From: Ewan Campbell
Sent: 24 January 2022 09:40
To: Planning Planning
Subject: FW: Comments on 2021/5939/P have been received by the council.
Attachments: 20200807_Utopia_initial acoustic review.pdf

Hi

Can someone upload this (and the attached document) as an objection?

Kind regards

Ewan Campbell
Planning Officer
Supporting Communities
London Borough of Camden

Web: camden.gov.uk

5 Pancras Square
London N1C 4AG

From: KENNEDY, James (JMK) <james.kennedy@freshfields.com>
Sent: 23 January 2022 23:05
To: Ewan Campbell <Ewan.Campbell@camden.gov.uk>
Subject: FW: Comments on 2021/5939/P have been received by the council.

Ewan,

I enclose for convenience a copy of the Max Fordham Review which is referred to in my objections (set out below - as filed this evening on the portal). The other documents referred to in my objection are already on the planning file.

Regards

James

James Kennedy
[redacted]

[redacted]

Planning Application - 2021/5939/P - Utopia Village 7 Chalcot Road London NW1 8LH

I am writing to object to this planning application.

My objection is based on seven specific grounds. These are outlined below.

In short, the developer has put forward a revised application which suggests that much has changed, that residents have been consulted and heard, and that the original (now abandoned) planning application has been adjusted in order to turn a plainly unacceptable proposal into one which should be acceptable to residents and the Council alike. In reality, nothing material has changed, there has been no genuine consultation (the proposal has simply been in abeyance for months) and the new application is substantially the same as the old one – with the same obvious flaws and deficiencies (both of information/answers, and generally).

1. Wrong factual premise of application. The stated factual premise of the application is wrong. This fatally undermines both the suggested advantages in terms of residential amenity (as to both outlook and noise) and in respect of the Conservation Area.

a. As with the abandoned planning application, the cover letter for this new application again states: "The consolidation of the existing dispersed and unsightly plant is considered to represent a benefit in terms of minimising the visual impact and placing the proposed units in the least conspicuous location. It is considered this would result in an enhancement to the Conservation Area. A number of the existing units to be removed and replaced are positioned close to noise sensitive boundaries such that their removal will benefit their direct neighbours in terms of mitigating the noise impacts. The proposed location for the new units is both inconspicuous and positioned to be located at the furthest possible distance from neighbours." (Emphasis added).
b. The developer's claim should be closely checked by the Council. By my estimation, many of the existing 10 units (which are in any event much, much smaller than the proposed ones) are currently located at a greater distance to houses than the new units will be.
c. In essence, the proposal is to move all of the units from a marginally more distant (and dispersed) position to two more central positions which is in fact closer to a smaller number of properties (where they most certainly will not be "inconspicuous", which is obviously a ridiculous suggestion – as to which see further below).

2. Residential amenity. In any event, even if the developer is correct is asserting the above factual premise (which is not accepted), it is unfair and disproportionate in terms of residential amenity to concentrate both the visual intrusion and noise arising from the air conditioning/heating of the entire Utopia site into just two locations. This is particularly so in the following circumstances.

a. The claim to consultation with surrounding residents is greatly exaggerated in the application.
b. Following the embarrassment of the developer commencing the original development without any planning permission (much less any community consultation) there were (as I understand it) a couple of meetings at most. Contrary to the covering letter for the application, there was no meaningful "working party"; there was no "general consensus"; and the sensible suggestions and preferences articulated by residents in the small number of discussions that were held (e.g. for disbursed plant around the site; or for plant to be housed within the Utopia building itself) were not seriously explored.
c. The Council should ask to see evidence of the suggested consultations and whatever is produced should be made available to residents. Absent this evidence, the level of consultation suggested by the developer should be treated with scepticism.
d. For example, it remains entirely unexplained why each of the present 10 units could not be replaced by roughly the same size modern units (each of which would presumably be more efficient/powerful/quieter for their size – given the assumed advances in technology), as opposed to 9 much larger units.

3. Outlook. Quite apart from the above, even considered on a stand-alone basis the proposed development (in particular the proposed enclosure for the plant and equipment facing the back of houses along Gloucester Avenue – which is to be almost 6 metres long and almost 4 meters high) will greatly detract from the residential amenity of the surrounding area and the outlook of the numerous residences which back onto this part of Utopia Village. This is particularly in the context of the Conservation Area and the heritage nature of the Utopia Village site (as to which see further below).
a. At present, in terms of residential amenity/outlook, the Utopia Village site is essentially an urban office space housed within a 19th century light industrial brick building which is entirely in keeping with the character and appearance of the Conservation Area.
b. The proposed development would fundamentally alter (and detract from) that residential amenity by placing what is, in effect, two outsized and incongruous plant and equipment cabins onto prominent parts of the site. This damaging impact on outlook is highly material given the number of residences (and individual outlooks) affected – from multiple windows of what is a long run of four and five-storey buildings opposite the development from which it will be highly visible from two sides (and the street in some places).
c. Given the massive scale of the plant and its housing proposed in the original (abandoned) application, simply chopping it into two parts in this new application and thinking that this will suffice is both unimaginative and also greatly under-appreciates the size and scale of the original proposal.

4. Design/density/scale/massing of development. The design, density, scale and massing of the proposed development would also be entirely inconsistent with the existing site – again due to the size of the enclosures which are proposed for the plant and equipment. Although, as above, the Utopia Village site is an urban office space, its 19th century heritage means that its design, scale and density (and the massing of its existing building units) is an entirely human one: the buildings, balconies, walkways, distinctive heritage rooflights, windows and existing fittings are industrial but all very human in their scale. The proposed development would be the opposite in terms of design, density, scale and massing: it would be like two units from a much larger-scale development (or incongruous, temporary work cabins) had been dropped from the sky.

5. Effect on the conservation area. The development is in the Primrose Hill Conservation

Area. I will leave it to the PHCAAC to make its own submissions on this subject, however, for the reasons set out in paragraphs 2, 3 and 4 above the development is plainly not consistent with the character and appearance of the Conservation Area.

6. Noise. The developer has re-submitted with its new planning application a Noise Impact Assessment prepared by Noico Limited (the Noico Report) (originally submitted with the abandoned application) plus an updated addendum report (the Noico Addendum) dated 11 November 2021. In response to the Noico Report a number of local residents (including myself) commissioned an independent review of the Noico Report by an acoustics expert from Max Fordham Limited (the Max Fordham Review). The Noico Addendum do not deal with the issues raised by the Max Fordham Review, or even refer to it. For the reasons set out in the Max Fordham Review, which remain unaddressed by the developer (despite the opportunity to do so in the Noico Addendum), I consider there are serious questions to be answered about the Noico Report and Addendum, such that they cannot be relied upon by the LPA. In summary:

a. The night-time noise levels indicated by the Noico Report are noted by the Max Fordham Review to be higher than would be expected for this type of location.
b. The Noico Report/Addendum assessment makes no adjustment or correction for plant tonality (i.e. for the fact that tonal noise has greater potential to disturb than broadband noise). This approach by Noico is not standard practice. Noico argues that no adjustment/correction is needed on the basis that there is "no evidence of tonal content", however, this is not a reasonable assumption in this context.
c. The Noico Report/Addendum has failed to consider all (or even the appropriate) noise sensitive locations. Even if (e.g. in respect of the "first roof plan location") the nearest residential window would appear to be 15m away from the proposed plant, the Noico Report does not assess the likely noise impact at locations slightly further away e.g. top floor windows at around 22m where, although further away, the noise impact may be greater because they overlook the noise source.
d. There are a number of aspects of the sound propagation calculation methodology adopted by Noico which are highly questionable/unrealistic. These are detailed in section 8 of the Max Fordham Review but in short: (i) the plant noise sources have been modelled as independent point sources when they shouldn't have been; (ii) no account has been taken of noise reflections in this particular space (and noise reflections will greatly increase resultant noise levels at the receptors i.e. people in houses – as anyone living in the residences along this terrace will tell you). This appears to be a very significant flaw in the Noico methodology. The Max Fordham Report confirms that the correct calculations may increase predicted noise levels by several decibels.
e. All of this is material given the Noico assessment indicates a level only 1dB within the required values.
f. Although the Noico methodology focuses on the BS 4142 assessment, no mention is made in this regard of the Camden Local Plan (2017) pg 347, which states:
"There are certain smaller pieces of equipment on commercial premises, such as extract ventilation, air conditioning units and condensers, where achievement of the rating levels (ordinarily determined by a BS:4142 assessment) may not afford the necessary protection. In these cases, the Council will generally also require a NR curve specification of NR35 or below, dependant on the room (based upon measured or predicted Leq,5mins noise levels in octave bands) 1 metre from the façade of affected premises, where the noise sensitive premise is located in a quiet background area." (Emphasis added) There is no evidence that this requirement has been considered by Noico.

7. Environmental factors: failure to consider/comply with the Camden Local Plan (2017). The Camden Local Plan referred to above in the context of noise is also relevant in respect of Camden's policy on air conditioning and the environment.
a. The developer has provided no information about what the new plant and equipment will be connected to or why such an obviously significant increase in air-conditioning and/or heating capacity is required.
b. However, it is understood from discussions with the developer that the reason is that the change of use of the premises (to film and television production) will generate much greater heat within the building – principally as a result of the number of large computer servers and other equipment needed to support the data-hungry applications used in these activities. This is why greater cooling is required in the building – evidently much more capacity than exists at present (not just the refresh of existing capacity that the application cover letter appears to suggest).
c. However, this has not been explained in the application, nor is it clear that other alternatives (which would reduce the need for cooling on this scale) have been considered e.g. the use of remote server banks connected to the premises with high capacity, high speed fibre optic cables.
d. These are factors which the Camden Local Plan requires the developer to consider. See:
i. Paras 8.41 to 8.43 (re minimising internal heat, demonstrating clear need after all preferred measures considered, developer to submit a statement etc.)
ii. Para 6.99 (air conditioning only permitted where a clear need demonstrated after other measures are considered)
iii. Para 8.39 (Council to discourage the use of air conditioning and excessive mechanical plant).
e. Although the cover letter to the application contains four paragraphs on various aspects of the Camden Local Plan, it makes no mention of any of these paragraphs or issues. As such002C there is no evidence before the Council that the developer has considered these factors, much less made any formal submissions in respect of them as required.

Comments made by James Kennedy of 115 Gloucester Ave, London, NW1 8LB Phone 07740529121 EMail james.kennedy@freshfields.com Preferred Method of Contact is Email

Comment Type is Objection

MAX FORDHAM

UTOPIA OFFICE – NEW PLANT EQUIPMENT NOISE ASSESSMENT

INITIAL REVIEW AND COMMENTS – REV A

7TH AUGUST 2020

1 Scope

These comments relate to the planning documents available here:

http://camdocs.camden.gov.uk/HPRMWebDrawer/PlanRec?q=recContainer:%222020/2674/P%22

Name	Date modified	Type	Size
1 x Response - Objection (Redacted)	03/08/2020 16:14	PDF Document	309 KB
1520-M-RF-01_P2 - Roof Plant Acoustic Enclosure Layout	03/08/2020 16:13	PDF Document	593 KB
2020.2674.P Response 27.07.20	03/08/2020 16:15	PDF Document	86 KB
19094_L0002_LOCATION PLAN	03/08/2020 16:11	PDF Document	955 KB
19094_PE2051_D_ELEVATION AS PROPOSED (REF-11)	03/08/2020 16:13	PDF Document	114 KB
19094_PE2052_D_ELEVATION AS PROPOSED (REF-810)	03/08/2020 16:13	PDF Document	119 KB
19094_PP2033_D_PROPOSED ROOF PLAN	03/08/2020 16:12	PDF Document	325 KB
19094_PV2060_A_PHOTOMONTAGE - EXISTING SERVICES	03/08/2020 16:07	PDF Document	893 KB
19094_SU2033_SURVEY - ROOF	03/08/2020 16:07	PDF Document	83 KB
19094_SU2050_SURVEY - ELEVATION (REF-9)	03/08/2020 16:09	PDF Document	108 KB
19094_SU2051_SURVEY - ELEVATION (REF-11)	03/08/2020 16:09	PDF Document	91 KB
19094_SU2052_SURVEY - ELEVATIONS (REF- 8 10)	03/08/2020 16:09	PDF Document	99 KB
Acoustic enclosure 72003022 Drg102A Sections	03/08/2020 16:12	PDF Document	238 KB
Application Form Redacted	03/08/2020 16:09	PDF Document	1,469 KB
Noise Impact Assessment	03/08/2020 16:14	PDF Document	1,380 KB
Proposed plans elevations and section of acoustic enclosure 72003022 Drg...	03/08/2020 16:12	PDF Document	131 KB
PURY-P200YNW-A - Specification	03/08/2020 16:09	PDF Document	66 KB
PUZ-ZM100VKA - Specification	03/08/2020 16:10	PDF Document	3,391 KB
Roof Hoods - Specification	03/08/2020 16:10	PDF Document	606 KB
Technical Specification of Existing Units	03/08/2020 16:11	PDF Document	6,410 KB
Utopia project - Acoustic enclosure design statement	03/08/2020 16:13	PDF Document	181 KB
Utopia Village Cover Letter FINAL	03/08/2020 16:11	PDF Document	160 KB
Wall Terminal Extracts - Specification	03/08/2020 16:11	PDF Document	233 KB

2 Summary

The noise survey and impact assessment have generally been done to the standard good practice procedure (specifically BS 4142) and Camden Council policy.

However, the survey location could have been chosen to be closer to the sensitive receiver and it is likely that the existing noise level at the lower rear windows of houses on Gloucester Avenue will be lower than that measured as they are more shielded from surrounding noise sources. It might be considered to do a repeat of the survey at a location that is more representative.

Another area that might be reviewed are the assumptions used in the plant noise assessment calculation. It could be argued that, based on less favourable assumptions, the calculated level at the assessment location will be above the target value. It should be considered to challenge these assumptions and the resultant conclusion about noise impact.

In terms of additional information, it is suggested that further evidence is provided that the installed enclosure will provide the sound reduction performance that is used in the calculation. It is also suggested that the hours of plant operation are clearly conditioned and restricted to match the basis of the assessment. Also, to confirm that the installation operates as predicted by the calculations, it is recommended that appropriate commissioning measurements are made a condition to be discharged prior to occupation/operation of the building.

MAX FORDHAM

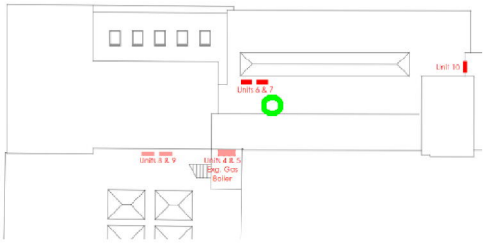
3 Noise Survey

The noise survey location was not as close to the noise sensitive receptors as it could have been.

The noise survey location was very close to existing plant equipment (Units 6 & 7). It must be confirmed that these units (and any others that are closer to the measurement position than to the assessment position) were not operational during the survey.

Possible action: Request a new survey at a position closer to the sensitive window or, alternatively, undertake an independent survey close to the sensitive window.

As a general comment, the levels reported do not seem unreasonable, although the night-time value is perhaps 3-5dB higher than we would have expected for this type of location.



4 Hours of Plant Operation

Clause 7.2 of the Plant Noise Assessment Report (Noico 72003022/1) specifically states that plant will only operate during the daytime period (7am-11pm) and no assessment of impact has been made outside of this period. There are clearly risks associated with this and it is quite significant because night-time background levels are 3dB lower than daytime. It is not uncommon for office plant to start up at 6am (or earlier) to pre-condition the building prior to the start of the working day. This is particularly relevant for morning warm-up if the plant is used for space heating. The other risk is that, should there be subsequent conversion to residential, the plant would have 24-hour operation.

Possible action: Ask for night-time assessment to be included. Alternatively, planners could be asked to make it a specific condition that plant cannot operate outside daytime hours.

5 Allowance for Plant Tonality

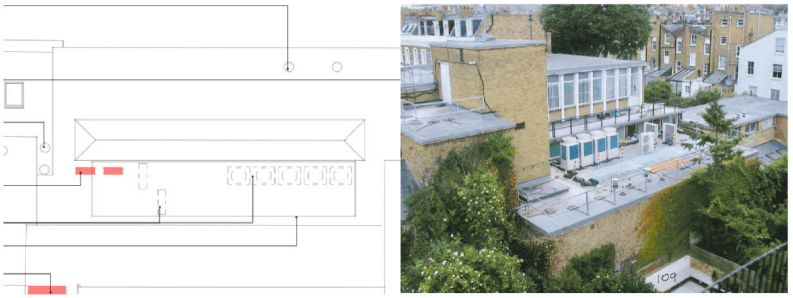
The assessment procedure follows that standard approach (as described in BS 4142). This standard recommends that a correction is made to noise levels to account for tonality. i.e. a penalty is applied to account for the fact that tonal noise has more potential to disturb than broadband noise. The assessment does not apply any correction for tonality, arguing (clause 7.3) that is "no evidence of any tonal content" for the proposed plant equipment. This is reasonable for the plant in isolation. However, the acoustic enclosure does not have a constant performance across the frequency spectrum. In effect, it applies a low-pass filter to the noise from the equipment and the resulting noise at the receiver position will be dominated by low-frequency sound. The figures given in Appendix 3 of the Plant Noise Assessment Report (Noico 72003022/1) suggest that the noise level at 63Hz will be 16dB higher than that at 125Hz. We would suggest that this runs contrary to the statement that there is "no evidence of any tonal content" and should be reviewed.

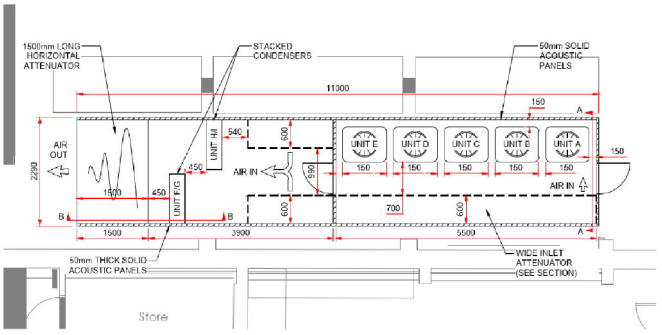
Possible action: Request that the correction for tonality is applied to the noise after the inclusion of the effect of the enclosure.

6 Details of Plant Equipment

The details of the proposed plant equipment does not appear to match what has been installed. In particular, the 5th PURY unit seems to have been substituted for something else.

Possible action: Request that the noise assessment is repeated for the actual installed units.





7 Consideration of All Noise Sensitive Locations

Clause 7.4 of the Plant Noise Assessment Report (Noico 72003022/1) states that "*There are numerous residential properties in the immediate vicinity, each with direct line of sight to the proposed plant installation location. The nearest residential location is estimated to be at 15m from the proposed plant location and we have labelled this position as Assessment Location A*". It is not clear in the report where the assessment location has been labelled, the label does not appear in Figure 2. The nearest residential window does appear to be approximately 15m away. However, there are other windows that should also be assess because they may be more affected, even though they are slightly further away. For example the rear windows to the top floor of the houses on Gloucester Avenue are around 22m away from the plant location but may be more affected because they overlook the noise source.

Possible action: Request that the assessment is undertaken at more sensitive locations, particularly the top floor windows of houses on Gloucester Avenue.

MAX FORDHAM

8 Calculation of Sound Propagation

There are a number of aspects to the calculation methodology presented in Appendix 3 of the Plant Noise Assessment Report (Noico 72003022/1) that should be reviewed. These are:

- the plant noise sources have been modelled as independent point sources. Once inside the enclosure, the sources will effectively be combined and the ventilation grilles to the enclosure will act as line sources. Accounting for this will increase the resulting level at the receptor.
- free-field propagation is assumed. That is to say that it is assumed that the plant noise sources are in free space with no reflections from surrounding surfaces. In reality, there will be reflections from the roof and the Utopia facades that surround the plant. Accounting for these reflections will increase the resulting level at the receptor.
- the plant noise data that has been used as a basis for the calculation is that measure in a free-field at a location 1m to the side of the unit, 1m above the ground. This means that these levels are only relevant when the receptor being assessed has the same directional relationship to the noise source. For example, the noise level measure 1m above a PURY unit would be expected to be higher than that measured to the side. Accounting for the directionality of the plant noise source will increase the resulting level at the receptor where receptors overlook the plant.

Possible action: Request that the assessment is repeated to correctly account for these factors.

As a general comment, the changes to the propagation calculation described above may increase the predicted level by several decibels. Given that the assessment currently indicates a level 1dB within the required value, this may make a significant difference.

9 Performance of Enclosure

The calculation in Appendix 3 of the Plant Noise Assessment Report (Noico 72003022/1) indicates that the insertion loss of the enclosure is equated to the insertion loss of the attenuators that allow ventilation to the enclosure. The value given for a 1500mm long 40% attenuator are reasonable. However, there are a number of reasons that the installed insertion loss of the enclosure may not meet this predicted value. This represents a risk given that the performance of the enclosure is such a critical aspect of achieving the target level. It is recommended that evidence of the in-situ performance of a similar enclosure is provided to give reassurance.

Possible action: Request in-situ measurements of performance of a similar enclosure to provide confidence that the predicted values will be achieved.

10 Commissioning Measurements

There are a number of factors that can affect the in-situ noise levels. For example, the operating duty of plant equipment and the actual performance of the installed enclosure. It is therefore strongly recommended that commissioning measurements are made a planning condition prior to occupation/operation of the building. It is suggested that these commissioning measurements would be made at a location as close as possible to the edge of the roof where the plant is located, in line with the centre point of the enclosure (along its length) at the same height as the fop of the enclosure.

Possible action: Request in-situ commissioning measurements are made a condition to be discharged prior to occupation/operation of the building.

It should be possible to measure at a distance of around 5m from the centre point of the enclosure roof (in the direction towards the noise sensitive windows). An appropriate target value would need to be agreed at this point based on more detailed calculations of noise propagation. For example it might be agreed that, if a level of 35dB can be measured at the commissioning location then this gives confidence that a value of 30dB will be achieved at the most affected sensitive window. The reason for not measuring at the noise sensitive window is that it becomes increasingly difficult to measure the plant noise above the existing background noise environment.