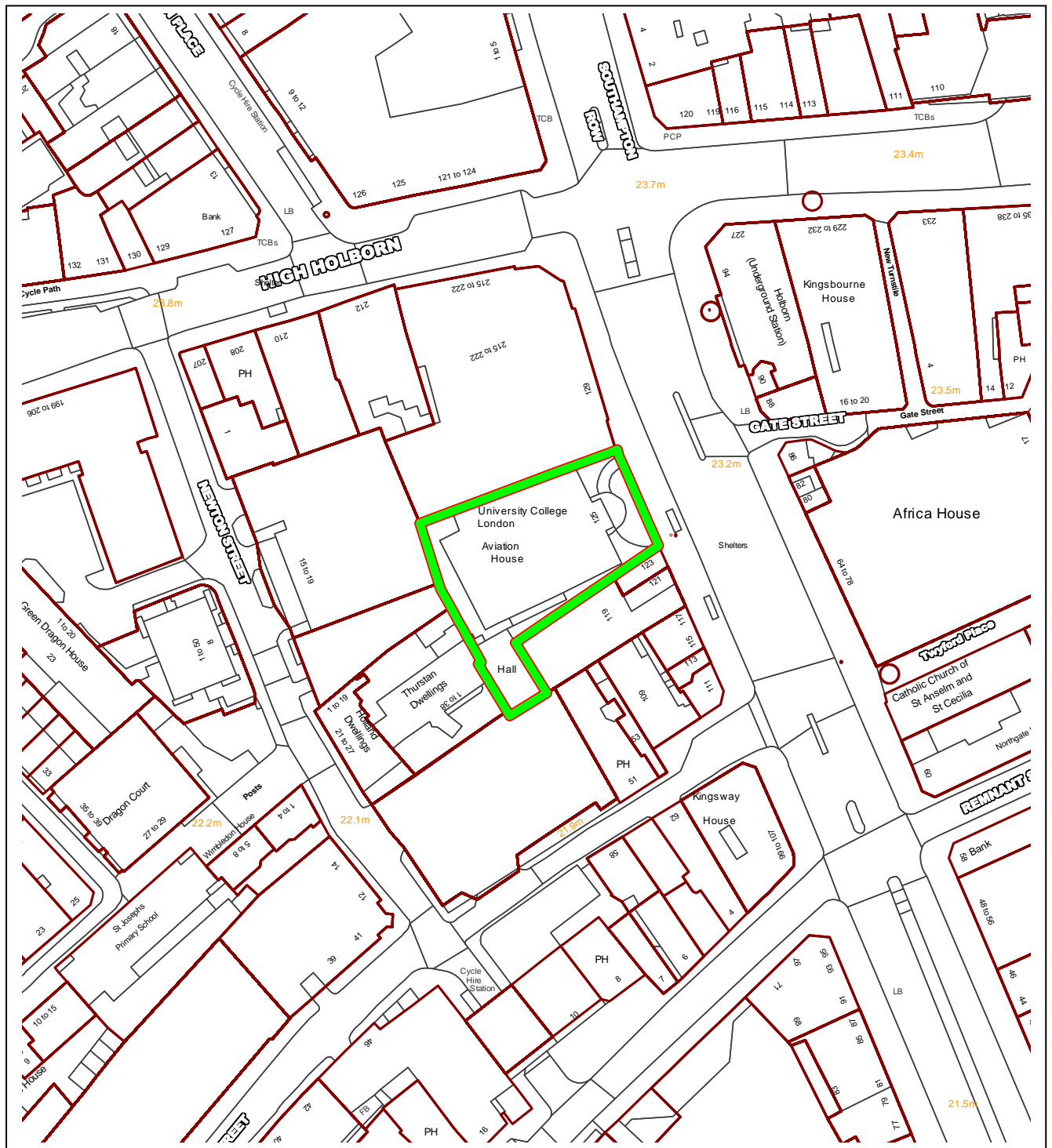


125-129 Aviation House 2018/6267/P & 2019/0364/L

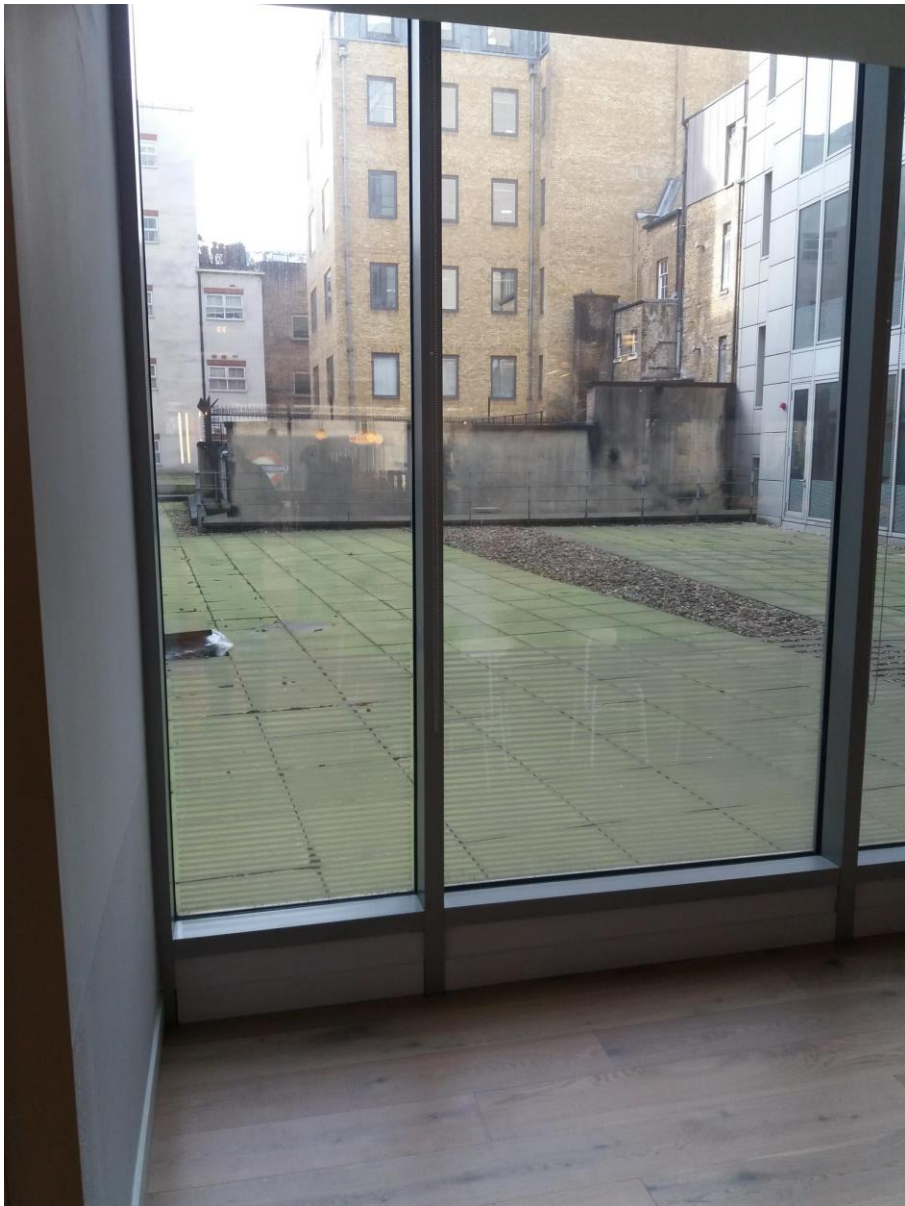




1. View of new doors which have been installed to the chapel annex



2. View of walkway and staircase towards chapel annex



3. View of curtain wall location for proposed doors.

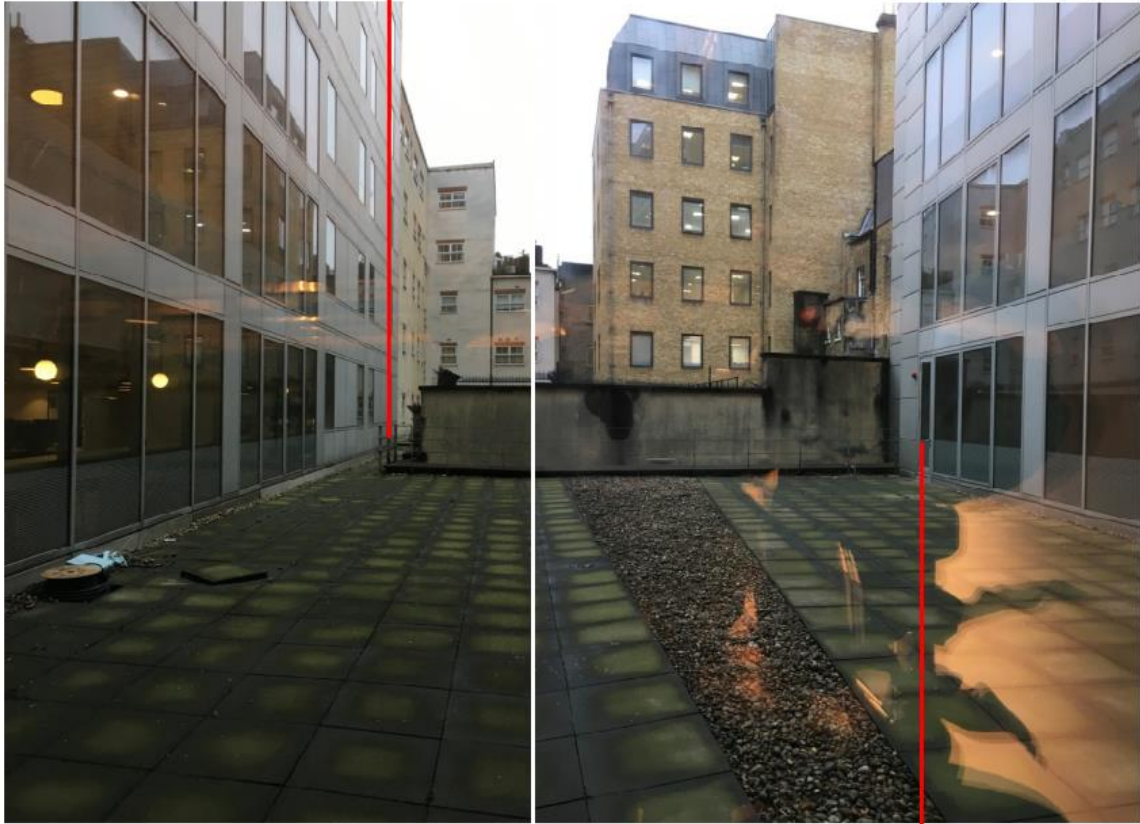


4. View from walkway leading towards Aria House (closest residential windows to proposed terrace area on left)



5. View towards 1st floor flat roof from walkway leading to Aria House

Terrace to end on line of existing balustrade with gate installed to access walkway to line through with existing rear wall



Existing access door

6. View of flat roof and neighbouring residential flats



7. View from upper floor towards 1st floor flat roof

Delegated Report (Members Briefing)		Analysis sheet	Expiry Date:	13/02/2019
		N/A	Consultation Expiry Date:	24/02/2019
Officer			Application Number(s)	
Josh Lawlor			1) 2018/6267/P 2) 2019/0364/L	
Application Address			Drawing Numbers	
Offices And Premises At Basement-5th Floor 125-129 Aviation House Kingsway London WC2B 6NH			See draft decision notice	
PO 3/4	Area Team Signature	C&UD	Authorised Officer Signature	
Proposal(s)				
1) Use of 1st floor flat roof as an outdoor amenity space, doors installed to provide access to 1st floor flat roof, timber cladding of existing balustrade, replacement of entrance doors to annex building (part retrospective) 2) Works including installation of doors to provide access to 1st floor flat roof, replacement of entrance doors to annex building (part retrospective)				
Recommendation(s):		1) Grant Conditional Planning Permission 2) Grant Listed Building Consent		
Application Type:		1) Full Planning Permission 2) Listed building consent		

Conditions or Reasons for Refusal:	Refer to Draft Decision Notice					
Informatives:						
Consultations						
Adjoining Occupiers:	No. notified	00	No. of responses	6	No. of objections	6
Summary of consultation responses:	<p>Site notices were displayed near to the site from 29/01/2019 to 22/02/2019. The application was publicised in the local press from 29/01/2019 to 22/02/2019.</p> <p>Objections were received from 5 addresses at Thurstan Dwellings, Newton street. In summary, the objections related to:</p> <ol style="list-style-type: none"> 1. The new plant equipment at the rear has no sound insulation 2. Constant talking/shouting is inflicted on the residents of Thurstan/Holland and Aria house. 3. The proposed open terrace will impact residents in terms of noise, will bring a quiet roof space into intensive use by office tenants. This would be over-intensification on a site that backs onto 30 flats at Holland & Thurston Dwellings and 40 flats at Aria House 4. People using WeWork as a shared workspace change frequently and will cause significant loss of amenity to adjacent residential properties 5. The 1st floor roof backs onto our bedroom at 7 Thurstan which in the day is my day office and at night sleeping area. The noise from the works and use will harm our amenity 6. The tenants Wework have flouted noisy working rules, working in the early hours and at the weekends <p>Officer response:</p> <ol style="list-style-type: none"> 1. <i>The existing plant equipment is not related to this application. The registered application, ref. 2018/6335/P, seeks to install an acoustic enclosure to mitigate noise impacts.</i> 2. <i>The use of the 1st floor flat roof as a terrace has not commenced, the council cannot assess the proposal based on complaints related to recent constructions works.</i> 3. <i>The use of the terrace is subject to mitigation measures. This will be in the form of acoustic screening to provide a level of noise insulation and also screening to ensure occupiers of the terrace are not directly visible from residential windows. The hours of use (9am – 5pm Mondays to Fridays) will also reduce possible disturbance.</i> 4. <i>The council cannot prejudice the proposed use of the terrace based on the occupant .</i> 5. <i>As above, the proposal is subject to mitigation measures</i> 					

6. *The noise from construction works are subject to the Pollution Act 1974 and building works must take place between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. An informative is attached the decision to make the applicant aware of this.*

In addition to the above responses, please see the amenity section of this officer's report below for a more detailed response.

Covent Garden Community Association (CGCA) objected to the use of the 1st floor flat roof as a terrace. In summary the objection related to:

1. Object to the application that will bring into busy, constant daily use by office workers what has, until now, been a quite lightwell area
2. Such use would cause problems associated with noise and smoke in an enclosed space that backs onto 40 flats at Aria House,
3. Sound carries across to 30 flats at Holland & Thurston Dwellings nearby. The space is a noise canyon and many of the surrounding flats are occupied by families with children
4. Short terms tenants are typically difficult to manage, because they are self-employed or work for very small companies with no common procedures, likely to be constantly occupied due to tenants and guests have different schedules
5. Noise and smoke is likely to be unremitting throughout permitted hours of use
6. Failure of applicant to adhere to any regulated hours of work of considerate behaviour
7. Nothing mentioned in regards to noise baffling or prevention of smoking.

CGCA propose the following conditions should be subject to the following conditions:

1. The hours of use of the terrace should be no more than 9am to 5pm Monday to Friday. Any breach should lead to use of that terrace being suspended for 1 year.
2. The 1st floor terrace to have planting installed throughout, subject to examining standards of maintenance. The reason for this is the deep, enclosed space that it occupies, causing every sound to echo and carry to the flats at Aria House.
3. The 1st floor terrace should have no smoking permitted at any time. The reason for this is the proximity of residential windows in the enclosed space.
4. No furniture be permitted on the 1st floor terrace

Officer response

1. *It is considered that the use of the terrace from, 8am – 6pm Mondays to Fridays with no use of the terrace on Saturdays, Sundays or public holidays, is sufficient*
2. *A condition is attached to the decision to require details of acoustic screening to provide noise insulation and screening of the terrace area.*
3. *As above, should WeWorks allow users to smoke on the terrace nearest residential windows are significantly distanced as to not be impacted.*
4. *The inclusion of furniture on the roof would be at the discretion of the applicant.*

In addition to the above responses, please see the amenity section of this report for a more detailed response.

**Covent Garden
Community
Association:**

Site Description

The site is a grade II listed building within the Kingsway Conservation area. The site is comprised of a retained church façade facing onto Kingsway, behind this sits a part 9 storey part 5 storey modern office building (Class B1(a)). There is a historic 'chapel' annex building to the south west side of the site.

There is a flat roof at 1st floor which is enclosed on three sides by the 9 storey office building. Residential flats at Aria House, Holland & Thurston Dwellings are located to the west of this flat roof.

Relevant History

Application site

CS9704952 – 129 Kings way & 215-222 High Holborn - Complete demolition of 4 storey rear wing and complete removal of elevational treatment. Removal of existing core. Complete demolition of church buildings behind retained screen fronting Kingsway. Granted - 22/04/1998

2018/6335/P - Aviation House, 125 Kingsway - Installation of mechanical plant to the rear of the building at basement level including associated acoustic enclosure. Retrospective – Registered

- linked to enforcement case: EN18/0936 for noise associated with plant equipment

2018/3590/P and 2018/4006/L 125-129 Aviation House 125 - External works including doors installed to existing curtain walling to provide access to 1st floor flat roof, overcladding of balustrading to 1st and 4th floor terraces and canopy installed to ground floor to provide covered walkway between main building and existing annex building to rear of the site along with replacement of entrance doors to annex building. Withdrawn 13/12/2018

- Withdrawn due to concerns about amenity impacts from the use of 1st floor roof as a terrace

Relevant policies

National Planning Policy Framework (2019)

The London Plan (2016)

Draft New London Plan showing Minor Suggested Changes (13 August 2018)

Camden Local Plan (2017)

A1 Managing the Impact of Development

A4 Noise and vibration

D1 Design

D2 Heritage

Camden Planning Guidance (CPG):

CPG 1 – Design (July 2015 updated March 2018)

CPG 6 – Amenity (September 2011 updated March 2018)

Kingsway Conservation Area Management Appraisal (2001)

Assessment

1. The proposal

1.1. Planning permission and listed building consent are sought for the following works:

- Use of the 1st floor flat roof as an outdoor amenity space
- New glazed doors would be installed to the existing curtain walling at first floor to allow access to the flat roof area.
- The first floor flat roof would be decked with timber
- The existing balustrade covering a light well would be cladded with timber.

Retrospective permission is also sought for the replacement of double doors to the 'chapel' annex building. The pre-existing non-original white painted double doors have been replaced with black glazed double doors with fanlight above.

2. Revisions

2.1. A proposed canopy to the 'chapel' annex building was removed from the proposal as it was considered that this would obscure the chapel and therefore harm the setting and character of the listed building.

2.2. The existing steel staircase was originally to be painted blue. This has been revised to be painted black so as to be more sympathetic to the historic character of the annex chapel building.

3. Assessment

3.1. The principal considerations material to the determination of this application are as follows:

- The effects upon the character and appearance of the host property (listed building), and surrounding conservation area (Design and Heritage)
- The effects on the residential amenities of neighbouring occupiers (Residential Amenity)

4. Design and Heritage

4.1. Local Plan policies D1 (Design) and D2 (Heritage) are aimed at achieving the highest standard of design in all developments. Policy D1 requires development to be of the highest architectural and urban design quality, which improves the function, appearance and character of the area; and Policy D2 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including listed buildings and conservation areas.

4.2. The proposal includes the replacement of the pre-existing non-original white painted double doors to the annex chapel building. The proposed double doors, which have already been replaced, are black painted with glazed panels with fanlight above. The double doors have a lightweight appearance and represent an improvement to the previous solid white double doors. The proposed doors are considered to be appropriate to and in keeping with the host building. The existing steel staircase adjacent to the chapel would be painted black which would be an improvement on the non-finished metal railings.

4.3. New glazed doors would be installed to the existing curtain walling to the first floor to allow access to the flat roof area. This curtain walling is part of the new build element constructed in 1998, therefore causing no harm to historic fabric. The glazed panel, stiles, rails, frame and finish would match the existing curtain wall glazing and would enhance the appearance of this elevation.

4.4. The first floor roof would be decked with timber, and the existing balustrade covering a light well would be cladded with timber. These alterations are considered to be acceptable in design terms.

4.5. Considerable importance and weight has been attached to the harm and special attention has

been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under and s.72 of The Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

4.6. Special regard has been attached to the desirability of preserving the listed building and its features of special architectural or historic interest, under s.66 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

5. Residential Amenity

5.1. Policy A1 of the Camden Local Plan seeks to protect the quality of life of occupiers and neighbours by only granting permission for development that would not harm the amenity of residents. This includes factors such as privacy, outlook, noise and vibration, implications to natural light, artificial light spill, as well as impacts caused from the construction phase of development. Policy A4 seeks to ensure that residents are not adversely impacted by noise or vibrations.

5.2. The Local plan states that the Council will seek to ensure development contributes towards strong and successful communities by balancing the needs of development with the needs and characteristics of local areas and communities. The council will seek mitigation measures where necessary. Protecting amenity is a key part of successfully managing Camden's growth and ensuring its benefits are properly harnessed. The Council will expect development to avoid harmful effects on the amenity of existing and future occupiers and nearby properties or, where this is not possible, to take appropriate measures to minimise potential negative impacts.

5.3. The first floor roof would be altered to be used as an outdoor amenity space for the office occupants. The terrace would be approximately 180 sq. m. There would be a distance of approximately 20m from the nearest residential window at 1st floor of Aria House, to the balustrade which would demarcate the end of the terrace. There would be a distance of approximately 35 metres from this window to the proposed entrance doors to the terrace.

5.4. The previous applications for the use of the flat roof as a terrace (ref.2018/3590/P and 2018/4006/L), were withdrawn in light of officers' amenity concerns. This proposal has provided more detail over the use of the roof as terrace through:

- Removing proposed works to the fourth floor external area
- Clarification on the extent of the first floor roof terrace
- Providing proposed hours of use

5.5. The applicant has submitted an operation management plan for the terrace in order to clarify and mitigate potential amenity impacts caused by the use of the terrace. The plan proposes the following hours of use: 8am to 6pm Monday to Saturday; however, officers consider it more appropriate to limit the hours of use to 9am to 5pm Monday to Friday as this is normal working hours and will therefore ensure that the terrace is only used during times when nearby residents are more likely to be at work / away from their dwellings, and would not be used at weekends when nearby residents are more likely to be at home. A suitable planning condition is suggested.

5.6. Furthermore, the Council's noise officer has reviewed the proposed terrace area and considers it acceptable subject to the condition.

5.7. The operation management plan also notes that access to the terrace will be gained from new double doors and an existing door from an adjacent meeting room. These doors will be on timed locking mechanisms which will prevent access to office users outside of permitted hours. A manual override key will be held by WeWork staff who will ensure that occupants have vacated the terrace area on time. The existing door which provides access to the short walkway leading towards Aria House would be locked and would only be used for maintenance purposes. A timber

door would also be installed in line with the balustrade to the rear of terrace to prevent access to this passage. A condition is attached to the decision to ensure this passage is only used for maintenance purposes. The applicant has confirmed that the key to this door would only be held by WeWork staff.

- 5.8. WeWork operates through renting office space to different organisations. These organisations co-work from WeWork offices, with flexibility relating to the amount of floor space they require and rental durations. The spaces surrounding the terrace are comprised of meeting rooms and office space. It is officer's view that WeWork staff would not permit loud noise levels at the terrace given the proximity to office floorspace.
- 5.9. While the terrace would be used for amenity purposes it would be associated with daytime office use. The users of the terrace will be limited to those working at the office and potentially their guests. It is not likely to have a level of noise that might emanate from a terrace associated with a pub (A4) or restaurant (A3) use.
- 5.10. A condition is also attached to the decision to require details of a noise screen to the end of the terrace. The acoustic screening will provide noise insulation and screening of the terrace area to ensure that users of the terrace will be less visible from nearby residential windows. Given the location of the terrace within a light well, distances from residential windows there would not be harmful overlooking to residential occupiers.

Recommendation:

- 1) Grant conditional planning permission.
- 2) Grant Listed Building Consent

The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 11 March 2019, nominated members will advise whether they consider this application should be reported to the Planning Committee. For further information, please go to www.camden.gov.uk and search for 'Members Briefing'.

Left City
160 West George Street
Glasgow
G2 2HQ

Application Ref: **2019/0364/L**
Please ask for: **Josh Lawlor**
Telephone: 020 7974 **2337**

6 March 2019

DRAFT

Dear Sir/Madam

DECISION

Planning (Listed Building and Conservation Areas) Act 1990

Listed Building Consent Granted

Address:
Offices And Premises At Basement-5th Floor
125-129 Aviation House
Kingsway
London
WC2B 6NH

DECISION

Proposal: Works including installation of doors to provide access to 1st floor flat roof, replacement of entrance doors to annex building (part retrospective)

Drawing Nos: Site Location Plan, Block Plan, Operation and Management Statement,
Proposed courtyard drawings: PL13.1_A, PL13.2_A, PL13.3_A, PL13.4_A, PL13.5_B,
PL13.6_A, PL13.7_A
Existing courtyard drawings: PL03.1_A, PL03.2_A, PL03.3_A, PL03.4_A, PL03.5_A,
PL03.6_A, PL03.4_A, PL01_REV_A

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

Conditions And Reasons:

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

Executive Director Supporting Communities



Reason: In order to comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Block Plan, Operation and Management Statement,
Proposed courtyard drawings: PL13.1_A, PL13.2_A, PL13.3_A, PL13.4_A, PL13.5_B, PL13.6_A, PL13.7_A
Existing courtyard drawings: PL03.1_A, PL03.2_A, PL03.3_A, PL03.4_A, PL03.5_A, PL03.6_A, PL03.4_A, PL01_REV_A

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

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

Reason: In order to safeguard the special architectural and historic interest of the building in accordance with the requirements of policy D2 of the Camden Local Plan 2017.

Informative(s):

- 1 You are advised that any works of alterations or upgrading not included on the approved drawings which are required to satisfy Building Regulations or Fire Certification may require a further application for listed building consent.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

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

Yours faithfully

Director of Regeneration and Planning

Application ref: 2018/6267/P
Contact: Josh Lawlor
Tel: 020 7974 2337
Date: 6 March 2019

Development Management
Regeneration and Planning
London Borough of Camden
Town Hall
Judd Street
London
WC1H 9JE

Phone: 020 7974 4444

planning@camden.gov.uk
www.camden.gov.uk

Left City
160 West George Street
Glasgow
G2 2HQ

DRAFT

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted

Address:

Offices And Premises At Basement-5th Floor
125-129 Aviation House
Kingsway
London
WC2B 6NH

DECISION

Proposal: Use of 1st floor flat roof as an outdoor amenity space, doors installed to provide access to 1st floor flat roof, timber cladding of existing balustrade, replacement of entrance doors to annex building (part retrospective)

Drawing Nos: Site Location Plan, Block Plan, Operation and Management Statement,
Proposed courtyard drawings: PL13.1_A, PL13.2_A, PL13.3_A, PL13.4_A, PL13.5_B,
PL13.6_A, PL13.7_A
Existing courtyard drawings: PL03.1_A, PL03.2_A, PL03.3_A, PL03.4_A, PL03.5_A,
PL03.6_A, PL03.4_A, PL01_REV_A

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

Condition(s) and Reason(s):

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

Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans [Site Location Plan, Block Plan, Operation and Management Statement,
Proposed courtyard drawings: PL13.1_A, PL13.2_A, PL13.3_A, PL13.4_A, PL13.5_B, PL13.6_A, PL13.7_A
Existing courtyard drawings: PL03.1_A, PL03.2_A, PL03.3_A, PL03.4_A, PL03.5_A, PL03.6_A, PL03.4_A, PL01_REV_A]

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

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

Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the London Borough of Camden Local Plan 2017.

- 4 Prior to the use of the 1st floor flat roof as an outdoor amenity space, details of acoustic screening to the 1st floor terrace area shall be submitted and approved by the Council. The approved mitigation measures shall be installed prior to the first use of the terrace as outdoor amenity space.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of Policies A1 and A4 of the Camden Local Plan 2017.

- 5 The use of the 1st floor flat roof as an outdoor amenity space hereby permitted shall not be carried out outside the following times: 0900 to 1700 hours Monday to Friday and shall not be used on Saturdays, Sundays and public holidays.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of Policies A1 and A4 of the Camden Local Plan 2017.

Informative(s):

- 1 Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You are advised to consult the Council's Noise and Licensing Enforcement Team, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (Tel. No. 020 7974 4444 or search for 'environmental health' on the Camden website or seek prior approval under Section 61 of the Act if you anticipate any difficulty in carrying out construction other than within the hours stated above.

- 2 This approval does not authorise the use of the public highway. Any requirement to use the public highway, such as for hoardings, temporary road closures and suspension of parking bays, will be subject to approval of relevant licence from the Council's Streetworks Authorisations & Compliance Team London Borough of Camden 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No 020 7974 4444) . Licences and authorisations need to be sought in advance of proposed works. Where development is subject to a Construction Management Plan (through a requirement in a S106 agreement), no licence or authorisation will be granted until the Construction Management Plan is approved by the Council.

- 3 All works should be conducted in accordance with the Camden Minimum Requirements - a copy is available on the Council's website at <https://beta.camden.gov.uk/documents/20142/1269042/Camden+Minimum+Requirements+%281%29.pdf/bb2cd0a2-88b1-aa6d-61f9-525ca0f71319> or contact the Council's Noise and Licensing Enforcement Team, 5 Pancras Square c/o Town Hall, Judd Street London WC1H 9JE (Tel. No. 020 7974 4444)

Noise from demolition and construction works is subject to control under the Control of Pollution Act 1974. You must carry out any building works that can be heard at the boundary of the site only between 08.00 and 18.00 hours Monday to Friday and 08.00 to 13.00 on Saturday and not at all on Sundays and Public Holidays. You must secure the approval of the Council's Noise and Licensing Enforcement Team prior to undertaking such activities outside these hours.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2018.

You can find advice about your rights of appeal at:
<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully

Director of Regeneration and Planning