

Application No:	Consultees Name:	Received:	Comment:	Response:
2023/2692/P	Nicholas Rae	18/02/2024 21:23:08	OBJ	<p>I am the owner & occupier of the adjoining building, 29-30 kings Mews London WC1N 2JB which I am occupying whilst converting & extending in accordance with the implemented planning application 2012/3877/P, minor material amendment 2015/5080/P, non-material amendment 2017/5304/P, non-material amendment 2017/5696/P, non-material amendment 2019/1327/P and minor material amendment 2022/4909/P.</p> <p>I am objecting to the application as submitted for the following reasons.:</p> <p>Loss of amenity to 29-30 Kings Mews WC1N 2JB - Excessive Noise Loss of amenity to 29-30 Kings Mews WC1N 2JB - Visual Amenity Application Noise Assessment Report is incorrect Application Design & Access Statement is incorrect Application Submitted plans are incomplete</p> <p>1) Design and Access Statement Error Item 3.1 "Relationship With Adjacent Properties"</p> <p>Item 3.1 of the applicant's design & access statement is incorrect as it omits the relationship of 3 flans located 800mm in front of the sleeping area/bedroom windows of the adjoining property 29-30 Kings Mews London WC1N 2JB</p> <p>2) Design and Access Statement Error Item 4.6</p> <p>Item 4.6 of the applicant's design & access statement states "The new units are in the similar location to a previous unit which is to reduce the impact on the amenity of neighbouring properties and will have no impact in terms of loss of light, outlook, privacy and sense of enclosure"</p> <p>This is incorrect.</p> <p>Four of the new split a/c condensing units are in the similar location to a single previous split a/c condensing unit located on the main flat roof located approximately equally between 35 Grays Inn Road and 29/30 Kings Mews.</p> <p>3 new air extract supply & extract fans have been located in a lower rear lightwell immediately abutting 29/30 Kings Mews. These fans are located 800mm measured horizontally immediately in front of 3 the rear ground floor sleeping area windows and 1500mm measured diagonally immediately in front of 2 the rear first floor sleeping area windows.</p> <p>The location of the 3 air extract supply & extract fans has a significant adverse impact in terms of loss of light, outlook, privacy and sense of enclosure to the high level ground floor east-facing windows of 29/30 Kings Mews.</p> <p>3) Design and Access Statement Error Item 8.3a</p> <p>Item 8.3 of the applicant's design & access statement states "We consider our proposal to meet the requirements set out by Camden Planning Guidance document, The National Planning Policy Framework, The</p>

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London Plan and all other relevant planning documents”

a) The proposal does not meet the Camden Local Plan 2017 section 6 Protecting amenity Policy A4 Noise and vibration, as the development is likely to generate unacceptable noise.

b) The proposal does not meet the Camden Local Plan 2017 section 6 Protecting amenity Policy A4 Noise and vibration section 6.88, as the development does include measures to design out noise prior to proposing mitigation. This design could include locating the plant midway between 35 Grays Inn Road and 29-30 Kings Mews surrounded by an acoustic enclosure designed to prevent noise being emitted horizontally.

c) The proposal does not meet the Camden Local Plan 2017 section 6 Protecting amenity Policy A4 Noise and vibration section 6.99, as the development does include measures to limit the time restrictions.

d) The proposal does not meet the Camden Local Plan 2017 Appendix 3: Noise thresholds as the proposal does not meet Dwellings Outside bedroom window Table C LOAEL performance criteria “Rating level” 10dB* below background and no events exceeding 57dBLAmax” increased to 15dB as the noise contains audible tonal elements.

e) The proposal does not meet the Camden Local Plan 2017 Appendix 3: Noise thresholds as the proposal included “certain smaller pieces of equipment on commercial premises, such as extract ventilation, air conditioning units and condensers, where achievement of the rating levels (ordinarily determined by a BS:4142 assessment) may not afford the necessary protection. In these cases, the Council will generally also require a NR curve specification of NR35 or below, dependant on the room (based upon measured or predicted Leq,5mins noise levels in octave bands) 1 metre from the façade of affected premises, where the noise sensitive premise is located in a quiet background area.”

The reduction of 35dBN Laeq,16hr is normally applied to sleeping areas(daytime resting) in bedrooms between the hours of 07.00 to 23.00. From 23.00 to 07.00, the internal Laeq target is a noise reduction of 30 dB Laeq,8hr. (extract guidance from ProPG (Professional Practice Guidance on Planning & Noise May 2017) Internal Noise Level Guidelines (additions to BS8233:2014).

4) Design and Access Statement Error Item 8.3b

The proposal does not meet the Camden Planning Guidance Amenity January 2021 item 2.13 “Outlook is the visual amenity enjoyed by occupants when looking out of their windows” and item 2.14 as the proximity of the 3 flats located 800mm immediately in front of 3 windows has an overbearing and/or dominating effect that is detrimental to the enjoyment of their properties by adjoining residential occupiers.

5) Design and Access Statement Error Item 8.3c

Camden Planning Guidance Amenity January 2021 states developers should also seek guidance from the Council’s Noise team prior to any acoustic work being carried out. No guidance was sought.

6) Design and Access Statement Error Item 8.4

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Item 8.4 of the applicant's design & access statement states "...The proposal is also respectful to the local area"

This is incorrect.

The proposal is not respectful to the amenity of 29-30 Kings Mews London WC1N 2JB.

7) Incomplete Application Plans & Drawings Submitted

Camden planning guidance states location plans, floor plans, roof plans, elevations & sections should be submitted.

The plans submitted do not show the location & extent of the separate rear lower lightwell, nor the location & extent of the immediately adjacent property (29/30 Kings Mews)'s bedroom windows.

8) Focus 360 Ltd Noise Impact Assessment November 2023 Submitted - Fig 1 Location of Microphone

Figure 1 shows a plan of the 35 Grays Inn Road lightwell with the microphone position X being adjacent to the rear facade of the upper parts of 35 Grays Inn Road, as far as possible away from the adjacent 29-30 Kings Mews facade/bedroom windows & the 3 highest noise-emitting fans. This results in an unrealistic noise level of the 3 fans being recorded and does not indicate the adverse effect on the amenity of 29-30 Kings Mews facade/bedroom occupants.

This selective location explains why the report states average 48 dB(A) and maximum 54 dB(A) background noise levels were recorded, whilst 73 dB average & 80 dB maximum noise was recorded whilst the 3 fans were operational from within 29-30 Kings Mews bedroom windows.

The report states in table 2 : summary of plant noise levels that noise levels were calculated at the rear facade of 30a Kings Mews (29-30 Kings Mews) where one plant (item 6) has a background noise level 72.6 dB(A).

9) Focus 360 Ltd Noise Impact Assessment November 2023 Submitted - 4 Assessment - rooms on the rear facade of the building (35 Grays Inn Rd)

The report states "It is understood that the rooms on the rear facade of the building are not noise sensitive, being bathrooms & kitchens"

The rooms on the rear facade of the building are noise sensitive, being bathrooms & open-plan kitchen/living rooms.

The report states "...If, however, the rooms at the rear of the building are found to be noise sensitive, the plant would need additional mitigation measures to meet the requirements of BS4142.

10) Focus 360 Ltd Noise Impact Assessment November 2023 Submitted - 4 Assessment - windows on the rear of the opposite building (29-30 Kings Mews.

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The report states "It is not clear whether the windows on the rear of the opposite building are noise sensitive as the building is under construction"

This is incorrect as the applicant had already been notified by me by sending the following sms text sent 24.3.23 at 13:53 hrs:

"...When testing the new ductwork or fans this week, the noise was incredible - I recorded 73db on medium speed and over 80db at our boundary windows...", "...I am converting my property into 3 residential flats under an implemented planning consent 2012-3877-p granted".

The plans submitted including subsequent NMA's & MMAs clearly show that the rooms at the rear of the building are bedrooms/sleeping areas on the ground floor, 1st floor & 2nd floor levels and this are noise sensitive.

The report states "...The sensitivity of the windows at the rear of 30a Kings Mews (29-30 Kings Mews) is not known as the building is under construction. If found to be sensitive, including living rooms and bathrooms, mitigation of noise would be extremely difficult, especially if there was a 10 dB below background requirement. This could be achieved, however, with a mitigation attenuation of 15dB to plants items 1 to 5 but replacement of item 6 with a fan sound power level of no more than 62 dB with 15 dB mitigation attenuation. Noise control engineers would need to verify the practicability of such mitigation measures".
