

<b>Delegated Report (Members Briefing)</b>	<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>29/11/2012</b>
	N/A / attached	<b>Consultation Expiry Date:</b>	<b>14/11/2012</b>

<b>Officer</b>			<b>Application Number(s)</b>
Amanda Peck			2012/5292/P
<b>Application Address</b>			<b>Drawing Numbers</b>
10A Chalk Farm Studios Belmont Street London NW1 8HH			Refer to draft decision notice
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>

### Proposal(s)

Variation of Condition 9 (sound insulation for proposed residential units) pursuant to planning permission granted on 30/11/2011 (ref 2011/4415/P for the erection of additional 6th floor and extension to 5th floor to provide 8 residential units (Class C3) (3 x 1-bed, 4 x 2-bed, 1 x 3-bed), and erection of a five storey rear extension to provide additional office space (Class B1), including creation of roof terrace at rear 5th floor level and external terraced area at 6th floor level, creation of green roof, and associated alterations) to reword the condition to refer to external noise only and to refer to noise mitigation measures set out in the Noise Report dated August 2011 and 24 Acoustics letter dated 23 May 2012.

<b>Recommendation(s):</b>	<b>Grant variation of condition 9</b>
<b>Application Type:</b>	<b>Variation or Removal of Condition(s)</b>
<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>
<b>Informatives:</b>	

### Consultations

<b>Adjoining Occupiers:</b>	No. notified	<b>42</b>	No. of responses	<b>01</b>	No. of objections	<b>01</b>
			No. Electronic	<b>00</b>		
<b>Summary of consultation responses:</b>	A site notice was in place between 24 October and 14 November and one objection was received from 21 Ferdinand Street as follows: <ul style="list-style-type: none"> <li>Please keep the sound insulation for the residential units as I am the closest neighbour and there is enough sound in Camden. <b>OFFICER RESPONSE:</b> please refer to paragraph 2.5</li> </ul>					
<b>CAAC/Local groups comments:</b>	n/a					

### Site Description

The application site comprises an existing 5 storey (plus attic) building at 10a Belmont St that was formerly a piano factory and is now used by a number of B1 businesses including offices and light industrial businesses. The building is in the process of being refurbished including the erection of a rooftop and rear extension for residential use (see relevant history).

The surrounding neighbourhood comprises a mixture of building heights and uses. It is broadly residential in nature to the north, west and east, including some family-sized housing and several blocks of local authority flats. There is a large hostel fairly close by at 92 Belmont St and the Charlie Ratchford Centre for the elderly is also on Belmont St to the north west. The general character changes to more commercial uses (often with residential above) to the south, including some

business uses around the application site to the rear and along the access road leading to Ferdinand St, with shops and town centre uses fronting Chalk Farm Rd. Generally the built form rises from lower and small scale development of two to three storeys on Chalk Farm Road towards taller and bulkier buildings to the north in the form of twentieth century housing blocks located in spacious grounds.

The site is not within a Conservation Area, nor is it listed. Harmond Street Conservation Area lies to the east with West Kentish Town Conservation Area to the north.

## Relevant History

- 2011/4415/P - Erection of additional 6th floor and extension to 5th floor to provide 8 residential units (Class C3) (3 x 1-bed, 4 x 2-bed, 1 x 3-bed), and erection of a five storey rear extension to provide additional office space (Class B1), including creation of roof terrace at rear 5th floor level and external terraced area at 6th floor level, creation of green roof, and associated alterations. Granted 30 November 2011.
- 2012/2846/P - Details of anti vibration measures and sound insulation required by Condition 9 of Planning Permission granted on 30/11/2011 ((ref: 2011/4415/P) for the erection of additional 6th floor and extension to 5th floor to provide 8 residential units (Class C3) (3 x 1-bed, 4 x 2-bed, 1 x 3-bed), and erection of a five storey rear extension to provide additional office space (Class B1), including creation of roof terrace at rear 5th floor level and external terraced area at 6th floor level, creation of green roof, and associated alterations.) Refused 26 July 2012.
- 2009/4257/P Erection of seven storey mixed use building comprising two basement levels for business use (Class B1) and 163 self contained student units (Sui Generis) with associated facilities for student accommodation at ground-7th floor levels, following demolition of existing 5 storey building in Class B1 business use and demolition of a residential dwelling. Refused 24 December 2009 and consequently dismissed at appeal on 3 February 2011.
- 2006/2058/P- Change of use at part ground floor level from business use (Class B1) to leisure use (Class D2) for use as a fitness studio. Refused on 11 July 2006
- 2005/5574/P- Change of use at fourth floor level from offices (Class B1a) to gymnasium (Class D2). Granted on 6 March 2006. This permission has expired and does not appear to have ever been implemented.

## Relevant policies

### LDF Core Strategy and Development Policies

CS5 – Managing the impact of growth and development

DP26 – Managing the impact of development on occupiers and neighbours

DP28 – Noise and vibration

### Camden Planning Guidance 2011

### London Plan 2011

### NPPF 2012

## Assessment

### 1. Proposal and background

1.1 Condition 9 of the consent, states the following:

*"Before the development commences details of anti vibration measures and sound insulation to windows, walls, floors and ceilings, or other parts of the building (as necessary) to the proposed residential accommodation against external noise and vibration from the surrounding area, and the ground floor commercial unit shall be submitted to and approved in writing by the local planning authority. Glazing to the residential units and the proposed whole house ventilation system shall achieve "good" internal noise levels as per BS 8233 and the WHO internal noise levels guides and these levels shall be permanently retained and maintained thereafter. The development shall only be carried out in accordance with any such approved details and any such sound insulation and anti vibration measures approved shall be implemented prior to any occupation of the proposed residential accommodation and shall be permanently retained thereafter."*

1.2 The proposal is to reword this condition to refer to external noise only and to refer to noise mitigation measures set out in the Noise Report dated August 2011 and 24 Acoustics letter dated 23 May 2012, as follows:

*"Prior to occupation of the residential units, the noise mitigation measures in the Noise Report dated August 2011 and 24 Acoustics letter dated 23 May 2012, against external noise from the surrounding area, shall be implemented and permanently retained thereafter. The mitigation measures shall ensure that "good" internal noise levels are achieved as per BS 8233."*

1.3 The applicant submitted a Noise Report with the main application which shows that the site falls within PPG24 noise category B (as replaced by the NPPF) and that noise mitigation measures were therefore required. A condition was therefore included with the planning permission which required details to be submitted of these noise mitigation measures. The applicant submitted a letter detailing the proposed glazing and ventilation in order to discharge condition 9 in July 2012. This information was not sufficient to deal with the requirements of the condition, as it did not contain any information regarding predicted noise levels from the commercial units and the application was consequently refused (see relevant history).

### Revision

1.3 The applicant originally applied as part of this submission to remove this condition completely. Removing the condition

in its entirety would mean that there would not be any requirement for mitigation measures to be implemented at the development and the applicant has consequently revised the proposal to vary the wording of the condition.

## **2. Assessment**

- 2.1 Policy DP26 states that the Council will protect the quality of life of occupiers and neighbour by only granting permission for development that does not cause harm to amenity, including noise and vibration and Policy DP28 outlines further information on acceptable noise levels.
- 2.2 The following noise information has been submitted:
- PPG 24 assessment relating to road traffic noise which placed the site within NEC B. (within original Noise Report);
  - A prediction of internal noise levels with an open window and with double glazing (within original Noise Report);
  - A statement that the use of thermal double glazing together with suitable means of ventilation e.g. trickle vents providing a similar degree of sound insulation should be sufficient to ensure acceptable internal noise levels (within original Noise Report); and
  - Glazing and ventilation details (within 24 Acoustics letter dated 23 May 2012).
- 2.3 It is considered necessary, relevant, enforceable, precise and reasonable for the inclusion of a condition to cover mitigation measures to the proposed residential accommodation against external noise and vibration from the surrounding area, given the site's location within NEC B. The Noise Report submitted with the original application concluded that "some mitigation against road traffic noise will be required to ensure an adequate level of protection against noise for future residents".
- 2.4 It is acknowledged that the permitted use of the commercial units at lower levels are as B1 offices only and there is unlikely to be any significant noise generated from these units. The use of double glazing and either mechanical ventilation or the use of trickle ventilators (as detailed in the 24 Acoustics letter dated 23 May 2012) will be sufficient to ensure suitable internal noise levels are achieved with reference to BS8233, WHO and LDF policies. The re-wording of the condition will ensure that the mitigation measures outlined in the Noise Report and 24 Acoustics letter are implemented and provide a method to carry out enforcement action if they are not.
- 2.5 The purpose of the condition was to protect the amenity of the proposed residential units and the re-worded condition is not anticipated to have any significant adverse amenity impacts on existing residential units. Sound insulation to the proposed units will still be required and given their location on the upper floors of the building there is unlikely to be any noise impact on adjoining residential units.

## **3. Recommendation**

- 3.1 Grant variation of the wording of the condition.

## **DISCLAIMER**

**Decision route to be decided by nominated members on Monday 26<sup>th</sup> November 2012.**  
**For further information please click [here](#).**