

Date 18th June 2015

Mr Rob Tulloch
Case Officer
Camden Council
5 Pancras Square
London
N1C 4AG

DAVID COOPER & Co

Dear Mr Tulloch

Re: 11 Rosslyn Hill London NW3 5UL, Planning application 2015/2089/P, 2015/2109/L

I act for Air Studios (Lyndhurst) Limited.

The above application has been submitted regarding the neighbouring property of 11 Rosslyn Hill. I assume that the application has been validated and has not been withdrawn and no doubt you will confirm this as we know that the Applicants met with you on Monday. On the assumption that the application has been validated and has not been withdrawn, herewith are the objections and reports attached.

11 Rosslyn Hill is a Grade II listed building previously known as Wilde's House and Roslyn Grove and was constructed in 1770. The proposal involves a massive extension to the house having 2 floors and a massive basement to house a swimming pool, gym, and a further small basement for a plant room. To the back left corner of the house will be a basement for a cinema and to the right side a new dining room. This is the equivalent of building a new house.

My clients Air Studios are housed in Lyndhurst Hall cheek by jowl to the proposed development. Air Studios is one of two premier scoring facilities attracting some of the world's most important movie scores. Its history goes back to 1969 to Sir George Martin and the Beatles when they left the recording studios in Abbey Road. They have occupied the site since 1992 and of course in order to make the studios soundproof and of world quality, substantial money of approximately £22m has had to be spent on it.

The current use by these occupiers is a material consideration of the highest order because it has not just a local impact but also a national and international impact of economic importance on the Hampstead, the Borough, and on London as a whole. Air Studios' acoustic insulation effectively stops airborne sound leaking out to any of the neighbours and leaking in to spoil recording sessions. However it is not impregnable to ground floor digging or indeed air born noise of the level construction work will cause

Sound engineers working in the Studios need to have silence in which to work. The use therefore is extremely noise sensitive to the extent that if permission were granted it would

have to close because no work could be done during the period of time that the works were taking place which understand to be at least 7 months.

There are only two quality recording studios in the UK capable of recording film scores, one being Air Studios and the other being Abbey Road Studios. The new core strategy which is now available for consultation promotes appropriate development. This is anything other than appropriate development in that it is gross overdevelopment of the site. It is a basement under a listed building which in itself creates all the dangers that the NPPF tells us all to avoid.

The proposed scheme carries hydrology problems likely to affect the quality of the Studios; there is a petition signed by approximately 7000 objectors so far including many from musicians and others in the film industry; many letters from important persons who are involved in the music and film industry who are very concerned about the potential loss of the facility that offers so much directly and indirectly to the British economy including significantly a letter from the BFI.

Should Air Studios have to close they will have to go elsewhere which would not be possible to relocate as infrastructure costs circa £20m and the process of relocating is not like moving a few office desk. It would not be possible to relocate just for the period of the proposed works so once moved (if that were financially possible) they will never return. It may be that the cost makes the whole operation non viable resulting in Air Studios being lost to the UK as a whole together with the reputational loss and the musician's loss to go with it and impact on UK film industry and indeed the global film industry.

The British Film Industry is one of the most successful entrepreneurial operations in the UK. The box office takings last year were nearly £1 billion and the UK films grossed \$2 billion at the box office worldwide. The UK benefits from massive US investment in this country and a huge amount of home grown technical expertise as good as anywhere in the world. It is government policy to maintain that investment and to help this industry to make this massive contribution for the foreseeable future. It is no exaggeration to say that Air Studios is the pinnacle or fulcrum of that infrastructure. The scale of its operations and the demand for excellence is second to none. It is a major plank in government policy to maintain that investment and to support economic activity in the NPPF. The whole basis of the NPPF is to support economic growth and the protection of the economic growth.

The following is a distillation of the attached reports

1. GEA Geotechnical & Environmental Associates Report

You will see that the enclosed technical report from GEA gives a negative opinion of the basement impact on these premises. GEA Limited is the leading geotechnical and groundwater expert. The report has been undertaken by Martin Cooper, a Chartered Civil Engineer with over 25 years experience in the geotechnical industry

Contiguous and secant bored piled walls are proposed to support the excavation and reinforced concrete lining walls are proposed within the piled walls.. In a nutshell they tell us that detailed design will need to be undertaken together with monitoring before, during and after construction by a reputable contractor and a structural appraisal of Lyndhurst Hall will need to be part of the baseline study. Some of these issues are within the remit of a structural engineer but GEA has been appointed to provide initial opinion in respect of the ground movement analysis and the groundwater flow aspects of the BIA.

Ground movements will take place during four discrete phases of the basement work.

- i. Installation of the piles
- ii. The excavation within the piles
- iii. Excavation of the soil down to basement level
- iv. Long term swell of the formation will take place as pore water pressures recover to long term equilibrium.

The applicant has provided a very simple design approach which has been described by the GEA as a rudimentary design. The analysis undertaken is considered inadequate for this site where excessive ground movement would have a significant impact on Lyndhurst Hall. They then set down there minimum requirements in paragraphs 2.3 of the report. This goes substantially further than anything proposed by the applicant or even looked at by the applicant.

2. Groundwater Flow (part of the Corbett & Tasker report)

The Groundflow report surmises that groundwater flow in a roughly south-easterly direction is probably about right. However, groundwater has been measured as shallow as 0.5m and the measures carried out are insufficient to address this problem particularly because of the close proximity of Lyndhurst Hall. The basement is shown to be a contiguous bored pile wall which does not seem to accord with shallow groundwater conditions. There is a serious risk from the report of loss of fine material between the piling operations.

When the new basement and lift pit at Lyndhurst Hall were constructed there was a very significant flow of groundwater. The basement tanking was insufficient to counter the water pressure so a pressurised grouting procedure was then used around the new basement area. That proved ineffective. The final solution was to construct a 1200 diameter well with depth of 2m below that of the lowest level of the lift pit. That dewatered the area local to Lyndhurst hall and permanent pumps were fitted. The pumps are still in operation today. It is believed however that these pumps will be insufficient to pick up the water flow from the adjoining property. This is a factual account of what has happened and contradicts the groundwater flow drawing presented for 11 Rosslyn Hill which indicates that water flow would be around Lyndhurst Hall principally to the north rather than through or under the building.

In a nutshell, inadequate cognisance of the presence of Lyndhurst Hall has been taken and as such the material submitted to Camden is inadequate to make any assessment of the

impact. The burden is on the applicant and what has been submitted falls far short of any prospect of an unchallengeable planning permission being granted.

3. Vanguardia Consulting Noise and Vibration Report

In this report, paragraph 2.3 makes it quite clear how sensitive the whole operation is and how unwanted noise is not acceptable to producers and artistes. That noise can render the facility completely unusable. In summary the Studios are a highly sensitive receptor that needs to be protected against any risk of potential noise and vibration impacts. It is obvious that the greatest risk of disturbance is in excavation and piling works which are cheek by jowl to Lyndhurst Hall. They are bound to generate high levels of noise and in particular ground borne vibration which manifests itself as re-radiated noise in the studios.

Vanguardia have set down the various policies that are applicable to noise and vibration from the NPPF for the noise policy statement for England and BS7385-2 1993 in relation to vibration. The advice is given concerning construction activities BS5228:2009 parts 1&2.

Camden Council must ensure that the best practical means are employed to minimise noise and vibration and other types of plant machinery that might be equally effective in minimising noise and vibration. However, the applicant has to take “the victim” i.e. Lyndhurst Hall as he finds it and as it is particularly sensitive then it is similar to the concept in negligence cases of “the egg shell test” i.e. you take the victim as you find them and if you have got a particularly sensitive victim who cannot be dealt with by normal methods of control, then that is application cannot be carried out. Any application must contain sufficient particulars and there is nothing on files to suggest that this applicant has gone to any length in order to do so.

Vanguardia have reviewed all the reports that have been put forward with the application. The so called management plan does not even discuss or test noise or vibration impacts and there are no control procedures. No further construction noise and vibration information is contained within the other documents and therefore the application is FUNDAMENTALLY FLAWED. Vanguardia have set down in paragraph 4.3 of the report those matters that the details of which should have been provided.

The two noise reports that have been submitted are reports in January 2014 and March 2015. The reports are incomplete. There is no acknowledgement that Air Studios is a sensitive receptor so no assessment is carried out at this location. As the initial assessment is clearly fundamentally flawed the suggested mitigation is also likely to be wrongly specified and the design criteria is incorrect. To be clear the applicant has not personally or through its advisers visited Lyndhurst Hall at any time during the process.

4. Corbett & Tasker Structural Engineering Report

The final report carried out by Corbett & Tasker deals with structural engineering. The applicant has used the Burland Scale to make the damage assessment. It is well known that the Burland damage assessment cannot be used on its own as a direct measure of damage to property yet this is the only approach that has been used. The basement is too close to Lyndhurst Hall. The structural calculations provided by the applicant do not appear to consider the actual loads being imparted to the soil nor does it seem that there is a justification in the selection of the 450mm diameter piles for the cinema basement and neither was consideration of the deflection noted in the calculations.

Very little information has been provided on the workmanship to be deployed during the basement construction, mentioning only that the walls will be propped but not giving any details.

It is evident that there is a well or spring very close to the Hall and neither of the water features have been considered.

Corbett & Tasker's conclusions are that there is insufficient information for a planning committee to make a sensible decision other than to refuse the application on the grounds of impact. There may well be further issues on the detail review.

To summarise therefore,

1. There are 4 damning professional reports.
2. There is overwhelming support for the application to be rejected. Please refer to the Petition with over 7300 signatures.
3. There are many more objectors that have written to you separately and I ask you to take all of these into account as well.
4. There is insufficient information being provided by the applicant and therefore they have failed to take into account a number of material issues
5. Most importantly, this will have an anti-economic effect on my clients, on Camden Borough Council, and on London and the UK as a whole because of the vast economic damage it is going to cause
6. Air Studios employs directly about 35 people. However it provides employment to hundred of musicians each day who are contracted by producers and who come to the Studios mostly by public transport.
7. The basement and extension is huge and devastating to both listed buildings and should be rejected out of hand on policy grounds.
8. No consultation took place prior to the application being submitted with my clients.
9. For whatever reason, the site notice of the application was never apparent and letters only arrived on the day consultation ended.
10. Having acted for applicants and objectors for 49 years, this site has received in relation to its size, the most objections that I have ever seen.

11. For all these reasons this application must be rejected entirely and the applicant should be sent home to think it all out again because it is completely flawed.

Kind Regards,



David Cooper

By Email & Post