

4 Clocktower  
49 Heath Street  
London  
NW3 6UD

1st April 2020

Sofie Fieldsend  
London Borough of Camden  
2nd Floor, 5 Pancras Square  
c/o Town Hall, Judd Street  
London  
WC1H 9JE

**Objection to: 2017/3835/P and 2017/4297/L**

Dear Ms Fieldsend,

I represent the nine leaseholders of The Clocktower at 49 Heath Street, London NW3 6UD. I am writing to express our objection to the planning permission and listed building consent applications 2017/3835/P and 2017/4297/L.

We are concerned that the installation of these units will negatively affect the amount of daylight and sunlight that enters the residential apartments that exclusively surround the site. Nearly all of the apartments in the building do not have any outdoor space. The air conditioning units will dominate the courtyard making it impossible for it to be used for the enjoyment of the residents of the building.

We are concerned about the amount of noise the air conditioning units will make. The site is quite an enclosed space, overlooked by both the doors and windows of all nine residential apartments in the building. The elevation on all sides of this space is approximately three stories high, which considerably amplifies the noise.

We are concerned about the visual impact these units will have on this grade II listed former Victorian fire station in the heart of Hampstead Village. They are not in keeping with the period of the building and will negatively affect the building's appearance.

The six air conditioning units that are currently installed on this site were put in without planning permission or listed building consent in October 2017. Nationwide knew that they did not have consent and were aware of the objections from the residents of the building. They decided to go ahead with the installation anyway.

Over the last two and a half years the residents of the building have been in regular contact with Camden Council, pleading for a satisfactory solution. In October 2018 we met with Councillor Stephen Stark and members of Camden's Planning Department on site. We have also written on several occasions, stressing that we wish to be good neighbours and are willing to work with the Nationwide to find a solution.

Despite this, we have been ignored by the Nationwide, whilst they have been incredibly slow to come up with an alternative scheme. The residents of the nine apartments have suffered both the unacceptable noise and blocking of natural daylight caused by the air conditioning units for nearly three years. During this period it has been business as usual for the Nationwide, whose premises neither overlook the site nor even include its location within the boundaries of their commercial lease.

Having gone through the various documents put forward for this application, our objections are outlined below. We are staggered by the lack of detail and volume of errors, especially given that this has taken Nationwide nearly three years to do. We feel that planning permission and listed building consent should be refused. It is not fair that the residents of this building should continue to suffer whilst Nationwide continue to demonstrate that they are not taking this process seriously, nor acting with any sense of urgency. Our patience and goodwill has been used up. We feel that enforcement action should be taken to remove the air conditioning units as soon as possible, whilst a solution is sought.

Yours faithfully

Alistair Bennett

On behalf of:

Luke Philpot,  
Flat 1 The Clocktower, 49 Heath Street, London NW3 6UD

Alev Berkay,  
Flat 2 The Clocktower, 49 Heath Street, London NW3 6UD

Peter Brighton,  
Flat 3 The Clocktower, 49 Heath Street, London NW3 6UD

Alistair Bennett,  
Flat 4 The Clocktower, 49 Heath Street, London NW3 6UD

Jonathan Upton,  
Flat 5 The Clocktower, 49 Heath Street, London NW3 6UD

Mountview Estates,  
Flat 6 The Clocktower, 49 Heath Street, London NW3 6UD

Nick Salisbury,  
Flat 7 The Clocktower, 49 Heath Street, London NW3 6UD

Sharif Khan,  
Flat 8 The Clocktower, 49 Heath Street, London NW3 6UD

## Location Plans

The file titled 'OS Map' that has been submitted doesn't appear to meet Camden Council's planning criteria which state that *"a red line should be used to highlight the boundary of the development site."* The 'BLOCK PLAN' and 'LOCATION PLAN' show an area outlined in red [fig.1]. However, the development site is situated outside of this. The proposed location of the air conditioning units is in a courtyard situated behind the commercial premises and overlooked exclusively by nine residential apartments. This area falls outside of the land included in the lease for the commercial premises, which is outlined in red [fig.2].

fig.1

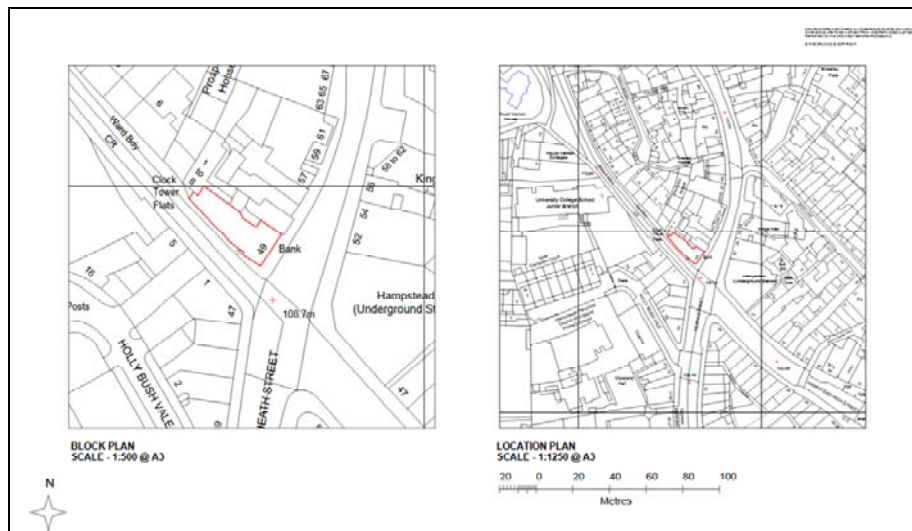
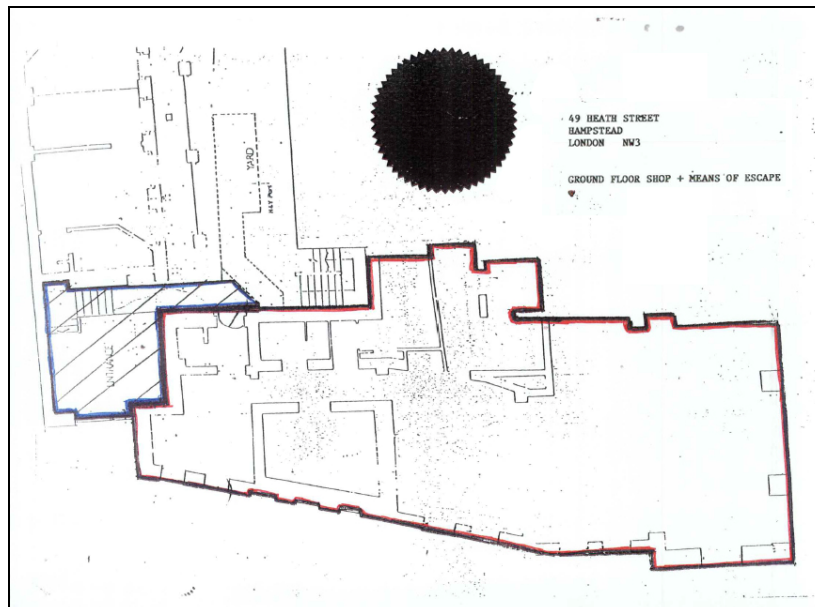


fig. 2

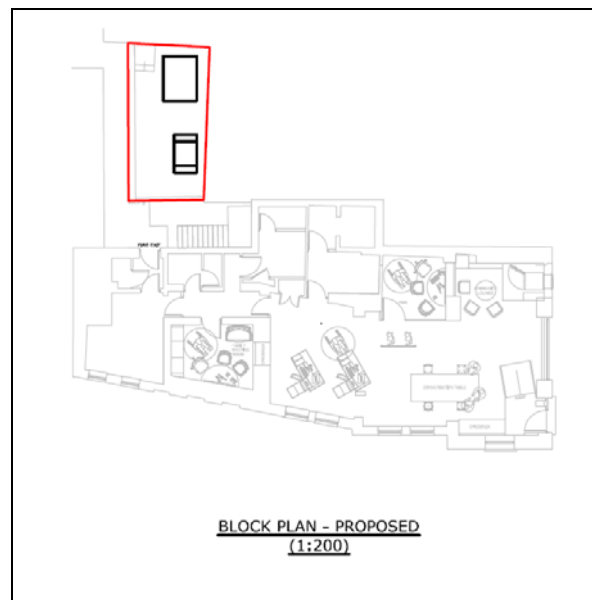


## Floor Plans

The drawings titled "Proposed plans & existing site plan" do not appear to meet Camden Council's planning criteria which state that *"all relevant measurements should be displayed"*. There are no measurements on the 'Proposed plans & existing site plan'. On the top right hand corner of the drawings it states 'DO NOT SCALE FROM THIS DRAWING' and 'THIS DRAWING HAS BEEN PRODUCED FOR INFORMATION AND DESIGN PUPRPOSES ONLY'. In the absence of any measurements, it is not possible to make an informed decision on the suitability of the proposal.

The drawings are not *"accurate nor up to date"*. When compared with the location plans the drawings illustrate that the *actual* development site is in the adjacent residential block [fig.3]. This block plan is incomplete as it fails to show the proximity of the nine apartments in this block [fig.4] and therefore the impact the development will have on its residents.

**fig.3**



**fig.4**



The drawings of the air conditioning units contained in the 'revised noise report' [fig.5] appear to be much smaller than the ones being put forward in the document titled 'Proposed plans and existing site plan' [fig.6]. The drawings in the noise report state that the nearest residential apartment is approximately 4 metres away. This measurement appears to form the basis for the report's conclusion that the units meet the requirements of the Local Authority. However, the site plan shows that these units are in fact much larger and they appear to be only around 2 metres away from the nearest residential apartment. The noise from the units will therefore have a far greater negative impact on the residents than the report suggests.

**Location of Plant**

The plan below shows the proposed location of the above plant items. Based on this drawing, the nearest residential façade is approximately 4m away, to the left of the below image.

Proposed plant location (image courtesy of CF Roberts)

The diagram is a detailed architectural floor plan of a plant layout. It features two main units: a larger 'VRF UNIT IN STEEL ACOUSTIC ENCLOSURE' (top) and a smaller 'DX UNIT IN STEEL ACOUSTIC ENCLOSURE' (bottom). Both units are labeled with 'CU 01' and 'CU 02' respectively. A network of refrigerant pipes, shown with a cross-hatched pattern, connects these units to a 'REFRIGERANT PIPEWORK MOUNTED ON CABLE TRAY AT LOW LEVEL SUPPORTED ON BIG FOOT FIX-IT FOOT'. Cable trays are also shown, with one labeled 'CABLE TRAY CONNECTS TO EXISTING'. The plan includes various annotations: 'VRF UNIT TO BE FINISHED IN DARK GREY OR BLACK, FINAL COLOUR TO BE AGREED.' and 'DX UNIT TO BE FINISHED IN DARK GREY OR BLACK, FINAL COLOUR TO BE AGREED.' are repeated. A 'FIRE EXIT' is marked with a door symbol. Dimensions include '400 (MIN)' for a horizontal clearance. Section lines A-A, B-B, and C-C are indicated with arrows. A north arrow is located in the bottom right corner.

**VRF UNIT IN STEEL ACOUSTIC ENCLOSURE BY ENVIRON. TO BE FINISHED IN DARK GREY OR BLACK, FINAL COLOUR TO BE AGREED.**

**DX UNIT IN STEEL ACOUSTIC ENCLOSURE BY ENVIRON. TO BE FINISHED IN DARK GREY OR BLACK, FINAL COLOUR TO BE AGREED.**

**REFRIGERANT PIPEWORK MOUNTED ON CABLE TRAY AT LOW LEVEL SUPPORTED ON BIG FOOT FIX-IT FOOT.**

**CABLE TRAY CONNECTS TO EXISTING.**

**400 (MIN)**

**FIRE EXIT**

**PLANT LAYOUT**

## **Noise Report (continued)**

The revised noise report is adapted from a report that took place in 2018. It incorrectly identifies the location of the air conditioning units (plant area) [fig 7]. It also shows that the tests were conducted in an area which is nowhere near the location of the air conditioning units [fig.8].

**fig.7**



**fig.8**





## Daylight & Sunlight Assessment

The air conditioning units that were installed in August 2017 [fig.9] are much taller than what was there previously and now block daylight into the ground floor apartment.

The new proposals indicate that the new air conditioning units are up to 2.8 metres tall and situated less than two metres away from the front door and bedroom window of the ground floor apartment [fig.10]. This will block natural daylight and sunlight into the apartment and make it very dark inside.

We are surprised that a daylight and sunlight assessment has not been submitted with this application and would request that one is undertaken.

fig.9

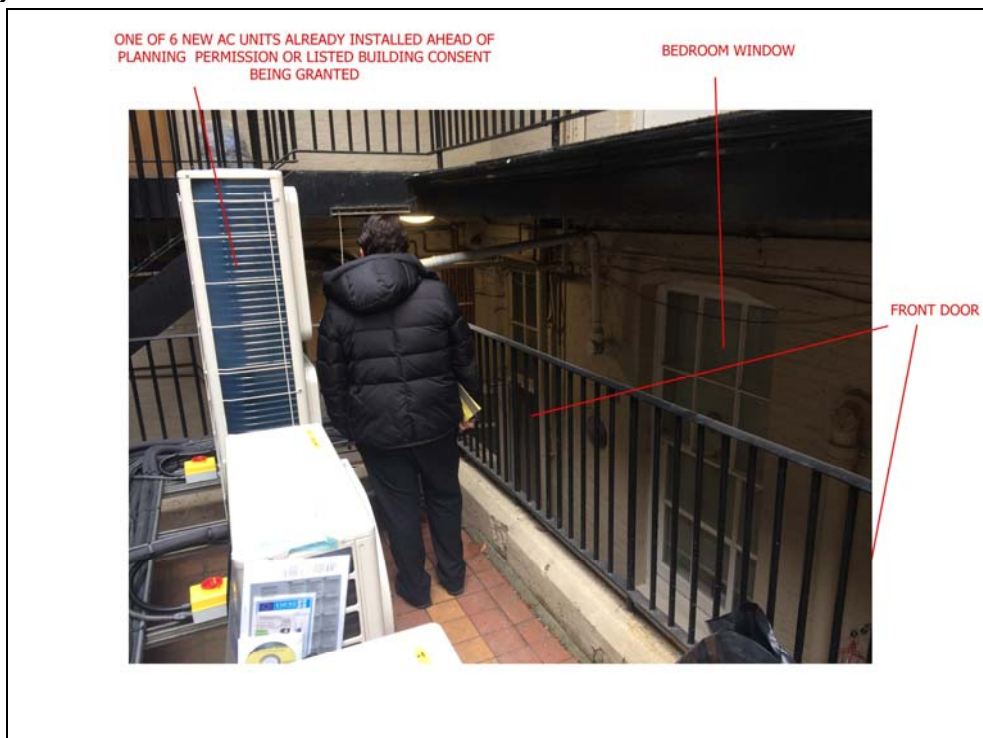
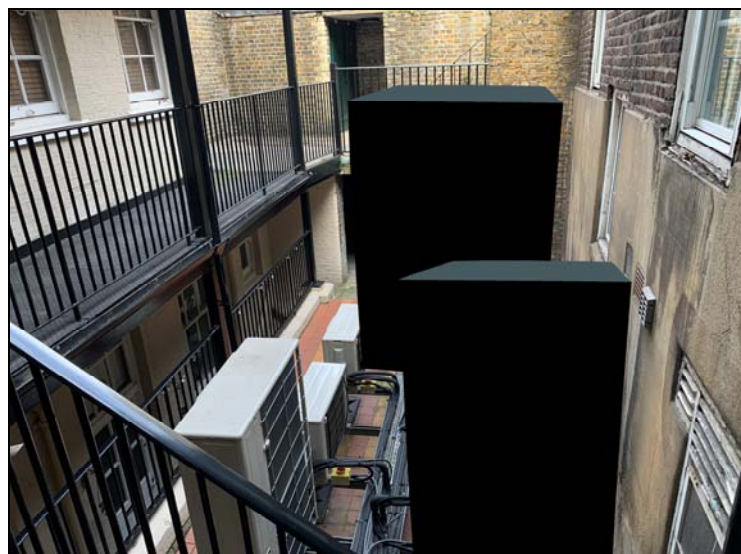


fig.10



## **Listed Building Consent**

Despite being made aware that Listed Building Consent had not been granted, Nationwide decided to install the new air conditioning units anyway in August 2017.

It is a criminal offence to carry out work which needs listed building consent without obtaining it beforehand.

Under the heading 'Description of Proposed Works' the Listed Building Consent application form submitted on behalf of Nationwide states "The like for like replacement of 6no condenser units with the existing base unit to be retained"

This is at odds with the details contained in the planning application which suggest the works are quite different to what is described above.

## **Design & Access**

The Design & Access Statement submitted by Nationwide appears disingenuous so in order to clarify some of its contents, we have made the following observations;

The works to the Nationwide took place nearly three years ago in October 2017.

Although Listed Building and Planning Consent was applied for, there were objections made regarding the noise and blocking of daylight by the nine residents who exclusively overlook the site.

Despite being made aware of these objections and knowing that Listed Building and Planning Consent had not been granted, Nationwide installed the new air conditioning units anyway.

The existing mechanical plant was NOT replaced like for like. It was replaced with units that were greater in size.

The courtyard where the air conditioning units have been installed does not form part of the lease for the commercial premises and is in a separate residential area of the building that is surrounded by nine apartments.

Despite several offers to the commercial tenant via Camden's Planning Department of working with the Nationwide to find a solution, this offer has been ignored and there has been no dialogue between the commercial tenant and the residents of the building.

Under the heading "Scale" it is a little misleading to simply suggest that " The proposals reduce the amount of units currently within the courtyard." when the reality is they are far larger than what is currently there and will therefore completely dominate the entire area [fig.11] with a much greater footprint and much taller units.

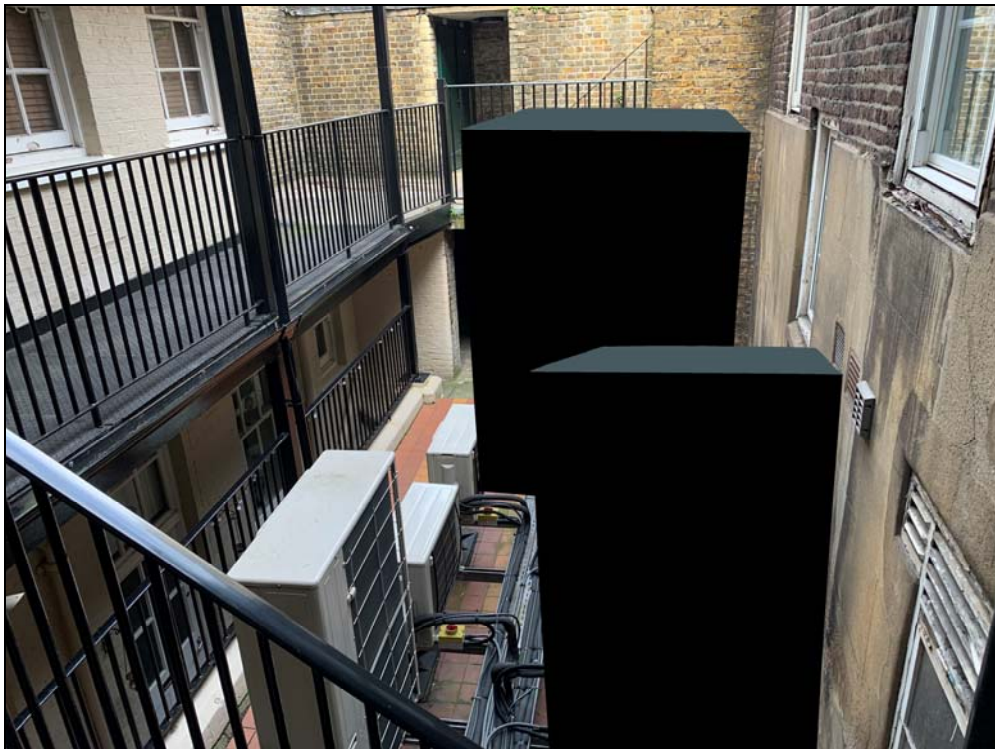


fig.11

Existing Units



Proposed Units



## Commercial Lease

Under the heading 'To comply with The Planning Acts', The terms of Nationwide's lease state that they should not carry out works to the building before obtaining planning permission.

Nationwide's lease states that they should not install *'any machinery on the demised premises which shall be noisy or cause dangerous vibration or be a nuisance to the Landlord or the owners or lessees or occupiers of adjoining properties'*.

The residential courtyard where the air conditioning units have been installed does not form part of the premises leased by Nationwide [fig.2]. The right to retain the air conditioning units in this location is subject to Nationwide making good any damage caused to this area of the building as a result of these units.

The courtyard has suffered damage as a result of the air conditioning units which during the warmer months, constantly drip water. This water appears to have soaked through the tiled floor and into the surrounding brick wall causing the paint to flake off. The tiled floor around the fixings that support the six air conditioning units appears cracked. Further damage will be caused by the removal of the current supports [fig.12]

We request that any works to relocate the air conditioning units include remedial works to this area at the sole expense of Nationwide. The same limestone tiles that cover the floors to the communal areas of the building should be used, details for which can be obtained from the building management (Parkgate Aspen) on request.

**Fig. 12**

