

NOTE ACCOMPANYING SUBMISSION OF ACOUSTICS REPORT

From: Gail Collins <g.collins@tyler-parkes.com>

Subject: PP/23/00968 81-103 King's Road, LONDON, SW3

Date: September 21, 2023 at 4:20:57 PM GMT+1

To: "Lomas, Martin: RBKC" <Martin.Lomas@rbkc.gov.uk>

Thank you for your email and update. It is noted that the additional information is dated August but was not uploaded to your website until 6th September 2023. The objectors are greatly interested in this proposal; the planning application is not supported, and there are considered to be errors, inconsistencies and inaccuracies in its supporting documents which I have been asked to raise with you.

I attach a further 'Review of Proposed Redevelopment' by Sharps Redmore dated 19th September 2023, which has considered the comments of your EHO in response to our concerns over the originally submitted Applicant's Acoustic Report (produced by Ramboll). The attached Sharps Redmore report also goes onto consider the Applicant's noise memo dated 8th August 2023 made in response to the earlier Sharps Redmore review.

The main points arising from the Sharps Redmore Review of 19th September 2023 are as follows: –

The consultation comments of the RBKC Environmental Health Team

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- It is disappointing to note that no reference has been made by the RBKC EH Team to the monitoring position of the noise equipment used in the Applicant's original report.
- There is no reference to 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 and those set out in the Applicant's original report. The survey undertaken by Ramboll is not representative of the noise levels within the rear gardens of the Charles II Place houses.
- The attached Sharps Redmore report points out that the Applicant's report considers lowest background levels at the receptors to be 44 dB LA90 during the daytime and 43 dB LA90 during the night and compares plant noise against these figures. No comparison is provided for service yard activity and goods vehicle movements. The surveys undertaken by Sharps Redmore within the gardens of nos. 39 and 43 gave backgrounds LA90 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).

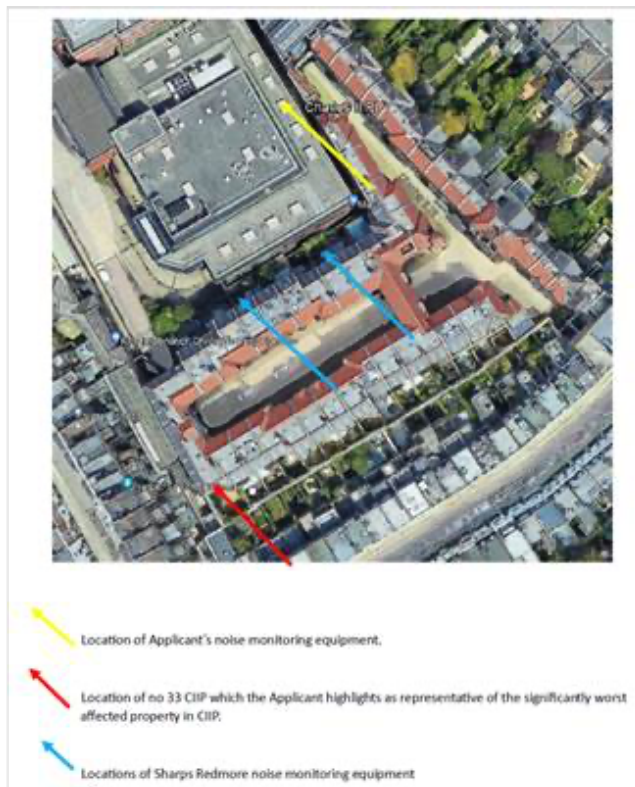
- Sharps Redmore confirms that "Given this discrepancy and indication of significant impact it is surprising that the Environmental Health team did not consider further investigation required rather than relying upon the "representative" siting of the Applicant's report. The overarching aim of both NPPF and BS4142:2014 +A1 2019 is to avoid significant impact."
- Whilst Sharps Redmore agree that a suitable condition can be imposed to control plant noise etc, 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. The point here being that the correct baseline is not being used to inform a condition – the consequence of this if there is potential to be a significant noise impact to nearby residents.
- This will be compounded by the fact that 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.

The Applicant's (Ramboll) Memo dated 8th August 2023

- The Applicant's report is essentially restricted to plant noise from the proposal and the application of BS 4142:1997, however this British Standard has been superseded. In fact, it has been revised twice since 1997.
- The Applicant incorrectly states that RBKC specifically refers to BS 4142:1997 in their planning policies and states that it is a RBKC policy requirement to use the 1997 version in this noise assessment. This is incorrect, the adopted policies of the RBKC Local Plan do not refer to BS 4142:1997.
- The Council's 2009 'Noise' Supplementary Planning Document does refer to the 1997 British Standard, however equally it also refers to the RBKC UDP (now superseded), the London Plan 2008 (now superseded) and the Planning Practice Guidance Note 24 (now superseded). It is entirely appropriate that the latest British Standards are considered, as it is that the planning application is determined in

accordance with the current development plan. There is no justification for relying on superseded standards and policies.

- The current British Standard 4142 2019 +A1 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 Applicant's submission as the earlier standard has been applied. This is considered to be a misinterpretation of the standard.
- The Applicant's memo suggests that the monitoring location (LT1) of its noise equipment on the M&S roof adjacent to the entrance to Charles II Place was chosen as representative of the significantly worst affected property (33 Charles II Place). However, as can be seen on the aerial photo below, no. 33 CIIP is set away from the application site - this brings the justification for the location of the monitoring equipment further into question. There are 15 CIIP houses which directly flank the application site (and 51 houses in total in CIIP in close proximity). Common sense dictates that other houses will be significantly more affected and that no. 33 CIIP is not representative of the significantly worst affected property(ies).



- 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.

- With regards to the external terraces, the inference from the Applicant is that they will only be used by offices during working hours and no consideration appears to have been given to noise and possible disturbance from the use of external terraces – which given their proximity to the houses is a significant omission.
- The level of construction site noise has been wrongly applied by the Applicant and it was previously agreed with the Architect that it would be appropriate to consider the area as Category A given the existing low ambient noise levels at the Estate; however this is not carried through into the submission.
- Sharps Redmore consider that HGV and other vehicle movements should be included in a BS 4142 assessment, with any assessment requiring the use of appropriate background noise levels at the residential properties to the rear.

In summary, the Applicant's submission in respect of the noise impact of the proposal is inadequate and misleading. The Applicant has failed to demonstrate that the scheme would have an acceptable effect upon the occupants of neighbouring dwellings in relation to noise and vibration – due to the Applicant's incorrect assessment of representative background noise to the CIIP estate and the lack of inclusion of all potential sources of noise in that assessment. The submitted application fails to comply with the policies of the development plan and should be refused.

I would be obliged if you would confirm that the contents of this email will be brought to the attention of the Planning Committee. I shall upload this email via your website.

Kind regards,

Gail Collins BSc(Hons) DipTP MRTPI DMS

Director

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