

## **COMMENTS FORM**

**Name:** West Hampstead Investments Partnership

**Address:** 55 Blandford Street, London W1U 7HW

**Email address:**

**Telephone number:**

**Planning application number** 2015/5488/P

**Planning application address:** NIDO Student Living , Blackburn Road, West Hampstead NW6 1RZ

### **WE OBJECT TO THE APPLICATION:**

#### **Introduction**

We are the freehold owners of the Clockwork Factory Apartments, 13 Blackburn Road, London NW6 1RZ.

The Clockwork Factory Apartments are the immediate neighbouring property with the NIDO Student Living Building.

The Clockwork Factory Apartments is a residential property comprising 29 self-contained flats and studios.

The site of the Clockwork Factory Apartments is located at the heart of the area of West Hampstead designated for "intensification" of use and has the potential for future development to provide a substantially greater number of residential units in the future.

Allowing this application would have a detrimental impact upon the residential amenity of the occupiers of the Clockwork Factory Apartments together with causing general noise and nuisance disturbance to the surrounding environs.

Our reasons for objecting are detailed herein and relate to both physical aspects of the proposal and the intended use and underlying purpose proposed for the extended communal facilities

#### **Objection to intended use**

This application is a resubmission of that approved by the Council in August of this year ( application ref: 2015/3343/P ) which was subsequently quashed by consent following our seeking a Judicial Review of that decision on procedural grounds.

Whilst our initial reasons for seeking a Judicial Review were simply that we had been neither notified or consulted on that application and we wanted time to review any potential physical impacts the proposal might have had on our property these concerns were greatly increased when we became aware that NIDO following the grant of permission had submitted an application to the Council for a comprehensive entertainment and supply of alcohol licence for those extended communal facilities ( which include both the first floor courtyard and the ground floor entrance area ) seeking approval to provide live music, recorded music , film screenings and supply alcohol both indoors and outdoors

365 days a year from 12 noon and up to 12 midnight with no restriction on the number of “events” and envisaging that some events could exceed over 300 invited guests.

There was no indication in the planning statement submitted with the application ( other than a brief reference to “creating an international club” of this intended use (The licencing application itself was also “misleading” in that the drawing attached to the application was the drawing of the existing first floor common room and not the drawings for the then approved extended facilities and change of use at both first and ground floor communal areas to which the licence if granted would have covered).

It is to be noted that prior to its determination the licence application was rejected because of a failure on NIDO’s part to properly advertise the application.

Our subsequent meetings with NIDO have made it clear that it is their intention to resubmit a licencing application in largely similar terms following determination of the current planning application.

They have also told us at various times that should they succeed in being granted the entertainment and licence application their intention is to open up the facilities to not only the student residents but also their guests; the tenants of the separate ground floor offices ( approximately 200 employees ) and members of the public ( note the ground floor lobby and pavement seating are designated on the drawings as public areas).

It is our contention that for full and proper consideration of the planning application currently before you account must be taken of the intended use which must be considered in the light of the licencing application and should consent be granted for the proposed extensions suitable and appropriate restrictions put in place either by way of planning conditions or S106 obligations.

A full description of our concerns relative to the potential impact from noise, nuisance and anti-social behaviour on both our residents , other neighbouring properties and the general public are set out in appendix 4 below and we ask that those concerns be noted together with the requested conditions that be imposed on page 3 of that objection items (i) through to ( ix ).

We have attached as appendices the following documents and emails with regard to the above:

1. Notice posted on the NIDO building
2. The full licence application
3. E-mail from us advising ward councillors of the licence application
4. Our detailed objection to the licence application submitted to the licencing authority prior to the licence being rejected
5. Email correspondence relating to the rejection/withdrawal of the licence application
6. Email correspondence with NIDO seeking clarification of their intentions regarding resubmission of the licence application ( note the answer from NIDO in response to our questioning their keeping from you their intended use “WE ARE FOCUSED ON ADDRESSING OUR PLANNING ISSUE AND CAN’T RISK ANY IMPACT ON THAT BY ADDING LICENSING TO THE MIX”

#### **Physical Considerations**

1. Refuse handling from the student apartments;

The existing method of dealing with refuse handling from the student apartments is by way of a refuse chute situated on the first floor podia and which is located directly above the refuse storage room at ground floor level. Both students and cleaners deposit refuse into this which drops directly into large paladins immediately in the refuse room below.

This refuse chute is to be removed as part of the proposals to extend the common room into the courtyard thus removing any direct method for students and cleaners to dispose of refuse.

We have queried this with NIDO who have told us that in future additional cleaners will be employed and all refuse will be collected by them and brought down in trolleys in the rear core lift and then wheeled across to the refuse room and physically loaded into the paladins.

They have however failed to demonstrate to us how this can safely be achieved without their having access to wheel the trolleys across the surface of our service yard and which we are not willing to allow for public liability reasons.

Should they be able to show us how they can identify a route which is entirely on their land we will want to see a fence constructed on the boundary of the two ownerships to ensure this route is maintained and their refuse handling contained entirely on their property.

## 2. Ventilation, air conditioning and cooling:

The existing first floor common room and ground and mezzanine floors communal areas have no mechanical ventilation, air conditioning or cooling facility.

The proposed use of the extended communal facilities envisage accommodating events with invited guest numbers in excess of 300 people ( see rejected licence application ).

Accommodating anything even approaching half this magnitude of people will create significant ventilation and cooling issues which can only be addressed by the provision of a substantial amount of mechanical ventilation and cooling . There is only the oblique inference of this on the latest drawings ( there was none on the originally approved drawings ) and no indication of the size, output or location of the plant required.

It would appear to us that there are very limited places where any mechanical plant to serve these areas could be located all of which will be within an unacceptable distance with regard to noise of the habitable rooms in the Clockwork Factory Apartments and which will potentially restrict the means of escape in the event of an emergency.

If consent is to be granted full details of how the space ( including the existing communal areas ) are to be ventilated and cooled together with the size and location of plant should be provided and approved as a specific prior to implementation planning condition with compliance confirmed on completion.