

<b>Committee:</b>	<b>Date:</b>
Planning and Transportation	7 February 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 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