



10 October 2013

Neil McDonald
London Borough of Camden
Regeneration and Planning
Development Management
Town Hall
Judd Street
London
WC1H 8ND

Dear Mr. McDonald,

Maiden Lane Estate, Maiden Lane, London
Planning Application Reference: 2013/5353/P

We are instructed on behalf of Egg London to object to the above planning application seeking the Council's approval of details submitted pursuant to the planning permission granted for a residential led, mixed-use redevelopment of the above site (2012/5552/P).

Our representations are specifically directed at the information contained in the Spectrum Acoustic Consultants Report ('Information Toward Discharging Planning Conditions 11 to 18 of Permission 2012/5552/P - Maiden Lane Estate Redevelopment', July 2013) relating to Condition 12.

Condition 12 states:

"No work shall commence on any of the blocks A, D and E other than site clearance & preparation, relocation of services, utilities and public infrastructure and demolition, until an additional survey to re-assess the noise environment in the vicinity of York Way has been undertaken and the local planning authority have confirmed in writing their satisfaction with proposed mitigation being appropriate to reasonably ameliorate the likely impacts. The development shall thereafter not be occupied until completed fully in accordance with the mitigation measures as will have been approved by the local planning authority in writing".

Having reviewed the material contained in the Spectrum Report, we continue to have major concerns at the adequacy of the proposed noise mitigation strategy to suitably protect future residents of the scheme from noise disturbance arising from the one of the largest and most popular nightclubs in London.

As currently proposed, the suggested mitigation strategy is barely sufficient to protect Egg London from the likelihood of future noise nuisance complaints being made by these residents, which if upheld, would threaten the future livelihood and very existence of the club.

Our more detailed concerns in this respect are set out in the enclosed Technical Note prepared by Sharps Redmore and these can be summarised as follows:

1. It is unclear from the Spectrum Report what level of contribution music noise makes to the 'all sources' L_{AMAX} and this is of major concern in circumstances where there are various references in the report to the survey results at the various measurement locations identifying music noise to be 'audible', 'more prominent' and 'very audible'. Without this information, it is impossible to properly determine future internal audibility levels within the flats and the likely vulnerability of Egg London to future noise nuisance complaints. In the absence of such details, it is considered highly likely therefore that music noise from the club would be audible above the underlying internal background levels and this needs to be addressed. Until then, we remain to be convinced that the currently proposed noise mitigation measures and façade glazing specifications would offer any adequate protection against the regular peaks of noise from music, which would otherwise be highly disturbing. As such, the likelihood of noise nuisance complaints arising from future residents of the scheme is high and this is of major concern to Egg London.
2. It is equally concerning that the report readily concedes that there is no practical and effective noise mitigation strategy that can reduce the noise levels that future residents are likely to experience within the external balcony areas facing York Way. In this respect, it is stated that:

"The proposal for balcony doors within the scheme design, in areas where high levels of sound insulation is required, is to have an external heavy double glazed sliding door with a deep airgap to a secondary glazed sliding door system, so that the sound reduction index of the combined system complies with the glazing mark-up requirement in Appendix S. Other than handrails, there is no further acoustic protection for balcony spaces within the design.

This means that balcony areas will be directly exposed to surrounding ambient noise sources. Predicted noise levels in many balcony areas, particularly those facing York Way and the railway to the south will have noise levels that are significantly above the daytime L_{Aeq} 55dB 'upper limit' recommended in BS8233. This degree of excess is up to 20dB in some locations. It has to be emphasised that this is due solely to non-descript transportation noise sources (road traffic and railway noise) and ignores any contribution from Egg London which, as described previously, is significantly lower in overall noise level at these locations.

Unfortunately, there are no practical noise control measures that can reduce the levels that residents are likely to encounter to L_{Aeq} 55dB or below during the day".

The report concedes that the majority of the York Way balconies will exceed World Health Organisation (WHO) guidelines for amenity space such that "the only way of overcoming this problem would be to fully enclose the balconies". However, this is dismissed as being unfeasible and undesirable because of the alleged impracticalities of enclosing the external amenity area, which, it is maintained, would result in a "significant risk of overheating" and

necessitate “*significant redesign*” at “*significant additional cost*”. As such, no noise mitigation measures are proposed for the balconies.

This is considered acceptable because “*the use of these balconies for amenity space (or people opening windows) would be limited, especially given the high levels of noise exposure affecting them*”. Furthermore, it is contended that those using the balconies would be especially tolerant to the noise disturbance arising. As such, “*the risk of these people being disturbed by, and complaining about, any day-time noise from Egg London in the context of this environmental noise is considered slight*”.

This simply underlines the fact that the scheme design was conceived without any proper appreciation of the noise impacts arising from the club. As a consequence, Egg London is now being asked to accept a position whereby future residents of the proposed development will be exposed to noise levels exceeding WHO guidelines, but at the same time can be entrusted with not objecting at the noise disturbance arising because they will be especially tolerant to the noise.

This is completely unacceptable and Egg London simply cannot accept a mitigation strategy predicated on human behavior, which the planning system is incapable of enforcing through any enforceable planning condition. In such circumstances, it is impossible to rule out a successful claim in nuisance being made against Egg London by a future resident of the scheme. As a matter of law, it is not a defence in any nuisance action to argue that the person complaining of the nuisance was aware of the activity causing the nuisance. This is why Egg London remains so concerned at the probable repercussions to its business of the planning condition being discharged without any adequate measures for attenuating the noise impact of the club. Our originally maintained concerns in this respect have been simply ignored and if the suggested measures are approved in their current form, it would place Egg London’s business at a severe risk of closure.

In light of the above, we would very much welcome the opportunity of meeting you as soon as possible to discuss how these concerns might be addressed.

Yours sincerely,



Tim Waters
Director
For and on behalf of RENEW Planning Limited

Encl.