

SHARPS REDMORE

ACOUSTIC CONSULTANTS ▪ Established 1990



Advice Note

81-103 Kings Road, Chelsea

Review of Proposed Re-development

Prepared by

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This report has been prepared with all reasonable skill, care and diligence commensurate with an acoustic consultancy practice under the terms and brief agreed with our client at that time. Sharps Redmore provides no duty or responsibility whatsoever to any third party who relies upon its content, recommendations or conclusions.

1.0 Introduction

- 1.1 This advice note has been prepared further to an earlier review of the noise assessment and is provided in response to consultation comments made by RBKC Environmental Health Team and a response from Ramboll to the earlier review.
- 1.2 The note will deal with both responses in order and comment is provided on those responses.

2.0 Consultation Comments

- 2.1 Further to the application being submitted, the following comments, have been received from RBKC Environmental Health Team as part of the consultation process:

Hi [REDACTED]

My comments on the concerns over the accuracy of the acoustic statement submitted by Ramboll are as follows. Noise officers rely on the integrity of professional acoustic consultants to provide an acoustic report which provides a representative ambient background noise level for which plant noise levels can be set which comply with RBKC's planning noise criteria as set out within the SPD on the planning portal.

If they do not comply with the planning noise criteria they will be in breach of planning conditions and the plant will have to be turned off until the noise levels are reduced so that the noise is no longer perceptible. A condition can be placed on the planning application for a post assessment compliance check to ensure that the derived background noise levels submitted within the acoustic report by Ramboll are met prior to the plant being operational.

My view is that the comments about building noise causing disruption during the construction phase are not valid in as much as S60 Control of Pollution Act 1974, or s61 Prior Approval notice stipulates noise criteria that must be met to comply with RBKC's planning noise criteria. It is impossible to carry out development without making some noise our remit is to control the noisy activities with the legislative framework under our remit as set out by parliament.

Nothing much more to add really

Happy to discuss

Regards

- 2.2 It is disappointing to note that no reference has been made to the monitoring position used in the Ramboll report and the discrepancy in background levels measured with the surveys undertaken by Sharps Redmore in the rear gardens of numbers 39 and 43 Charles II Place. The survey undertaken by Ramboll is not representative of the rear gardens.
- 2.3 As an example, the applicants report considers lowest background levels at the receptors to be 44 dB L_{A90} during the daytime and 43 dB L_{A90} during the night and compares plant noise against these figures. No comparison is provided for service yard activity and goods vehicle movements.
- 2.4 Surveys undertaken by SR within the gardens of nos 39 and 43 gave backgrounds L_{A90} of low 30 dB's during the night and low to mid 40's during the day. BS 4142:2014 suggests that in terms of a rating level against background *..” a difference of around +10 dB or more is likely to be an indication of significant adverse impact, depending on the context”* (Para 11 Assessment of Impacts BS 4142:2014)
- 2.5 Given this discrepancy and indication of significant impact it is surprising that the Environmental Health team did not consider further investigation required rather than relying upon the “representative” siting of the applicant's report. The overarching aim of both NPPF and BS4142:2014 +A1 2019 is to avoid significant impact.
- 2.6 It is agreed that a suitable condition can be imposed to control plant noise etc however this relies upon the correct typical backgrounds being used to set levels for this condition. The background levels proposed by the applicant's report have potential to introduce a significant noise impact.
- 2.7 No consideration appears to have been given to service activity including loading and unloading which has potential to be disruptive and substantially more than the existing background levels at Charles II Place, particularly at night. Similarly, the use of the terraces/courtyards has that potential, together with the introduction of a new type of noise source. Mitigation proposals have not been provided for these noise sources.

3.0 Ramboll Response Memo 8th August 2023

- 3.1 A response to the original review has been provided by Ramboll in a memo dated 8th August 2023. This has been separated into four sections as follows: Policy and BS 4142; Measurement locations; External terraces. This note will address these sections in order.

Policy and BS 4142:

- 3.2 The applicant's report is essentially restricted to plant noise from the proposal and the application of BS 4142:1997. Given the Standard has been revised twice since then it seems unlikely that the intent of the planning policy of RBKC is to use outdated standards.
- 3.3 The current British Standard 4142 2019 +A1: Methods for Rating and Assessing Industrial and Commercial Sound (BS 4142:2014) was revised in November 2014, and is the relevant standard to determine impact from sound from industrial and manufacturing processes, sound from fixed installations which comprise mechanical and electrical plant and equipment and sound from the unloading and loading of goods and materials at industrial and/or commercial premises. No reference to these service yard activities is found within the acoustic statement as the earlier standard has been applied.
- 3.4 This is considered to be a mis-interpretation of the standard, as the scope to BS 4142 says:

This British Standard describes methods for rating and assessing sound of an industrial and/or commercial nature, which includes:

- a) sound from industrial and manufacturing processes;*
- b) sound from fixed installations which comprise mechanical and electrical plant and equipment;*
- c) sound from the loading and unloading of goods and materials at industrial and/or commercial premises;*
- and d) sound from mobile plant and vehicles that is an intrinsic part of the overall sound emanating from premises or processes, such as that from fork-lift trucks, or that from train or ship movements on or around an industrial and/or commercial site.*

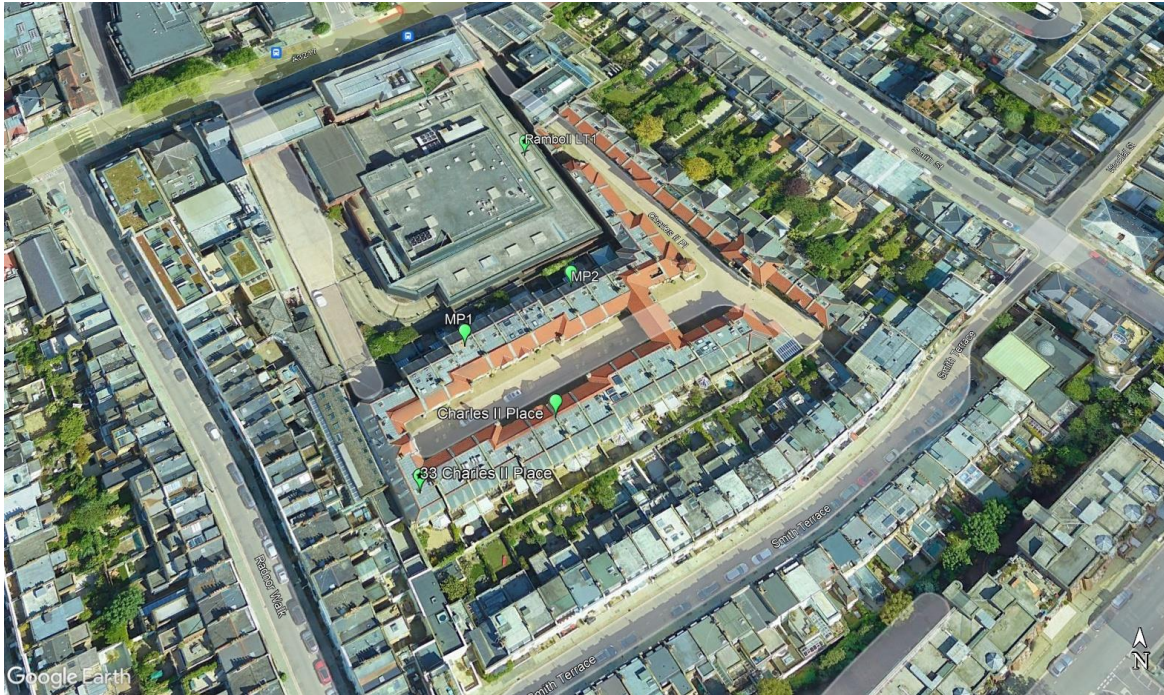
- 3.5 Further changes include the replacement of 'likelihood of complaint' with the 'likelihood of adverse impact or serious adverse impact'. This is consistent with the approach in the Noise Policy Statement for England (NPSE). The character and level of the residual sound is compared to the character and level of the specific sound is considered, together with an assessment of uncertainty of the measured values.

Measurement location

- 3.6 The memo confirms the monitoring location (LT1) to be on the M&S roof adjacent to the entrance to Charles II Place. The memo suggests that this is representative of the worst-case garden of number 33. This is incorrect and inconsistent. This is clearly shown on Figure 1 below.

3.7 Figure 1 shows Sharps Redmore monitoring positions in the gardens of numbers 39 and 43, shown as MP1 and MP2. LT1 is the monitoring position provided by Ramboll and as can be clearly seen not at all representative of the garden of number 33 shown in the south west corner of Charles II Place.

Figure 1 Monitoring positions and premises:



3.8 Levels measured at LT1 are significantly higher than MP1 or MP2 across all parameters and times as would be expected given its location. Garden areas in Charles II Place are significantly screened from Kings Road and other neighbourhood noise.

3.9 This discrepancy is significant when suggesting criteria for plant and service yard activities as, amongst other factors, criteria is assessed against typical background levels for the relevant time period. This means that noise impact from plant/deliveries would be greater than predicted in the supporting assessment, as activities/operations are compared to higher existing background levels.

External Terraces

3.10 No consideration appears to have been given to noise and possible disturbance from the use of external terraces. The memo suggests that these will only be used by offices during working hours. It is understood that the first-floor terrace is for maintenance only, however second floor terraces may be available for commercial use and essentially overlook the rear gardens of Charles II Place.

Construction site noise

- 3.11 It would be expected that a S.61 application (Control of Pollution Act 1974) would be required by RBKC. Given the advice contained within BS 5228:2014 and the “ABC method” for noise limits it would be appropriate to consider the area as Category A given the existing low ambient noise levels at the Estate. This would be 65 dB $L_{Aeq\ 10\ hour}$. It is understood that this was accepted as the relevant noise level by the architect in pre-application discussions.

Service yard noise

- 3.12 The memo references a comparison of existing and likely proposed vehicle movements. There is no reference to any BS 4142 assessment for this type of noise which is generally accepted as a requirement for this type of proposal and application.
- 3.13 As discussed above, the current British Standard 4142 2019 +A1: Methods for Rating and Assessing Industrial and Commercial Sound (BS 4142:2014) was revised in November 2014, and is the relevant standard to determine impact from sound from industrial and manufacturing processes, sound from fixed installations which comprise mechanical and electrical plant and equipment and sound from the unloading and loading of goods and materials at industrial and/or commercial premises. No reference to these service yard activities is found within the acoustic statement as the earlier standard has been applied.
- 3.14 Sharps Redmore undertake noise assessment for many sites of this nature and our view (universally accepted by planning authorities) is that HGV and other vehicle movements on a discrete site designated for industrial and/or commercial land uses should be included in a BS 4142 assessment (once these vehicles are on the public highway then the standard doesn't apply).
- 3.15 Any assessment would require the use of appropriate background noise levels at the residential properties to the rear.