

no objection in principle of formation of new cellars under the highway, but requires compliance with certain structural standards.

44. As there is already this established procedure in place for the formation of new basements, residents' concern that approval of the appeal proposal would represent a precedent does not appear to be well founded. The Council confirmed at the Hearing that permission had been granted in the past for basements under streets. Subsequent planning applications would have to be assessed on their own merits.
45. Similarly, there appears to be little basis for the concern that any such precedent could potentially lead to chaotic conditions as nearby owners each asserted a perceived 'right to develop' under the highway. The timing and phasing of any highway impacts would be subject to control by the Council through approval in each case of the CTMP and the granting of the necessary licences for hoardings and parking suspensions. The Transport SPD confirms that the extent and timing of works should not be assumed.
46. The proposal would involve the use of air handling plant located in an underground room opening off the rear lightwell. The submitted Noise Assessment shows that subject to suitable mitigation measures, which can be secured by a planning condition, noise from this source should not be harmful to nearby residents.
47. I conclude on this issue that, subject to mitigation by conditions, the Appeal C proposal would not have an unacceptable impact on residents' living conditions by reason of its impact during the construction period. Subject to appropriate planning conditions, the proposal would comply with the guidance of the Subterranean Development SPD and would not conflict with CS Policies CT1 and CL2. This issue does not add further grounds to reject Appeal A.

Other matters

48. Some local residents maintain objections to all three appeal proposals, which are not supported by the Council, with regard to effect on ground water and increased flood risk and to potential structural damage to property.
49. In accordance with the SPD, the proposal is supported by a Construction Method Statement ('CMS'), prepared by a chartered engineer, who also spoke at the Hearing. The CMS is unequivocal that the proposal involves no unusual geological, hydrological or structural concerns which need to be addressed. The Ground Investigation Report had revealed no significant ground water, and it was confirmed at the Hearing that further additional monitoring, recommended by the Report as a prudent measure to check seasonal fluctuations, had been carried out without raising issues of concern. There appear to be no records of underground watercourses directly affecting the appeal site. Residents' anecdotal evidence of ground water encountered in the local area does not provide a firm link with the site and is countered by the project engineer's experience of other sites nearby. The SPD notes that changes to ground water levels as a result of basement development are likely to be significantly less than natural seasonal variations.

50. Those objecting place some reliance on a report² commissioned by the Council to inform a review of policy on subterranean development. As a background document to an emerging policy review, little weight can be afforded to the report in the current appeal. Moreover the limited submissions that have referred to the report, including a brief opinion by another consultant³, do not offer compelling evidence to show how the appeal proposal would be contrary to the report's recommendations for basement design and construction.
51. The report's plan of 'Local Surface Water Flood Risk Zones'⁴ appears to show the terrace that includes the appeal property lying just outside an area of historically increased risk. The SPD records that flooding in parts of the borough in 2007 was caused by the sewer infrastructure. It was confirmed at the Hearing that the proposal would include attenuation measures to restrict discharge to public sewers. While acknowledging the understandable concern of nearby residents who have suffered some instances of flooding in the past, I find insufficient grounds to conclude that the appeal proposal would contribute to an increased risk in the future.
52. With regard to structural damage, I note that other legislation offers immediately adjoining owners an opportunity for involvement in the project and for any necessary compensation that might not be open to owners further away. However, I find insufficient reason to set aside the appellant's professional evidence that significant risk should not be posed to the stability of nearby properties, such that planning permission should be refused. The proposal would comply with the stability requirement of CS Policy CL2.
53. Furthermore, the evidence suggests that any risks posed on these matters would be identical (in the case of Appeal B) or very similar (in the case of Appeals A and C) to those that would arise from the scheme already granted planning permission by the Council and which has a realistic prospect of implementation. There is no evidence that the appeal proposals would significantly increase the degree of potential harm above that already possible.
54. Similarly, I find no reason to take issue with the Council's decision to permit the formation of the steps to the front lightwell, which would partly encroach within the notional root protection area of the protected tree, or to conclude that the Council's normal measures to control construction noise, to be applied in the permitted scheme in accordance with the SPD, would not also be effective in each of these three appeals.

Conditions and unilateral undertaking

55. The Council has proposed a list of conditions to be applied, very similar to those already imposed on the permitted scheme. Subject to some amendment in the interests of consistency and precision, I find these to be reasonable and necessary and to comply with the guidance of the NPPF and of Circular 11/95⁵.
56. Standard conditions are advised on the commencement period and the identification of the approved plans. As outlined above, conditions are required in accordance with the SPD on approval of the CTMP, enrolment in the

² Alan Baxter & Associates: Royal Borough of Kensington and Chelsea Residential Basement Study Report March 2013

³ Letter dated 3 September 2013: Arup to Sir N Stadlen

⁴ Figure 25

⁵ DoE Circular 11/95: The use of conditions in planning permissions

Considerate Constructors Scheme and supervision by a chartered engineer. These are in the interests of safety during construction and to protect neighbours' living conditions. For the latter reason, conditions are also needed on the fitting and operation of the proposed air conditioning plant. The requirement for a Very Good EcoHomes rating is justified in accordance with the SPD to ensure adequate mitigation for the environmental impact of the subterranean development. Approval of details of landscaping, of tree protection, of new rooflights and of the proposed bins store, are all needed in order to preserve the character of the conservation area, as are the control of matching materials and of the colour of new grilles.

57. The Council confirmed at the Hearing that the submitted UU satisfactorily addresses the second reason for refusal of Appeal C. The obligation offered by the UU to secure the reinstatement of the public highway and the provision of a replacement street tree is necessary to mitigate the effects of the proposed development. The obligation complies with the guidance of the NPPF and meets the tests of Regulation 122 of the Community Infrastructure Regulations 2010, so that it can be taken into account in my decision on Appeal C.

Conclusions

58. For the reasons set out above, and having taken careful account of the many representations made, both in writing and at the Hearing and site visit, I conclude that Appeal A and Appeal B should be dismissed, but that Appeal C should be allowed and planning permission granted subject to conditions.

Brendan Lyons

INSPECTOR

Annex

Appeal C: APP/K5600/A/13/2206606

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Nos. 115EC- 000, 001, 002, 003, 004, 005, 006, 020, 021, 030, 031, 032, 100, 101, 102, 103, 104, 105, 106, 120, 121, 122, 130, 131, 132.
- 3) No development shall be carried out until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The statement shall include:
 - routeing of demolition, excavation and construction vehicles;
 - access arrangements to the site;
 - the estimated number of vehicles per day/week;
 - details of any vehicle holding area;
 - details of the vehicle call up procedure;
 - estimates for the number and type of parking suspensions that will be required;
 - details of any diversion, disruption or other abnormal use of the public highway during demolition, excavation and construction works;
 - a strategy for coordinating the connection of services on site with any programmed work to utilities upon adjacent land;
 - work programme and/or timescale for each phase of the demolition, excavation and construction works;
 - where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes, parking bay suspensions and remaining road width for vehicle movements.

The development shall not be carried out except in accordance with the approved Construction Traffic Management Plan.

- 4) No development shall be carried out until such time as the lead contractor, or the site, is signed to the Considerate Constructors Scheme and its published Code of Considerate Practice, and the details of (i) the membership, (ii) contact details, (iii) working hours as stipulated under the Control of Pollution Act 1974, and (iv) Certificate of Compliance, are clearly displayed on the site so that they can be easily read by passing members of the public, and these details shall thereafter be maintained on display throughout the duration of the development hereby permitted.
- 5) No development shall be carried out until a Chartered Civil Engineer (MICE) or Chartered Structural Engineer (MI Struct.E) has been

appointed to supervise the construction works throughout their duration and his/her appointment has been confirmed in writing to the Local Planning Authority. In the event that the appointed engineer ceases to perform that role for whatever reason before the construction works are completed those works will cease until a replacement chartered engineer of the afore-described qualification has been appointed to supervise their completion and his/her appointment has been confirmed in writing to the Local Planning Authority. At no time shall any construction work take place unless an engineer is at that time currently appointed and his/her appointment has been notified to the Local Planning Authority in accordance with this Condition.

- 6) No development shall take place until full particulars of a soft and hard landscaping scheme for both the front and rear gardens have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.
- 7) All planting, seeding and turfing, forming part of the approved details of landscaping, shall be carried out in the first planting and seeding season following the first occupation of the development or the completion of the development whichever is the sooner and any trees or plants which, within a period of 5 years from the first planting and seeding season referred to above, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives its written consent to any variation.
- 8) No development shall take place until full particulars of the methods by which all the existing trees on the site are to be protected during building and other operations on the site, including details of the entry points and method of installation for any new service runs, have been submitted to and approved in writing by the Local Planning Authority. The protection so approved shall be provided before the commencement of the development and maintained for the duration of building and other operations on site. For the duration of all works associated with carrying out the development hereby permitted, no tree within the curtilage of the site shall be lopped, topped, or felled, or root pruned without the prior written approval of the Local Planning Authority.
- 9) No development shall take place until full particulars of the bin store to the front garden, including drawings to a scale of 1:20, details of materials and details of the extent of foundations and how these relate to the adjacent trees on the front boundary, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.
- 10) No development shall take place until details of new rooflights have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved.
- 11) All new exterior work and work of making good to the exterior of the house shall be finished to match the existing original work to the

building in respect of materials, colour, texture, and profile and, in the case of brickwork, facebond and pointing, and shall be retained as such thereafter.

- 12) The metal grilles over the lightwells hereby permitted shall be painted black and so retained thereafter.
- 13) The subterranean development hereby permitted shall not be used or occupied until the entire dwelling has achieved an EcoHomes rating of Very Good, with 40% of the credits achieved under the Energy, Water and Materials sections, and a post-construction review certificate for the dwelling has been issued certifying that a Very Good rating has been achieved.
- 14) Noise emitted by any building services plant, shall not increase the existing lowest LA90(10min) background noise level at any time when the plant is operating. The noise emitted shall be measured or predicted at 1.0m from the facade of the nearest residential premises or at 1.2m above any adjacent residential garden, terrace, balcony or patio. The plant shall be serviced regularly in accordance with manufacturer's instructions and as necessary to ensure that the requirements of the condition are maintained. If at any time the plant is unable to comply with this Condition, it shall be switched off and not used again until it is able to comply.
- 15) Any building services plant shall be supported on adequate proprietary anti-vibration mounts as necessary to prevent the structural transmission of vibration and regenerated noise within adjacent or adjoining premises, and these shall be so retained thereafter.

APPEARANCES

FOR THE APPELLANT:

Neil Henderson	Gerald Eve LLP, Planning Consultants
Peter Edgar	
Thomas Croft	Thomas Croft Architects
Hing Chan	
Pete Gasparatos	FORM Structural Design
Hannah Parham	Donald Insall & Associates, Heritage Consultants

FOR THE LOCAL PLANNING AUTHORITY:

Councillor Marie-Therese Rossi	Member of Planning Applications Committee
Derek Taylor	Deputy Head of Development Management
Mark Butler	Conservation and Design Officer

INTERESTED PERSONS:

Local councillors:

Councillor David Lindsay	Member for Norland Ward
Councillor Julie Mills	Member for Norland Ward

Amenity groups:

Amanda Frame	Chairman, Kensington Society
Graham Child	Chairman, Ladbroke Association
Sophia Lambert ⁶	Member, Ladbroke Association

Neighbouring and local residents:

Stella Reed
Norval Reed
Catherine Reed
Sir Nicholas Stadlen
Tessa Katzenell-Enbogen
Robina Rose
Rachel Johnson
Amanda Waggott
Verena Chalk
Gilbert Chalk⁷

PHOTOGRAPHS

- 1 Set of 17 views of the appeal site and surrounding area –submitted by the Council

PLAN

- A Perspective from rear of house –Option 2

⁶ Attended site visit only

⁷ Attended site visit only

DOCUMENTS

- 1 Council's letter of notification of the Hearing and list of those notified
- 2 E-mail dated 5 December 2013: Sir N Stadlen to PINS
- 3 High Court Judgement: Richard Szpiro v Royal Borough of Kensington and Chelsea and Nicholas Wheeler [2012]EWHC 1564 (Admin)
- 4 Letter dated 3 September 2013: Arup to Sir N Stadlen
- 5 Appeal Decision Ref APP/K5600/D/13/2206105
- 6 Capita Symonds URS: The Royal Borough of Kensington and Chelsea Surface Water Management Plan Draft Report August 2013 - Executive Summary
- 7 Thomas Croft Architects: 115 Elgin Crescent Preliminary Construction Traffic Management Plan (Scheme A) 15 March 2013
- 8 Royal Borough of Kensington and Chelsea Transport and Technical Services: General Requirements for the Design and Approval of Structures Supporting the Public Highway
- 9 Thames Water: Presentation – Greenstreets @ Counters Creek –Meeting with LBHF and RKBC Officers 5 June 2013



Costs Decision

Hearing held on 10 December 2013

Site visit made on 12 December 2013

by Brendan Lyons BArch MA MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24 February 2014

Costs application in relation to Appeal Ref: APP/K5600/A/13/2206606 115 Elgin Crescent, London W11 2JF

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Mark Hawtin for a full award of costs against The Council of the Royal Borough of Kensington & Chelsea.
 - The hearing was in connection with an appeal against the refusal of planning permission for a new subterranean basement extending to under the side pavement; single storey flank extension at upper ground floor; provision of 2nos. roof lights to main roof; installation of air conditioning unit in the rear subterranean plant room.
-

Decision

1. The application for an award of costs is allowed in the terms set out below.

The submissions for the appellant

2. The application for costs was made in writing with the appeal submission on 7 October 2013. At that time the appeal was to be considered by written representations under the Householder Appeals procedure. The appeal was later joined with two others¹ for similar proposals at the same address, and all three were made the subject of a single Hearing, which took place on 10 December 2013. The application therefore now encompasses those aspects of the Hearing relating to this appeal, as well as the other costs involved. At the Hearing, the appellant had nothing to add to the written submission.
3. The planning application that has given rise to the appeal was refused, contrary to the recommendation of the Council's officers, for two reasons: the level of disruption to neighbouring residents of the proposed basement development under the footway, and the absence of a completed planning obligation to ensure compensation for the loss of the existing street tree and funds for the necessary highway works. At the same meeting, an application for similar works that did not extend under the public highway was granted permission subject to conditions and to completion of a satisfactory planning obligation.
4. The substance of the costs application is that the reasons for refusal were unjustified and unreasonable. The appellant argues that in permitting the other application the Council had concluded that any effect on residents could be controlled by the imposition of conditions, which had been subject to prior

¹ Appeals Ref. APP/K5600/A/13/2199010, APP/K5600/A/13/2199013

discussion with officers. It was unreasonable of the Council to reach a different conclusion on the application now under appeal.

5. The appellant states that a draft planning agreement provided to the Council, which its legal officers had found satisfactory, could readily have been concluded following a resolution to grant permission. It was unreasonable to refuse the application on the grounds of lack of an obligation.

The response by the Council

6. The Council's response was made by letter dated 20 November 2013. The Council did not add to this at the Hearing.
7. The substance of the Council's argument is that both parties had recognised that the effect on residents was a material consideration in the determination of the two applications and that both had considered the potential use of conditions to secure adequate mitigation. But the Council had concluded that conditions would not be enough to mitigate the impacts of the greater extent of the appeal proposal. The Council members were entitled to reach their decision having given weight to the construction impacts of both proposals. They did not take into account a matter that was not material or fail to take account a matter that was material. The first reason for refusal was not unreasonable.
8. Following the decision to refuse, it was a matter of fact that no planning obligation was in existence. The second reason for refusal was correctly applied, and was not unreasonable.

Reasons

9. Circular 03/2009² advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
10. Paragraph B16 of the Annex to the Circular advises that reasons for refusal should be complete, precise, specific and relevant to the application. Planning authorities will be expected to produce evidence at appeal stage to substantiate each reason for refusal with reference to the development plan and all other material considerations.
11. Paragraph B18 recognises that appeals often involve matters of judgement concerning the living conditions of adjoining occupiers. It advises that where the outcome of an appeal turns on an assessment of such issues, costs are unlikely to be awarded if realistic and specific evidence is provided about the consequences of the proposed development.
12. Paragraph B20 advises that planning authorities are not bound to accept the recommendations of their officers, but if such professional advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects.
13. In this case, the first reason for refusal does not give any specific indication of the anticipated disruption to residents, other than that it would be particularly

² DCLG Circular 03/2009: Costs awards in appeals and other planning proceedings

- associated with the construction period. The development plan policy referred to relates to sustainable transport rather than residents' living conditions.
14. The Council confined its written submission for this appeal to the response to the costs application. This does not set out the precise extent of the anticipated disruption and the differences between the two applications that led the Committee to reach a different conclusion on the use of conditions in each case. It confirms that the difference related to the incursion of the development outside the property boundary and underneath the pavement.
 15. The oral evidence provided at the Hearing by a Committee member did not explain why aspects of development common to both proposals, such as the suspension of parking, were found acceptable in one instance but not the other, or why aspects specific to the appeal proposal, such as closure of the footway and encroachment into the carriageway, would have an unacceptable effect on residents. No technical highways evidence was provided to support the case.
 16. The Councillor also referred to noise and disturbance, which are not specifically addressed by the development plan policy relied on in the reason for refusal, but again did not explain why the measures approved for the control of noise on the permitted scheme were not considered adequate on the appeal scheme and did not produce any technical evidence.
 17. I consider that the Council has not provided realistic and specific evidence to support this reason for refusal, which was therefore unreasonably imposed.
 18. The Council confirmed at the Hearing that the second reason for refusal had now been satisfactorily addressed by the appellant's completed unilateral undertaking ('UU'). There seems every likelihood that the reason could equally have been met by the submitted draft agreement. As the only other reason for refusal had been unreasonably imposed, it follows that this second reason was also unreasonable, even if it was factually correct that a completed obligation was not yet in place.
 19. The Council argues that no additional expense was incurred. As the content of the UU was not contested, no time was taken in discussion at the Hearing, but submission of the appeal would have involved some expense of turning the draft agreement into a UU.
 20. For these reasons, I conclude that unreasonable behaviour resulting in unnecessary expense in the terms of the Circular has been demonstrated. The appellant incurred unnecessary expense in the submission of the appeal and in that part of the Hearing relating to this appeal. A full award of costs on that basis is therefore justified.

Costs Order

21. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that The Council of the Royal Borough of Kensington & Chelsea shall pay to Mr Mark Hawtin, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in the submission of the appeal and in that part of the Hearing relating to this appeal.

22. The applicant is now invited to submit to The Council of the Royal Borough of Kensington & Chelsea, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Brendan Lyons

INSPECTOR

Appendix 12

Vanguardia Project Note 12th October 2015

Project Note

To:	Paul Woolf (Air Studios)	Date:	12 th October 2015
Distribution:	Jim Griffiths (Vanguardia);	File Ref:	VC-101936-EA-PN-0001
From:	Deni Butterfield (Vanguardia)	Checked:	Jim Griffiths
Job No:	VC/101936	Passed:	Jim Griffiths
Discipline/s:	EA		
Job Title:	Air Studios		
Subject:	Response to CJ Letter (13th August 2015)		

1 Introduction

- 1.1 Vanguardia Consulting has been appointed by Air Studios to respond to a letter dated 13th August 2015 (Ref 14-0692 L02-0) written by Neil Jarman of Cole Jarman (CJ) sent to the London Borough of Camden (LBC).
- 1.2 The letter states that CJ have been asked by the applicants seeking planning permission for a development adjacent to Air Studios (Application Reference 2015/2089/P – 11 Rosslyn Hill) to review and respond to the Vanguardia report (VC-101936-RP-JETG-0002-0 Rev00) dated 3rd June 2015. This report was prepared by Vanguardia following concerns raised by Air Studios that the proposed development at 11 Rosslyn Hill would have a significant impact on their recording facilities, their clients and their staff.
- 1.3 It is important to note here that Vanguardia were initially appointed by Air Studios following the submission of two CJ reports in support of the Planning Application for 11 Rosslyn Hill (Ref:14/0692/R1 and 14/0692/R2-1) both of which completely overlooked Air Studios as a potential noise sensitive receptor and thus failed to recognise the sensitive nature of Air Studios in respect of the potential noise and vibration impacts of the proposed construction works.
- 1.4 CJ has proposed that ‘noisy’ works could be programmed to take place during periods when the studios are not in use. As the studios are essentially a 24/7 operation this may not be practical.
- 1.5 This project note deals with the matters raised by the CJ letter on a paragraph by paragraph basis to avoid confusion as the letter does not have numbered paragraphs.

2 Vanguardia Comments

The sub headings in this section relate to those in the letter being reviewed.

Introduction

2.1 There are no comments on this section.

Sound Insulation of the Studios

2.2 CJ state that the Vanguardia report is lacking any detail concerning the design of the studios and reproduces a statement from the Vanguardia report to verify this - "*Paragraph 3.18*". Unfortunately CJ have misunderstood this paragraph as they seem to have concluded that the reference to archived test data relating to the detail of the design is Vanguardia archived data. This is not the case. These data were also not available to Vanguardia at the time of the writing our report which is why we undertook our own sound level measurements. The instruction from Air Studios has no bearing on the availability of this information.

2.3 The design of the studios is not a relevant factor with respect to the matters under debate. The studios are an existing noise sensitive receptor adjacent to the proposed development.

2.4 The following paragraphs in this section continue to surmise on the construction of the Studios and incorrectly conclude that the primary concern of Air Studios is the noise and vibration impact of the proposed development upon the Hall. Air Studios is a world class recording facility which comprises four major recording studios, eight programming rooms and three 5.1 surround sound mixing rooms. Air Studios quite justifiably are concerned about the effect that the proposed construction works might have on all of their facilities, not just the Hall.

2.5 This section also raises a number of questions about the Vanguardia report which are answered here:

- a) The noise measurements were made under normal operating conditions for the spaces where the ventilation and air-conditioning systems were fully operational. The 'red light' was not on as no recording was taking place.
- b) The lighting was also operating.
- c) At least one other studio was in use, generating high sound levels, during the measurement period.

- d) A succession of 30 second measurements were taken over a period of 5 minutes at each measurement position. These measurements were taken between the hours of 11am and midday on 3rd June 2015.
- e) The measured levels are 30 second Leq's.

Reproduced in Appendix A to this note is an extract from the text of an email from Gavin Greenaway, a renowned composer and conductor and frequent visitor to Air Studios. He states:

4. I have never heard of any noise from studio 1 in the Hall causing any stoppage to a recording I was part of.

5. The noise from the lights is measurable but not at all significant in recordings.

6. The air con system is designed so that when the 'red light' is on (i.e. we are recording) the ventilation fans do not run, and no noise is caused. Since the red light is not on during rehearsals, the quality of air and its temperature is very acceptable with this system.

These comments validate the measurements taken by Vanguardia.

- 2.6 The CJ letter makes the assertion that the reported measurements carry little value because of the questions raised (answered above) and the decision not to instruct Vanguardia to discuss their report. The measurements reported are valid measurements taken by Vanguardia acting as an independent acoustic consultant. The measurements are of course valuable as they record the existing noise climate within the Studios when they are not in use.
- 2.7 CJ go on to say that the sound levels within the studios '*can locally get up to around 100dB L_{Aeq} with peak levels as high as 130dB*'. This statement is true but it wrongly infers that because the levels in the studios are so high that any construction noise that might be heard would be so low by comparison that it would not be audible. This shows a lack of understanding of the recording process. Any music recording will have a large dynamic range with periods of high noise interspersed with periods of low (or possibly no) noise. Certainly any noise intrusion will be masked during periods of high noise but not during periods of low noise. In his email Gavin Greenaway states: