

Our Ref: RJE/KH/308328.0001
Your Ref:
Date: 23 March 2016

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

Birketts LLP
24-26 Museum Street
Ipswich
Suffolk IP1 1HZ

T: +44 (0)1473 232300
F: +44 (0)1473 230524
DX: 3206 Ipswich
E: mail@birketts.co.uk

www.birketts.co.uk

BY EMAIL: rob.tulloch@camden.gov.uk

Dear Sir,

Our client: Air Studios (Lyndhurst) Limited
Site: 11 Rosslyn Hill, London NW3 5UL ("the Application Site")
Applications: 2015/2089/P, 2015/2109/L, 2015/7079/P and 2015/7300/L ("the Applications")

Introduction

This letter sets out the objection of our client, the owner of the commercial studio business operating from 'Lyndhurst Hall', Lyndhurst Road, London, NW3 5NG, known as "Air Studios", to the Applications. Air Studios is an internationally renowned recording studio serving the music, film, television and games industries.

The potential impact of this development upon Lyndhurst Hall is acute given its unusually close proximity to the Application Site and the way in which it wraps around it. Sight of a location plan reveals the relationship between the two properties. As the applicants' design and access statement records, *"The chapel's [Lyndhurst Hall's] orientation means that it curves around the house (11 Rosslyn Hill) and presumably this 'embrace' was deliberate..."*

The Applications seek planning permission and listed building consent for basement extensions and works to above ground structures including an existing annexe and outbuildings. The work will require extensive excavation over a long period of at least 7 months (on the Applicant's estimate) during which noise and vibration impacts will be significant and inevitable. The Council should have full regard to the nature of Air Studios' business and consider the disruptive impact of such proposed development. It is a business that, by its very nature, is extremely sensitive to noise and vibration,

Given the technical issues arising from extensive basement excavation; given the number of expert reports provided in support of the planning application, and given the potentially catastrophic impact on the recording studios, Air Studios have commissioned their own expert reports which offer a contrasting opinion to those on behalf of the applicant. This letter is to be read together with those expert reports. These reports are referred to in this objection letter and are:

1. Vanguardia Consulting (Acoustic Engineers) "Potential Noise and Vibration Effects of the proposed construction works at 11 Rosslyn Hill – 3rd June 2015

2. Corbett & Tasker (Structural Engineers) "Initial appraisal of the impact on Lyndhurst Hall of the proposed basement construction at 11 Rosslyn Hill, NW 3"
3. Corbett & Tasker (Structural Engineers) "Response to Revised BIA for 11 Rosslyn Hill, NW 3."
4. Geotechnical and Environmental Associates (GEA) Ltd "Opinion of Basement Impact Assessment for 11 Rosslyn Hill, London"
5. First Steps Ltd, (MH de Frietas Emeritus Reader in Engineering Geology Imperial College London, (Engineering Geology) "Geological and Hydrogeological issues of concern arising from Planning Application 205/2089/P 11 Rosslyn Hill, London NW3 5UL.
6. Civil Engineering Dynamics Ltd. Investigation of structural and ground dynamic issues that could arise at Lyndhurst Hall, London NW3 5NG in relation to a proposed development comprising basements at an adjoining property known as 11 Rosslyn Hill

Policy context

When determining planning applications, the Council must of course have regard to the development plan and other material considerations. Camden's development plan includes the Development Policies (Adopted Version 2010).

The key Development Management policies against which the Applications will be assessed are:

1. DP25 – Conserving Camden's heritage
2. DP26 – Managing the impact of development on occupiers and neighbours
3. DP27 – Basements and lightwells
4. DP28 – Noise and vibration

In addition, the following policy and guidance documents are material to the determination of the Applications:

5. Basements and lightwells – Camden guidance documents CPG4 and Amenity – CPG6.
6. Camden's Adopted Core Strategy CS5 which provides that *"The Council will protect the amenity of Camden's residents and those working in and visiting the borough by e) making sure the impact of developments on their occupiers and neighbours is fully considered."*
7. The NPPF identifies the economic role of the need for planning to contribute to building a strong, responsive and competitive economy. Paragraph 19 confirms the *"Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth."*
8. Paragraph 21 of the NPPF adds that Local Plans should support existing business sectors.
9. The London Plan requires policies to deliver the Mayor's vision. It states, at paragraph 4.5, that the Mayor wishes to encourage broad-based growth and continues to support the success of ... leisure services ...[which with financial and business services and retail] together have been at the centre of London's economic success over the past four decades.

10. Policy 4.6C requires boroughs, in preparing LDF's, to "*a) enhance and protect creative work and performance spaces and related facilities... whilst they h) seek to enhance the economic contribution and community role of arts, cultural, professional, sporting and entertainment facilities*". At paragraph 4.32, it states that London's cultural and creative sectors are central to the city's economic and social success and the Mayor's Cultural Metropolis, setting out the Mayor's Priorities for Culture, seeks to maintain the capital's status as one of the greatest world cities for culture and creativity.

Air Studios – its work and its significance to the creative industries

Air Studios, a Grade II listed building is one of the world's leading recording studios. It was first converted to use as a recording studio by the late Sir George Martin in 1992, and acquired by the current owners in 2006. Its reputation has never been stronger. It was recently recognised as a world leader by being awarded the 2016 Best Studio Award by the Music Producers Guild. It serves the music, film, television and games industry. Lyndhurst Hall is large enough to accommodate a full concert orchestra (one of only two such facilities in London (with nearby Abbey Road). A full orchestra may be retained to record a film score, involving around 120 people at a cost that could be in the region of £40,000 per day. It is vital that there is no risk of disturbance, as no film or music producer would incur the cost and risk of an unscheduled interruption. The recording of a film score involving a full orchestra is logistically very complex to organise and runs to a very tight schedule. There is no room for doubt or risk that the schedule could be disturbed leaving aside the huge cost of interruption. Whilst well insulated for noise, the studios would not be able to operate during the period required for excavations and building. Estimates for how long this will take vary from 7 months to a year. The applicant's noise and vibration report failed to consider, or even identify, the potential impact upon the studios. Indeed during an extensive pre application process running from 2013 neither the applicants nor any of their advisers approached Air Studios to establish any risks to Air Studios. Indeed it appears that at no stage during this process was the existence of Air Studios even acknowledged until the first objections were lodged to the first application.

Film score recording

The UK's sound recording facilities are among the most prestigious in the world and contribute to the reputation of the UK in offering production services to leading international producers. All five of the 2015 Academy Award nominations for Best Original Score were recorded in the UK. The British Film Commission ("BFC") has identified that, in 2013, the UK film sector supported 39,800 full time equivalent employees and contributed £1.4 billion in direct Gross Value Added ("GVA"). The UK film sector yielded a trade surplus of £916 million. Taking into account the total economic contribution (including multiplier and spill-over effects), the BFC identified that, in 2013, the core UK film sector supported 97,300 full time equivalents, generated £3.7 billion GVA and contributed £1.1 billion to the Exchequer.

Air Studios provide an important contribution to the UK film industry. The studio, along with nearby Abbey Road Studios (less than two miles away), provide the only two recording studios in London able to offer score recording services for major international feature films. Major film producers value the availability and juxtaposition of the two facilities which support each other and give producers the capacity to record whenever needed in order to meet extremely tight deadlines, utilising both studios when needed. The disruption caused by construction work to the adjoining basement would render Air Studios incapable of operation for between six and twelve months, resulting in a loss of work to other comparable international studios outside the UK and the possible permanent closure of Air Studios. Clients will have no option other than to look for an alternative recording venue. Abbey Road would not be able to pick up all of Air Studios workload and bookings resulting in film producers and musicians looking either outside of London (which is unlikely) or outside the UK. Too many other film support services such as post production and editing take place in London so looking outside of the capital is unlikely. More probably other major cities outside the UK would seize the opportunity with

both hands and seek to persuade producers to move all of their film related work outside the UK. This would be an economic disaster to the UK.

The BFC has strenuously objected to the applications. Please see the attached letter. The DCMS has also written to Camden. A copy of that letter is also attached.

Music

From the client list below it is clear that Air Studios is a leading venue for music recording. It offers services for recording and mixing, mastering work.

Television

The studios are also well used by those in television production.

The studios employ about 40 people. It employs a team of highly skilled and talented recording engineers and a technical team that is second to none. The cultural significance of Air Studios can be noted from the schedule of artists and TV and film associations below. It is sought out by such well-known artists because of its reputation for excellence. The market for such studios and the international nature of the music and film industries mean that a closure of the studios, even temporarily, will necessarily lead to clients going elsewhere and overseas.

The UK Government identifies the creative industries as a national success story. The sector accounts for 1.8 million jobs in the UK, a rate increasing at twice the rate of the wider economy. As the Rt Hon John Whittingdale, Culture Secretary, acknowledged in an address to the Oxford Media Convention on 2nd March 2016, *"Since becoming Secretary of State, I have become even more convinced. The DCMS covers many policy areas but at the heart of its mission lies the promotion of our creative industries. A sector which represents over 5% of our GVA and which has been growing at at least twice the rate of the rest of the economy. In our television, film, music and games industries Britain leads the world. And not just leads but sells around the world."*

A flavour of the quality, scale and industry standing of Air Studios can be gleaned from its involvement in the projects, or with the artists listed below.

Films score recording

- Mission: Impossible – Rogue Nation
- Avengers: Age of Ultron
- The Hobbit: The Battle of the Five Armies
- The Theory of Everything
- The Grand Budapest Hotel
- Divergent series
- The Hunger Games series
- Great Gatsby
- Les Misérables

- The Dark Knight series
- Die Another Day / Casino Royale / Quantum of Solace
- Transformers series
- Pirates of the Caribbean series
- Love Actually
- Harry Potter series
- The Danish Girl

TV, stage recording and production

- Midsomer Murders
- Made in Dagenham (stage production)
- Dr Who (various series)
- Sherlock (series 3)
- Peter Pan (stage production)

Musicians

- Adele
- Van Morrison
- National Youth Jazz Orchestra
- Coldplay
- Florence Welch
- Bon Iver
- Paul McCartney
- Paul Weller
- Robbie Williams
- George Michael
- Michael Buble
- Katherine Jenkins

The impact of the development on Air Studios

Having reviewed the supporting documents submitted with the Applications, it is evident that the Applications do not adequately address the points set out below and the proposals do not, therefore, accord with the Council's development plan:

1. Impact of noise and vibrations on Air Studios which will arise during construction

- 1.1 Policy DP27 requires schemes to address whether they will cause harm to the amenity of neighbours. Policy DP26 states that the Council will seek to protect quality of life of occupiers and neighbours by only granting permission for development that does not cause harm to amenity from noise and vibration. Attenuation measures (including noise and vibration) are expected to be identified in a Construction Management Plan submitted prior to determination of the application. Policy DP28 confirms that the Council will seek to ensure that noise and vibrations are controlled and managed. CPG6 seeks to protect noise-sensitive buildings and areas. These policies and the guidance are not constrained to consider impact on only residential property.
- 1.2 The estimated duration (taken from the information supplied by the applicant to the planning authority in connection with the first application (19th May 2015) envisages the following highly disruptive works; *1. Piling 1.5 months, Excavation and part of GF slab construction 1.5 months 3. Install drainage and construction of r.c. basement slabs and walls 2.5 months, 4 Excavate to pool formation and second level basement 0.5 months, 5 Construct the pool and second level basement 1 months, 6 Construct roof slab 0.5 months.*" (Total estimated period of each phase, if carried out consecutively, 7.5 months). This period is confirmed in the Applicants' Basement Impact Assessment paragraph 5.4 *"... the construction of the basement is expected to last around 7-8 months."*
- 1.3 The applicants have submitted a Plant Noise Report (Cole Jarman). This report assessed the impact of noise only on nearby residential properties from the proposed plant within the swimming pool extension and the air source heat pumps. Despite the obvious noise sensitive use of Air Studios as a sound recording studios and its proximity to the application site, the Cole Jarman analysis ignores the Studios in its noise assessment methodology and fails to consider it as a noise sensitive receptor. Extraordinarily it reveals at 3.1.1 *"Noise measurements were made at a location chosen to be representative of the nearest noise sensitive receptors. The location is marked as MP1 on attached site plan 14/0692/SP2"* Location MP1 is to the south west of 11 Rosslyn Hill, well away from Lyndhurst Hall. The Cole Jarman test also located the microphone at a height of 4ms. Vanguardia point out that *"There is no explanation for this when measurement are normally made at 1.2m from the ground."*
- 1.4 Vanguardia Consulting were instructed by our client to review the Cole Jarman report and confirmed that the applicants had overlooked Air Studios as a potential noise sensitive receptor and had failed to recognise the potential noise and vibration impacts from the proposed development. The report warns of the potential catastrophic impact of noise interference to the Studio's business, which would lead to cancellations of bookings and loss of reputation. It comments *"Noise and vibration can be picked up by the recording microphones and recorded along with the intended musical or vocal performance. This kind of unwanted noise in the recording is not acceptable to producers and artistes who may not be able to use the recorded material to create the end product such as a film score. This effect can render the facility completely unusable..."* Significantly the Studios have variable levels of noise insulation. As the Vanguardia report adds... *"whilst the studios are a 'box within a box' construction to isolate most forms of external noise, the hall (used for full orchestra recordings) is not so isolated due its size and historic building constraints. This facility in particular is the most sensitive and vulnerable to noise and vibration impact."* This

recording area is particularly susceptible to disturbance due to the scale and nature of the works that this application requires in such very close proximity. The Vanguardia report makes the point that *"The sensitivity of the microphones coupled with their frequency range can be greater than the human ear."*

- 1.5 In response to Vanguardia's work, Cole Jarman confirmed in its letter dated 13 August 2015 that construction works would impact on the ability for Air Studios to operate. However, guidance document CGP6 confirms that a Construction Management Plan is the means to address attenuation measured, but Cole Jarman confirms that a Construction Management Plan has not been submitted with the Applications and that *"a noise and vibration management plan [would] be agreed with the local planning authority via a Section 106 / Section 61 agreement prior to the commencement of works"*.
- 1.6 Although Cole Jarman advised that the Outline Construction Logistics Plan (Paul Mew Associated) is not a Construction Management Plan, at paragraph 5.5 of the applicants' Basement Impact Assessment (Alan Baxter Associates), it is stated that the Outline Construction Logistics Plan is a Construction Management Plan. Since policy DP26 and CPG6 requires the submission of a Construction Management Plan, the Council needs to be clear whether one has, in fact, been submitted. In pre application consultation the council's planning officer advised the applicant that a draft CMP at least needed to be submitted with the application. The details that were subsequently provided were considered by the council officers to be lacking detail.
- 1.7 The Outline Construction Logistics Plan advises, at paragraphs 4.10 and 4.11, that:

"Detailed information concerning the construction methods and materials used for the new build are not in hand at the time of writing this outline CLP.

Full details including the hours of operation, duration of the construction process, and broad details of day-to-day deliveries of materials and equipment will be provided in the detailed CLP"
- 1.8 If the Outline Construction Logistics Plan is the Construction Management Plan, it becomes clear that Cole Jarman were unable properly to assess the impact of noise and vibrations on Air Studios because the construction methods, materials, hours of operation, duration of the construction process etc. are not yet known (even if they had alerted themselves to Air Studios as a noise sensitive receptor).
- 1.9 The very limited information regarding noise and vibrations from construction present a likelihood that the development will have a detrimental impact on Air Studios. This is the conclusion Vanguardia reach. They say *"This is likely to generate high levels of noise and in particular ground borne vibration. At the point at which the Council resolves to grant consent, it will need to be satisfied that the proposed development complies with policies DP26, DP27 and DP28. It is wholly inappropriate for the impact of the development to be assessed post-decision through section 106 or section 61 negotiations.*
2. **Impact of operational noise on Air Studios from both basements.**
- 2.1 As stated above, the Cole Jarman report failed to recognise Air Studios as a potential noise sensitive receptor. The result of which has been that no assessment of the impact on Air Studios' operations from noise emanating from the swimming pool, air source heat pumps or media system has been undertaken.

2.2 In light of the above, the applicants have not demonstrated that the proposal satisfies policies DP26 and DP27, which seek to ensure that no harm is caused to neighbouring properties from noise, and have not complied with the guidance in part 4 of CPG6.

2.3 Policy 7.15 of the London Plan places a requirement for development proposals to seek to manage noise by *"mitigating and minimising the existing and potential adverse impacts of noise"*. Whilst we acknowledge that the policy goes on to state that such a requirement should not place *"unreasonable restrictions on development"*, it also, importantly, goes on to say *"or adding unduly to the costs and administrative burdens on existing businesses"*. Given there is a real risk to Air Studios having to close because of the impact of noise, the applicants are unable to demonstrate that the proposal satisfies policy 7.15 of the London Plan.

3. **Impact of basement excavation to Lyndhurst Hall.**

3.1 The report of Corbett & Tasker for air studios highlights serious shortcomings of the BIA submitted in support of the application and its failure to address the potential damage to the unusually susceptible Lyndhurst hall and in particular its main hall comprising a 27m vaulted roof structure. The foundations for 11 Rosslyn hill and Lyndhurst hall are very close. The report author finds that lack of proper and expert consideration of the impacts on Lyndhurst hall striking and notes the absence of assessment of the relationship between the two buildings, or the potential for ground movement. He also considers the trial pit excavation carried out in the BIA (based on extrapolating data from only one pit) to be unreliable. In simple terms the report reaches the conclusion that *"...the basement is too close to Lyndhurst hall."*

3.2 Ground water is a particular concern of Air Studios based on the actual experience of the then proprietors (under the late Sir George Martin). During the extensive refurbishment of the early 1990s excessive ground water unexpectedly flooded into the site, requiring the installation of a well and pumping apparatus. The full details are recounted in the report. Air Studios are anxious to ensure that lessons are learned from the history of this site.

3.3 The concerns of Air Studios as to the BIA led them to also commission Geotechnical Environmental Associates to consider the ground movement and ground water risks. The report also finds the BIA to be wholly lacking. It concludes *"Our review has found that the BIA has not taken adequate cognisance of the presence of Lyndhurst Hall which is immediately adjacent to one of the proposed basements. As such it has not adequately assessed the impacts of the basement which is the key aim of a BIA as set out in CPG4."*

3.4 Concern also arises from the weak and variable ground on which this site is proposed. The report of First Steps Ltd identifies the lack of reliable investigation data on which to predict the impact of the proposed development upon Lyndhurst Hall.

4. **Impact on the acoustic integrity of the building.**

4.1 The report by Civil Engineering Dynamics Ltd raises concern that settlement or heave which arises as a result on the construction of the basement could have the potential to compromise sound attenuation between the studios. The potential problem may be exacerbated by the mortar pointing areas of Lyndhurst Hall which were found to be observationally hard and likely brittle and so less able to accommodate differential settlement.

4.2 This could have a significant impact on Air Studios' ability to operate from Lyndhurst Hall and has not been addressed by the applicants. As with the geotechnical assessments, the

conclusions are that there is considerable uncertainty as to the impact, the scale of which, without further and better examination, would only be known when it occurs.

5. **Impact of the development on the existing noise and vibrations from the Northern Line and how this will change following completion of the development.**

- 5.1 As set out above, policy DP27 requires schemes to address whether they will cause harm to the amenity of neighbours, and policy DP28 confirms that the Council will seek to ensure that noise and vibrations are controlled and managed.
- 5.2 Our client has commissioned a report by Civil Engineering Dynamics Ltd which highlights concerns regarding the impact the proposed works could have on the transmission of noise from the Northern Line.
- 5.3 At paragraph 8.11 of this report, it is confirmed that *"it is conceivable that the two proposed basements and their associated piling, can introduce more efficient ground transmission paths. They also bring themselves as conducting structures to a closer proximity to the tunnel source, not just by virtue of shorter distance, but also penetrating into soil layers that potentially themselves provide for stronger transmission"*.
- 5.4 This is an issue which the applicants have failed to address and therefore it cannot be demonstrated that the proposals are policy compliant. If ground transmission of vibrations from the Northern Line to Air Studios occurs because of this development then it will not be possible to break that connection or successfully mitigate the vibration and resulting ground-borne noise. That will cause the loss of Air Studios' business.

6. **Impact on heritage assets.**

- 6.1 The proposed development will potentially have an impact on four separate heritage assets:
- (i) Potential archaeology;
 - (ii) 11 Rosslyn Hill which is a grade II listed building;
 - (iii) Lyndhurst Hall which is a grade II listed building; and
 - (iv) The Fitzjohns Netherhall Conservation Area.
- 6.2 The Historic Environment Desk-Based Assessment (PCA) addresses the impact on archaeology and the Historic Building Report (Donald Insall Associates) addresses the impact on 11 Rosslyn Hill and the Fitzjohns Netherhall Conservation Area. Although heritage issues have been addressed in these reports, it should be noted that the proposal still does not accord with the general guidance within CP4. It should also be noted that the response of Camden's planning department to the original application of basement development at 11 Rosslyn Hill (in its pre action advice of 4th October 2013) was critical. They advised *"Although it sits outside the existing building's footprint and has limited visibility externally, its overall scale (almost twice the footprint of the original building) is excessive and creates dominant spaces which overpower the original scale and plan form of the main listed building."* The current revised application is of an even larger scale development.
- 6.3 There have been no submissions in respect of the impact on Lyndhurst Hall. The foundations of Lyndhurst Hall buttress underground into the garden of 11 Rosslyn Hill. Given the very close proximity (approximately 50mm) of the foundations of the proposed basement extension to the foundations of Lyndhurst Hall, it is highly likely that the basement extension will need to be tied to the foundations of Lyndhurst Hall. If this occurs, listed building consent

will be required in respect of the works to Lyndhurst Hall, but this has not been addressed in the Applications.

- 6.4 Policy DP27 requires consideration as to whether the scheme will harm the appearance or setting of the property. Policy DP25 confirms that the Council will only grant consent for alterations and extensions to a listed building where it considers this would not cause harm to the special interest of the building.
- 6.5 The NPPF provides that 'great weight' should be given to an asset's conservation when considering the impact of a proposed development on the significance of a designated heritage asset.
- 6.6 In order to ascertain the impact of the proposed development on Lyndhurst Hall, the NPPF provides at paragraph 128 that, in determining applications, local planning authorities should require an applicant to *"describe the significance of any heritage asset(s) affected, including any contribution made by their setting"*.
- 6.7 If the proposal would cause harm, as heritage assets are irreplaceable, any harm should require clear and convincing justification, however slight and whether through direct physical impact or by change to the setting.
- 6.8 Air Studios has found a unique and successful adaptive re-use for Lyndhurst Hall which was disused and in disrepair prior to their occupation. The ongoing and active use of listed buildings is a key means to ensure that those buildings are preserved. Given the built up residential area which surrounds Lyndhurst Hall, in the event that Air Studios had to vacate the premises due to the impact of the development at 11 Rosslyn Hill, it is unlikely that a suitable alternative use for the building could be found and it would become vacant again.
- 6.9 The proposed development does not, therefore, accord with policy DP25 and the Council would not have proper regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 if the Applications were approved.

7. Business and economic impacts

- 7.1 The loss, even temporarily, of one of the two London studios (Air and Abbey Road) will make booking time in the other much less flexible and so detracts from London as the choice of venue for international clients.
- 7.2 Air Studios' own expert report (Vanguardia Consulting) identifies that Air Studios is a highly sensitive receptor that needs to be protected against any risk of potential noise and vibration impacts. It concludes that the impact upon the studios has not been addressed by the applicant and that *"it is highly unlikely that such works can be completed whilst not causing some considerable disturbance to the staff, artists and recording facilities at Air Studios"*. The ramifications of a closure to the studio spread beyond the business itself, to present a real prejudice to the highly specialised and successful film and music economy of the UK.
- 7.3 It is inevitable that, in addition to any loss of business when the studios cannot open, there will be further consequential loss, as the projects which were started during the closure period elsewhere will find it easier to continue elsewhere. If we assume no recording is possible for a period of six months, it is estimated (based on previous years' accounts) that this would see an immediate loss of in excess of £1m with consequential losses to be added.
- 7.4 The management of Air Studios is also concerned that an extended temporary period of closure would lead to many skilled employees and consultants moving to other venues

where they may re-establish themselves and where they may not then return from. The disruption to Air Studios would present a golden opportunity for a rival western European county to attract skilled staff and 'steal a march on the competition.'

- 7.5 It is important to be clear that these issues are omissions from the Applications. Where evidence or information has been omitted, it is not reasonably possible for the Council to conclude that consent should be granted for a proposal. However, the applicants have sought to submit information to demonstrate that the proposed development would not have a harmful impact on the stability of Lyndhurst Hall.
- 7.6 Given the very limited information that has been provided by the applicants with regard to construction methodologies, there has been a failure to demonstrate that the proposed development would not have a detrimental impact on the stability of Lyndhurst Hall. Furthermore, the reports from Corbett and Tasker Structural Engineering, GEA Geotechnical & Environmental Associates, First Steps Limited to Success and Civil Engineering Dynamics Ltd, commissioned by our client, raise serious concerns that the development could cause lasting harm to the structure of Lyndhurst Hall. These reports demonstrate that the applicants have not in any way satisfied or dealt with the clear risks.
- 7.7 In addition to the above, the Council needs to give full consideration to the impact the development would have on the UK's cultural economy. The Planning Team should consult your Economic Development and Arts and Tourism Officers on the Applications. It is envisaged that the proposed works would require closure of at least part of the studios (if not all of the studios) for between six to twelve months. We enclose a copy of a letter sent to your Mr Edward Watson which sets out the significance of Air Studios and the impact that its closure would have on the British film industry. The UK is currently the venue of choice for several reasons. First the quality of the facilities such as Air Studios, secondly, the quality of the available musicians and thirdly due to the favourable tax treatment and government support to the industry. That said, the market is international and vulnerable to competition from leading providers particularly in the USA or in Western Europe.
- 7.8 It is proposed in the Cole Jarman letter (in response to the Vanguardia report) that the inevitable disruption from construction noise and vibration could be accommodated by agreeing times for site work when the studios are not recording. The studios are very well utilised and recording takes places 24 hours a day. It is absurd to imagine that in the creative industry a band, or orchestra recording a score, would book studio time with an enforced shut down of several hours to await the resumption of a quiet period.
- 7.9 Our client is also concerned that the swept path analysis included in the Outline Construction Logistics Plan does not adequately deal with highway safety issues associated with large construction vehicles accessing and egressing the site in the centre of a four way traffic light controlled cross roads.

8. Deliverability

- 8.1 Planning permission should only be granted for development which is deliverable.
- 8.2 Our client has an expressly granted right (of easement) for its drains to run across land owned by 11 Rosslyn Hill. The drains run across the proposed site of the media basement extension and cannot be re-routed without our client's consent, which has not been sought and which will not be forthcoming. Our clients will seek to uphold this property right.
- 8.3 We understand that, due to the position of existing trees, it would not be possible to relocate the basement extension away from our client's drains.

- 8.4 These considerations are material to the determination of the Applications because they create serious doubt that the development is deliverable.

The Council's internal consultee responses to the Applications have been requested but have not been provided. We invite the Council to disclose those as they will assist all parties in considering these vital issues, but, in any event, the requests trigger the requirements for the Council to disclose them under the Environmental Information Regulations or the Freedom of Information Act. You are in receipt of a written request to which a response is awaited.

Yours faithfully

Birketts LLP

Direct Line: |
Direct e-mail: |

Enc.

From: Garvey, Isabel [mailto:]

Sent: 18 March 2016 15:59

To: Alison Burton <

Cc: Gillott, Fiona <

Subject: Re: A huge favour

Dear Alison

As promised I have just posted this objection note (see below for your information) to the web link you gave me.

To whom it may concern,

I am writing with reference to planning permission application for 11 Rosslyn Hill (ref: 2015/7079/P). We are most concerned that the proposed development will cause business disruption significant enough to force the closure of Air Studios, the neighbouring property and business, for the duration of the project. As you are aware from previous letters of support for Air Studios, there are only two studios in London, Abbey Road Studios and Air Studios, that are capable of attracting large film scores to the UK and London. Both have studios with large orchestral spaces and unique sounds that are highly sought after by top film directors and composers. The volume of film work coming to London, supporting not just studios but musicians and composers, continues to grow. Without Air Studios to share the pipeline of film work coming this year and next, we fear that film score recording will start to leave London and indeed the UK. To refresh your memory the film business contributes £1.4Bn to the UK economy each year due to our ability to offer a full set of services to prospective film makers. We ask that you kindly take into consideration the broader ramifications for Air Studios as a business and indeed for the UK's ability to continue to attract top film makers to London and the UK.

With kind regards,
Isabel Garvey

Managing Director
Abbey Road Studios

Isabel Garvey
Managing Director

Abbey Road Studios, 3 Abbey Road, London, NW8 9AY

T +44
E is



British Film Commission
Suite 6.10, The Tea Building
56 Shoreditch High Street
London E1 6JJ, UK
Tel +44 (0)20 7613 7676

Rob Tulloch
Planning Officer
Camden Town Hall
Judd Street
London
WC1H 9JE

29 May 2015

Dear Mr Tulloch

Ref: AIR Studios

The British Film Commission (BFC) is the UK Government's national organisation responsible for inward investment film and television production in the UK. Funded by the Department for Culture, Media and Sport, UK Trade and Investment and the British Film Institute, the BFC leads on:

- Maximising and supporting the production of major international feature film and high-end television in the UK
- Strengthening and promoting the UK's film and television production infrastructure
- Liaising between the Government and the film and television industry on legislative issues that impact on production

We have been made aware of a planning permission application that has been made to Camden Council on behalf of 11 Rosslyn Hill, London, NW3 5UL (application number: 2015/2089/P), the property next to AIR Studios, Lyndhurst Hall, Lyndhurst Road, London, NW3 5NG. As you will know, the proposed work on the property would necessitate approximately six months construction work, and the noise pollution and underground vibration caused by this work would mean that AIR Studios would be unable to continue to operate for the entire period.

AIR Studios, along with London's Abbey Road Studios, is one of only two recording studios in the UK that is able to provide score recording services to the major international feature films which choose to base themselves in the UK; recent productions that have made use of AIR Studios' facilities include Marvel's *Avengers: Age of Ultron*, Disney's *Cinderella* and New Line Cinema's *The Hobbit: The Battle of the Five Armies*. The UK's sound recording facilities are amongst the most prestigious in the world and are a major component of the production services the UK offers to international producers, a fact illustrated by all five nominees for Best Original Score at the 2015 Academy Awards having been recorded in the UK. If AIR Studios were unable to operate for an extended period of

time, the UK's draw for major international productions would be severely compromised, which in turn could have severe implications for the wider UK economy.

The BFI Research and Statistics Unit announced in February that the total UK spend from feature films that commenced in 2014 was £1,471 million; the highest figure since measurements began in 1994. Inward investment feature films contributed a total of £1,233 million to that figure; a 40% increase since the previous year and therefore creating literally thousands of British jobs. The huge success of feature film production in the UK led the Chancellor of the Exchequer to announcing further enhancements to the UK Film Tax Relief in March of this year and in June 2014, the Prime Minister launched a major Creative Industries Strategy which aims to double the value of the UK's creative industries exports, including film and high-end television, to £31 billion by 2020. To further demonstrate the importance of film and television to the UK economy:

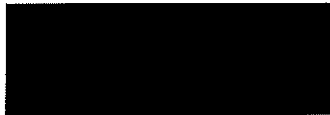
- In 2013 the core UK film sector; supported 39,800 Full-Time Equivalents (FTEs) of direct employment and; contributed £1.4 billion in direct Gross Value Added (GVA).
- The UK film sector generated nearly £1.4 billion in exports in 2013, yielding a trade surplus of £916 million.
- The UK film sector displayed the highest export intensity of any UK service sector in 2013, with exports being equivalent to 65% of sectoral GVA. This was nearly double the export intensity of 35% observed across the overall UK economy.
- The UK film sector has made private sector capital investments in the UK of more than £425 million since 2007. This goes beyond the South East – where Pinewood Shepperton plc, Warner Bros. Studios Leavesden, and Industrial Light & Magic have all invested – to include Belfast, Bristol, and Cardiff Bay.
- Of the £21 billion of tourism spend by overseas visitors to the UK in 2013, an estimated £840 million can be attributed to film-induced tourism and; supported 8,400 FTEs of employment; generated £400 million in GVA and; contributed £92 million to the Exchequer.
- UK-made films also led to an estimated £226 million in merchandise sales in the UK in 2013 and the placement of the UK on screens around the globe led to an additional £717 million in turnover for UK companies in 2013.
- Taking account of the total economic contribution (including multiplier and spillover effects) the core UK film sector in 2013; supported 97,300 FTEs of employment; generated £3.7 billion in GVA and; contributed £1.1 billion to the Exchequer.
- For each pound of Film Tax Relief (FTR) granted across the period 2006-07 to 2013-14, £12.49 in additional GVA was created through direct and multiplier effects. This equates to a taxation return for the Exchequer of £3.74 in additional tax revenues for each pound of relief granted.

In my role as Chief Executive of the British Film Commission and Film London, it is incumbent on me to do everything I can to facilitate production and post production in the UK due to the positive impact on the economy, on employment and on the international profile of UK PLC. To have built a

reputation as one of the leading destinations for international production and post production in this challenging economic climate and during a period of intense international competition brings enormous kudos to the organisations that support filming in the UK, of whom AIR Studios is a pivotal member.

On behalf of the British Film Commission and AIR Studios, I'd like to thank you in advance for your consideration of this matter. Please don't hesitate to contact me should I be able to provide further information on any of the above.

Yours sincerely



Adrian Wootton
Chief Executive
British Film Commission and Film London



Department
for Culture
Media & Sport

Secretary of State for Culture, Media and Sport
4th Floor
100 Parliament Street
London SW1A 2BQ

020 7211 6000

www.gov.uk/dcms

Rob Tulloch
Planning Officer, Camden Council
Camden Town Hall
Judd Street
London
WC1H 9JE

CMS 268060/asg
29th June 2015

Dear Mr Tulloch,

**RE: Planning Application of 11 Rosslyn Hill, NW3
(Case numbers: 2015/2089/P 2015/2109/L)**

I understand that one of my officials spoke to you last week about the planning application submitted by neighbours of AIR Recording Studios in Hampstead. I am informed that the application relates to the extension of the basement of the adjoining property, and that AIR Studios has recently submitted a range of technical objections to Camden Council.

As I am sure you understand, I would not seek to influence any planning decision of Camden Council, and the proper process and diligent consideration that I am sure you apply to each planning application must of course apply here also.

I would like to point out, however, that I have been contacted by local residents and music lovers who are gravely concerned over the impact of the proposed development on the recording studios and the wider creative economy. I am aware that AIR Studios is internationally renowned one of only two orchestral studios in London, along with Abbey Road, and I am sure that this will be taken into account in reaching a decision on this planning application.

Department for Culture, Media & Sport

I would like to reiterate that I very much respect the independence of the Council's planning decisions, but do wish to draw attention to the significance of the music industry in London and to the UK's economy.

I am copying this letter to the Secretary of State for Communities and Local Government.

Yours sincerely

Rt Hon John Whittingdale OBE MP
Secretary of State for Culture, Media and Sport

Our Ref: CW/AVBB/308328.0001
Your Ref:
Date: 23 March 2016

Mr Edward Watson
Director – Culture and Environment
Camden Council
5 Pancras Square
London
N1 4AG

Birketts LLP
24-26 Museum Street
Ipswich
Suffolk IP1 1HZ

T: +44 (0)1473 232300
F: +44 (0)1473 230524
DX: 3206 Ipswich
E: mail@birketts.co.uk

www.birketts.co.uk

Dear Sir

Our client: Air Studios (Lyndhurst) Limited
Site: 11 Rosslyn Hill, London NW3 5UL
Applications: 2015/2089/P, 2015/2109/L, 2015/7079/P and 2015/7300/L

We act for Air Studios (Lyndhurst) Limited, which operates a recording studio from premises at Lyndhurst Hall on Rosslyn Hill in Hampstead. As you may already be aware from recent press coverage of the matter, our client's neighbours at 11 Rosslyn Hill have submitted planning applications to Camden Council's Planning Department. The applications seek planning permission and listed building consent for basement extensions and works to above ground structures at 11 Rosslyn Hill, which is immediately adjacent to our client's business premises.

Whilst we appreciate that writing to you to raise concerns about planning applications is unusual if not unprecedented, our client wishes to bring to your attention its significant concerns about the substantial impact of the works on its business and further on its sector that will take place should the planning permissions be granted.

The owners of 11 Rosslyn Hill (the Applicants) seek to build two large basement extensions (one of which will lie approximately 50mm from the exterior wall of Lyndhurst Hall). It is estimated by the Applicants that the work will require extensive excavation over a period of at least 7 months, possibly a year, during which time noise and vibrations will be significant and inevitable. The impact upon our client's business, which is by its very nature is extremely sensitive to noise and vibration, will be substantial and could possibly prove fatal to the business in the long term.

Air Studios – its work and its significance to the creative industries

Air Studios, a Grade II listed building is one of the world's leading recording studios. It was first converted to use as a recording studio by the late Sir George Martin in 1992, and acquired by the current owners in 2006. Its reputation has never been stronger. It was recently recognised as a world leader by being awarded the 2016 Best Studio Award by the Music Producers Guild. It serves the music, film, television and games industry. Lyndhurst Hall is large enough to accommodate a full concert orchestra (one of only two such facilities in London (with nearby Abbey Road) and only four such facilities in the UK. A full orchestra may be retained to record a film score, involving around 120

people at a cost that could be in the region of £40,000 per day. It is vital that there is no risk of disturbance, as no film or music producer would incur the cost and risk of an unscheduled interruption. The recording of a film score involving a full orchestra is logistically very complex to organise and runs to a very tight schedule. There is no room for doubt or risk that the schedule could be disturbed leaving aside the huge cost of interruption. Whilst well insulated for noise, the studios would not be able to operate during the period required for excavations and building. Estimates for how long this will take vary from 7 months to a year. The applicant's noise and vibration report has failed to consider, or even identify, the potential impact upon the studios. Indeed during an extensive pre application process running from 2013 neither the applicants nor any of their advisers approached Air Studios to establish any risks to Air Studios. Indeed it appears that at no stage during this process was the existence of Air Studios even acknowledged until the first objections were lodged to the first application which Air Studios.

Film score recording

The UK's sound recording facilities are among the most prestigious in the world and contribute to the reputation of the UK in offering production services to leading international producers. All five of the 2015 Academy Award nominations for Best Original Score were recorded in the UK. The British Film Commission ("BFC") has identified that, in 2013, the UK film sector supported 39,800 full time equivalent employees and contributed £1.4 billion in direct Gross Value Added ("GVA"). The UK film sector yielded a trade surplus of £916 million. Taking into account the total economic contribution (including multiplier and spill-over effects), the BFC identified that, in 2013, the core UK film sector supported 97,300 full time equivalents, generated £3.7 billion GVA and contributed £1.1 billion to the Exchequer.

Air Studios provide an important contribution to the UK film industry. The studio, along with nearby Abbey Road Studios (less than two miles away), provide the only two recording studios in London able to offer score recording services for major international feature films. Major film producers value the availability and juxtaposition of the two facilities which support each other and give producers the capacity to record whenever needed in order to meet extremely tight deadlines, utilising both studios when needed. The disruption caused by construction work to the adjoining basement would render Air Studios incapable of operation for between six and twelve months, resulting in a loss of work to other comparable international studios outside the UK and the possible permanent closure of Air Studios. Clients will have no option other than to look for an alternative recording venue. Abbey Road would not be able to pick up all of Air Studios workload and bookings resulting in film producers and musicians looking either outside of London (which is unlikely) or outside the UK. Too many other film support services such as post production and editing take place in London so looking outside of the capital is unlikely. More probably other major cities outside the UK would seize the opportunity with both hands and seek to persuade producers to move all of their film related work outside the UK. This would be an economic disaster to the UK.

The BFC has strenuously objected to the applications. Please see the attached letter. The DCMS has also written to Camden. A copy of that letter is also attached.

Music

From the client list below it is clear that Air Studios is a leading venue for music recording. It offers services for recording, mixing, and mastering work.

Television

The studios are also well used by those in television production.

The studios employ about 40 people. It employs a team of highly skilled and talented recording engineers and a technical team that is second to none. The cultural significance of Air Studios can be noted from the schedule of artists and TV and film associations below. It is sought out by such well-known artists because of its reputation for excellence. The market for such studios and the international nature of the music and film industries mean that a closure of the studios, even temporarily, will necessarily lead to clients going elsewhere and overseas.

The UK Government identifies the creative industries as a national success story. The sector accounts for 1.8 million jobs in the UK, a rate increasing at twice the rate of the wider economy. As the Rt Hon John Whittingdale, Culture Secretary, acknowledged in an address to the Oxford Media Convention on 2nd March 2016, *"Since becoming Secretary of State, I have become even more convinced. The DCMS covers many policy areas but at the heart of its mission lies the promotion of our creative industries. A sector which represents over 5% of our GVA and which has been growing at least twice the rate of the rest of the economy. In our television, film, music and games industries Britain leads the world. And not just leads but sells around the world."*

A flavour of the quality, scale and industry standing of Air Studios can be gleaned from its involvement in the projects, or with the artists listed below.

Films score recording

- Mission: Impossible – Rogue Nation
- Avengers: Age of Ultron
- The Hobbit: The Battle of the Five Armies
- The Theory of Everything
- The Grand Budapest Hotel
- Divergent series
- The Hunger Games series
- Great Gatsby
- Les Miserables
- The Dark Knight series
- Die Another Day / Casino Royale / Quantum of Solace
- Transformers series
- Pirates of the Caribbean series
- Love Actually
- Harry Potter series
- The Danish Girl

TV, stage recording and production

- Midsomer Murders
- Made in Dagenham (stage production)
- Dr Who (various series)
- Sherlock (series 3)
- Peter Pan (stage production)

Musicians

- Adele
- Van Morrison
- National Youth Jazz Orchestra
- Coldplay
- Florence Welch
- Bon Iver
- Paul McCartney
- Paul Weller
- Robbie Williams
- George Michael
- Michael Buble
- Katherine Jenkins

Business and economic impacts

As explained above, Air Studios and the studios located at Abbey Road are interdependent in many ways as the volume of work from, specifically, the film industry is shared between them in order that the demands of that industry are met. The loss, even temporarily, of one of those two studios will make booking time in the other much less flexible and so detract from London as the choice of venue for international clients. It is clear that the ramifications of a closure to the studio spread beyond the business itself, to present a real prejudice to the highly specialised and successful film and music economy of the UK. This position is verified by Abbey Studios itself in the attached email of support from the Managing Director of Abbey Road Studios.

It is inevitable that, in addition to any loss of business when the studios cannot open, there will be further consequential loss, as the projects which were started during the closure period elsewhere will find it easier to continue elsewhere. If we assume no recording is possible for a period of six months, it is estimated (based on previous years' accounts) that this would see an immediate loss of in excess of £1m with consequential losses to be added

The management of Air Studios is also concerned that an extended temporary period of closure would lead to many skilled employees and consultants moving to other venues where they may re-establish themselves and where they may not then return from. The disruption to Air Studios would present a golden opportunity for a rival western European county to attract skilled staff and 'steal a march on the competition'.

You will no doubt be aware, that the Mayor of London has produced the London Plan which contains policies by which to deliver the Mayor's vision for the capital. It states, at paragraph 4.5, that the Mayor wishes to encourage broad-based growth and continues to support the success of ... leisure services ... [which with financial and business services and retail] together have been at the centre of London's economic success over the past four decades. Furthermore policy 4.6C requires boroughs to "a) enhance and protect creative work and performance spaces and related facilities... whilst they h) seek to enhance the economic contribution and community role of arts, cultural, professional, sporting and entertainment facilities". At paragraph 4.32, it states that London's cultural and creative sectors are central to the city's economic and social success and the Mayor's Cultural Metropolis, setting out the Mayor's Priorities for Culture and seeking to maintain the capital's status as one of the greatest world cities for culture and creativity.

It is clear, therefore, that businesses such as that of our client have been identified as significant in terms of London's economy and should be protected as such. Furthermore, the success or failure of our client's business directly impacts upon the success or failure of other businesses in the industry and, potentially, on the success or failure of the industry itself.

Conclusion

Given the above, it is understandable, therefore, that our client has significant fears that the sensitivity of its business and the consequent impact of the planned works upon that business has been and continues to be completely over-looked by the Applicants and their advisers.

The consequence of Applicants' omissions is that Camden's planning authority is not being provided with pertinent and accurate information upon which to base its decision as to whether or not planning should be granted. We and our clients consider this to be a significant failing on the part of the Applicants and on the part of Camden. Our client has been put to significant cost to date in attempting to provide Camden with the information which the Applicants have failed to submit in order to highlight the problems with and serious ramifications of the proposed plans on its business as well as the wider cultural economy.

Our aim in writing to you with this information is to inform you of the issue at hand and to highlight the serious consequences which will befall Air Studios, in the immediate instance that planning is granted, and, subsequently, to Abbey Road Studios and potentially to the UK film industry as a whole.

We ask you to take whatever action you deem appropriate to ensure that the decision makers in this matter are fully apprised of the significant negative impact that will be caused should planning permission be granted to the Applicants.

Yours faithfully

BIRKETTS LLP

Direct Line:

Direct e-mail: