

Camden
Regeneration and Planning Development Management
London Borough of Camden
Town Hall
Judd Street
WC1H 8ND

Mr Steven Altmann-Richer
Flat B, 12 Iverson Road
London NW6 2HE

15th February 2016

RE: Application Reference: 2015/4993/P
The Brondes Age
328E-H Kilburn High Road
London NW6 2QN

Dear Mr McClue, and fellow members of the Planning Committee,

We are writing to inform you of a number of strong objections that we have with regard to the proposed development of a rear extension and roof terrace at the address above. As neighbours to the site of the proposed development, we believe that the proposed development will have a serious impact on our standard of living. In addition, we believe the proposed development is non-compliant with both local and governmental policies. Our specific objections are as follows:

1. Noise

a) **Camden noise policy.** The significant increase in noise that the roof terrace will create is in direct contravention of Camden's Development Policy DP28: ***'The Council will seek to ensue that noise and vibration is controlled and managed and will not grant planning permission for development likely to generate noise pollution.'***

b) **Music.** The Design and Access Statement declares on page 4 that **"It is intended that music and entertainment will be available on the terrace on certain evenings, and a licensing document with approved hours of use and an acoustic report has been attached to the application document"**.

- The licensing document has not been included with the documents on Camden Council's planning permission site.
- Residents have not been able to consider likely opening hours. The Application for Planning Permission has listed the 'Hours of Opening' as 'Not Known', but the 'Noise Impact Assessment' report states, under 1.0, that the rooftop terrace will operated until 00.30 every night. No opening hours have been indicated.
- The acoustic report confines itself to evaluating predicted noise levels for voices, and adds, under 5.3: **"No music reproduction has been assumed within our analysis."** Account of the impact on residents of playing music on the terrace until well past midnight has not been

taken into account. In addition, this is in direct contravention of the **Camden Statement of Licensing Policy 139, and in particular**

- **139D: When the premises doors are open the levels of music shall cut out completely or fall to ambient levels that are not intrusive to local residents.**
- **139G, ‘Premises Providing Music and Dance and Similar Entertainment’:** “No sound emanating from regulated entertainment shall be audible a metre from the façade of the nearest noise sensitive premises between 2300 and 0700 hours.
- **139G: All external doors and windows to the premises shall be kept closed during the provision of regulated entertainment, save during access and egress.**

Plans to include music and entertainment on the terrace are, furthermore, in contravention of the **Borough of Camden’s Noise Strategy 10.11**, which states that ‘The Entertainments Licence then imposes conditions designed to achieve minimal noise impact on local residents before 23.00 and effectively inaudibility between 23.00 and 07.00.’

c) Inconsistencies between Application for Planning Permission and ‘Noise Impact Assessment Report’.

- 5.1, ‘Site Layout’ of the ‘Noise Impact’ report stated that ‘the following measures are assumed to be implemented: ‘3.5m high acoustic barriers (absorptive) surrounding the south and western edge of the rooftop’ AND ‘A 3m high acoustic barrier (absorptive) running through the centre of the terrace area’. However, The ‘Revised Drawings’ (submitted 26.1.2016) includes: ‘2.4m high 100mm timber fence panels encapsulating Maxiboard acoustic panels to block/absorb sound’, which is **under** the height stipulated by the noise report, only includes **one** such a panel rather than the one running through the centre, and **doesn’t** surround both southern and western edges of the rooftop.
- The ‘Noise Impact’ report is based on the understanding that, as 5.1 states, ‘the 3m high barrier... would act to reduce noise levels in both separated ‘areas’ since customers would not need to speak with such a raised voice to be able to communicate.’ As stated above under 1c, the revised drawings do not make provision for a 3m barrier.
- In addition, the assumption that customers will not speak with raised voices is entirely speculative, and fails to take into account the intended addition of music and other entertainment.

- d) **Missing information:** The 'Revised Drawings' state that, on the roof terrace, 'All others areas to be open to the elements' other than the central steel/glass roof. This leaves it unclear how much of the store and toilets will be covered, if at all.

Camden's Development Policy D28 acknowledges that "noise and vibration can have a major effect on amenity and healthy and therefore quality of life. Camden's high density and mixed-use nature means that disturbance from noise and vibration is a particularly important issue in the borough." Noise from the terrace would affect residents well into the night, even with closed windows, and would make it impossible for residents to keep their windows open. We therefore ask the Planning Committee to follow its own guidelines, and, in accordance with the Human Rights Act Protocol 1 Art. 1 which stipulates that 'every natural or legal person is entitled to the peaceful enjoyment of his possessions', reject this planning proposal.

2. Loss of privacy and overlooking

Camden's Development Policy DP26 states that "**The Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity. The factors we will consider include a) visual privacy and overlooking.**" The document Camden Planning Guidance: Amenity states under section 7 that 'New development is to be designed to protect the privacy of existing dwellings'. It adds, under 7.4, that 'new buildings, extensions, roof terraces, balconies and the location of new windows should be carefully designed to avoid overlooking...The most sensitive areas to overlooking are: **living rooms, bedrooms, kitchens, and the part of a garden nearest to the house.**'

The Application Form, Design and Access Statement, and Proposed Drawings fail entirely to indicate how, if at all, the development would protect the privacy of the neighbours living on Kilburn High Road and Iverson Road. The 'Proposed Drawings' indicate that customers of the roof terrace will have a direct view into the bedrooms, living rooms, kitchens, and gardens, of residents. The impact on residential amenity would be considerable, and we ask the Planning Committee to refuse the Application on the grounds of privacy as well as noise pollution. Article 8 of the Human Rights Act states that 'everyone has the right to respect for his private and family life, his home and his correspondence', and we ask the Council to protect these rights.

3. Additional concerns

We also believe that the small corrections made to the 'Revised Drawings', in particular in response to the TFL consultation response, are inconsistent and incorrect. Namely:

- a) **Cycling provisions:** The letter from TFL dated 12 October 2015 states that 'additional cycle parking is required to be provided for the additional floor space' and that 'a minimum of 8 cycle spaces are required'; in addition 'cycle changing facilities (such as showers) should also be provided for bar staff and secured by planning condition'. The 'Revised Drawings' shows 8 cycle parking spaces, but no easy means (if any) for staff or customers to access them.
- b) **Security:** The 'Design and Access Statement' states under section 4 that 'it is anticipated that an increase in height at the rear of the building is also likely to deter

trespassers and reduce crime', but the opposite is likely, as the elevation will make it far easier for trespassers on the overground line to climb onto the terrace, and into the gardens below.

- c) **Disabled access:** The 'Design and Access Statement' states under Section 6 that 'the new roof terrace will have no level changes, including the circulation route to the toilets, which will include arrangements for the ambulant disabled', but the drawings indicate no means for disabled access to the roof terrace itself.

Conclusion

To summarise, we believe that the significant noise pollution and high risk of privacy and overlooking involved in this planning application, which would stand at the centre of an exclusively residential area, are in direct contravention of Camden's planning policies, and would be entirely to the detriment of the neighbours' residential amenity.

We would be grateful if the council would take our objections into consideration when deciding this application.

Yours sincerely,

Mr Steven Altmann-Richer (Flat B, 12 Iverson Road, NW6 2HE)