



112A GREAT RUSSELL STREET, LONDON WC1B 3NP

CHANGE OF USE OF PART GROUND FLOOR AND BASEMENT LEVELS -4 AND -5 FROM CAR PARK (SUI GENERIS) TO 166 BEDROOM HOTEL (CLASS C1), INCLUDING ALTERATIONS TO GROUND FLOOR ELEVATIONS ON GREAT RUSSELL STREET AND ADELIN PLACE.

Application for planning permission: 2015/3605/P

20 November 2015

The Bloomsbury Association objects to this application and a summary of our concerns was contained in our representation dated 2 August 2015. We indicated that we would be elaborating on these in subsequent submissions, of which this is one.

The applicant has since revised information submitted with the original application but has not varied the design proposal. These submissions were made available for comment between 28 September and 6 November 2015.

This comment is concerned with the impact on residential amenity and quality of life. Following comments that we made on 22 August 2015 on the Noise Impact Assessment accompanying the application, a new sound survey was undertaken and a revised Assessment was made available for comment on 6 November.

Noise Impact Assessment

A review of the applicant's revised Noise Impact Assessment has been undertaken on our behalf by Sandy Brown Associates and is included with this statement. It concludes, overall, that the new survey has resolved a number of concerns with the previous survey. However, the analysis of the results still need to adjust how the background noise level for the day and evening periods have been determined, although the night-time assessment is fine.

The noise assessment will need to be redone as plant is specified and the design of the mechanical services systems finalised. Approval of this should be required by condition, as should eventual in-situ testing of noise emissions from the installation before occupation. The generator's operation also needs to be clarified; otherwise it must be seen as normal plant that should comply with the standard noise limits established.

The draft Hotel Management Plan is improved over what was previously reviewed. It shows a degree of understanding of issues relating to noise. However, the lingering item is how this is to be enforced together with the cumulative effects of noise associated with deliveries and refuse collection/compaction. Local residents should not have to be burdened with policing the applicant's vague promises. Essentially, the management plan needs to be a legal obligation, and a process of community liaison with the developer established.

Of great concern is that it appears from night-time measurements that emissions from existing air-conditioning and ventilation plant on the building result in existing noise levels on the balconies of Bedford Court Mansions being from 4 to 13 dB higher (night to day, respectively) than what is currently recommended as an upper guideline level for outdoor amenity space.

We have previously noted that the existing air-conditioning equipment that serves the building, now over 40 years old, is well beyond its serviceable life. There has already been extension and intensification of use within the existing building that has placed new demands on the building's

services that the existing equipment has been unable to sustain, particularly the addition of new floors and new restaurants. It has been expedient for much freestanding, external air-conditioning equipment to be installed at second floor level and elsewhere, some without planning permission (refer EN07/0865 and EN07/0177). None of this equipment has been provided with any acoustic screening. We are skeptical that existing plant will have sufficient capacity to deal with any additional demands.

Existing air-conditioning equipment operates at its limits and has caused problems for local residents. There is a long history of noise nuisance associated with the external air-conditioning equipment, dating back to 1997. Noise emissions from this equipment have been regularly monitored by the Council's Environmental Health Team and have been found to be at a level that constitutes a statutory nuisance. After protracted discussions with the hotel management, the Council served a Noise Abatement Notice in December 2000 under the Environmental Protection Act 1990 / Noise and Statutory Nuisance Act 1993 in order to protect the amenity of residents of Bedford Court Mansions, opposite.

Mindful of this history of noise emissions from existing plant, existing surveyed noise levels may not necessarily be an appropriate base line from which to work. The time will come through either replacement, refurbishment or enforcement action when there will be lower noise levels. This suggests that, irrespective of the outcome of the Noise Impact Assessment, a reasonable future background noise level to be anticipated should be much lower than that surveyed.

Residential amenity and quality of life

Notwithstanding these comments on the Noise Impact Assessment, we stand by the wider issues raised in our letter of 22 August 2015 and repeat the pertinent points below.

This is a challenging development proposal, not only because of the immediate need to address the issues that it presents to local residents but also because, so far as we are aware, it has never been done before, either in London or the UK. There are 'pod' hotels elsewhere but it would be a challenge to find one built entirely underground anywhere in the world. There are defense establishments that involve habitation at depths but they are purpose built and places of last resort, not accommodation of choice and not created out of the inner depths of another building in another use.

The underground ventilation system is, of course, the essential life support system of this proposal. All air-conditioning and ventilation plant will be at pavement level on Adeline Place, directly opposite residential buildings, including massive provision for 'fresh' air intake and extraction using the volume of existing car park access ramps. It will operate 24-hours a day, 7 days a week and the car park ramps will be used as the biggest air inlet and exhaust ducts in London not connected with the underground railway system. It will be noisy.

Most concerning is that the exact number or type of air-handling equipment has not been specified; therefore it is not possible to conduct a detailed assessment of noise emissions. This is fundamental as the type of air handling equipment likely to be used is relatively large and very noisy, which is why they are normally installed on the roofs of high buildings, and not at street level.

There is, at best, some uncertainty here. So, too, is the prospect of future deterioration of the noise climate through lack of equipment maintenance and general degradation of plant over time. It would be unreasonable to expect residents to be able to measure any increase in noise level differences over a period, and equally unreasonable to place the burden on the Council for periodic surveys and monitoring to ensure compliance with any conditions.

The NPPF, in paragraph 123, states that planning policies and decisions should aim to:

- *'avoid noise giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.'*

As currently proposed, we feel that the development could be over-reliant on conditions or obligations to regulate and control its severe environmental impact on residential uses on Adeline Place, the effect of which will extend to 24/7 - an impact that has not been satisfactorily resolved in technical

information submitted with the application. Planning control mechanisms are a poor substitute for certainty and this would place an impossible burden on both local residents to monitor and report incidents of malfunction and on the Council to enforce such conditions. Situations have arisen recently at this same location where the Council has had difficulty in taking enforcement action against noise emissions from plant installed without permission at street level on Adeline Place so we are skeptical about whether the use of planning conditions to regulate noise emissions from this proposal could be considered either reasonable or enforceable. It would also be wholly inappropriate to use a S106 agreement for this purpose.

When imposing planning conditions paragraph 206 of the NPPF outlines six tests planning conditions must adhere to: they *'should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects'*. Paragraph 21a-004 of the PPG goes on to advise that a condition will not be considered *'reasonable in all other respects'* if the condition seeks to make development that is unacceptable in planning terms acceptable. We feel that such matters should be resolved through the planning application process and not through the use of planning conditions.

Policy DP28 of the Council's LDF confirms that the Council will not grant planning permission for development likely to generate noise pollution or development sensitive to noise in locations with noise pollution, unless appropriate attenuation is provided. Adequate attenuation is not proposed in the planning application to show that the proposal can be delivered in compliance with Camden's noise policy.

The Bloomsbury Association supports local residents in their objection to this proposal. The Association encourages good quality design that will enhance Bloomsbury's streetscape and not impact on residential amenity and quality of life.

For the reasons outlined above, we feel that this further demonstrates that the proposal represents an over development of the site for a single use - hotel - to the extent that its cumulative impacts on and off-site cannot be shown to be manageable. It is our view that the information accompanying the application is unsound and not sufficiently robust to demonstrate that the proposal is achievable without unmanageable, harmful environmental impact.

The grant of planning permission on this basis would be unsafe and inconsistent with the Council's and national planning policies. We therefore urge the Council to refuse the application.

Jim Murray
Chairman
Bloomsbury Association

Copies to:
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