

Donna Emma Baker
2015

COMMENTS FORM

Name: West Hampstead Investments Partnership

Address: 55 Blandford Street, London W1U 7HW

Email address: info@westhampsteadinvestments.co.uk

Telephone number: 020 7434 1000

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 together with a possible breach of the S106 Unilateral Undertaking which places certain restrictions on the use and letting of the student accommodation.

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 and it is our contention supported by subsequent discussions and email correspondence with NIDO) that this was deliberately withheld so as not to compromise the application.

(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 (NIDO will say withdrawn) because of a failure on NIDO’s part to properly advertise the application.

Our subsequent attempts to consult with NIDO have made it abundantly clear that it is their intention to resubmit a licencing application in largely identical 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”

It is clear that the intended operation of the building for a range of licenced entertainment uses could have considerable impacts on the amenity of the students within the building, the neighbouring residents in the Clockwork Factory Apartments, and the area generally. Potential impacts include noise and disturbance late in the evenings through the use itself and through the comings and goings of its patrons.

It must also be recognised that the longer-term future of the Clockwork Factory site, as part of the designated Area for Intensification, will likely involve redevelopment for a greater number of dwellings. A pre-application submission to this effect has been made to Camden, and is a material consideration. The current proposals would increase the potential exposure to harm from the Nido site, potentially prejudicing the successful development of this important site in the Area for Intensification.

S106 Obligations

The premises are subject to occupation of the student residential part complying with a Unilateral Undertaking dated 26 August 2010 under S106 of the Town and Country Planning Act and as varied by a Deed of Variation .

The Deed of Variation contains specific obligations with regard to which students can be accommodated ,the level of rents that can be charged and an obligation to provide written evidence on an annual basis to the Council with regard to the level of those rents, to ensure that they are commensurate with rental levels in other comparable accommodation.

The Planning Statement dated September 2015 submitted in support of the current application which attempts to justify why this additional facility is required (when perfectly adequate common room facilities are already provided throughout the premises) is in clear conflict with these obligations. The Planning Statement makes clear statements to this effect such as those contained at:

para 2.4 on page 5/18 *"and become a leader in the premium student accommodation market";*

para 2.7 on page 6/18 *"set the standard for the premium student housing market";*

para 2.8 on page 6/18 *"dedicated to creating an international club and residences ";*

para 2.10 on page 6/18 *"this additional value proposition is unrivalled by other student or privately rented accommodation and allows TNC to position their rates at a higher level" .*

From this and other statements made it is clear that the whole purpose of the proposed changes is not so much as to improve what are already high standard facilities but to drive up revenue from both rents and services provided.

The Council considered the affordability of student accommodation to be of sufficient benefit that it argued for them at the Public Inquiry into the original permission, and required them to be included through the Deed of Variation. The most up-to-date draft Local Plan includes reference to the need for student accommodation to be let at a range of rental levels. It is therefore clear that the Council takes seriously the need to ensure that the

accommodation was both "affordable" to all full-time students studying at an approved place of education and specifically not somewhere that only overseas students could afford.

The s106 obligations regarding affordability of the accommodation therefore go to the heart of the use of the student accommodation. The current proposals, clearly designed to maximise rental levels therefore constitute a change of the use of the student building, which should be reflected in the description of development. Should that change of use be approved (in conflict with emerging policy DP9), it must at the very least be subject of a deed of variation to the s106, which itself should be reported to Members as a change to the approved use.

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 be achieved without their having access (to which they have no right) to wheel the trolleys across the surface of our service yard and which we cannot permit 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 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 and compliance confirmed on completion.

Ryman
SUPERIOR

A4 DIVIDERS

1-12 index
Multicoloured tabs
Mylar reinforced tabs



ryman.co.uk



Ryman Limited, CW1 6NA

1 Licence Application, 'Notice' displayed on N100 Building, coming September

2 Copies of full licence application

3 Copy WH1 email to West Hampstead Ward Council was advising new or old licence application as per concerns

4 WH1 submission details and comments on licence application

5 Email correspondence with Council licensing authority regarding rejection / withdrawal of licence application

6 Email correspondence with N100 regarding our attempts to clarify licence use issues with them

7

8

9

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11

12

LICENSING ACT 2003 APPLICATION FOR NEW PREMISES LICENCE

We, Nido Management UK Limited have applied to Camden Council for a new premises licence for the premises situated at Blackburn Road, London, NW6 1RZ.

We have applied for a licence for:

1. The exhibition of films from 12:00 – 23:00 Monday to Thursday, 12:00 – 24:00 Friday to Saturday and 12:00 – 22:30 Sunday.
2. The playing of live music 12:00 – 23:00 Monday to Thursday, 12:00 – 24:00 Friday to Saturday and 12:00 – 22:30 Sunday.
3. The playing of recorded music 12:00 – 23:00 Monday to Thursday, 12:00 – 24:00 Friday to Saturday and 12:00 – 22:30 Sunday.
4. The provision of late night refreshment 23:00 – 23:30 Monday to Thursday, 23:00 – 24:00 Friday to Saturday and 23:00 – 23:30 Sunday.
5. The supply of alcohol 12:00 – 23:00 Monday to Thursday, 12:00 – 24:00 Friday to Saturday and 12:00 – 22:30 Sunday.

A register of licensing applications is held by the Licensing Authority and can be inspected at <https://www.camden.gov.uk/cdm/navigation/business/ypul:business-accounts/licensing-and-permits/> or at Camden Town Hall Extension, Argyle Street, London, WC1H 8EQ, by appointment with the Licensing Team.

Any Person wishing to submit comments to our application must give notice in writing to Licensing Authority address shown

above, giving in detail the grounds of objection by 1 October 2015.

It is an offence liable on conviction to a fine up to Level 5 on the standard scale under Section 158 of the Licensing Act 2003 to knowingly or recklessly make a false statement in connection with this application.

**Application for a premises licence to be granted
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We **Nido Management UK Limited**
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
[REDACTED]			
Post town	London	Postcode	NW6 1RZ
Telephone number at premises (if any)		020 7100 0100	
Non-domestic rateable value of premises		£0	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual ^o
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)

- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Nido Management UK Limited
Address 250 Kings Road London SW3 5UE
Registered number (where applicable) 07944057
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
01	02	015

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
1	1	1

Please give a general description of the premises (please read guidance note 1)

The building is primarily used for student accommodation, comprising a range of apartments and studios available to rent, communal areas and offices.

The licensed area will comprise communal student areas, games rooms and an outdoor courtyard.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e)
- f)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place Indoors or Indoors or both please tick (please read guidance note 2)	Indoors <input type="checkbox"/>
Day	Start	Finish		Outdoors <input type="checkbox"/>
				Both <input checked="" type="checkbox"/>
Mon	12:00	23:00	Please give further details here (please read guidance note 3) For private residents and bona fide guests only. No admittance charge shall be made to watch films.	
Tue	12:00	23:00		
Wed	12:00	23:00	State any seasonal variations for the exhibition of films (please read guidance note 4) Films may be shown outside during the summer.	
Thur	12:00	21:00		
Fri	12:00	24:00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	12:00			
Sun				

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 4)
Wed			
Thur			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both</u> - please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	12:00	23:00	Please give further details here (please read guidance note 3)	Both	<input checked="" type="checkbox"/>
Tue	12:00	23:00			
Wed	12:00	23:00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	12:00	23:00			
Fri	12:00	23:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	12:00	24:00			
Sun	12:00	23:00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place Indoors or outdoors or both please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	12:00	23:00	Please give further details here (please read guidance note 3)	Both	<input checked="" type="checkbox"/>
Tue	12:00	23:00			
Wed	12:00	23:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	12:00	23:00			
Fri	12:00	24:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat		24:00			
Sun	1:00	24:00			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the performance of dance (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p>Please give further details here (please read guidance note 3)</p>		
Wed					
Thur			<p>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)</p>		
Fri					
Sat			<p>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)</p>		
Sun					

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	23:30	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	23:00	23:00			
Wed	23:00	23:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	23:30			
Fri	23:00	24:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	23:00	24:00			
Sun	23:00	23:30			

? define 'premises' - does this include what carries on the business?

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption - please tick (please read guidance note 7)	On the premises <input checked="" type="checkbox"/>	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	12:00	23:00			
Tue	12:00	23:00			
Wed	12:00	23:00			
Thur	12:00	23:00			
Fri	12:00	24:00			
Sat	12:00	24:00			
Sun	12:00	22:30			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

public. Use of the licensed area is limited to residents and their invited guests.

Under no unit
a unit

I does 'restaurant'
one inside at
terrace

* Contradicts advice from NIDO
that premises will be open to
the public from commercial tenants
an approved planning application
drawings which show the ground
floor, cafe, lab area and outside
seating as "Public space"

11) Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

The Premises will only be open to residents of The Nido Collection, West Hampstead accommodation and their bona fide invited guests. The names and addresses of invited guests shall be recorded in writing on entry to the premises.

Alcohol will only be sold in communal areas.

Alcohol will only be served during events organised or sanctioned by the premises.

Only alcohol purchased from the licensed areas may be consumed in the communal areas.

*events not served
licence holder to always
allow
Cant never
return to
buying new
the mission
is*

b) The prevention of crime and disorder

The Licensee shall ensure that any bottles or glass are removed from persons leaving the premises during or after an event.

Door supervisors who have been approved by the Security Industry Authority or any accreditation scheme recognised by the licensing authority shall be used to maintain order and check the identity of invited guests. The door supervisors shall take the names, addresses and a copy of suitable identification from all invited guests before allowing entry.

Door supervisors shall be employed at the premises 24 hours a day 7 days a week.

Additional SIA stewards will be engaged for any events where more than 300 people have been invited.

The door supervisors will patrol the private courtyard during licensed hours.



c) Public safety

The premises shall be kept in a safe and sound condition and shall be kept in a safe and sound condition with all the necessary and proper arrangements in case of any emergencies that require an immediate evacuation of the premises. A record of the fire alarm shall be maintained and shall be a record requested by officers of Camden Council.

d) The prevention of public nuisance

When licensable activities are taking place, there are to be no more than ten persons outside the main entrance to the NIDO West Hampstead and appropriate signage is to be displayed to that effect.

Amplified music shall not be played at a level that will cause unreasonable disturbance to the occupants of any properties in the vicinity.

Guests leaving events shall vacate the premises within 30 minutes of the end of an event, being no later than 23:30 Monday to Thursday, no later than 00:30 Friday to Saturday and no later than 23:00 on Sundays.

There shall be no consumption of beverages purchased from the premises outside of the premises.

Smoking will only be permitted within the designated area within the courtyard.

*lines down
white
in one
space*

? may now be 23:00 instead

e) The protection of children from harm

All staff are to be trained with respect to underage sales, such training to be updated as necessary when legislation changes and should include training on how to refuse sales to difficult customers.

An approved proof of age scheme shall be adopted, implemented and advertised within the premise such as "Challenge 25" whereby an accepted form of photographic identification shall be requested before any alcohol is sold to any person who appears to be under 25 years of age. Acceptable proof of age shall include identification bearing the customers photograph, date of birth and integral holographic mark or security measure. Suitable means of identification would include PASS approved proof of age card, photo-card driving licence and passport.

Publicity materials notifying customers of the operation of the Challenge 25 scheme shall be displayed at the premises, including a Challenge 25 sign of at least A5 size at the entrance to the premises and where practicable at each point of sale.

A record of all staff training shall be maintained at the premises and made immediately available upon request to an authorised officer of the licensing authority or the Police. The documentation relating to training should extend back to a period of three years and should specify the time, date and details of the persons both providing the training and receiving the training.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 168 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	Foot Anstey LLP
-----------	-----------------

Date	01/09/2015
Capacity	Solicitor Agent

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) Becca Grimes Foot Anstey LLP 100 Victoria Street			
Post town	Bristol	Postcode	BS1 6HZ
Telephone number (if any)	0117 915 4668		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) <div style="background-color: black; width: 200px; height: 15px; margin-top: 5px;"></div>			

Notes for Guidance

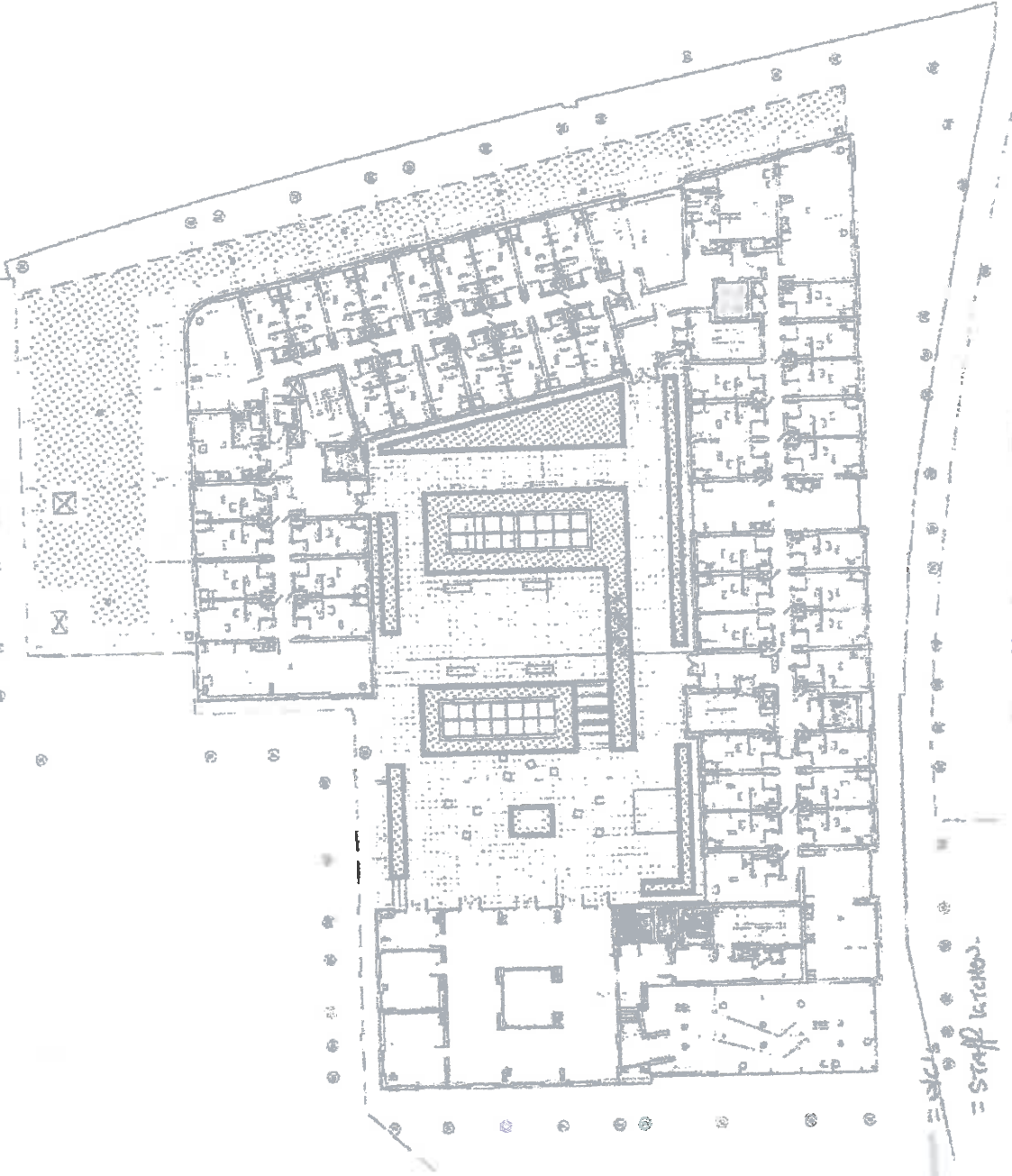
1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (Indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.

9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



INFORMATION

1:1	Scale
1:10	Scale
1:20	Scale
1:50	Scale
1:100	Scale
1:200	Scale
1:500	Scale
1:1000	Scale
1:2000	Scale
1:5000	Scale
1:10000	Scale



[Redacted] many over oak

= Lifts
 = free Coop.
 Licensed Area
 = Staff kitchen.

First (Podium) Floor Plan

David Thompson

To:
Cc:
Subject: NIDO Student Accommodation, Blackburn Road - application for a full entertainment and alcohol licence.

Dear Ward Councillor

I am writing to bring to your attention an application which has been made to the Camden Licencing Authority for a comprehensive entertainment and supply of alcohol licence for the NIDO student accommodation building in Blackburn Road.

A copy of the notice posted on the building states that a licence is being sought for the following:

- (1) The exhibition of films from 12.00 – 23.00 Monday to Thursday, 12.00 – 24.00 Friday to Saturday and 12.00 – 22.30 Sunday
- (2) The playing of live music 12.00 – 23.00 Monday to Thursday, 12.00 – 24.00 Friday to Saturday and 12.00 – 22.30 Sunday
- (3) The playing of recorder music 12.00 -23.00 Monday to Thursday, 12.00 – 24.00 Friday to Saturday and 12.00 – 22.30 Sunday
- (4) The provision of late night refreshment 23.00 – 23.30 Monday to Thursday, 23.00 – 24.00 Friday to Saturday and 23.00 – 23.30 Sunday
- (5) The supply of alcohol 12.00 – 23.00 Monday to Thursday, 12.00 – 24.00 Friday to Saturday and 12.00 – 23.00 Sunday

This application relates to the whole of the premises which include a large open air courtyard at podia level and on which planning consent was granted in August this year for a "glasshouse" extension (also granted as part of that consent was pavement seating and a cafe on the street frontage).

As owners of the immediately adjacent and recently completed residential building (bedrooms of which are within 20 metres of the open courtyard) we and the new residents in our building are very concerned at the effect this licence application will have if approved on the quiet enjoyment our residents are entitled to expect alongside the risk of an increase in general anti-social behaviour in the immediate neighbourhood.

Whilst the detailed application itself makes reference to these permitted uses being limited to when "events" are taking place there is no definition of an "event" - which could be anything between a very small group event to something in excess of 300 attendees and with an "event" in practice happening 365 days a year.

It is our contention that such a widely approved licence would be totally inappropriate for a privately run student accommodation building and particularly one where the planning consent permits the use of the building during the summer months for short term summer lettings to "summer-user groups" - typically 16 - 18 year old foreign students.

We shall be formally writing to the licencing authority setting out our objections to the application in detail and will forward you a copy of this at the same time.

We would hope that you will share these concerns and will also let this be known to the licensing authority.

All comments have to be received by them by the 1st October.

David Thompson
West Hampstead Investments Partnership.

(owners of the Clockwork Factory Apartments , 13 Blackburn Road)

London NW3 2ND

Please consider the environment before printing this email.

From: Anjana Ghosh
Sent: 28 September 2015 16:34
To: Ahsan, Shelima
Cc: Planning and Public protection
Subject: RE: Licence Application Independent Student Living Apartments - Blackburn Road, NW6 1RZ (APP\PREMISES-NEW\001565) FAO Shelima Ahsan

Dear Shelima,

I attach a copy of my clients' formal objection to the licence application. A copy has also been sent by Recorded Delivery.

I should be grateful if you could confirm receipt. Please could you also send me notice of the committee meeting in due course.

Many thanks.

Kind regards,

Anjana

Anjana Ghosh
Senior Associate

Direct Dial:
Email:

From: Ahsan, Shelima [<mailto:Shelima.Ahsan@camden.gov.uk>]
Sent: 17 September 2015 13:42
To: Anjana Ghosh
Subject: RE: Licence Application Independent Student Living Apartments - Blackburn Road, NW6 1RZ (APP\PREMISES-NEW\001565) FAO Shelima Ahsan

I am happy for you to email the objection over to us and you can send it to ppp@camden.gov.uk.

There is an issue with the newspaper advert, so the application may have to be rejected but I will notify you and Wesley in due course.

Regards

Shelima

From: Anjana Ghosh
Sent: 17 September 2015 13:38
To: Ahsan, Shelima
Cc: Wesley Fongenie
Subject: RE: Licence Application Independent Student Living Apartments - Blackburn Road, NW6 1RZ (APP\PREMISES-NEW\001565) FAO Shelima Ahsan

Dear Shelima,

Thanks very much indeed for responding so promptly. I am working on the objection today and it is difficult to understand the full layout without the plan.

Please note that I will be on leave next week so please also copy in Wesley Fongenie.

Please could you also confirm whether you would accept the submission of the objection to you by email.

Many thanks.

Kind regards,

Anjana

Anjana Ghosh
Senior Associate

Direct Dial:

Email:

From: Ahsan, Shelima [<mailto:Shelima.Ahsan@camden.gov.uk>]

Sent: 17 September 2015 13:29

To: Anjana Ghosh

Subject: RE: Licence Application Independent Student Living Apartments - Blackburn Road, NW6 1RZ (APP\PREMISES-NEW\001565) FAO Shelima Ahsan

Dear Anjana,

~~I have spoken with the applicant's agent to provide a clearer version of the floor plan, as the version we have even scanned in colour isn't completely legible.~~

I will email it over to you as soon as I receive it.

Regards

Shelima Ahsan
CSO
Culture and Customers
Culture and Environment
London Borough of Camden

Telephone: 020 7974 1175
Web: camden.gov.uk
1st Floor
3-5 Cressy Road
London NW3 2ND

Please consider the environment before printing this email.

Note: existing floor plan submitted not plans for new context!

From: Anjana Ghosh

Sent: 17 September 2015 11:02

To: Ahsan, Shelima

Cc: Planning and Public protection; Wesley Fongenie

Subject: Licence Application Independent Student Living Apartments - Blackburn Road, NW6 1RZ (APP\PREMISES-NEW\001565) FAO Shelima Ahsan

Dear Shelima,

I understand that you are the case officer for this application.

I am preparing an objection to this application today on behalf of my client. The plan on the website is in black and white and it is not possible to identify the licensed areas and the key is also illegible. Please could you send me a clear colour copy of the plan.

Also, please could you confirm whether you will accept the submission of the objection to you by email.

Many thanks.

Kind regards,

Anjana

Anjana Ghosh
Senior Associate

Direct Dial:

Email: _____



4th Floor, 64 North Row, Mayfair, London, W1K 7DA

Switchboard: 020 7563 1000

DX: 42701 Oxford Circus North

Web: www.brecher.co.uk

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**OBJECTION TO LICENCE APPLICATION (APP\PREMISES-NEW\001565)
INDEPENDENT STUDENT LIVING APARTMENTS, BLACKBURN ROAD, LONDON NW6 1RZ**

1. Objectors:

Richard Ian Loftus, Andrew David Loftus, Daniella Loftus and David Thompson as owners of the freehold interest of Asher House, Blackburn Road, NW6 1AW, now known as The Clockwork Factory.

Licence application submitted by Nido Management UK Limited in respect of Independent Student Living Apartments, Blackburn Road, London NW6 1RZ ("the Site") for:

- (i) The exhibition of films from 12:00 – 23:00 Monday to Thursday, 12:00 – 24:00 Friday to Saturday and 12:00 – 22:30 Sunday.
- (ii) The playing of live music 12:00-23:00 Monday to Thursday, 12:00 -24:00 Friday to Saturday and 12:00-22:30 Sunday
- (iii) The playing of recorded music 12:00 -23:00 Monday to Thursday, 12:00 -24:00 Friday to Saturday and 12:00-22.30 Sunday
- (iv) The provision of late night refreshment 23:00-23:30 Monday to Thursday, 23:00 -24:00 Friday to Saturday and 23:00 -23:30 Sunday
- (v) The supply of alcohol 12:00-23:00 Monday to Thursday, 12:00 – 24:00 Friday to Saturday and 12:00-23:30 Sunday.

2. Grounds of Objection

We object to this application on the grounds of the unacceptable detrimental impacts namely noise and disturbance, potential smell from cigarettes and light intrusion that the use of the site as an outdoor café area and extension in the late evening/early hours of the morning in close proximity to the residential flats at The Clockwork Factory will cause.

Both Independent Student Living Apartments and The Clockwork Factory are located within a mixed land use area. The Clockwork Factory consists of 29 residential flats. Most of the residential flats are occupied full time by residents. The Independent Living Apartments and The Clockwork Factory residential flats are adjoining developments. Residents should expect a reasonable level of quiet and enjoyment in their homes particularly at the hours of the evening/early morning when residents should be able to sleep without interruption from external noise sources.

Planning permission for a single storey extension at existing common room level on the podium courtyard and the erection of a canopy at ground level to the entrance of the Site was granted on 5 August 2015 (2015/3343/P). The courtyard extension will contain a café and if permitted a licensed bar and it is proposed that the extension will also be used as a student common room and events area for recreational use by students. A Unilateral Undertaking dated 26 August 2010 in respect of the student accommodation on the Site limits occupation during the academic year to students attending a full time course at an approved educational establishment based in Camden and its adjoining boroughs. However during the months of June, July, August and part of September, it also permits occupation by summer students (typically

groups of young 16 -18 year old foreign students on short visits which is of major concern to us in making this objection).

The current licence proposals would be contrary to the commitments set out in Camden Council's Licensing Policy 2011 for the following reasons:

Licensing in the extension and adjacent Podium Courtyard

- (i) The application indicates that the activities for which approval is sought **will** only occur when "events" are taking place. The term "event" is not however defined. Accordingly an event could range between a very small group event to something in excess of 300 attendees and could as currently applied for occur on 365 days a year. The granting of approval for such a wide ranging application would be totally inappropriate for a privately run student accommodation building in particular one regulated by a planning consent which permits the use of the building during the summer months for short term lettings only to "summer user groups".

It is notable and of particular concern that the planning statement (attached) relied upon for the purposes of planning application 2015/3343/P indicates that the applicant:

- brings together the best from a wide range of industries traditionally not associated with student accommodation including: **private members club and luxury industries providing residents with superior facilities and an enhanced experience (paragraph 2.5);**
- Is dedicated to creating an international club and residences for the under 27 global influencer (paragraph 2.8);
- design and service principles are modelled on premium hotels and private members clubs (paragraph 2.11).

- (ii) The use of the extension in the courtyard area into the evenings and late night and the performance of live music outdoors and outdoor film screenings would offend key licensing objectives namely the prevention of public nuisance, the promotion of public safety and the prevention of crime and disorder.

The grant of the licence would be contrary to paragraph 82, (Public Nuisance) of the Camden Statement of Licensing Policy 2011 in that the proposal would not prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment and human voices. Even if music played in the extension and courtyard itself is low volume, noise travels and noise from the interior of the building will not be contained as the door to the courtyard area will be in constant use by students entering and exiting the building. As a result it will not be possible to adequately contain noise including amplified music and human voices in the open area or to prevent a nuisance to residents and occupiers of the Clockwork Apartments. Moreover licensing the courtyard café area and providing tables, chairs and music will encourage smokers to stay out longer and make it more likely that non-smoking members will stay out in the courtyard with them, enjoying drinks particularly in warm weather.

- (iii) A further cause for concern is that those people in the courtyard will have come directly from inside the premises playing loud music; and will inevitably have a tendency to shout as a result - something exacerbated by alcohol consumption. The noise from neighbouring conversations would have a

cumulative effect, causing people to talk even louder - something witnessed inside any busy public place.

- (iv) The health and social problems caused by excessive alcohol consumption and binge drinking amongst students and young people are well documented. Permitting a student development to operate with such lax licence provisions is likely to lead to problems associated with activities generated by late night venue premises in particular relating to public safety and crime and disorder. Accordingly the application also offends licensing objectives relating to the prevention of crime and disorder and the promotion of public safety.
- (v) The screening of outdoor films will cause both light intrusion and noise disturbance for residents of The Clockwork Factory.
- (vi) The sale of alcohol during the summer months to the younger summer students who are effectively on a "short holiday" may generate irresponsible drinking by students and even underage drinking resulting in unacceptable levels of noise and disturbance for residents at The Clockwork Factory.
- (vii) The application needs to consider the potential for nuisance to the residential accommodation at The Clockwork Apartments. Moreover during the summer months when the Independent Student Living Apartments will be occupied on various short-term lets, residents will want to open windows, making vulnerability to noise nuisance all the greater.

Licensing in the Extension

- (i) The playing of live and recorded music and film screenings should be restricted to prevent nuisance to local residents and events should only take place during term time and not in the summer months. A student accommodation development should have to adhere to and be regulated by licence requirements that restrict the exhibition of films, the performance of live music, the playing of recorded music and other entertainment to within the internal areas of the building where appropriate measures can be deployed to allow the activities to be properly controlled in accordance with the licensing objectives.
- (ii) An acoustic report was not submitted with the application contrary to the requirement in the Camden Statement of Licensing Policy 2011 which stipulates (paragraph 87) that for the purposes of noise or vibration escaping premises *"the Licensing Authority will be particularly concerned with premises that are located close to residential properties who propose to provide music and entertainment. Applicants are encouraged to supply an acoustic report confirming there will be no noise breakout from the premises that is likely to cause public nuisance to persons living or working in the vicinity of the licensed premises"*.

If notwithstanding the above members are minded to approve the application we would request the imposition of the following conditions:

- (i) One entertainment event in the extension per academic term up to midnight on Saturday and up to 23:00 on weekdays and no events during the months of June, July, August and September when the accommodation is used by summer students.
- (ii) No music, film screenings to be played/screened in the courtyard.

- (v) No audible music or sound from film screenings to be audible from the site after 21:30.
- (iv) Sale of alcohol to be restricted to residents of the Independent Student Living apartments only and no alcohol to be sold during the months of June, July, August and September when the accommodation is used by summer students.
- (v) Hours of supply of alcohol to be reduced.
- (vi) Self-closers to be put on all doors to prevent the sound of slamming doors.
- (vii) Signage to be put in place asking customers to be keep noise to a minimum when using outdoor areas.
- (viii) Restrictions to be imposed on the number of persons in the outdoor café area and/or at certain times.
- (ix) Restrictions to be imposed on the number of persons allowed to smoke in the courtyard area at a certain time.

3. Conclusion

The licence application should be refused. The application is contrary to the commitments rehearsed in Camden Council's Licensing Policy 2011 and if approved would facilitate the creation of a student "party palace" with unrestricted and intrusive entertainment activities, the supply of copious amounts of alcohol, and increased night time activity, all of which will have a materially negative and cumulative impact on the amenity peace and quiet enjoyment of local residents. In particular the use of the extension and café terrace area for entertainment into the evenings would offend Camden's licensing objectives in respect of the prevention of public nuisance, the promotion of public safety, the protection of children from harm and the prevention of crime and disorder.

Further the Government has launched health awareness campaigns to reduce the health and social problems caused by binge drinking by students and this application would promote irresponsible drinking amongst young people.

If members are minded to approve the application a total restriction on events and the sale of alcohol during the summer period and the implementation of the other controls suggested by us would provide some protection against the detrimental impacts rehearsed in this document including the risk of underage drinking, without impinging on the main users of the building who are the full time students during the academic year.

Brecher Solicitors

BRECHER SOLICITORS

David Thompson

From: Anjana Ghosh
Sent: 01 October 2015 13:51
To: Anjana Ghosh; Andrew Loftus; David Thompson
Subject: FW: Nido Licensing application

fyi

Anjana Ghosh
Senior Associate

Direct Dial: _____
Email: _____

From: Ahsan, Shelima [<mailto:Shelima.Ahsan@camden.gov.uk>]
Sent: 01 October 2015 13:40
Subject: Nido Licensing application

Dear Sir/Madam,

Please be advised that the above application has now been withdrawn as the applicant failed to

Your comments have been passed to the applicant and they may contact you to discuss the application before re-submitting.

Should you have any queries regarding this matter, please do not hesitate to contact me.

Regards

Shelima Ahsan
CSO
Culture and Customers
Culture and Environment
London Borough of Camden

Telephone: 020 7974 1175
Web: camden.gov.uk
1st Floor
3-5 Cressy Road
London NW3 2ND

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David Thompson

From: Anjana Ghosh
Sent: 29 September 2015 10:09
To: ; David Thompson
Cc: Wesley Fongenie
Subject: Fw: Licence Application Independent Student Living Apartments - Blackburn Road, NW6 1RZ (APP\PREMISES-NEW\001565) FAO Shelima Ahsan

Dear All,

Please see the email from the case officer. The licence application will be rejected by the Council today as Nido failed to advertise it correctly.

However our letter of objection has been passed to Nido. It may be helpful for you to contact Nido to discuss the points raised in the objection so that the new application can address our concerns.

I will be back in the office tomorrow if you would like to discuss this further.

Kind regards,

Anjana

From: Ahsan, Shelima [mailto:Shelima.Ahsan@camden.gov.uk]
Sent: Tuesday, September 29, 2015 08:55 AM
To: Anjana Ghosh
Subject: RE: Licence Application Independent Student Living Apartments - Blackburn Road, NW6 1RZ (APP\PREMISES-NEW\001565) FAO Shelima Ahsan

Hi Anjana,

Your comments have been passed to the applicant but as they failed to advertise correctly, the application will be rejected today.

The applicant will probably be in touch to discuss your objections and amend the new application to accommodate your client's concerns.

Should you have any further queries regarding this matter, please do not hesitate to contact me.

Regards

Shelima Ahsan
CSO
Culture and Customers
Culture and Environment
London Borough of Camden

Telephone: 020 7974 1175
Web: camden.gov.uk
1st Floor
3-5 Cressy Road

From: Chris Chinaloy
Sent: 07 October 2015 14:34
To: Andrew Loftus
Cc: Samantha Homer
Subject: Update on Plans following Judicial Review

Andrew,

Thanks for coming in last week so we could both discuss our concerns over developments on Blackburn Road and your Judicial Review with the Council.

Unfortunately, the process hasn't unfolded as smoothly as anyone wanted.

But from here on, I think we all agree that more direct engagement will be better for everyone. And I will personally ensure we share plans as they unfold.

Thanks for returning my call from last week; as discussed, please find below an update from our side:

Process

It's taken a few days to come back to you as The Judicial Review (JR) has required us to redirect quite some time and resources to address these concerns. As any delays to construction present a significant commercial risk to the business we needed to cover all the relevant points. As you know from Sam and from our marketing program, we have promised the students who are living with us that in the Spring they will have the benefit of additional communal space - but this requires us to start construction in 8 weeks.

Given the criticality of the timing, and as we could not be sure how long the Judicial Review process will take (a few weeks or months), last week we informed the council that we would resubmit the scheme. This way we would have more certainty over how the process will unfold, our neighbours will get the opportunity for the normal consultation process, and we get some more predictable timing.

In the spirit of strong communication, we discussed this up front with the council and they are happy with this approach. It also allowed us to incorporate their input into the Canopy, which they were keen to see improve the overall look of the building and help start to create the streetscape they desire. We hope that a more premium-looking street will also benefit other future developments.

Concerns

Although some of the concerns in the JR are not strictly planning issues, now that we know what they are, the team has undertaken a lot of work to help provide you with some perspective to address them. Sorry for the long email but we wanted to cover everything as quickly as we could.

As discussed, we withdrew the licencing application and will reconsider plans based on the outcome of this process.

Hopefully, we can work together and not spend our (and Council's) time frustrating each other's developments, which could be best used to improve the Blackburn Road and surrounding area!

Next Steps

If we can help provide more perspective let us know - happy to organise another meeting to discuss further.

Kind Regards

Chris

Concerns

1. Refuse management

- **Management Plan:** Please see the **attached document** which outlines how the garbage will be brought down from the courtyard to the refuse store by our cleaning staff. No students will have access.

- **Fencing:** At your request, we have explored the feasibility of a fence in the service yard. Please see **attached drawing** showing the position that would likely be required to allow easy passage of refuse container and access around the 3 disabled parking bays and maintenance/access doors.

- **Challenges:** Building control has raised two concerns:

1) **Safety** - there will need to be gates in front of all the doors to provide easy access in case of an emergency (Fire escape, Fire Brigade, Power sub-station, etc.), which will need to be openable at any time (no locks). We have updated the drawing to reflect this. However, it would limit the space for vehicles/materials in the service yard.

2) **Disabled parking bays** - As planning requires all 3 Disabled bays to be retained and easily accessible, we would need to move the end post for the fence further back from the parking spot - to the other side of the roller shutter door and out a bit into the service yard taking up space.

- **Next Steps:** Given that only our staff will be the only ones accessing the refuse store and it will be entirely on our property I hope you are comfortable now with our management plan as I am not sure the fence with lots of doors would be ideal for you. However, we are open to other ideas you may have.

* NIDO have failed to demonstrate how this can be achieved

2. Overlooking from the extension

- **Original design:** As you know from originally designing our building there is a large open section of the courtyard already allowing students to overlook the service yard below. In addition, there are bedroom windows overlooking the service yard.

- **The new extension:** The new extension will significantly reduce the ability to overlook the service yard from the courtyard compared to the current design.

- **Single story:** It will be a single story structure so there will be no increase in height from which to overlook.

- **Solid wall infill:** In addition, it will significantly reduce the ability for anyone to overlook the service yard as a large solid wall will be built across ~80% of this section.

- **Position:** The small portion that extends beyond that solid wall is set far back from the service yard edge in the middle of the courtyard making any view toward the service yard extremely acute and from a significant distance.

- **Sight lines:** If you look in or out of that section there are a lot of vertical steel beams and cross bracing which is largely in-filled with translucent (not transparent) Polycarbonate so its virtually impossible to see much in the direction of the service yard or even to a future building next door. **See attached.**

- **Next Steps:** We can't change the bedrooms from overlooking the service yard. We could add a fence to the last 20% of the courtyard that is open to the service yard below if it will alleviate your concern?

3. Light Considerations

- **Future Plans:** We understand that you want to make an application in the future - to build a large residential building and want to ensure that our extension in no way reduce the amount of light available to the building in the future. Although I don't believe the Planners will be able to take future buildings into consideration at this time, we have taken a look at it for you while you await results from your own consultant.
- **Light Study:** Given our concern re: timing we have run our own quick light study to look at a typical example of how overshadowing would appear in the morning (10am) and afternoon (4pm) when shadows are cast in different directions. You can see that there is no real impact from adding the extension. **See attached.**
- **Next Steps:** Let us know if you have any questions.

4. Courtyard/Canopy

- **Reduce courtyard/apartment noise:** As discussed, the idea for this extension is to allow students to spend time together and address their desire for more communal work/study space. For renewals it's important our out of town students meet others to make friends and build a support network. At the same time we also want to try and reduce the current noise within courtyard and common rooms by isolating these activities within this extension. ** then why apply for a license to play music, so as not to disturb surrounding the courtyard*
- **Front Canopy:** As you know the main reason for introducing this feature is to provide a much more premium and residential feel to the building - similar to the trees, fences, etc. you have added to Clockwork Building. It will also provide some shade to the inside of the triple height SW facing glass for the lobby. We will have similar landscaping to separate the entrance from the road while still allowing access to the building (under the canopy) from all 3 approaches Billy Fury Way, Blackburn Rd and the path from the O2 centre. And from feedback from the council, they would like to see us use the canopy to help connect and improve the attractiveness around the corner leading back to Billy Fury Way. **See attached.**
- **Usage:**
 - **Day to Day:** Similar to the current common space - the courtyard extension will be used for watching TV, studying, socialising and playing games.
 - **Occasional events:** To help the students meet others and make them feel at home we put on seasonal events (Christmas, Thanksgiving, Chinese New Year, etc.) and to help them develop life skills we try to host educational speakers or learning events where we invite Charities, Entrepreneurs or Professionals to engage with them. Some are small events, some larger; either way we will ensure that they do not provide a nuisance. We have already had number of events this year and had no complaints. We have set expectations with students that we will put on an average of 3 of these a month. Based on our experience to date, we don't foresee any issues, but could provide notification 48hrs in advance for events where there will be amplified music outside.
- **Hours of operation:**
- **Courtyard:** Normal operation will maintain the same courtesy hours, which start at 10pm (in-line with Council guidelines) this will allow them to only quietly smoke here and not in front of the building.

- **Canopy:** Similarly, normal operation will not allow students to congregate here (for smoking or otherwise) in the evenings from 10pm.
- **Design:** The extension design has many elements to help reduce noise - the solid walls are significantly thicker than the current ones with a large cavity holding the ventilation system, and we have worked with our acoustic expert to include acoustic paneling, added significantly more soft furnishings, plants and have even used the exposed internal roof beams to help absorb sound.
- **Next Steps:** Let us know if you have any questions.

David Thompson

From: Andrew Loftus <andrew@...>
Sent: 08 October 2015 11:09
To: Chris Chinaloy
Cc: Samantha Homer; David Thompson
Subject: RE: Update on Plans following Judicial Review

Dear Chris ,

We note your wish to be open, have more direct engagement ,and to share your plans with us as they unfold.

Thank you for sending through the information as promised , however it did not include proposals for the license application , which we were expecting following our meeting last week.

We understand that the application for an alcohol and entertainment license was withdrawn as a result of the Council determining that it had not being properly displayed .

Please advise whether it is your intention to simply re-apply with your original application or to modify it at all to address any of the concerns we raised ?

I am due to meet with Richard and David on their return to the office next week so would be grateful if you could forward this information to me as soon as possible in order that we may consider your plans in totality , which will in turn enable us to respond both in a substantive and timely fashion.

Kind regards

Andrew



David Thompson

From: Andrew Loftus <
Sent: 10 October 2015 19:38
To: David Thompson; Richard Loftus
Subject: Fwd: Update on Plans following Judicial Review
Attachments: Camden council rubbish pictures and reference numbers.pdf; ATT00001.htm; ATT00002.htm

I'm not sure if you will have time to read this through fully (clearly he's a man with time on his hands).. But frankly you could stop after the second sentence as that says it all !

One interesting comment toward the very end is where he says they the builders depot shouldn't be concerned that they are turning the basement into a night club as that would require approaching the council for a change of use , I suppose we shouldn't worry that it might be part of their future plans after all where would they store all the bicycles ????

Andrew

Sent from my iPad

Begin forwarded message:

From: "Chris Chinaloy" <
To: "Andrew Loftus"
Subject: Re: Update on Plans following Judicial Review

Great thanks Andrew.

With regards to the license application please find below a summary of what we discussed with clarification on our plans re: Licensing. As the Licensing and Planning are not strictly tied together I wanted to keep them separate.

Plus if I combined them together it would have turned into novel!

We have gone to considerable lengths to explain the details of our plans and reduce the scope of the licence, so I am sure you will find this addresses your concerns.

Improving our Service

As we discussed, part of our brand proposition is to provide a food and beverage service to the students - like many universities and a growing number of student accommodation providers are doing. We believe this is critical to providing a quality service, in keeping with the area and evolving expectations of students and their parents. As you know from visiting some of our previous sites last year this is an important part of our brand proposition and the health of our brand and business.

Our standard is to offer a food and beverage service every day during our core operating hours of 7am-11pm. To make the economics work for us we need to have it open from breakfast through to the evening and ensure that the proposition is well rounded to include snacks, health foods, entrees, desserts and drinks.

We would ideally have the licensing match these hours for simplicity - but could look at reducing it to 12noon to 11pm (and 10:30pm on Sunday to mirror the Council guidelines). We found at our other sites that if we aren't open for a sufficient time, don't have a critical

Why would
Chris get
open we
we need
... you
know
...
...
...

no
from
like
...
...

1) What about your statements
to the licensing authority that
aligned with our business
...
...

mass of items or variety, we can't get the basket size or frequency high enough to operate a healthy business.

Events

As mentioned before, other than the Day-to-Day activities which already take place in the commons spaces (watching TV, playing games, studying and eating) we typically have an average of 3 larger Organised events per month:

Shorter events: As you can see from our calendar, most of the time 2 of these are shorter events (~1-2hrs) like CV writing course, Fitness training, Cooking classes, etc. and take place inside within the courtesy hours to ensure the overall building is quiet at an appropriate time for students studying or sleeping.

Longer events: Typically 1 of these monthly events is a longer event (~2hrs+). This will be usually be held in celebration of an event that many people will used to celebrating e.g. New Years Eve, Christmas, Chinese New Year, etc. As these events will likely be longer we would apply for a temporary event notice (TEN) and if appropriate we also hire extra temporary security to ensure that there is no nuisance.

I hope this illustrates that by using the TENs for these, that the intention of our License is more part of our day-to-day food and beverage offering and not linked to 'big parties' every night of the week.

Conditions

Therefore the revised conditions we will apply for will include:

- 1) Time: 12noon-11pm; and 10:30pm on Sundays (in addition to the current outside courtesy curfew starting at 10pm);
- 2) Service: Only inside the building and within the designated common areas;
- 3) Longer events: Out of these hours we will apply for a TEN - as stated before they will be rare and the main purpose of our License.

Process

We withdrew the original application to reduce the complexity and confusion with our planning application and to demonstrate to you our commitment to full engagement and discussion outside of the application process, which has a "ticking clock". We also wanted to take full account of the feedback and try to establish if possible a common position, and I hope you'll agree that this is better done between us than in a formal hearing situation.

This being our position, there then was a query raised by the licensing authority in respect of the timing of the newspaper notice that we are required to publish (there were certainly no issues with the laminated notices on site that our lawyers provided and we posted on site). There was no need for our lawyers to argue this with the council officers as the decision to withdraw was already made, for the reasons I set out above. -

We will reapply once we have sorted out our Planning Permission for the building, which given the Judicial Review and need to restart the process is taking up a lot of our time and needs to be our focus.

Stakeholders

Approach: To ensure that we maintain a collaborative and constructive approach we have had meetings over the last 2 months with our key stakeholders to help them understand the licensing process and our plans

Council: We have had a number of discussions with the Council regarding the kind of product we are trying to create - explaining that our events program is a mix of career, education and social events to help the students develop life skills. Most of these are pretty short, low key and take place within our buildings or offsite. They have been positive and supportive and will help us craft the appropriate conditions outlined above.

Neighborhood Development Forum: At the recent Neighborhood Development Forum, where our license was on the agenda, there were no issues or even comments raised by the broader community.

** Here is no relevance to this as the minutes of that meeting!*

Builders Depot: We have spoken and met with them to give them an update on our plans and address any of their questions. Somehow they were given the impression that we wanted to open a nightclub - which I assured them we couldn't do even if we wanted to. I also had our Licensing Solicitors confirm (see attached) that a new owner can't simply turn the basement into a nightclub without applying for change of planning use and corresponding separate license.

Clockwork Tenants: We have also noted that a number of tenants in your new apartments next door have written to the council with some very similar concerns that you raised in our meeting re: AY vs. summer events. I am not sure why they would be more concerned about events in the summer than rest of the year... Rather than them get information from others, perhaps the best thing to do is - you help us organise a forum with the tenants in your building, and we can answer any questions directly?

Improving the Area

Linked to our broader conversations with Stakeholders is how we can work together to improve the Streetscape around Blackburn road as we think there is a lot of work that needs to be done; and we need to work together on a variety of initiatives including:

Building Design & Development: To do our part we have been working with the Council to create a Canopy (and hard landscaping) to the front/side of the building - improving the residential feel and attractiveness/activity to the pathways surrounding the building. Similar to what you have done in front of the Clockwork building. This seems to be an important step for them so we updated our planning application to take on board their input.

Street Cleaning: Daily our cleaners spend time picking up litter in front and to the side of the building. However, there is so much waste dumped all the way down the street by fly tippers and the public in general. We need to work with the council to reduce this, systematically clean it up, or at least provide more waste bins and warning signs. Since we have taken over the building we have been taking photos and sending the Council formal requests for help (see attached). I have talked to the Builders Depot and they are keen to help. Do you have any other ideas on what can be done? Do you want to join us in a meeting with the Council or Neighborhood Development Forum?

Section 106: Thank you for bringing to our attention the issue re: the deployment of the S106 funds that were allocated to improving Billy Fury Way. It seems to be out of our control as the Council negotiates with National Rail. Do you have more details on this; and any suggestions on how we can work together to improve the area?

Hope that is covers everything and we can agree to move forward together.

Have a nice weekend and speak soon,

Chris

From: Andrew Loftus

Sent: 12 October 2015 15:32

To: 'Chris Chinaloy' <chris@chinaloy.com>

Subject: RE: Update on Plans following Judicial Review

Thank you for this Chris , a couple of quick items :

1. In the "events" section you refer to your events calendar, this wasn't attached , please can you forward this to us .
2. With regards to the section 106 for Billy Fury Way we have been chasing this ourselves and received the following information "“Network Rail had agreed all the plans etc. then there was a change of people dealing with it and where James Ashman had progressed it and had it all agreed the new management got blocked by Network Rail demanding £30,000 from Camden as compensation for the Hoarding. We have just managed to get Network Rail to retract this demand for compensation and it should be going ahead now. It is this constant need to keep an eye on the ball which is time consuming as well as frustrating.”

I hope to get back to you with further comments shortly .

Kind regards

Andrew

David Thompson

To:
Cc: Andrew Loftus ; Richard Loftus
Subject: NIDO - planning application registered 12 October 2015 for courtyard extension

Grant

We have learnt today that NIDO have resubmitted the planning application for the above.

This was done on the 28th September and registered on the Camden portal on 12th October.

The new planning case officer assigned to the application is a Mr Rob Tulloch.

The resubmitted application does not address any of the concerns that led us to seek a JR of the previous decision and was resubmitted prior to any consultation by the applicant with us to discuss those concerns.

Our concerns relate not only to specific physical aspects of the extension but more importantly to the use to which the newly created and reconfigured areas are to be put and the potential impact this will have on our adjacent residential building and the immediate environs.

The planning statement submitted with the application is not clear in this regard (and not consistent with other actions taken by the applicant subsequent to the granting of the consent in relation to his application for a comprehensive entertainment and alcohol licence) and having now tried on a number of occasions to get clarity on this from the applicant we are highly sceptical of their real intentions and their stated usage.

Given that our decision to request a JR of the previous approval was neither taken lightly or vexatiously we believe it would be helpful and appropriate for us to now meet with the case officer to explain our concerns in detail and would be grateful if you could make contact with Mr Tulloch on our behalf to arrange this.

Dear Chris ,

Sat 15. October, (by Karen Worsley)

I have now had the opportunity to sit down and discuss the details of your emails dated 7th and 9th of October, with Richard and David .

Needless to say despite our telephone conversations yesterday , specifically regarding the application made on the 28/09/15. which you failed to tell us about when we met on the 29th, and validated 12/10/15, they remain "sceptical" about the fullness of the information that has been presented to us.

Notwithstanding having reviewed both the correspondence and the current planning application , I am setting out our areas of concern below .

Of primary concern is your proposed use of the extension in the courtyard and the new canopy area at the entrance . Whilst you state that the alcohol and entertainment license will be only applied for after planning is received , we are firmly of the view that they should be applied for at the same time so both we and the planners can understand fully the intended use of the building and thereby fairly assess the impact on our adjoining property.

1. Having reviewed the "indicative event " plan that you sent me earlier , we fail to understand why you need an "entertainment" License for all 365 days a year . In our view the only sensible arrangement would be for you to make a limited application for specific events on or around particular dates . We appreciate if you need for further flexibility to host additional events these should easily be obtained by applying for a TEN , this would alleviate some of our concerns.

2. Any Alcohol License should be restricted to residents of Nido Student Accommodation West Hampstead only , is this your intention?

3. Canopy and ground floor café area: the plans refer to the outside seating area as " Public Space", will it be open to passer's by, and/or the office tenants in the building and is this to be part of the "licensed" area?

4. Is it your intention to sell alcohol from the first floor "café" area to the tenants of the ground floor commercial space as previously advised to us ?

5. What would be the location of the night-time security , the current front desk is being replaced by a serving hatch for the ground floor kitchen , which would serve food and beverages till 11pm ?

6. Where will the BMS and Security monitors be located , currently they are in the front office on the ground floor , where the new kitchen is planned ?

7. Where is the kitchen area for the café on the first floor , currently the "café area appears to be simply a bar ?

8. What is the air-conditioning/ventilation provision for the new enlarged extension , where would any plant and extract ducting be located and what would the "noise breakout" be ?

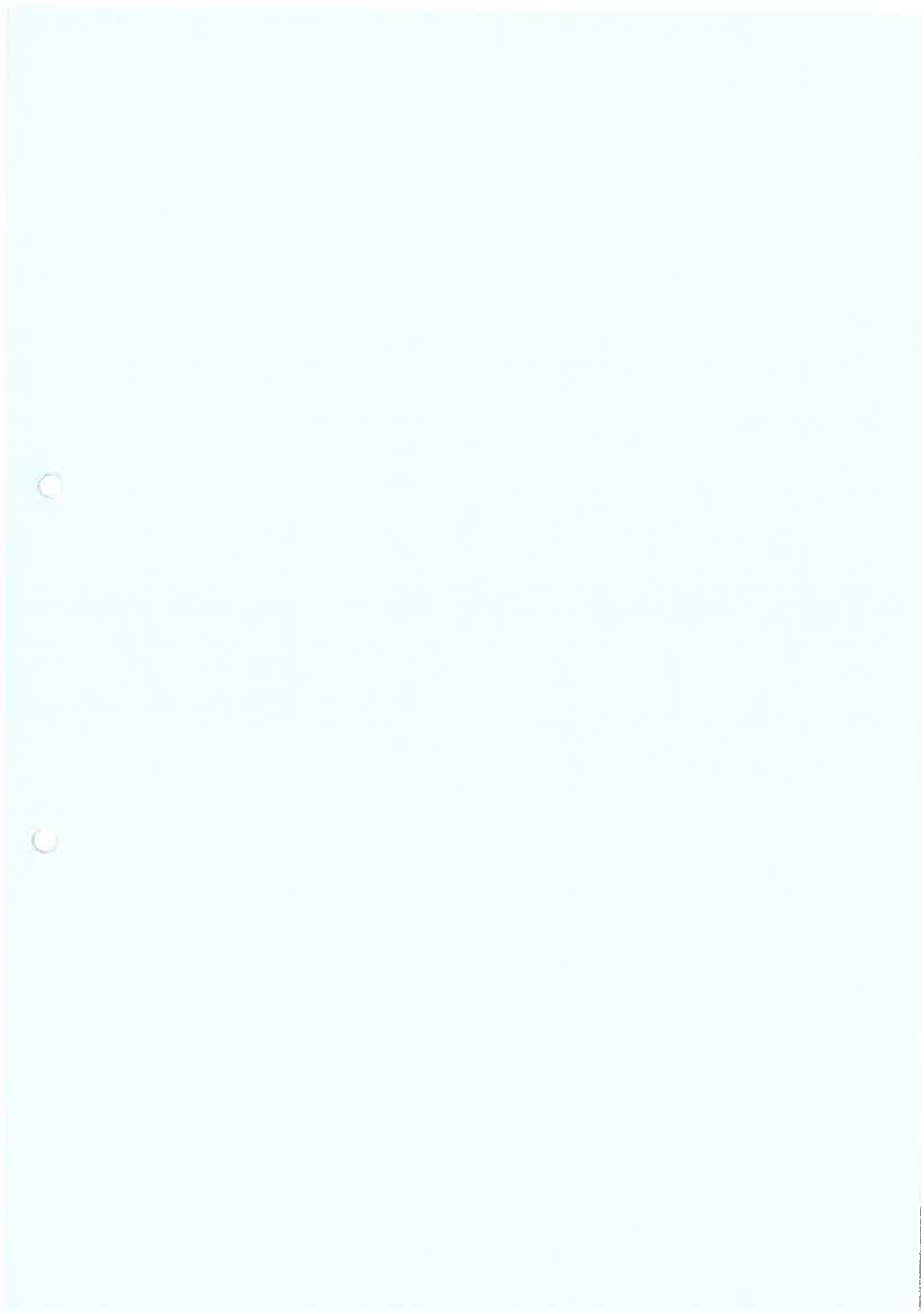
9. As per my earlier email today , your proposals for the refuse management as proposed show part of the fencing sited on our land and all the access gates opening on to our land , neither of which is acceptable to us .

10. Why can you not modify the design of the extension to incorporate the existing refuse chute ?

Chris , I am sure you can understand that all of the above are genuine and legitimate concerns , we need to ensure that they are dealt with properly and formally to protect our position both in the short term, and in the longer term where new personnel maybe in place at Nido and indeed if and when the building is sold to a new operator. I sincerely hope that you will take them on board and come up with solutions that are binding on whoever is control of the student accommodation and allay our concerns.

Kind regards

Andrew



Gentleman,

I hope you are well.

I am disappointed if you are 'sceptical' about the considerable effort and the information we have been sharing with you. Which is a shame as the team has gone out of their way to make you feel welcome at your old building, create and share information with you.

Please see below further thoughts on your points below. I have written them in capitals to make it easier for you to read.

(check soon)

Andrew - very happy to meet again in person or chat on the phone.

I think it would help if you could share your plans for redevelopment of your site; that way we can understand where you are coming from and we can work together on any concerns that stakeholders will have; what stage of design are you at? Maybe at our next meeting we can look at these?

Regards
Chris

On 15 Oct 2015, at 12:26, Andrew Loftus

wrote:

Dear Chris ,

I have now had the opportunity to sit down and discuss the details of your emails dated 7th and 9th of October, with Richard and David .

Needless to say despite our telephone conversations yesterday , specifically regarding the application made on the 28/09/15, which you failed to tell us about when we met on the 29th , and validated 12/10/15, they remain " sceptical" about the fullness of the information that has been presented to us.

Notwithstanding having reviewed both the correspondence and the current planning application , I am setting out our areas of concern below .

Of primary concern is your proposed use of the extension in the courtyard and the new canopy area at the entrance . Whilst you state that the alcohol and entertainment license will be only applied for after planning is received , we are firmly of the view that they should be applied for at the same time so both we and the planners can understand fully the intended use of the building and thereby fairly assess the impact on our adjoining property.

AS MENTIONED BEFORE, THE PRIMARY USE OF THE EXTENSION IS TO PROVIDE ADDITIONAL SOCIAL, STUDY AND LEARNING SPACE THAT THE STUDENTS WANT. THE PLANNERS ARE VERY AWARE OF OUR DESIRE TO PROVIDE AN F&B SERVICE AS THAT HAS ALWAYS BEEN PART OF THE PLAN AND HAS WORKED VERY WELL IN OUR OTHER BUILDINGS.

? Where have you come from the for floor "case" is in position a "bar" with no kitchen facilities,

1. Having reviewed the "indicative event" plan that you sent me earlier, we fail to understand why you need an "entertainment" License for all 365 days a year. In our view the only sensible arrangement would be for you to make a limited application for specific events on or around particular dates. We appreciate if you need for further flexibility to host additional events these should easily be obtained by applying for a TEN, this would alleviate some of our concerns.

2. Any Alcohol License should be restricted to residents of Nido Student Accommodation West Hampstead only, is this your intention?

AS MENTIONED, WE ARE FOCUSED ON ADDRESSING OUR PLANNING ISSUE AND CAN'T RISK ANY IMPACT ON THAT BY ADDING LICENSING TO THE MIX. AS DEVELOPERS I'M SURE YOU UNDERSTAND.

3. Canopy and ground floor café area: the plans refer to the outside seating area as "Public Space", will it be open to passer's by, and/or the office tenants in the building and is this to be part of the "licensed" area?

AS MENTIONED BEFORE THE CANOPY'S PRIMARY PURPOSE IS TO IMPROVE THE RESIDENTIAL LOOK AND STREET SCAPE. UNTIL THE PLANNING APPLICATION IS AGREED WITH THE COUNCIL WE DON'T KNOW WHAT WILL BE POSSIBLE. WILL YOU HAVE A CANOPY AT YOUR NEW DEVELOPMENT MAYBE WE CAN COORDINATE THE DESIGNS AS THE COUNCIL IS RIGHTLY CONCERNED ABOUT IMPROVING THE STREETScape?

4. Is it your intention to sell alcohol from the first floor "café" area to the tenants of the ground floor commercial space as previously advised to us?

SAME AS POINT 2.

5. What would be the location of the night-time security, the current front desk is being replaced by a serving hatch for the ground floor kitchen, which would serve food and beverages till 11pm?

SECURITY, ACCESS CONTROL, MONITORS AND ALL OUR OTHER OPERATIONAL NEEDS HAVE BEEN CAREFULLY CONSIDERED AND WILL BE RELOCATED AS PART OF THE SCHEME TO ENSURE WE PROTECT THE STUDENTS AND OUR BUILDING. IT WOULD BE HELPFUL IF YOU CAN TELL US WHAT YOUR SECURITY PLANS ARE FOR YOUR BUILDING AND HOW IT WILL CHANGE WHEN YOU BUILD A NEW DEVELOPMENT THEN WE CAN COORDINATE?

6. Where will the BMS and Security monitors be located, currently they are in the front office on the ground floor, where the new kitchen is planned?

SAME AS POINT 5. DO YOU HAVE SOME SUGGESTIONS?

7. Where is the kitchen area for the café on the first floor , currently the “café area appears to be simply a bar ?

THERE IS ONLY ONE KITCHEN PLANNED

8. What is the air-conditioning/ventilation provision for the new enlarged extension , where would any plant and extract ducting be located and what would the “noise breakout” be ?

THE DESIGN OF THIS IS WORK IN PROGRESS. WE ARE OBVIOUSLY TAKING INTO CONSIDERATION HOW YOU DESIGNED THE BUILDING AND WILL TRY TO BUILD ON THOSE PRINCIPLES. MAKE SENSE?

9.As per my earlier email today , your proposals for the refuse management as proposed show part of the fencing sited on our land and all the access gates opening on to our land , neither of which is acceptable to us.

WE DESIGNED THIS AT YOUR REQUEST BUT HAD TO ADD GATES BASED ON BUILDING CONTROL INPUT. GIVEN THE DISABLED BAYS THIS WAS THE BEST ARRANGEMENT. HAPPY TO LEAVE IT AS IT IS. UNLESS YOU HAVE SOME IDEAS THAT MET ALL STAKEHOLDER NEEDS?

10. Why can you not modify the design of the extension to incorporate the existing refuse chute ?

OUR TEAM IS PERFECTLY CAPABLE OF MANAGING THE REMOVE OF REFUSE - SO WE ARE NOT CONCERNED ABOUT THIS.

I ASKED FOR YOUR IDEAS ON HOW WE COULD WORK TOGETHER TO CLEAN UP THE STREET; DID YOU HAVE ANY THOUGHTS ON THAT?

WE ARE THINKING ABOUT ENGAGING WITH THE COUNCIL AND THE NEIGHBOURS - PERHAPS YOU WOULD LIKE TO HELP LEAD THAT WITH US.

Chris , I am sure you can understand that all of the above are genuine and legitimate concerns , we need to ensure that they are dealt with properly and formally to protect our position both in the short term, and in the longer term where new personnel maybe in place at Nido and indeed if and when the building is sold to a new operator. I sincerely hope that you will take them on board and come up with solutions that are binding on whoever is control of the student accommodation and allay our concerns.

WE ARE INCENTIVISED TO RUN OUR BUILDING IN AN EFFICIENT AND SAFE MANNER TO MAXIMISE OUR OPERATING AND ASSET VALUE. SO I AM NOT SURE WHAT ARE TO GAIN FROM ANY AGREEMENT?

Kind regards

Dear Chris ,

I have read your email carefully however you haven't answered any of my questions directly , which in turn increases our concern about your intentions and your willingness to be transparent .

I understood you wanted to enter into a conversation with us to allay our concerns , however you have done exactly the opposite with the way you have answered our questions .

I cannot see the point in us meeting unless I receive substantives replies to the questions I raised in my email, which I have expanded on and refer to below:

Points 1.2.3.4 ... [redacted] and the planners as to you
WE ARE FOCUSED ON ADDRESSING OUR PLANNING ISSUE AND
CAN'T RISK ANY IMPACT ON THAT BY ADDING LICENSING TO THE MIX if you
[redacted] then please share your detailed plans with us and respond directly to the
points made and the questions asked, as we cannot assess the impact of your planning application
without a full understanding of your licensing intentions.

Points 5.6 ...following on from the above , answers to these questions would enable us to better understand how you intend to control security at the building . From the plans submitted you are moving both the position of the physical security presence at the entrance to the building, and the security and building management monitors and systems to an undisclosed location . It is therefore not clear how you intend to secure and police events taking place both inside and outside the building ?

Point 7 . Noted that you are only planning one kitchen , does this mean that food will only be served in the café downstairs ?

Point 8 . Surely you have considered how you will ventilate the extension , we know such a large extension will need proper ventilation and we assume that any plant or outside ducts will be located facing out from the building toward our property , you must have done an assessment so why won't you answer this question directly ?

Point 9. Yes, we advised you for reasons of our public liability insurance and your staff's safety, that any route for the removal of refuse would have to be fenced off . We did not suggest you took part of our land to achieve this . With regards to the input from Building Control , it would be useful if you would share this with us as we fail to see the reason why there needs to be access gates in front of every door opening to the building given that length of the fenced area is no more than 10~15 metres , nor why sliding gates cannot be used where necessary thereby removing the need for the gates to be opened across our land ?

Point 10 . Refuse arrangements for 347 students is a significant issue so this is a perfectly reasonable proposition for you to take on board , especially if you can't provide an acceptable safe route within the confines of your land , or if you cannot give us a binding agreement and obligation of process that passes on to whoever manages or owns the building in the future .

You refer several times to our own plans with regard to any future development , at this stage we have yet to consider any specific plans save for the fact that our property lies within an area earmarked by Camden for "intensification".

You also refer to your desire to improve the image of the street aesthetically , whilst we share your concerns and are happy to work with you on them , we are even more concerned on the impact that an unrestricted alcohol and entertainment license , would have on all the local neighbours .

I do hope you will respond appropriately to my questions and that we can find equitable solution that deals with your aspirations and our legitimate concerns .

Regards

From: Chris Chinaloy
Sent: 26 October 2015 18:09
To: Andrew Loftus <andrew@loftusfp.com>
Subject: Judicial Review: Planning Re-work

*Obviate the
questions over too
ambiguously so and so*

Andrew,

I am sorry but that was the most information we could share at the time. You need to appreciate that this whole re: application process is stretching our resources as we have fixed timings we were working towards and everything was tight but organised. As a result of the JR, we can't provide you with all the details because in many cases we are needing to rework plans and that means that normal work streams are being delayed.

On some items we will have more details later this week and I can share those with you as they come in.

I hope you understand.

Kind Regards,
Chris

David Thompson

From: Andrew Loftus
Sent: 26 October 2015 19:21
To: Chris Chinaloy
Cc: David Thompson; 'Richard Loftus'
Subject: RE: Judicial Review: Planning Re-work

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Chris, I am away now for a few days and so have left this to Richard and David to deal with in my absence, please contact them directly with any updated information you wish to provide us with.

Kind Regards
Andrew

David Thompson

From: Andrew Loftus
Sent: 07 November 2015 18:37
To: David Thompson; Richard Loftus
Subject: Fwd: Planning Application Update

Clearly they are worried

Sent from my iPad

Begin forwarded message:

From: Chris Chinaloy < >
Date: 6 November 2015 23:04:34 GMT
To: Andrew Loftus < >
Cc: Jill Hanson < >
Subject: Planning Application Update

Andrew,

Here is our update as planned. Would be great to get an update from you after you get a chance to digest it. Shall we set up a meeting for early next week; perhaps Tuesday?

In general, I believe we have answered your questions as best we could - with either the level of detail available at the time, or with the amount of information we think is relevant to the Planning matters. However, I will elaborate a bit more on our own concerns and needs so that you have more context for the information I have shared. Perhaps in totality this will allay your concerns.

Best,
Chris

0. Planning Risk

we have nothing at hand, what has been promised to the residents

As you know we have promised the residences of this building a significantly improved and increased common space including F&B services. The consequences of the Judicial Review mean that we now have a large commercial risk to the business; if we do not start construction in 5 weeks this will:

- 1. Mean we do not deliver the space/services to students when we have promised, for which they are paying a premium and could demand compensation. *you know then*
- 2. Significantly impact our sales period for the following year as we will be touring people around a construction site. *you see*
- 3. Drive up our marketing and sales costs and significantly lower the yield potential for the entire building. *you know*

we do not have been open for year we are here but never

It is very important to me that you understand this as the background to why we take any objections to our plans very seriously and why the Premise License is a low priority. As the Premise License is simply part of our F&B offering; it, along with Laundry, Bedding and Kitchen packs pale in comparison to driving top line rent. So without

You know

1

Case

↓ good!

the common spaces extension there is no need for any Premise License. I hope you now see that there is no logic in moving ahead with any Premise License in parallel to our Planning Application. However, I will still share with your our plans for that below.

Do not see how logic

1. 2. 4. F&B and Licensing

F&B Offering & Opening Hours

↓ Built-in parking case above the main entrance of the

Based on the conversations with the Planning department who were very keen to see increased circulation around the building and more public amenities, opening up our Student Cafe to the public could be a positive addition that we now want to consider. Based on that, the ideal plan would be to run a Café (think Byron Burger meets Pret-A-Manger) which is open to students, and perhaps the public, from 7am-5pm; but only open to the residents from 5-11pm. There is one Kitchen that provides food that is served all day from the Reception Counter; the Service Hatch on the ground floor is only if there proves to be busy times e.g. breakfast and lunch when we do not want people crowding the Reception Desk.

may be allowed to open a plan

Premise License

We do not want to open a Club or Bar. I think the confusion around this stems from the fact that there is only ONE relevant license that covers a wide variety of activities, so if we want to show movies or add wine to our F&B menu then we need to apply for a Premises license - and this license covers one, or more, of the "regulated entertainment activities" listed below. Like our old sites we only ever intended to provide a Café style service; and for that we require a year round license with a) supply of alcohol; and b) playing of recorded music as we will play music in the background to give the building some ambience. (if we apply for a license in the future we would not include these any other items.)

the new license address

? license application goal, only this time - no other

- 1 Supply of alcohol
- 2 Supply of late night refreshment (hot food between 11pm and 5am)
- 3 Performances of plays
- 4 Exhibition of films
- 5 Indoor sporting events
- 6 Boxing or wrestling entertainment
- 7 Performances of live music
- 8 Playing of recorded music
- 9 Performances of dance
- 10 Any other entertainment of a similar description to the performance of live music, playing of recorded music or performance of dance.

Accessibility

permits - address how they are - could be anywhere within the premises

Furthermore, the license is by nature restricted to the specific areas within the premises and therefore only accessible for those allowed into the premises. Should we apply for a license, we would then restrict public opening hours to 7am-5pm like many Pret-A-Manager, or EAT venues. Therefore, none of the Office tenants or public would be allowed to use the venue after 5pm. Students would only have access till 11pm as this is their

? access

home. The Cafe in the lobby is only planned to be open to mainly cover the Breakfast/Lunch period when students are rushing to class and we don't want them to clog up the reception desk. It would be closed in the early afternoon as there would be limited traffic and therefore no risk of noise in the evening. We have no plans what so ever for licensed events (day or night) for anyone who is not a student as this would not go down well with the residents, as it is their space.

Q? does this mean you are...
I'm not sure but...
the... the... of your...
the... the... the...
the... the... the...
the... the... the...

Exceptional Events

Our events program is designed to add value to the typical Student Accommodation product by addressing the 3 biggest gaps in student life outside the classroom - help with their careers, help meeting others, help learning life skills.

Over the last 3 years across our previous buildings we have had a very similar program to the one I sent you - where most of these events are learning events e.g. career events, how to start a business, teaching people how to cook, tours of the city, trips to Bicester village to go shopping. But of course there are also occasional seasonal events that many people celebrate (Holi Festival, Halloween, Christmas, etc).

As you can see from the indicative calendar I sent you most of the events would make sense to do during normal hours and inside (e.g. CV workshop, cooking classes, etc); whereas for a New Years party we would of course apply for a TEN. Similarly, if we needed to put on a Play, Dance performance, or for any late night events we would apply with a TEN. So you needn't worry that we are throwing wild parties or opening a club. We don't want students complaining about noise, and we don't want to do WWF style Wrestling or Strictly Come Dancing events either!

the... the... the...

3. Canopy

Design Intent

As said our main interest is improving the residential look and streetscape to help sell Rooms. I don't really care if there are seats out side or not, we just thought it would look nicer that way and less like an Office entrance; and we know the Council want to improve the public activity and streetscape so in concert with a Café this would make sense. So if some chairs would help we may look at this; but we don't need a license to do that.

As mentioned before, the cafe hatch area in the lobby is only designed to be open during the day for quick take away style service at peak periods of breakfast and lunch (if at all). We assume it will be closed at all other times as we wouldn't want the cost of staff there when the main service location is on the 1st floor.

no
line

We would certainly not want anyone out there in the evening so if there was seating we would lock them up or remove them in the evening. So you don't need to worry about noise outside, as we don't want it either.

5. & 6. Safety & Security

Standard Operating Procedures (SOP)

We have had to create, document and train all the SOPs needed to ensure we have best in class service and security. We have just completed the documentation of over 70+ key operating procedures including Safety and Security; a few relevant highlights are included below. I trust this is enough detail to give you some reassurance that we take Safety and Security as seriously, if not more, than other operators in the sector.

Hours

Will continue with 24/7 manned security as this is something that we have been doing for years and is important to the parents and students. And we will have the same courtesy hours in the courtyard and will not allow people to congregate out front of the building.

Scope

They will remain responsible for the entire building including the offices below.

Cameras

The front doors and outside will be monitored 24/7 by cameras and new cameras will be added to existing key blind spots and new areas on the inside allowing them to have visibility of all public and common areas.

Monitors

separate photos
↓
The security monitors (and BMS if you really must know) will be located behind the Reception desk so they can engage with students and guests as well as watch the monitors - unlike now where they are separated with monitors requiring you to look one way, while people can enter behind you.

Locks

The front doors will be locked in the early evening as of 5pm if there are any Public facilities; and after that access will only by key fob or Reception access control. We are updating some of the access control points and readers that don't work very well. We will also be replace the fobs with cards that have printed photos of the students on them so they are not easily passed around and the student can prove who they are.

Reception Location

Given the larger common space on the 1st floor Security will be mainly be located at our new Reception desk. We are removing the security gate at the top of the stairs as you can reach around and open it with the button; and instead creating more managed pinch point (than the current lobby). This will also help address major concerns raised by the Fire Brigade on the way the lobby and fire doors were designed.

*no concern, might
(A) Reception
and use
Access*

Systems

We have employed a guest check in system that is tracking everyone who is a guest in the building for security and in case of emergencies; we also hold a piece of their identification while they are in the building.

Temporary Staff

We always employ extra experienced security staff for TEN type events when needed.

Hiring & Training

We have already started to hire more experienced staff from the Hospitality industry, who are used to running a hotel and residential buildings and plan on increasing our staff following the completion of the Common Spaces extension to provide improved customer service in general.

7. Kitchen

This is a small building and only warrants one kitchen. The primary service location of food will be on the 1st floor next to the Reception Desk. As mentioned, the Cafe hatch is only an alternative way to serve food during peak day time periods if needed but would close at the end of the afternoon if it was used.

8. Ventilation

Anna usabif.com

We have specified that the new equipment be located in the same location as the current plant - in the undercroft of the service yard on our property - and with a performance spec designed so there is no audible difference from any of the nearby bedrooms.

9. & 10. Gates

Disabled Bays

As mentioned Building control's primary concern is ensuring the disabled parking bays are accessible and that no gates or doors be blocking these.

Safety

From a Safety standpoint we want to ensure there is an easy escape route (push doors/gates) and that the path is not narrowed too much by the addition of fence/posts and gates.

*shows how gate as it would
come in a kitchen*

Maintenance

And for Maintenance access there needs to be gates to allow larger equipment to be able to maneuvered through the doors from the sidewalk which can't be done if there is a narrow fenced in pathway.

*door handles - same
out*

Gates

We looked at sliding doors but given the length of the one in front of the roller shutter it would just slide and block the other access points/gates and can't push open in case to ease escape. If you have a design that addresses the safety and access requirements then please send us a drawing and we can input.

if you have

Public Liability

At this time, our cleaning, maintenance staff and operations team are comfortable with the plan we have and do not see an unmanageable risk. Dozens of people are using the service yard each day without incident. I am not

sure why we are obligated to build a fence if we have the appropriate procedures in place and keep to the designated walkway on our property.

Obviously, you always have the option of building the fence on your land if you are concerned that there is a risk you cannot manage.

Can you get it done with the fence

11. Future plans

As property people we too are always thinking about how to improve the asset value of our buildings - including this one. There are lots of possibilities, which we should discuss at some point, but obviously our current focus is on leasing and this common spaces project. Given your recent office to residential conversion it would be great if you could share with us what your intentions are - even if you don't have detailed plans it would help us with our planning.

Use

I assume based on your current conversion from office to residential it will also be residential or will you do another mixed-use space. Perhaps this will help bring more activity to the street and help improve the streetscape too!

Timing

When do you think you will have some outline plans?

Density/Intensification

How many units/residents will you be looking at - 50, 250, 500; would help to understand the amount of additional traffic that might be interested in a Café!

Over looking

Would be good to know if there be overlooking to the bedrooms that face in the direction of your property.

Over shadowing

How many stories tall do you imagine it being? We shared with you our light study; when will you share yours with us?



Chris Chinaloy
Managing Director

Blackburn Road, London, NW6 1RZ
M: -
www.TheNidoCollection.com

On 5 Nov 2015, at 16:03, Andrew Loftus

> wrote:

Dear Chris ,

Further to your email dated 26th October I was hoping that you would now be in a position to share substantive replies to the questions raised in my email of the 21/10/15, following my previous email of the 15/10/15 .

We are now rapidly approaching the time we need to make our representations in writing to Camden .

In the absence that you are prepared to provide acceptable answers or accept the restrictions to any license or planning consent previously requested , which are detailed again below, by close of business on Wednesday 11th November then we will have no choice but to submit our objections to your application to Camden council in the strongest possible terms in order to protect our position .

Regards

Andrew

From: Chris Chinaloy
Sent: 26 October 2015 18:09
To: Andrew Loftus >
Subject: Judicial Review: Planning Re-work

Andrew,

I am sorry but that was the most information we could share at the time. You need to appreciate that this whole re: application process is stretching our resources as we have fixed timings we were working towards and everything was tight but organised. As a result of the JR, we can't provide you with all the details because in many cases we are needing to rework plans and that means that normal work streams are being delayed.

On some items we will have more details later this week and I can share those with you as they come in.

I hope you understand.

Kind Regards,
Chris

On 21 Oct 2015, at 16:21, Andrew Loftus

> wrote:

Dear Chris ,

Andrew Loftus

From: Chris Chinaloy <chinaloy@the-nido-collection.com>
Sent: 19 November 2015 15:39
To: Andrew Loftus
Cc: David Thompson; Richard Loftus; Mumby, John
Subject: Re: Follow Ups from our Meeting

Andrew,

The Team are still working on the Plant/Ventilation. Re: the Fence, I am still not sure how much of a risk this really is; how much would the sliver of land be?

Our investors are not particularly keen on entering into a binding agreement re: Licensing as this is still something we have not applied for.

John, has mentioned that the consultation period has ended and you have not submitted any concerns to the council to make them aware re: your licensing concerns; were you still planning on raising this with the Council?

Best
Chris



Chris Chinaloy

Managing Director

Blackburn Road, London, NW6 1RZ

M: 020 8834 2222

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On 16 Nov 2015, at 17:37, Andrew Loftus <andrew@loftus.com> wrote:

Dear Chris,

I have put my specific comments in red underneath your headings below.

On 13 Nov 2015, at 12:53, Andrew Loftus <andrew@loftus.com> wrote:

Chris, thanks for this we will get back to you on Monday.

Regards

Andrew

From: Chris Chinaloy <chinaloy@the-nido-collection.com>
Sent: 12 November 2015 18:40
To: Andrew Loftus <andrew@loftus.com>
Cc: David Thompson <dave@loftus.com>; John Mumby <john@mumby.com>
Subject: Follow Ups from our Meeting

Andrew,

Thanks again for meeting us yesterday.

Please find below what I understand are the remaining open points and the next steps:

Licensing

As discussed, this is not our top priority but in avoidance of doubt, if we were to make an application for a Premises License it would be to offer a consistent year round F&B service and include:

- 1) Supply of Alcohol
- 2) Playing of Recorded Music

And the conditions would include:

- 1) Inside (i.e. not for the outdoor space)
- 2) Covering the Common Spaces (Lobby, Mezzanine and 1st Floor)
- 3) Tenant and Guests of the Building (not Public)
- 4) For operation between:

- 7am and 5pm: for Tenants & their guests
- 5pm to 11pm: for Students & their guests

For any Events (outside music or movies, etc.) not covered by these, we will apply for TEN. Before we get our Premises Solicitors to update the License Application, I just want to check if there is anything that is not clear?

Note that these are your current intentions , however they do differ from some of your earlier plans . We have no way of knowing whether they will change again either under your stewardship or if the building is sold . As such we still feel the need to make the planners aware of our concern with regards to the use of the extension and canopy areas.

Ventilation

As discussed, we are currently planning on locating the Plant in the undercroft and the performance spec is designed to comply with typical guidelines with respect to background noise. We are currently working on the final details of the Plant design and can send it to you when ready, so we can discuss any concerns before any Planning Application is made. I assume that covers the concerns?

Understand that these will have to be made available as a condition of your planning and will comment once they are determined.

Service Yard

I asked our Solicitor to check the public liability issue and they checked the Deed of Easement and there is an indemnity build into the Deed of Easement that states that we have to indemnify them for "any liabilities, costs, expenses, damages and losses suffered or incurred by the Grantor arising out of or in connect with (i) the exercise of the Rights (which includes passing over and along the Service Yard to gain access to and egress from the Grantee's Property (including the disabled parking spaces)..." Does that address your concern?

Notwithstanding the above the best solution for us both now and to cover all future eventualities is to build a fence , we understand that this is difficult , however we would be prepared to sell you a small sliver land to enable you to do this more comfortably

Planning Application for Courtyard Works and Canopy

I don't believe there were any outstanding points. As set out above, we are happy to share details of any further planning requirements with you.

NO planning issues save for potential use which I covered earlier

Safety & Security

I don't believe there were any outstanding points.

Let me know if I have missed anything.

You may want to consider looking in to entering into a binding agreement with us binding both Nido and the building (to cover the eventuality of the building changing hands) on the provision entertainment , licensing and use of the building, as on that basis we may be able to support your application rather than opposing it . I trust you will see that we are trying to find a way to work with you however our foremost priority is protecting our position and that of our tenants.

Kind regards

Andrew

Regards

Chris

Chris Chinaloy

Managing Director

<image001.jpg>

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