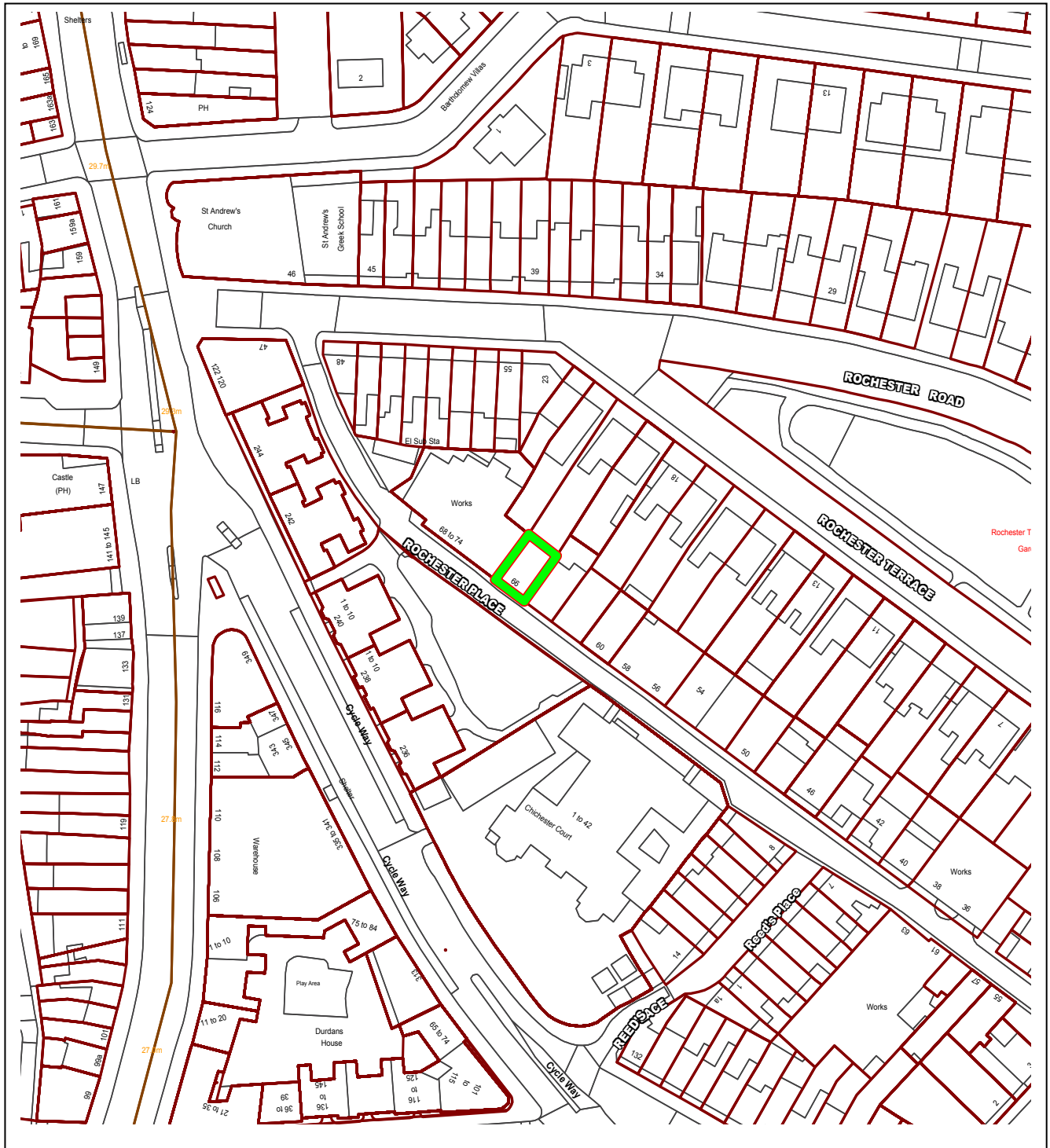


6 Rochester Place 2020/4952/P



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Site Photos



1. Aerial view of application site



2. Front elevation



3. View of rear from neighbouring garden (21 Rochester Road)



4. View of ground floor windows from neighbouring garden

Delegated Report (Members Briefing)		Analysis sheet		Expiry Date: 21/12/2020	
		NA		Consultation Expiry Date: 04/01/2021	
Officer			Application Number(s)		
Josh Lawlor			2020/4952/P		
Application Address			Drawing Numbers		
66 Rochester Place London NW1 9JX			See draft decision notices		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Variation of Condition 2 (Hours of Operation) granted by planning permission 2013/0322/P dated 02/04/2013 to allow use of dance and fitness studio on Sundays and Bank Holidays from 11:00 - 21:30.					
Recommendation:		Grant conditional variation of condition application			
Application Type:		Variation of condition application			
Conditions or Reasons for Refusal:		Refer to Draft Decision Notices			
Informatives:					
Consultations					
Summary of consultation:		<p>A site notice was displayed outside the site on Rochester Place on the 25/11/2020 (expiry 19/12/2020). An additional site notice was displayed on Rochester Terrace from the 11/12/2020 (expiry 04/01/2021)</p> <p>The application was also publicised in the local press from 26/11/2020 (expiry 20/12/2020)</p>			
Adjoining Occupiers:		No. of responses	5	No. of objections	5
Summary of consultation responses:		<p>20 Rochester Terrace, 21 Rochester Terrace, 4 Rochester Terrace and 51 Rochester Road objected to the application on the following grounds:</p> <p>1. The dance studio abuts on to our garden. The music and noise from the studio is an intrusive nuisance, particularly in hot weather but also when windows are closed. We therefore oppose the requested</p>			

extension of their licence. The studio's activity is not suitable for a residential area. Concern over the impartiality of noise report. Installation of uPVC windows replaced metal windows without planning permission. Concern that they will open windows again in summer.

2. Currently the owners have been the subject of official noise complaint. The owners currently flout the conditions of their original planning permission stipulating hours of operation and soundproofing they play loud music.
3. I have no objection in principle to a pole dancing school, however it's in the wrong location and wrong neighbourhood. Do not want to be disturbed at the weekend. It is annoying enough that we hear them during the week. Amplified music thudding music, cars, additional traffic and noisy clientele. They flout conditions limiting hours and are noisy and disruptive, particularly in hot weather when they have their windows open and music on.

Officer response:

1. *The previous instances of breaching hours of use (condition 2) without permission cannot inform the assessment of this application, as each application is considered on its own merits.*
2. *There is no in principle objection to a dance studio in a residential area subject to the applicant demonstrating that the use can operate within required noise levels. See the 'Amenity' section of this report for full assessment*
3. *The recently installed uPVC windows are not assessed as part of this application. The replacement windows would need a separate planning application and an informative is attached to bring this to the attention of the applicant.*

The Rochester Terrace Residents Association objected to the proposal on the following grounds:

Dance studio operates in breach of two clauses of its existing 2013 planning permission as sounds is audible from adjoining premises and the adjoining highway. They are licenced to operate between 11am and 9.30pm Monday to Saturday. Yet they operate on Sundays and openly advertise their Sunday classes on their website. They do not appear to have put in place any sound-proofing and in the summer months they keep doors and windows open.

The Rochester Terrace Residents Association feel that permission to officially extend their hours of business should NOT be granted based on the fact that they have not made any effort at all to meet their existing noise elimination requirements.

Furthermore, action should be taken to enforce the existing clauses in their 2013 planning permission.

Site Description

The application site is a two storey mid-terrace property located on Rochester Place. The terrace is characterised by commercial buildings, offices and warehousing. The site is bounded by residential gardens to the North-East, commercial properties to the North-West and South-East, and Rochester Place to the South-West. Entrance to the site is located on Rochester Place.

The building is not listed, but is identified as making a positive contribution to the character and appearance of the Rochester Conservation Area.

Relevant History

2013/0322/P Change of use from light industrial (Class B1c) to dance and fitness studio (Class D2) (Retrospective) **Granted 02/04/2013**

Enforcement History:

EN20/0463 Breach of condition (2) attached to the planning permission granted on 2nd April 2013 under planning ref: 2013/0322/P granted for change of use from light industrial (class B1c) to dance and fitness studio (Class D2) (Retrospective) **Breach of Condition Notice issued 20/10/2020**

Relevant policies

National Planning Policy Framework (2019)

The London Plan (2021)

Camden Local Plan (2017)

- G1 Delivery and location of growth
- A1 Managing the Impact of Development
- A4 Noise

Supplementary Guidance - Camden Planning Guidance

- [Amenity](#) - January 2021

Planning Practice Guidance on Noise

BS 8233:2014

Noise Policy Statement for England

Assessment

1. The proposal

- 1.1. Planning permission is sought for the variation of Condition 2 (Hours of Operation) granted by planning permission 2013/0322/P dated 02/04/2013 which would allow use of the dance and fitness studio on Sundays and Bank Holidays from 11:00-21:30. There are no external alterations proposed as part of this application.

2. Assessment

2.1. The principal consideration material to the determination of this application is:

- The impacts caused upon the residential amenities of any neighbouring occupier (Residential Amenity)

3. Residential amenity

3.1. Policy A1 seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of residents. This includes factors such as privacy, outlook, implications to natural light, artificial light spill, as well as impacts caused from the construction phase of development. Policy A4 seeks to ensure that residents are not adversely impacted by virtue of noise or vibrations emanating from a development or use.

3.2. The applicant has submitted a noise assessment to ascertain noise breakout from the development. The report bases its assessment on BS8233:2014 'Sound insulation and noise reduction for buildings' which describes recommended internal noise levels for residential spaces, see table 1 recommended internal background noise levels.

Activity	Location	07:00 to 23:00	23:00 to 07:00
Resting	Living Rooms	35 dB(A)	-
Dining	Dining Room/area	40 dB(A)	-
Sleeping (daytime resting)	Bedrooms	35 dB(A)	30 dB(A)

Table 1. BS8233:2014 recommended internal background noise levels

3.3. The Council's Noise Officer has assessed this report and confirms that appropriate noise guidelines have been followed within the report. The submitted assessment has yielded satisfactory internal predicted noise levels. The assessment has undertaken noise breakout measurements on-site to establish the existing sound insulation performance of the studio's external walls (see table 2).

Receiver	Minimum Background Noise L_{A90}	Noise Level at Receiver (1m from window)
Rear residential windows of 238 Royal College Street	37 dB(A)	31 dB(A)
Rear residential windows of 20 Rochester Terrace	32 dB(A)	23 dB(A)

Table 2. Predicted noise level at 1m from nearest noise sensitive residential windows

3.4. The report has undertaken calculations to predict noise transfer from the studio spaces to the closest residential receivers via external noise breakout. These noise levels have been compared with the minimum background noise levels measured during the survey. Table 3 of the report below report confirms that noise breakout from the dance studio would be expected to meet required standards.

Receiver	Design Range – For resting/sleeping conditions in a bedroom, in BS8233:2014	Noise Level at Receiver (due to breakout noise)
Rear residential windows of 238 Royal College Street	35dB(A)	16-21dB(A)
Rear residential windows of 20 Rochester Terrace	35dB(A)	8-13dB(A)

Table 3. Noise levels and criteria inside nearest residential spaces due to breakout noise

- 3.5. In addition, noise breakout levels have been assessed within neighbouring residential gardens to the North-East for comparison with the guidance provided in BS8233:2014.
- 3.6. The acoustic submission demonstrates that the use of the dance studio on Sundays and Bank Holidays between 11:00 - 21:30 would not give rise to harmful impacts on neighbouring residential amenity. A condition is attached to the decision to require the rear windows to remain permanently fixed shut. This will ensure that noise is contained within the building. The comings and goings associated with the use are not considered to be significantly detrimental to neighbouring residential amenity. Visitors to the site would enter and leave in daytime hours and would not be expected to linger for significantly long periods. It would be unreasonable to prevent the operation of the use on Sundays and Bank holidays due to the minor disturbance that may arise from clients entering and leaving the site. As such the variation of Condition 2 of planning permission Ref. 2013/0322/P is considered acceptable.

1. Recommendation

Grant variation of condition application

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members' Briefing panel on Monday 17th May 2021, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Application ref: 2020/4952/P
Contact: Josh Lawlor
Tel: 020 7974 2337
Email: Josh.Lawlor@camden.gov.uk
Date: 12 May 2021

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk

Mr. Jeremy Brown
66 Rochester Place
London
NW1 9JX

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted

Address:

**66 Rochester Place
London
NW1 9JX**

Proposal:

Variation of Condition 2 (Hours of Operation) granted by planning permission 2013/0322/P dated 02/04/2013 to allow use of dance and fitness studio on Sundays and Bank Holidays from 11:00 - 21:30.

Drawing Nos: Site Location Plan, Existing and Proposed Ground and First Floor Plans, Noise Impact Report 22426.NIA.01 Rev.A

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 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 G1, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 2 The use hereby permitted shall not be carried out outside the following times 11:00 - 21:30 Monday to Sunday.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, A1 and A4 of the Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans- Site Location Plan, Existing and Proposed Ground and First Floor Plans, Noise Impact Report 22426.NIA.01 Rev.A

Reason: For the avoidance of doubt and in the interest of proper planning.

- 4 No sound emanating from the use shall be audible within any adjoining premises

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 The rear windows shall remain permanently fixed shut during the operational hours of the dance studio.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies G1, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 6 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any order revoking or re-enacting that Order, with or without modification, the premises shall be used as a Class D2 dance and fitness studio only and should this use cease then the premises would revert back to a Class B1c use.

Reason: To ensure that the future occupation of the building does not adversely affect the adjoining premises and immediate area by reason of an increase in pedestrian and vehicular movements and to protect Class B1c employment floorspace within the Borough in accordance with policies A1, A4, E1 and E2 of the Camden Local Plan 2017.

Informative(s):

- 1 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website (search for 'Camden Minimum Requirements' at www.camden.gov.uk) or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public

Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

- 2 The recently installed uPVC windows to the rear elevation do not benefit from planning permission. These windows would require a separate planning application to be submitted to and approved by the Local Planning Authority.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Chief Planning Officer

DRAFT

DECISION