

23 October 2017

The Savills logo consists of the word "savills" in a lowercase, sans-serif font, colored red, set against a solid yellow rectangular background.

Mr David Fowler,
Principal Planning Officer,
Regeneration and Planning,
Supporting Communities,
London Borough of Camden.

Julian Carter
E: jucarter@savills.com
DL: +44 (0) 20 7075 2816

33 Margaret Street W1G 0JD
T: +44 (0) 20 7499 8644
F: +44 (0) 20 7495 3773
savills.com

Dear David,

We write in response to a number of objections which have been received on application 2016/4605/P which relates to the discharge of the details required by Condition 15 of Planning Permission 2014/7874/P.

Condition 15 requires the following:

Plan of terrace

A plan showing the limits of the roof terrace (at the front/northern side of the building) shall be submitted to and approved by the Council. Only the part of the roof marked as terrace on the approved plan shall be used as such, with no other part of the roof being used for the enjoyment of staff or patrons of the hotel.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

The application was submitted on 16th September 2016 whereby the Council then received objections to the extent of the roof terrace as proposed. As such, the applicant submitted a revised plan in June 2017 to reduce the extent of the roof terrace in line with resident's comments. Further objections have now been received on the revised plan which generally relate to noise and disturbance from the use of the terrace. Some objectors have also listed their experiences of the roof terrace at Derbyshire House.

The proposed roof plan seeks to use the northern side of the roof as terrace for the hotel restaurant which wholly complies with the wording of Condition 15.

The concerns raised by residents against the roof terrace plan were considered by the Council during the course of the original planning permission and were discussed at length by both Officers and Members. In light of these discussions, the Council applied the following control conditions to the permission which provides safeguards to residential amenity from the hotel operations:

16 - Use of terrace

The roof terrace shall not be used outside of the following times: 8am to 11pm Mondays to Saturdays and 9am to 10pm on Sundays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 [if A3/A4/A5 use] of the London Borough of Camden Local Development Framework.

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17 - Rooftop clutter

No structures should be erected on the roof that are not shown on the approved drawings, without planning permission.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 of the London Borough of Camden Local Development Framework Development Policies.

24 – No Audible Music

No music shall be played on the premises in such a way as to be audible within any adjoining premises or on the adjoining highway.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core Strategy and policy DP26 of the London Borough of Camden Local Development Framework Development Policies.

These conditions ensure that the Council maintains control of the hours that the roof terrace can be used; the levels of any music to be played on the terrace; and the structures to be erected which require planning permission. On this basis, it can be demonstrated that the control retained by the Council satisfies the concerns raised around potential noise and disturbance through the latest objections.

Turning to the comments made around Derbyshire House, we do not consider Derbyshire House to be a comparable scheme of which to make reference. Derbyshire House is a 5 storey building with a roof terrace that sits in close proximity to the prevailing 4 storey residential buildings in the surrounding streets. This close relationship is not comparable to the Town Hall Annexe roof terrace which is located on the 11th floor, significantly above the prevailing residential terraces and Derbyshire House. Furthermore, the terrace, being on the northern half of the roof, is fronting onto the extremely busy and noisy Euston Road, whereas Derbyshire House is surrounded on all sides by residential accommodation. Taking these relationship differences into account, and that the Town Hall Annexe roof terrace is subject to the control conditions set out above, we consider the comparison to be unhelpful when objectively assessing the impact of the hotel use.

In addition to the above, it should be noted that the hotel operator has recently been granted its licensing application for the extent of the roof terrace, subject to a number of control conditions. The licensing application was supported by an Acoustic report produced by Vanguardia, a leading Acoustic and Environmental Consultant.

The Acoustic report was undertaken using guidance published by Camden Council and compared the predicted operational noise levels with existing ambient noise levels at the nearest noise sensitive receptors or locations representative of the nearest noise sensitive receptors. The assessment took into account all internal and external areas and used worst case scenarios in terms of the maximum number of guests that would use various spaces of the hotel at any one time, including the roof terrace. This report concluded that, based on the predicted operation noise levels up until 23:00, the target noise levels of not exceeding 5 dB(A) above the existing ambient noise level (LAeq, 5 minutes) at the nearest noise sensitive receptors is achieved (this equals to no discernible difference in noise at those receptor points). On the basis of this report, Camden Council Environmental Health Officers have been satisfied through the licensing procedures that the use of the terrace would not result in noise levels as to harm amenity. Furthermore, on granting the licensing application, the following condition (No. 23) was applied to the licensing consent which ensures the Council maintains control of the noise relationship between the hotel and its neighbours.

Before 2300 hours, the noise climate of the surrounding area shall be protected such that the A-weighted equivalent continuous noise level (LAeq) emanating from the application site, as measured one metre from any facade of any noise sensitive premises over any five minute period with entertainment taking place, shall not increase by more than 5dB as compared to the same measure, from the same position, and over a comparable period, with no entertainment taking place; and the unweighted equivalent noise level (Leq) in the 63Hz Octave band, measured using the "fast" time constant, inside any living room of any noise sensitive premises, with the windows open or closed, over any five minute period with entertainment taking place, should show no increase as compared to the same measure, from the same location(s), and over a comparable period, with no entertainment taking place.

Both the planning and licensing conditions ensure that residential amenity is safeguarded from the use of this hotel terrace and the Council retains control over these functions. As such, given that the submitted proposed roof terrace plan complies wholly with the wording of Condition 15, we request that this application is progressed to a positive determination at your earliest convenience.

Please do not hesitate to contact me or my colleague Iain Buzza (iain.buzza@savills.com) should you require any further information.

Yours sincerely

Julian Carter
Director