

HOUSE OF COMMONS  
SESSION 2005-06

CROSSRAIL

PETITION

Against the Bill – Praying to be heard by counsel, &c.

---

TO THE HONOURABLE THE COMMONS OF THE UNITED KINGDOM OF GREAT BRITAIN AND  
NORTHERN IRELAND IN PARLIAMENT ASSEMBLED.

THE HUMBLE PETITION OF GRAND CENTRAL SOUND STUDIOS  
LIMITED

SHEWETH as follows :-

1. A Bill (hereinafter called "the Bill") has been introduced into and is now pending in your honourable House intituled "A Bill to make provision for a railway transport system running from Maidenhead, in the County of Berkshire, and Heathrow Airport, in the London Borough of Hillingdon, through central London to Shenfield, in the County of Essex, and Abbey Wood, in the London Borough of Greenwich; and for connected purposes".
2. Clauses 1 to 20 set out the Bill's objectives in relation to the construction and operation of the railway transport system mentioned in paragraph 1 above. They include provision for compulsory acquisition, planning permission, heritage issues, trees and noise. Clauses 21 to 44 of the Bill establish a regulatory regime for the railway transport system and clauses 45 to 59 of the Bill deal with miscellaneous and general provisions.
3. The works proposed to be authorised by the Bill are specified in Schedule 1 to the Bill and the scheduled works are defined in the Bill as the works specified in Schedule 1 to the Bill

which are works authorised to be constructed by the nominated undertaker (defined in the Bill and hereinafter referred to as "the nominated undertaker").

4. Your petitioners are the leaseholders of part of the plot numbered 493 in the City of Westminster as shown on the deposited plans, known as 51-53 Great Marlborough Street, London W1F 7JT ("the Premises"). Your petitioners have occupied the Premises since 2001, and the lease has just been extended to 2021. The Bill would authorise the compulsory acquisition of the subsoil of land in which your petitioners have an interest as lessees, to which they object. Furthermore, your petitioners object to the proposals in the Bill insofar as they affect your petitioners' interests, for the reasons, amongst others, hereinafter appearing.

### **Introduction**

5. Despite your petitioners' substantial interest in the Premises, they do not appear in the book of reference deposited with the Bill, and they were therefore not served with any notices under standing orders informing them of the deposit of the Bill and their right to deposit a petition. It was only through chance that your petitioners realised at a relatively late stage that they could present a petition against the Bill.
6. Your petitioners were formed in 1990 and their business is the provision of sound recording facilities, mainly for the makers of commercials for radio, television, cinema and websites. Your petitioners are one of the leading sound recording companies of this nature in the UK. The Premises are your petitioners' second sound recording facility and they opened in 2003. They currently feature six sound recording studios. Each sound recording studio comprises a pair of rooms - a sound recording room, where the voice to be recorded is located and a separate sound mixing room where the technical process of recording the sound and then further processing it to a broadcast standard is carried out. The Premises are located in the basement, ground floor and seventh floor of the building. The sound recording studios are all located in the basement and ground floor. So far, your petitioners have invested approximately £5 million in the premises. Over the last two years six sound recording studios have been constructed with a seventh planned for completion in June 2006.
7. All of your petitioners' sound recording rooms are constructed using fully floating acoustically isolated shells. The reason for this is that when recording voice in particular it is vital to eliminate all extraneous sounds and vibrations which might contaminate the voice recording itself. As such the sound recording rooms are acoustically and technically designed to the highest sound isolation standard known as NC20. Due to this

specification the studios' sound recording rooms can record voice to the highest broadcast standards for television, cinema and film. All local sounds and vibrations such as from traffic and tube lines do not penetrate the sound isolation afforded by the floating acoustic shells. The sound mixing rooms which adjoin the sound recording rooms are likewise sound isolated and designed to a very high technical standard called NC25. This allows your petitioners to mix the recorded sound to the highest technical standards. Three of the sound recording studios are located on the ground floor and both the sound recording and mixing rooms feature a fully floating acoustically isolated design. Three of the studios plus the further studio which is yet to be completed are located in the basement of the building. The sound recording rooms for these studios also feature a fully floating acoustically isolated design. The sound mixing rooms for these studios, however, are mass isolated, which means that they are built directly onto the 750 mm concrete ground slab of the building. The ground slab itself forms an integral part of the acoustic isolation shells. This construction method was used because a fully floating acoustically isolated design would not provide sufficient head room for people using the control rooms, who may need to be there for a full working day.

### **Noise and vibration**

8. All of your petitioners' sound recording rooms have been specifically designed to meet NC20 standards and in the design process, account was taken of expert independent acoustic advice. The studios have been designed to provide isolation against ground borne noise from various sources in the local area, including the underground Central Line which passes deep beneath the premises and also from road traffic on Great Marlborough Street. Your petitioners' business is totally reliant on being able to record voice to NC20 standards and mix the recorded voice to NC25 standards between the hours of 0900 and 1900 Monday to Friday. Any increase in ground borne vibration and noise levels which would result in your petitioners failing to be able to meet those standards would seriously threaten your petitioners' ability to trade at the premises.
  
9. The southern running tunnel is to be constructed directly beneath your petitioners' property and the northern running tunnel is also in close proximity. Your petitioners are gravely concerned about noise and vibration arising from the construction works and operation of the railway, and request that the promoters should do everything possible to reduce the levels, and the duration, of such impacts upon the Premises. Due to the unique nature of the work undertaken by your petitioners, any increase in noise is likely to have a disproportionate impact even at low levels. It is essential that the nominated undertaker and their sub-contractors are required to adhere to levels of noise and vibration which are acceptable to, and agreed with, your petitioners.

10. Your petitioners must be assured that they will not suffer any noise or disruption when the railway is under construction, and when in operation and that noise and vibration are not transmitted into their building. In your petitioners' submission, the nominated undertaker should be subjected to stringent design standards, and should be required in particular to use a floating continuously welded track for the railway underneath your petitioners' building to prevent any noise from the running of the railway causing the NR20 and NR25 standard to be breached in your petitioners' recording studios and control rooms. This requirement should also apply to any temporary track used for the transport of material during the construction period. Likewise, the most stringent standards must be applied and complied with during the construction, fitting out and testing of the tunnels and railway. The nominated undertaker should be required to adopt, with the agreement of your petitioners, procedures and design and construction methods to inhibit the transmission of noise and vibration into your petitioners' building so that the NC20 and NC25 standards continue to be met. In your petitioners' submission, the Bill should also provide that the nominated undertaker should put in place a comprehensive consultation, noise monitoring and mitigation scheme and be subjected to a compensation code if agreed noise and vibration standards are breached.
11. Your petitioners are also concerned to ensure that high standards are met in terms of the lifespan and maintenance of the new tracks. Appropriate standards should be incorporated in the contracts between the Secretary of State and the nominated undertaker to ensure that the nominated undertaker meets those standards.
12. Your petitioners submit that the possibility of moving the running tunnels away from their building should be considered, so as to avoid the possibility of noise breaching the NC20 and NC25 standards.
13. Your petitioners' primary objective is to secure mitigation measures which would ensure that the NC20 and NC25 noise standards are not breached by either the construction or operation of a railway. In turn, this means that they will need to carry out acoustic surveys to assess the impact of the proposed works. Your petitioners have concerns about this. The first is that the Bill provides no details about the exact location of the works or the construction methodology. Your petitioners therefore require the promoters to come forward with fixed proposals for the location of the tunnels and the construction and operation methodology for the railway. Secondly, your petitioners are concerned about the cost which they will incur in commissioning noise studies and they require that the promoter should pay for all additional noise surveys reasonably required by your petitioners in protecting their position. If this means carrying out noise assessment against a wide variety of construction and operational methodologies, because of the

inability of the promoter to come forward with fixed proposals, then the costs of carrying out all such surveys should be met by the promoters.

14. If the noise surveys which your petitioners will have to carry out demonstrate that it is not possible to safeguard the NC20 or NC25 standards, then there is the real possibility that your petitioners would need to relocate, or worse still close down their business. If your petitioners were required to relocate, then it would need to be in Soho, because that is where the industry is based. Specifically, the area for sound post production that is commercially viable for your petitioner is that bounded by Oxford Street, Regent Street, Piccadilly and Charing Cross Road. Your petitioners would envisage great difficulties in finding suitable premises in which to relocate in this area. Whilst this is very much a worst case scenario for them, your petitioners would require, if the noise surveys show that the standards could not be maintained, that the promoters should be required to compensate your petitioners for all expenses and loss of profit which might be incurred in finding new premises and that financial assistance should be forthcoming as soon as it was discovered that the noise standards would be impossible to maintain.

#### **Construction Traffic**

15. The construction sites for the Tottenham Court Road Station will be centres to and from which large quantities of construction materials, spoil, equipment and staff will be transported. Your petitioners are concerned that the routing of lorries and other vehicles, access to work sites, hours of operation, number of vehicle movements and size of vehicles and related matters should be planned so as to ensure that as much traffic and other disruption takes place as far away as possible from the Premises. Your petitioners submit that the nominated undertaker should be required to minimise the cumulative impact of lorry movements by properly managing them, avoiding "stacking" of lorries queuing close to the worksites, keeping the number of movements to a minimum, and confining movements to specified worksite hours.

#### **Safeguarding Works**

16. Your petitioners are concerned about any proposals for pumping grout and other safeguarding works to compensate for any consequent settlement of land or buildings near their property. Your petitioners are particularly concerned that, once such works have commenced, it would have to continue until the nominated undertaker is satisfied that any settlement to the building in question had been corrected. This could result in continuous noise and disruption for long periods of time, far in excess of the hours of work proposed by the promoters. Your petitioners request that further details relating to any proposed

safeguarding operations near the Premises should be provided to your petitioners for consultation, together with a detailed survey to determine the most suitable locations. Prior to the commencement of any operations, the final proposals for these works should be submitted to your petitioners, and only implemented when in an agreed form.

### **Structural impact of construction of Crossrail**

17. Your petitioners are extremely concerned about the effects of construction activity on the structure of their building. Your petitioners submit that surveys to record the structural condition of the building should be undertaken immediately prior to the commencement of the works, and surveys to assess structural damage should be undertaken regularly thereafter during the construction of the works, and for a period afterwards. Should the building suffer structural damage or show signs of distress, the promoters should be obliged to make safe and repair at their own expense any such damage immediately. Your petitioners ask for an undertaking that a programme of regular surveys will be put into place and preventative or remedial action taken including appropriate measures to protect staff and members of the public from the risk of falling debris.
18. Your petitioners note that the Bill seeks to limit your petitioners' rights to make a claim for compensation for any damage to the building by the operation of the railway by providing that the period within which a claim may be made is two years from the date of the railway's opening for public traffic. In your petitioners' respectful submission, the period should be two years from any date upon which damage becomes apparent. Your petitioners also submit that compensation provisions in the Bill are inadequate and submit further that their very special circumstances merit extra rights to claim compensation for any losses they may incur as a result of the works proposed or any injurious affection suffered to the premises or business as a result of the works proposed under the Bill.
19. In your petitioners' respectful submission, the nominated undertaker should be required to provide, in advance of commencement of tunnelling, a detailed assessment of the expected impact on their building. This information should be supplied to your petitioners at the earliest opportunity, and should be accompanied by a statement of the method by which the impact is to be monitored before, during and after construction. Furthermore, the nominated undertaker should be required to carry out appropriate safeguarding works including full condition surveys and monitoring, and the proposals for these works should be submitted to your petitioners, and implemented in an agreed form.
20. If, during the course of the construction of the works your petitioners notice damage occurring to the Premises which requires attention, the nominated undertaker should be

obliged, on request, to carry out the works of repair and suitable protective works, to your petitioners' satisfaction, without waiting until the conclusion of the construction of the works.

### **Electromagnetic Interference and Interruption of Services**

21. Your petitioners are concerned that their valuable recording equipment will be damaged by electromagnetic interference once the railway with its ancillary equipment is completed and running. In order to protect your petitioners, they submit that maximum permitted levels for electromagnetic radiation must be stipulated in the Bill or satisfactory mitigation measures agreed.
22. Your petitioners are concerned that there should be no cuts in the supply of power to your petitioners' building, as this could lead to damage to their recording and other equipment. They request that the promoters should provide details of their arrangements to mitigate against any cuts in power supplies to your petitioners. The construction of the works and exercise of other powers under the Bill could interfere with or cause disruption to other services to and from your petitioners' premises including drainage and telecommunications services. The nominated undertaker should be required to ensure that all these services will be suitably protected and secured, that supplies and services will not be interrupted and that the capacity of supplies and services will not be impaired by reason of the works.

### **Access to premises**

23. Your petitioners are concerned at the prospect of disruption to vehicular and pedestrian access to the Premises. The Bill would enable the nominated undertaker to close, or restrict temporarily for long periods, roads in the Soho areas. Your petitioners request that the promoters be required to ensure that pedestrian and vehicular access to their property should be maintained at all times.

### **Miscellaneous**

24. Your petitioners have general concerns about the effect of the Crossrail works and the reputation of the post-production industry in Soho. The film industry has been established in Soho since before the Second World War, both in film and television. Soho became, after the Second World War, and still is, one of the few places in the world where the very best technical and craft skills across all aspects of media production can be found all within walking distance. The industry relies on being able to provide a full range of service in sound, picture, cinema, computer graphics and other mediums. If as a result of the Crossrail works significant portions of the sound recording industry were to have to close or

move away from Soho, it would without a doubt severely challenge the post-production industry as a whole in Soho. Your petitioners are aware that they are not the only post-production company affected by the Crossrail proposals and they fear that if significant numbers are to be badly affected, then the perception may be formed that the Soho industry is not sustainable. This would in turn have an adverse impact on your petitioners' business at the Premises and at their other facility in Marshall Street.

25. In your Petitioners' submission, the Bill is deficient in various respects, in relation to the Premises, as detailed below. They submit that the Bill should be amended to provide them proper protection in these respects. The matters in relating to which protection is requested are –
- a. Your petitioners are concerned about the exercise by the nominated undertaker, in relation to the Premises, of the powers contained in paragraphs 4, 5 and 6 of Schedule 2 to the Bill relating to mitigating and safeguarding works to buildings including the associated powers of entry. Your petitioners would wish to have control over such works, have the works overseen by independent engineers, be satisfied as to the quality of such works and be assured of proper and adequate access to your petitioners' premises being maintained at all times. Your petitioners seek assurances accordingly;
  - b. As regards the nominated undertaker's powers of entry under the Bill, your petitioners submit that these should be restricted such that they cannot be exercised during normal working hours at the Premises. Furthermore, the time of day when major structural works may be carried out should be restricted to outside normal working hours;
  - c. Your petitioners are concerned about exercise by the nominated undertaker of the powers of paragraph 9 of Schedule 2 to the Bill with regard to preparatory works, and in particular the making of trial holes, and that the nominated undertaker could seek to do this at the Premises. This power should only be exercisable with the consent of your petitioners;
  - d. Your petitioners are concerned about the possible duration and programming of the proposed works. Your petitioners require assurance that the nominated undertaker will notify them of the construction programme and timetable so far as practicable and that the nominated undertaker will arrange the construction programme and timetable so as to minimise disruption and disturbance to the Premises.

26. There are other clauses and provisions in the Bill which, if passed into law as they now stand, will prejudicially affect the rights and interest of your petitioners and other clauses and provisions necessary for their protection and benefit are omitted therefrom.

YOUR PETITIONERS THEREFORE HUMBLY PRAY

your Honourable House that the Bill may not pass into law as it now stands and that they be heard by themselves, their counsel, agents and witnesses in support of the allegations of this petition, against so much of the Bill as affects the property, rights, and interests of your petitioners and in support of such other clauses and amendments as may be necessary and proper for their protection and benefit.

AND YOUR PETITIONERS will ever pray, &c.

HOUSE OF COMMONS

SESSION 2005-06

CROSSRAIL

PETITION

of

Grand Central Sound Studios Limited

---

AGAINST,

BY COUNSEL, &c.