

Application ref: 2017/6688/P
Contact: Ben Farrant
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Date: 29 August 2018

Development Management
Regeneration and Planning
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Iceni Projects
Flitcroft House
114-116 Charing Cross Road
London
WC2H 0JR

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Variation or Removal of Condition(s) Granted Subject to a Section 106 Legal Agreement

Address:

Sir Richard Steele Public House
97 Haverstock Hill
LONDON
NW3 4RL

Proposal:

Variation of condition 6 (details of sound insulation) of planning permission granted on 23/11/2017 (ref 2016/1189/P) for Change of use of the first and second floors from public house (Class A4) to residential (Class C3) to provide 4 self-contained flats (Class C3) (2x1 bedroom and 2x2 bedroom flats), demolition of existing toilets and kitchen and erection of new single storey ground floor rear extension to provide new function and community room, relocation of existing kitchen extraction flue and associated external works, namely to reduce sound insulation from 20dB to 10dB above the Building Regulations.

Drawing Nos: Cover Letter from Iceni Projects dated 01/12/2017; Acoustic Report by KP Acoustics dated 05/05/2017

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 the original planning permission ref 2016/1189/P dated 23/11/2017.

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

- 2 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.

- 3 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 7118 - LP; 7118 - 01; 02; 03; 04; 05; 06; 07; 08; 09; 10; 11 Rev A; 12; 13; 14; 15 Rev A; 16 Rev A; 17 Rev A; 7118/101; 102; 103; 104; 20220-PL-040; Design and Access Statement by PAD dated February 2016; Operational Management Plan Rev 1 by Icen Projects dated 25th May 2016; Acoustic Report by KP Acoustics dated 20th January 2014; Sound Insulation Investigation Report by KP Acoustics dated 6th February 2014; Acoustic Report by KP Acoustics dated 05/05/2017; External Fabric Assessment by KP Acoustics dated 13th February 2014; Fire Risk Assessment by Compliance UK dated 27th January 2016; Cover Letter from Icen Projects dated 01/12/2017; Acoustic Report by KP Acoustics dated 05/05/2017

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

- 4 Prior to operation, details shall be submitted to and approved in writing by the Council, of the external noise levels emitted from plant/ machinery/ equipment and mitigation measures as appropriate. The measures shall ensure that the external noise level emitted from plant, machinery/equipment will be lower than the lowest existing background noise level by at least 10dBA where the source is tonal, as assessed according to BS4142:2014 at the nearest and/or most affected noise sensitive premises, with all machinery operating together at maximum capacity. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ surrounding premises is not adversely affected by noise from plant/mechanical installations/ equipment in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 5 Prior to operation, any machinery, plant or equipment or extract/ ventilation system and ducting at the development shall be mounted with proprietary anti-vibration isolators and fan motors shall be vibration isolated from the casing and adequately silenced and maintained as such.

Reason: To ensure that the amenity of occupiers of the development site and surrounding premises is not adversely affected by vibration generally in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 6 Prior to occupation of the development, the sound insulation of the floor/ ceiling/ walls separating any part of the commercial part(s) of the development from noise sensitive premises, and any window enhancements, shall be implemented in accordance with the acoustic report by KP Acoustics dated 05/05/2017. The sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ shall be enhanced by at least 10dB above the Building Regulations value as described in the report and, where necessary, additional mitigation measures are implemented to contain commercial noise within the commercial premises and to achieve the criteria of BS8233:2014 within noise sensitive premises. The sound insulation shall thereafter be permanently retained.

Reason: To ensure that the amenity of occupiers of the development site/ adjacent dwellings/ noise sensitive premises is not adversely affected by noise in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 7 The proposed development shall not be occupied until the whole of the cycle parking provision shown on the approved drawings is provided. The whole of the cycle parking provision shall be permanently retained and maintained thereafter.

Reason: To ensure the development provides adequate cycle parking facilities in accordance with the requirements of policy T1 of the London Borough of Camden Local Plan 2017.

- 8 The external doors to the pub and function room shall be self-closing and be permanently retained as such.

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

- 9 The rooflight to the function room hereby approved shall have no openable elements and be permanently retained as such.

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

- 10 The flue hereby approved shall be painted black and permanently retained as such.

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

- 11 The operation and management of the public house and residential accommodation hereby permitted shall be carried out in strict accordance with the provisions of the Operational Management Plan hereby approved.

Reason: To safeguard the amenities of the adjoining premises and the area generally in accordance with the requirements of policy A1 of the London

Borough of Camden Local Plan 2017.

- 12 Access to the public house must be available to wheelchair users via The Haverstock Hill entrance gate during opening hours.

Reason: To ensure that wheelchair users can continue to access the public house in accordance with policy C6 of the London Borough of Camden Local Plan 2017.

- 13 The beer garden shall not be used for residential amenity purposes in connection with the flats hereby approved and shall be retained as ancillary to the public house at all times

To protect the community function of the public house in accordance with policy C4 of the London Borough of Camden Local Plan 2017 and paragraphs 69 and 70 of the National Planning Policy Framework 2012 and policy 4.6 of the London Plan 2016.

Informative(s):

- 1 Reasons for granting variation of condition:

Condition 6 required the applicant to submit details of sound insulation of the floors/walls and ceilings separating any part of the public house from the residential space above demonstrating that the insulation is enhanced by at least 20dB above the Building Regulations.

To achieve this would require the removal of the ornate ceiling of the public house which contributes to its character and heritage value, however retaining the ceiling would reduce sound insulation enhancement to 10dB above the Building Regulations.

The applicant has submitted an acoustic report demonstrating how this can be achieved which concludes that the reduced level of enhancement would not affect the amenity of future occupiers.

An Environmental Health Officer has reviewed the submitted acoustic report and advises that the report shows that a reduced enhancement of 10dB can be achieved, and that such a reduction will still give sufficient protection for future occupiers against the transmission of sound.

As such, condition 6 can be varied as the proposal to reduce the enhancement to 10dB is acceptable and will not harm the amenity of future occupiers. Furthermore, as the applicant has submitted details of sound insulation, which are acceptable, the variation can also remove the requirement to submit such details, and instead require that the sound insulation, as outlined in the report, is implemented before occupation and permanently retained.

The proposal would not affect the amenity of existing or future residents and would comply with policies A1 and A4 of the London Borough of Camden Local Plan 2017.

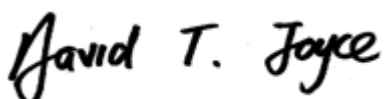
- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts that cover aspects including fire and emergency escape, access and facilities for people with disabilities and sound insulation between dwellings. You are advised to consult the Council's Building Control Service, Camden Town Hall, Judd St, Kings Cross, London NW1 2QS (tel: 020-7974 6941).
- 3 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.
- 4 Your attention is drawn to the fact that there is a separate legal agreement with the Council which relates to the development for which this permission is granted. Information/drawings relating to the discharge of matters covered by the Heads of Terms of the legal agreement should be marked for the attention of the Planning Obligations Officer, Sites Team, Camden Town Hall, Argyle Street, WC1H 8EQ.
- 5 You are reminded that in line with the Equality Act 2010 there is a duty for commercial to make reasonable adjustments to ensure all services are accessible.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

You can find advice about your rights of appeal at:

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

Yours faithfully



David Joyce
Director of Regeneration and Planning