

Ewan Campbell
Senior Planning Officer
London Borough of Camden
5 Pancras Square
London
N1C 4AG

Date: 21 December 2023
Our ref: 67916/01/SSL/SSL/27681170v1
Your ref: 2023/4757/P

Dear Mr Campbell

Representations to Proposed Development at Utopia Village, 7 Chalcot Road (LPA Ref. 2023/4757/P)

On behalf of our client, the residents of Chalcot Road and Egbert Street, we wish to register their objection to application ref. 2023/4757/P, principally in relation to the impact of the proposed development on residential amenity and on heritage grounds.

It is considered that the proposed development is contrary to planning policy for a number of reasons, as set out below, and as the proposed development would be contrary to the development plan permission should be refused.

The following technical reports on the noise position are attached and these have been used to inform this letter of objection on noise grounds:

- Review of Noise Assessments Report and Technical Note to summarise a noise measurement survey, prepared by Syntegra Consulting (12th and 19th December); and
- Acoustic Technical Briefing Note ‘Review of Noise Reports’, prepared by Acoustical Control; and
- Acoustic Technical Note, prepared by RBA Acoustics

It is considered that these clearly set out many deficiencies in the assessments prepared for the application and which would indicate that the noise position for local residents are likely be far worse than indicated and this would give rise to unacceptable impacts to the local residents by way of noise.

Background

Utopia Village (‘the Site’) comprises a part two-storey, part three-storey building that has historically operated as a piano manufacturing workshop. The existing space is laid out with 12 units, each accommodating a separate business but with some businesses occupying several units. The Site is

located on the north side of Chalcot Road, set within a mews at the rear of the terraces on Gloucester Avenue, Edis Street, Chalcot Road, Egbert Street and Fitzroy Road.

Significantly, the Site is entirely surrounded by the residential properties.

The application to which this letter relates is for the proposed refurbishment of the eastern end Utopia Village. Notably, the scope of proposed development is far greater in respect of its impact on residential amenity and visual impacts than the previously approved refurbishment works at Utopia Village (refs. 2021/5939/P; 2020/1251/P). The proposed plant, including air source heat pumps, is proposed to be located at the south west periphery of the site immediately to the residential properties of Chalcot Road which would exacerbate noise conditions and have a greater overbearing impact.

Noise Impacts

Relevant Planning Policy

The National Planning Policy Framework (NPPF, 2023) published on 27 March 2012 and last updated on 5 September 2023 sets out the Government's planning policies for England. It is a material planning consideration in decision making. The NPPF requires Local Planning Authorities (LPAs) to adopt a positive approach to decision taking and to apply a presumption in favour of sustainable development.

NPPF Paragraph 174 states '*Planning policies and decisions should contribute to and enhance the natural and local environment by... preventing new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of... noise pollution...*'.

NPPF Paragraph 185 states "*Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:*

a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life"

London Plan Policy D14 (Noise) states that development proposals should manage noise by avoiding significant adverse noise impacts on health and quality of life. The policy recognises the importance of promoting good health and quality of life within the context of achieving sustainable development. Policy D14 notes that Council's, developers and other stakeholders should work collaboratively to identify existing noise sensitivities and ensure effective management and mitigation of noise issues in new development proposals.

Camden Local Plan Policy A1 (Managing the impact of development) states that "*the Council will seek to protect the quality of life of occupiers and neighbours*". It adds that the Council will grant permission for development unless this causes unacceptable harm to amenity, including ensuring that the amenity of communities, occupiers and neighbours is protected. In doing so, the Council will consider numerous factors, including noise and vibration levels. Where development is likely to generate noise, the Council will require an acoustic report to accompany the application.

Noise and vibration can have a significant impact on amenity, quality of life and wellbeing. Local Plan Policy A4 (Noise and Vibration) sets out that development should have regard to Camden's Noise and Vibration Thresholds, set out in Appendix 3 of the Local Plan. Policy A4 states: "*we will not grant planning permission for development likely to generate unacceptable noise and vibration impacts*". Further, Policy A4 explicitly states that the Council "*will only grant permission for noise generating development, including any plant and machinery, if it can be operated without causing harm to amenity*". Supporting text to Policy A4 states that development proposals should design out noise prior to proposing mitigation, and that the effect of noise and vibration can be minimised by separating uses sensitive to noise and vibration from sources that generate them. Planning permission will also not be granted in instances where there is a significant adverse impact on external amenity areas including gardens, balconies and open spaces.

Appendix 3 of the Local Plan supports Policy A4 and Policy A1, setting out the expected standards in terms of noise and vibration.

The Camden 'Amenity' Supplementary Planning Guidance (January 2021) provides further detail of the key information expected to be reported in acoustic reports. This formal Supplementary Planning Guidance comprises a material consideration in planning decisions. The Amenity SPG provides guidance regarding the application of Local Plan Policies A1 (Managing the impact of development) and A4 (Noise and Vibration). Principally, the minimum requirements of information expected to be submitted as part of acoustic reports are set out in section 6.20 of the Amenity SPG. These include locational details of noise sensitive uses (i.e. residential properties, neighbouring windows and amenity areas), in accordance with Local Plan Policy A4 and Policy A1.

With respect to assessing the impact of noise and vibration, further relevant national and regional policy and guidance and British Standards, are set out in the accompanying 'Review of Noise Assessments' Report, prepared by Syntegra Consulting.

Impact - Noise & Residential Amenity

Whilst residents of Chalcot Road are cognisant of the importance of sustainable energy solutions, they are deeply concerned about the potential adverse noise impact associated with the air source heat pump plant facility proposed in immediate proximity to residential receptors.

Local Plan Policy A1 and Policy A4 are explicit in their safeguarding of residential amenity with respect to noise and vibration impacts associated with new development. The accompanying 'Review of Noise Assessments Report' and 'Acoustic Technical Briefing Note' prepared by Syntegra Consulting and Acoustical Control respectively, provides a comprehensive review of the submitted acoustic reports for the proposed development at Utopia Village. These reports demonstrate that there are considerable errors and uncertainties in the calculation of plant noise levels.

Full details as to the shortcomings of the submitted acoustic reports are available in the accompanying report. A summary of key points is set out below:

- Background noise measurement locations are in the immediate vicinity of façades, yet no façade corrections have been applied to the measurement data. Therefore, the measured noise levels are not equivalent free-field noise levels and accordingly, the derived background noise levels should be significantly lower.

- Distance to the nearest windows have been provided, yet incorrectly (favourably) measured as 6m; this can be clearly measured as under 5 metres.
- The plant noise level criteria derive a “typical” background noise level, which is partially in line with Camden’s requirements however fails to allow for any potential tonality.
- There is no discussion of the character of the noise in the assessment, and therefore no character correction has been applied to derive a suitable rating level, with the “required reduction” being taken only from the specific noise level. This does not align with Camden’s requirements.
- For the receptors where there are two separate noise sources to consider, no consideration has been given to the cumulative effect on the noise level. The cumulative noise level would be 3 dB above the design criteria and would therefore fail to achieve Camden’s requirements.
- Noise sensitive receptors are identified at Section 3.1.1 and 3.1.2 of the Noico report, however only the distance to the nearest windows have been provided, which means that the gardens have not been considered despite being closer to the plant and in use during the key daytime operating hours of the proposed plant. This does not meet the requirements of the Appendix 3 of the Local Plan required by Policy A4 and Policy A1.
- Further, Noico have over-estimated the baseline noise levels at the most sensitive noise sensitive receptor locations, further adding to uncertainty to their assessment and conclusions. The additional areas of uncertainty are detailed within Syntegra’s report “8 Chalcot Road, London NW1 8LH - Review of Noise Assessments Revision A” (reference 23-12398 Review Rev A, dated 12th December 2023).
- Whilst a number of BS 4142 reporting elements are included in the report, a full BS 4142 assessment has not been carried out and therefore significant levels of information are missing. This also does not meet the requirements of the Camden Amenity SPG.
- Based on the insufficient details submitted, that the attenuator performances are unlikely to be achievable in practice, particularly at low frequencies.
- The high flow volume flow rate for the plant in area 1 is very likely to result in flow velocities that will create flow generated noise either within the system or at the points of discharge/intake. No explanation of how this will be addressed has been given.

The accompanying reports clearly demonstrate that through numerous errors and omissions in the methodology and information provided, this would create an underestimate of the specific sound levels at the identified receptors and that this is highly likely to give rise to unacceptable noise impacts on the local residents.

Whilst flawed on many accounts, there are two principal inadequacies:

1) No assessment has been carried out with respect to the noise impact on residential gardens. Appendix 3 Table C of the Local Plan, supporting Local Plan Policy A4 and Policy A1, explicitly states the daytime assessment location for plant to be:

*“Garden used for main amenity **and** outside living or dining or bedroom window (façade)”.*

As set out in the accompanying report by Syntegra Consulting, the noise impact on the gardens would likely be considerably greater than at the façade of the properties due to the immediate proximity of the proposed development.

Further, the RBA Acoustics Report notes that the results of the review show that the Noico Ltd assessment overestimates the amount of distance attenuation that would occur by not considering the garden spaces of residential properties on Chalcot Road and Egbert Road as the appropriate receptor locations during the daytime. The revised calculations to consider the gardens as the receptors show that the calculated noise levels are considerably higher than previously predicted without mitigation and would fail to meet the criteria even with the necessary mitigation options which are already of a high specification. As a consequence, it is concluded in the RBA Acoustics Note that 'Considering the above, it is of the opinion of RBA Acoustics that the current proposals will result in unacceptable levels of noise within the amenity spaces of the nearest residential receptors'.

2) Noico have over-estimated the baseline noise levels at the most sensitive noise sensitive receptor locations by surveying from the incorrect location, on their own property, 30 metres away from the garden of the nearest receptor, and at first floor not garden level. The difference between the survey results from the location chosen by Noico and the results from the garden of the nearest receptor are significant. This further adds to uncertainty to their assessment and conclusions.

As a consequence of this, and the numerous further issues identified in the acoustic reports, it is considered that the proposed development would generate unacceptable noise, and there is no evidence presented that it would not be operated without causing harm to residential amenity. In planning policy terms, the proposed development fails to accord with relevant national, regional and local planning policy with respect to noise and impact on residential amenity and should, therefore, be refused.

It is, therefore, of critical importance that further noise assessment work is undertaken before it is possible to demonstrate and conclude that the amenities of local residents will be safeguarded.

Design and overbearing development

There is concern from some residents that the sheer physical mass of the proposed building, so close to their properties, would have a significant overbearing impact on their amenity.

Heritage Considerations

Planning Policy

As required by paragraph 200 of the NPPF, there needs to be clear and convincing justification for harm to designated heritage assets and the Council should be satisfied that there is justification for these elements of harm, in particular whether this harm could be removed or reduced by an alternative design to the plant room. This justification, such as a consideration of alternative design options and whether the plant could be located within the existing building without altering the exterior or with a less dominant design, is not included in the application and should be provided by the applicant.

As required by the NPPF para. 199 and s. 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, great weight should be given to the harm to the Conservation Area in the planning balance and the Council should pay special attention to the desirability of preserving or enhancing the

character and appearance of the Conservation Area. If the Council is satisfied there is clear and convincing justification for the harm, this would need to be weighed against any 'public' benefits of the proposal.

Local Plan Policy D2 Heritage states that the public benefits would need to "convincingly outweigh" the harm.

The following elements of the proposed development would result in harm to the significance of the non-designated Utopia Village buildings and less than substantial harm to the significance of the Primrose Hill Conservation Area and its character and appearance would not be preserved.

- 1 The design of the proposed plant room. We disagree with the applicant as it is considered that the existing building is not a detracting feature. It is identified as a positive contributor in the Conservation Area Statement and is complementary to the industrial character of the Site and non-designated Utopia Village and reflects a later phase of its development. There would be harm from screening the building by re-cladding, as well as the design of the cladding itself which is visually heavy and dominant. The Conservation Area Statement states that the general presumption is to retain positive contributors (p.24 and PH15). As below, there needs to be justification provided for this intervention.
- 2 The penthouse louvres would affect the roof profile. Guidance in the Conservation Area Statement regarding roof alterations includes PH18 and PH19. The latter notes that roof alterations that change the shape and form of the roof are unlikely to be acceptable in locations including Utopia Place (presumed to mean Utopia Village).
- 3 Demolition of lean-to buildings/glazed pitched roof structures. Whilst these may be later additions, they are complementary to the industrial character of the Site.

In addition, there are elements of the proposal that are not clear in the application which means it is not possible to establish whether there would be additional instances of heritage harm as the application documents do not fully allow an assessment of the proposed development or its effect on heritage assets.

The buildings surrounding the Site on Chalcot Road are likely to be considered non-designated heritage assets; the effect on their significance, particularly from views to the proposed plant room, needs to be considered in line with Local Plan Policy D2 Heritage and NPPF paras 189, 194, 195, 197 and 203, but this is not specifically addressed in the application. There needs to be greater clarity on demolition and alteration of buildings on the Site, including a clear understanding of their date and any contribution to significance (noting we disagree with some of the assessment in the Heritage Impact Assessment that later structures are of no significance). The extent of any demolition of the building where it is proposed to locate the plant room should be clarified.

In addition, the Council should be satisfied that the following elements of the proposal would preserve the significance of the non-designated heritage assets on the Site and at least preserve the significance and character and appearance of the Conservation Area. This is particularly important considering the Council has a statutory duty to preserve or enhance the character or appearance of the Conservation Area and the NPPF requires great weight to be given to the conservation of designated heritage assets.

- 1 The new windows proposed for the building at the top of Egbert Street. The white framed windows on the building on Egbert Street are consistent with the white window surrounds of historic buildings on this and surrounding streets; the proposed new windows are likely to make the building, which is noted as a detracting building in the Conservation Area Statement, more visually prominent in views along the street.
- 2 That the overall design would preserve or enhance the significance of heritage assets and the character and appearance of the Conservation Area, and would respect and complement the local context and character.
- 3 That the noise from the proposed plant room would not cause any harm to the significance of heritage assets.

In its current form, the application causes harm that is not justified and should be refused, as it is not compliant with heritage planning policy. The proposal would currently not comply with national and local (Policy D1 and D2) heritage planning policy. Consideration also needs to be given to the NPPF and s.72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

At the very least, additional information is required to be able to fully assess the full extent of heritage harm.

Energy and Sustainability

The Applicant has provided an Energy Statement as part of the Design and Access Statement (DAS), set out in sections 5.2 and 5.5 of the submitted DAS. The calculated efficiency improvements of the ASHPs are noted as “*somewhere in the region of 400-500%*”, yet no calculations are provided to demonstrate this.

Principally, whilst the efficiency of the proposed ASHPs may be greater than the existing gas boilers, there is a notable increase in capacity that the proposed Air Source Heat Pumps will require that would offset the quoted efficiencies, to the detriment of the proposed energy strategy. We request that the Council seek further information to determine the validity of these figures, in line with the low carbon and sustainability objectives of Local Plan Policy.

Conclusion

As outlined above, the proposed development has not been designed sympathetically, having regard to the surround context and residential amenity, with respect to its noise and heritage impacts. In its current proposed form, with the flawed noise assessments undertaken it is highly likely that the proposed development would have a significant and deleterious impact on the amenity and living conditions of local residents and, as such, is contrary to the Local Plan. It certainly has not been clearly demonstrated that residential amenity would be safeguarded.

Principally, as demonstrated in the attached independent noise reports, the submitted acoustic reports do not comply with relevant planning policy with respect to noise and impact on residential amenity, and as such, cannot be considered to represent ‘sustainable development’ in accordance with the NPPF. Therefore, there are currently strong planning grounds for the application to be refused, as it stands, based on noise considerations as it has not been appropriately or clearly demonstrated that the proposed development would be acceptable.

Further, there is the potential for heritage harm and, in its current form, the proposed development is not considered to be compliant with heritage planning policy. At the very least, additional information is required to be able to fully assess the full extent of heritage harm and this would then need to be set against any public benefits which are not known.

Thank you for your attention to this matter. We trust that LB Camden will give due diligence to the considerable concerns raised in this letter of objection.

Yours sincerely



Simon Slatford

Senior Director

BA (Hons), BPI MRTPI