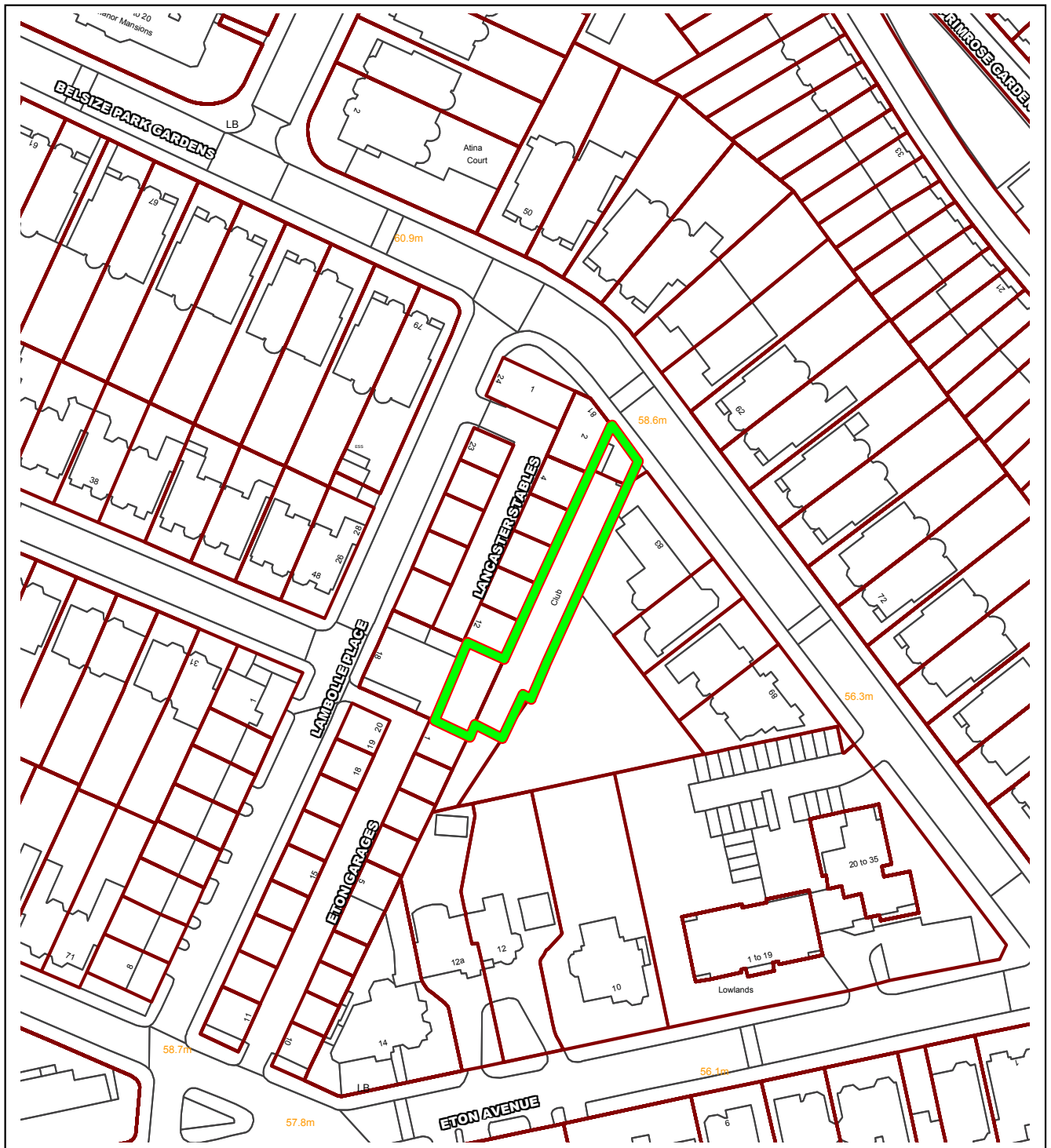


# 81 Belsize Park Gardens - 2020/4336/P



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## Site photos



1. Aerial view showing existing plant at roof level



2. (Image above) Photograph of front elevation of 81 Belsize Park Gardens





3. (Image above) Photograph of front elevation of 81 Belsize Park Gardens



4. (Image above) Photograph of front elevation of 81 Belsize Park Gardens and the adjoining property to the west 81B Belsize Park Gardens



<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>	18/11/2020
		N/A		<b>Consultation Expiry Date:</b>	30/11/2020
<b>Officer</b>			<b>Application Number(s)</b>		
David Peres Da Costa			2020/4336/P		
<b>Application Address</b>			<b>Drawing Numbers</b>		
81 Belsize Park Gardens London NW3 4NJ			Refer to Draft Decision Notice		
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>		
<b>Proposal(s)</b>					
Alterations to front and side (south east) elevations incorporating new windows and entrance portico; replacement rooflights and installation of plant; removal of roof to form enclosed garden including acoustic barrier; and replacement store at front of site.					
<b>Recommendation(s):</b>		Grant planning permission			
<b>Application Type:</b>		Full planning permission			

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:			No. of responses	13	No. of objections	13
Summary of consultation responses:	A site notice was displayed from 06/11/20 to 30/11/20 and the application was advertised in the local paper on 05/11/20 (expiring 29/11/20). Objections were received from the occupiers of 6, 8, 10 and 12 Lancaster Stables and 56, 60, 62a, 68, 81 and 89 Belsize Park Gardens, as well as two objections from unidentified addresses. An objection was also received from Belsize Park Gardens Limited which manages the adjoining building (81a+b Belsize Park Gardens and 24 Lambolle Place).					
	The following issues were raised:  <b><u>Design:</u></b> <ul style="list-style-type: none"><li>Concern with the impact of the development on the look and the potentially the substance of my building (81a+b Belsize Park Gardens).</li><li>We agree that detailed drawings at a larger scale must be submitted for the proposed scheme.</li><li>The current plant roof design would not preserve or enhance the Conservation area.</li><li>The front elevation proposals do not preserve or enhance the conservation area currently.</li></ul> <i>Officer's comment: The proposed alterations to the front elevation and entrance forecourt including enlargement of the store would have minimal impact on 81 Belsize Park Gardens. More detailed drawings at a larger scale were submitted 25/11/2020. The replacement plant would represent an improvement on the existing situation as there would a reduction in the amount of rooftop plant. Given this, the proposed plant would not harm the character and appearance of the conservation area. The alterations to the front elevation have been reviewed by Conservation officers and are considered to preserve the character and appearance of the conservation area.</i>  <b><u>Amenity:</u></b> <ul style="list-style-type: none"><li>The resubmitted acoustic report does not address the issues raised by the Lancaster Stables' noise report about methodology and assumptions, so we can't know whether the predicted levels of noise from the secret garden are accurate.</li><li>For the previous application we commissioned an independent commentary which concluded that there are many items which do not reach Camden's criteria for Acoustic performance or sustainability.</li><li>You have already assured me by e mail that there would be a Condition for ongoing design and calculations if an application was granted. Submission of details for the condition should be notified to</li></ul>					

allow detail commentary.

- The assumed re use of plant which has not been used for three years is not practical and certainly does not fit with any of Camden's stated policies about sustainability. When it did operate the noise was far in excess of all Camden criteria and caused damage to the living conditions, especially in our case, the quality and amount of sleep as our bedroom directly abuts the premises, and did not preserve or enhance the Conservation area. Many complaints were made to the operators at the time.
- The developer's noise report admits that in their plant noise model "the predicted levels were above the Lowest Observed Adverse Effect Level at the nearest adjoining roof terraces".
- Unit AHU/02 (which was the source of the worst noise and vibration previously) is to be replaced by a new unit but the developers propose putting it in the same place right next to our property with no mention of the vibrations transmitted through the supporting steels; at our party wall the supporting steels are built into the wall with no isolation detail. This should be removed and properly designed supports proposed throughout. I believe that the air handling unit can and should be moved to the middle of the flat roof as far as possible from all the surrounding properties.
- Conditions should be put on the developers to provide extra design and proof of calculations about noise and vibration, which should be tested on completion before occupation is allowed.
- Opening hours were confirmed previously as 7am to 7pm. Can we please have your assurance that this is the case with this application and that these opening hours will include cleaning time. Due to the noise which can be heard from 81 Belsize Park Gardens, it will be unacceptable for cleaning, setting up etc to take place outside of those hours.
- South elevation windows are proposed facing a private communal garden and will give issues of overlooking, light pollution and noise break out.
- Additional windows would look straight onto our garden and would therefore impact on our privacy and enjoyment of our garden
- Concerns that location of both the new AHU and the solar panels depends on "acoustician's comments" as annotated on drawing no: 1241-SK-01A
- Specific concerns with "Revised Noise Impact Assessment" including: predicted mechanical plant noise emissions; combined measurements for plant and secret garden have not been provided; need for sufficient soundproofing measures; need for detailed design assessment to be secured by condition; concerned about noise from cleaning after the nursery has closed.
- The new AHU unit is still where the old one was (right next to our roof terrace). The optimum position is surely in the middle of the flat roof equally distant from all surrounding properties and the garden.
- There is no mention of vibration, this used to be a big problem.
- Six dwellings suffered intolerable noise disturbance every day when the property was used as a gym which compromised the environmental health issues for the residents. This noise disturbance resulted in complaints to the council. This must be rectified as part of this new application.

- The old AHE unit is a proven noise polluter, why do they still want to use it?
- How will the new solar panels interact with the AHU.
- Why not move the plant and AHU all together further from the adjoining properties?
- Proposal to remove the roof to the swimming pool and use of air-conditioning plant is likely to result in materially increased noise in terms of both volume and character
- Concerned about additional noise from the large air-condition systems; should be switched on and off in accordance with the opening hours of the school. So there will be no noise in the evening.

*Officer's comment: All the existing plant would be removed and this would be secured by condition. The solar panels shown on a superseded roof plan do not form part of the current application. For a full assessment of the impact on neighbouring amenity, please refer to the amenity section of the report (paragraphs 2.9 to 2.22) below.*

**Transport:**

- Increased traffic levels and parking
- Likely lead to double-parking, parking across driveways and blocking of traffic flow
- Need assessments of traffic flow across, and parking stress near junction of Belsize Park Gardens/Primrose Hill Road and the junction at Belsize Park Gardens/Lambolle Place
- No traffic report has been submitted.
- A construction Management plan should also be submitted. Concerned that they might use the fire exit in Lancaster Stables as access for construction.
- Impact on air pollution and increased risks to pedestrians.
- There should be a limitation on numbers travelling to and from and present at the building and hours of operation.
- Should demand a commitment from the operators of the nursery to erect signage and circulate regular notices to remind parents/carers of the need to be considerate to neighbours.

*Officer's comment: The current application only seeks approval for alterations to the existing building and replacement plant. It does not seek approval for a change of use to a nursery as it has already been established by the previous Lawful Development Certificate application (ref: 2020/4338/P) that use as a nursery would not constitute development. As such, it would not be reasonable or necessary to impose a condition on the hours of operation or limiting numbers travelling to and from the site. The proposed alterations (to the front and side elevations and roof) and replacement plant would not result in increased traffic levels or in increased air pollution. Given the limited scope of the proposed alterations, a construction management plan is not necessary in this instance.*

**Other:**

- Would impact on my building (81a+b Belsize Park Gardens) and my plans to install another window below the line of windows to flat 2 and 4.



- |  |   |
|--|---|
|  | <ul style="list-style-type: none"><li>• Concern about storage of bins for our building (81a+b Belsize Park Gardens and 24 Lambolle Place)</li><li>• Request a public consultation as part of the Planning process.</li><li>• The application should be referred to planning committee</li></ul> |
|--|---|

*Officer's comment: The erection of a bin store on the front forecourt is considered an appropriate use of the application site. It would not be reasonable to impede the development opportunities of the application site on the basis of a future application for 81a + b Belsize Park Gardens. It appears their waste bins of the neighbouring property (81a / 81b Belsize Park Gardens) may be informally stored on the forecourt of the application site and the owner of this property would like the proposed bin store to provide space for their waste bins. Agreement between the applicant and the owner of the neighbouring building as to the use of the proposed bin store is not a planning matter. The application has been consulted on in line with the Council's Statement of Community Involvement.*

<p><b>CAAC/Local groups* comments:</b> *Please Specify</p>	<p><b>Belsize CAAC – object</b></p> <p>Provide more information and further details of front elevational changes, finishes and landscaping of street frontage. All to a large scale.</p> <p><i>Following the submission of more detailed drawings, Belsize CAAC provided further comments:</i></p> <p>Most of these proposals are out of character with the Conservation Area. Object as follows:</p> <ul style="list-style-type: none"> <li>The use of metal glazing.</li> <li>The fenestration subdivision (with fan lights) of new windows.</li> <li>The width of the entrance doors.</li> <li>The extent, design and use of a metal wall glazing system to the storage area.</li> <li>The abutment of one portico column onto existing wall.</li> <li>Lack of clarity on proposed finishes and landscaping to the entrance area.</li> </ul> <p><i>Officer's comment: The alterations to the front elevation and forecourt have been reviewed by the Council's conservation officer and are considered acceptable. The existing front elevation is unremarkable and the proposed changes would enhance the character and appearance of the conservation area. The storage area would be finished in laminate cladding panels / doors rather than a metal wall glazing system. Details of the materials including those for the forecourt would be secured by condition to ensure they would be sympathetic to the conservation area. For further details, please refer to the 'Design' section of the report (paragraphs 2.2-2.8) below.</i></p>
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An acoustic report (prepared by Scotch Partners) has been submitted on behalf of all Lancaster Stables residents and the residents of Belsize Park Gardens West Group.

The conclusions of the report are set out below:

Overall, the report does not provide confidence that the development proposals are sufficiently robust to prevent noise disturbance to the residential neighbours. To provide such confidence it is suggested a more detailed assessment of the noise from the children in the secret garden is required. Plant noise emission should be controlled in line with the Authority's advised design limit of a rating level 10dB below the underlying background noise level. This may require substantial noise control measures not currently considered if existing plant is to be retained. Alternatively, plant may need to be relocated elsewhere away from neighbouring roof terraces. Finally, a full and robust assessment of noise propagation transmission, both airborne and structure borne, through the separating walls between the nursery and dwellings should be provided.

Of particular note is the suggestion that the Council specially requested compliance with noise thresholds which the Local Plan make clear are applicable to noise sensitive residential development proposed in areas of existing noise. This is not the scenario being considered here which is that of new noise sources being introduced into an existing residential neighbourhood where compliance with the thresholds may be insufficient to prevent noise disturbance.

The Assessment makes reference on a number of occasions to the use Conditions to any planning approval to ensure suitable acoustic amenity is achieved. (Paras. 4.24, 4.30 & 5.7) Such conditions are essential and would need to cover every potential source of noise disturbance, identified in this review. The current level of detail provided on the predicted noise impacts is, however, still considered inadequate to provide comfort that, even with such Conditions, disturbance to the residential neighbours could be avoided.

*Officer's comment: The submitted Noise Impact Assessment has been reviewed by an Environmental Health officer who has confirmed the application can be supported subject to conditions. For further details, please refer to the noise section of the report (paragraphs 2.10-2.18) below.*

	<p>A technical note in relation to transport matters (prepared by Markides Associates) has been submitted on behalf of Lancaster Stables Group and the Belsize Park Gardens Group.</p> <p>The 'Summary and Conclusion' of the technical note is set out below:</p> <p>The application should be refused for the following reasons:</p> <ul style="list-style-type: none"> <li>• The applicant has not provided evidence to justify that there is sufficient on-street parking capacity to accommodate the likely level of "drop-off" trips associated with the development proposal. The development if permitted may therefore lead to additional on-street parking pressures to the detriment of public and highway safety;</li> <li>• It has not been demonstrated by the applicant that the resultant traffic impact can be safely accommodated on the surrounding highway network nor has any information been provided about the impact of deliveries and servicing of the development,</li> <li>• The nature of the proposed use will result in predominantly car-based movement with no evidence being provided that it is possible to shift modal share to more sustainable forms of transport.</li> </ul> <p><i>Officer's comment: The current application only seeks approval for alterations to the existing building and replacement plant. It does not seek approval for a change of use to a nursery as it has already been established by the Lawful Development Certificate application (ref: 2020/4338/P) that the use of the property as a nursery would not constitute development. As such, the transport impacts of the proposed alterations (to the front and side elevations and roof) and replacement plant would be minimal.</i></p>
	<p><b>Belsize Park Gardens Group – Object</b></p> <p>1. We object to the description of the development used as in our view it appears to be not fully accurate in not explaining the proposed use as a nursery.</p> <p>Any use as a nursery appears likely to involve a materially increased intensification of use, impacting on traffic and this is addressed more fully under point (2) below.</p> <p>Removing the roof to the swimming pool and use of air-conditioning plant as part of use of the Site as a nursery will likely result in materially increased noise in terms of both volume and character which will adversely affect neighbouring residents and impact on the character and nature of the area. The noise assessment filed by the applicant is disputed. This is addressed more fully under point (3) below</p> <p>If notwithstanding these concerns planning permission is granted then it is submitted a condition must be imposed restricting the use of the property to a gym only and for no other purposes whatsoever (including any other use within Use Class E) without the prior approval of the planning authority.</p> <p><i>Officer's comment: The current application only seeks approval for alterations to the existing building and replacement plant. It does not seek</i></p>

*approval for a change of use to a nursery as it has already been established by the previous Lawful Development Certificate application (ref: 2020/4338/P) that the use of the property as a nursery would not constitute development. Therefore the description of the development is accurate.*

2. Increased traffic and parking: any use as a nursery or nursery school will involve a materially increased intensification of use, impacting on traffic and parking.

We have concerns about the impact on traffic and parking arising from the substantially intensified use which seems likely to arise from use as a nursery.

The Belsize Park Gardens Group has submitted a Technical Note prepared by Markides Associates on the potential traffic and parking impact.

Parents of toddlers will in our view likely try to get as close to the entrance of the nursery without consideration for neighbours or traffic, knowing that they are only dropping off / picking up. This will likely lead to double-parking, parking across driveways and blocking of traffic flow. The report highlights the pressure on the junction of Belsize Park Gardens/Primrose Hill Road and the junction at Belsize Park Gardens/Lambolle Place also needs to be reviewed, as that is close to the site at 81 BPG and is also where, in our view, parents are likely to double-park. Assessments of traffic flow across and parking stress near these junctions are required.

The increase of pollution created by the additional traffic is a real concern. This concerns also relates to parents leaving their engines running during drop-off/pick-up.

*Officer's comment: The current application only seeks approval for alterations to the existing building and replacement plant. As such, the transport impacts of the proposed alterations (to the front and side elevations and roof) and replacement plant would be minimal.*

3. Increased Noise: the use as a nursery/nursery school and the proposals as regards removing the roof to the swimming pool and use of air-conditioning plant is likely to result in materially increased noise in terms of both volume and character which will adversely affect neighbouring residents and impact on the character and nature of the area. The noise assessment filed by the applicant is disputed.

In our view the submitted revised noise assessment should have been prepared with knowledge of the concerns and issues raised in the Scotch Partners report filed on 29 July 2020 but appears to fail to address the majority of the concerns and issues raised. In the circumstances, the measurements and analysis in the applicant's Cass Allen noise impact assessment report are disputed.

*Officer's comment: The submitted Noise Impact Assessment has been reviewed by an Environmental Health officer who has confirmed the*



*application can be supported subject to conditions. A condition would ensure that the noise from the plant does not breach the Council's noise thresholds. On commissioning the plant, the applicant would be required to submit a report which assesses the plant and acoustic mitigation to demonstrate compliance with the Council's noise thresholds in real world operation. This would be secured by condition. A further condition is recommended to ensure that the existing structure includes sound insulation to protect existing residential occupiers from noise.*

4. East Elevation windows: The proposed windows, elevational changes, finishes and landscaping of street frontage, facing east to the street, are not fully explained or detailed and do not appear to preserve and enhance the character of the area.

The proposed windows are described only as double glazed. The style of the windows and their surrounds and pediments are not detailed or described with sufficient information. Without this, it is difficult to identify whether the proposals are in keeping with the character and style of the other buildings in the area.

We object to the application and ask that it should be refused. We would also ask that, notwithstanding these concerns, should officers be minded to recommend the application for approval (especially if without the restriction on use), elected members of the planning committee should consider and determine it.

*Officer's comment: More detailed drawings at a larger scale were submitted 25/11/2020. The alterations to the front elevation have been reviewed by Conservation officers and are considered to preserve the character and appearance of the conservation area.*

#### **Belsize Park Gardens West Group – Object**

South Elevation Windows: the proposed new windows on the south elevation of the Site overlooking the private garden in drawing 6402-105 do not, in our view, enhance or improve but diminish the fenestration arrangement or look of the Site when viewed from the private gardens and we object to them: (i) they are wide and long horizontally, instead of being narrow and upright in the style of the existing windows and (ii) due to their large size they will cast yellow light pollution into the garden; (iii) more information about the proposals as regards these 2 windows is required (iv) a restrictive covenant gives rights to 83 Belsize Park Gardens to object to them, all of which are reserved (v) the applicant has previously indicated they would not insert such windows in the east elevation and withdrew a previous application seeking permission to do so.

*Officer's comment: The proposed windows to the side elevation would be relatively minor additions in the context of this long elevation. The elevation is characterised by a sequence of rectangular, relatively plain, three and four storey volumes with vertical strips of windows to the four storey element and high level windows (third floor) to the three storey element at the rear of the site. The size, location and materials of the proposed windows are considered acceptable in this context. The size of the proposed windows is*

	<p><i>such that potential light pollution from these windows could not support a reason for refusal. Moreover, there are a large number of other windows on this elevation and in this context, any additional light spill would have minimal impact on the neighbouring gardens. The “restrictive covenant” referred to is a private property matter and not a planning matter. The previous application was withdrawn for reasons unrelated to the windows in the side elevation.</i></p> <p>Making existing windows unopenable on South elevation: There are concerns about noise from the children at the nursery. The applicant claims this will be controlled by keeping windows closed. The applicant has omitted to include in its proposals for the south elevation any works to make the existing (not new) windows unopenable and it should be a condition of any planning permission that such work should be undertaken.</p> <p><i>Officer’s comment: The sound attenuation measures recommended by the submitted acoustic report (which includes fixed shut windows) would be secured by condition.</i></p> <p>Noise: Existing background noise measurements and impact on houses to the south disputed. Cass Allen (4.6) reports that background noise levels towards the rear of the building site were measured at roof level during daytime periods. In our view, this is not sufficient to give a proper base against which to compare. Most of the measurements seem to be of car traffic noise from the road in Belsize Park Gardens. This may be greater at certain times of the day than at others. It is submitted other measurements should have been made to assess the background noise at different times of the day and at different levels and locations.</p> <p><i>Officer’s comment: the noise measurement positions at roof level of the existing building are considered appropriate as the nearest noise sensitive receptors are the high level windows and roof terraces on the adjoining properties on Lancaster Stables.</i></p> <p>On the basis of all the above, we object to the application and ask that it should be refused. We would also ask that notwithstanding these concerns should officers be minded to recommend the application for approval (especially if without the restriction on use), elected members of the planning committee should consider and determine it.</p>
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### Site Description

The site is on the southern side of Belsize Park Gardens and is linear in form with a narrow frontage and forecourt facing onto Belsize Park Gardens. The site is occupied by a part 3, part 4 storey building. The site falls within the Belsize Conservation Area.

Immediately abutting the site to the west is the residential mews ‘Lancaster Garages’. To the east of the site are residential properties on the southern side of Belsize Park Gardens. Behind these properties (83-89 Belsize Park Gardens) and to the south east of the site is a triangle of open green space.

### Relevant History

**P9600922:** The installation of new roof lights over the existing roof of the swimming pool. Granted 11/07/1996

**PW9703128:** Installation of windows in the front elevation at first and second floor level. Granted  
08/09/1997

**2020/0929/P:** Change of use from gym (Class D2) to nursery (Class D1) including the addition of windows to front and side (south east) elevation, 2 rooflights (following removal of existing skylight) and front canopy. Withdrawn 13/10/2020

**2020/4338/P:** Use of the property as a nursery (Use Class E). Lawful development certificate Granted  
23/03/2021

### **Relevant policies**

#### **NPPF 2019**

#### **London Plan 2021**

#### **Camden Local Plan 2017**

Policy A1 Managing the impact of development

Policy A4 Noise and vibration

Policy D1 Design

Policy D2 Heritage

#### **Camden Planning Guidance**

CPG Amenity (adopted Jan 2021)

CPG Design (adopted Jan 2021)

#### **Belsize Conservation Area Statement** (adopted 2003)

## Assessment

### 1. Proposal

- 1.1. The application seeks consent for alterations to the front and side (south east) elevations replacement rooflights, installation of roof top plant, the removal of the existing roof to form a semi-enclosed outdoor play space at upper ground floor level, and replacement store including bin store at front of site.
- 1.2. The single storey front extension with pitched roof would be replaced by a stone entrance portico. The front elevation would incorporate glazed entrance doors and new windows at first and second floor level.
- 1.3. Two new windows are proposed to the south east elevation, one each at ground floor and first floor. The windows would be fixed and would have obscure glazing.
- 1.4. Above the second floor roof at the front of the site, a large skylight would be replaced with two pyramid skylights.
- 1.5. Alterations are proposed to the front forecourt. This would involve replacing the existing concrete hexagonal concrete pavers with block paving.
- 1.6. Revision
- 1.7. The rooftop plant was repositioned so that it would be further away from nearby sensitive uses.
- 1.8. Background
- 1.9. A lawful development certificate application for the proposed use of the property as a nursery (Use Class E) was granted 23/03/2021. The officer's delegated report includes the following conclusion.
- 1.10. "The lawful use of the property is a private member's gym and leisure use and this has not been abandoned. This use falls within Use Class E and is specified under paragraph (d) of the class. The proposed use as a nursery would also fall within Class E and is specified under paragraph (f) of the class. As the existing use and the proposed use are within the same Use Class, the proposed change of use would not constitute development and so would not require planning permission."
- 1.11. The current application does not seek approval for a change of use to a nursery as it has already been established that a nursery use would not constitute development.

### 2. Assessment

- 2.1. The principal considerations material to the determination of this application are as follows:
  - The visual impact upon the character and appearance of the host property, streetscene, and the Belsize Conservation Area (Design and Conservation)
  - The impacts caused upon the residential amenities of any neighbouring occupier (Residential Amenity)
  - Impact on transport
  - Impact on trees
- 2.2. **Design**

- 2.3. The existing front elevation is unremarkable and presents a blank face to the street above ground floor level. The proposed first and second floor windows to the front elevation are therefore considered to be an improvement. The detailed design and material of the metal framed windows would be acceptable. The proposed double-height stone portico would mark the entrance appropriately and is a contextual response to the stucco villas with classical detailing on the opposite side of Belsize Park Gardens. Details of the windows, portico and materials would be secured by condition.
- 2.4. The existing store at the front of the site would be altered and enlarged. The enlargement would allow the provision of a bin store. The existing store extends north east towards the street and the store would be extended to the site boundary. The enlarged store would be read in the context of the adjoining 3 storey building and so would not appear obtrusive in the street scene. The materials (laminated cladding panels / doors and lead roof) would provide a durable finish. Details of the materials would be secured by condition to ensure they would be sympathetic to the conservation area.
- 2.5. The proposed windows to the side elevation would be relatively minor additions in the context of this long elevation. The elevation is characterised by a sequence of rectangular, relatively plain, three and four storey volumes with vertical strips of windows to the four storey element and high level windows (third floor) to the three storey element at the rear of the site. The size, location and materials of the proposed windows are considered acceptable in this context.
- 2.6. At roof level the existing plant would be removed and replaced by new plant. The removal of the existing plant would be secured by condition. The proposed plant would not be visible from the street. The replacement plant would represent an improvement on the existing situation as there would be a reduction in the amount of rooftop plant. Given this, the proposed plant would not harm the character and appearance of the conservation area. The proposed replacement of one rooflight with two rooflights is considered acceptable. The proposed pyramid rooflights would project by 0.28m less than the existing rooflight and would have minimal impact on the front elevation.
- 2.7. The removal of the roof above the swimming pool would only be visible from high level windows of neighbouring properties and from nearby roof terraces. The alteration to the roof would not be readily visible from the public realm. Given the limited visibility, the alteration to the roof would not impact on the character of the conservation area.
- 2.8. The proposed alterations to the building have been reviewed by conservation officers and are considered acceptable. The alterations to the roof and front and side elevations would preserve the character and appearance of the conservation area.
- 2.9. **Amenity**
- 2.10. The development includes replacement plant at roof level. All existing plant would be removed from the roof. In addition, the roof of the swimming pool would be removed to form a semi-enclosed outdoor space at raised ground floor level which would be surrounded on all sides by two storey walls. The floor of the proposed outdoor space would be approximately 6m lower than the roof level. The outdoor space is for the proposed use as a nursery. As previously stated, the proposed use as a nursery would not constitute development and so would not require planning permission. Nevertheless, the potential noise from the outdoor play space, created by the removal of the roof, would need to be assessed to ensure noise from this play space would not harm neighbouring amenity.



2.11. Noise breakout from the semi-enclosed outdoor play space

2.12. A noise report has been submitted to support the application. The noise report assesses likely noise emissions from the proposed semi-enclosed outdoor play space. The closest sensitive receptors to the outdoor space are windows to nearby residential properties (18 Lambolle Place and 12 Lancaster Stables). Noise emissions from the outdoor play space ('garden') were modelled based on 24 children playing in the garden. This is the maximum number of children that would use the garden at the same time and therefore the noise predictions are 'worst case'. Sound power level (SWL) data for the children was taken from previous measurements of a similar enclosed urban play area for nursery age children. The resultant total average SWL of the children playing was calculated to be 89 dB SWL. In order to meet the Council's noise thresholds (set out in Table B of Appendix 3 of the Local Plan) mitigation would be required. Noise emissions from the play space would be acceptable subject to the inclusion of acoustic treatment to the walls of the semi-enclosed play space and a 2m horizontal noise barrier around the western and northern edges of this space at roof level. The mitigation would be secured by condition.

2.13. Noise from mechanical plant

2.14. An air handling unit and a variable refrigerant flow unit are proposed at roof level. The plant items have been selected to minimise noise emissions as far as possible. The typical lowest background noise levels measured during the daytime periods when the nursery will operate was 47 dB LA90, 1 hour. Mitigation for the plant includes a 2m high imperforate screen around the variable refrigerant flow unit and attenuators for the intake and exhaust openings of the air handling units. The assessment assumes that all plant was running simultaneously, i.e. 'worst case'. The predicted proposed plant noise level at the nearest roof terrace is 37 dB LAeq,T. This is 10dB lower than the lowest background noise level as required by policy. A condition would ensure that the noise from the plant does not breach the Council's noise thresholds.

2.15. Given the location of some of the sensitive receptors, it is important to ensure that the plant and acoustic mitigation would meet the Council's noise thresholds in real world operation and this should be assessed prior to use to show compliance. This would be secured by condition.

2.16. Noise breakout from the nursery

2.17. The nursery will be mechanically ventilated including cooling to all main nursery rooms. Consequently, it will be possible to keep all main windows closed at all times and contain noise within the building.

2.18. It would be important to ensure that the separating walls between the nursery and the adjoining uses (including residential properties) to the north provide sufficient levels of sound insulation. A condition is recommended to ensure that the existing structure includes sound insulation to protect existing residential occupiers from noise.

2.19. Impact from proposed windows on south east elevation.

2.20. Two windows are proposed to the south east elevation. The windows would face towards the communal garden at the rear of 83-89 Belsize Park Gardens. The windows would be obscure glazed and fixed shut so would not result in any additional overlooking. This would be secured by condition. The size of the proposed windows is such that potential light pollution from these windows could not support a reason for refusal. Moreover, there are a large number of other windows on this elevation and in this context, any additional light spill

would have minimal impact on the neighbouring gardens.

2.21. Opening hours

2.22. Objectors have requested that opening hours of the nursery are controlled by condition. The current application only seeks approval for alterations to the existing building and replacement plant. As such, it would not be reasonable or necessary to impose a condition on the hours of use.

2.23. **Transport**

2.24. Concerns have been raised in relation to increased traffic levels from the proposed development and the impact this could have on air quality. In addition a Transport Note has been prepared by transport consultants on behalf of the objectors. The submitted 'Transport Note' reviews the Transport Assessment submitted for the previously withdrawn application at this site (ref: 2020/0929/P) and raises concerns with this report. The Transport Note advises that the current application should be refused due to the unacceptable transport impacts.

2.25. The current application only seeks approval for alterations to the existing building and replacement plant. It does not seek approval for a change of use to a nursery as it has already been established by the Lawful Development Certificate application (ref: 2020/4338/P) that the use of the property as a nursery would not constitute development. As such, the transport impacts of the proposed alterations (to the front and side elevations and roof) and replacement plant are not a material consideration for the current application. That is to say, there would be no transport impact from the development proposed by this application.

2.26. Given the limited scope of the proposed alterations, a construction management plan is not necessary in this instance.

2.27. **Trees**

2.28. There is a Bird Cherry *Prunus padus* at the front of the site which is the subject of a TPO.

2.29. An arboricultural impact assessment has been provided. The development proposal would not require the removal of any trees or tree pruning works. Details of tree protection have been provided with a Tree Protection Plan. A condition would be included to ensure the works were carried in accordance with the submitted tree protection measures.

2.30. **Conclusion**

2.31. Grant conditional planning permission

**DISCLAIMER**

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 17<sup>th</sup> 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](http://www.camden.gov.uk) and search for 'Members Briefing'.



Application ref: 2020/4336/P  
Contact: David Peres Da Costa  
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Date: 12 May 2021

**Development Management**  
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Robert Potter & Partners LLP  
110 West George Street  
Glasgow  
G2 1QJ

# DRAFT

Dear Sir/Madam

## DECISION

Town and Country Planning Act 1990 (as amended)

### Full Planning Permission Granted

Address:

**81 Belsize Park Gardens  
London  
NW3 4NJ**

Proposal:

Alterations to front and side (south east) elevations incorporating new windows and entrance portico; replacement rooflights and installation of plant; removal of roof to form enclosed garden including acoustic barrier; and replacement store at front of site.

Drawing Nos:

Existing drawings: 19086-13-: B-G; S-GA1; S-GA; E-2; E-1; B-R; B-3; B-2; B-1; 6402/104

Proposed drawings: 6402/17; 6402/105; 6402/103; 6402/102; 6402/101; 1241-SK-01

Supporting documents: Design Statement prepared by Robert Potter & Partners dated September 2020; Noise Impact Assessment prepared by Cass Allen dated 23 April 2021; 1241-M-901; Conservation Statement prepared by Robert Potter & Partners dated September 2020; Arboricultural Impact Assessment dated 22/04/2020

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

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed drawings: 6402/17; 6402/105; 6402/103; 6402/102; 6402/101; 1241-SK-01

Supporting documents: Design Statement prepared by Robert Potter & Partners dated September 2020; Noise Impact Assessment prepared by Cass Allen dated 23 April 2021; 1241-M-901; Conservation Statement prepared by Robert Potter & Partners dated September 2020; Arboricultural Impact Assessment dated 22/04/2020

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

- 4 Before the relevant part of the work is begun, detailed drawings, or samples of materials as appropriate, in respect of the following, shall be submitted to and approved in writing by the local planning authority:

a) Details including sections at 1:10 of all windows (including jambs, head and cill), ventilation grills, external doors and gates;

b) Detailed drawings of proposed portico

c) Manufacturer's specification details of all facing materials including portico, forecourt paving and laminate cladding (to be submitted to the Local Planning Authority) and samples of those materials (to be provided on site).

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 5 Noise levels



Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).

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

## 6 Sound attenuation

Prior to first use, the building including the outdoor play space shall include the sound attenuation measures recommended by the 'Cass Allen' Noise Impact Assessment (dated 23 April 2021) hereby approved, including enhanced sound insulation and fixed shut windows to all windows on the south elevation, such that it will protect residents from noise and ensure internal noise levels in the dwellings shall not exceed an indoor ambient noise level in unoccupied rooms of 35dB(A) LAeq,16hour (07:00-23:00 hours).

Reason: To safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

## 7 Anti-vibration

Prior to use, machinery, plant or equipment and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

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

## 8 Acoustic report prior to occupation

On commissioning the air handling unit and VRF unit hereby approved, and prior to the building being occupied, an acoustic report shall be submitted to and approved by the local planning authority in writing. The acoustic report shall assess compliance with the noise criteria outlined in Condition 5 to demonstrate adherence. Should additional mitigation be recommended, approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

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

## 9 Tree protection

Prior to the commencement of works on site, tree protection measures shall be installed and working practices adopted in accordance with the arboricultural method statement by Arbol Euro Consulting dated 22nd April 2020 ref. 101483. All trees on the site, or parts of trees growing from adjoining sites, unless shown on the permitted drawings as being removed, shall be retained and protected from damage in accordance with BS5837:2012 and with the approved protection details.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

#### 10 Removal of existing plant

Prior to the installation of any plant, all existing rooftop plant shall be removed as shown on proposed roof plan, drawing number 1241-SK-01 Rev C, hereby approved.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

#### 11 South east elevation windows

The proposed windows to the south east elevation shall be obscure glazed and fixed shut as shown on drawing 6402/105 hereby approved and shall be maintained as such thereafter.

Reason: In order to prevent unreasonable overlooking of neighbouring premises in accordance with the requirements of policy A1 of the London Borough of Camden Local Plan 2017.

#### Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444). Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.

- 3 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](http://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.

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

**DECISION**