

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

13th February 2016

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**. The proposed terrace bar accommodating 100+ customers (and staff), with music, would be situated in the middle of what is a quiet residential area. Residents of Iverson Road are currently shielded from the noise pollution from Kilburn High Road, and the community is a very calm one, so that residents would experience a **marked deterioration in quality of life and amenity**. 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 ensure 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 made publicly available on Camden Council's planning permission site.
 - 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 operate 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 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."** 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 panel 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 photographs submitted in the 'Design and Access Statement' and Plans give a very limited sense of the number of private residences directly facing, and adjoining, the proposed development, giving the Planning Committee a false sense of how severely residents would be impacted.

Camden's Development Policy D28 acknowledges that "noise and vibration can have a major effect on amenity and health 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 Humans 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 '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, again, be considerable.

Conclusion

To summarise, the significant noise pollution and high risk of privacy and overlooking involved in this planning application are in direct contravention of Camden's planning policies and would be entirely to the detriment of the neighbours' residential amenity. In the extremely unfortunate event that this application should be approved, we would ask the council to use its powers to:

- **restrict the operating hours of the roof terrace** so that no activity whatsoever could take place on the terrace after 11pm. Moreover, we request that no change be made to 'The Brondes Age' current opening hour of 11am.
- **ban the use of music**, both live or recorded, on the terrace altogether
- **request additional soundproofing barriers** of at least 3m surrounding the **entire** terrace
- ensure that the **entire** section of the terrace including the storage and toilets, and corridor leading to it, be **entirely enclosed and covered by a roof**
- request additional works guaranteeing neighbour **privacy**

We would be grateful if the council would take our objections into consideration when deciding this application, and would welcome the chance to meet members of the committee in person so that they can observe at first-hand how disruptive these plans would be to what is a quiet and peaceful residential area.

Yours sincerely,

Dr & Mr Frederic Vignal (owners, Flat B, 10 Iverson Road 