

From: Ed Bardos

Date: 17 August 2018 at 15:20:04 BST

To: Tony Young

Cc: Paul De Francisci, Wing Kew Leung

Subject: Variation of condition application - 2017/5155/P (condition 4) - 40 Goodge Street

Dear Tony,

Thank you for your email. Apologies, but your previous email seems to have slipped our radar. We appreciate your and Edward's continued support but find it extremely disappointing that after all this time and significant expense on our part in complying with every request and Camden regulation, the relevant committee chooses not to take your and Edward's expert report/opinion for some reason. We simply don't understand how or why that would be.

To clarify once more, and using the same numbering as you have done in your email, please see below our response:

1. As you'll see in the email communication which I have attached, multiple noise assessments were done specifically post-installation, in conjunction with Camden officers' advice and specifically in accordance with LA90 and the other relevant standards by an industry leading consultancy, which (you and) Edward approved. We assume there has been an internal misunderstanding which you are now therefore able to correct:

To recap some specifics: with regards to [38c Goodge Street](#), as our noise consultant (Richard Collman at Acoustical) has confirmed, there is "no perceptible change in the level or character of sound when the plant was switched off and when it was switched on 2 minutes later". You'll see the data and conclusion from the email dated 26 July 2016. A copy of which has been forwarded to the council officer, Edward Davis, on or around that date as well.

With regards to [38b Goodge Street](#), I have attached here two emails, dated 23 & 27 October 2016 sent to Edward Davis which contains the result showing that we are in compliance of the regulations. We further understand from the resident directly that he has since been happy with the result. We also note that the flat at 38b is much closer to the noise source than 38c, who lives one floor above. We find it counter-intuitive to suggest that we could be in compliance of the regulations with 38b but not 38c. Indeed, this is confirmed by our two separate assessments above.

Most importantly, the council officer, Edward Davis, has confirmed in an email dated [27 October](#) to Richard Collman that he is satisfied with the reports and noise level and have signed off on it.

I am sure you and Edward - and hopefully your colleagues - can understand that as a small local business we cannot be faced with constantly moving goalposts with no resolution in sight. We are entitled to due process, consistent and fair treatment and some certainty now. We have complied with all our obligations and we've seen no actual evidence from the Council to the contrary. We do not wish to be forced to defend due process and our rights by other means.

2. We confirm that we have been in compliance with the operational hours below and would not object to the change from 0730 to 0800 as suggested.

We hope that this addresses your questions and you can present this to your colleagues though please do not hesitate to let me know should you have any follow up queries.

I am happy to discuss with you if you'd like to call me.

Regards,

Ed Bardos