



Planning and Transportation Committee Supplementary Agenda

Date: TUESDAY, 7 FEBRUARY 2017

Time: 11.00 am

Venue: LIVERY HALL - GUILDHALL

3. MINUTES

To approve the minutes of the meeting held on 25 January 2017.

For Decision
(Pages 1 - 12)

6. REPORTS RELATIVE TO PLANNING APPLICATIONS

For Decision

- a) Flat 17, The Gallery 38 Ludgate Hill London EC4M 7DE - Installation of two air conditioning units at sixth floor (Pages 13 - 60)

11. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

Silvertown Tunnel Development Consent Order

(Pages 61 - 70)

Items received too late for circulation in conjunction with the Agenda.

John Barradell
Town Clerk and Chief Executive

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PLANNING AND TRANSPORTATION COMMITTEE

Wednesday, 25 January 2017

Minutes of the meeting of the Planning and Transportation Committee held at Livery Hall - Guildhall on Wednesday, 25 January 2017 at 9.00 am

Present

Members:

Christopher Hayward (Chairman)	Alderman Robert Howard
Deputy Alastair Moss (Deputy Chairman)	Alderman Vincent Keaveny
Randall Anderson	Sylvia Moys
Henry Colthurst	Graham Packham
Sophie Anne Fernandes	Judith Pleasance
Marianne Fredericks	Deputy Henry Pollard
Alderman David Graves	Graeme Smith
Graeme Harrower	Patrick Streeter
Alderman Peter Hewitt	Michael Welbank (Chief Commoner)

In Attendance

Officers:

Simon Murrells	- Assistant Town Clerk
Jennifer Ogunleye	- Town Clerk's Department
Amanda Thompson	- Town Clerk's Department
Deborah Cluett	- Comptroller and City Solicitor's Department
Alison Hurley	- Assistant Director Corporate Property Facilities Management
Annie Hampson	- Department of the Built Environment
Iain Simmons	- Department of the Built Environment
Sam Lee	- Department of the Built Environment
Ted Rayment	- Department of the Built Environment
Clive Cornwell	- Department of the Built Environment
Catherine Linford	- Department of the Built Environment
Garry Seal	- Department of the Built Environment

1. APOLOGIES

Apologies for absence were received from Alex Bain-Stewart, Revd Martin Dudley, Peter Dunphy, Emma Edhem, Deputy Bill Fraser, George Gillon, Alderman Barry Graves, Deputy Brian Harris, Gregory Jones QC, Paul Martinelli, Deputy Brian Mooney, James de Sausmarez, Deputy Tom Sleigh, Angela Starling and Deputy James Thomson.

2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**

Graham Packham declared a personal interest in Agenda item 8 c) – Flat 17, The Gallery - as he had been consulted by a resident on the application.

There were no other declarations.

3. **MINUTES**

3.1 **Planning and Transportation Committee**

RESOLVED – That the public minutes of the meeting held on 13 December be approved as a correct record.

Matters Arising

4. Bank Junction

In response to a question concerning set down and pick up for disabled passengers, the Committee was advised that the scheme did not prevent door to door access but did require the relocation of the disabled bays currently on Bartholomew Lane. Officers had undertaken monitoring and contacted regular users of the bays to discuss relocation sites and it was proposed to relocate two of the three bays on Cornhill, which during restricted hours would be significantly less trafficked.

With regard to this issue Members expressed dismay at the personal criticism the Chairman had been receiving from protesters who were opposed to the Bank Junction scheme and stated that the decision was taken by the Committee as a whole.

14. Questions

A member asked if the response to the question relating to the Millennium Bridge could be circulated and the Town Clerk undertook to do this.

3.2 **Streets and Walkways Sub-Committee**

RESOLVED – That the public minutes of the meeting held on 6 December 2016 be noted.

4. **REVIEW OF THE COMMITTEE'S TERMS OF REFERENCE**

The Committee considered a report of the Town Clerk seeking approval to the Terms of Reference for subsequent submission to the Court of Common Council.

The Town Clerk advised that all the Terms of Reference for the Grand Committees would be submitted to the Policy and Resources Committee, where any changes would be joined up with other relevant Committees where necessary.

RESOLVED – That:

- a) the terms of reference of the Committee, be approved for submission to the Court in April 2017;
- b) any subsequent changes required in the lead up to the Court's appointment of Committees be delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman; and
- c) the frequency of meetings remain unchanged although some additional provisional dates be added to the schedule and cancelled if not required.

5. CHAIRMEN OF COMMITTEES

Members considered and a report of the Town Clerk and Comptroller and City Solicitor regarding the appointment of Sub-Committee Chairmen.

Discussions ensued regarding the proposal of the Policy & Resources Committee.

Members expressed the view that the service Committee should retain the right for the decision regarding Chairmen of Sub Committees as this was more democratic.

RESOLVED – that the resolution of the Policy and Resources Committee be not endorsed.

6. DELEGATED DECISIONS OF THE CHIEF PLANNING OFFICER AND DEVELOPMENT DIRECTOR.

The Committee received a report of the Chief Planning Officer and Development Director in respect of development and advertisement applications dealt with under delegated authority.

RESOLVED – That the report be noted.

7. VALID APPLICATIONS LIST FOR COMMITTEE

The Committee received a report of the Chief Planning Officer and Development Director which provided details of valid planning applications received by the department since the last meeting.

RESOLVED – That the report be noted

8. REPORTS RELATIVE TO PLANNING APPLICATIONS

8.1 Leadenhall Court, 1 Leadenhall Street London, EC3V 1AB

The Committee considered a report of the Chief Planning Officer concerning the proposed development at Leadenhall Court, 1 Leadenhall Street.

The Committee noted that the proposed development would provide a 36 storey building comprising three basement levels, three storeys of retail space (including a public terrace on the second floor), a double height plant space (on the third floor), 28 floors of office space (incorporating two office terraces) and four levels of plant space (on the 32nd-35th floors). The accommodation would be arranged around a central core.

The Chief Planning Officer reported that the Mayor of London supported the scheme in strategic planning terms. Historic Royal Palaces had objected to the scheme on the grounds of its impact on the World Heritage Site and the Victorian Society has objected to the application expressing concern about the impact the proposal would have on the setting and character of neighbouring listed buildings.

The Committee was advised that the proposal accorded with the development plan as a whole and preserved the setting of neighbouring listed buildings. It was acceptable subject to the imposition of conditions, and to a Section 106 agreement and any necessary agreements under Section 278 of the Highways Act 1980 being entered into to address the matters set out in the report.

Following the Chief Planning Officer's presentation setting out the key aspects of the planning application, a number of questions were raised in relation to the delivery and servicing plans, in particular the proposals for Whittington Avenue, retail use, the impact on neighbouring conservation areas, overshadowing, and long term adequacy of the transport infrastructure and air quality.

Officers explained that a lot of work had been done during the pre-application stage to assess the long term viability of all aspects of the design, and discussions regarding the servicing had been paramount. Assurances were given that the scheme, which accorded with both the Local Plan and the London Plan, would deliver a substantial public space and consolidated access arrangements would be in place through the S.106 agreement.

The Committee noted that Officers and Members had worked hard with the developer to ensure that various objections had been addressed and the location and design was appropriate.

The application was put to the vote, the result of which was as follows:-

17 votes in favour of the application
2 abstentions

RESOLVED - That

- a) The Mayor of London be given 14 days to decide whether to allow the Corporation to grant planning permission as recommended, or to direct refusal, or to determine the application himself (Article 5(1)(a) of the Town & Country Planning (Mayor of London) Order 2008); and

- b) Planning permission be GRANTED for the above proposal in accordance with the details set out in the attached schedule subject to planning obligations and other agreements being entered into in respect of those matters set out in the report, the decision notice not to be issued until such obligations have been executed.
- (c) Officers be instructed to negotiate and execute obligations in respect of those matters set out in the report under Section 106 and any necessary agreements under Section 278 of the Highway Act 1980.

8.2 Flat 17, The Gallery 38 Ludgate Hill London EC4M 7DE

The Committee considered a report of the Chief Planning Officer concerning an application relating to Flat 17, The Gallery - a six storey, grade II listed building comprising 17 residential units with commercial use at ground floor level.

The Chief Planning Officer reported that planning permission was sought for the installation of two air conditioning units associated with the sixth floor flat. They would be located to the north elevation and would sit partially behind an existing brick parapet and surrounded by an acoustic screen.

The Chief Planning Officer advised that the proposal had attracted eight objections from residents in nearby properties and the property Management Company and two neutral comments. Material planning objections related to noise, disturbance and fumes and impact on the visual appearance of the building.

Acoustic information had been submitted to demonstrate that the proposal would not cause noise and disturbance, and the visual impact would not significantly detract from the historic appearance of the listed building, the setting of nearby listed buildings, or from the character and appearance of the St Paul's Cathedral Conservation Area.

Discussion ensued and Members expressed concern at that the proposed air conditioning units would cause increased noise and disturbance which would be particularly problematic during summer, when the air conditioning units were likely to be on and neighbours had their windows open, and also during the early hours of the morning when the surrounding area was less noisy. It was noted that there were residential windows close to the proposed air conditioning units, with the closest belonging to a different flat to the flat which would be using the air conditioning units.

Members were advised that following receipt of the objections, the applicant had prepared an acoustic report to support the application. The Department of Markets and Consumer Protection had reviewed the report and recommended that in order to ensure that the development would comply with the details contained in the Acoustic Report, a condition should be included which required the applicant to undertake an acoustic assessment following installation but

prior to operation to ensure that the noise from the units was 10dB below background noise level.

The application was put to the vote, the result of which was as follows:-

5 votes in favour of the application
9 votes against the application
1 abstentions

RESOLVED – That the application be REFUSED subject to the reasons for refusal to be agreed following a report to the Committee at the next meeting.

8.3 Flat 17, The Gallery 38 Ludgate Hill London EC4M 7DE

The Committee considered a report of the Chief Planning Officer concerning the listed building consent relating to the previous application at Flat 17, The Gallery.

RESOLVED – That the application be DEFERRED pending the reasons for refusal of the planning application.

9. REPORTS OF THE DIRECTOR OF THE BUILT ENVIRONMENT

9.1 Cloth Fair Noise Disturbance

The Committee received a report of the Director of the Built Environment detailing a proposal to mitigate the noise disturbance in Cloth Fair.

The Committee was advised that in July 2016 the Streets & Walkways Sub-Committee had considered six options to mitigate the late night noise disturbance issues in Cloth Fair and the recommended option was to proceed with an overnight road closure. However the Sub-Committee considered that the option of installing double yellow lines to prohibit parking required further exploration and consultation.

The Committee was advised that in November 2016, local occupiers were consulted on the proposal to introduce double yellow lines in Cloth Fair. A total of 10 responses were received of which 7 were from Cloth Fair. The proposal received overall support but the sample size was very small and the results could therefore fluctuate easily. Ward Members were also briefed on these responses and the considerations and agreed that the double yellow line should be trialled.

The Committee was further advised that officers therefore recommended that the proposal for double yellow lines should be implemented on an experimental basis so that the effectiveness of the proposals could be monitored or, if necessary modified, but also be made permanent if it was successful. Additionally, to encourage better compliance of the double yellow lines from the

start, a dedicated team of Civil Enforcement Officers would be deployed to Cloth Fair to carry out enhanced enforcement for the first few weeks.

Members raised a number of questions in relation to the impact of the proposed double yellow lines, in particular that the double yellow lining option might cause difficulties for disabled visitors including those to the church who would need to find alternative parking in nearby streets. Members expressed concern that the CoL Access team had not been consulted and the fact that residents didn't require disabled parking did not address the issue.

The Director of the Built Environment advised that local consultation including with the church and surveys had been carried out and this did not identify a need for disabled parking for visitors.

Arising from the discussion an amendment to the recommendation to agree Option 2 – Double Yellow Lines and Disabled Persons Parking Bay on the South Side was MOVED and SECONDED

The amendment was put to the vote, the result of which was as follows:-

Votes in favour of the amendment - Unanimous

RESOLVED – To:

- a) Approve the introduction of double yellow lines in Cloth Fair and a Disabled Persons Parking Bay on the south side, on an experimental basis; and
- b) Approve the making of permanent traffic orders if the experiment is successful and no objections are received. If objections are received, that officers consider these and report them back to the Streets & Walkways Sub-Committee with their recommendations.

At the conclusion of this item, and in respect of Standing Order No. 40, the Chairman sought the Committee's consent to extend the meeting to allow for the remaining business to be considered. This was put to the meeting and **AGREED**.

9.2 City Freight & Servicing Strategy - Update

The Committee received a report of the Director of the Built Environment updating on progress in relation to the City Corporation's Freight Strategy, one of the key initiatives being taken forward to reduce congestion in the city.

The Committee was advised that the stated aim in the Freight Strategy was 'to reduce the number of freight and delivery vehicles on the City's streets, particularly at peak times, whilst allowing the City to flourish.'

The report detailed progress in relation to increased use of consolidation centres in the City, which was one of the critical policy objectives, and also set out progress and related time scales on a number other key projects including:

- Use of City Corporation property to establish a new consolidation centre;
- Establishing micro-consolidation centres in the City;
- Special servicing and delivery measures for the Eastern Cluster;
- Establishing best practice in relation to existing City businesses using consolidation and 'non-peak time' servicing;
- Establishing a City Freight Forum of City stakeholders;
- New planning guidance;
- Promotional campaigning including events for City firms;
- Re-timing of deliveries and servicing in parts of the City.

Detailed discussion ensued during which a number of comments were made in relation to the need for fundamental change and the need to consider other options such as the use of Walbrook Wharf dock and the use of electric delivery vehicles, as well as ideas targeted to the Eastern Cluster.

Some members felt that there was a need to have a much more collective approach, there were lots of individual s106s arrangements in place but the strategy needed to be more cross-cutting to tackle all the issues. What was needed in terms of budget, resources and governance also needed to be identified as well as a clear direction of travel.

RESOLVED – That the content of the report be noted and that officers be requested to consider a more collective and progressive approach to the strategy.

9.3 **Bloomberg Development Highway Work**

The Committee received a of the Director of the Built Environment addressing three project issues relating to the Bloomberg Development Highway Work.

In response to questions the Committee were advised that the mansion House had been consulted on the improvements to 'The Grid', and also the trees indicated on the diagrams would be severely cut back and wouldn't take up as much space as it appeared.

RESOLVED – To

- a) Authorise Officers to progress the highway boundary adjustments shown in Appendix 3 including any statutory procedures and any legal agreements required. Authority to consider any appeal / objection and to determine whether or not to proceed be delegated to the Director of the Built Environment (in consultation with the City Solicitor);
- b) Agree to the sum of £673,800 as payment to achieve equality of exchange (to be confirmed by the City Surveyors) and that this sum be

used to carry out the approved but previously unfunded highway works at Queen Victoria Street, Bucklersbury and Walbrook (see Appendix 2);

- c) Agree a sum of £70,000 from City Cash to fund improvement works on the private land immediately in front of the Mansion House known as “The Grid” as set out in Appendix 2 (subject to approval of Recommendation (i) below);
- d) Agree that the highway improvement works referred to in Recommendation (b) above, be re-programmed to commence in February 2017, to meet Bloomberg’s timetable aspirations subject to the equality of exchange payment being made prior to any costs being incurred by the City, in advance of the highway boundary adjustment procedure being determined and at Bloomberg’s risk;
- e) Note the arrangement set out to manage water run-off and agree a voluntary payment from Bloomberg of £326,200 to be used to fund a five-year enhanced maintenance programme around the building with the proviso that this sum also be utilised as a contingency to meet any costs overrun on the highway works (subject to a separate Issues Report to increase the project budget if necessary);
- f) Agree that the detail of the enhanced maintenance programme be delegated to the Director of the Built Environment; and
- g) Authorise the City Solicitor to enter into necessary arrangements to secure the voluntary payment £326,200;

10. REPORTS OF THE CITY SURVEYOR

10.1 City Fund Highway Declaration - Development at 90 Fetter Lane, EC4

The Committee received a report of the City Surveyor seeking approval to declare an area totalling 88 ft² of City Fund highway land at Norwich Street, EC4 to be surplus to highway requirements, to allow its disposal and enable the development which was approved by delegated authority on the 4 August 2016.

The Committee was advised that the permitted development scheme would retain the built bay projections that were licenced as highway projections with the original 1980's construction oversailing highway land at 2nd floor level and above.

The Committee noted that before third party interests could be granted in City Fund highway land, the affected areas first needed to be declared surplus to highway requirements.

RESOLVED - to declare an area of City Fund highway land at Norwich Street, EC4 measuring 88 ft² (8.15m²) to be surplus to highway requirements to enable

its disposal upon terms to be subject to the approval of the Property Investment Board subject to the City Corporation's continuing highway rights and controls remaining in place in respect of the highway stratum.

10.2 Public Lift Update

The Committee received a report of the City Surveyor providing an update in respect of the status of public lifts and escalators in the City.

The City Surveyor advised that all lifts and escalators were back in service.

RESOLVED: That the report be received and its content noted.

11. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

Traffic Congestion Working Party

A Member asked if any progress had been made regarding the proposal to set up a Member/Officer Working Party to consider policy development in respect of managing traffic congestion in the CoL.

The Town Clerk undertook to look into this and report back.

12. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT

There were no items of urgent business.

13. EXCLUSION OF THE PUBLIC

RESOLVED – That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Local Government Act.

14. NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE COMMITTEE

There were no questions.

15. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE COMMITTEE AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED

There were no urgent items.

The meeting ended at 11.30 am

Chairman

Contact Officer: Amanda Thompson
tel. no.: 020 7332 3414
amanda.thompson@cityoflondon.gov.uk

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Committee:	Date:
Planning and Transportation	7 February 2017
Subject: Flat 17, The Gallery 38 Ludgate Hill London EC4M 7DE Installation of two air conditioning units at sixth floor.	Public
Ward: Farringdon Within	For Decision
Registered No: 16/00632/FULL	Registered on: 2 August 2016
Conservation Area: St Paul's Cathedral	Listed Building: Grade II

Summary

The application for planning permission for installation of two air conditioning units at the Gallery, 38 Ludgate Hill was considered by the Planning and Transportation Committee at its meeting of 25 January 2017. The recommendation was to approve the application. The report to the 25 January 2017 meeting is annexed at Appendix 1. The Committee resolved to refuse the application subject to agreeing reasons for refusal, which were to be reported to its next meeting.

This report contains a potential reason for refusal and an additional condition which could be included should the Committee determine to approve the application rather than agree reasons for refusal.

The Committee is requested to note the advice in the Planning Protocol that only those members who initially considered this matter should vote.

Recommendation

That the reasons for refusal be determined having regard to the planning considerations in the report at Appendix 1 and the information set out in this report

Main Report

Introduction

1. This report relates to planning application 16/00632/FULL which was considered by the Planning and Transportation Committee on 25 January 2017. The report is at Appendix 1. This report is to be read with the report at Appendix 1 [and the non-public report on this Agenda]. The Committee resolved to refuse the application subject to agreeing reasons for refusal, which were to be reported to its next meeting. Following that resolution a related listed building consent application 16/00633/LBC was deferred. The listed building report is at Appendix 2

Potential Reasons for Refusal

2. The key concern of the Planning and Transportation Committee in considering this proposal on 25 January 2017 was the risk of noise from the air conditioning units adversely affecting the amenity of neighbouring residential occupiers notwithstanding the proposed conditions. Particular regard was had to the proximity of the air conditioning units to windows belonging to another flat, and to the potential for the air conditioning plant to deteriorate over time, which would cause it to become noisier and cause harm to amenity.
3. On that basis the following reason for refusal is considered to reflect the concerns expressed by the Committee:

The air conditioning units could give rise to an increase in background noise levels resulting in a loss of amenity contrary to Local Plan Policy DM 15.7, having regards to the potential for the air conditioning units to deteriorate over time and become noisier and where the nearest noise sensitive receptor is in closer proximity to the units than the owner/occupier responsible for their maintenance.

Potential Conditions

4. At the Planning and Transportation Committee meeting on 25 January 2017 committee members also queried whether given the concerns (expressed in paragraph 2 above) an additional condition could be imposed on any planning permission granted to address those concerns and particularly to help secure ongoing maintenance of the air conditioning units.
5. Officers have further reviewed the conditions and an additional condition is set out below:

The new plant shall not be used or operated unless within the preceding 12 months it has been examined and tested by a competent and suitably qualified engineer who has checked compliance with Conditions (ii), (iv) and (v,(c)) and a certificate from the engineer certifying the plant has been inspected and found to comply has been provided to the local planning authority. In the event that no such certificate has been provided within the preceding 12 months the air conditioning units shall not be used or operated at any time until such time as a certificate has been provided to the local planning authority.

REASON: To ensure that the development of this site is in compliance with details and particulars which have been approved by the Local Planning Authority and to protect the amenities of neighbouring occupiers in accordance with policy DM 15.7 of the Local Plan, having regard to the fact that the nearest noise sensitive receptor is in closer proximity to the units than the owner/occupier responsible for their maintenance. .

Guidance

6. Voting – Appendix A Paragraph 2.2 of the Planning Protocol advises that where an application is deferred for a further report to detail reasons for refusal, only those members who attended the Committee meeting which initially considered the application should vote. This is because Members should be present for the full discussion on the agenda item on which they are voting, and the agenda item relating to reasons for refusal is effectively a continuation of the agenda item at the previous meeting.

Appendices

Appendix 1 – Report on planning application to 25 January 2017 Planning and Transportation Committee

Appendix 2 - Report on listed building consent application to 25 January 2017 Planning and Transportation Committee

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Committee:	Date:
Planning and Transportation	25 January 2017
Subject: Flat 17, The Gallery 38 Ludgate Hill London EC4M 7DE Installation of two air conditioning units at sixth floor.	Public
Ward: Farringdon Within	For Decision
Registered No: 16/00632/FULL	Registered on: 2 August 2016
Conservation Area: St Paul's Cathedral	Listed Building: Grade II

Summary

The Gallery, 38 Ludgate Hill is a six storey, grade II listed building comprising 17 residential units with commercial at ground floor level.

Planning permission is sought for the installation of two air conditioning units associated with the sixth floor flat. They would be located to the north elevation and would sit partially behind an existing brick parapet and surrounded by an acoustic screen.

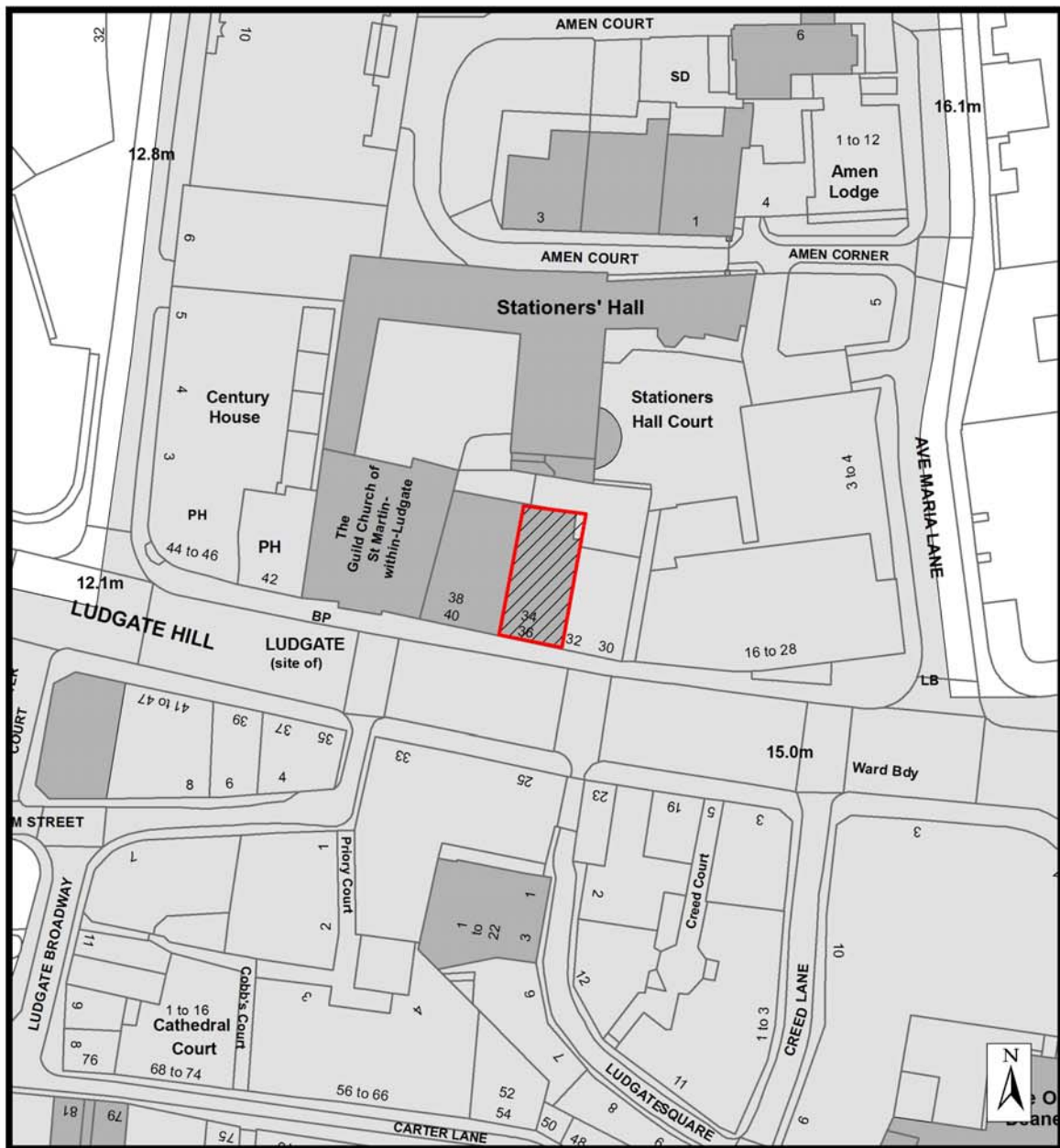
Acoustic information has been submitted to demonstrate that the proposal would not cause noise and disturbance; the visual impact would not significantly detract from the historic appearance of the listed building, the setting of nearby listed buildings or from the character and appearance of the St Paul's Cathedral Conservation Area.

The proposal has attracted eight objections from residents in nearby properties and the property Management Company and two neutral comments. Material planning objections relate to noise, disturbance and fumes and impact on the visual appearance of the building.

Recommendation

That planning permission be GRANTED for the above proposal in accordance with the details set out in the attached schedule.

Site Location Plan



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ADDRESS:

Flat 17, The Gallery
38 Ludgate Hill

-  SITE LOCATION
-  LISTED BUILDINGS
-  CONSERVATION AREA BOUNDARY
-  CITY OF LONDON BOUNDARY

CASE No.
16/00632/FULL
& 16/00633/LBC



DEPARTMENT OF THE BUILT ENVIRONMENT



VIEW OF THE REAR OF 38 LUDGATE HILL

Main Report

Introduction

1. This report relates to planning application 16/00632/FULL and a related listed building consent 16/00633/LBC.

Site

2. The proposal relates to the sixth floor flat of in a building comprising 17 flats from first to sixth floor, with commercial at ground floor. The site (38 Ludgate Hill) is an 1870's building with five main storeys and two dormered storeys in the roof. It is grade II listed and located on the northern side of Ludgate Hill. The rear of the site adjoins grade I listed Stationers' Hall and Stationers' Hall Court to the north, grade I listed Church of St Martin adjoins the site to the west and grade I listed St Paul's Cathedral is located to the east. The site is within the St Paul's Cathedral Conservation Area.

Proposal

3. Planning permission and listed building consent are sought for the installation of two air conditioning units at sixth floor, each measuring 770mm high by 900mm wide by 320mm deep, associated with Flat 17, The Gallery, 38 Ludgate Hill.

Consultation

4. The application was advertised by sending letters to neighbouring properties, by erecting a site notice and placing a notice in the press.
5. Two rounds of consultations were undertaken. Six local residents objected and one objection letter was received from Sterling Management Company. Two residents raised neutral comments. The issues raised were the increased noise and disturbance and the visual impact on the character and appearance of the listed building. A number of other issues were raised but they were not planning matters (letters attached).
6. The Department of Markets and Consumer Protection was consulted. No objections were received subject to the inclusion of conditions.
7. Historic England was consulted. No objections were raised.

Policies

8. The development plan consists of the London Plan and the City of London Local Plan. The London Plan and Local Plan policies that are most relevant to the consideration of this case are set out in Appendix A to this report.
9. Government Guidance is contained in the National Planning Policy Framework (NPPF).

Considerations

10. The Corporation, in determining the planning application has the following main statutory duties to perform:

To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations. (Section 70 Town & Country Planning Act 1990); to determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004).

For development within or adjoining a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area and its setting (S72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990).

For development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990).

11. Paragraph 131 of the NPPF advises, "In determining planning applications, local planning authorities should take account of:
 - The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities, including their economic vitality; and
 - The desirability of new development making a positive contribution to local character and distinctiveness."
12. The NPPF states at paragraph 14 that 'at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking.....For decision-taking this means: approving

development proposals that accord with the development plan without delay...” It further states at Paragraph 2 that:

“Planning Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise’.

13. It states at Paragraph 7 that sustainable development has an economic, social and environmental role.
14. In considering the planning application before you, account has to be taken of the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.

Design

15. The two proposed air conditioning units would each measure 770mm high by 900mm wide by 320mm deep and would be located on the rear elevation of the building, in a rain water gulley, at the front of the mansard roof slope, adjacent to the existing Fire Exit door. A louvred acoustic screen is proposed to wrap around the units, this would be finished in a slate grey colour, to match the adjacent slate clad mansard roof slope. The screen enclosure would be set on top of a low parapet wall and behind metal railings to the adjacent fire escape. The applicant has indicated that were air conditioning units located at this level of the building, within the rain water gulley but that they were in a different location, further to the west.
16. The visual impact of the proposals on ‘The Gallery’ is considered to be minor. The rear of the building (where the air conditioning units would be located) is only partially visible from the yard at Stationers’ Hall because the rear elevation is largely obscured by 30-32 Ludgate Hill, also known as 7/8 Stationers’ Hall Court. The units and associated screen would be read in the context of the existing metal footway and railings which wrap around the building at this level, would sit partially behind the existing parapet and would be surrounded by a louvered screen which would be finished in grey, which would match the colour of the slates of the mansard roof.
17. The proposed additions are considered acceptable in design terms and would not harm the appearance, character or special architectural interest of the listed building or the St Paul’s Cathedral Conservation Area.
18. The settings of the listed buildings nearby, including Stationers’ Hall, Stationers’ Hall Court and Church of St. Martins within Ludgate would not be adversely affected by the proposed units.

Residential Amenity

19. The application site forms part of a larger residential block of 17 flats. The installation of air conditioning condensers has the potential to give rise to noise and disturbance to neighbouring properties.
20. Eight objections have been received. Concerns have been expressed that the proposed air conditioning units would cause increased noise and disturbance. They state that this would be particularly problematic in summer when the air conditioning units are likely to be on and neighbours are likely to have their windows open.
21. Following receipt of the objections, the applicant prepared an acoustic report to support the application. The Department of Markets and Consumer Protection have reviewed the report and have recommended that in order to ensure that the development would comply with the details contained in the Acoustic Report, a condition be included which requires the applicant to undertake an acoustic assessment following installation but prior to operation to ensure that the noise from the units is 10dB below background noise level. The condition allows for further acoustic mitigation to be installed should the units fail to achieve the required noise levels. A condition has also been included requiring the units to be mounted in a way that would minimise structure borne sound.
22. With these conditions in place, no harm would be caused to residential amenity as a consequence of the proposed development.

Conclusion

23. The proposed air conditioning unit would not result in a material loss of amenity to nearby residential occupiers and would not harm the character and appearance of this part of the St Paul's Cathedral Conservation Area and would preserve the listed building and the setting of nearby listed buildings.

Background Papers

Internal

Memorandum Department of Markets and Consumer Protection dated 18.08.2016

Memorandum Department of Markets and Consumer Protection dated 21.12.2016

External

Acoustic Assessment, Ned Johnson Acoustic

Objection Mr Peter Smith, Flat 9, The Gallery (25.08.2016)

Objection Mr Howard Weinstein on behalf of Sterling Property Management (26.08.2016)

Objection Kathryn Colvin, Flat 14, The Gallery (25.08.2016)

Objection Professor Brian Colvin, Flat 14, The Gallery (25.08.2016)

Objection Mr Jeffery Harvey-Wells, Flat 3, The Gallery (31.08.2016)

Objection David A Honeyman, Flat 2, The Gallery (31.08.2016) Two letters

Objection Lucy Honeyman, Flat 2, The Gallery (06.09.2016)

Neutral Ms Zoe Vucicevic, Flat 5, The Gallery (06.09.2016)

Neutral Mr Charles Smart, Flat 16, The Gallery (06.09.2016)

Objection Professor Brian Colvin, Flat 14, The Gallery (19.12.2016)

Objection Mr David Honeyman, Flat 2, The Gallery (20.12.2016)

Objection Kathryn Colvin, Flat 2, The Gallery (23.12.2016)

Objection Jeff Harvey-Wells, Flat 3, The Gallery (29.12.2016)

Letter from Historic England (14.12.2016)

Appendix A

London Plan Policies (2016)

The London Plan policies which are most relevant to this application are set out below:

Policy 3.14 Support the maintenance and enhancement of the condition and quality of London's existing homes. Loss of housing, including affordable housing, should be resisted unless the housing is replaced at existing or higher densities with at least equivalent floorspace.

Policy 7.6 Buildings and structures should:

- a be of the highest architectural quality
- b be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm
- c comprise details and materials that complement, not necessarily replicate, the local architectural character
- d not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings
- e incorporate best practice in resource management and climate change mitigation and adaptation
- f provide high quality indoor and outdoor spaces and integrate well with the surrounding streets and open spaces
- g be adaptable to different activities and land uses, particularly at ground level
- h meet the principles of inclusive design
- i optimise the potential of sites.

Policy 7.8 Development should identify, value, conserve, restore, re-use and incorporate heritage assets, conserve the significance of heritage assets and their settings and make provision for the protection of archaeological resources, landscapes and significant memorials.

Policy 7.15 Minimise existing and potential adverse impacts of noise on, from, within, or in the vicinity of, development proposals and separate new noise sensitive development from major noise sources.

Relevant Local Plan Policies

CS10 Promote high quality environment

To promote a high standard and sustainable design of buildings, streets and spaces, having regard to their surroundings and the character of the City and creating an inclusive and attractive environment.

DM10.1 New development

To require all developments, including alterations and extensions to existing buildings, to be of a high standard of design and to avoid harm to the townscape and public realm, by ensuring that:

- a) the bulk and massing of schemes are appropriate in relation to their surroundings and have due regard to the general scale, height, building lines, character, historic interest and significance, urban grain and materials of the locality and relate well to the character of streets, squares, lanes, alleys and passageways;
- b) all development is of a high standard of design and architectural detail with elevations that have an appropriate depth and quality of modelling;
- c) appropriate, high quality and durable materials are used;
- d) the design and materials avoid unacceptable wind impacts at street level or intrusive solar glare impacts on the surrounding townscape and public realm;
- e) development has attractive and visually interesting street level elevations, providing active frontages wherever possible to maintain or enhance the vitality of the City's streets;
- f) the design of the roof is visually integrated into the overall design of the building when seen from both street level views and higher level viewpoints;
- g) plant and building services equipment are fully screened from view and integrated in to the design of the building. Installations that would adversely affect the character, appearance or amenities of the buildings or area will be resisted;
- h) servicing entrances are designed to minimise their effects on the appearance of the building and street scene and are fully integrated into the building's design;
- i) there is provision of appropriate hard and soft landscaping, including appropriate boundary treatments;
- j) the external illumination of buildings is carefully designed to ensure visual sensitivity, minimal energy use and light pollution, and the discreet integration of light fittings into the building design;
- k) there is provision of amenity space, where appropriate;
- l) there is the highest standard of accessible and inclusive design.

CS12 Conserve or enhance heritage assets

To conserve or enhance the significance of the City's heritage assets and their settings, and provide an attractive environment for the City's communities and visitors.

CS12 Conserve or enhance heritage assets

To conserve or enhance the significance of the City's heritage assets and their settings, and provide an attractive environment for the City's communities and visitors.

DM12.2 Development in conservation areas

1. Development in conservation areas will only be permitted if it preserves and enhances the character or appearance of the conservation area.
2. The loss of heritage assets that make a positive contribution to the character or appearance of a conservation area will be resisted.
3. Where permission is granted for the demolition of a building in a conservation area, conditions will be imposed preventing demolition commencing prior to the approval of detailed plans of any replacement building, and ensuring that the developer has secured the implementation of the construction of the replacement building.

DM12.3 Listed buildings

1. To resist the demolition of listed buildings.
2. To grant consent for the alteration or change of use of a listed building only where this would not detract from its special architectural or historic interest, character and significance or its setting.

DM15.7 Noise and light pollution

1. Developers will be required to consider the impact of their developments on the noise environment and where appropriate provide a noise assessment. The layout, orientation, design and use of buildings should ensure that operational noise does not adversely affect neighbours, particularly noise-sensitive land uses such as housing, hospitals, schools and quiet open spaces.
2. Any potential noise conflict between existing activities and new development should be minimised. Where the avoidance of noise conflicts is impractical, mitigation measures such as noise attenuation and restrictions on operating hours will be implemented through appropriate planning conditions.

3. Noise and vibration from deconstruction and construction activities must be minimised and mitigation measures put in place to limit noise disturbance in the vicinity of the development.
4. Developers will be required to demonstrate that there will be no increase in background noise levels associated with new plant and equipment.
5. Internal and external lighting should be designed to reduce energy consumption, avoid spillage of light beyond where it is needed and protect the amenity of light-sensitive uses such as housing, hospitals and areas of importance for nature conservation.

SCHEDULE

APPLICATION: 16/00632/FULL

Flat 17, The Gallery 38 Ludgate Hill

Installation of two air conditioning units at sixth floor.

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To ensure compliance with the terms of Section 91 of the Town and Country Planning Act 1990.
- 2 Before any works thereby affected are begun the following details shall be submitted to and approved in writing by the Local Planning Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:
(a) details of screen and method of fixing
REASON: To ensure that the Local Planning Authority may be satisfied with the detail of the proposed development and to ensure a satisfactory external appearance in accordance with the following policies of the Local Plan: DM3.2, DM10.1, DM10.5, DM12.2.
- 3 All new work and work in making good shall match the existing adjacent work with regard to the methods used and to materials, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this permission.
REASON: To ensure a satisfactory external appearance in accordance with the following policy of the Local Plan: DM10.1.
- 4 Before any mechanical plant is used on the premises it shall be mounted in a way which will minimise transmission of structure borne sound or vibration to any other part of the building in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
REASON: In order to protect the amenities of commercial occupiers in the building in accordance following policy of the Local Plan: DM15.7.
- 5 (a) The level of noise emitted from any new plant shall be lower than the existing background level by at least 10 dBA. Noise levels shall be determined at one metre from the window of the nearest noise sensitive premises. The background noise level shall be expressed as the lowest LA90 (10 minutes) during which plant is or may be in operation.

(b) Following installation but before the new plant comes into operation measurements of noise from the new plant must be taken and a report demonstrating that the plant as installed meets the design requirements shall be submitted to and approved in writing by the Local Planning Authority.

(c) All constituent parts of the new plant shall be maintained and replaced in whole or in part as often is required to ensure compliance with the noise levels approved by the Local Planning Authority.

REASON: To protect the amenities of neighbouring residential/commercial occupiers in accordance with the following policies of the Local Plan: DM15.7, DM21.3.

- 6 The development shall not be carried out other than in accordance with the following approved drawings and particulars or as approved under conditions of this planning permission: Ordnance Survey Map, Plan of 6th floor showing position of Air Conditioning compressors, North Elevation of north-east wall at 6th & 5th floor, North Elevation & section of north-east wall at 6th & 5th floor Sound and visual abatement measures, Expanded (ref 7.2) section and elevation of north-east wall at 6th and 5th floor Sound and visual impact abatement detail - not to scale, Acoustic Assessment of Plant Noise at 38 Ludgate Hill Document Ref: 0121617 Rev D
REASON: To ensure that the development of this site is in compliance with details and particulars which have been approved by the Local Planning Authority.

INFORMATIVES

- 1 In dealing with this application the City has implemented the requirements of the National Planning Policy Framework to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in dealing with planning applications in the following ways:

detailed advice in the form of statutory policies in the Local Plan, Supplementary Planning documents, and other written guidance has been made available;

a full pre application advice service has been offered;

where appropriate the City has been available to provide guidance on how outstanding planning concerns may be addressed.

Comments for Planning Application 16/00632/FULL

Application Summary

Application Number: 16/00632/FULL

Address: Flat 17, The Gallery 38 Ludgate Hill London EC4M 7DE

Proposal: Installation of two air conditioning units at sixth floor; installation of two vents and two skylights on the main roof.

Case Officer: Alison Hayes

Customer Details

Name: Mr peter smith

Address: flat 9 london

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise

Comment: Together with my wife I am the owner of Flat 9, The Gallery. I am also a Director of Ludgate Hill Management Company which is responsible for the upkeep of the building on behalf of all the residents.

I wish to object to the application. I am concerned about the potential noise level of the proposed air conditioning units, particularly given the proximity to the flat on the floor below, and the precedent this might cause. I have seen the letter of 18 August from the Environmental Officer setting out the noise control requirements. It is not clear to me from the application that these have been met. I also doubt that it would in practice be practicable to expect the usage of the units to be restricted in the way envisaged in the application.

I am concerned about the proposed location of the compressors and associated pipework which would appear to be in the rain gully of the mansard roof. In the medium to long term this could restrict drainage and lead to leaks. It would be better for the applicant to approach the managing agent with a view to agreeing a common site for any flat owner to locate such an installation, subject of course to planning permission. This would also help to avoid the potential unsightliness of any further installations in future.

Finally, I am concerned about the proposed installation of roof vents and skylights. Creating holes in what is a flat roof should only occur when there is a very clear need. This is not obvious from the application. I also understand that it might void the present warranty on the roof.

Comments for Planning Application 16/00632/FULL

Application Summary

Application Number: 16/00632/FULL

Address: Flat 17, The Gallery 38 Ludgate Hill London EC4M 7DE

Proposal: Installation of two air conditioning units at sixth floor; installation of two vents and two skylights on the main roof.

Case Officer: Alison Hayes

Customer Details

Name: Mr Howard Weinstein

Address: Sterling Property Management, Suite 6 194-200 Brent Street London

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Residential Amenity

Comment: I am the appointed representative for The Gallery (Ludgate Hill) Management Company Limited (TGLHMCL).

TGLHMCL is responsible for the upkeep of The Gallery, 38 Ludgate Hill, on behalf of all of the owners of the 17 flats in the building. TGLHMCL is a registered non-trading company with 7 directors.

TGLHMCL objects to the application. This is not an objection in principle as we are prepared to work with the owner of any flat to try to find an acceptable means of enabling them to install air conditioning. We have accordingly made clear to the applicant that we would be pleased to approach the relevant authorities to agree a plan that would enable all owners of flats who wish to install air conditioning to do so. Despite this, the applicant has decided to submit the present proposal.

The grounds for objection by TGLHMCL are:

1. contrary to what is stated in the application, we believe there was only ever one, not two, compressors previously installed and that the one compressor was located on the north western side of the building not the north eastern side. This is consistent with the photos attached to the application which show only the one on the north western side. The application is, however, correct in pointing out that the one compressor was probably installed without planning permission;
2. TGLHMCL doubts the applicant's statement that the system will only be used on sunny summer days and rarely at night. Warm nights are often when air conditioning is most needed. Modern air

conditioning units also permit warm air to be circulated in winter. Moreover, there is no way in which, were planning approval to be given, restrictions could realistically be placed on the hours and seasons of use;

3. TGLHMCL questions whether sufficient assurances have been provided in regard to noise levels. The application states that the compressors would be "considerably away from any neighbours' bedrooms". From the scale diagram attached to the application, however, the nearest bedroom window on the floor below would appear to be little more than 2m from one compressor while the bathroom window would be only about 1m. For this reason TGLHMCL objects to the proposed siting of the compressors. If, however, permission were to be granted, it would be of crucial importance that any noise is minimised and that this should remain the case for as long as the compressors are located there;

4. the pipework for the compressors has already been installed and is currently lying in the rain gully of the mansard, immediately above one of the bedroom windows of the floor below. It is not clear from the application where this would eventually be located. The application does, however, state that the compressors themselves would be on a platform though apparently still in the gully. TGLHMCL maintains that the gullies should be kept free for drainage. Over the long term, restricting the drainage could affect the fabric of the building. Were planning approval to be given it should be a condition that both the compressors and pipework be located outside of the gullies. This might, however, have a significant adverse impact visually;

5. the applicant is not the only owner who may wish to install air conditioning, particularly as demand appears to be increasing. Any approval that is given now should take account of possible future proposals. As noted above, a plan for the building should be agreed. Further 'one off' developments would risk detracting from the appearance of the building;

6. the applicant is required under the terms of his lease to apply for a licence for alterations before carrying out any work of this kind. Despite stating in writing that he would do so, this has not happened.

TGLHMCL also objects to the application for the installation of roof vents and skylights:

1. the roof is of course of crucial importance to the building as a whole. Work should only be undertaken where there is a proven need. TGLHMCL is not persuaded that this has been established;

2. despite what is said in the application, there is always the risk that in practice there will be some interference with roof joists or structural members;

3. the proposed work may well invalidate the warranty for the roof; as above, the applicant is required to obtain a licence for alterations before undertaking any such work. No application for a licence has been received.

Flat 14
The Gallery
38 Ludgate Hill
London EC4M 7DE

25 August 2016

Dear Mrs Hayes,

Planning Applications: 16/00632/FULL and 16/00633/LBC

Thank you for your letters of 8 August.

I write in response to the above application for air conditioning compressor units to be located in the vicinity of my flat, on the basis of noise nuisance.

I have co-owned the flat immediately below Flat 17 on the eastern side of The Gallery since 2000 and my flat, no. 14, is the one nearest to the proposed location of the compressors. I would like to object to the proposed placing of the two sizeable air conditioning compressors in the rain water gulley in close proximity to the main bedroom and en suite bathroom of my flat, on the grounds that the noise will be audible from these rooms and will damage my enjoyment of the flat.

The proposed location for the two large compressors is at the back of the building, which is remarkably quiet for London. It is away from the road and looks out onto the Stationers' Hall. The proposed location is one meter above and just half a meter to one side of the first window in flat 14 and 1.4 meters to the side of the main bedroom. The stated intention by the applicant is that the air conditioning should function during the day when it is hot in summer, but is "unlikely to be required at night." There is therefore a strong possibility that it will be operational at night, especially in hot weather, which is precisely the time when we would have our bedroom windows open and will be aware of the noise of the compressors, particularly for light sleepers. There can be no guarantee that the present, or future, owner/occupiers will not use the compressors in the night time, either for air conditioning or, in winter, for heating. With reference to Mr Lambert's Memo (ref: WK201609386) to you of 18th August, I believe that it is essential that the necessary acoustic tests be performed after midnight, when ambient noise is at its lowest in the area and when we are likely to be most affected by the noise of the compressors.

Other concerns are that the large amount of piping lying in the gulley will hinder proper rain drainage. We have already suffered several leaks into flat 14 from the flat and roof above us.


PLANNING & TRANSPORTATION			
PODD	CPD		PPD
TPC	30 AUG 2016		CTP
CM			SSE
No			PP
FILE	127403		DD

The directors of the management company are also concerned that the installation of the proposed units would create a precedent for other residents requesting the same facility. The directors have offered to seek a solution which would be available to other flats. Indeed, should the current application be granted, we may wish to avail ourselves of this option.

I would like to draw your attention to some factually incorrect statements in the application. The applicant states that there was previously a compressor on the north eastern side of the building (attachments 3, 4, Plans in attachments 5, 6 and 9). This is not so. In the 16 years I have owned and lived in my flat in The Gallery there have been no compressors located on the north eastern side of the building on the sixth floor. This has been confirmed by the previous owners and by the managing agent, to the best of his knowledge. I attach a statement from the previous owners of flat 17, which they have agreed may be made public. The photograph submitted in attachment 10 to the application shows the one redundant cooler for an office machine, which is on the north western side of the building, and which has not been used for many years.

I also wish to object to the application for vents and skylights in the main roof of the building, which is flat, and therefore more prone to leaks than sloping roofs. Penetration of the communal roof risks leaks, for the repair of which I may, as an owner and shareholder, be in part financially liable. Part of the roof above us has already been breached by the applicant - without planning, listed building or the company directors' permission - to insert a considerable amount of piping for his air conditioning system.

Yours sincerely,

A solid black rectangular box used to redact the signature of Kathryn Colvin.

Kathryn Colvin CVO BA FCIL

Statement by Maria and Pietro Sollecito in email dated 29 July 2016

We lived in Flat 17 The Gallery for 7 years from 2006 to 2013 as owners-occupiers.

We confirm that there was no air conditioning system serving the whole flat. The previous owner had installed one cooling unit in the closet which hosted the server. This consisted of one small unit in a bedroom closet and one condenser outside, both located at the Western end of the building furthest away from St. Paul's.

We remain open to any further clarification or confirmation that may be required.

Maria Glodek-Sollecito

Pietro Sollecito

Flat 14 The Gallery
38 Ludgate Hill
London EC4M 7DE

25th August 2016

Mrs Alison Hayes
The Planning Office
City of London
Guildhall, PO Box 270
London, EC2P 2EJ

Dear Mrs Hayes,

Applications Reference 16/00632/FULL and Ref. No: 16/00633/LBC

I refer to the above application, dated 2nd August 2016 for installation of two air conditioning units at sixth floor; installation of two vents and two skylights on the main roof at:

Flat 17, The Gallery 38 Ludgate Hill London EC4M 7DE

Factual Information

1. My wife and I own Flat 14 immediately below Flat 17 on the eastern side of the 5th Floor of the building and we have been resident since June 2000.
2. There have been no functioning air conditioning units at Flat 17 for many years and the previous owners have confirmed this. The only external compressor of which I am aware was an old non-functioning unit on the west side of the building and I know of no unit placed on the east side.
3. Many months ago the owner of Flat 17 penetrated the roof space adjacent to the main lift shaft of the building and installed air conditioning tubes in the roof gully to the east of the lift shaft and directly above our main bedroom. This was brought to the attention of the City of London planning authority at the time. The installation was also made without the permission or authority of the Directors of The Gallery and the action is only one of a number of occasions on which work has been done by the owner of flat 17 outside his demise and without the authority of the Directors.

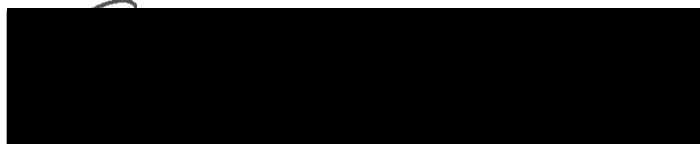
PSDD	30 AUG 2016	PPD
TPD		LTP
OM		SSE
AD	12/396	PP
		DD

Opinion

I object to the placing of two air conditioning compressors as proposed:

1. The rain water gulley is not a suitable location for air conditioning pipework because there is a risk of leakage of fluid and/or rainwater which could penetrate the building and enter our flat. Over the years we have experienced numerous episodes of water penetration into our flat from the roof above us, from a previously rotten kitchen window of Flat 17 and from Inside Flat 17 (both during and before the recent construction work). It has often been difficult to locate the source of the leakage because of the way in which water tracks for quite long distances through the voids before finding its way into our flat.
2. It is likely that the noise from the air conditioning units will be audible from our bedroom and/or *en suite* bathroom, especially when our windows are open on hot summer nights. During our residence we have found the back of the building to be an oasis of calm and do not wish to be disturbed by adjacent compressors which are not our property.
3. No valid permission has been sought from the Directors of The Gallery for any work to be done outside the demise of Flat 17. The Directors are responsible for the building as a whole.

Yours sincerely,

A large black rectangular box redacting the signature of Professor Brian T. Colvin.

Professor Brian T. Colvin MA FRCP FRCPATH
Flat 14

Comments for Planning Application 16/00632/FULL

Application Summary

Application Number: 16/00632/FULL

Address: Flat 17, The Gallery 38 Ludgate Hill London EC4M 7DE

Proposal: Installation of two air conditioning units at sixth floor; installation of two vents and two skylights on the main roof.

Case Officer: Alison Hayes

Customer Details

Name: Mr Jeffery Harvey-wells

Address: Flat 3, the gallery 38 ludgate hill London

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Residential Amenity

Comment: I would like to object to the application on 2 grounds:

- roof vents. These are penetrating common parts and will require permission from the management company which Mr Sharma has indicated he will not seek. The roof does not belong to Mr Sharma. The roof vents will invalidate a 10 year warranty on the roof which was resurfaced recently.

- air conditioning. The placement of these units will be visible from ground level. The units have already been partially installed and have numerous pipes in a rain gully which will hinder the performance of drainage. The pipe work should be placed in another location.

**Flat 2, The Gallery
38 Ludgate Hill
London
EC4M 7DE**

Your Ref: 16/00633/LBC

**Ms A Hayes
Development Division
Department of the Built Environment
City of London
PO Box 270
Guildhall
London EC2P 2EJ**

31st August 2016

Dear Ms Hayes

**Town and Country Planning Act 1990 – Application for Listed Building Consent
Location: Flat 17, The Gallery, 38 Ludgate Hill, London EC4M 7DE**

**Re: Installation of 2 air conditioning units at sixth floor;
Installation of 2 vents and 2 skylights on the main roof**

I refer to your letter of 8th August 2016 drawing our attention to the fact that an application has been made to alter a listed building in accordance with the above proposals.

The Gallery is a listed building within the St Paul's Cathedral Conservation Area under the Planning (Listed Buildings and Conservation Areas) Act 1990 and, as such, it should be afforded the maximum protection against modern alterations that are out of character with the building. The buildings on Ludgate Hill accentuate the importance of St Paul's Cathedral. Nos 34-40, of which this property forms part, are included as a building of special or historic interest under entry No 1064602.

Although the proposed alterations are not visible to the public it is nevertheless desirable to preserve the character of the building and to resist applications that are of no benefit to the building as a whole. I therefore request that you refuse Listed Building Consent for the installation of 2 vents and 2 skylights in the main roof and that you attach conditions to the possible granting of any permission to install air conditioning units that they be installed in such a way as to present an acceptable solution to the building as a whole. The existing air conditioning pipework installed by the applicant is in the rainwater gully, which is both unsightly and prejudicial to the efficient drainage of the building.

If you should grant permission for the existing proposals, I wish to bring your attention to the fact that this will be against the will of the building owners and managers and several flat owners/tenants of the building.

I trust that you will take these observations into account when considering this application.

Yours sincerely

David A Honeyman BSc FRICS MCIArb

**Flat 2, The Gallery
38 Ludgate Hill
London
EC4M 7DE**

Your Ref: 16/00632/FULL

**Ms A Hayes
Development Division
Department of the Built Environment
City of London
PO Box 270
Guildhall
London EC2P 2EJ**

31st August 2016

Dear Ms Hayes

**Town and Country Planning Act 1990 - Application for Planning Permission
Location: Flat 17, The Gallery, 38 Ludgate Hill, London EC4M 7DE**

**Re: Installation of 2 air conditioning units at sixth floor;
Installation of 2 vents and 2 skylights on the main roof**

I refer to your letter of 8th August 2016 bringing our attention to the fact that an application has been made for planning permission to install the above equipment and make alterations to the roof of the building.

With regard to the air conditioning unit, I wish to register our objection on the grounds that the installation and siting of air conditioning equipment is subject to both planning permissions and regulations applying to leaseholders of flats within The Gallery. The applicant's proposed siting has not been agreed with the owners or managers of the building whose regulations are important in this building to ensure that there is no loss of enjoyment or amenity to the other residents. Our grounds for objection are that the proposed location of the air conditioning units is unacceptable because of the noise, vibrations and emissions that will affect neighbouring flats. The applicant's statement that there were units in this location previously is incorrect, and that the acoustic report provided by the applicant is defective and contrary to noise and other guidelines.

With regard to the installation of two vents and two skylights on the main roof, I object to such works being proposed for The Gallery. The roof is a common part belonging to the owners of the building and works of this nature would not be permitted. It is understood that the applicant may be supporting this application on the grounds of ventilation and/or daylight. These grounds are considered to be spurious as there are no ventilation issues whatsoever with the building and the applicant has already extended the fenestration on the building, as you will observe under reference 16/00351/FULL, and has therefore no need for additional daylight.

I trust that you will take these observations into account when considering this application.

Yours sincerely

David Honeyman BSc FRICS MCIArb

Wells, Janet (Built Environment)

From: PLN - Comments
Subject: FW: Objection to application for planning

From: Lucy H
Sent: 06 September 2016 22:24
To: PLN - Comments
Subject: Objection to application for planning

Dear Sir/Madam,

Re: Flat 17, The Gallery, 38 Ludgate Hill, London EC4M 7DE
Ref: 16/00351/FULL, 16/00352/LBC, 16/00632/Full, 16/00633/LBC

I wish to register my objection to the above applications as resident of flat 2 on several grounds.

The manner in which works have been carried out in the applicant residence in the past has compromised safety and security of the building. Main doors were left open allowing mail to be stolen and the security of residents and property to be compromised at the time of works being undertaken in Flat 17.

It is understood that significant works have been undertaken without prior planning consent. This undermines planning regulations and there could be repercussions. Additionally, this is a listed building, shared and respected by most residents. Allowing residents to act without permission compromises the preservation of the area and risks damaging the amenity of the property.

I am concerned air conditioning units and skylights could be unsightly additions to the style and nature of the building as this is a quiet, old, City of London address. Noise has been an issue, as has water damage and a great deal has been done to minimise this. I am concerned that Flat 17's building works and air conditioning units may disrupt this again.

Finally, it seems that the door proposed will open onto the roof of neighbouring premises. The need for such a door balanced against potential liability and health and safety issues should be considered.

Yours,

Lucy Honeyman

Flat 2, The Gallery

38 Ludgate Hill

London

EC4M 7DE

Comments for Planning Application 16/00632/FULL

Application Summary

Application Number: 16/00632/FULL

Address: Flat 17, The Gallery 38 Ludgate Hill London EC4M 7DE

Proposal: Installation of two air conditioning units at sixth floor; installation of two vents and two skylights on the main roof.

Case Officer: Alison Hayes

Customer Details

Name: Ms Zoe Vucicevic

Address: Flat 5 The Gallery 38 Ludgate Hill London

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

- Noise
- Residential Amenity

Comment: Proposed Installation of 2 Air Conditioning Compressors

Stance: Neutral

I wish to express a neutral view regarding the above only under the following conditions:

1. That the recommendations made in the Environmental Officer's letter dated 18 August 2016 are strictly adhered to, in particular with regard to the acceptable noise level, the methodology for noise measurement and the transfer of vibrations.
2. That the cabling for units does not obstruct or otherwise compromise the rain water gulley.
3. That the units are maintained and repaired by the applicant.
4. That the City of London undertakes to take appropriate steps to enforce these conditions in case they cease to be met once units are in operation.

Proposed Installation of roof vents and skylights

Stance: Object

I object to both of the above on the grounds that such work may compromise the integrity of the roof and invalidate roof warranty.

Comments for Planning Application 16/00632/FULL

Application Summary

Application Number: 16/00632/FULL

Address: Flat 17, The Gallery 38 Ludgate Hill London EC4M 7DE

Proposal: Installation of two air conditioning units at sixth floor; installation of two vents and two skylights on the main roof.

Case Officer: Alison Hayes

Customer Details

Name: Mr Charles Smart

Address: Flat 16, The Gallery, 38 Ludgate Hill London

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

- Residential Amenity

Comment: I request the following items be considered with respect the application for installation of AC compressors:

- confirm that both the compressor units and all the piping and cables should be supported up well clear of the drain channel ("mansard rain gully") when final installation complete, to ensure no impact on water runoff or draining from the common roof. (Also confirm that if raised further, this does not have any significant visual impact from below.)

- the acoustic analysis and standards laid out by the Environmental Officer take account of the nearest window on the adjacent affected property, which is the rear west-most bathroom window of Flat 14.

- confirm that if acoustic panels are required to meet the acoustic standards laid out by the Environmental Officer, that the applicant confirm whether there would be any the visual impact from below, or any intrusion on the fire escape space.

- provide more detail on how the exit of the pipes and cables through the mansard roof will be sealed to ensure it is completely water/weather proof.

I request that the following items be considered with respect to the application for roof vent installation:

- I note there are already many other vents through this roof, and additional ventilation is generally

beneficial, particularly as buildings are generally more "sealed" following renovations.

- this is a common space roof owned by The Gallery which was recent replaced. The application should confirm the any impact on the roof warranty if these roof vents are installed, and agree how this potential liability can be addressed satisfactorily going forward.

- as this is a common roof space suitable permissions must be obtained from The Gallery before work starts (which cannot be unreasonably be withheld.)

Flat 14 The Gallery
38 Ludgate Hill
London EC4M 7DE

19th December 2016

Mrs Alison Hayes
The Planning Office
City of London
Guildhall, PO Box 270
London, EC2P 2EJ

Dear Mrs Hayes,

Applications Reference 16/00632/FULL and Ref. No: 16/00633/LBC

I refer to the above application, dated 2nd August 2016 and revised 30th November for Installation of two air conditioning units at sixth floor; installation of two vents and two skylights on the main roof at:

Flat 17, The Gallery 38 Ludgate Hill London EC4M 7DE

Factual Information

1. My wife and I own Flat 14 immediately below Flat 17 on the eastern side of the 5th Floor of the building and we have been resident since June 2000.
2. I must repeat that there have been no functioning air conditioning units at Flat 17 for many years and the previous owners have confirmed this. The only external compressor of which I am aware was an old non -functioning unit on the west side of the building and I know of no unit placed on the east side. I believe that the proposed air conditioning units would be much closer to our flat than is stated in the latest application.
3. Many months ago the owner of Flat 17 penetrated the roof space adjacent to the main lift shaft of the building and installed air conditioning tubes in the roof gully to the east of the lift shaft and directly above our main bedroom. This was brought to the attention of the City of London planning authority at the time. The installation was also made without the permission or authority of the Directors of The Gallery and the action is only one of a number of occasions on which work has been done by the owner of flat 17 outside his demise and without the authority of the Directors.

Opinion

Once more I object to the placing of two air conditioning compressors as proposed:

1. The rain water gulley is not a suitable location for air conditioning pipework because there is a risk of leakage of fluid and/or rainwater which could penetrate the building and enter our flat. Over the years we have experienced numerous episodes of water penetration into our flat from the roof above us, from a previously rotten kitchen window of Flat 17 and from inside Flat 17 (both during and before the recent construction work). It has often been difficult to locate the source of the leakage because of the way in which water tracks for quite long distances through the voids before finding its way into our flat.
2. I have no confidence in the application, which contains inaccuracies regarding any previous air conditioning and the proximity of the proposed units and I believe that, given their true proximity to our flat, it is likely that the noise from the air conditioning units will be audible from our bedroom and/or *en suite* bathroom, especially when our windows are open on hot summer nights. During our residence we have found the back of the building to be an oasis of calm and do not wish to be disturbed by adjacent compressors which are not our property.
3. No valid permission has been sought from the Directors of The Gallery for any work to be done outside the demise of Flat 17. The Directors are responsible for the building as a whole and in that regard I also object to the installation of two skylights.

Yours sincerely,

Professor Brian T. Colvin MA FRCP FRCPATH
Flat 14

Comments for Planning Application 16/00632/FULL

Application Summary

Application Number: 16/00632/FULL

Address: Flat 17, The Gallery 38 Ludgate Hill London EC4M 7DE

Proposal: Installation of two air conditioning units at sixth floor; installation of two vents and two skylights on the main roof (revised drawings and Acoustic Report received 01.12.16).

Case Officer: Alison Hayes

Customer Details

Name: Mr David Honeyman

Address: Flat 2 The Gallery 38 Ludgate Hill London

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Residential Amenity

Comment: I wish to register my objection to this application on 2 main grounds.

1. The works are prohibited in the applicant's deeds and the building management agreement.
2. The contents of the acoustic report are not agreed or considered to be accurate.

Flat 14
The Gallery
38 Ludgate Hill
London EC4M 7DE

22 December 2016

Dear Mrs Hayes,

Installation of two air conditioning units at sixth floor; installation of two vents and two skylights on the main roof (revised drawings and Acoustic Report received 01.12.16)

Thank you for your letter of 2nd December.

I write to object to the proposals in the above application and I refer you also to my previous letter of 25th August 2016, which still stands.

Air conditioning units

I co-own flat 14 in The Gallery, which is the nearest flat to the proposed location of the air conditioning units. This location is only one metre above and just half a metre to one side of the first window in flat 14, which is the en suite bathroom opening onto the main bedroom. The bedroom window itself is only 1.4 metres from the proposed location and one metre below. This is considerably nearer than as stated in both the application ("about 3 metres", in attachment 3), and also the Acoustic Report, which refers to a distance of "approximately 4 metres" (paras 1.3 in the Introduction and 2.2 in the document). The statements in the application and Acoustic Report thus differ from each other. It is inevitable that any noise produced so near to the bedroom will be audible from it. This will particularly apply in hot summer nights when windows will be open, potentially disturbing sleep and thus damaging not only enjoyment of our flat but also health.

Much is made in the application of existing background noise. However, the back of the building is remarkably quiet for London, away from the Ludgate Hill and looking out onto the Stationers' Hall, with no roads in the immediate vicinity. We have constantly sought to reduce noise in this area, for example by reaching agreement with the managers of the next door building that they will turn off their air conditioning units between 6 pm and 8 am. Similarly, the managers of one restaurant were asked to reduce the noise from a faulty unit, which they did. Adding further noise will therefore go counter to the management's attempts to reduce noise in the area. I understand that it is possible to install units that are virtually silent and question why this has not been investigated.

The Directors of the management company are also concerned that this proposed installation would create a precedent for other residents. The Directors, in discussion with City of London planners, are actively seeking a solution for a location for air conditioning units which would be

available for other flats in the building to avoid this kind of ad hoc arrangement which would potentially lead to planning problems. Since this planning application has been made, we in Flat 14 have also considered installing air conditioning units in order to counteract any new noise affecting our flat.

A further concern is the large amount of air conditioning piping which has been placed in the gulley, without planning or any other permission. This has the potential to interfere with drainage; in the past we have experienced several damaging leaks from flat 17 and the roof above us.

The application repeatedly, and erroneously, states that there was previously a compressor on the north eastern side of the building (attachments 3, Plans in attachments 5, 6, 9.1, 9.2 and 13.) The Acoustic Report (Introduction para 1.2) also states that the units "are direct replacements for two previous units..." This is not so. There have been no previous compressors located in the proposed location. This has been confirmed by the previous owners, who have submitted the attached statement, and by the managing agent, to the best of his knowledge. There is no photo or other proof of any redundant units on the north eastern side of the building (the photograph submitted in attachment 13 to the application shows the one redundant cooler for an office machine, which is on the north western side of the building, and which has not been used for many years.)

Skylights/vents in the roof

I also wish to object to the application for vents and skylights in the main roof of the building, which does not belong to the applicant, but to the company and all shareholders. There is also a concern that the flat roof will be particularly vulnerable to leaks, for the repair of which the shareholders may be financially liable.

Yours sincerely,

A large black rectangular box redacting the signature of Kathryn Colvin.

Kathryn Colvin CVO FCIL

Statement by Maria and Pietro Sollecito in email dated 29 July 2016

We lived in Flat 17 The Gallery for 7 years from 2006 to 2013 as owners-occupiers.

We confirm that there was no air conditioning system serving the whole flat. The previous owner had installed one cooling unit in the closet which hosted the server. This consisted of one small unit in a bedroom closet and one condenser outside, both located at the Western end of the building furthest away from St. Paul's.

We remain open to any further clarification or confirmation that may be required.

Maria Glodek-Sollecito

Pietro Sollecito

Comments for Planning Application 16/00633/LBC

Application Summary

Application Number: 16/00633/LBC

Address: Flat 17, The Gallery 38 Ludgate Hill London EC4M 7DE

Proposal: Installation of two air conditioning units at sixth floor; installation of two vents and two skylights on the main roof (revised drawings and Acoustic Report received 01.12.16).

Case Officer: Alison Hayes

Customer Details

Name: Mr jeff harvey-wells

Address: 3 the gallery 38 ludgate hill london

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise

Comment: I would like to reiterate my concern that the AC compressors will be positioned in a location that will affect existing flats. Another location away from residents would be acceptable.

The statements regarding the existence of a previous unit in the eastern gully near to the proposed location are wrong.

Regarding the skylights, the owner does not have permission from the building owners or management to cut through common space into the roof. He has refused to discuss this and work on a reasonable solution, by approving this part of the application CoL will be given its approval for the owner to breach the lease of the building. Any approval should be subject to getting the correct permissions to carry out the works.



Historic England

LONDON OFFICE

Ms Alison Hayes
City of London
Guildhall
PO BOX 270
London
EC2P 2EJ

Direct Dial: 020 7973 3707

Our ref: L00542128

14 December 2016

Dear Ms Hayes

**Arrangements for Handling Heritage Applications Direction 2015 &
T&CP (Development Management Procedure) (England) Order 2015
FLAT 17, THE GALLERY 38 LUDGATE HILL LONDON EC4M 7DE
Application No 16/00633/LBC**

Thank you for your letter of 6 December 2016 notifying Historic England of the application for listed building consent relating to the above site. On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions, details of which are enclosed.

If you consider that this application does fall within one of the relevant categories, or if there are other reasons for seeking the advice of Historic England, we would be grateful if you could explain your request. Please do not hesitate to telephone me if you would like to discuss this application or the notification procedures in general.

We will retain the application for four weeks from the date of this letter. Thereafter we will dispose of the papers if we do not hear from you.

Please note that this response relates to historic building and historic areas matters only. If there are any archaeological implications to the proposals it is recommended that you contact the Greater London Archaeological Advisory Service for further advice (Tel: 020 7973 3712).

Yours sincerely



Jane Cook
Business Officer
E-mail: jane.cook@HistoricEngland.org.uk



1 WATERHOUSE SQUARE 138-142 HOLBORN LONDON EC1N 2ST

Telephone 020 7973 3700
HistoricEngland.org.uk



Historic England is subject to the Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.



Historic England

LONDON OFFICE

Planning and Listed Building Consent applications requiring consultation with and notification to Historic England (the Historic Buildings and Monuments Commission for England) April 2015

Applications for planning permission

Historic England must be consulted or notified (see note 1) of the following planning applications by virtue of the following provisions:

Consultation:

Development which in the opinion of the local planning authority falls within these categories:

- P1 Development of land involving the demolition, in whole or in part, or the material alteration of a listed building which is classified as Grade I or II*
- P2 Development likely to affect the site of a scheduled monument
- P3 Development likely to affect any battlefield or a Grade I or II* park or garden of special historic interest which is registered in accordance with section 8C of the Historic Buildings and Ancient Monuments Act 1953

Basis for this - Town and Country Planning (Development Management Procedure) (England) Order 2015 - article 16 and Schedule 4.

- P4 Development likely to affect certain strategically important views in London

Basis for this - Secretary of State for Communities and Local Government Directions relating to Protected Vistas 2012

Notification:

Development which the local authority (or Secretary of State) think would affect:

- P5 The setting of a Grade I or II* listed building; or
- P6 The character or appearance of a conservation area where
 - i) the development involves the erection of a new building or the extension of an existing building; and
 - ii) the area of land in respect of which the application is made is more than 1,000 square metres

Basis for this - Planning (Listed Buildings and Conservation Areas) Regulations 1990 - regulation 5A (as amended by The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015)

- P7 Local authority/ies own applications for planning permission for relevant demolition in conservation areas. (see note 2)

Basis for this - Town and Country Planning General Regulations 1992 (as amended by the Town and Country Planning General (Amendment) (England) Regulations 2015)

Note 1: There is a difference between Consultation and Notification. When LPAs consult on applications, there is a duty to provide a substantive response to the LPA within 21 days. A notification from the LPA is to enable representations to be made if we so wish, and to respond within 21 days. Historic England does not make a distinction in its handling of advice work.



1 WATERHOUSE SQUARE 138-142 HOLBORN LONDON EC1N 2ST

Telephone 020 7973 3700
HistoricEngland.org.uk



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Historic England

LONDON OFFICE

Applications for listed building consent

Historic England must be notified of the following applications for listed building consent by virtue of the following provisions:

Notification:

- L1 For works in respect of any Grade I or II* listed building; and
- L2 For relevant works in respect of any grade II (unstarred) listed building

(relevant works means:

- i) works for the demolition of any principal building (see note 3);
- ii) works for the alteration of any principal building which comprise or include the demolition of a principal external wall of the principal building; or
- iii) works for the alteration of any principal building which comprises or includes the demolition of all or a substantial part of the interior of the principal building.

For the purposes of sub paragraphs ii) and iii) above:

- a) a proposal to retain less than 50% of the surface area of that part of a principal building represented on any elevation (ascertained by external measurement on a vertical plan, including the vertical plane of any roof) is treated as a proposal for the demolition of a principal external wall;
- b) a proposal to demolish any principal internal element of the structure including any staircase, load bearing wall, floor structure or roof structure is treated as a proposal for the demolition of a substantial part of the interior.)

- L3 Decisions taken by the local planning authorities on these applications

Base for this - Arrangements for handling heritage applications - Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015 - made under section 12, 15 (1) and (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990

**Historic England
15 April 2015**

Note 2: Relevant demolition is defined in section 198D of the Town and Country Planning Act 1990 as "demolition of a building that is situated in a conservation area in England and is not a building to which section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply by virtue of s75 of that Act (listed buildings, certain ecclesiastical buildings, scheduled monuments and buildings described in a direction of the Secretary of State under that section.)"

Note 3: "principal building" means a building shown on the list compiled under Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and includes (unless the list entry indicates otherwise) any object or structure fixed to that building, but does not include any curtilage building.



1 WATERHOUSE SQUARE 138-142 HOLBORN LONDON EC1N 2ST

Telephone 020 7073 3700
HistoricEngland.org.uk



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Committee:	Date:
Planning and Transportation	25 January 2017
Subject: Flat 17, The Gallery 38 Ludgate Hill London EC4M 7DE Installation of two air conditioning units at sixth floor.	Public
Ward: Farringdon Within	For Decision
Registered No: 16/00633/LBC	Registered on: 2 August 2016
Conservation Area: St Paul's Cathedral	Listed Building: Grade II

Summary

For committee report see 16/00632/FULL.

Recommendation

That listed building consent be GRANTED for the above proposal in accordance with the details set out in the attached scheduled.

Main Report

See report at 16/00632/FULL

Relevant Local Plan Policies

CS12 Conserve or enhance heritage assets

To conserve or enhance the significance of the City's heritage assets and their settings, and provide an attractive environment for the City's communities and visitors.

DM12.3 Listed buildings

1. To resist the demolition of listed buildings.
2. To grant consent for the alteration or change of use of a listed building only where this would not detract from its special architectural or historic interest, character and significance or its setting.

SCHEDULE

APPLICATION: 16/00633/LBC

Flat 17, The Gallery 38 Ludgate Hill

Installation of two air conditioning units at sixth floor.

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To ensure compliance with the terms of Section 91 of the Town and Country Planning Act 1990.
- 2 All new work and work in making good shall match the existing adjacent work with regard to the methods used and to materials, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this permission.
REASON: To ensure a satisfactory external appearance in accordance with the following policy of the Local Plan: DM10.1.
- 3 The development shall not be carried out other than in accordance with the following approved drawings and particulars or as approved under conditions of this planning permission: Ordnance Survey Map, Plan of 6th floor showing position of Air Conditioning compressors, North Elevation of north-east wall at 6th & 5th floor, North Elevation & section of north-east wall at 6th & 5th floor Sound and visual abatement measures, Expanded (ref 7.2) section and elevation of north-east wall at 6th and 5th floor Sound and visual impact abatement detail - not to scale, Acoustic Assessment of Plant Noise at 38 Ludgate Hill Document Ref: 0121617 Rev D
REASON: To ensure that the development of this site is in compliance with details and particulars which have been approved by the Local Planning Authority.

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Committee: Planning and Transportation	Date: 7 February 17
Subject: Silvertown Tunnel development consent order: routeing of dangerous goods through Central London	Public
Report of: the Director of the Built Environment	For Decision
Report author: Craig Stansfield, Transport Planning and Development Manager Department of the Built Environment	

Summary

Transport for London is proposing to build a new road tunnel under the River Thames, between the Greenwich Peninsula in South London and Silvertown in East London, in order to provide additional crossing capacity and relieve traffic congestion, particularly through the Blackwall Tunnel, which the new tunnel would effectively duplicate. Transport for London's original proposal was to build a tunnel capable of safely conveying all dangerous goods that may be legally carried on a road vehicle. They have since revised their proposal to a tunnel incapable of safely conveying any dangerous goods. This means that the current situation would continue even when the Silvertown Tunnel opened. Dangerous goods that need to be carried across the River Thames will still be driven into Central London; in order to use the Thames road bridges. A significant potential benefit of the Silvertown Tunnel has therefore been removed from the scheme.

An examination by the Planning Inspectorate of the development consent order for the Silvertown Tunnel scheme is in progress, but is reaching its conclusion. Member authority to support the written representations, already submitted to the examination, is now required.

Recommendation

Members are asked to:

- a) Authorise the representations made to the examination into the proposed Silvertown Tunnel that seek a tunnel that can safely convey dangerous goods, thereby limiting the number of vehicles carrying dangerous goods that are routed through Central London.
- b) Authorise the Director of the Built Environment to make any further submissions and sign a Statement of Common Ground with the promoter (Transport for London)

Main Report

Background

1. Transport for London is proposing to build a new road tunnel under the River Thames, between the Greenwich Peninsula in South London and Silvertown in East London, in order to provide additional crossing capacity and relieve traffic congestion, particularly through the Blackwall Tunnel, which the new tunnel would effectively duplicate. The two tunnels would share the same approach roads along the Greenwich Peninsula. The proposed tunnel is known as the Silvertown Tunnel.
2. Transport for London's original proposal was to build a tunnel capable of safely conveying all dangerous goods that may be legally carried on a road vehicle. This is a tunnel categorized as a category A tunnel in terms of the United Nations' ADR* regulations. They have since revised the proposal to a category E tunnel, which is a tunnel incapable of safely conveying any dangerous goods. This means that the current situation of dangerous goods that need to be carried across the River Thames being driven into Central London in order to use the Thames road bridges would continue even when the Silvertown Tunnel opened. A significant benefit of the proposed Silvertown Tunnel has therefore been scoped out of the scheme.
3. Since the Silvertown Tunnel scheme was de-scoped your officers have engaged in extensive liaison and correspondence with Transport for London's officers, including directly meeting the Managing Director, Surface Transport, in order to try to persuade Transport for London to reverse their de-scoping decision. This process has allowed both organizations to understand each other's concerns and positions better. However, this liaison and engagement has unfortunately not resulted in the restoration by Transport for London of a category A tunnel and a category E tunnel is currently the subject of the development consent order that Transport for London has put before the Planning Inspectorate for examination.
4. In determining whether or not it would be appropriate to recommend to your Committees that the City makes representations to the examination seeking to have the proposed tunnel categorization restored to category A, officers have felt it necessary to first obtain at least some evidence of the extent of the existing problem of dangerous goods being routed through Central London. Regrettably (and rather surprisingly), Transport for London appear to have taken the decision to de-scope the proposed Silvertown Tunnel without the benefit of any data about dangerous vehicle movements.
5. At a meeting with Transport for London on 22 September 2016 your officers obtained Transport for London's agreement to undertake some limited surveying of existing dangerous goods movements to allow the City and Transport for London to reassess whether or not the decision to de-scope the tunnel to a category E tunnel was the appropriate one. This survey was not

* ADR: *Accord Européen Relatif au Transport International des Marchandises Dangereuses par Route*

undertaken by TfL until 9 November 2016, after the examination by the Planning Inspectorate had commenced, and the results were not provided to the City by Transport for London until 29 November 2016. In addition, the survey data have not included vehicles conveying dangerous goods using Blackwall Tunnel, the most relevant survey location for assessment of the proposed Silvertown Tunnel, nor those using Tower Bridge, as this bridge was closed to vehicle traffic for major planned maintenance works at that time, and the survey encompassed only a single 12-hour period (7 a.m.–7 p.m.) on a single day (Wednesday 9 November 2016), which even Transport for London concede “may not be truly representative”. Despite this limited sample, hundreds of vehicles plated as carrying dangerous goods were observed.

Current Position

6. An examination by the Planning Inspectorate of the development consent order for the Silvertown Tunnel scheme commenced on 11 October 2016. Hearings are taking place principally at ExCeL in Canning Town.
7. Your officers have carefully considered the reasons given by Transport for London for its change in the proposed tunnel categorization with the benefit of the limited survey data now available. These reasons are set out in the e-mail from Transport for London’s Managing Director, Surface Transport, which forms Appendix 1 to this report. Your officers do not consider that Transport for London’s reasons constitute an appropriate justification for the de-scoping of the Silvertown Tunnel scheme and for continuing to route dangerous goods through the City and the rest of Central London. Officers’ responses to Transport for London’s reasons for its de-scoping of the Silvertown Tunnel are given in Appendix 2 to this report.

Options

8. As the development consent order examination is underway, the City’s two remaining options are to accept Transport for London’s decision to downgrade the tunnel to a category E tunnel or to make representations to the examination into the development consent order seeking to have a category A tunnel reinstated. Accepting the category E tunnel would result in the continuation in perpetuity of dangerous goods being routed through the City of London and the rest of Central London so that the conveying vehicles can use the Thames road bridges, particularly Tower Bridge and London Bridge. On the other hand, the City Corporation can oppose the tunnel design and categorization that have been put before the Planning Inspectorate for examination.

Proposal

9. It is recommended that the City objects to the proposed tunnel design and categorization in order to try have the tunnel restored to a category A tunnel, thereby limiting the number of vehicles carrying dangerous goods that are routed through the City and the rest of Central London.

Corporate and Strategic Implications

10. Engaging with Transport for London and the Planning Inspectorate over the Silvertown Tunnel development consent order in order to achieve the best result for London and maximize the benefits of the Silvertown Tunnel scheme for all of London conforms to the *City of London Corporate Plan 2015-19* key policy priority KPP3: “Engaging with London and national government on key issues of concern to our communities such as transport, housing and public health”. The routing of dangerous goods through Central London is a significant matter in terms of both transport and public health.

Implications

11. Accepting the substandard tunnel would result in the continuation in perpetuity of the highly unsatisfactory situation of dangerous goods being routed through the City and the rest of Central London in order to use the Thames road bridges, particularly Tower Bridge and London Bridge. On the other hand, the City of London objecting to the tunnel design and categorization would not be welcomed by Transport for London.

Health Implications

12. Routing dangerous goods through the City and the rest of Central London represents a significant risk to public health.

Conclusion

13. Transport for London’s decision to downgrade the proposed Silvertown Tunnel to a category E tunnel, incapable of safely conveying any dangerous goods, means that the current situation of dangerous goods that need to be carried across the River Thames being driven into Central London in order to use the Thames road bridges would continue even when the Silvertown Tunnel was opened. This has significant safety and public health implications for the City and Central London and therefore it is recommended that the City objects to the proposed tunnel design and categorization.

Appendices

Appendix 1: e-mail from Transport for London’s Managing Director, Surface Transport

Appendix 2: officers’ response to Transport for London’s statement of reasons

Contact:

Craig Stansfield
Transport Planning and Development Manager
Department of the Built Environment
telephone: 07802 378 810
e-mail: craig.stansfield@cityoflondon.gov.uk

[REDACTED]

From: Presland, Steve
Sent: 03 October 2016 16:49
To: Simmons, Iain; Stansfield, Craig
Subject: FW: URGENT__Silvertown Tunnel

For discussion

Sent with Good (www.good.com)

-----Original Message-----

From: Daniels Leon [REDACTED]
Sent: Monday, October 03, 2016 01:58 PM GMT Standard Time
To: Presland, Steve
Cc: Daniels Leon; Rowe David (ST)
Subject: RE: URGENT__Silvertown Tunnel

Dear Steve,

Thanks for your email and for clearly setting out the City's views on this issue. I understand this is an important issue for the City and that the City are otherwise supportive of the scheme; and we are keen to continue working with you in an attempt to reach a position we can both be content with.

For context, the decision to designate Silvertown Tunnel as a category E tunnel was made in May 2015 following discussions with the Tunnel Design Safety Consultation Group and a detailed review of available evidence. The rationale for this decision was not based solely on cost, but rather the operational difficulties associated with permitting dangerous goods vehicles to use the new tunnel and the risk of encouraging non-local dangerous goods traffic from outside London. The rationale can be summarised as follows:

- The close proximity of the new tunnel to Blackwall Tunnel means that assigning a different category to Silvertown is operationally challenging as permitting dangerous goods vehicles to use this corridor increases the likelihood of such vehicles attempting to use Blackwall Tunnel, with consequential risks, either 'accidentally' or in the event of an incident or temporary closure of the Silvertown Tunnel.
- Permitting dangerous goods vehicles to use Silvertown Tunnel would, in all likelihood, result in a proportion of these vehicles diverting into east/south-east London from outside of London (i.e. M25/Dartford Crossing). The northbound Dartford Crossing tunnels are designated category C, hence accessible to only limited dangerous goods traffic. Dangerous goods vehicles that are permitted have to be escorted through the tunnels which can add considerable journey time to trips made via this crossing, hence the possibility of an un-escorted trip via Silvertown Tunnel would represent an attractive option for trips that are well served by the A12 or A13.
- Whilst designating Silvertown Tunnel as a category C tunnel could represent a potential option for limiting diversion from elsewhere, there is currently no means of reliability enforcing such a restriction. This would bring added risk to the crossing from dangerous goods vehicles (some would be permitted, others wouldn't, and there is no reliable and practical way of telling the two apart), and bring with it significant operational challenges, as well as the need for additional land for a holding area.
- Information available hitherto indicates that the number of dangerous goods vehicles using road crossings in London is proportionally very low, and there is no evidence of a particular problem with dangerous goods vehicles at Tower Bridge. Following a meeting on 22 September 2016 between David Rowe at TfL and City of London officers, it has been agreed that further surveys will take place over the next few weeks to provide additional insight on this area to both organisations.

- In developing the proposals for the scheme, we have had regard to views from a wide range of stakeholders, with the management of HGVs at Silvertown Tunnel being a key area of interest. Designating Silvertown as a category A tunnel would be of concern to a number of stakeholders, for the reasons outlined above.

We do not anticipate the scheme would have adverse impacts on the operation of Tower Bridge or any other bridges in central London. Indeed, we are currently working with City of London officers to explore better signing and the possibility of improved enforcement of the weight restriction at Tower Bridge.

I have asked David Rowe to arrange another meeting with your officers when the survey results are available, and I hope this information will help us in reaching an agreed position.

Kind regards,

Leon

Leon Daniels | Managing Director
Transport for London | Surface Transport | Palestra |

| Tel: | Auto: |

From: Presland, Steve [mailto:]
Sent: 30 September 2016 13:22
To: Daniels Leon
Subject: FW: URGENT__Silvertown Tunnel
Importance: High

Dear Leon,

You will recall when we met the other day that I was particularly concerned at what appeared to be a proposed descoping of the Silvertown Tunnel scheme so as to only provide London with a category E tunnel, incapable of conveying dangerous goods, instead of the originally proposed category A tunnel. This appears to have been proposed as a value engineering measure, but in the City's opinion it is a false economy as it would save less than £3 million, a very small sum in the context of the scheme as a whole, which would be substantially outweighed by the risks involved in continuing to route dangerous goods through Central London on both sides of the river, in order to use the Thames road bridges at Tower Bridge and west of Tower Bridge. You kindly undertook to look into this for us, to see if the proposed scheme could be amended to reinstate a category A tunnel, providing London with the benefit of an East London river crossing able to cope appropriately with the dangerous goods that cross the River Thames every day.

On Tuesday 4 October the City must notify the Silvertown Tunnel development consent order's examining authority as to whether or not the City wishes to speak at the preliminary meeting on the development consent order (which will take place on Tuesday 11 October). At this stage we feel that we will need to speak at the preliminary meeting and ask the examining authority to schedule a principal issue session on the tunnel's design and categorization as we are concerned that this opportunity to provide appropriately for the passage of dangerous goods must not be lost. However, as we discussed at our breakfast meeting, the City is a strong supporter of the Silvertown Tunnel scheme and therefore does not wish to publically object to this otherwise excellent scheme if this can be avoided. As a result, I wonder if you could come back to me on this at your earliest convenience and we could discuss the way forward on it? I am available on [redacted] or you have my mobile [redacted]

I attach my team member's note to me on this by way of background.

Very many thanks and kindest regards,

Steve

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Appendix 2: assessment of Transport for London's reasons for changing the proposed Silvertown Tunnel from a category A tunnel to a category E tunnel

Cost

It has been advised by Transport for London that a category A tunnel would cost approximately £2.5 million more than a category E tunnel. This is considered to be a very small sum of money in the context of the cost of the scheme as a whole (nearly £1 000 million) and saving this sum appears to be a false economy given the benefits that would accrue from safely conveying dangerous goods across the River Thames without unnecessarily long routes via Central London.

Concurrent Operation of the Blackwall and Silvertown Tunnels

Transport for London's position is that the shared Greenwich Peninsula approach road would increase the risk of vehicles conveying dangerous goods using the Blackwall Tunnel, which is an existing category E tunnel that is not capable of safely conveying dangerous goods. This does not seem to be a valid reason for designing the Silvertown Tunnel so as to also be incapable of safely conveying dangerous goods. The need to sign vehicles carrying dangerous goods away from the Blackwall Tunnel onto a diversion route is an existing situation. Currently the diversion is to Tower Bridge. A diversion to a category A Silvertown Tunnel would be a vastly shorter and less complicated diversion that would be much more likely to be complied with. The only operational situation when a category A Silvertown Tunnel would not represent a much less onerous diversion away from the Blackwall Tunnel would be when the Silvertown Tunnel was closed (for maintenance or because of an incident) but the Blackwall Tunnel remained open. The diversion in this instance would then revert to Tower Bridge—which is the existing situation. It is therefore not the case that a category A Silvertown Tunnel would increase risk at the Blackwall Tunnel or on the Greenwich Peninsula.

Diversion of Dangerous Goods Traffic from the Dartford Crossing

Transport for London's position is that a category A Silvertown Tunnel would result in the diversion of dangerous goods traffic into South-East London and East London from outside London. This is unlikely to occur on any significant scale. The Dartford Crossing is a hybrid bridge/tunnel crossing, with the bridge being unrestricted and the northbound tunnels being category C tunnels, capable of conveying some dangerous goods under escort. Diversion of dangerous goods traffic into London from outside London would therefore only occur for northbound traffic, not southbound traffic, and only for those dangerous goods not suitable for passage through a category C tunnel. There is a time penalty involved in dangerous goods traffic waiting to be escorted, but this would not outweigh the time penalty involved in the 16-mile drive into Inner London to use the Silvertown Tunnel and then back out to the M25 again. The diversion effect would therefore only occur for a small proportion of dangerous goods traffic, and this traffic would already be diverting into Inner London and Central London to use the Central London road bridges. A diversion from outside London through South-East London to the Silvertown Tunnel is much shorter than one through South-East London to Tower Bridge.

Stakeholders' Concerns

Transport for London's position is that a category A Silvertown Tunnel would be of concern to a number of stakeholders, for the three reasons set out *above*. As these reasons do not appear to be convincing reasons for the construction of a road tunnel that cannot safely convey dangerous goods, these stakeholders' concerns should be able to be removed or ameliorated by the provision to them of accurate information. In any event, these stakeholders' concerns need to be set against other stakeholders' concerns, including those, such as the City of London, the London Borough of Southwark and the Road Transport Association, who are concerned with the proposed continuation of the passage of dangerous goods into and through Central London.