

LDC (Existing) Report		Application number	2012/6051/P
Officer		Expiry date	
David Peres Da Costa		14/01/2013	
Application Address		Authorised Officer Signature	
15 Jockey's Fields London WC1R 4QR			
Proposal			
Plant equipment comprising 1x combined smoke/general extract fan ; 1x GRP water tank, 1x Nuaire toilet extract fan; 2 x Eurocel fresh air, air handling units; 1x Mitsubishi Electric heat pump condenser and associated ductwork on roof of office building.			
Recommendation:		Approve Lawful development Certificate	
Assessment			
<p>The application site is a 4 storey plus basement office building within a terrace located on the west side of Jockey's fields.</p> <p>The application relates to the plant equipment on the rooftop of the building. This includes 1 x combined smoke/general extract fan serving the building atrium; 1 x GRP water tank, 1 x Nuaire toilet extract fan; 2 x Eurocel fresh air, air handling units; 1 x Mitsubishi Electric heat pump condenser and associated ductwork. It does not relate to the existing air cooled chiller on the northern part of the rooftop. The replacement of this unit is the subject of a separate application (2012/6052/P).</p> <p>The building is not listed and is located in the Bloomsbury Conservation Area.</p> <p>The application seeks to demonstrate that the plant equipment has existed on the rooftop for a period of 4 years or more such that its presence would not require planning permission.</p> <p>The applicant is required to demonstrate, on balance of probability that the existing plant equipment has existed for a period of 4 or more years.</p> <p>Applicant's Evidence</p> <p>The applicant has submitted the following information in support of the application:</p> <ul style="list-style-type: none"> Professional opinion from Jonathan Hart Associates, Consulting Engineers <i>Based on the visual condition, manufacturer's information and layout of the installation of the toilet extract fan, air handling units, GRP water tank and atrium extract fan it appears fair to assume that these pieces of equipment and the associated pipework and ductwork were installed before 1995.</i> <i>The Mitsubishi Electric heat pump condenser has a date of manufacture stated as 2004. It is fair to assume that the date of installation is no older than +6 months of this date. Due to the date of manufacture of the Mitsubishi Electric heat pump and the fact that it does not appear on the original O&M As Built drawings, it is clear that this unit was installed post production of the As Built drawings.</i> <i>The O&M manual 'As Built' drawings identify that they were created at the end of 1990 and the beginning of 1991. Taking into consideration the findings of the survey it is likely that the equipment detailed on the As Built Drawings are the same as those with installation dates pre 1995.</i> As built drawings dated October 1990 			

Council's Evidence

There is no enforcement action on the subject site.

The aerial images on the Council's GIS system show the rooftop plant as early as 2002.

Assessment

The Secretary of State has advised local planning authorities that the burden of proof in applications for a Certificate of Lawfulness is firmly with the applicant (DOE Circular 10/97, Enforcing Planning Control: Legislative Provisions and Procedural Requirements, Annex 8, para 8.12). The relevant test is the "balance of probability", and authorities are advised that if they have no evidence of their own to contradict or undermine the applicant's version of events, there is no good reason to refuse the application provided the applicant's evidence is sufficiently precise and unambiguous to justify the grant of a certificate. The planning merits of the works are not relevant to the consideration of an application for a certificate of lawfulness; purely legal issues are involved in determining an application.

The Council does not have any evidence to contradict or undermine the applicant's version of events.

The information provided by the applicant is deemed to be sufficiently precise and unambiguous to demonstrate that 'on the balance of probability' the plant equipment has existed for a period of 4 or more years as required under the Act. Furthermore, the Council's evidence does not contradict or undermine the applicant's version of events.

Recommendation: Grant lawful development certificate

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