

**THE FORMER HAMPSTEAD
POLICE STATION
26 ROSSLYN HILL,
LONDON,
NW3 1PD**

**FINAL
VC-103333-AA-RP-1110
R00**

18TH AUGUST 2020

SUMMARY PROOF OF EVIDENCE ON NOISE

DANI FIUMICELLI

FOR THE LOCAL PLANNING AUTHORITY

**PLANNING PUBLIC INQUIRY INTO REFUSAL OF PLANNING PERMISSION FOR
CHANGE OF USE OF THE SITE FROM A POLICE STATION (SUI GENERIS) TO A ONE-
FORM ENTRY SCHOOL (USE CLASS D1) FOR 210 PUPILS AND
BUSINESS/ENTERPRISE SPACE (CLASS B1) INCLUDING ALTERATIONS AND
EXTENSIONS TO THE REAR AND ASSOCIATED WORKS.**

PINS REF: APP/X5210/Y/20/3248003 & APP/X5210/W/20/3248002

PLANNING APPLICATION No: 2019/2375/P

LISTED BUILDING CONSENT No: 2019/2491/L

VANGUARDIA
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1. INTRODUCTION & REASONS FOR REFUSAL

INTRODUCTION

- 1.1. This summary proof of evidence is submitted to the inquiry on behalf of the local planning authority in relation to noise issues associated with the proposal for change of use of the site at 26 Rosslyn Hill, Rosslyn Hill, London, NW3 1PD from a police station (sui generis) to a one-form entry school (Use Class D1) for 210 pupils and business/enterprise space (Class B1) including alterations and extensions to the rear and associated works.

REASONS FOR REFUSAL

- 1.2. There are 3 reasons for refusal given in the decision notice; the noise related reason is reproduced below:

"The proposed development, by virtue of the proximity of its outdoor amenity space to neighbouring residential properties would result in an unacceptable increase in noise disturbance to the detriment of the amenity of neighbouring residents contrary to policy A1 (Managing the impact of development) of the Camden Local Plan 2017."

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2. QUALIFICATIONS & PERSONAL STATEMENT

2.1. Qualifications and Experience

2.2. I am a technical director of Vanguardia Limited, a company whose services include specialising in the field of acoustics, noise, and vibration. I was awarded the Chartered Institute of Environmental Health's Diploma in 1986 and a Master of Science (MSc) in Environmental Acoustics from the Southbank University in 1999; and have over 30 years of experience in the field of acoustics having worked as an Environmental Health Officer in London from 1986 until 2002, and as an acoustic consultant in the private sector since then. I am a full member of the Institute of Acoustics (IoA) and the Chartered Institute of Environmental Health Officers (CIEH), and I am a member of the IoA Environmental Noise Committee. I was chair of a committee set up by the IOA, the Association of Noise Consultants and the CIEH which published good practice guidance regarding noise sensitive development in May 2017 and am a member of a working groups revising the IOA Good Practice Guide to Noise from Place of Entertainment and from outdoor concerts. I have a wide range of experience in all technical aspects related to acoustics and have managed numerous projects as well as presenting evidence at planning committees and appeals, legal proceedings, public inquiries and House of Commons and Scottish Parliament Scrutiny Committees. I have presented technical papers and written articles nationally and internationally on noise and acoustics covering a wide range of aspects. My overall project experience includes being the project director or manager and participant in Environmental Impact Assessments for residential schemes, schools, airports, road transport, guided transport (trams and buses), light and heavy railway projects, renewable energy, hospital development, mixed developments, harbour developments, leisure developments, sport stadiums, and commercial and industrial developments.

2.3. I have visited the vicinity of the proposed scheme and viewed the existing buildings and the relationship with adjoining and nearby residential properties from publicly accessible areas around the scheme.

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2.4. Personal Statement

I, Dani Fiumicelli declare that:

- 2.4.1. I understand that my duty in providing this statement and giving evidence is to help the Inquiry, and that this duty overrides any obligation to the party by whom I am engaged or the person who has paid or is liable to pay me or my employers. I confirm that I have complied and will continue to comply with my duty.
- 2.4.2. I confirm that insofar as the facts stated in this statement are within my own knowledge I have made clear which they are, and I believe them to be true, and that the opinions I have expressed represent my true and complete professional opinion.
- 2.4.3. I have endeavoured to include in my statement those matters, of which I have knowledge or which I have been made aware, that might adversely affect the validity of my opinion. I have clearly stated any qualifications to my opinion.
- 2.4.4. I have shown the sources of all information I have used.
- 2.4.5. I have not without forming an independent view included or excluded anything which has been suggested to me by others; including my instructing clients and their lawyers.
- 2.4.6. I will notify those instructing me immediately and confirm in writing if for any reason my statement requires any correction or qualification.

3. SUMMARY OF NOISE EVIDENCE

- 3.1. National, London Plan and LB Camden Local Plan policies and guidance in relation to noise aim avoid significant adverse effects, minimise adverse effects on health and quality of life, and to not cause harm to amenity.
- 3.2. Noise levels from road traffic on Rossllyn Hill and Downshire Hill are sufficiently high that to comply with the Government's Department for Education and the Education Funding Agency's guidelines for acoustic conditions in schools, double glazing will have to be provided and windows kept closed for all rooms overlooking these roads. Consequently, it will not be possible to provide adequate ventilation and to control overheating by opening windows without compromising the internal acoustic conditions. Possible solutions include acoustically treated penetrations through the Rossllyn Hill and Downshire Hill facades of the premises, installation of ventilation and cooling plant externally, and the running of extensive ducting and pipework internally. These options all have potential to cause substantial adverse visual impacts and negatively affect the heritage status of the premises, as discussed in the evidence of Mr Nicholas Baxter.
- 3.3. The applicant's noise assessment uses criteria that are not appropriate to the main problem of noise from children in the playground as they were designed to control noise with different characteristics from entertainment premises and mainly located in areas with higher prevailing ambient noise conditions.
- 3.4. Although the National Planning Practice Guidance (NPPG) advises that the subjective nature of noise means there is not a simple relationship between noise levels and the impact on those affected, the applicant's noise report largely ignores the various factors the NPPG says are important to the assessment of noise and seeks to simply compare the predicted noise from the playground to benchmarks that are not appropriate for the assessment of noise from children.
- 3.5. The applicant's assessment doesn't consider the effect of changes in noise due to the proposed scheme. However, the data presented in the applicant's noise report shows that the use of the playground will result in noticeable i.e. intrusive, to major i.e. disruptive, increases in noise at neighbouring residential premises, depending on the spatial relationship to the playground and whether a noise barrier will intervene. When these increases in noise

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occur, there will be a substantial adverse change in the acoustic character of the neighbourhood.

- 3.6. In addition, notwithstanding they are inappropriate, the applicant's report shows that the criteria chosen for assessment of the impact of playground noise inside nearby homes will be breached when windows are open for ventilation.
- 3.7. The applicant's noise report shows that the nature and character of the playground noise i.e. variable levels of the mid to high frequency noise of children's voices will be very different compared to the existing soundscape of relatively steady lower frequency dominated road traffic noise. This will mean that the noise from the playground will be more readily noticeable, and therefore intrusive and disruptive compared to the existing soundscape, than by comparison with fixed benchmark sound level criteria or the increase in noise level alone without these characteristics.
- 3.8. Based on the above it is considered that the applicant's report fails to establish that the proposed scheme will be likely to comply with the requirements of National, London Plan and LB Camden Local Plan policies and guidance in relation to noise, to avoid significant adverse effects, minimise adverse effects on health and quality of life, and not cause harm to amenity.

Registered in England 05666276



VANGUARDIA LIMITED

LONDON OFFICE

The Ministry
79-81 Borough Road
London SE1 1DN

MANCHESTER OFFICE

Jactin House
24 Hood Street
Manchester M4 6WX

HEAD OFFICE

21 Station Road West, Oxted
Surrey RH8 9EE

Tel +44 (0) 1883 718690

office@vanguardia.co.uk
vanguardia.co.uk