



PLANNING SERVICES

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

**APPEAL TO BE DETERMINED BY WAY OF HEARING
STATEMENT OF CASE**

APPEAL SITE

112A Great Russell Street, London, WC1B 3NP

APPELLANT

Criterion Capital

SUBJECT OF APPEAL

Appeal against London Borough of Camden's refusal of an application for planning permission on 04/02/2016.

PROPOSED DEVELOPMENT:

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 openings, walls and fascia on ground floor elevations on Great Russell Street and Adeline Place.

COUNCIL REFERENCE: 2015/3605/P

PLANNING INSPECTORATE REFERENCE: APP/X5210/W/16/3147078

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1.0 SITE AND SURROUNDINGS

- 1.1 The appeal site is occupied by a large detached post-war building bounded by Great Russell Street to the South, Adeline Place to the East, Bedford Avenue to the north and Tottenham Court Road to the west. It is within the Central Activities Zone (CAZ), as defined by the London Plan, and as such the surrounding area is characterised by a mix of uses including commercial, residential, cultural and leisure uses.
- 1.2 This appeal relates to part of the ground floor and basement levels -4 and -5 of the building. Basement levels -4 and -5 are currently used as a car park providing 140 off-street car parking spaces. The upper floors of the building are occupied by the existing St. Giles Hotel, which is accessed from Bedford Avenue, and the YMCA, which is accessed from Great Russell Street adjacent to the pedestrian entrance to the car park. To the east of the site, there are hotels on Great Russell Street. Neither the YMCA nor St Giles Hotel formed part of the original application.
- 1.3 The ground floor of the building comprises primarily of retail, food and drink uses (Classes A1, A2 and A5). The YMCA gym is accessed by an entrance on Great Russell Street and extends into the upper basement levels. The Bedford Avenue frontage is taken up by the St. Giles Hotel whose rooms occupy the upper floors in a series of tower elements. Access points are distributed around the building with the Adeline Place frontage dedicated for this purpose. There is a dedicated St Giles service bay on Bedford Place.
- 1.4 The site is located in an inner London location where there are acknowledged tensions between night-time and leisure economy uses and neighbouring residential properties. The nearest residential neighbours to the site are the properties on the opposite side of Adeline Place approximately 17 metres from the car park vehicle entrance/exit. Further to the north there is a concentration of flats at Bedford Court

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Mansions on the corners of Bedford Avenue and Adeline Place. The air quality in the environs of this inner city location is particularly poor. The noise landscape is also a consideration as there are many competing sources already in existence.

- 1.5 The existing building is not listed and the site is not located within a conservation area although the Bloomsbury Conservation area borders the site to the north, east, and south along Bedford Avenue, Adeline Place and Great Russell Street respectively. This section of Tottenham Court Road is a central London Frontage.
- 1.6 The application site has an excellent level of accessibility, illustrated by a Public Transport Accessibility Level (PTAL) of 6b, which is the highest possible rating. The site is within close proximity to Tottenham Court Road Station which will provide links via the new Crossrail line. In addition to this the site is also within close proximity to Goodge Street, Holborn and Russell Square Stations offering links to the Central, Piccadilly and Northern lines respectively.

2.0 APPEAL PROPOSAL

- 2.1 The appeal is against the London Borough of Camden's refusal of an application for planning permission dated 4th February 2016.
- 2.2 The application for planning permission (ref: 2015/3605/P) was received by the Council on 24th June 2015 and registered on 13th July 2015. The application sought planning permission for the following development:

'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 openings, walls and fascia on ground floor elevations on Great Russell Street and Adeline Place'.

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2.3 The appeal proposal would provide an entirely windowless 'pod' hotel, which is the first of its kind within Camden, aimed at budget visitors. It would result in the loss of all 140 existing off-street car parking spaces, with none being re-provided. The total floor space would remain unchanged. 17 of the rooms (10.2%) would be wheelchair accessible.

2.4 The following works are proposed:

- Internal fit out works at basement levels -4 and -5 including:
 - 166 standard hotel rooms (approx. 10sqm/room);
 - Ground floor concierge desk with security;
 - The existing two crossovers serving the car park access ramps from street level would be removed and the footway reinstated. It is intended to retain the exit ramp for the transfer of goods (i.e. linen/refuse) between ground and basement levels using a small electric vehicle;
 - 17 wheelchair accessible rooms (approx. 14sqm/room);
 - Cycle parking would be provided within the building and on the street;
 - 121sqm communal entrance hall (two storeys in height) with check in facilities, communal seating areas and internet stations and levels -4 and -5;
 - 108sqm staff area including showering facilities, change rooms, staff room, kitchen, office and luggage store; and
 - Associated service and storage areas.
- The proposal requires minor excavation at level -5 to provide lift underrun services. The additional excavation would have dimensions 5.7m (L) x 4.3m (W) x 1.35m (D), a total area of 24.5m² and volume of 33.1m³.
- Ground level alterations on Adeline Place including:
 - Converting the southern vehicular entrance to a cycle and waste storage area; and

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- Infill existing vehicular entrances with new wall, air intake vents and doors.
- Ground level alterations on Great Russell Street including:
 - Converting the existing car park pedestrian access to a new hotel entrance with lift foyer.
 - Replacement glazed aluminium framed shop front including double doors.
 - New cladding and fascia board for future signage.

2.5 The following amendments were made to the proposals during the course of the application following concerns raised by officers and detailed discussions with the applicant:

- New application form;
- Revised drawing showing amended condensing unit and district heating platform;
- Revised Basement impact assessment;
- Revised draft hotel servicing management plan and construction management plan;
- Revised design & access statement;
- Revised existing and proposed elevations;
- Amended ground floor plan with cycle parking and revised drawing of common area on floor -5;
- Revised notice and schedule of adjoining properties; and
- Revised BREEAM assessment report.

Consultation responses

2.6 A Site notice was displayed from 7th October 2015 until 28th October 2015 and a press notice was placed in the Camden New Journal on 16th July 2015 expiring 28th October 2015. 67 neighbours were notified by letter both within the original consultation undertaken on 15th July

2015 and again on 1st October 2015 following receipt of the amendments set out above.

- 2.7 178 (including 142 in a petition and a number from the same occupier/sender) objections and 1 response of support were received following the original consultation undertaken. 19 responses of support and 15 objections (including a number from the same occupier/sender) were subsequently received following re-consultation on the amendments received. A summary of all representations received during the course of the application is provided within the Officer's Committee report and copies of these have been sent to the Planning Inspectorate with the Questionnaire.

3.0 THE COUNCIL'S DECISION

The application was reported to the Development Control Committee on 14th January 2016 with a recommendation that conditional planning permission be granted subject to a S106 legal agreement. A copy of the Officer's Committee report is attached as **Appendix 1**. The Committee did not agree with this recommendation nor that the suggested conditions would overcome potential implications for the future occupants and adjoining occupiers. It resolved by a vote of 4 in favour, 5 against and 1 abstention to refuse planning permission for the reasons set out in the decision notice issued on 4th February 2016. Copies of the decision notice and minutes of the meeting are attached as **Appendices 2 and 3**.

- 3.1 The application was refused on two substantive grounds:

No.1 - Failure to demonstrate that the internal design, layout and standard of air quality of the proposed development would provide an acceptable standard of accommodation and amenity for future occupants; and

No.2 - The increased activity associated with the hotel operation and the environment resulting from the vents on Adeline Place would have an unacceptable impact on local residential and pedestrian amenity

3.2 With regard to reason for refusal No 2, the appellant has subsequently verbally confirmed a willingness to provide full specifications of the plant and machinery associated with the proposed development and to agree to specific noise level restrictions, as suggested by the Council below, in an attempt to demonstrate that the cumulative noise rating of all items of plant in simultaneous use will not cause a problem to local residential amenity. Members have therefore given authority (on 7th July 2016) for Officers to negotiate with the appellant to try and overcome the second part of reason for refusal No2, namely *“and the environment resulting from the vents on Adeline Place”*. These negotiations are ongoing and are discussed further below.

3.3 The application was also refused for 10 reasons relating to the need for planning obligations covering the following matters:

- Car-free agreement;
- Construction Management Plan;
- Hotel Guest and Servicing Management Plan;
- Public Open Space;
- Highway works;
- Travel Plan;
- Local employment and apprenticeships agreement and a local procurement code;
- Pedestrian, cycling and environmental improvements;
- Sustainability plan; and
- Energy efficiency and renewable energy plan.

3.4 The above S106 matters have been agreed with the appellant and are not in dispute. The satisfactory completion of an appropriate S106 planning obligation covering these matters would address reasons for

refusal (RFR) 3-12. The appendix accompanying this appeal statement sets out recommended conditions and S106 matters should the Inspector be minded to allow the appeal.

- 3.5 **Appendix 4** provides full evidence to demonstrate that the S106 matters are justified against relevant planning policy and meet the tests laid out in the Community Infrastructure Levy (CIL) Regulations 2010 in particular Regulation 122(2) which require that for a planning obligation to constitute a reason for granting planning permission it must be (a) necessary to make the development acceptable in planning terms, (b) directly related to the development, and (c) fairly and reasonably related in scale and kind to the development, and the National Planning Policy Framework (particularly paragraphs 203-206).

4.0 RELEVANT PLANNING HISTORY

4.1 At the application site

2013/5075/P - Change of use of part ground floor and basement levels -4 and -5 from public car park (sui generis) to 166 bedroom hotel (Class C1), including alterations to openings, walls and fascia on ground floor elevations along Great Russell Street and Adeline Place – Refused permission on 26/09/2014.

The application was refused on two substantive grounds:

No.1. Failure to demonstrate that the ventilation equipment necessary to ensure acceptable amenity for future occupants can be wholly contained within the building. In the absence of such information the proposals are likely to have an unacceptable impact on the amenity of the occupants, the external appearance of the building and the character of the area.

No.2. Failure to demonstrate that the proposals have been designed in accordance with the energy hierarchy (in particular with regard to stage 2 consideration of Combined Heat and Power) and would achieve a BREEAM level of 'very good' and carbon reduction savings of at least 20% on an agreed baseline. In the absence of a s106 legal agreement securing the necessary sustainability measures including a post-completion BREEAM certification, the development would fail to make the fullest contribution to the mitigation of and adaptation to climate change.

The application was also refused for 7 reasons relating to the need for planning obligations covering the following matters:

- Hotel management Plan;
- Car-free agreement;
- Construction management plan;
- Improvement to the forecourt and adjacent public highway, including the removal of redundant vehicular crossings and reinstatement of the footpath in Adeline Place;
- Contribution to secure pedestrian and environmental improvements;
- Secure apprenticeships, an employment training strategy and local procurement; and
- Public open space contributions.

5.0 LEGISLATION AND PLANNING POLICY AND GUIDANCE

Legislation

5.1 Town and Country Planning Act 1990 (as amended).

Policy

5.2 **The National Planning Policy Framework (the 'NPPF')**

5.3 The NPPF sets out the government's planning policy for England and was issued in March 2012. The following chapters are of relevance:

- Core Planning Principles
- Chapter 4 - Promoting sustainable transport
- Chapter 7 - Requiring good design
- Chapter 8 - Promoting healthy communities
- Chapter 10 - Meeting the challenge of climate change, flooding and coastal change
- Chapter 11 - Conserving and enhancing the natural environment
- Chapter 12 - Conserving and enhancing the historic environment
- Decision Taking

5.4 **The Planning Practice Guidance (PPG), March 2014 (as amended)**

5.5 The Development Plan for the area comprises the London Plan 2016 and the Local Development Framework, containing the Camden Core Strategy and the Camden Development Policies. The Development Plan is up to date and in accordance with the NPPF. Copies of all Camden Core Strategy and the Camden Development Policies referred to in this statement have already been sent to the Planning Inspectorate with the Questionnaire.

5.6 **The London Plan, March 2016**

5.7 The following London plan policies are of relevance:

- 4.5 London's Visitor Infrastructure
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction Policy
- 5.7 Renewable energy

- 5.13 Sustainable drainage
- 6.9 Cycling
- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.14 Improving air quality
- 8.2 Planning

5.8 Local Development Framework

5.9 The Local Development Framework (LDF) was formally adopted on 8 November 2010. The following policies are of relevance:

LDF Core Strategy

- CS1 Distribution of growth
- CS5 Managing the impact of growth and development
- CS7 Promoting Camden's centres and shops
- CS8 Promoting a successful and inclusive Camden economy
- CS9 Achieving a successful Central London
- CS11 Promoting sustainable and efficient travel
- CS13 Tackling climate change through promoting higher environmental standards
- CS14 Promoting high quality places and conserving our heritage
- CS16 Improving Camden's health and well-being
- CS17 Making Camden a safer place
- CS19 Delivering and monitoring the Core Strategy

LDF Development Policies

- DP12 Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses
- DP13 Employment sites and premises
- DP14 Tourism development and visitor accommodation
- DP16 The transport implications of development
- DP17 Walking, cycling and public transport
- DP18 Parking standards and limiting the availability of car parking
- DP19 Managing the impact of parking
- DP20 Movement of goods and materials
- DP21 Development connecting to the highway network
- DP22 Promoting sustainable design and construction
- DP23 Water
- DP24 Securing high quality design
- DP25 Conserving Camden's heritage
- DP26 Managing the impact of development on occupiers and neighbours
- DP27 Basements and lightwells
- DP28 Noise and vibration
- DP29 Improving access
- DP31 Provision of, and improvements to, public open space and outdoor sport and recreation facilities
- DP32 Air quality and Camden's Clear Zone

5.10 Fitzrovia Area Action Plan, adopted March 2014
Supplementary Planning Guidance

5.11 The Council will also, where appropriate, rely on supplementary planning guidance as set out in the Camden Planning Guidance 2011 (CPG) (updated 2013 and 2015) insofar as it is material:

- CPG1 – Design

- CPG3 – Sustainability
- CPG6 - Amenity
- CPG7 – Transport
- CPG8 – Planning Obligations

6.0 Submissions

- 6.1 The appeal proposal seeks to build the UK's first fully subterranean hotel.
- 6.2 The proposals are for development in an inner London location where there are acknowledged tensions between night-time and leisure economy uses and neighbouring residential properties. The planning application has been followed with intense local interest and many detailed objections to the proposals and their likely impact were received during the course of the application.
- 6.3 The Council does not consider that it has been satisfactorily demonstrated that the proposal would provide an acceptable standard of accommodation and amenity for future occupants and that it would not have an unacceptable impact on local residential and pedestrian amenity.
- 6.4 This section sets out the Council's Case in respect of reasons for refusal (RFR) 1 and 2.
- 6.5 Whilst there is no specific planning policy or guidance precluding hotels in basements in terms of principle or amenity, the absence of windows, in a rather restricted space and layout, means that the accommodation proposed will be entirely reliant on mechanical ventilation.

RFR1

- 6.6 At present, the Council has concerns relating to the air handling equipment required to ventilate the rooms; its maintenance; and the intended location of the vents. The Council does not consider that it has been satisfactorily demonstrated that the internal design, layout and standard of air quality of the proposed development would provide an acceptable standard of accommodation and amenity for future occupants.

RFR2

- 6.7 The overall intensification in the use of the appeal site, with 24-hour comings and goings from the hotel, with some degree of associated outdoor smoking and congregation likely, and an increase in the overall number of hotel guests within the building, is also likely to lead to an increased number of trips to and from the site, both in terms of road and pedestrian traffic, that could potentially adversely impact on local residents and pedestrian amenity.
- 6.8 In the absence of a Hotel Guest and Servicing Management Plan controlling the operation of the hotel, including such matters as limiting hotel booking numbers to avoid a proliferation of group bookings which will by their nature lead to greater likely opportunities for nuisance (such as for instance from stag and hen parties); the accurate advertising of the exact nature and amenity limitations of the hotel; putting systems in place to actively resist visits by coach parties; and measures to manage (inter alia) the servicing hours of operation (outside of peak times) and the servicing vehicle approach and departure routes; the appeal proposal would adversely impact on local residential and pedestrian amenity.
- 6.9 Furthermore, in the absence of full details of the specifications of the plant and machinery associated with the proposed development it is

uncertain that the cumulative noise rating of all items of plant in simultaneous use will not cause a problem to local residential amenity.

- 6.10 These concerns are discussed in further detail below.

RFR1 – Standard of accommodation and amenity for future occupants

- 6.11 *“The applicant has failed to demonstrate that the internal design, layout and standard of air quality of the proposed development would provide an acceptable standard of accommodation and amenity for future occupants, contrary to policies CS5 (Managing the impact of growth and development) and CS16 (Improving Camden's Health and Well-being) of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 (Managing the impact of development on occupiers and neighbours) and DP32 (Air quality and Camden's Clear Zone) of the London Borough of Camden Local Development Framework Development Policies”.*
- 6.12 It is a core planning principle of the NPPF (Paragraph 17), the London Plan (Policy 4.5) and the LDF (Policy DP26) to seek to secure a good standard of accommodation and amenity for all future occupants of buildings. During the course of the original application, objections were received concerning the nature of the underground hotel and the impact on guests from the absence of windows.
- 6.13 There is no specific planning policy or guidance precluding hotels in basements in terms of principle or amenity. Camden policies DP22 and DP24 refer solely to development being of the comfort of the short stay occupants. Furthermore, CPG6 ‘Amenity’ makes reference to the BRE ‘Site Layout Planning for Daylight and Sunlight’ (Oct 2011), generally applying to proposed residential (Class C3) uses only.

- 6.14 Camden policy CS5 does, however, seek to provide '*spaces of the highest quality*' (category b) and advises that '*the Council will protect the amenity of Camden's residents and those working in and visiting the borough by making sure that the impact of developments on their occupiers and neighbours is fully considered*' (category e).
- 6.15 Policy CS16 further '*recognises the impact of poor air quality on health*' and implementing Camden's Air Quality Action Plan which '*aims to reduce air pollution levels*' (category e). This is reiterated in policy DP32. Policy DP26 also advises that '*the Council will protect the quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity*'.
- 6.16 This is an unusual proposal for a hotel. The appeal proposal seeks to build the UK's first fully subterranean hotel. The proposed windowless rooms within it are not an accommodation type that will be attractive to everyone and ultimately it will be up to prospective visitors to decide whether such rooms provide sufficient amenity for their stay. Notwithstanding this, the Council do not consider that it has been satisfactorily demonstrated that the internal design, layout and standard of air quality of the proposed development would provide an acceptable standard of accommodation and amenity for future occupants.
- 6.17 Whilst the appellant's statement does provide some further information in relation to the accommodation proposed, it fails to demonstrate that the concerns raised have been fully addressed. The statement acknowledges that there will be accommodation and amenity concerns associated with the appeal proposal and tries to address these by seeking to ensure that guests do not stay for long periods of time with a restriction to 3 nights per guest stay being proposed to be secured in the draft Hotel Management Plan provided. It is unclear in practice what the 3 night restriction will mean. Does it mean that given the accommodation is so poor then 3 nights should

be an acceptable level of sufferance? It is also unclear how such a restriction could be easily monitored or enforced in practice.

- 6.18 The Council's outstanding concerns in relation to RFR1 are as follows:

The air handling equipment:

- 6.19 The Council has concerns that the air quality in the proposed bedrooms would not be satisfactory. The air quality in the environs of the hotel is particularly poor. There is a high volume of traffic on Adeline Place, and diesel trucks are known to stand, with engines running, for long periods of time in close proximity to the proposed air vents serving the hotel. The mitigation measures proposed do not demonstrate that the air can be adequately treated/filtered. The technical data below explains these concerns.
- 6.20 There are two groups of air pollutants which are covered by air quality assessments: NO_x (which includes NO₂) and Particulate Matter (PM₁₀ and PM_{2.5}, which are fine dust particles found in the air). High concentrations of these pollutants have adverse health and environmental effects.
- 6.21 The objectives for NO₂, PM₁₀ and PM_{2.5} are set out in The Air Quality Strategy (DEFRA, 2007) and are in line with EU limit values. These limits are imposed in order to protect human health and reduce adverse environmental impacts. These objectives (i.e. limit values) are indicated below in the following table:

Pollutant	Time period	Objective
Nitrogen dioxide	1 hour mean	200 µg/m ³ (not to be exceeded more than 18 times per year)
	Annual mean	40 µg/m ³

Fine Particles (PM10)	24 hour mean	50 µg/m3 (not to be exceeded more than 35 time per year)
	Annual mean	40 µg/m3
Fine Particles (PM2.5)	Annual mean	25 µg/m3

- 6.22 The Appellant's Air Quality Assessment, dated 22nd May 2015 by Hoare Lea, indicates that the mean annual NO₂ levels for the development are 60-70 µg/m3 within the immediate vicinity of the appeal site, which is over 50% higher than the 40 µg/m3 annual mean limit set out in 6.21 above and therefore could cause adverse health and environmental effects.
- 6.23 Camden has a statutory duty not to bring new receptors into areas of elevated air pollution without appropriate mitigation put in place. It is therefore essential that the development undertakes mitigation measures to ensure air is treated before being drawn indoors to bring the concentration down to below 40 µg/m3 which is deemed a safe level for inhabitants. However, the hourly mean limits for NO₂ were not exceeded between 2010 - 2013 (i.e. they did not exceed the maximum number of occurrences allowed per year which is 18 hours where concentrations are above 200 µg/m3).
- 6.24 Annual mean concentrations of particulate matter (known as PM₁₀) in Adeline Place were predicted to be 25-28 µg/m3 (which is well below the annual objective value of 40 µg/m3 set out in 6.18 above) at the time of the original application. Defra guidance indicates that where annual limits are being met then it is unlikely that within a 24 hour period that the hourly exceedance on any given day will be breached.
- 6.25 The mitigation measures proposed include a filtration system incorporating a dry 'gas scrubbing' media (e.g. NitrosorbTM) on the outside air supply connection to the hotel MVHR system. At the time

of the original application, the Council's Sustainability Officer was satisfied that NO_x filters would be good enough to bring the air quality to a sufficient standard. The efficacy of the scrubbers reported by the supplier, as outlined below, is quite high (and acceptable as mitigation) if they work as the manufacturers have said:

- 76.1% at an intake NO₂ concentration of approximately 50 µg/m³;
- 80.8% at an intake NO₂ concentration of approximately 95 µg/m³;
and
- 83.2% at an intake NO₂ concentration of approximately 150µg/m³.

6.26 The appellant has stated that if the ambient NO₂ concentration is 70µg/m³ and its efficiency is 70% (lower than that stated by the supplier) the scrubber would be able to reduce NO₂ levels to 21µg/m³, which would in principle be acceptable.

6.27 The manufacturer's specification of the filters includes the potential to add a PM filter, which they argue would further improve air quality. If the equipment performs as the manufacturer says it will, then there should in principle be no issues. If however at any point the scrubber system fails, and/or the indoor air pollution levels are deemed too high, then it was concluded with the appellant at the application stage that there would be no option but for the hotel to temporarily close until the failure was rectified. This is an extreme requirement. It demonstrates the unsuitability of the use in this location, which would be entirely reliant on air intake at street level on Adeline Place where diesel trucks are known to stand, with engines running, for long periods of time in close proximity to the proposed air vents serving the hotel.

6.28 This also raises the question of how the filters will be able to cope with short term exceedance events (higher than the levels listed in the bullet points above in paragraph 6.25). This has not been addressed

by the appellant. The Council would require confirmation from the appellant that the filtration system would be able to bring concentration levels down below 40 µg/m³ when outdoor concentrations of NO₂ go above 200 µg/m³. In the absence of the above information and it clearly being demonstrated that the system would be effective, the Council considers the proposal would result in an unacceptable level of accommodation.

Maintenance of the air handling equipment

- 6.29 The air handling equipment includes scrubber media, which has a condition indicator that changes from white to light brown to dark brown when the media is fully exhausted (this usually lasts 2-5 years). The Air Quality Assessment originally provided with the application also included information about the dust filter replacement.
- 6.30 The condition below was suggested within the Officer's committee report to try and ensure that maintenance details were included in a Hotel Management Plan which was to be secured by S106 legal agreement. The proposed condition, as set out below, stated that if the system was not operating effectively then the hotel could not stay open and guests would need to leave. The condition read as follows:

"Condition 3: Prior to first occupation of the development an Air Quality Report shall be submitted to and approved in writing by the local planning authority. The report shall provide evidence that an appropriate NO₂ scrubbing system on the mechanical ventilation intake has been installed. The report shall also provide a detailed maintenance plan for the system, as outlined in the Air Quality Statement hereby approved (Hoare Lea, 22.5.15). The scrubbing system shall thereafter be operated and maintained in accordance with the details thus approved. The hotel shall not be occupied by guests except when the scrubbing system is in operation in accordance with the approved report.

Reason: To safeguard the amenities of the visitors and staff of the premises in accordance with the requirements CS16 (Improving Camden's health and wellbeing) of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 (Amenity of occupiers and neighbours) and DP32 (Air quality and Camden's Clear Zone) of Camden Local Development Framework Development Policies".

- 6.31 Concern was raised by the Committee that such a condition would be difficult to enforce. In addition, the 'evacuation' of guests should the system fail would cause significant disruption and it is currently unclear from the information provided how often an 'evacuation' would be triggered and how this could practically be managed. It was suggested by members that it could possibly be amended to include a measurable figure which the hotel would have to achieve as a minimum.
- 6.32 An air quality trigger level for 'evacuation' of the premises would need to be agreed within a revised Air Quality Report as secured by the above condition and it would need to be clearly demonstrated that a practical solution can be found that would minimise disruption to hotel guests and would not adversely impact on the amenity of local residents and pedestrians. Procedures and measures to manage and minimise disruption during an 'evacuation' should be outlined in a Hotel Guest and Servicing Management Plan to be secured by S106 legal agreement to ensure that it can be enforced.

Location of vents of the air handling equipment

- 6.33 A key concern about the appeal proposal is that air for the development is being drawn from street height (i.e. pavement level), which is where air quality will be poorest. The Council would not normally approve the location of vents at this height in any above ground development for this reason. No viable alternatives have been

found by the appellant, although in previous iterations of the proposals the applicant identified the possibility of high level rooftop air intakes. The fact there is no other suitable location demonstrates the unsuitability of the site for this use. This is particularly problematic for this location, where air pollution levels are extremely high (as per 6.21 above). In this particular development, there are no viable alternatives. The current air intake system proposed was selected because it could filter higher levels of pollutants.

- 6.34 At the time of this application, the appellant was encouraged to include planting on Adeline Place at the ventilation inlet to further improve air quality, provide urban cooling and some surface water run off reduction, as well as enhancing amenity. However, this was deemed unfeasible due to limited space and access constraints.
- 6.35 The air handling (AH) units are proposed to be located at the top of the ramps (within the louvers) on the Adeline Place façade. Concerns are raised about the space required for that equipment and whether the development can accommodate the plant.
- 6.36 A key issue that has recently been raised by objectors is that the land outside the louvers appears to be in the ownership of the St Giles Hotel and therefore outside of the ability of the appellant to maintain. This would have a direct impact on the ability of the development to meet the Council's air quality requirements and therefore clarification on this matter is required prior to the forthcoming hearing. It was proposed at the time of the application that the AH units would be located on the Adeline Place façade. Therefore, if ownership rights do not permit this then there location of possible venting is unclear as the Council would object to the AH units being on any other façade.

Idling vehicles impacting negatively on the vents and air handling

- 6.37 The appellant contends that by replacing a car park, the development will reduce the number of vehicle trips to and from the site. It is anticipated that the only vehicles travelling to and from the site will be those used for providing servicing to the proposed hotel. The appellant has advised that they do not anticipate that guests will arrive by coach, taxi or other road vehicles as the development is located close to public transport. They also argue that deliveries will be restricted and that management of these servicing trips will be included within a Service Plan. The development was deemed to be air quality neutral as there were no proposed boilers/CHP and the development is to be car free.
- 6.38 The appellant's case, however, is not convincing. Although the development is car free, there are concerns, firstly, with the ability to control coach/taxi drop-offs to the site, and secondly, the possible increase in vehicle idling on Adeline Place as a result of this and additional servicing trips. Any vehicle idling near to the air vents (e.g. from delivery vehicles, taxis or coaches waiting) could cause unexpected spikes in air pollution levels, leading to short term exceedances at the vent locations.
- 6.39 Concerns were raised at the time of the application about the ability of the NO_x filters to cope with this. The manufacturer specification states that the equipment works well at NO_x levels of 150µg/m³ – it is not clear, however, if the equipment will cope with even higher levels. 18 hours per year is the limit for short term exceedances (i.e. 200µg/m³/hour); idling vehicles near to the vents could cause an exceedance of this objective

Internal design and layout

- 6.40 The majority of the 166 bedrooms proposed would measure approximately 10sq.m with the 17 wheelchair accessible rooms measuring approximately 14sq.m. Each room would have a bed, a shower, WC and sink and space to hang clothes. A vision screen that displays digital images would be provided in each room to compensate for the lack of windows.
- 6.41 Whilst there is no specific planning policy or guidance precluding hotels in basements in terms of principle or amenity, the absence of windows, in a very restricted space and layout, means that the accommodation proposed will be entirely reliant on mechanical ventilation.
- 6.42 There are still concerns about the potential size impact of the air handling equipment both externally and internally. If housed internally within each of the guest rooms then the equipment could further reduce the size of the already limited 10sqm rooms proposed and coupled with these being entirely lit by artificial means would lead to an unacceptable standard of accommodation for future occupants. At this stage, without this information including the size of equipment, the true impact of the equipment on the internal design and layout of the rooms cannot be fully established.
- 6.43 For the above reasons, it is considered that the appellant has failed to demonstrate that the internal design, layout and standard of air quality of the proposed development would provide an acceptable standard of accommodation and amenity for future occupants contrary to Camden policies CS5, CS16, DP26 and DP32.

RFR2 – Impact on local residential and pedestrian amenity

- 6.44 *“The proposed development, by reason of the increased activity associated with the hotel operation and the environment resulting from the vents on Adeline Place, would have an unacceptable impact on local residential and pedestrian amenity, contrary to policies CS5 (Managing the impact of growth and development) and CS7 (Promoting Camden's centres and shops) of the London Borough of Camden Local Development Framework Core Strategy and policies DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses) and DP26 (Managing the impact of development on occupiers and neighbours) of the London Borough of Camden Local Development Framework Development Policies and policy 9 (Residential amenity) of the Fitzrovia Area Action Plan”.*
- 6.45 Camden Policy CS5 advises that *‘the Council will protect the amenity of Camden’s residents and those working in and visiting the borough by making sure that the impact of developments on their occupiers and neighbours is fully considered’* (category e).
- 6.46 Policy CS7 also advises that the Council *“will promote successful and vibrant centres throughout the borough to serve the needs of residents, workers and visitors by making sure that food, drink and entertainment uses do not have a harmful impact on residents and the local area”* (category h). Camden Policies DP12 and DP26 and Principle 9 of the Fitzrovia Area Action Plan reiterate the need to protect the residential amenity of neighbouring occupiers.
- 6.47 The Council considers that the increased activity associated with the hotel operation and the environment resulting from the vents on Adeline Place would have an unacceptable impact on local residential and pedestrian amenity. These concerns are discussed below.

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- 6.48 The nearest residential neighbours to the site are the properties on the opposite side of Adeline Place approximately 17 metres from the car park vehicle entrance/exit. Further to the north there is a concentration of flats at Bedford Court Mansions on the corners of Bedford Avenue and Adeline Place.
- 6.49 The nature of the proposed use with 166 rooms would change significantly from activities arising entirely from vehicle based movements to activity arising from more sustainable transport means. This change would result in an overall intensification in the use of the appeal site.
- 6.50 The hotel would include a ground floor reception area and a larger basement level lobby on Great Russell Street which would act as an arrivals/departures area for guests. Fire escape access points would also be provided on Adeline Place and Bedford Avenue. The council is concerned that there is likely to be late night comings and goings from the site with some degree of associated outdoor smoking and congregation likely. A significant increase in the number of hotel guests within the local area, with 332 guests (assuming 2 guests per room) likely as a result of the development, is also likely to lead to an increased number of trips to and from the site, both in terms of road and pedestrian traffic, that could potentially adversely impact on local residents and pedestrian amenity no matter how well it is managed.
- 6.51 The appellant has confirmed that the hotel would not provide space for ancillary functions such as entertainment, bars, restaurants and would not therefore host conferences, weddings or more 'intense' gatherings or activities generally associated with hotels and more likely to lead to disturbances. The Council has agreed with the appellant to secure this by way of a S106 legal agreement to reduce the appeal proposals impact on local resident and pedestrian amenity.

- 6.52 A requirement to ensure that the booking system does not support guests as part of coach parties will also need to be secured by S106 legal agreement, with appropriate measures such as a requirement to ensure bookings of no more than 8 people are supported via the booking arrangements in order to discourage coach parties, 'stag' and 'hen do' and celebration parties attracted by relatively low costs arriving to the hotel and ensuring that the hotel would not advertise coach bookings. The appellant has confirmed a willingness to agree this within a S106 legal agreement to address this concern.
- 6.53 There are further concerns about the impact of larger vehicles servicing the site. In order to ensure that larger vehicles associated with the operation of the hotel are suitably managed and controlled, the servicing of the site would need to be secured by S106 legal agreement to include measures to manage (inter alia) the servicing hours of operation (outside of peak times) and the servicing vehicle approach and departure routes.
- 6.54 Whilst the legal agreement is suggested should the inspector be minded to grant permission, there remain concerns about how it would be effective in practice. In the absence of evidence to demonstrate how a Hotel Guest and Servicing Management Plan has been effective in other instances and how it could in this particular case controlled the above concerns identified, the appeal proposal would adversely impact on local residential and pedestrian amenity.

Impact of plant and machinery

- 6.55 In the absence of full details of the specifications of the plant and machinery associated with the proposed development, it is uncertain that the cumulative noise rating of all items of plant in simultaneous use will not cause a problem to local residential amenity. At present, the noise levels/details supplied:

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- Are not specific, only indicative;
- Do not use the lowest L90;
- Do not include an octave band analysis of the proposed plant;
- Do not achieve the required -15dB(A) <L90;
- Do not achieve -10dBA <L90 at Bedford Mansions at night;
- Do not include SPL level details of the standby generator;
- Do not factor in impact sound or other noise from service vehicles and associated activity; and
- Do not protect against creeping background noise.

The evidence to support these concerns is set out below.

6.56 In order to comply with Camden policy DP28, referred to in paragraph 26.5 of policy DP26, the plant associated with the proposed development must be specified such that the cumulative noise rating of all items of plant in simultaneous use will not cause a problem to the nearest sensitive premises. Table A below from policy DP28 highlights the noise levels from plant and machinery at which planning permission will not be granted:

Table A: Noise levels from plant and machinery at which planning permission will not be granted

Noise description and location of measurement	Time Period	Time	Noise level
Noise at 1 metre external to a sensitive façade	Day, evening and night	24 hr	5dB(A) <LA90
Noise that has a distinguishable discrete continuous note (whine, hiss, screech, hum) at 1M external to a sensitive façade.	Day, evening and night	24 hr	10dB(A) <LA90

Noise that has distinct impulses (bangs, clicks, clatters, thumps) at 1M external to a sensitive façade.	Day, evening and night	24 hr	10dB(A) <LA90
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6.57 Whilst the above levels are contained in the policy as a guide, noise restrictions in planning conditions normally suggested by the Council's Environmental Health Section are made on a case by case basis, and additional or more onerous conditions may be suggested if the application in question warrants them.

6.58 The noise assessment dated 6th November 2015, produced by Hawkins Environmental, was submitted with the application documents. This shows technical data in relation to the two nearest residential properties. This document presented the individual and cumulative sound pressure levels as predicted to be produced by the proposed plant. Tables B-D below present the predicted individual levels at 1 metre, Table E presents the cumulative predicted levels at 1 metre and Tables F-H present apparent adherence to the noise criteria. These replicate the results as shown on pages 23-24 of the report. The data, however, is predicted and incomplete, and on further examination does not confirm that noise levels are acceptable, and this is examined further in the paragraphs following the tables.

Table B Noise level Calculations – APSH (Hawkins Report)

Receptor	Bedford Court Mansions	St Giles Hotel
SPL – total – insertion loss	68.8	68.8
screening attenuation	0	5
Distance attenuation	32.1 (@16m)	28.8 (@28.8)
Façade correction	3	3
Receptor Noise level @ 1m from façade	39.6	37.9

Table C Noise level Calculations – Electricity Substation (Hawkins Report)

Receptor	Bedford Court Mansions	St Giles Hotel
SPL dB(A)	59	
screening attenuation	0	5
Distance from plant to receptor	16	11
Façade correction	3	3
Distance attenuation	32.1	28.8
Receptor Noise level @ 1m from façade	29.9	28.2

Table D Noise level Calculations – AHU (Hawkins Report)

Receptor	Bedford Court Mansions	St Giles Hotel
SPL dB(A)	50	
screening attenuation	0	5
Distance from plant to receptor	15	11
Façade correction	3	3
Distance attenuation	23.5	20.8
Receptor Noise level @ 1m from façade	29.5	27.2

Table E Noise level Calculations – Cumulative Noise Levels (Hawkins Report)

Receptor		Bedford Court Mansions	St Giles Hotel
Receptor Noise Level @ 1m from façade dB(A)	ASHP x 5	39.6	37.9
	Substation	29.9	28.2
	AHU	29.5	27.2
	Total Noise level	40	38

6.59 Page 15 of the applicant's noise report, highlights that Sandy Brown Consultants (SBC acousticians for the Bloomsbury Association), had issues with the determination of the background noise level L_{90} . SBC argued that BS4142:1997 (now superseded by BS4142:2014) should have been used, as this standard is given in Camden's policies, and further, that the lowest L_{90} Should be used. However, Hawkins Environmental disputed this and stated that Officers from Camden's Environmental Health Team had agreed to the newer 2014 standard

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being used. Hawkins further argued that the lowest background noise level should not be used, and that Camden's policy does not state they should.

6.60 In addition to the above, Page 25 of that report highlights that discussions with Environmental Health Officers (30th September 15 - Ed Davis and Monica Mulowoza), determined that the cumulative noise level from all plant must be at least 10dB (A) below background noise level during all periods of operation.

6.61 The Tables F-H below are taken from the Hawkins report (pages 24-25) and appear to demonstrate that the noise from all plant will adhere to Camden's Policy DP28. However, as previously stated, the levels are predicted and incomplete, and this is examined further in the paragraphs following the tables.

Table F Adherence to Noise Criteria BS4142:2014 Daytime (Hawkins Report)

	Background Noise Level L ₉₀	Cumulative Plant Noise Level L _{Aeq}	Difference between Plant Level and Background Noise Level	Camden's - 10dB below L ₉₀ achieved
Bedford Court Mansions	58	40	-18	Yes
St Giles Hotel	58	38	-20	Yes

Table G Adherence to Noise Criteria BS4142:2014 Evening (Hawkins Report)

	Background Noise Level L ₉₀	Cumulative Plant Noise Level L _{Aeq}	Difference between Plant Level and Background Noise Level	Camden's - 10dB below L ₉₀ achieved
Bedford Court Mansions	56	40	-16	Yes
St Giles Hotel	56	38	-18	Yes

Table H Adherence to Noise Criteria BS4142:2014 night-time (Hawkins Report)

	Background Noise Level L_{90}	Cumulative Plant Noise Level L_{Aeq}	Difference between Plant Level and Background Noise Level	Camden's - 10dB below L_{90} achieved
Bedford Court Mansions	50	40	-10	Yes
St Giles Hotel	50	38	-12	Yes

6.62 The key issues with the data presented within the table are that the indicative SPL's being relied upon are often produced under the most favourable physical and atmospheric conditions by the manufacturers and do not take into account the dynamic nature of noise once a piece of plant has been placed within the environment. As such, the SPL stated does not necessarily reflect the reality once installed. Moreover, as the levels supplied are predicted, and no octave band analysis has been supplied, one cannot be sure that $-10\text{dB} < L_{90}$ would be achieved across all bands. Furthermore, they do not include the SPL from the standby/emergency generator, which if included could adversely affect the -10dB (A) figure) night-time figure given for Bedford Mansions, which is only just being achieved (see table H).

6.63 Camden's policy does not stipulate that the lowest background noise level be used, nor does it preclude it. There will be proposals where the specific noise level under consideration is of limited duration, or does not run continuously, and for this type of proposal it would not be necessary to use the lowest recorded level. However, the appeal proposal seeks to build the UK's first fully subterranean hotel, in an area where existing noise sensitive locations already experience high noise levels.

6.64 Taking the unusual and untried nature of this development into account, together with the fact that the plant will be operating 24/7, using the lowest L_{90} will ensure the background is representative of

the worst-case scenario. As the Committee members were not confident that the proposed scheme at $-10\text{dBA} < \text{the background level (L90)}$ would not adversely impact on the amenity of the neighbourhood, an enhanced criteria is suggested so increasing from -10dB below background to -15dB . This is to ensure that background noise level creep does not occur, and further protect the sensitive facades from likely noise disturbance. This is especially pertinent for such a proposal where there is no real precedent, and where, as in this case, indicative (rather than specific) noise levels are presented.

- 6.65 Notwithstanding the proposed enhanced criteria advocated above, the Hawkins report acknowledges (p25) that the noise calculations provided are indicative only and that full detailed noise calculations (to include octave bands) would need to be provided at the design stage.
- 6.66 It is considered by the Council that it is essential for octave band analysis be provided. As sound from AHU's and other such plant which phase in and out, and have fluctuating blade pass frequencies, tonal and impulsive characteristics therefore are to be expected. Moreover, when pure tones are present in a noise spectrum, (which may be the case in this instance), the dB(A) level is not necessarily a true predictor of the human response. This is because pure tones present at very high or low frequencies are much more annoying than a broadband noise at the same level and such tones may contribute to undue disturbance to neighbouring residential properties.
- 6.67 Moreover, where the new source contains distinctive characteristics, the enhanced criteria of $-15\text{dB} < \text{background}$ is necessary, as achievement of these requirements should be a positive indication that substantiated complaints are unlikely; and further is a proactive means of controlling the increase in ambient background noise within the Borough.

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6.68 Taking the above into account, and using the lowest background level, Tables I-K below (cumulative SPL levels for daytime, evening and night-time) have been provided by the Council's Noise Officer. The officer has made corrections (shown in red), to show that the cumulative SPL levels fail to achieve the enhanced -15dB below background, over all time periods except for the daytime period at the St Giles Façade (Table I). Having said that, it should be noted that the cumulative levels worked with do not include the levels from the emergency generator which could increase noise levels.

SPL with lowest L_{90} and -15dB correction.

Table I Adherence to Noise Criteria Daytime (Council Produced with corrections shown in red)

	Background Noise Level L_{90}	Cumulative Plant Noise Level L_{Aeq}	Difference between Plant Level and Background Noise Level	-15dB below L_{90} achieved
Bedford Court Mansions	54	(40)	-14	No
St Giles Hotel	54	(38)	-16	yes

Table J Adherence to Noise Criteria Evening (Council Produced with corrections shown in red)

	Background Noise Level L_{90}	Cumulative Plant Noise Level L_{Aeq}	Difference between Plant Level and Background Noise Level	-15dB below L_{90} achieved
Bedford Court Mansions	52	40	-12	No
St Giles Hotel	52	38	--14	No

Table K Adherence to Noise Criteria night-time (Council Produced with corrections shown in red)

	Background Noise Level L_{90}	Cumulative Plant Noise Level L_{Aeq}	Difference between Plant Level and Background Noise Level	-15dB below L_{90} achieved
Bedford Court Mansions	49	40	-9	No
St Giles Hotel	49	38	-11	No

Emergency Generator

6.69 Page 21 of the Hawkins Report states that the emergency generator is to be provided for life safety systems, and will only operate under conditions where the mains power has failed. The report goes on to say that testing will be required on a monthly basis, will be undertaken during daytime hours, and that for testing purposes, that the Council's Environmental Health Officer indicated that the noise level can exceed the background level by +10dB, as long as it runs only during noisy periods. Consequently, the report advocates that the maximum output of the standby generator will be set at +10 above the existing daytime background level.

6.70 Such a relaxation of the limits can be considered where the use of such generators is limited, as is the case for life-safety power generation. However, should there be an extended power cut, the generator is not just necessary for immediate evacuation purposes, it is necessary for the continuation of the hotel's function throughout the duration of the power outage, and so could operate for a significant time. As such, this should be considered as standby power generation, and would be expected to achieve the same limits as other plant, and, that the levels from the generator be added to the cumulative total.

6.71 In addition to the above, the applicant's Noise Impact Assessment states that it 'will be located adjacent to the ASHPs in the plant room, behind a louvre'. The generator is not located on the drawings nor is there any plant room shown. The overall impact of this plant is therefore unknown. Further details are therefore required of this in advance of the Hearing to demonstrate that the appeal proposal would not cause harm to residential amenity.

6.72 The following condition has been suggested by the Council's Environmental Health Officer in the Council's suggested conditions should the appeal be allowed in order to try to ensure that the occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery:

"The rated noise level from any plant, together with any associated ducting shall be 15 dB(A) or more below the lowest relevant measured LA90 (15min) at the nearest noise sensitive premises. Prior to the commencement of the authorised use, a written acoustic report detailing the proposed scheme shall be submitted to and approved by the Local Planning Authority. The method of assessment is to be carried in accordance with BS4142:2014 'Rating industrial noise affecting mixed residential and industrial areas'. The plant and equipment shall be installed and constructed in accordance with the approval given and shall be permanently maintained thereafter. Prior to the plant being used a validation test shall be carried out following completion of the development. The results shall be submitted to the LPA for approval in writing.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies".

Electric Service Vehicle Impact Assessment

- 6.73 The impact of use of this equipment is not conclusive. Page 26 of the Hawkins Report states that as an electric vehicle (EV) has a SPL of less than 45dB (A) at a distance of 1 metre, it is not anticipated that noise from the vehicle will be audible or cause a nuisance. However, the report does not consider the possible impact of sound from the loading of goods from delivery vehicles onto the EV, and the possible impact sounds of car and truck door slamming. Although of short duration, the effect from these types of noise can be significant.
- 6.74 Moreover, as the scope of BS4142:2014 does not cover noise generated from servicing activity, the approach of assessing the environmental impact with regards to changes in the L_{Aeq} noise level over differing time/day periods would be required, as detailed in the “Guidelines for Noise Impact Assessment”. As such, the impact or significance resultant of vehicular activity, can only be determined once the likely change in noise levels due to said activity is established.

Cumulative Noise in General

- 6.75 Finally, in addition to the above points, the Hawkins report did not take into account Principle 8 of the Fitzrovia Area Action Plan, March 2014 which states:

“The Council will have regard to the particular impacts on residential amenity that arise from the dense mix of land uses in Fitzrovia, and will seek:- A good standard of amenity for all existing and future occupants of land and buildings; and - To prevent cumulative harm to residential amenity from noise, mechanical ventilation, light pollution, deliveries and waste collection”.

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- 6.76 With regards to noise, any new submission must take all necessary factors as detailed above into account. Policy DP28 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. Whilst the target level for tonal noise in the policy is given as $-10\text{dB} < \text{the L90}$, the rationale for the additional -5dBA correction has been applied.
- 6.77 As such, the appeal proposal as it stands does not demonstrate that the development can meet this enhanced criterion. Indeed, even if the lower $-10\text{dBA} < \text{L90}$ were applied, the night-time L90 at Bedford Mansions is not achieved, and this situation may be replicated at other locations once the SPL from the standby generator is included.
- 6.78 Taking the unusual and untried nature of the development into account, the Council is seeking as part of the Statement of Common Ground and to inform discussions at the forthcoming appeal hearing, to agree with the appellant full details of the specifications of the plant and machinery associated with the proposed development such that the cumulative noise levels of all items of plant in simultaneous use under load will be at least 15dB below the lowest background noise level, to ensure that the worst case scenario is taken into account, and to protect the local residential amenity from noise nuisance, as well as protect against background noise level creep.
- 6.79 This would include the submission of a new acoustic report which includes an octave band analysis of all pieces of equipment to be installed which would demonstrate that cumulative noise level of all equipment running under load can achieve $-15\text{dB} < \text{the lowest L90}$. The report should also include the assessment of noise generated from servicing activity. In this regard, the approach of assessing the environmental impact with regards to changes in the LAeq noise level

over differing time/day periods would be required, as detailed in the “Guidelines for Noise Impact Assessment”.

6.80 At present, the noise levels/details supplied:

- Are not specific, only indicative;
- Do not use the lowest L90
- Do not include an octave band analysis of the proposed plant
- Do not achieve the required -15dB(A) <L90;
- Do not achieve -10dBA <L90 at Bedford Mansions at night
- Do not include SPL level details of the standby generator;
- Do not factor in impact sound or other noise from service vehicles and associated activity; and
- Do not protect against creeping background noise.

6.81 In the absence of the above, the proposed development, by reason of the increased activity associated with the hotel operation and the environment resulting from the vents on Adeline Place, would have an unacceptable impact on local residential and pedestrian amenity, contrary to Camden policies CS5, CS7, DP12 and DP26 and policy 9 of the Fitzrovia Area Action Plan.

6.82 The appellant has verbally confirmed a willingness to agree to the specific noise level restrictions set out above and to provide additional information in order to propose conditions that will to address the above deficiencies. The Council is currently in discussion with the appellant about how such an agreement would overcome the second part of RFR 2 namely “*and the environment resulting from the vents on Adeline Place*”. The Council will update the Inspector in a revised Statement of Common Ground agreed with the appellant and submitted prior to the Hearing. In the meantime, without this information the Council continue to defend this part of the refusal.

7. CONCLUSION AND SUMMARY

- 7.1 The appeal is against London Borough of Camden's refusal of an application for planning permission dated 4th February 2016 for:

'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 openings, walls and fascia on ground floor elevations on Great Russell Street and Adeline Place'.

- 7.2 The application was refused on 12 grounds. This submission sets out the Council's Case in respect of RFR 1-12.

RFR1 - Standard of accommodation and amenity for future occupants

- 7.3 The appeal proposal seeks to build the UK's first fully subterranean hotel. The proposed windowless rooms are not an accommodation type that will be attractive to everyone and ultimately it will be up to prospective visitors to decide whether such rooms provide sufficient amenity for their stay. Nevertheless, Council's policies seek to promote high quality accommodation and facilities for its residents and visitors. The rooms proposed however are small and windowless and need to provide mechanical air handling equipment which could impact on the size of the rooms further and no details have been provided. In addition there is no assurance that the quality of the ventilation for the occupier would be acceptable.

- 7.4 The majority of the 166 bedrooms proposed would measure approximately 10sq.m with the 17 wheelchair accessible rooms measuring approximately 14sq.m. Each room would have a bed, a shower and space to hang clothes. A vision screen that displays digital images would be provided in each room to compensate for the lack of windows.

- 7.5 The proposed accommodation for visitors, with the total absence of windows, in a restricted space and layout, means that the accommodation proposed will be entirely reliant on mechanical ventilation.
- 7.6 At present, the Council's concerns as set out above relate to the air handling equipment required to ventilate the rooms; their maintenance; and the intended location of the vents. As such, the Council do not consider that it has been satisfactorily demonstrated that the internal design, layout and standard of air quality of the proposed development would provide an acceptable standard of accommodation and amenity for future occupants contrary to Camden policies CS5, CS16, DP26 and DP32.

RFR2 – Impact on local residential and pedestrian amenity

- 7.7 The nearest residential neighbours to the site are the properties on the opposite side of Adeline Place approximately 17 metres from the car park vehicle entrance/exit. Further to the north there is a concentration of flats at Bedford Court Mansions on the corners of Bedford Avenue and Adeline Place.
- 7.8 The nature of the proposed use will change significantly from activities arising entirely from vehicle based movements from the existing basement car park to activity arising from the proposed hotel. This change would result in an overall intensification in the use of the appeal site.
- 7.9 There is likely to be late night comings and goings from the site with some degree of associated outdoor smoking and congregation likely. An increase in the number of hotel guests is also likely to lead to an increased number of trips to and from the site, both in terms of road and pedestrian traffic that could potentially adversely impact on local residents and pedestrian amenity.

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7.10 In the absence of a Hotel Guest and Servicing Management Plan controlling the operation of the hotel, including such matters as hotel booking numbers; not supporting coach parties; and measures to manage (inter alia) the servicing hours of operation (outside of peak times) and the servicing vehicle approach and departure routes; the appeal proposal would adversely impact on local residential and pedestrian amenity.

7.11 Furthermore, in the absence of full details of the specifications of the plant and machinery associated with the proposed development it is uncertain that the cumulative noise rating of all items of plant in simultaneous use will not cause a problem to local residential amenity.

7.12 At present, the noise levels/details supplied:

- Are not specific, only indicative;
- Do not use the lowest L90
- Do not include an octave band analysis of the proposed plant
- Do not achieve the required -15dB(A) <L90;
- Do not achieve -10dBA <L90 at Bedford Mansions at night
- Do not include SPL level details of the standby generator;
- Do not factor in impact sound or other noise from service vehicles and associated activity; and
- Do not protect against creeping background noise.

7.13 In the absence of the above, the proposed development, by reason of the increased activity associated with the hotel operation and the environment resulting from the vents on Adeline Place, would have an unacceptable impact on local residential and pedestrian amenity, contrary to Camden policies CS5, CS7, DP12 and DP26 and policy 9 of the Fitzrovia Area Action Plan.

7.14 Considering the above, it is requested that the Inspector dismisses this appeal.

8. LIST OF APPENDICES (attached as separate documents)

Appendix 1	Officers Committee report
Appendix 2	Decision Notice
Appendix 3	Minutes of Committee meeting
Appendix 4	S106 Justification
Appendix 5	Highways Estimate
Appendix 6	Suggested Conditions