

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

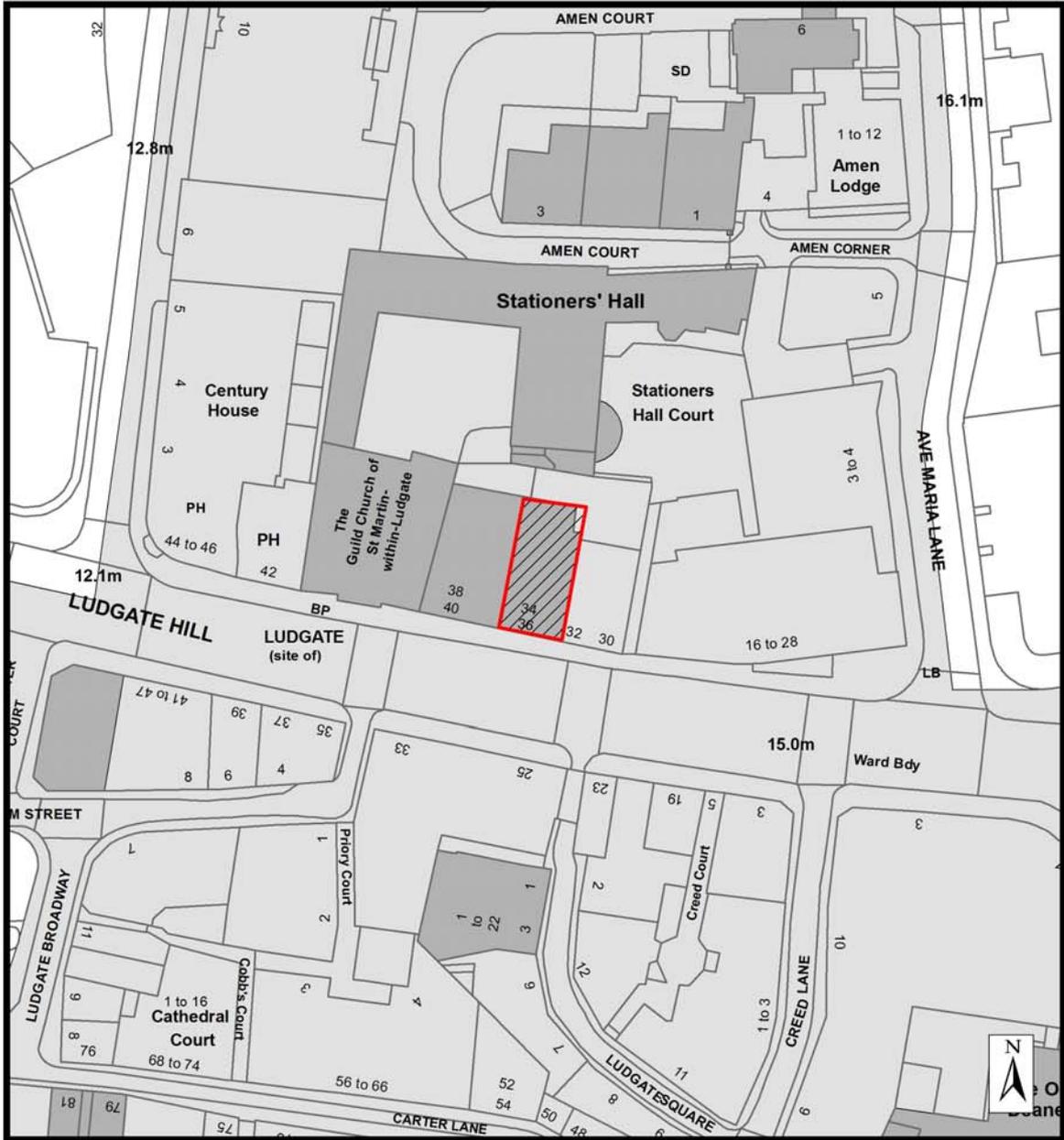
Acoustic information has been submitted to demonstrate that the proposal would not cause noise and disturbance; the visual impact would not significantly detract from the historic appearance of the listed building, the setting of nearby listed buildings or from the character and appearance of the St 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:**

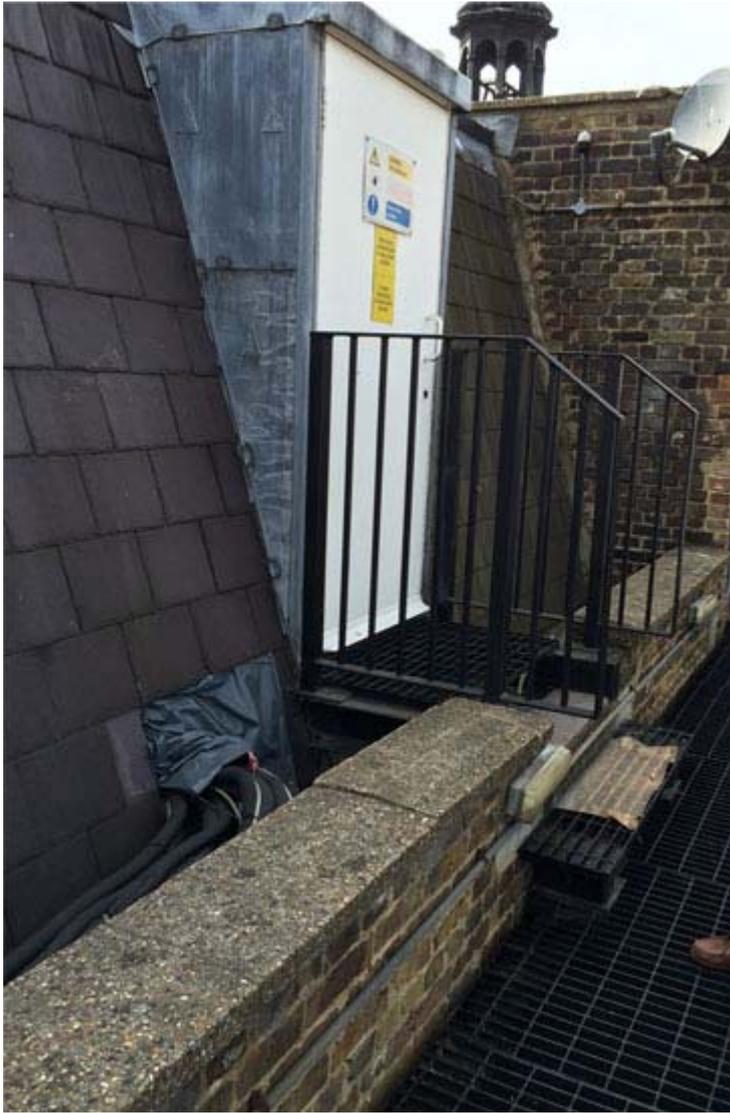
Flat 17, The Gallery  
38 Ludgate Hill

-  **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 louvred 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.

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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

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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 gully 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 18<sup>th</sup> 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 gully will hinder proper rain drainage. We have already suffered several leaks into flat 14 from the flat and roof above us.

PLANNING & TRANSPORTATION		
FOOD	CPD	PPD
TPD		CTP
CM	30 AUG 2016	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 the sender.

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

25<sup>th</sup> 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 2<sup>nd</sup> 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 5<sup>th</sup> 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 the demise and without the authority of the Directors.

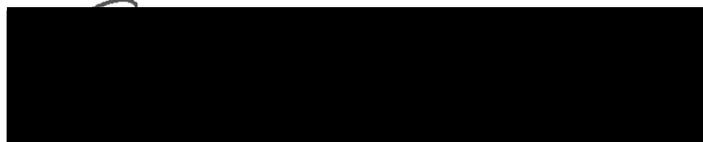
PSDD	30 AUG 2016	PPD
TPD		LTP
OM		SSE
AD	12/396	PP
DD		DD

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 redaction box covering 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**

[REDACTED] [REDACTED] [REDACTED]  
**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**



**31<sup>st</sup> 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 8<sup>th</sup> 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**

[REDACTED]  
**David A Honeyman BSc FRICS MCIARB**

ACKNOWLEDGED

12315

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

[REDACTED] [REDACTED] [REDACTED]  
**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**

**31<sup>st</sup> 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 8<sup>th</sup> 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

[REDACTED]  
**DAVID A. HONEYMAN BSc FRICS MCI Arb**

## **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 gully.
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

19<sup>th</sup> 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 2<sup>nd</sup> August 2016 and revised 30<sup>th</sup> 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 5<sup>th</sup> 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 2<sup>nd</sup> December.

I write to object to the proposals in the above application and I refer you also to my previous letter of 25<sup>th</sup> 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.

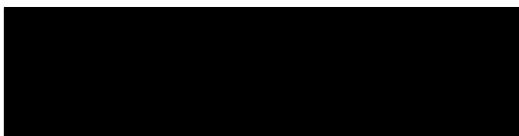
A further concern is the large amount of air conditioning piping which has been placed in the gulley, without planning or any other permission. This has the potential to interfere with drainage; in the past we have experienced several damaging leaks from flat 17 and the roof above us.

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 redaction box covering the signature area.

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](mailto:jane.cook@HistoricEngland.org.uk)

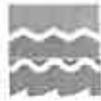


1 WATERHOUSE SQUARE 138-142 HOLBORN LONDON EC1N 2ST

Telephone 020 7973 3700  
[HistoricEngland.org.uk](http://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

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