

Delegated Report		Analysis sheet	Expiry Date:	27/07/2015
		N/A / attached	Consultation Expiry Date:	07/08/2015
Officer			Application Number(s)	
Patrick Marfleet			2015/3097/P & 2015/3979/L	
Application Address			Drawing Numbers	
186 Drury Lane London WC2B 5QD			See draft decision notices	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
Installation of 2 x air conditioning units on the roof of the two storey rear extension with acoustic screening, the retention of 2 x ventilation skylights with installation of associated acoustic screening.				
Recommendation(s):		Refuse Planning Permission & Listed Building Consent		
Application Type:		Full Planning Permission & Listed Building Consent		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	37	No. of responses	03	No. of objections	03
			No. electronic	03		
Summary of consultation responses:	<p>Site notice: 17/07/2015 - 07/08/2015 Press notice: 21/07/2015 - 11/08/2015</p> <p>Objections from 5 Goldsmith Court and 185 Drury Lane were received in response to the application with the following concerns raised:</p> <ol style="list-style-type: none"> 1. The AC condensers are highly visible and adversely affect the setting of the listed building. 2. The units make a considerable amount of noise throughout the day and night. 3. It appears no listed building consent has been applied for. Please ensure that no action is taken until an application for listed building consent is submitted. <p><i>Officer response:</i></p> <ol style="list-style-type: none"> 1. See paragraph 2.2 2. The council's noise officer has reviewed the submitted acoustic report and is satisfied that the units meet the council's minimum noise standards. 3. The planning application is accompanied by an application for listed building consent ref: 2015/3979/L 					
CAAC/Local groups* comments: *Please Specify	<p>Covent Garden Community Association objection:</p> <ol style="list-style-type: none"> 1. The existing units harm the special architectural and historic interest of the listed building. 2. The noise generated by the unauthorised units has an unacceptable impact on the amenity of neighbouring residents. 3. The submitted noise report indicates that Camden's minimum noise requirements can only be met if a number of mitigation measures are implemented. By installing and operating the units without permission the applicant has a demonstrated a lack of adherence to Camden's policies and a lack of concern for neighbouring residents. <p><i>Officer response:</i></p> <ol style="list-style-type: none"> 1. See paragraph 2.2 2. The noise generated by the unauthorised units has an unacceptable impact on the amenity of neighbouring residents. 3. See paragraph 2.4 					

Site Description

The application site comprises a five storey plus basement building located on the eastern side of Drury Lane at the northern end and close to its junction with High Holborn. Located within a parade of six units, the host building and adjoining property at 187 Drury Lane are Grade II listed and date back to the early 18th Century. The building is occupied by a commercial unit at ground floor level, hairdressers at first floor level and residential flats above.

The application site is located in the Seven Dials (Covent Garden) Conservation Area, which forms part of the West End. The area is characterised by an intricate mix of uses, which are generally small in scale, and set within a unique historic and architectural environment. Uses include residential development, retail, offices, food and drink uses and hotels, and are often mixed vertically within buildings.

Relevant History

EN14/0788 - Unauthorised installation 2 x air conditioning units and 2 x ventilation skylights (**date recorded 01/08/2014**).

2011/3922/P & 2011/3924/L - Replacement of existing extract flue to south flank facing wall at rear of the property in connection with cafe/restaurant use (Class A3) (**granted with warning of enforcement action 02/11/2011**).

2009/5376/P & 2009/5392/L - Retention of existing use as a cafe/restaurant (Class A3) at ground and basement levels and retention of existing extract flue to south flank facing wall at rear of the property (**refused and warning of enforcement action to be taken 14/09/2010**).

2008/4219/P - Change of use from office use (Class B1) to hairdressing salon (Class A1) at first floor level (**granted 21/10/2008**).

Appeal History:

The applicant subsequently appealed the listed building enforcement notice (EN14/0788) issued by the council, stating that the steps required to be taken exceed what is necessary to alleviate the effect of the works to the building.

The appeal was subsequently dismissed by the appeal inspector on the following grounds:

APP/X5210/F/15/3006532 - *The merits of any works proposed to provide alternative ventilation and daylighting of the building cannot be considered in the ground (j) appeal, because this must be considered by the Council in the first instance, on submission of an application for listed building consent. The appeal can only consider whether the steps required by the notice are necessary to alleviate the effect of the unauthorised works to the building. The Appellants have not put forward any evidence to suggest that the steps are excessive and have not indicated what they regard to be suitable lesser steps. The ground (j) appeal thus fails.*

Relevant policies

NPPF 2012

The London Plan March 2016

LDF Core Strategy and Development Policies

CS5 Managing the impact of growth and development

CS14 Promoting high quality places and conserving our heritage

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 Planning Guidance (2015)

CPG1 Design

CPG6 Amenity

Assessment

1.0 PROPOSAL

Planning permission and listed building consent is sought for the relocation of two unauthorised air conditioning units (currently subject to enforcement action) from the roof of the existing rear extension and mount them to the side elevation of the brick closet wing of the neighbouring property at 187 Drury Lane. Permission is also sought for the retention of two unauthorised ventilation skylights which are currently fixed to the roof of the existing rear extension at the site. Both the AC units and skylights would be housed within acoustic enclosures to mitigate noise and disturbance to neighbouring residents.

Revisions

- 1.2 During the course of the application the applicant sought to address the design and heritage implications of the proposal by submitting amended plans by positioning the units adjacent to each other rather than stacked against the closet wing of the building. However, the proposed development is considered unacceptable in principle due to its impact on the special interest of the listed building. Therefore, the assessment has been made on the original plans that were submitted in agreement with the applicant.

2.0 ASSESSMENT

- 2.1 The material considerations for this application are summarised as follows:

- Design and Conservation; and
- Amenity of neighbouring residential occupants;

2.2 Design and Conservation

- 2.2.1 Policy DP24 requires development to be of the highest standard of design and consider the character, setting, context, form and scale of neighbouring buildings together with the character and proportions of the existing building. With specific regard to Listed Buildings, Policy DP25 seeks to preserve or enhance the borough's listed buildings ensuring development that would cause harm to the special interest of the building is not permitted.

- 2.2.2 Camden's Design guidance document (CPG1) requires special consideration to be given to the installation of plant, machinery and ducting on listed buildings and in conservation areas. Fewer external solutions are likely to be appropriate in these locations. Installations

must be in keeping with the design and materials of the building.

- 2.2.3 It is noted that the front elevation of the host building was refaced in the late 18th century which gives increased significance to the preservation of the buildings historic rear elevation.
- 2.2.3 The proposed air conditioning units and ventilation skylights are considered wholly unacceptable due to their substantial size and design which would have a harmful visual impact on the special character and historic fabric of the host building. Similarly, the acoustic screening proposed for the existing roof lights would be obtrusive in terms of its size and design and would fail to preserve the special architectural appearance of the listed building and surrounding conservation area.
- 2.2.4 The proposal does not preserve the special architectural or historic interest of the host building or that of the neighbouring listed building at 187 Drury Lane and the public benefit arising from the proposal is not considered great enough to justify the harm caused to the special interest of the building. Therefore the proposal is contrary to Policies CS14, DP24 and DP25 of the Camden Core Strategy and Local Development Framework.

2.3 Amenity of neighbouring residential occupants

- 2.3.1 Policy CS5 seeks to protect the amenity of Camden's residents by ensuring the impact of development is fully considered. Furthermore Policy DP26 seeks to ensure that development protects the quality of life of occupiers and neighbours by only granting permission to development that would not harm the amenity of neighbouring residents.
- 2.3.2 The size and location of the proposed AC units and skylights are considered not to cause an undue loss of residential amenity to any neighbouring occupiers in terms of loss of light, outlook or privacy

2.4 Noise issues

- 2.4.1 The application is accompanied by an acoustic report which demonstrates that the proposed units comply with Camden's minimum noise standards providing the acoustic enclosures are installed. The Council's noise officer has reviewed the report and is satisfied that the proposal would not have any adverse impact on neighbour amenity in relation to noise and advised that the standard noise conditions should be attached to the decision if permission was to be granted.

3.0 **Recommendation**

- 3.1 The proposed air conditioning units, ventilation skylights and associated acoustic screening, by reason of their size, location and proximity to the buildings historic rear elevation would be detrimental to the character and appearance of the host building and surrounding conservation area contrary to policy CS14 (Promoting high quality places and conserving our heritage) of the London Borough of Camden Local Development Framework Core Strategy; and policy DP24 (Securing high quality design) and DP25 (Conserving Camden's heritage) of the London Borough of Camden Local Development Framework Development Policies.

3.2 Refuse planning permission and listed building consent

