

Application No:	Consultees Name:	Received:	Comment:	Response:
2021/5939/P	James Kennedy	23/01/2022 23:00:26	OBJ	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 in 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 dispersed plant around the site; or for plant to be

Application No:    Consultees Name:    Received:

Comment:    Response:

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

Application No:    Consultees Name:    Received:

Comment:    Response:

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

Application No:	Consultees Name:	Received:	Comment:	Response:
				<p>appears to suggest).</p> <p>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.</p> <p>d. These are factors which the Camden Local Plan requires the developer to consider. See:</p> <p>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.)</p> <p>ii. Para 6.99 (air conditioning only permitted where a clear need demonstrated after other measures are considered)</p> <p>iii. Para 8.39 (Council to discourage the use of air conditioning and excessive mechanical plant).</p> <p>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.</p>

---

Application No:	Consultees Name:	Received:	Comment:	Response:
2021/5939/P	Nathan Cockrell	21/01/2022 19:16:40	OBJ	I am writing to object to this planning application (again).

The developer has presented a revised application suggesting that this time residents have been consulted and an acceptable compromise has been reached, when in fact nothing has materially changed. The developers withdrew their last application, left their plans on hold for a bit, offered a couple of meetings in the midst of COVID, and then tried again with a scarcely amended plan. Perhaps they hoped that the residents most negatively affected by the new ventilation units weren't looking at what was in the new application. 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. The stated premise of the application is wrong which completely undermines 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 first 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."

b. The developer's claim should be fact-checked by the Council. Many of the existing 10 units (which were much, much smaller than the proposed ones) are currently located at a greater distance to houses than the new units will be.

c. The proposal is to move all of the units from a marginally more distant (and dispersed) position to two more central positions which are in fact closer to a smaller number of properties (where they most certainly will not be inconspicuous – as to which see further below).

d. My belief is that the purpose the developers plan has always been to consolidate all of Utopia Village's air conditioning needs into a single location which could employ larger plant, thereby reducing overall cost and making servicing easier, but without any regard whatsoever for noise or outlook. The purpose of the development is economic, not aesthetic.

2. 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.

a. The claim of consultation with surrounding residents is greatly exaggerated in the application. Meetings were offered in the midst of COVID during which time a number of affected residents were shielding, and I believe they were primarily directed at residents who, under the proposal, would have small plant removed from closer to their home of much larger sites further away.

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 preference articulated by residents in the small number of discussions that were held (e.g. for disbursed plant around the site; 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

Application No:    Consultees Name:    Received:

Comment:    Response:

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 (presumably more efficient/powerful/quieter for their size – given the assumed advances in technology), as opposed to 9 much larger units.

3. 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 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 leverages the size and scale of the original proposal. This proposal is asserting that it is much better for residents of Gloucester Avenue to have two coaches outside their rear windows instead of a double decker bus.

4. 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 enclosure which is 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 industrial - looking like something you might on top of a factory or a warehouse or if somebody had used a helicopter to dump two Portaloos on top of the building.

5. 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. 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 commissioned an independent review of the Noico Report by an acoustics expert from Max Fordham Limited (the Max Fordham Review). The Noico Addendum does 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,

Application No:    Consultees Name:    Received:

Comment:    Response:

which remain unaddressed by the developer despite the opportunity to do so in the Noico Addendum, there are still serious questions to be answered about the Noico Report and Addendum. These questions are in my view so important that the Noico Addendum 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 the 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.”  
 There is no evidence that this requirement has been considered by Noico.

7. The Camden Local Plan (2017) 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 a refresh of existing capacity)?
  - 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 cloud servers connected to

**Application No:**    **Consultees Name:**    **Received:**

**Comment:**    **Response:**

the premises with 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 such 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.

Nathan Cockrell and Dana Haimoff

---