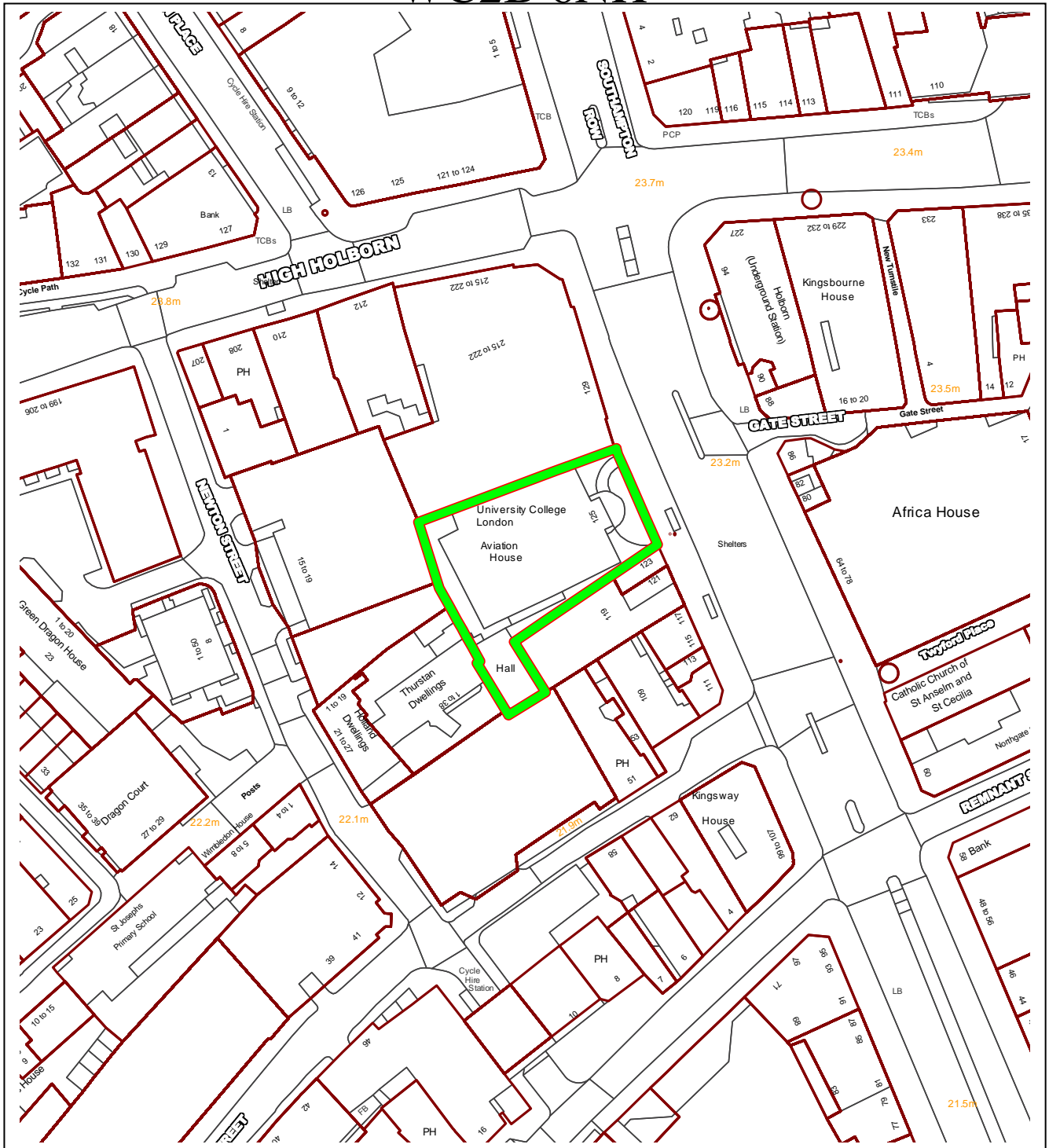


# 2018/6335/P - 125-127 Kingsway London, WC2B 6NH



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2018/6335/P - 125-127 Kingsway London, WC2B 6NH – Site Photos



Image 1. Highlighting the rear of the host building



Image 2. Showing the ductwork and rear lightwell.



Image 3. The rear lightwell showing the air condenser units within its enclosure.



Image 4. Showing the depth of the acoustic enclosure.

<b>Delegated Report</b>		<b>Analysis sheet</b>		<b>Expiry Date:</b>		15/02/2019	
<b>(Members' Briefing)</b>		N/A		<b>Consultation Expiry Date:</b>		18/02/2019	
<b>Officer</b>				<b>Application Number(s)</b>			
Obote Hope				i) 2018/6335/P ii) 2018/6333/L			
<b>Application Address</b>				<b>Drawing Numbers</b>			
Aviation House 125 to 127 Kingsway London WC2B 6SE				Refer to draft decision notice			
<b>PO 3/4</b>		<b>Area Team Signature</b>		<b>C&amp;UD</b>		<b>Authorised Officer Signature</b>	
<b>Proposal(s)</b>							
Installation of mechanical plant to the rear of the building at basement level with associated acoustic enclosure (retrospective).							
<b>Recommendation(s):</b>		i) Grant conditional planning permission ii) Grant listed building consent					
<b>Application Type:</b>		i) Full Planning Permission ii) Listed building consent					

<b>Conditions or Reasons for Refusal:</b>	<b>Refer to Draft Decision Notice</b>			
<b>Informatives:</b>				
<b>Consultations</b>				
<b>Adjoining Occupiers:</b>	No. of responses	<b>02</b>	No. of objections	<b>02</b>
<b>Summary of consultation responses:</b>	<p>Press notice published from 28/02/2019 to 24/03/2019.</p> <p>Site notice displayed from 27/02/2019 to 23/03/2019.</p> <p>Objections were received from two occupiers of Flat 7, 7 Thurstan Dwellings, Newton Street who raised the following issues:</p> <ol style="list-style-type: none"> <li>1. The plant generates persistent noise which has resulted in harm to neighbouring residential amenities. The level of noise is unacceptable to local residents.</li> </ol> <p><u>Officer response:</u></p> <ul style="list-style-type: none"> <li>• <i>In light of the objections received, further assessment was undertaken by the Noise Pollution Officer who visited the site on 17<sup>th</sup> June 2019 and confirmed that the units in operation are compliant with the Council's Design Criterion of 10dB below background noise level (LA90). See report for full details.</i></li> </ul>			
<b>CAAC/Local groups comments:</b> Covent Garden Community Association	<p>Covent Garden Community Association objected to the scheme, with the comments summarised as follows:</p> <ol style="list-style-type: none"> <li>1. Noise associated with the a/c units impact on health and well-being;</li> </ol> <p><i>Officer response: Please refer section 2.0 of the report;</i></p> <ol style="list-style-type: none"> <li>2. Despite many pages of reports showing decibel figures, the conclusion is that:             <ol style="list-style-type: none"> <li>a) that the equipment is too noisy but</li> <li>b) the proposed acoustic enclosure is hoped to bring it into line.</li> </ol> <p><i>Officer response: The report concluded that the proposed air condenser units and their enclosure would meet British Standard 8233:2014 'Guidance on sound insulation and noise reduction for buildings'. The acoustic enclosure has now been implemented and it therefore accords with recommendations for acceptable noise levels.</i></p> </li> <li>3. The plant and equipment has already caused noise nuisance;</li> </ol> <p><i>Officer response: It is noted that application is retrospective, the acoustic enclosure is now in place to mitigate any noise disturbance.</i></p> <ol style="list-style-type: none"> <li>4. Readings were taken much further from the equipment than neighbouring residential windows;</li> </ol> <p><i>Officer response: The Council's Environmental Health Officer has been on site and is satisfied that the plant with the enclosure is compliant with our</i></p>			

*relevant policies. See section 2 of the report for further detail.*

5. Operating hours of 6am to 11pm daily are too long;

*Officer response: The hours are considered to be acceptable given the low noise levels generated following the installation of the acoustic enclosure. Please refer paragraph 2 of the report;*

6. The air condenser units should have been installed in a less sensitive location (perhaps on the roof).

*Officer response: The design/siting of the proposal is considered to be acceptable on balance. Please refer to section 3 of the report.*

## Site Description

The proposed building is a Grade II listed former church, now offices, dating from 1909-11 by J Belcher and JJ Joass; it has a concave façade onto Kingsway faced in Portland Stone in the Edwardian Baroque style. The site has been extensively redeveloped following the grant of planning permission in July 1999 for demolition of the church (retaining the façade) and building of new office building. The building lies within the Kingsway Conservation area.

The building is a mixed-use development consisting of A1/A2 at ground floor and basement. Whilst the rear wing of the church façade consists of nine-storey office access to the basement to the south, the area is predominantly in office use.

## Relevant History

**2014/0309/P** - Installation of air conditioning condenser unit to 7th floor flat roof within existing plant enclosure. **Granted** on 03/06/2014.

**2009/1206/P** - Installation of chiller plant at roof level. **Granted** on 29/04/2009.

**2008/0305/L** - Installation of DDA compliant intercom unit to front entrance. **Granted** 10/09/2007.

**2005/2460/P** - Variation of condition 5 of planning permission Ref: 2004/1648/P granted on 17th May 2005 for a variety of uses at basement level to allow servicing at certain times off High Holborn. **Granted** on 10/08/2005.

**2004/1648/P** - Change of use of part basement area from ancillary retail (Use Class A1) to alternative uses as retail (Use Class A1), or restaurant (Use Class A3), or bar (Use Class A4), or leisure use (Use Class D2), or nightclub (Sui Generis). **Granted** on 17/05/2005.

**PS9805011** - Amendment comprising the substitution of office floorspace within the approved scheme for the refurbishment and cladding of the Aviation House building fronting Kingsway and High Holborn, the provision of an enlarged retail unit and class A1/A2 unit to the Kingsway frontage, demolition behind church facade and development by a ground and 4 storey restaurant building. **Granted** 19/07/1999.

**PS9805223** - Alterations to planning permission for: the refurbishment and cladding of the Aviation House office building fronting Kingsway and High Holborn; provision of enlarged retail unit at basement and ground floor and further A1/A2 unit to the Kingsway frontage; the demolition of the rear wing and its replacement with a 9 storey office extension; the demolition of the church building to the rear of its listed facade, replacing it with ground plus 4 storey restaurant/ office building. **Granted** 19/07/1999.

## Relevant policies

### National Planning Policy Framework 2019

### London Plan March 2016

### Camden Local Plan 2017

Policy A1 Managing the impact of development

Policy A4 Noise and Vibration

Policy D1 Design

Policy D2 Heritage

### Camden Planning Guidance

CPG Design (March 2019)

CPG Amenity (March 2018)

CPG Employment sites and business premises (March 2018)

### Kingsway Conservation Area Appraisal and Management Strategy 2001

## Assessment

### 1.0 Proposal

1.1. Planning permission and listed building consent are sought for the installation of mechanical plant to the rear of the property comprising of 8 x LG Multi V5 heat pumps within an acoustic enclosure, in an external area, at basement floor level. An associated acoustic enclosure measuring 3.1m in height x 8.9m in depth x 2.6m in width. The plant and enclosure have already been installed so permission is being sought retrospectively for the works.

### 1.2. Revision

1.3. The acoustics report submitted with the application was revised to comply with the Council's Design Criterion of 10dB below background noise level (LA90). The revised report was subsequently amended and is now considered to be acceptable. The Council's Environmental Health Officer has visited the site and has confirmed the works are compliant with the submitted report and local policies.

## 2. Main planning considerations

2.1 The main planning considerations are considered to be:-

- Amenity impacts
- Design and impact on the character of the building and conservation area

## Amenity

2.2 Comments raised by the Covent Garden Community Associated indicate that the retrospective air condenser units were resulting in noise concerns. A further noise complaint was received on 01/11/2018. The Environmental Health team was consulted and an officer inspected the site on 2/11/2018. The officer confirmed that the works as completed are fully compliant with Council policies with regards to noise.

2.3 The acoustic report stipulates that the nearest noise sensitive receptor (NNSR) is separated from the enclosure by a minimum of some 7m from the nearest residential window. It should be noted that the nearest receiver does not have direct line of sight to the plant as it is screened from view by the building envelope. The acoustic report maintains that any receivers



with a more direct view of the plant would be expected to be compensated by a greater distance attenuation. This would offset the lack of barrier attenuation.

- 2.4 The proposed air condenser units are located in the basement service yard and serve the offices on the upper floors. The ambient background noise during night-time periods according to the Acoustic Report appears to be dominated by traffic noise and other plant noise from surrounding installations running 24 hrs. The Noise Report concluded that it is therefore expected, that the minimum background noise level at weekends would not fall below the weekday level. Therefore, the noise report confirmed that it is unlikely that there would be an increase in noise level during weekends. Moreover, the noise levels during the nights at the source (basement) location are quieter than the noise levels at the nearest residential window.
- 2.5 The report indicates that noise measurements were taken from two locations. Location 1 – Source consist of a microphone mounted on a scaffold structure in the basement yard area adjacent to the installed plant at the rear of the building. The location of the second receiver (2) was mounted on a fourth storey balcony at the rear of the building, overlooking the plant and opposite the complainant's flat according to the Acoustic report was dominated by traffic noise.
- 2.6 The report maintains that with the loudest external levels of 42db (A), the window would need to offer an additional 12db of attenuation for acceptable conditions to be met in accordance to BS 8233:2014. It should be noted that, a typical building façade with a partially opened window offers 15 dB attenuation, it can therefore be predicted that, in addition to meeting the requirements of the set criteria, the emissions from the plant with acoustic enclosure is expected to meet the most stringent recommendations of the relevant British Standard. Therefore, there is no impact with the nearest residential amenity neighbouring and when the windows are partially open would be below 27 dB (A) below the typical target of 30 dB (A) for resting and sleeping conditions.
- 2.8 The Environmental Health officer is satisfied that plant noise propagating form the enclosure (when all units are operating) and impacting the nearest noise sensitive receiver (NNSR) complies with the Councils "Design Criterion" of 10dB below background noise level i.e. "Green Effect" which is an acceptable level and aligns with the LOAEL in terms NPPF. The proposal would comply with policies A1 and A4 of the Local Plan 2017. The Environmental Health officer raised no objections providing appropriate noise mitigation is achieved. The noise mitigation (acoustic enclosure) has been implemented (see photos) and is considered to be acceptable.
- 2.9 The report concludes that noise levels during the nights at the source (basement) location are quieter compared with those at the receiver position at roof level. On this basis and the noise levels contained in the report, environmental health officers are satisfied that the proposal is acceptable, subject to the 10dB noise standard and a post-installation test to confirm that the standards have been met. Given that the additional mitigation measures and assessment cited within the report the overall proposal demonstrates that Camden's noise criteria and requirements of policy A4 will be achieved. Therefore, the amenity of neighbouring occupiers would not be harmed by the proposals with regard to noise or vibrations.

### **3.0 Design and appearance**

3.1 Local Plan Policies D1(Design) and D2 (Heritage) states that within conservation areas, the Council will only grant permission for development that preserves and enhances the character and appearance of the conservation area and listed buildings.

3.2 The air condenser units are installed within the existing plant well with the basement consisting of no.8 x LG Multi V5 heat pump units within acoustic enclosure measures 3.1m in

height x 8.9m in depth and 2.6m in width. The proposal would not have a significant visual impact given its location within the existing service yard and would be located in a visually inconspicuous position in accordance with Policy A4.

3.3 The mechanical plant and its acoustic screening is not considered harmful on the historic setting of the building. This is due to the location of the air condenser units that are installed within the light well at basement level and the sections of ductwork serves which serves the offices are located within a service bay and therefore are screened by the mass of the building. Therefore, the air condenser units and acoustic enclosure does not contribute to harm to the historic architecture of the listed building.

3.4 Notwithstanding the above, the Conservation Officer has confirmed that the mechanical plant within the acoustic enclosures including the ducting does not have a harmful impact on the historical fabric of the listed building. Overall, the alterations are acceptable, as they will not compromise the historical significance of the building.

3.5 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 s.72 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

3.6 Special attention has been paid to the desirability of preserving the special interest of the listed building, under s.16 of the Listed Buildings and Conservation Areas Act 1990 as amended by the Enterprise and Regulatory Reform Act (ERR) 2013.

#### **4.0 Conclusion**

4.1 The retrospective consent is considered acceptable, the plant and acoustic enclosure would preserve the character and appearance of the listed building and the wider conservation area in accordance with policies D1 (Design) and D2 (Heritage). Furthermore, the proposal would not lead to noise nuisance or harm to residential amenity in accordance with policies A1 (Managing the impact of development) and A4 (Noise and Vibration).

#### **5. Recommendation**

- 5.1. Grant planning permission with conditions
- 5.2. Grant listed building consent with condition

#### **DISCLAIMER**

**The decision to refer an application to Planning Committee lies with the Director of Regeneration and Planning. Following the Members Briefing panel on Monday 5th August 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](http://www.camden.gov.uk) and search for 'Members Briefing'.**

Left City  
160 West George Street  
Glasgow  
G2 2HQ

Application Ref: **2018/6333/L**  
Please ask for: **Obote Hope**  
Telephone: 020 7974 **2555**

25 June 2019

# DRAFT

Dear Sir/Madam

## DECISION

Planning (Listed Building and Conservation Areas) Act 1990

### Listed Building Consent Granted

Address:  
**Aviation House**

**125-129 Kingsway  
London  
WC2B 6NH**

# DECISION

#### Proposal:

Installation of mechanical plant to the rear of the building at basement level with associated acoustic enclosure (retrospective).

Drawing Nos: 1128(90)001; 1128(90)002; 14318-NIA-01 REVA; 185383-100; Condenser Schedule\_Rev00; M2BS-0005 REVB; Kingsway\_1128\_ALL-PL15\_-\_2018\_12\_19\_Existing Basement Condenser Plan and MV5 Sound Data; Leftcity Design and Access Statement dated December 2018; Covering letter commissioned by Leftcity dated December 2012 and LG UK Multi V5 Specification Data.

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

#### Conditions And Reasons:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 1128(90)001; 1128(90)002; 14318-NIA-01 REVA;

Executive Director Supporting Communities



185383-100; Condenser Schedule\_Rev00; M2BS-0005 REVB;  
Kingsway\_1128\_ALL-PL15-2018\_12\_19\_Existing Basement Condenser Plan  
and MV5 Sound Data; Leftcity Design and Access Statement dated December  
2018; Covering letter commissioned by leftcity dated December 2012 and LG UK  
Multi V5 Specification Data.

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.

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

**DECISION**

Application ref: 2018/6335/P  
Contact: Obote Hope  
Tel: 020 7974 2555  
Date: 25 June 2019

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

Phone: 020 7974 4444

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[www.camden.gov.uk](http://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:  
**Aviation House**  
**125 Kingsway**  
**London**  
**WC2B 6NH**

# DECISION

Proposal:

Installation of mechanical plant to the rear of the building at basement level including associated acoustic enclosure (retrospective).

Drawing Nos: 1128(90)001; 1128(90)002; 14318-NIA-01 REVA; 185383-100; Condenser Schedule\_Rev00; M2BS-0005 REVB; Kingsway\_1128\_ALL-PL15\_- 2018\_12\_19\_Existing Basement Condenser Plan and MV5 Sound Data; Leftcity Design and Access Statement dated December 2018; Covering letter commissioned by Leftcity dated December 2018 and LG UK Multi V5 Specification Data.

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 shall be carried out in accordance with the following approved plans: 1128(90)001; 1128(90)002; 14318-NIA-01 REVA; 185383-100; Condenser Schedule\_Rev00; M2BS-0005 REVB; Kingsway\_1128\_ALL-PL15\_-\_2018\_12\_19\_Existing Basement Condenser Plan and MV5 Sound Data; Leftcity Design and Access Statement dated December 2018; Covering letter commissioned by Leftcity dated December 2012 and LG UK Multi V5 Specification Data.

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

- 2 Noise levels at a point 1 metre external to sensitive facades shall be at least 10dB(A) less than the existing background measurement (LA90), expressed in dB(A) when all plant/equipment (or any part of it) is in operation unless the plant/equipment hereby permitted will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps), then the noise levels from that piece of plant/equipment at any sensitive façade shall be at least 15dB(A) below the LA90, expressed in dB(A).

Reason: To safeguard the amenities of the [adjoining] premises [and the area generally] in accordance with the requirements of policies G1, CC1, D1, and A1 of the London Borough of Camden Local Plan 2017.

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