



**42 BEDFORD SQUARE**  
LONDON WC1B 3DP

**Proposal:** External roof plant re-configuration, replacement of plant and routing services on the roof, proposed combined door entry and CCTV to main house front entrances and proposed lowering of satellite dish.

Application for planning permission: 2021/1440/P

Application for listed building consent: 2021/1804/L

2 May 2021

The Bloomsbury Association objects to these applications and wishes to make the following comments concerning external roof plant re-configuration, replacement of plant and routing of services on the roof.

1. The Association notes that the noise survey on Bedford Avenue, undertaken by Hoare Lea Acoustics, was carried out eight years ago, between 14:30 Wednesday 29 May and 09:30 Tuesday 4 June 2013, in connection with applications 2013/6444/P and 2013/6469/L. We commented at the time that this survey was unreliable and fundamentally flawed. Those comments are equally relevant now as they were then and are reiterated in the addendum below. It is unacceptable that the same survey, with all its flaws should be used again, particularly so long after the original readings were taken and as the local noise climate has changed substantially since then. It is recognised good practice for noise level surveys to be carried out and reviewed at least every two years.
2. In justifying this, Section 4-04 of the accompanying Noise Impact Assessment by Environmental Equipment Corporation Ltd states: "background noise levels at the site may well have changed since. Whilst there is some uncertainty, noise levels are expected to have increased in the last eight years and so predictions of noise impact are likely to be overestimated rather than underestimated." This is an incorrect assumption. As a result of the recent completion of the Council's West End Project affecting traffic flows on Tottenham Court Road, Gower Street and all streets between, through traffic has been removed from Bedford Square, Bedford Avenue and Adeline Place with a substantial reduction in background noise levels. The Assessment is therefore neither "robust" nor "representative of a worst-case scenario" as EEC states nor is it adequately representative of ambient noise levels.
3. We suggest that the survey should be repeated at locations within a distance 1m of existing noise sensitive receptors, in accordance with Local Policies A1 and A2 and CPG: Amenity.
4. The nearest sensitive receptor appears to be incorrectly identified. While 41 Bedford Square and 11 Bedford Avenue were in commercial use at the time of the 2013 survey they are no longer. The buildings have changed ownership and use and are currently being refurbished for mixed residential/commercial use and, with recent changes to the Use Classes they can be expected to become entirely residential on completion. 13 Bedford Avenue, to the rear of the application site is also in residential use as is Bedford Court Mansions, comprising 114 homes, on the south side of Bedford Avenue. The statements in Sections 2.04, 2.05 and 2.07 of the Noise Impact Assessment are therefore incorrect and the conclusions reached in Sections 6.04, 6.05 and 6.06 of the Assessment are unreliable.
5. We remain skeptical about any conclusions reached by the applicant's consultants on the noise impact of proposals that are based on unreliable survey results. It cannot be concluded from

any objective assessment of the information provided in support of the applications that "noise does not pose a material constraint to the operation of the proposed new plant".

6. Neither visual nor acoustic screening to mitigate against noise emissions is proposed. We are particularly concerned about the visual impact of equipment on the roof seen from nearby taller buildings and its impact on the setting on this and adjacent grade I listed buildings in the terrace.
7. Existing air-handling plant on the nearby St Giles Hotel 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. 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. We therefore feel that the survey should be undertaken with this plant turned off rather than it being considered a suitable background level for setting environmental noise limits.
8. It is not unusual for installed equipment to differ from that described in a planning application. The noise assessment often needs to be verified when the design of the mechanical services systems are finalised and plant installed. The Association is concerned that although approval for this is often required by condition, as is eventual in-situ testing of noise emissions from the installation on completion, there is no certainty that this equipment can achieve the necessary sound attenuation levels. To allow development with this degree of uncertainty is unsafe. If the proposed plant is already installed and operational, this plant impact assessment should be based on actual sound pressure levels at a distance of 1m from the sensitive receptor, not manufacturer's estimates for the equipment specified.
9. The Association is also concerned that enforcement is indeterminate, particularly with the cumulative effects of other noise sources. Local residents should not have to be burdened with policing consultants' assessments and manufacturer's optimistic estimates. Essentially, noise control needs to be a legal obligation.
10. Of great concern is that it appears from measurements on other recent applications that emissions from existing air-conditioning and ventilation plant on the St Giles Hotel result in existing noise levels on balconies at 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.

Mindful of the 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 either through 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. For this reason, on another recent proposal (2015/3605/P), the Council accepted a recommendation that the lowest LA90 background level be used (instead of the statistical low put forward in the assessment) and subtracting 15dB from it, and this was agreed by the Planning Inspector at Appeal. We would expect the Council to be consistent in their approach to other proposals for nearby buildings.

11. At the Appeal the Inspector identified two main issues, one of which was "the effect of the proposal on the living conditions of local residents and the amenity of users of the public realm". The Inspector commented in his decision: "The appellant's noise assessment found that the night-time noise from plant at Bedford Court Mansions would be 10 dB(A) below the background noise level. That would be in accordance with the noise and vibration threshold referred to in Policy DP28." He then went on to say: "I am mindful of the potential for multiple sources of plant noise in this location and the close proximity of residential properties. I agree with the Council that, in the particular circumstances of this case, it would be appropriate to stipulate the criterion of 15 dB(A) below the background, notwithstanding that this is a stricter criterion than that set out in the development plan." (paragraphs 21 and 22 of the Inspector's Decision).

The assessment criteria given in Section 5.09 of the Noise Impact Assessment are based on noise limits being 5 dB below the lowest measured background noise level. Camden Local Plan Policy A4 and Appendix 3 are not referred to in Appendix D of the Assessment, which are understood to have now incorporated the stricter criteria discussed by the Inspector above. The impact assessment will need to be revised because the 'Rating Level' of 10dB below background (15dB if tonal components are present) is not achieved.

12. Policy A1 of the Council's Local Plan confirms that the Council will not grant planning permission for development likely to generate noise pollution or development sensitive to noise in locations where there is already noise pollution, unless appropriate attenuation is provided. The planning application does not show that the proposal can be comfortably delivered in compliance with Camden's noise policy.
13. The Local Plan also states, under item 6.99: "Planning conditions will be imposed to require that plant and equipment which may be a source of noise is kept working efficiently and within the required noise limits and time restrictions. Air conditioning will only be permitted where it is demonstrated that there is a clear need for it after other measures have been considered (Policy CC2 Adapting to climate change). Conditions may also be imposed to ensure that attenuation measures are kept in place and are effective throughout the life of the development." There is no analysis in this application of whether more air-conditioning is needed for the building and of what other measures have been considered.
14. For the reasons outlined above, we consider the Noise Impact Assessment submitted with the planning application to be potentially misleading in terms of outlining the existing noise conditions experienced by local residents. The noise survey on which it is based is fundamentally flawed and, as such, we do not consider that the Assessment adequately addresses the requirements of paragraph 123 of the NPPF or Policy A4 of the Council's Local Plan. We conclude that the Noise Impact Assessment is 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.

The Association supports good quality design that will enhance Bloomsbury's streetscape, which this does not. With such a demonstrable breach of the Council's planning policy and of its supplementary planning guidance, we look to the Council to refuse this application.

We would be grateful if you would let us know of any further modification to the application; the decision, if it is to be decided under delegated powers, or the meeting date if it is to be decided by Committee.

Stephen Heath  
**On behalf of the Bloomsbury Association**

*Copies to:*  
Antonia Powell, London Borough of Camden  
Bloomsbury Conservation Area Advisory Committee  
William Stancer, c/o 42 Bedford Square  
Chairman, Bedford Court Mansions Ltd  
Local residents  
Chair, Bloomsbury Association

## ADDENDUM

Extract from comments made by the Bloomsbury Association on application for planning permission 2013/6444/P and listed building consent: 2013/6469/L

17 December 2013

7. The broad principles established in national policy and guidance on the historic environment are reflected in the London Plan. Policy 4B.12 seeks to ensure that the protection and enhancement of historic assets in London is based on an understanding of their special character, and form part of the wider design and urban improvement agenda. The characteristics of 21<sup>st</sup> century air-conditioning units are not compatible with a policy that seeks to protect these values nor are they compatible with the 'presumption in favour of sustainable development' through which development decisions will be made on the basis of national policy enshrined in the Localism Act 2011. They also fail to meet the objectives of PPS 5 and Policies DP24 and DP25 of the Council's Local Development Framework.

It is a wider precedent that is causing us such concern here and that is the proliferation of highly visible and audible external air conditioning equipment in recent planning applications for listed buildings in the Bloomsbury Conservation Area. We have argued that these buildings are of high thermal capacity, were purpose designed for natural ventilation and do not need air-conditioning. To propose otherwise is contrary to the objectives of Policies DP24 and DP25 of the Council's Local Development Framework.

Often the internal building services installation is designed sympathetically but its external impact is always a concern. The effect on the setting of the listed building, its asset value in the public realm and its impact on the conservation area are often ignored, which is contrary to the principles established in PPS5. The current proposal for external air conditioning does not include for these nor does it reflect the high standards of design required by Policy DP22 and that the Association expects for alterations to a listed building in the Bloomsbury Conservation Area.

There is a long history of noise nuisance associated with external air-conditioning equipment in this area, dating back to 1997. Noise emissions from equipment serving the St Giles Hotel 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. A Noise Abatement Notice was served in December 2000 under the Environmental Protection Act 1990 / Noise and Statutory Nuisance Act 1993 in order to protect the amenity of residents directly opposite in Bedford Court Mansions. An application to install air conditioning equipment in the basement of 40 Bedford Square has also been approved (2011/1716/P), despite objections from neighbours.

With this background, the Association consider that is inappropriate for further external air-handling equipment to be added that may compound what is already a severe problem by further degrading the noise climate, particularly on the roof of a building directly opposite residential buildings. Whilst this solution might be expedient, it should not be considered in isolation. Local residents are suffering from the expediencies of the past and a more holistic approach is now needed.

8. We are very concerned about the positioning of the proposed extract equipment and air-conditioning condensers at roof level on 42 Bedford Square and possibly also at second floor level on the Bedford Avenue frontage. Our concerns are two-fold: the visibility of roof mounted plant from other buildings, particularly other building in the Square and their proximity to adjacent residential uses.

The application documents include an acoustic report that is submitted in support of the proposal. It concludes with the comment that noise emissions from the air-conditioning equipment can be controlled with the use of specialist acoustic enclosures but as the services design is only conceptual, no details are provided. Whatever your views might be on the energy responsibility of installing air-conditioning in a Grade I listed Georgian building that was purpose designed for natural ventilation, the lack of any thorough proposals for designing out noise emissions is our principal reason for objection, particularly as the provision of a noise rated enclosure to equipment at roof level would increase its visual prominence.

We understand that Camden guidance is that noise levels adjacent to residential uses should be measured at 1m external to a sensitive façade and not at an undisclosed location 'on site'. Furthermore, the report states that background noise levels were measured on weekdays when the noise of passing vehicles on the street is at its greatest. Weekend levels should be the base line.

The noise impact assessment does not consider impact on residential uses in Bedford Court Mansions and makes no proposals for sound attenuation in order to mitigate noise emissions. We are therefore sceptical of its conclusions. This is contrary to LDF Policies DP 26, DP27 and DP28. DP26 states '*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.*'

No conclusive design information is provided to confirm that noise emissions from the equipment will be contained within permitted limits when heard from the nearest residential buildings as required by Development Standard DS6 of the Council's UDP and LDF Policies DP26 and DP28. Given the proximity of adjacent residential buildings on Bedford Avenue, whose amenity will be directly affected, and adjacent at 40 Bedford Square, the application should not be accepted on this basis.

9. No details are provided of what is proposed on Bedford Avenue behind the louvred screen. There is a louvred window elsewhere on Bedford Avenue but it was done a long time ago and should not set a precedent as an appropriate design solution.