

Delegated Report (Refusal)		Analysis sheet		Expiry Date:	28/11/2017
		N/A / attached		Consultation Expiry Date:	24/10/2017
Officer			Application Number(s)		
Sofie Fieldsend			2017/4940/P		
Application Address			Drawing Numbers		
Herbal House 10 Back Hill London EC1R 5EN			Refer to Decision Notice		
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature		
Proposal(s)					
Details pursuant to conditions 2(c) (Photovoltaic Panels), 7 (Photovoltaic Cells,) 14 (Plant Equipment), 17 (mechanical ventilation), 18 (Combined Heat and Power engine) of planning permission 2014/3683/P dated 31/03/2015 (varied by 2015/6052/P dated 21/12/2015) for: Change of use from higher education college (D1) to a mixed use comprising offices (B1) from lower-ground to fourth floors, three flexible retail/café/office (A1/A3/B1) units at lower ground, ground and upper ground floors and a flexible commercial gallery/office (A1/B1) with ancillary café at lower-ground floor and part ground floor; lightwell infill extension at second third and fourth floor levels; two-storey roof extension to create additional office (B1) space and six self-contained duplex apartments; and associated external alterations.'					
Recommendation(s):		Refuse Details			
Application Type:		Approval of Details			

Conditions or Reasons for Refusal:	Refer to Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	00	No. of objections	00
			No. electronic	00		
Summary of consultation responses:	No residents were consulted as part of the application and no comments were received.					
CAAC/Local groups	No CAAC/Local groups were consulted and no formal comments have been submitted.					

Site Description

This application relates to the approval of details for a site with an existing permission for 'Change of use from higher education college (D1) to a mixed use comprising offices (B1) from lower-ground to fourth floors, three flexible retail/café/office (A1/A3/B1) units at lower ground, ground and upper ground floors and a flexible commercial gallery/office (A1/B1) with ancillary café at lower-ground floor and part ground floor; lightwell infill extension at second third and fourth floor levels; two-storey roof extension to create additional office (B1) space and six self-contained duplex apartments; and associated external alterations' under 2014/3683/P.

The host property is located on a prominent corner site at the junction of Back Hill, Herbal Hill and Ray Street. It is located within the Hatton Garden Conservation Area.

Relevant History

2017/4781/P -Details pursuant to Condition 13 (Cycle Store) of planning permission 2014/3683/P dated 31/03/2015 for Change of use from higher education college (D1) to a mixed use comprising offices (B1) from lower-ground to fourth floors, three flexible retail/café/office (A1/A3/B1) units at lower ground, ground and upper ground floors and a flexible commercial gallery/office (A1/B1) with ancillary café at lower-ground floor and part ground floor; lightwell infill extension at second third and fourth floor levels; two-storey roof extension to create additional office (B1) space and six self-contained duplex apartments; and associated external alterations.' – **Granted 25/10/17**

2017/0593/P - Variation of condition 16 (development in accordance with approved plans) granted under reference 2014/3683/P dated 31/03/15 for 'Change of use from higher education college (D1) to a mixed use comprising offices (B1) from lower-ground to fourth floors, three flexible retail/café/office (A1/A3/B1) units at lower ground, ground and upper ground floors and a flexible commercial gallery/office (A1/B1) with ancillary café at lower-ground floor and part ground floor; lightwell infill extension at second third and fourth floor levels; two-storey roof extension to create additional office (B1) space and six self-contained duplex apartments; and associated external alterations', amended by planning references 2015/3337/P dated 21/10/2015, 2015/6052/P dated 21/12/15 and 2016/3280/P dated 26/04/2017. The amendments include proposed use of Crittal style windows and solid panel cladding to the 5th and 6th floor extension. – **Granted 03/05/2017**

2016/6090/P - Discharge of part condition 1a (ventilation grills, external doors and gates) and condition 2b (facing materials) of 2014/3683/P dated 31/03/2015, amended by planning permission reference 2015/6052/P dated 21/12/2015 for change of use, roof storey extensions and external alterations. – **Granted 08/05/2017**

2016/3961/P - Discharge of Conditions part 2a (glazing) of 2014/3683/P dated 31/03/2015, amended by planning permission reference 2015/6052/P dated 21/12/2015 for change of use, roof storey extensions and external alterations. – **Granted 08/05/2017**

2016/3280/P - Incorporation of double doors to the reception entrances and creating a small recess to the entrance of reception; minor elevational/fenestration changes minor internal changes to the configuration of stairs; double doors to residential properties; provision of additional solar PV panels at roof level; - as an amendment to approved scheme under planning permission reference 2015/6052/P dated 21/12/15 for variation of condition 16 (development in accordance with approved plans) granted under reference 2014/3683/P dated 31/03/15 for change of use from higher education college (D1) to a mixed use comprising offices (B1) from lower-ground to fourth floors, three flexible retail/café/office (A1/A3/B1) units at lower ground, ground and upper ground floors and a flexible commercial gallery/office (A1/B1) with ancillary café at lower-ground floor and part ground floor; lightwell infill extension at second third and fourth floor levels; two-storey roof extension to create additional office (B1) space and six self-contained duplex apartments (C3); and associated external alterations. – **Granted 26/04/2017**

2015/6052/P - Variation of condition 16 (development in accordance with approved plans) granted under reference 2014/3683/P dated 31/03/15 for change of use from higher education college (D1) to a mixed use comprising offices (B1) from lower-ground to fourth floors, three flexible retail/café/office (A1/A3/B1) units at lower ground, ground and upper ground floors and a flexible commercial gallery/office (A1/B1) with ancillary café at lower-ground floor and part ground floor; lightwell infill extension at second third and fourth floor levels; two-storey roof extension to create additional office (B1) space and six self-contained duplex apartments; and associated external alterations. The amendments are the infilling of the open lobby area up to the building line and the installation of new crittall windows at lower levels. – **Granted 21/12/2015**

2015/3337/P -Removal of all flexible uses in favour of solely Class B1 use, altered floor layouts, maintenance of internal lightwells at 2nd-5th floor levels, changes to internal layout of apartments, small reduction in office and residential areas (given maintenance of lightwells), small reduction in residential and office terraces, external amendments to fenestration, entrances, part infilling of delivery bay/reception area, rearrangement of louvres, increase in plant area as an amendment to the approved scheme under 2014/3683/P dated 06/07/2015, for "Change of use from higher education college (D1) to a mixed use comprising offices (B1) from lower-ground to fourth floors, three flexible retail/café/office (A1/A3/B1) units at lower ground, ground and upper ground floors and a flexible commercial gallery/office (A1/B1) with ancillary café at lower-ground floor and part ground floor; lightwell infill extension at second third and fourth floor levels; two-storey roof extension to create additional office (B1) space and six self-contained duplex apartments; and associated external alterations". – **Granted 21/10/2015**

2015/2098/P - Details of condition 15 (the design and method of waste storage and removal including recycled materials) required by planning permission reference 2014/3683/P dated 31/03/15 for Change of use from higher education college (D1) to a mixed use comprising offices (B1) from lower-ground to fourth floors, three flexible retail/café/office (A1/A3/B1) units at lower ground, ground and upper ground floors and a flexible commercial gallery/office (A1/B1) with ancillary café at lower-ground floor and part ground floor; lightwell infill extension at second third and fourth floor levels; two-storey roof extension to create additional office (B1) space and six self-contained duplex apartments; and associated external alterations – **Granted 02/07/2015**

2014/3683/P – Planning permission (subject to conditions and S106) for 'Change of use from higher education college (D1) to a mixed use comprising offices (B1) from lower-ground to fourth floors, three flexible retail/café/office (A1/A3/B1) units at lower ground, ground and upper ground floors and a flexible commercial gallery/office (A1/B1) with ancillary café at lower-ground floor and part ground floor; lightwell infill extension at second third and fourth floor levels; two-storey roof extension to create additional office (B1) space and six self-contained duplex apartments; and associated external alterations' under – **Granted 31/03/2015**

Relevant policies

Officers note that the relevant policies for the assessment of the details are those that were used in the original assessment. The LDF policies listed below have subsequently been superseded by the Camden Local Plan 2017 but form the basis of the assessment here as there were in force during the original decision and are listed on the decision notice.

LDF Core Strategy and Development Policies

CS5 (Managing the impact of growth and development)

CS7 (Promoting Camden's centres and shops)

CS13 (Tackling climate change through promoting higher environmental standards)

CS14 (Promoting high quality places and conserving our heritage)

CS16 (Improving Camden's health and wellbeing)

DP12 (Supporting strong centres and managing the impact of food, drink, entertainment and other town centre uses)

DP22 (Promoting sustainable design and construction)

DP24 (Securing high quality design)
DP25 (Conserving Camden's heritage)
DP26 (Managing the impact of development on occupiers and neighbours)
DP28 (Noise and vibration)
DP32 (Air quality and Camden's Clear Zone)

Camden Planning Guidance (CPG)

CPG1 (Design)
CPG6 (Amenity)

Hatton Garden Conservation Area Appraisal and Management Statement (1999)

London Plan 2011

NPPF 2012

Assessment

1.0 Background

1.1 The Council was issued with a 'Deemed discharge notice' to discharge conditions 2(c) (Photovoltaic Panels), 7 (Photovoltaic Cells,) 14 (Plant Equipment), 17 (mechanical ventilation), 18 (Combined Heat and Power engine) on the 17th of October 2017 stating that deemed consent would start on the 1st of November 2017. While the Council challenges the validity of this notice as the application was not valid on submission, the Council has elected to make a decision within the timeframe to avoid the risk of deemed consent being granted. The Council has tried to engage in dialog with the applicant to remove this notice as it does not provide enough time for amendments to be requested and assessed further. No response was received to the Council's last email on the 25th of October and the applicant was not contactable over the telephone (despite several attempts). Therefore, given the time constraints the Council has based its decision on the original information submitted and not requested further amendments which would have enabled the conditions to be approved.

2.0 Proposal

2.1 This application is seeking to discharge conditions 2(c) (Photovoltaic Panels), 7 (Photovoltaic Cells,) 14 (Plant Equipment), 17 (mechanical ventilation), 18 (Combined Heat and Power engine) of planning permission 2014/3683/P dated 31/03/2015.

3.0 Assessment of condition 2(c) (Photovoltaic Panels)

3.1 This condition requires details including sections of the photovoltaic panels at roof level.

3.2 Drawing No. '863-PL-GS-BB-P4 - BB Proposed' shows two rows of PV panels; however, section BB is not shown on any of the associated plans within this submission (therefore the information is incomplete and the Council cannot make a decision on the information given). In addition, the mounting frame is not shown on the section meaning that the panels are not shown at actual height relative to the roof. The drawings do not clearly state what structure or feature is represented by the rectangular line in front of the array. Clarification is required to determine if it is a potential source of overshadowing. Without this information, the Local Authority are not satisfied that sufficient detail has been submitted to approve this condition.

3.3 Insufficient detail has been provided and therefore it cannot be determined that the panels would 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 policies DP24 and DP25 of the London Borough of Camden Local

3.4 Officers note that this information could have been negotiated with the applicant but given the onerous time constraints and the applicant's failure to engage with the Council, there was no other choice but to refuse the details.

4.0 Assessment of condition 7 (Photovoltaic Cells)

4.1 This condition requires detailed plans showing the location and extent of photovoltaic cells to be installed on the building. The measures need to include the installation of a meter to monitor the energy output from the approved renewable energy systems. Policy DP22 provides guidance on promoting sustainable design and construction and CS13 outlines advice on tackling climate change through promoting higher environmental standards.

4.2 The information provided indicates the installation of a 49 x JA Solar JAM6(L) 60 275-295/PR 285Wp solar PV panel at roof level. The stated layouts, orientations (0-45 degrees to due South) and panel tilts (10 degrees to horizontal) are suitable for a flat roof system. The PV capacity described is 13.965 kWp and the specified inverter is Fronius Symo 12.5 kWp (a data sheet for SYMO 12.5-3-M is supplied). A Mansafe Unirail system is shown on drawings to allow access for maintenance and inspection. Details of the specified Valk Pro+ mounting system are given. The Energy Statement targets 20 sq.m solar PV and 80 sq.m has been achieved.

4.3 The Council's Sustainability Officer has highlighted a number of issues with the submitted details. Most notably, the submission does not indicate the locations of the inverter and generation meter (which is an express requirement of the condition wording). The Mansafe Unirail system is shown as being disconnected between its appearance at the roof access hatch and at the solar PV array and the drawings do not clearly show how safe travel is achieved between these points. In addition, the position and elevation of the mansafe unirail and other services shown need to be revised to confirm avoidance of unnecessary over shading of the longest row especially given the single-inverter proposal.

4.4 The drawings do not clearly show the mounting strategy for the 12 x south-facing 'standalone' singles, pairs and triplets of panels and it should be noted that their layout appears incompatible with the geometry of the stated mounting frame product. The decision to connect a single inverter for both south and southwest orientated panel groups needs to be revised in favour of one inverter per group, in order to maximise daily yield and CO2 reduction.

4.5 The applicant has not stated the predicted annual yield of the panels in the information submitted, which is expected with an application of this type and would normally be requested. The Council's Sustainability Officer has estimated the figure to be 8.5MWh given the panel's orientation and tilt, which does not reflect the 10.8MWh quoted in the original application's Energy Statement. No justification has been submitted for this reduction in yield from the approved details, which is unacceptable. Further information is required to address this potential discrepancy in CO2 reduction.

4.6 Based on the above, insufficient and unacceptable details have been submitted and it is considered that the development would not provide adequate on-site renewable energy facilities in accordance with the requirements of policy CS13 of the London Borough of Camden Local Development Framework Core Strategy and policy DP22 of the London Borough of Camden Local Development Framework Development Policies. As per the above, revised details and further information could not be gained from the applicant as they were unable to be contacted.

5.0 Assessment of condition 14 (Plant Equipment)

5.1 This condition requires full details of a scheme for plant and equipment, including manufacturers'

specifications, noise levels and attenuation.

5.2 The Council's Environmental Health Team have found not been given adequate time to fully assess the details given the applicant's unreasonable behaviour. Their confirmation as to whether the details are acceptable would need to be sought if the details are resubmitted.

5.3 The Council's Sustainability Officer had the opportunity to consider the details and consider that insufficient information has been provided relating to manufacturers' data, locations, and performance information for AHU (commercial) and MVHR (domestic) ventilation. Further information is required to approve this condition and given the Council has not been given the opportunity to seek this, the details must be refused.

5.4 In absence of the required information, the Council cannot determine that the development would safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policies CS5 and CS7 of the London Borough of Camden Local Development Framework Core strategy and policies DP12, DP26 and DP28 of the London Borough of Camden Local Development Framework Development Policies.

6.0 Assessment of condition 17 (mechanical ventilation)

6.1 Details relating to the location and specification of the mechanical ventilation intake are required for this condition.

6.2 The locations of the AHU intake for the commercial units are shown relative to the position of the CHP flue; however, the location of the MCHR intake(s) for the apartments is either not shown or not clearly shown on the plans and elevations provided. It is therefore unclear whether the exhaust CHP flue will impact on the intake for the flats. Sufficient detail has therefore not been provided to assess the impact on neighbouring residents.

6.3 Without further detail, the Council cannot ensure that the development meets air quality standards in accordance with the requirements of policies CS5 (Managing the impact of growth and development) and CS16 (Improving Camden's health and wellbeing) of the London Borough of Camden Local Development Framework Core Strategy and policies DP32 (Air quality and Camden's Clear Zone), DP22 (Promoting sustainable design and construction) of the London Borough of Camden Local Development Framework Development Policies and policies 3.2, 5.3 and 7.14 of the London Plan. Neighbouring occupiers would therefore be prejudiced without the vital information being provided.

7.0 Assessment of condition 18 (Combined Heat and Power engine)

7.1 Details of the Combined Heat and Power (CHP) engine are required for assessment by the Local Authority. The details need to demonstrate that the development would comply with the Mayors 'Band B' NOx emissions standards.

7.2 The submitted data sheet shows that the specified CHP is a Helec EM16NG unit, with <40 mg/m³ NOx emissions at 5 vol% Oxygen. It is assumed this is a spark ignition engine and therefore needs to meet Mayor's Band B 95 mg/m³ at Reference Oxygen and 125 mg/m³ at 0% Oxygen equivalent. The data provided is not considered sufficient to determine that the Mayor's Band B "Reference Oxygen" limit would be met by this product.

7.3 Further clarification is required to ensure that the development meets air quality standards in accordance with the requirements of policies CS5 (Managing the impact of growth and development) and CS16 (Improving Camden's health and wellbeing) of the London Borough of Camden Local Development Framework Core Strategy and policies DP32 (Air quality and Camden's Clear Zone), DP22 (Promoting sustainable design and construction) of the London Borough of Camden Local Development Framework Development Policies and policies 3.2, 5.3 and 7.14 of the London Plan.

8.0 Conclusion

8.1 Conditions 2c, 7, 14, 17 and 18 are recommended for refusal based on the submission of insufficient information. It is emphasised that the applicant could have worked with the Council to overcome these issues; however, they neglected to. Officers note that the development cannot be occupied until the details are submitted and appropriately discharged. The Council will consider taking formal enforcement action against the applicant if this is the case.

8.0 Recommendation: Refusal

