

Proof of evidence of Diana Shelley

1. The witness

1.1. My name is Diana Shelley. I have lived in the Top Flat, 100 Gifford Street, London N1 since 1991. 100 Gifford Street is the house situated nearest to the London West Portal of the Channel Tunnel Rail Link and is just the other side of the East Coast Mainline from the Triangle site. I have lived in the area for more than thirty years.

1.2 I have been Chair of the Cally Rail Group since 1994 and am duly authorised to give evidence on its behalf. The Cally Rail Group has set out its objections to the appeals in its statement of case. The King's Cross Railway Lands Group has set out its grounds in its own statement of case.

1.3 Both groups oppose the appeals on similar grounds and have agreed to present a combined case. I shall give evidence on the incompleteness of the Environmental Statement and residential amenity. Although I believe the appeals should be dismissed, I also wish to put forward conditions should they be granted.

2. The Cally Rail Group

2.1 The Cally Rail Group (hereafter the Group) is an unincorporated community group based in the area of West Islington where the Channel Tunnel Rail Link (CTRL) crosses the Caledonian Road. It was formed in 1994 and its constitution, as last amended at its Annual General Meeting in July 2004, states that the 'principal aim of the Group shall be to prevent detrimental effects to the neighbourhood arising from the Channel Tunnel Rail Link and associated developments'. [*CRG constitution*]

2.2 The Group has never opposed the construction of the CTRL, not least as its members hoped that the new railway and its associated developments would help create the basis for regeneration of the King's Cross area.

2.3 The Group has no formal membership but is open to all who live, work and trade in the area of Islington where the Channel Tunnel Rail Link crosses the Caledonian Road. The Group does not charge a membership fee but receives small donations from supporters at various times. It does not currently receive any public or charitable funding but has had some limited funding for specific projects at various times between 1994 and 2002.

2.4 The Group was successful in gaining significant changes to the CTRL scheme in order to protect the neighbourhood from

detrimental impacts, both while the CTRL Bill went through Parliament and later as consultees of LB Islington on detailed applications under sch.6 of the CTRL Act. As a result of the joint case we presented with LB Islington to the House of Commons Select Committee during the passage of the CTRL Bill, significant changes were made to the promoter's original scheme (which would have involved years of disruption to Caledonian Road from 'cut and cover' construction of the tunnel). The revised scheme entailed the demolition of York Way viaduct and westward rerouting of York Way, which in 2005 created the 1.1 hectare site now known as the Triangle. Indeed, we were told that it was evidence about its development potential for mixed uses (given on our behalf by an expert in the economics of planning, Michael Edwards) which was apparently a factor in convincing the House of Commons Select Committee about the merits of our case.

2.5 Because of the immense potential effects in west Islington (good and bad) of the developments proposed for King's Cross Central, the Group has taken an active part in consultations at all stages, making submissions on the joint councils' *Planning and Development Brief* (2004), Argent's first outline applications for the Main Site and Triangle (2004) and the current revised applications [*CRG objection to LBC & LBI, 21-11-05*] as well as several submissions to Camden's Development Control Committee and Islington's West Area Planning Sub-committee.

2.6 As a member group of an informal consortium of groups, known as the King's Cross Think Again campaign, the Group was involved in an attempt to persuade LB Camden to reconsider their provisional outline planning consents for the Main Site and the Triangle made in March 2006. After LB Camden finalised their consent for the Main Site in November 2006, the Group supported the unsuccessful judicial review of that consent taken by the King's Cross Railway Lands Group in May 2007.

3. Summary of matters I will give evidence on

3.1 My evidence on behalf of the Group concentrates on environmental issues, particularly residential amenity. I will outline our case that the existing information provided by the Appellant does not provide a sufficient basis for determining the appeal. I am aware that the Appellant is currently preparing material to attempt to complete the existing Environmental Statement, and I reserve the right to add to or amend this proof of evidence in the light of it.

3.2 Notwithstanding this insufficiency of information, I shall give evidence that enough is already known to determine that the appeal site does not provide sufficient amenity for residential use.

3.3 Finally, although I am asking for the appeal to be dismissed, I shall put forward requests for possible conditions if the Inquiry determines that there is sufficient residential amenity to grant the appeal.

4. Site layout

4.1 The Development Specification proposes a roughly triangular layout with three blocks above, in effect, a floor of carparking and a floor of retail service uses. Blocks A and B are to be residential and are considered further below. Block C, which faces eastwards onto the ECML, will provide up to 3,000 m² of D1/D2 uses (described as 'health and fitness') rising two storeys above the amenity space between the blocks.

4.2 Block A

4.2.1 This forms the northern side of the Triangle. The block is in three sections with ten residential storeys in the western section, thirteen in the middle section and an eastern section with sixteen storeys of residential uses. The western third is in Camden and the remainder in Islington. The whole block is intended for market housing providing 162 units and may have balconies (these are excluded from the floorspace schedule, *Triangle Site Revised Development Specification, August 2005, Annex A*).

4.2.2 Block A is a tall building, as defined by Islington in its Planning Advice Note on Building Heights [*LBI PAN Building Heights 2005*] and also by the Mayor's SPG on *Sustainable Design and Construction*, which implies a tall building is one over 10 storeys. Block A's proposed three blocks range from 40m to 59m.

4.2.3 The western part (approximately a third of the residential footprint) faces NNW and abuts the Thameslink tunnel just west of the point where the Thameslink tracks will break out into open air. The eastern part (the remaining two thirds) faces almost due north. It overlooks the Thameslink portal and cutting (about 15 metres away at the nearest point) with the CTRL behind on raised viaduct, then two electricity transformer stations and the North London Line north of them. I believe that the western end would be exposed to traffic noise from York Way and the eastern end to East Coast Mainline (ECML) traffic.

4.3 Block B

4.3.1 This forms the western side of the triangle, with seven residential storeys above a double height retail space. The whole of the block is in Camden and is intended for affordable housing, with 36 social-rented units and 48 intermediate units. It may have

balconies (these are excluded from the floorspace schedule, *Triangle Site Revised Development Specification, August 2005, Annex A*). Block B also qualifies as a tall building at 32m high.

4.3.2 Block B faces onto York Way and the residential part projects about five metres beyond the retail units below, bringing it closer to the roadway with its traffic noise. I believe that parts of this façade would also be exposed to noise from CTRL. On the other side of the building, the façade faces east and will be directly exposed to the noise from the concrete batching plant that stands above the ECML.

4.4 The amenity space

4.4.1 This lies between the three blocks. It will apparently be used by occupants of all three blocks. Although it would be shielded by the blocks from most direct noise, its ambient noise levels are uncertain. It will also be subject to noise from the concrete batching plant and sudden loud noises from trains, particularly from the ECML. There could also be problems with the wind environment of this space.

5. The Environmental Statement is incomplete

5.0.1 The Appellants submitted a document called an Environment Statement in 2004 and, when they revised their application in September 2005, a further volume containing changes and updates to the original document. Formally, these documents contain sections on all the matters required of them under Schedule 4 of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

5.0.2 My Group objected that the document was materially incomplete in a number of respects when the original application was consulted on in 2004, and again after the revisions to the application were lodged in 2005 [*CRG objection to LBC & LBI, 21-11-05*]. We continued to raise these concerns when the Triangle applications were considered by both Councils.

5.0.3 In our letter objecting to these appeals last November, we urged the Planning Inspectorate to consider whether 'the statement should contain additional information in order to be an environmental statement' and, if so, 'notify the applicant or appellant in writing accordingly' under Regulation 19(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended.

5.0.4 We now understand that such a direction has been issued and further information is to be provided by the Appellants. We have not seen this information and do not now expect to see it till after the

date for submitting this proof. It is therefore not possible to incorporate any proper response into this proof of evidence and we reserve the right to comment on the additional information and anything that arises from it.

5.1 Noise issues in the Environmental Statement

5.1.1 The original *Environmental Statement* (Part 17.4) identified a number of noise sources affecting the King's Cross Central site but did not specify which affected the Triangle. Part 17.8 deals with the Triangle as an area where there are 'opportunities for further mitigation measures'. It identifies York Way as a source of road noise as well as railway noise from the East Coast Main Line (ECML), the Channel Tunnel Rail Link (although this railway is now called 'High Speed One' I will follow the *Environmental Statement* in calling it the CTRL to avoid confusion), the North London Line and Thameslink 2000.

5.1.2 The *Supplement* to the Environmental Statement (Part 24.9) contains clarifications of the earlier report (paragraphs 24.9.5 to 24.9.21), identifies relevant changes to the proposals (paragraph 24.9.23), and an assessment of effects (only paragraphs 24.9.37 to 24.9.39 of which are relevant to the Triangle).

5.1.3 In preparing our evidence on noise and vibration, I have relied to a great extent on reports prepared by officers in Islington's own noise team, the first in response to the Appellants' original application in 2004 and the second in response to the revised application in 2005.

5.1.4 The following sections raise a number of problems: some significant noise sources are not identified and therefore not assessed, others have been identified but not properly assessed, changes to impacts resulting from the revised application have not been considered, and no attempt has been made to assess the effect of multiple sources of noise.

5.2 Airborne noise sources not identified

5.2.1 Three noise sources are not identified at all.

5.2.2. First, there is a concrete batching plant operated by Cemex Ltd immediately east of the ECML at a high level relative to the site with road access from Randell's Road and Rufford Street. The ES does refer to three concrete batching plants further west (paragraph 17.4.5) but not this one. This batching plant has caused considerable nuisance to residents in Rufford Street.

5.2.3 Second, the CTRL has built an electrical transformer station beside its railway lines just west and north of the CTRL bridge over the ECML (on a site known as Belle Isle) which became operational at the same time as the CTRL itself. Islington Council's Noise Team (LBI noise team 2 28-10-05) pointed out that *'Transformers have particular tonal noise characteristics. I am unable to note any consideration of this development within the Supplement ES. This matter will need formal assessment as the Triangle Site is particularly close to the Belle Isle Site.'* It should also be noted that the transformers have to work at least as long as the railway, which currently starts commercial services at 05:35 and has coaching movements at night. Eurostar services may be extended and the majority of traffic on the line will ultimately be domestic services and likely to have early starts and late finishes.

5.2.4 Third, a further electrical transformer station is to be built for the Thameslink project adjacent to the CTRL transformers on the Belle Isle site. This was granted deemed planning permission under the Network Rail (Thameslink 2000) Order 2006 but aspects of the design and layout are subject to detailed consent by Islington Council as the LPA. The comments by Islington's noise team on the CTRL electrical transformer station clearly apply equally to both transformer stations. The Thameslink 2000 route is likely to have a service pattern that involves night-time working.

5.3 Airborne noise sources not fully assessed

5.3.1 Several sources of airborne noise are mentioned in the Environmental Statement but not assessed or not fully assessed.

Thameslink 2000

5.3.2 As part of the CTRL works a new station for the Thameslink project has been built under St Pancras Station/Midland Road and a new sub-surface connection from it to the ECML (the cross-site link). The physical infrastructure—the tunnel itself, its portal and the cutting that will bring the route to the surface—has been built. Tracks have yet to be laid but these have been authorised by the Network Rail (Thameslink 2000) Order 2006. This twin tunnelled railway comes to the open air at a portal and rises to the surface immediately north of the appeal site. This cross-site link is relatively deep (it has to pass under the Regent's Canal) and runs approximately southwest to northeast across the King's Cross Central site. The tracks must therefore rise at a steep gradient to reach the surface as well as turn sharply to make a connection with the ECML. As a result, trains using such a track formation will tend to be noisier than when running on a straight level track.

5.3.3 The original Environmental Statement (paragraph 17.8.4) notes that *'noise levels on the façade of Block A cannot be determined at this time as Thameslink 2000 has not published noise data for the section of the line alongside this block'* and this did not change in the Supplement to the Environmental Statement (paragraph 24.9.38).

5.3.4 The portal and track lie very close to the north façade of Block A and the noise environment Block A will be subjected to cannot be determined properly without a full assessment of those impacts.

The CTRL

5.3.5 The CTRL approaches St Pancras in tunnel from Stratford. That tunnel comes to the surface immediately east of the ECML and the tracks are carried over the ECML by a bridge. Unusually, the bridge is wholly enclosed. This was a noise mitigation measure required by Parliament for the protection of residents in Gifford Street and Rufford Street. My experience of trains leaving the covered bridge is that their noise precedes them. The bridge structure itself also seems to be a source of re-radiated noise, particularly where the trains pass cross over points within it, and that noise is at an unpleasantly low frequency, rather like thunder. From this bridge the tracks enter a complex set of junctions on raised viaducts. There are many crossover points and there are no noise barriers beside the tracks.

5.3.6 In September 2004 Islington's Acoustics Officer (who was also primarily responsible for CTRL noise issues) reported that *'My understanding is that the TL and the CTRL lines have been designed for an "open site" at this location, i.e. designed at a time where there were no sensitive receivers in the immediate location and therefore did not require specific mitigation to address ground borne and airborne noise. The CTRL line will be operational in 2007 and I am aware that those areas requiring specific mitigation for noise and vibration have already been identified and mitigated boots for the track ordered and manufactured now. There is no assurance that for the new residential area, if required, mitigation of these lines will be undertaken by the rail operator'*. (LBI noise team 1 29-9-04, paragraph 1.4).

5.3.7 The original ES (paragraph 17.8.5) refers to the possibility of providing noise barriers alongside the railway but only in relation to a bridge over the Regent's Canal. It notes that this would require *'the agreement/co-operation of the CTRL'*. No mention is made of any attempt to obtain their assistance and the issue is not referred to in the Supplement to the Environmental Statement. Fitting noise barriers on the CTRL viaduct would be one form of mitigation to

reduce the impacts on the Triangle. Such a step is not mentioned in relation to the appeal site and would in any case require the co-operation of CTRL. Its possible effectiveness, particularly in protecting upper storeys of Block A, would need to be fully assessed.

Future development in the King's Cross 'Opportunity Area'

5.3.8 My Group's concern here relates to the land between the CTRL and the North London Line west of York Way, which the *King's Cross Opportunity Area Planning and Development Brief* (paragraph 3.3.49. page 69) identifies as suitable for '*supporting infrastructure services such as a waste disposal, compaction and recycling facility*'. (The *Brief* calls this Sub-Area 6, and it is also sometimes known as the linear lands). Such plants, as PPG 24 recognises, can generate significant traffic noise but it is not clear from the Environmental Statement that this traffic is included in the York Way traffic projections.

Loud noise events and levels

5.3.9 Loud noises at night can cause sleep disturbance and, as a result, frequent loud noises at night are recognised to be detrimental to health. The original Environmental Statement includes a map (Figure 17.5) which shows that the whole of the Triangle site is subject to loud noise events (those exceed 82 dB $L_{Amax(S)}$) several times an hour a night. The matter is not commented at all in the original Environmental Statement or its Supplement. In addition, the documents do not identify how far above this level the loud noises are. It is my understanding that if they exceed 90 dB L_{Amax} there is no glazing currently available, not even triple glazing of a sealed unit plus another pane, that will reduce this to the British Standard for bedrooms of 45 dB L_{Amax} .

5.3.10 There are many sources of such noises but two can be identified for particular mention. First, the ECML passes the site in the open on a relatively short stretch of track between two sets of tunnels, the Gasworks Tunnels to the south and the Copenhagen Tunnel to the north. For safety reasons an automatic train warning bell at the mouth of the gas works tunnel rings whenever a train is about to use the tunnel. It must be loud enough to be heard by drivers of other trains and by any staff at the tunnel. As an automatic system it rings at all times of the day and night. Residents of Rufford Street report they find it especially disturbing at night. Network Rail has confirmed, in an email to a resident in Rufford Street, that this will not change [*Network Rail to Mr Cottis, 13-03-07*]. Second, train horns are used from time to time on both the North London Line and the ECML. Again this is for safety reasons but in this case entirely unpredictable.

5.4 Impact of revisions to the application not assessed

5.4.1 The revised application for the Triangle Site includes changes to the layout of both residential blocks. The northern façade of Block A has been realigned. The western third has been moved northwards by about ten metres, bringing it closer to Thameslink and the CTRL and the other noise sources beyond. The eastern two-thirds has been angled differently, potentially reducing the impact of Thameslink and the CTRL and other sources on this section. No attempt is made in the Supplement to the Environmental Statement to assess the impacts of the changed noise environment on the western end of Block A.

5.4.2 The western façade of Block B has been redesigned. In the original application the whole façade was about four metres from the kerb of York Way. In the revised application the shop frontages have been moved back to about nine metres from the kerb but the residential frontages remain the same distance from the road, just four metres from the kerb.

5.5 Multiple impacts on receptors (ambient noise level)

5.5.1 The original Environmental Statement produced maps (Figures 17.1 to 17.4) showing the impacts from road and rail traffic separately. The Supplement to the Environmental Statement (paragraph 24.9.10) states that the maps for rail traffic '*include all existing train services and also the projected CTRL trains*' but not Thameslink 2000 trains. The need for an estimate of Thameslink 2000 noise impacts has already been noted and could have a significant influence on the final assessment.

5.5.2 The Camden Environmental Health Team is reported in the Supplement to the Environmental Statement (paragraph 24.9.7) as having '*raised [the issue of the need for] the preparation of noise maps showing the combined influence of road and rail traffic*'.

5.5.3 The Supplement to the Environmental Statement (paragraph 24.9.8) responded to this by saying that the Appellants have explained that '*that the maps in the Environmental Statement show the influence of either road or rail traffic over a clear site. As a result, it may appear that many parts of the site could be affected by noise from both sources*'. This is certainly true and could have caused some confusion as the legends on the maps do not state that they show free-field data. Moreover, the paragraph continues by asserting that '*In reality, once buildings are developed, road and rail sources would affect different parts of the site. Any individual façade would **only** be exposed to significant levels of noise from one of those noise sources*' (emphasis added). This goes too far in

the other direction. Rail and road traffic are linear sources of noise rather than fixed points. As a result, buildings may provide screening from a section of the noise source but will not necessarily provide protection from the whole of it. The façades of the individual blocks need to be considered separately, and each one in relation to the multiple sources which may affect it.

Block A (north façade)

5.5.4 This is identified as being exposed to CTRL and North London Line traffic which pass directly in front of it. It will also be exposed to the Thameslink 2000 trains which have not been assessed. In addition, its eastern end will be particularly exposed to ECML rail traffic and its western end to York Way road traffic. To these must be added the two electricity transformer stations (for the CTRL and for Thameslink 2000) which have not been identified as sources in the Environmental Statement, and have not, therefore, been assessed. The author of the first Islington noise report comments (*LBI noise team 1 29-9-04*, paragraph 1.1) that '*I am of the opinion that there is an under estimate of the total noise climate arising from railway noise and the predictions in 17.4 [of the Environmental Statement] are a significant underestimate*'.

Block C (eastern façade)

5.5.5 Although this block is not identified as residential it is described as containing noise sensitive rooms. It is directly beside the ECML train traffic and faced by the unassessed Cemex concrete batching plant.

The inner façades of the blocks

5.5.6 These will be less directly affected by these sources but it should be noted that the upper levels of both Block A and Block B will be in line of sight of the Cemex concrete batching plant.

Indirect airborne noise

5.5.7 The above comments deal only with noise impacts that arise from 'line of sight' sources. In any built environment noise is likely to be reflected off buildings. For instance, when the Thameslink portal was being built by drop-hammer piling, I would hear each hammer stroke several times as it reflected off various nearby buildings. Equally, noise from the North London Line, including the sounding of horns, can seem to come from the south of my flat as well as the north where it actually is.

5.5.8 It seems that all buildings on the Triangle will be exposed to multiple noise sources. For this reason, the assertion in the Supplement to the Environmental Statement (paragraph 24.9.8) that '*Any mitigation would be designed to control the most*

significant source' is an inadequate assessment which is likely to lead to inadequate noise protection for occupiers of the proposed buildings.

5.5.9 The Supplement to the Environmental Statement (paragraph 24.9.9) offers two further reasons for not attempting to identify the combined effect of the various noise sources.

5.5.10 First, it admits that *'there would be distinct practical problems in producing and interpreting combined noise source maps'*. While it may be true that *maps* of this sort can be difficult to produce, I understand that making such an assessment should be within the competence of noise engineers. For instance, both Councils have had considerable experience of using section 61 Control of Pollution Act 1974 applications in relation to the CTRL works in the area. It was standard practice that these applications were supported by proper analyses of the combined effects of *all* the activities planned for the work periods covered by the applications. Similar techniques could have been used to generate a noise model for the proposed layout.

5.5.11 Second, the Supplement claims that *'if overall noise levels were to be calculated, it would not be possible to directly compare the results with [Camden's] policy thresholds'*. It later admits (paragraph 24.9.13) that *'Camden's noise standards...are based on the Noise Exposure Categories (NECs) in PPG24'* but uses this to suggest that, because the PPG gives local planning authorities discretion to set their own levels for these boundaries, this discretion should be applied to the levels that Camden has already formally set. In other words, the Supplement implies that Camden's adopted standards should be set aside. The policies to be applied in the present case and the relationship between PPG 24 and the council's UDP are issues I deal with in detail later (see Section 6 below).

5.5.12 For completeness it should be noted that the maps only distinguish the areas in which specified airborne noise levels are exceeded. It is therefore impossible to know, where a value is said to be in the NEC 'C' band, whether it is at the bottom, middle or top of that band or, where a value is said to be in the NEC 'D' band, whether it is only marginally too noisy or much too noisy. The importance of this point has already been noted in relation to loud noises but applies with equal force to ambient noise.

5.6 Groundborne noise issues

5.6.1 The Thameslink 2000 route is in a shallow tunnel for a little more than 60 metres at the north west corner of the site and then

in a rapidly rising cutting as it passes alongside the north end of the appeal site. The Environmental Statement identifies that the depth from surface to tunnel crown is just 10m. Trains in tunnels and cuttings generate groundborne noise. The only thing that the Environmental Statement or its Supplement notes is that the planning inquiry which led to the Network Rail (Thameslink 2000) Order 2006 *'confirmed that to impose anything stricter than [a design standard] of 40 dB L_{Amax} would be unreasonable'*. (paragraph 24.9.19). As that paragraph notes, the Inspector had been given evidence *'that 40 dB L_{Amax} had been the design limit on the Crossrail, Jubilee Line Extension and Croydon Tram projects'*. The Environmental Statement does not consider the impact of these laxer criteria on buildings in the appeal site at all.

5.6.2 As the Islington noise team comment (LBI noise team 1 29-9-04, paragraph 5.6) *'But there is also the issue of structureborne noise / ground borne noise which arises from rail traffic in tunnels. The energy is structurally transmitted up through the building fabric and radiates into homes. Sound insulation to glazing will not protect against this noise source. In fact it will exaggerate that heard by effectively excluding the external noise. To mitigate against this the most effective way is to treat the track bed, but as both the TL and CTRL lines will have been built as with the NLL and the ECML this is unlikely to be an option. The next stage is to isolate the building on bearings, which is not as effective'*. Mitigation of the Thameslink 2000 track is beyond the powers of the Appellants, but identification of mitigation for the impact is not. No mitigation is proposed to reduce the level of groundborne noise to 35 dB L_{Amax}.

5.6.3 The position seems to have been made worse by the revision of the design of Block A. As has already been noted, the western part of this block has been moved ten metres closer to the Thameslink 2000 tunnel. In fact its frontage sits right beside it. This would appear to worsen the position. The second Islington note (LBI noise team 2 28-10-05) expresses concern *'that parts of Block A are now designed to be closer to railway sources, the western part of the building has moved nearer to the Thameslink 2000 tunnel and therefore the levels of vibration and structureborne noise in the block are likely to be increased'*. It also notes that *'the developer considered that it was unreasonable to investigate and consider the groundborne noise issue and criteria further'*.

5.6.4 The Appellants have chosen not to investigate the impact of groundborne noise, although the design standard for Thameslink 2000 means that its tunnels and cuttings could give rise to unacceptably high groundborne noise levels. The Appellants' decision is particularly surprising as one of the Appellants, London

and Continental Railways, built and owns CTRL. As part of the Environmental Statement for the CTRL Bill, Parliament was shown maps of the predicted groundborne noise effects. Similar plans could—and should—have been produced for the impacts of Thameslink 2000 on the appeal site.

5.6.5 The relevant plan for the area of the appeal site is drawing number OELK/437-1780/4003 (December 1995) [*CTRL Triangle area*] on which I have indicated the boundary of the appeal site. It shows the CTRL is unlikely to have any perceptible vibration impact. Although it also shows the Thameslink 2000 route and portal it does not predict their impact. A CTRL portal and cutting in the Barking area is shown on the drawing OELK/900-1790/4002 (November 1994) [*CTRL Barking portal*] which illustrates *the sort of effect* a rising tunnel, a portal and a cutting can have. (On the map the prediction lines stop at a line marked Window 5/6). The area of influence increases as the tunnel becomes shallower, expands sharply at the portal and continues until the area is at grade. Thameslink 2000 must be assumed to have similar effects.

5.7 Pedestrian level wind environment

5.7.1 Part 19 of the Environmental Statement (Microclimate Specialist Report) includes commentary on the pedestrian level wind environment and two appendices on the subject. Part 24, in the Supplement to the Environmental Statement, has further commentary relating to the revisions to the applications and an appendix.

5.7.2 All the commentary is based on a set of three reports by BMT Fluid Mechanics. Both the first and second reports form part of the original Environmental Statement and the third is included in the Supplement to the Environmental Statement.

- The original report, Pedestrian Level Wind Environment Study (March 2003), is set out in full as Appendix 19 A(1) and describes itself as '*a qualitative review*' (BMT original report, paragraph 1.1.1).
- The BMT second report, dated 7 May 2004, Appendix 19 A(2), and states that BMT has '*reviewed their original conclusions in the light of the application proposals*'.
- The BMT third report, dated 21 July 2005, is included in the Supplement to the Environmental Statement as Appendix 24.11A and reviews the revised proposals.

Scope of BMT study inadequate

5.7.3 The original BMT report states (para 1.5.1) that '*A detailed quantification of the pedestrian level wind environment requires a program of purpose designed wind-tunnel tests*' but that '*This lies*

outside the scope of the current desk study'. The appellants' own consultants, BMT Fluid Mechanics, acknowledge the limitations of their own study. They conclude their first report by stating that *'Based on the conclusions of the current study, it is recommended that a wind tunnel study be carried out'* and explain that *'The wind tunnel study will classify the pedestrian level wind environment at key locations'*. The second and third reports both affirmed that they *'do not alter the main conclusions and recommendations'* of the earlier reports.

5.7.4 The Appellants, by seeking outline consent for the appeal site, do not appear to be in a position to commission wind-tunnel tests as they do not have a detailed design to subject to the tests.

5.7.5 I understand that the Planning Inspectorate has required the Appellants, under Regulation 19(1) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, to complete the Environmental Statement on this subject. We therefore reserve our position until the further information is available.

5.8 Use of Reserved Matters to postpone the problems presented by the incompleteness of the Environmental Statement

5.8.1 Both boroughs proposed to give conditional consent to the applications in the spring of 2006 despite the incompleteness of the Environmental Statement. Instead of requiring the Appellants to complete the Environmental Statement they intended to impose conditions or required further information which would only have to be met when Reserved Matters applications were made.

Life of the planning consent

5.8.2 Camden has conditionally approved a condition on the appeal site (and Islington in April 2006 conditionally approved an identical one) that requires any consent to be implemented within eight years or within two years of the grant of the first reserved matters application made within eight years, whichever is the later (proposed Conditions 1 and 2, Triangle Site, Camden conditions). Reserved matters applications for all the built accommodation must be submitted no later than 12 years (Condition 4). Completion of the site as a whole may be even further delayed as Condition 5 merely prevents implementation of the final reserved matters applications after 14 years from the date of consent or two years from the date of the final approval of reserved matters.

5.8.3 The effect of these conditions is that if an application for any part of the site (say, the access road) is brought forward within the

initial eight years then all the other reserved matters, including those concerning noise conditions and pedestrian level wind environment, could be held back for twelve years after the grant.

5.8.4 Normally a planning consent must be implemented within three years or it lapses. One concern of the Group is that, apart from any interim uses, the site could effectively be sterilised. If the current application were granted now, nothing at all would need to be done to implement any part of it before 2016. The development as a whole would not have to be completed before 2022. People in this neighbourhood have considerable experience of the blight which can happen in an area when a scheme is not implemented promptly and a site is either subjected to a variety of interim uses or is left to lie derelict. It is not acceptable for the site to be left in such uncertainty for such a prolonged period.

Noise and vibration

5.8.5 Camden's officer report, considered in March 2006, stated (paragraph 1.9.30) that some noise sources *'are predicted to generate levels above the Council's standards and where permission should normally be refused'*. It then proposed conditions that the applicant would have to meet in any revised matters application.

5.8.6 Islington's officer report of 18 April 2006 repeats these words at the bottom of page 48. Later (page 50) it notes that the borough's Noise Team has concerns about the adequacy of the Environmental Statement and that these *'concerns will need to be addressed when the information necessary to meet the attached conditions is submitted. This additional [missing word: 'information?'], when provided closer to the time of application for approval of reserve matters, is necessary before [sic] to demonstrate that residential use on the site in close proximity to as yet unknown levels of railway and other environmental noise sources can be accommodated to the satisfaction of both Councils as appropriate'*.

5.8.7 In doing so, Islington admits the Environmental Statement is incomplete but seeks to draw comfort from the fact that *'It is our understanding that in the event of inadequate information the Council has the power to require additional information from the applicant who is under a duty to give it. Information not given would make the ES incomplete and the granting of planning permission problematical. As such additional information is required prior to the any reserve matters approval'* (page 50).

5.8.8 The Islington report then goes on to propose (page 50, bottom) *'the precautionary conditions listed under noise and*

vibration in Appendix 1. The Committee is made aware that that the conditions relating to fixed plant and equipment, and internal noise criteria vary from Camden's conditions'.

5.8.9 It should be noted that the Committee was given an addendum report at its meeting amending the noise conditions further. In February 2007 the Islington Committee approved minor revisions to make the conditions effective. None of these changes affected the fact that Islington's conditions were different from+—and more stringent than—Camden's.

5.8.10 Placing conditions on an outline application is the proper way to deal with matters *provided* the Councils are certain those matters can be satisfactorily resolved by design at the reserved matters stage. It is not a device to defer an assessment of the suitability of the proposed use for the site. In this case, Islington frankly admits that it is deferring that decision but then seeks to compensate for it by making its noise and vibration conditions more stringent than those imposed by Camden. The incompleteness of the Environmental Statement, in particular in relation to any prediction of the impacts of Thameslink and the other unassessed or under-assessed sources of noise and vibration, should have prevented the two Councils taking any decision to grant the application. In doing so they have deferred the very decision that is crucial to whether the proposed use is acceptable for the site in question.

Pedestrian level wind environment

5.8.11 The Camden officer report considered in March 2006, stated (paragraph 1.11.12) that *'Concern raised from the consultation responses has been noted and it is considered that any potential wind tunnelling, as result of the development proposed, would be dealt with at the detailed stage. It is however considered appropriate at this stage to attach a condition relating to wind tunnel testing and for details of such tests to be submitted to each local authority with each Reserved Matters application alongside proposed schemes for mitigation'*. The Islington report uses identical words on page 60 under the heading 'Wind tunnelling'.

5.8.12 The two Council's policies on tall buildings differ. In essence Camden doesn't appear to have one. Paragraph 3.15 of its 2006 UDP states that *'Applications for tall buildings will be assessed against policy B1 [general design principles] and notes that other UDP policies may be relevant. Applicants are then advised that they 'should also refer to the CABE/English Heritage leaflet 'Guidance on Tall Buildings' which gives further information on the criteria relevant to the assessment of proposals for tall buildings'*.

5.8.13 On the other hand, Islington's Planning Advice Note (PAN) on *Building Heights* [LBI PAN *Building Heights* 2005] takes into account various policies, including the London Plan 2004 and the CABE/ English Heritage *Guidance on Tall Buildings* (2003). The PAN identifies sites where its normal restrictions on building heights in Islington may be lifted. The Triangle site is one (s.5.5), where '*an opportunity for buildings over 30m (and up to 60m)*' was identified.

5.8.14 The PAN, in identifying the Triangle site, does not waive planning requirements for tall buildings. A 'High building checklist' (s.6.7) states that '*proposals for high buildings located in the appropriate designated areas need to fulfil all points on the following checklist*' including item L: '*Avoid detrimental microclimate effects (such as air turbulence, loss of sunlight/daylight, overshadowing, and noise reflection) on the local environment*'. It then lists information which should accompany an application (s.8) including item 6 which requires '*Sun path studies and results of wind tunnel studies (or equivalent analysis)*'.

5.8.15 I submit that 'equivalent analysis' may mean computational fluid dynamics (CFD) models, even though it is generally accepted that CFD models do not reliably predict observed wind effects. What it does not mean, is a qualitative desk-top study which ends with a recommendation that a wind tunnel study should be undertaken, as BMT Fluid Mechanics recommend in the Environmental Statement.

5.8.16 The need for wind tunnel studies is a major reason why the CABE/ English Heritage *Guidance on Tall Buildings* objects to outline applications for these structures. Deferring wind tunnel studies until Reserved Matters applications come forward is only valid if there is certainty that the proposed building *cannot* cause problems that could not be mitigated at that stage.

5.9 Conclusion

5.9.1 The inadequacy of the Environmental Statement in relation to (a) noise and vibration and (b) pedestrian level wind environment does not allow the planning authority to grant an outline application subject to conditions to be addressed at the reserved matters stage. At most the planning authority should either require completion of the Environmental Statement (as the Planning Inspectorate has done in this case) or, if it is satisfied on the incomplete information available to it that the proposed use is inappropriate, refuse the application.

5.9.2 Deferring these matters to be determined at the reserved matters stage merely delays their proper determination for up to twelve years, unreasonably sterilising the site.

5.9.3 Unless the further information required by the Planning Inspectorate completes the Environmental Statement, the Inquiry would need to consider whether it has sufficient information to refuse the appeal. If there is still insufficient information to make a decision the Inspector would need to decide whether requiring more information would make any difference.

5.9.4 However, if the Inspector does have enough information I would submit that the appeal should be refused for the reasons I set out in the next section.

6. Residential amenity on the Triangle has not been proved

6.0.1. Notwithstanding our objection to the incompleteness of the Environmental Statement (where we believe there is insufficient information to allow proper consideration leading to the grant of any permission) we contend that there is already sufficient information about the poor amenity of the site to refuse the appeal.

6.0.2 The King's Cross *Planning and Development Brief* was agreed by LBC and LBI in 2004. It recognises that '*The Triangle will have a development potential significantly shaped by the existing and new railway lines*' and sought a '*mixed use development...where the councils favour housing, with retail or other uses to enliven the street frontage.*'

6.0.3 However, in doing so, the *Brief* was explicit in stating that noise and vibration were a significant factor in establishing what the mix of uses should be. In relation to housing it stated that this use was not a given but conditional:

'Subject to satisfactory designs and residential amenity being achieved this close to railway lines, the Triangle could accommodate about 200 one-and two-bed homes.'
[*King's Cross Planning & Development Brief*, p.69]

6.0.4 The question of whether '*satisfactory...residential amenity*' has been established is a critical one. Residential amenity can be affected by many different factors. In the present case we are concerned not just about the impact of noise and vibration on residents inside their flats but also the impact of noise and wind effects on residents outside their flats and in the amenity space between the blocks.

6.1 Noise and vibration policies

6.1.1 The boroughs have similar policies on how applications for residential use of noisy sites are to be handled. The policies of both

boroughs are based on PPG 24 (Planning and Noise), in Camden's case with some modifications. For vibration both boroughs rely directly on BS 6472: 1992.

PPG 24

6.1.2 The PPG sets standards for residential development near transport-related noise sources. It divides potential exposure to noise in three ways: the source of the noise, the time of day it occurs, and the noisiness using $LA_{eq,T}$ as its measure.

6.1.3 The sources of noise distinguished are 'road traffic', 'rail traffic', 'air traffic' and 'mixed sources'. NEC noise levels should not be used for assessing industrial sources which may necessitate individual assessment. Mixed sources are explained as referring 'to any combination of road, rail, air and industrial noise sources. The "mixed source" values are based on the lowest numerical values of the single source limits in the table'.

6.1.4 The day is split into daytime (0700 to 2300) and night time with more stringent standards at night.

6.1.5 The noisiness, given the source and the time of day, is used to put any application in one of four categories, called Noise Exposure Categories (NECs) ranging from 'Noise need not be considered' (NEC 'A') to 'Planning permission should normally be refused' (NEC 'D'). NEC 'B' is described as those noise levels where 'Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection against noise' while the noisier NEC 'C' is described as cases where 'Planning permission should not normally be granted. Where it is considered that permission should be given, for example because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise'.

6.1.6 The noisiness PPG 24 uses to define these four levels is given in a table (PPG 24, Annex 1). Paragraph 9 of the main text gives local planning authorities the discretion to determine the range of noise levels which they wish to attribute to any or each of the NECs and suggests that an increase or a reduction of up to 3 dB (A) may be justified.

6.1.7 The same table also gives guidance on night time noise levels when it states that 'sites where individual noise events regularly exceed 82 dB L_{Amax} (S time weighting) several times in any hour should be treated as being in NEC C, regardless of the $L_{Aeq,8h}$

(except where the Laeq,8h already puts the site in NEC D)' (Note 1 to the table).

Islington's noise policies

6.1.8 These are set out in the Council's *Planning Standards Guidelines* [*Planning standards guidelines 2006*] in section 9.2. This states that '*The Council will refer to the guidance contained in PPG24 when determining planning applications for noise sensitive developments, including homes, schools and hospitals. In areas subjected to transport related noise, the noise exposure categories (NEC) described in the PPG will be applied*' (paragraph 9.2.1).

Camden's noise policies

6.1.9 At the time when the original Environmental Statement and its Supplement were drawn up Camden's noise policies were determined by the UDP it had adopted in 2000 [*LBC UDP 2000* extract, DS6]. Since then, in June 2006, Camden has adopted a replacement UDP (LBC UDP 2006, pp24-25, 193-4) which is the relevant policy for determining the present application.

6.1.10 Where the Council's policies do not cover an issue it relies on PPG 24 as its fallback position. Housing development is given careful attention so there is no need to refer back to PPG 24 in most cases.

6.1.11 The similarities and differences between the two UDPs are relevant so I will start by describing how the 2000 UDP dealt with noise impacts on residential development proposals in the light of PPG 24.

Camden's 2000 UDP

6.1.12 Camden chose to have very specific policies on residential development close to road and to rail traffic as these are frequent issues in the borough. It did not bother with aircraft traffic as, unlike Hillingdon, Ealing, Tower Hamlets or Bromley, it has no airport. It did not need a specific policy on 'mixed noise' as PPG 24 provides a method of determining what the appropriate level of noisiness is ('*the lowest numerical values of the single source limits in the table*'). This is why the Environmental Statement is wrong to suggest, as it does in paragraph 24.9.9 that '*if overall noise levels were to be calculated, it would not be possible to directly compare the results with [Camden's] policy thresholds*'.

6.1.13 Where time of day is concerned Camden has split PPG 24's eighteen hours of daytime into two periods which it calls 'Day' and 'Evening'. 'Day' lasts from 0700 to 1900 and 'Evening' runs through

to 2300. This has allowed it to exercise closer control over noise levels and what it will and will not allow.

6.1.14 Instead of the four NECs in PPG 24, the 2000 UDP had two tables (in paragraphs 16.24 and 16.25). The first specified noise levels for Day, Evening and Night *'Where measured or predicted noise levels...exceed the following standards, developers should introduce measures...to reduce the internal impact of this external noise'*. The second specified different levels which, if they were exceeded, *'planning permission would normally be refused for development involving residential units'*.

6.1.15 The values in the second table ('planning permission would normally be refused') were the same as those given in PPG 24. As a result, those for Day and Evening were the same as one another for each of the noise sources.

6.1.16 The first table ('measures to reduce the internal impact of this external noise') had lower values for Evening than for Day. As paragraph 16.26 explained: *'local residents are entitled to expect reasonable peace and quiet in their own homes'*.

6.1.17 In setting the levels in this table Camden chose a level higher than the top of NEC 'A' but lower than the bottom of NEC 'B' so that it was clear to developers when they would be required to *'introduce measures...to reduce the internal impact of...external noise'*.

6.1.18 In formulating its policy, Camden made use of the flexibility granted by PPG 24 to vary its assessment levels. It was entirely proper for the Council to do this in setting its policy. However, once that policy has been set, it is not open to a developer, as paragraph 24.9.13 of the Environmental Statement appears to do, to argue that Camden should set aside its adopted policies in any particular case by reference to the PPG.

Camden's 2006 UDP

6.1.19 When Camden adopted its replacement UDP in June 2006 the old policy (DS6) was replaced by SD7B which states that

'Unless appropriate attenuation measures are available and are included, the Council will not grant planning permission for: ... b) development sensitive to noise/vibration in locations with noise/vibration pollution. In assessing applications against these criteria, the Council will have regard to the levels set out in Appendix 1 to this Plan'.

6.1.20 Appendix 1 contains tables that are equivalent to those in paragraphs 16.24 and 16.25 of the 2000 UDP. There are some changes but much remains the same. Each table considers both sites adjoining railways and sites adjoining roads. Both split the day into Day, Evening and Night. The values in the table have not been changed. However the order of the tables has been reversed and they have been given explicit titles.

6.1.21 The table that was in paragraphs 16.24 of the 2000 UDP and specified *'where developers should introduce measures...to reduce the internal impact of...external noise'* is now Table B and headed *'Noise levels on residential sites adjoining railways and roads at and above which attenuation measures will be required'*. 'Should' has become 'will'.

6.1.22 The table that was in paragraphs 16.25 of the 2000 UDP and specified noise levels which, if they were exceeded, *'planning permission would normally be refused for development involving residential units'* is now Table A and headed *'Noise levels on residential sites adjoining railways and roads at which planning permission will not be granted'*. 'Normally be refused' has become *'will not be granted'* and the 'not' has been underlined.

6.1.23 The supporting text to SD7B is equally clear. Paragraph 1.49 states *'Planning permission will not be granted for development sensitive to noise/vibration in locations that have unacceptable levels of noise/vibration. Tables A and C set out unacceptable noise and vibration levels from road and rail at and above which planning permission will not be granted for adjoining residential sites'*.

6.1.24 Camden's policy changed with the replacement UDP. It became less tolerant of environmental noise and more concerned to ensure that local residents are not only entitled to expect reasonable peace and quiet in their own home but stand a better chance of getting it.

6.2 The evidence on residential amenity from the Environmental Statement

6.2.1 The Environmental Statement is incomplete, for the reasons I have explained earlier in Section 5.

6.2.2 Even so, paragraph 17.8.4 of the Environmental Statement gives an assessment of Block B from which a final judgment can be made by stating that *'The façade of Block B facing York Way would be exposed to noise levels where the London Borough of Camden would normally not grant planning permission'*. This block lies wholly in Camden. The description that *'Camden would normally not*

grant planning permission' refers to the table in paragraph 16.25 of the Camden 2000 UDP. Camden's replacement UDP of 2006 directs that '*planning permission will not be granted'* at this level of noise (emphasis in UDP).

6.2.3 The same paragraph offers a preliminary judgment on Block A by stating that '*The noise levels on the façade of Block A cannot be determined at this time as Thameslink 2000 has not published noise data for the section of line alongside this block, but it is likely that the block would fall into Noise Exposure Category C*'. The basis for this judgment is not stated and the issue was not returned to in the Supplement to the Environmental Statement. As I hope I have shown in Section 5, many other noise sources have not been included in the judgment. Equally, the microclimate of the amenity area and pathways around the buildings has not been assessed.

6.3 Summary

6.3.1 In summary, there is insufficient information, given the adverse impacts still to be assessed on Block A, for a final judgment to be reached. There is also too little information on groundborne noise and on wind impacts to form final judgment on those issues.

6.3.2 However, what is already clear is that Block B, as proposed, should not be granted planning permission. It follows that the appeal should be dismissed.

7. Requests for conditions to be attached to any consent

7.0.1. It is unusual but not unknown for community groups to comment on conditions where their principal argument is that the appeal should be dismissed. However, if this appeal is granted, we would ask the Inspector to consider attaching the following conditions to it.

7.1 Provision of offsite affordable housing if residential amenity is not established on the Triangle

7.1.1 If the Inspector finds the site has insufficient residential amenity but still allows the appeal, we would ask for a condition to provide all the affordable housing units on a site which has acceptable standards of residential amenity, preferably nearby in either Camden or Islington.

7.1.2 As both my Group and KXRLG have become over the years increasingly perturbed by the probability that there is insufficient amenity on the appeal site for homes to be built there, we have found ourselves in the distressing position of arguing against rather than for housing.

7.1.3 This is an unusual position for a community group and one with which we feel profoundly uncomfortable. We are all too aware, from members of our groups, from neighbours, from reports in the media and from the kind of informed sources Michael Edwards describes in his proof of evidence, that there is a hunger for housing, particularly affordable housing, in London; our neighbourhood is no exception.

7.1.4 Yet at the same time, given what we know of the immediate environment on the Triangle, particularly the noise, it seems impossible to condemn those who qualify for affordable homes, particularly social rented homes, to such an environment.

7.1.5 The Appellants may feel confident that they can sell the market housing. But buyers of those homes have a choice, they do not have to move there if they find it too noisy. Remember, though, people who qualify for affordable homes, particularly social rented homes, effectively have very little choice. Our fear is that families with young children or vulnerable older people will be trapped in this noisy and inhospitable development.

7.1.6 Had there actually been one application for King's Cross Central, or the linkage between the two applications which my group sought but was told was impossible, it would have been possible to ask for a condition that, if the Triangle proved unsuitable for housing, the housing would be relocated to the Main Site. To us that would still be the sensible solution.

7.1.7 However, we understand that affordable housing provided as part of the conditions or agreement relating to a development does not have to be provided on the same site. It may be provided off site and the benefits of homes for local people still gained relatively locally. The current proposal for affordable housing on the Triangle is all in Camden, though we assume that there will be an agreement for Islington to have some nomination rights to it. Whether offsite provision was in Camden or Islington we equally assume that the two boroughs would be able to come to an equitable agreement on nomination rights.

7.1.8 We are therefore taking what may seem like the unusual step of asking the Inspector whether, if he decides that residential amenity has not been sufficiently established but still decides to allow the appeal, he would consider imposing a condition on any consent to provide all the affordable housing units on a different site.

7.2 Reinstatement of noise and vibration conditions and informatives agreed by Islington's West Area Planning Sub-committee in April 2006 (as amended and agreed by it in February 2007)

7.2.1 It was concerns on the issue of residential amenity which led to the decision made by West Area Planning Sub-committee in April 2006. That decision [*LBI west planning minutes 18-04-06*] included:

- The adoption of new and amended noise conditions proposed by LBI officers in their report.
- A limit of 200 residential units on the site to conform to the *Planning and Development Brief*.

It should be noted that, in limiting the number of units, the Committee chose not to reduce the affordable housing floorspace, although the impact of not changing it was explicitly put to them [*CRG submission LBI west area, 18-04-06*].

7.2.2 While the Group would have preferred the April 2006 meeting to defer its decision about this scheme until a complete environmental assessment on this site had been made available *and* had established sufficient residential amenity, the decision of April 2006 is evidence of the concern felt by members of that sub-committee. At the time of finalising this proof, we are not aware of any further environmental evidence produced by the Appellants which could allay those fears.

7.2.3 Even if the conditions on noise and associated problems are met, we are concerned that they would not provide acceptable residential amenity. In particular Islington's Condition 41 requires design to keep external noise levels below 35 decibels at night in bedrooms, provided double-glazed windows are kept shut and with artificial air conditioning. Sleeping with windows shut in summer does not provide residential amenity; it is unhealthy and stressful. The financial cost of running air conditioning will be an unfair burden on residents, particularly those in affordable homes. The energy costs are likely to negate or reduce any possible gains from Argent's rather modest carbon reduction proposals.

7.2.4 Nevertheless, if the Inspector grants the appeal we would ask him to consider reinstating these conditions as we believe they would go some way to ameliorating the worst impacts.

7.2.5 The conditions and informatives below are extracted from the officer's report amended and agreed by West Area Planning Sub-committee in February 2007 [*LBI OR schedule 12-02-07*]

Condition 38 (b). Where it is anticipated that any plant/equipment will have a noise that has a distinguishable,

discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps) the noise level from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Condition 39. Applications for approval of Reserved Matters shall include full particulars to secure that internal ground borne noise levels in residential development which is above or horizontally within a minimum of 10 metres or such distance (up to a maximum of 40m) as deemed reasonable or necessary of any railway tunnel that is in use or likely to be used wherever possible meets the standard 35 dB LA_{max}(s) unless otherwise agreed in writing by the local planning authority.

Condition 41. Construction of residential development [within Blocks A and B (as shown on drawing TS006 Rev K)] shall not begin until approval in writing from the local planning authority has been issued for a scheme for protecting development within those blocks from environmental noise. The scheme shall be designed to ensure that, with windows closed and an alternative ventilation system provided, external environmental noise within bedrooms shall not exceed 35 dB LA_{eq}, 8hr between 23:00 and 07:00 hrs and external environmental noise within other living rooms shall not exceed 40 dB LA_{eq}, 16hr between 07:00 and 23:00 hrs. In addition special attention shall be given to ensuring that external environmental noise within bedrooms does not exceed 45 dB LA_{max}(f).

Informative. Environmental noise shall be considered to include all transportation noise and vibration sources and effects along with industrial and commercial noise and vibration sources and effects.

Condition 43. Construction of commercial development shall not begin until approval in writing from the local planning authority has been issued for a scheme for protecting the occupants of the subject building from environmental noise. The scheme shall be designed to ensure that, with windows closed and an alternative ventilation system provided, external environmental noise within spaces requiring reasonable speech or telephone communications shall not exceed 45 dB LA_{eq,T} during hours of use.

Condition 44. Details of the foundations of those buildings constructed horizontally within a minimum of 10 metres (up to

a maximum of 40m) as deemed reasonable or necessary, of the Thameslink, Piccadilly Line and East Coast Main Line shall be submitted to and approved in writing by the local planning authority before any development in those zones is commenced and the foundations shall be constructed only in accordance with the details so approved.

Informative. You are advised that the detailed design for the reserved matters will need to address, amongst other matters, all environmental issues such as acoustics, room sizes, and energy use of the development.

New Informative For the avoidance of doubt, “commercial development” means any non-residential development within the scheme.

7.3 Wheelchair housing

7.3.1 The Appellants have proposed to provide 10% of the social rented units as wheelchair accessible homes, subject to demonstrable need and the identification of relevant funding, design and other delivery mechanisms. Under the current proposals that would be just three or four (3.6) dwellings. They also undertake to supply up to 10% of intermediate units as wheelchair accessible homes, subject to ‘local research’ to assess likely take-up etc. (*LBI OR west planning 18-04-06, Appendix 2, p.101*).

7.3.2 This contravenes Islington’s, Camden’s and the Mayor’s policies. The London Plan [Policy 3A.4] is clear that local policies should ensure that: *‘Ten per cent of new housing is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users’*.

7.3.3 LBI’s Core Strategy states clearly: *‘In line with the London Plan, 10% of all additional housing should be wheelchair homes, and this should include a range of dwelling sizes.’* [CS20, p.33] LBI’s own *Interim Planning Guidance: Lifetime Homes and Wheelchair Users’ Housing* has a very clear requirement for 10% housing to be fully wheelchair accessible [*LBI IPG lifetime & wheelchair, section 3*]. This is set out in s.4 Planning Policy: *‘The Council will require that 10% of all new housing (across all tenures, sectors and unit sizes) be built to meet the standards set out in Habinteg Housing Associations ‘Wheelchair housing design guide’ (2nd edition)’*.

7.3.4 Camden’s Replacement Unitary Development Plan, in H7 (Lifetime homes and wheelchair housing), states: *‘The Council will encourage all new housing developments, including changes of use and conversions, to be accessible to all. All new housing should be*

built to 'Lifetime Homes' standards and ten per cent of new housing should be designed to be wheelchair accessible, or easily adapted for residents who are wheelchair users.'

7.3.5 My group asked the West Area Planning Sub-committee in April 2006 to agree a condition that 10% of *all* housing should be wheelchair accessible [CRG submission LBI west area 18-04-06]. They went further, and agreed an informative to ensure that when the matter came back to them as part of reserved matters they would apply the 'standards prevailing at the time', on the assumption that the proportion might be increased in future policies [p. 198, *LBI West Planning minutes*, 18-04-06, reiterated in Condition 18, *LBI OR schedule*, 12-02-07].

7.3.6 Wheelchair use is not confined to people who need social rented housing or to those who qualify for intermediate housing. The need to use a wheelchair, and indeed have visitors who use wheelchairs, is not some kind of poverty indicator. My group finds it frankly disgraceful that, by ignoring both local and regional policies, the Appellants should seek to discriminate against those members of the population who are obliged to use wheelchairs.

7.3.7 We are asking for a condition or informative as appropriate that either replicates the intention of Islington's April 2006 decision above or at the least requires that 10% of *all* housing is wheelchair accessible, in line with both local and regional policy.