

Delegated Report		Analysis sheet		Expiry Date:		23/09/2014	
(Members Briefing)		N/A / attached		Consultation Expiry Date:		(1) 28/08/2014 (2) 28/08/2014	
Officer				Application Number(s)			
Angela Ryan				(1) 2013/5759/P (2) 2013/5797/L			
Application Address				Drawing Numbers			
50 Red Lion Street London WC1R 4PF				See decision notices			
PO 3/4		Area Team Signature		C&UD		Authorised Officer Signature	
Proposal(s)							
<p>(1) Installation of x 3 air conditioning condenser units at rear roof level and to side elevation in connection with existing restaurant use (Class A3) (retrospective).</p> <p>(2) Alterations involving the installation of x3 air conditioning condenser units at rear roof level and to side elevation in connection with existing restaurant use (retrospective).</p>							
Recommendation(s):		(1) Grant planning permission with warning of enforcement action (2) Grant Listed Building Consent with warning of enforcement action					
Application Type:		(1) Full Planning Permission (2) Listed Building Consent					

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	13	No. of responses	0	No. of objections	0
			No. Electronic	0		
Summary of consultation responses:	A site notice was displayed on 06/08/2014, expiring on 27/08/2014, and a public notice published in the local press on 07/08/2014, expiring on 28/08/2014. No letters of objection/comments have been received to date					
CAAC/Local groups* comments: *Please Specify	<u>Bloomsbury CAAC:</u> were formally consulted and have objected on the grounds that the units would neither preserve the special interest of the building nor the character or appearance of the conservation area. <i>See paragraph 2.1 of this report for the case officer's response.</i>					

Site Description

The site comprises a mid 18C three-storey, plus attic storey red brick building, located on the west side of Red Lion Street. The site was formally a house, and is currently being used as a restaurant on the ground floor with residential units above. An alley runs alongside the building, accessing a yard and is surrounded by other properties. To the rear of the shop is a one-storey outbuilding with a pitched roof, of considerable age, all of which creates a small old-fashioned courtyard of some character.

The site is a grade II listed building and is also within the Bloomsbury Conservation Area.

Relevant History

Planning History:

1/12/1990- Permission **refused** for the change of use of ground floor from office/retail to restaurant and installation of a new shopfront. (Ref: 9000225). An appeal was received against refusal of permission. The appeal was allowed with specific conditions on 26/09/1991 (Ref: T/APP/X5210/A/91/185952/P8) The inspector was of the opinion that the use would not have any adverse impact on residential amenity by way of noise and fumes, light pollution and rights of way across the courtyard by virtue of the site's location in a business/residential setting.

24/07/1991- permission **refused** for The change of use from retail to non-residential club at basement level (Ref: 9100568)

12/02/1993- permission and listed building consent **granted** for works including the erection of an internal ventilation duct and alterations associated with conversion to restaurant (Ref: 9270165)

18/02/1993- permission **granted** the conversion of the basement, ground and rear ground and first floors into a restaurant (Ref: 9201112)

13/06/1996- Listed building consent **granted** for internal and external alterations in connection with the fitting out of the premises as a restaurant and staff accommodation (Ref: 9470111)

Enforcement History

There is a current enforcement case relating to the addition of 2 large air conditioning coolers to roof (Ref: EN12/0692). The conclusion of this case is dependent on the outcome of the current applications that is being put before Members.

Relevant policies

LDF Core Strategy and Development Policies 2010

Core strategy

- CS5 (Managing the impact of growth and development)
- CS7 (Promoting Camden's centres and shops)
- CS9 (Achieving a successful Central London)
- CS10 (Supporting community facilities)
- CS14 (Promoting high quality places and conserving our heritage)

Development Policies

- DP24 (Securing high quality design)
- DP25 (Conserving Camden's heritage)
- DP26 (Managing the impact of development on occupiers and neighbours)
- DP28 (Noise and vibration)

Camden's Planning Guidance 2013

CPG1-Design: Chapters 1, 2, 3, and 11

CPG 6-Amenity: Chapters 4, 6 & 7

London Plan 2011

National Planning Policy Framework 2012

Assessment

1.0 Proposal:

1.1 The applicant is seeking retrospective permission to retain 4x Mitsubishi air conditioning units that have been installed at the site. 2 x ac units are installed on the rear and side elevations of the building and 2 x ac units are fixed on the flat roof of the single storey outbuilding located to the rear of the site. The ac units were installed in order to facilitate the operational use of the existing restaurant located at ground floor level.

1.2 The single storey outbuilding to the rear of the site has at some point been linked to the main building by a flat roof lantern, where the extraction system is now located.

1.3 During the course of the application the scheme was revised to remove the ac unit that was suspended on the side elevation of the building and to lower the height of the ac unit located on the rear wall of the host building in order to make it less obtrusive and to reduce its visual impact.

1.4 The key considerations are:

- The Impact on the listed building and character and appearance of the conservation area; and
- The impact on amenity.

2.0 The Impact on the listed building and character and appearance of the conservation area:

2.1 The ac units that are currently visible from ground floor level are considered to be of a modest size in comparison to their relationship to the host building. However, the ac unit that was suspended on the side elevation of the building is now proposed to be removed. The ac unit located at rear first floor level is proposed to be relocated in order to reduce its visual impact on the listed building, and the surrounding area. The relocation of the unit would also serve to tidy-up the rear elevation, where the units were previously arranged in a haphazard manner being positioned at different heights across the roof. Although the units may be viewed from the windows of some of the surrounding properties, they are now not readily visible from street level or from the wider public realm. As the units are required for the viability and operational use of the existing restaurant, there is to be a reduction in the number of ac units at the site, and another will be relocated to a more appropriate location, and the fact that the works are reversible it is considered that on balance the proposal does not cause undue harm to the historic fabric of the listed building or the character and appearance of the Bloomsbury Conservation Area.

3.0 Amenity:

3.1 No objections have been received in respect of noise nuisance associated with the plant. An acoustic report was submitted in support of the application demonstrating that the units would operate at between 17 & 17dBa lower than the lowest background noise which exceeds the Council's noise standards as set as set out in table E of policy DP28. The policy requires the units to operate at 10dBA below the lowest background noise. An appropriate condition will be attached to the decision notice to ensure that neighbouring properties are protected from noise nuisance. As such it is considered that existing residential amenity would not be significantly affected.

4.0 Enforcement:

The applicant and agent have been notified that they have 2 months from the date of this decision to implement and complete this permission. Failure to do so will trigger enforcement action to remove the existing extraction equipment currently on site. An informative has been attached to the decision notice accordingly.

Recommendation:

- (1) **Grant planning Permission with warning of enforcement action**
- (2) **Grant listed building consent with warning of enforcement action**

DISCLAIMER: Decision route to be decided by nominated members on 17th November 2014. For further information please go to www.camden.gov.uk and search for 'members briefing'