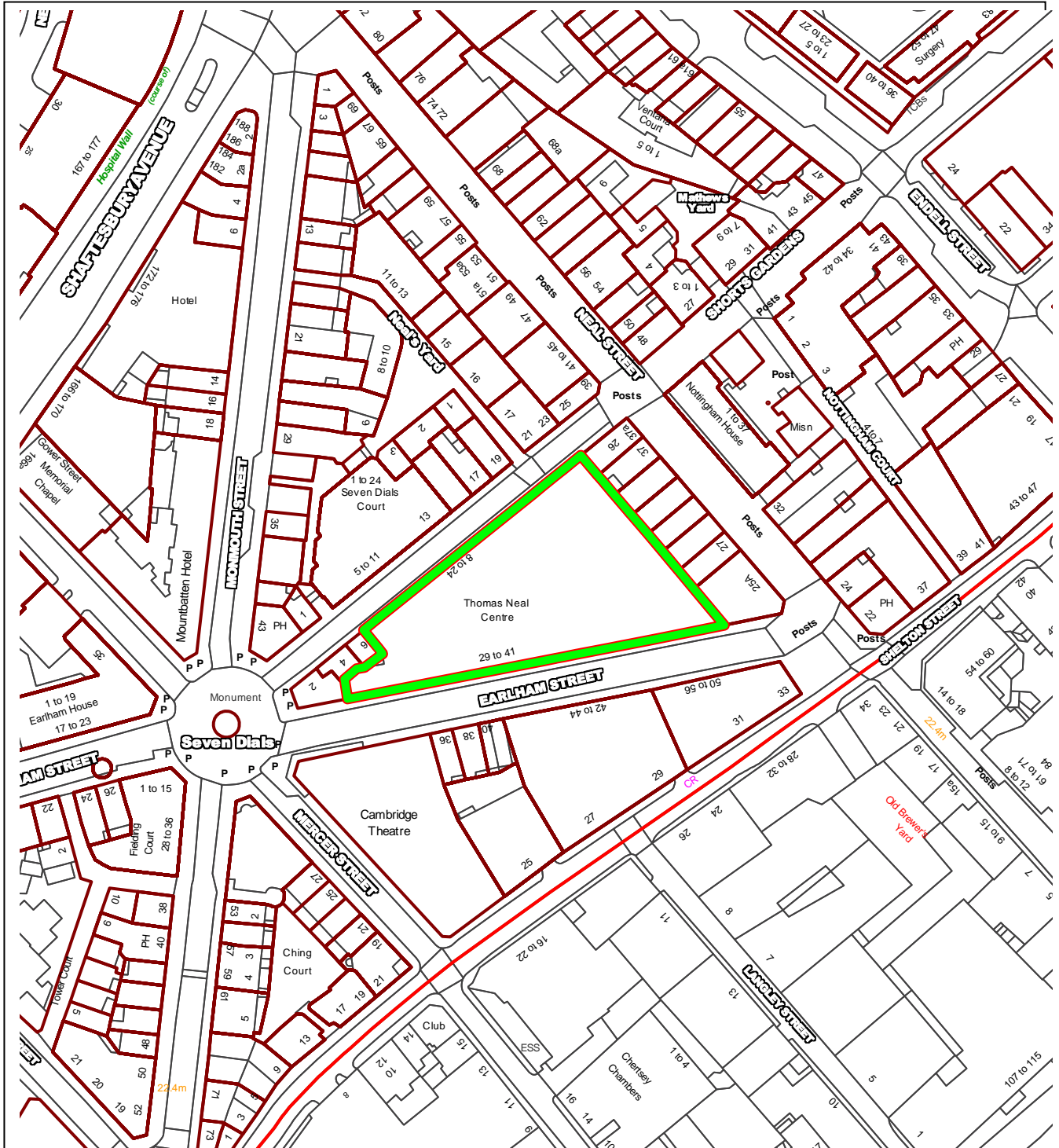
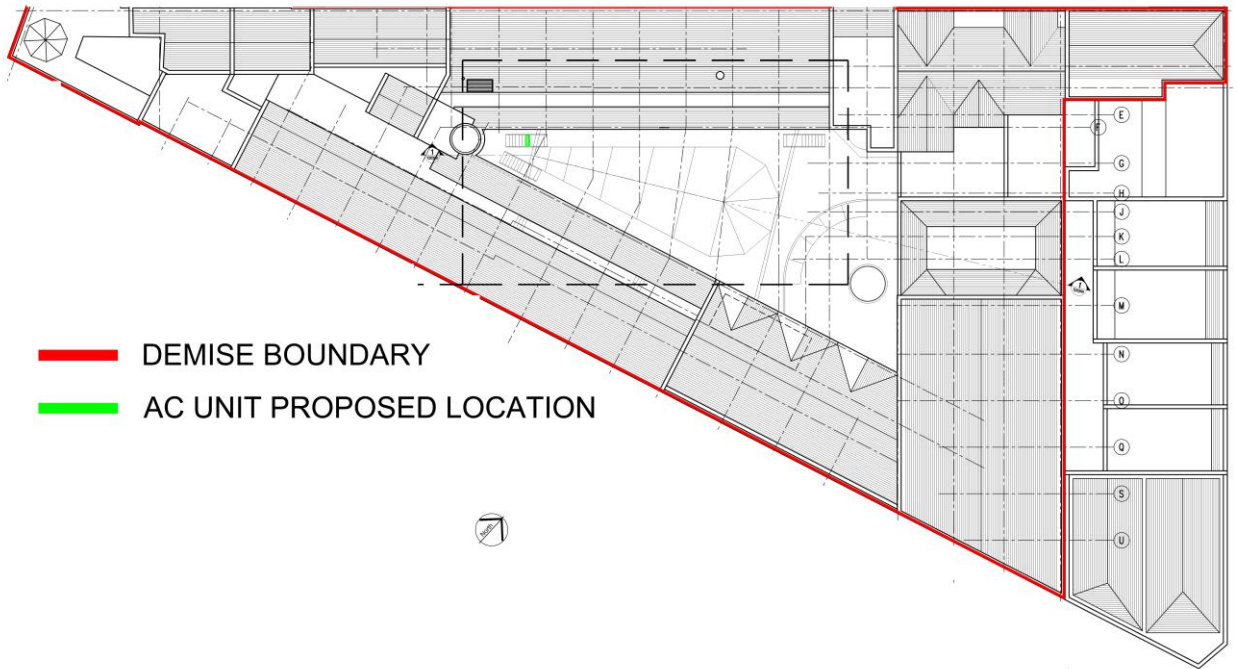


# Thomas Neal Centre 35 Earlham Street

1: 2016/3153/P - 2: 2016/3471/L



**Roof Plan**



**Aerial View**



AC UNIT PROPOSED LOCATION

<b>Delegated Report (Members Briefing)</b>		<b>Analysis sheet</b>	<b>Expiry Date:</b>	<b>02/08/2016</b>
		N/A / attached	<b>Consultation Expiry Date:</b>	15/08/2016
<b>Officer</b>			<b>Application Number(s)</b>	
Gideon Whittingham			1: 2016/3153/P 2: 2016/3471/L	
<b>Application Address</b>			<b>Drawing Numbers</b>	
Thomas Neal Centre 35 Earlham Street London WC2H 9LD			5688 T(91) P100; 5689 T(20) S01; 5689 T(10) S01; 5689 T(20) D02; 5689 T(20) D01; 5689 T(10) D01; 5689 T(10) D02; 5689 T(20) P05 [Proposed General Arrangement]; 5689 T(20) P05 [Existing General Arrangement]; Environmental Noise Survey and Plant Noise Assessment Report - 23266/PNA1, dated 9 May 2016, prepared by Hann Tucker Associates.	
<b>PO 3/4</b>	<b>Area Team Signature</b>	<b>C&amp;UD</b>	<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>				
1 & 2: Installation of 1 air-con unit on the atrium roof.				
<b>Recommendation(s):</b>		1: Grant Conditional Planning Permission 2: Grant Conditional Listed Building Consent		
<b>Application Type:</b>		Full Planning Permission and Listed Building Consent		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notices					
Informatives:						
<b>Consultations</b>						
Adjoining Occupiers:	No. notified	89	No. of responses	01	No. of objections	01
Summary of consultation responses:	<p>Site notice: 24/06/2016 Press notice: 30/06/2016</p> <p>1 objection received from the occupiers of 14 Shorts Gardens regarding the following:</p> <ul style="list-style-type: none"> <li>• Increased number of plant will result in noise disruption (See paragraph 3.3)</li> <li>• Harmfully visible (See paragraph 3.2)</li> </ul>					
CAAC/Local groups comments:	<p>The <b>Covent Garden Community Association</b> commented as follows:</p> <p><i>'The CGCA has no objection, only if the officer is satisfied that the applicant's acoustic report meets the Council's minimum requirements, and any permission granted includes the following language to protect the amenity of neighbouring residents:</i></p> <p><i>To protect the amenity of nearby residents (CS5) and to ensure that the units do not cause undue noise and disturbance, any permission granted must include conditions that:</i></p> <p><i>(1) restrict the amount of noise (measured in decibels) emitted from the units to within Camden's thresholds (DP28; CPG5 6.9);</i></p> <p><i>(2) require the applicant to ensure that equipment is kept working efficiently and is not causing disturbance to nearby residents, as verified through annual maintenance checks performed on all equipment throughout the life of the development (DP28.3);</i></p> <p><i>(3) require the applicant to submit the results of annual maintenance checks to the Council;</i></p> <p><i>(4) specify that failure to conduct annual maintenance checks and failure to maintain all equipment to levels specified in planning permission is a breach of planning regulations and voids planning permission granted;</i></p> <p><i>(5) limit the hours of use to business hours of the premises, to reduce the impact of noise and vibration on residential amenity during evening, late-night and weekend hours (DP28.3), e.g., running 24 hours should not be permitted; and</i></p> <p><i>(6) require automatic time clocks to be fitted to the equipment approved, prior to commencement of the use of the units, to ensure that the plant/equipment does not operate at any time other than that permitted. The timer equipment shall thereafter be permanently retained and maintained and retained in accordance with the manufacturer's recommendations. (Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and DP26 and DP28.) (For precedent, see 2015/5148/P, condition 4, &amp; 2014/6130/P, condition 3.)</i></p> <p><i>Further, the CGCA notes that the proposal statement, as well as the applicant's D&amp;A statement, refers to the works on first-floor roof level, when actually the works are on the fifth floor. The officer must ensure that the applicant's supporting documents are correctly labelled and the proposals are correctly identified.'</i></p> <p>Officer comments:</p> <p>(1) See paragraph 3.3</p> <p>(2) See paragraph 3.3</p> <p>(3) A condition requiring something to be maintained, in the sense of being kept in good repair or in a prescribed manner, should be imposed only when the LPA is</p>					

	<p>fully satisfied that the requirement is both relevant to the development which is being permitted, reasonable in its effects, and sufficiently precise in its terms to be readily enforceable. Maintenance conditions should not normally be imposed when granting permission for plant units.</p> <p>(4) as above (5) See paragraph 3.3 (6) See paragraph 3.3</p>
--	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## Site Description

The triangular shaped building is bounded by Earlham Street, Shorts Gardens and Neal Street. The Building dates from the mid 19th century and was probably originally used as a brewery. The building is grade II listed and is within the Seven Dials (Covent Garden) Conservation Area and the Central London Area. The building was refurbished in the 1980's to provide a mixed use development comprising retail, theatre, restaurant and business uses. The main internal area at ground and basement floors is arranged as a shopping mall and an internal parade known as Cucumber Alley.

## Relevant History

**2013/0599/P & 2013/0600/L:** Renewal of planning permission and listed building consent granted 05/07/2010 (Ref:2010/2716/P) for internal and external works in association with use of shopping mall including Class A1 shop units and former ancillary circulation space at basement and ground floor (including 80sq.m of additional floorspace created by part infilling to atrium at ground floor) for Class A1 (retail) use, dual use of existing Class A3 kiosk for either Class A3 (café) use or Class A1 (retail) use, change of use of 18sq.m of Class A1 (retail) floorspace to Class D1 (theatre use) and erection of solar panels to the inward facing roof slope adjacent to Shorts Gardens. Granted - 25/03/2013

**2015/3255/P & 2015/3255/P:** Planning permission and listed building consent for the replacement of metal gates and installation of secondary glazing doors to Earlham Street and Shorts Gardens entrances. Granted 27/07/2015

**2016/3413/P:** Use at basement and/or ground floor levels for restaurant use (Class A3) of no more than 300sqm floorspace in total, and/or retail (Class A1); granted planning permission under reference 2013/0599/P dated 25/03/2013. Granted 04/08/2016

## Relevant policies

### National Planning Policy Framework 2012 London Plan 2016

#### LDF Core Strategy and Development Policies 2010

CS5 Managing the impact of growth and development

CS13 (Tackling climate change through promoting higher environmental standards)

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 2011:** CPG6 Amenity

**Camden Planning Guidance 2015:** CPG1 Design

**Seven Dials (Covent Garden) Conservation Area Statement (1998)**

## Assessment

### 1. Proposal:

#### 1.1 The application proposes:

- The proposal seeks the installation of 1 condenser unit adjacent to the atrium roof which forms a central lightwell to the surrounding building of the Thomas Neal Centre.

#### 1.2 The main issues for consideration therefore are:

- Design and Impact on Listed Building
- Residential amenity

## 2. Design and Impact on Listed Building

2.1 The unit would specifically be located alongside the internal north west elevation, set beneath a metal walkway. The plant's location next to the atrium roof is set approx.1 storey below the surrounding buildings forming part of the centre, so that the plant will be completely hidden from both public street and private views. Thus it will have no impact on the streetscene or residential properties, ensuring the preservation of the character and appearance of the conservation area. The associated pipework required to connect the plant will run along one of the main concrete structural beams and will enter the building via an existing louvre at high level ground floor. Therefore no additional interventions to the building will be formed in any features of special architectural or historic interest which the Thomas Neal Centre possesses.

2.2 In consideration of DP24 and DP26, there is a general presumption that external alterations such as plant units can be unsightly by virtue of their exposed location or prominent position. In this instance, the courtyard is fully enclosed within the site; the plant, subordinate in scale to the host building, would be incorporated in a sympathetic manner with no public or private view. The proposal would therefore not be harmful to the character or appearance of the courtyard, host building or the surrounding the Seven Dials (Covent Garden) Conservation Area.

2.3 Special regard has been attached to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, and also to the desirability of preserving or enhancing the character or appearance of the conservation area, under s.66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

## 3. Residential amenity

3.1 As per the consultation responses, a resident has raised concern that the proposal would increase noise levels as a result of its proximity to Shorts Gardens.

3.2 The applicant has submitted an acoustic report and background noise survey which includes calculations of the predicted noise levels to support compliance with the Council's standards. It should be noted that the unit would not be visible from surrounding properties and would be screened by much higher perimeter blocks of the centres so that there is no noise breakout.

3.3 The Council's Environmental Health officer has assessed the submitted acoustic report and is satisfied the Council's required standards are capable of being met, subject to the standard recommended condition regulating noise and vibration levels. As such no adverse amenity impacts are envisaged, particularly given its proximity and position in relation to residential properties on Shorts Gardens and therefore 'hours of use' shall not be restricted in this instance. A condition on noise levels is attached to the decision.

3.4 It is considered that, as a result of its location, no harm would be caused with regard to the amenity of the occupiers of the neighbouring and adjacent properties in terms of sunlight, daylight, privacy, or sense of enclosure. The proposed external alterations in particular, are considered limited in their scope, nature and impact upon the adjacent occupiers.

Recommendation:

**1: Grant Conditional Planning Permission**

**2: Grant Conditional Listed Building Consent**

***The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 5<sup>th</sup>***

**September 2016, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to [www.camden.gov.uk](http://www.camden.gov.uk) and search for 'Members Briefing'.**



Mr R Litherland  
Rolfe Judd Planning [P6283]  
Old Church Court  
Claylands Road  
London  
SW8 1NZ

Application Ref: **2016/3153/P**  
Please ask for: **Gideon Whittingham**  
Telephone: 020 7974 **5180**

22 August 2016

**DRAFT**

Dear Sir/Madam

**DECISION**

Town and Country Planning Act 1990 (as amended)

**Full Planning Permission Granted**

Address:  
**Thomas Neal Centre**  
**35 Earlham Street**  
**London**  
**WC2H 9LD**

**DECISION**

Proposal:

Installation of x1 plant unit on the atrium roof.

Drawing Nos: 5688 T(91) P100; 5689 T(20) S01; 5689 T(10) S01; 5689 T(20) D02; 5689 T(20) D01; 5689 T(10) D01; 5689 T(10) D02; 5689 T(20) P05 [Proposed General Arrangement]; 5689 T(20) P05 [Existing General Arrangement]; Environmental Noise Survey and Plant Noise Assessment Report - 23266/PNA1, dated 9 May 2016, prepared by Hann Tucker Associates.

The Council has considered your application and decided to grant permission subject to the following condition(s):

Condition(s) and Reason(s):

- 1 The development hereby permitted must be begun not later than the end of three years from the date of this permission.

Reason: In order to comply with the provisions of Section 91 of the Town and

Executive Director Supporting Communities



Country Planning Act 1990 (as amended).

- 2 All new external work shall be carried out in materials that resemble, as closely as possible, in colour and texture those of the existing building, unless otherwise specified in the approved application.

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP24 and DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans [5688 T(91) P100; 5689 T(20) S01; 5689 T(10) S01; 5689 T(20) D02; 5689 T(20) D01; 5689 T(10) D01; 5689 T(10) D02; 5689 T(20) P05 [Proposed General Arrangement]; 5689 T(20) P05 [Existing General Arrangement]; Environmental Noise Survey and Plant Noise Assessment Report - 23266/PNA1, dated 9 May 2016, prepared by Hann Tucker Associates.]

Reason: For the avoidance of doubt and in the interest of proper planning.

- 4 Noise levels at a point 1 metre external to sensitive facades shall be at least 5dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 10dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the premises in accordance with the requirements of policy CS5 of the London Borough of Camden Local Development Framework Core Strategy and policies DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

#### Informative(s):

- 1 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 2 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Compliance and Enforcement

team [Regulatory Services], Camden Town Hall, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Executive Director Supporting Communities

**DRAFT**

**DECISION**

Rolfe Judd Planning [P6283]  
Old Church Court  
Claylands Road  
London  
SW8 1NZ

Application Ref: **2016/3471/L**  
Please ask for: **Gideon Whittingham**  
Telephone: 020 7974 5180

22 August 2016

**DRAFT**

Dear Sir/Madam

## DECISION

Planning (Listed Building and Conservation Areas) Act 1990

### Listed Building Consent Granted

Address:  
**Thomas Neal Centre**  
**35 Earlham Street**  
**London**  
**WC2H 9LD**

**DECISION**

#### Proposal:

Installation of x1 plant unit on the atrium roof.

Drawing Nos: 5688 T(91) P100; 5689 T(20) S01; 5689 T(10) S01; 5689 T(20) D02; 5689 T(20) D01; 5689 T(10) D01; 5689 T(10) D02; 5689 T(20) P05 [Proposed General Arrangement]; 5689 T(20) P05 [Existing General Arrangement]; Environmental Noise Survey and Plant Noise Assessment Report - 23266/PNA1, dated 9 May 2016, prepared by Hann Tucker Associates.

The Council has considered your application and decided to grant subject to the following condition(s):

#### Conditions And Reasons:

- 1 The works hereby permitted shall be begun not later than the end of three years from the date of this consent.

Reason: In order to comply with the provisions of Section 18 of the Planning (Listed

Executive Director Supporting Communities



Buildings and Conservation Areas) Act 1990.

- 2 All new work and work of making good shall be carried out to match the original work as closely as possible in materials and detailed execution.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

- 3 The works hereby approved are only those specifically indicated on the drawing(s) referred to above.

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy CS14 of the London Borough of Camden Local Development Framework Core Strategy and policy DP25 of the London Borough of Camden Local Development Framework Development Policies.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Executive Director Supporting Communities

**DECISION**