared to the energy consumption of the site during the last 12 months, for example? The developer has not explained which alternatives have been considered and why they have been rejected. In its statement, the developer says that the amenity of neighbouring residents must be "balanced" against its desire to maximise lettable floor space. The purely commercial interests of the developer cannot be "balanced" in this way against lawfully protected amenity. The amenity must firstly be protected, by (Section 6.88) separating uses sensitive to noise from sources that generate them, and then the developer must work out how to maximise his commercial interests. There can be no question of "balance". The requirements of Sections 6.88 and 6.91 should be met by locating machinery where the loss of amenity is confined to the site itself and not pushed out to the neighbouring residents.

4. In its Noise Assessment Report, the developer completely ignores the right of residents to benefit from the amenity of their gardens. Camden Policy A4 Noise and Vibration states that: "We will only grant permission for noise generating development, including any plant and machinery, if it can be operated without causing harm to amenity." Section 6.90, which covers noise sensitive developments, states unambiguously that: "The impacts on external amenity spaces such as gardens and balconies will also be considered". The requirements are referenced in section 6.89 and specified in Appendix 3, Table C: "Noise levels applicable to proposed industrial and commercial developments". Between 07:00 and 23:00, the noise threshold of 10 decibels below background noise levels (or 15 if tonality is present) applies to the garden and not just to the house. All noise consultants, including the developers' own, agree that noise levels in the garden will exceed maximum acceptable levels.

5. The Environmental Survey that underpins the maximum allowable noise output of the equipment were not conducted in the areas most affected by the plant noise and therefore cannot be relied on to gauge the background noise levels of the area. One of the surveys was conducted in the opposite corner of the site, just 80 metres from the train tracks, rather than 140 metres where the plant is proposed, and is therefore likely to have higher background noise readings.

6. Independent noise consultants and engineers do not agree that the proposed level of noise attenuation is realistic with such loud equipment in such a small space. They also note that the developers' plans include no "redundancy", meaning that even small errors, miscalculations or difficulties will mean that maximum noise levels will be breached. One such error is the inaccurate "assessment" of garden lengths at 6 metres when the actual length (4.95 metres) can be easily measured. This alone pushes noise levels above maximum allowable levels in the houses.

7. Camden Policy D2 Heritage states: "The Council will require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area." The new building, a frightening, black-clad, windowless cage, cannot be claimed, by its nature, to preserve and could not, on any reasonable definition, be argued to enhance the character or appearance of the site or of the broader Conservation Area, which will be enormously altered in a way completely unsympathetic to any other neighbouring structures and, at the same time, will become more visible from the street because of the extension of the footprint. Worryingly, if permitted, it will set a precedent for other similar demolition and development elsewhere in the Conservation Area, in direct opposition to the purpose of Primrose Hill and other parts of Camden holding the Conservation Area designation.

In summary, if this plant be permitted, and the residents prove later that background noise levels have indeed risen, as seems inevitable, the problem will be passed onto them. We cannot risk this situation happening as it will then be too late for us to do anything. Considering the multiple, serious errors in the report, the fact that the proposed solution has already been accepted by the developer to significantly exceed maximum noise thresholds in the gardens and that the residents, and not the developer, are the ones who will have to live with these noise levels, we request that you refuse the application.

Ben Beneche, CFA | Co-Founder & Portfolio Manager

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