

Application ref: 2020/0760/P
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Development Management
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London Borough of Camden
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hgh Consulting
45
Welbeck Street
LONDON
W1G 8DZ

Dear Sir/Madam

DECISION

Town and Country Planning Act 1990 (as amended)

Full Planning Permission Granted Subject to a Section 106 Legal Agreement

Address:

The Apple Tree
45 Mount Pleasant, 2& 4 Warner Street
London
WC1X 0AE

Proposal:

Demolition of existing rear outbuilding and erection of courtyard garden room; erection of two storey toilet block; installation of plant enclosure; enlargement of the existing basement; and various repair and refurbishment works in connection with expansion of public house (Class A4).

Drawing Nos: BHM-A-P-001 P01; BHM-A-P-010 P01; BHM-A-P-011 P01; BHM-A-P-012 P01; BHM-A-P-013 P01; BHM-A-P-030 P01; BHM-A-P-031 P01; BHM-A-P-032 P01; BHM-A-P-033 P01; BHM-A-P-034 P01; BHM-A-P-051 P01; BHM-A-P-052 P01; BHM-A-P-020 P01; BHM-A-P-021 P01; BHM-A-P-022 P01; BHM-A-P-023 P01; BHM-A-P-040 P01; BHM-A-P-041 P01; BHM-A-P-042 P01; BHM-A-P-043 P01 BHM-A-P-044 P01; BHM-A-P-061 P01; BHM-A-P-062 P01; Design and Access Statement (Rev PL01 06 February 2020); Planning Statement by HGH Consulting, dated February 2020; Heritage Statement Heritage Information Ltd, dated February 2020; Noise Impact Assessment (dated 6th February) ; Ground Investigation and Basement Impact Assessment Report (BIA) by GEA, reference J19092, Issue 4, dated 3 July 2020; Structural Engineering Planning Report by Price & Myers, ref. 27610, rev 1, dated July 2020.

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 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: BHM-A-P-001 P01; BHM-A-P-010 P01; BHM-A-P-011 P01; BHM-A-P-012 P01; BHM-A-P-013 P01; BHM-A-P-030 P01; BHM-A-P-031 P01; BHM-A-P-032 P01; BHM-A-P-033 P01; BHM-A-P-034 P01; BHM-A-P-051 P01; BHM-A-P-052 P01; BHM-A-P-020 P01; BHM-A-P-021 P01; BHM-A-P-022 P01; BHM-A-P-023 P01; BHM-A-P-040 P01; BHM-A-P-041 P01; BHM-A-P-042 P01; BHM-A-P-043 P01 BHM-A-P-044 P01; BHM-A-P-061 P01; BHM-A-P-062 P01; Design and Access Statement (Rev PL01 06 February 2020); Planning Statement by HGH Consulting, dated February 2020; Heritage Statement Heritage Information Ltd, dated February 2020; Noise Impact Assessment (dated 6th February) ; Ground Investigation and Basement Impact Assessment Report (BIA) by GEA, reference J19092, Issue 4, dated 3 July 2020; Structural Engineering Planning Report by Price & Myers, ref. 27610, rev 1, dated July 2020.

Reason:

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

- 4 Prior to commencement of the proposal, details shall be submitted to and approved by the Local Planning Authority to demonstrate the level of entertainment noise (i.e. amplified music, but excluding plant noise) emitted from the application site shall be inaudible at the nearest noise sensitive premises to the application site during permitted hours of use. To demonstrate compliance, 'Music noise levels in the 63Hz and 125Hz octave centre frequency bands (LZeq) should be controlled so as not to exceed (in habitable rooms) 47dB and 41dB (LZeq), respectively'.

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 London Borough of Camden Local Plan 2017

- 5 Prior to use of the plant equipment, it 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 safeguard the amenities of neighbouring noise sensitive receptors in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 6 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 A1 and A4 of the London Borough of Camden Local Plan 2017.

- 7 The development hereby approved shall not commence until such time as a suitably qualified chartered engineer with membership of the appropriate professional body has been appointed to inspect, approve and monitor the critical elements of both permanent and temporary basement construction works throughout their duration to ensure compliance with the design which has been checked and approved by a building control body. Details of the appointment and the appointee's responsibilities shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. Any subsequent change or reappointment shall be confirmed forthwith for the duration of the construction works.

Reason: To safeguard the appearance and structural stability of neighbouring buildings and the character of the immediate area in accordance with the requirements of policies D1, D2 and A5 of the London Borough of Camden Local Plan 2017.

- 8 Prior to commencement of development, full details in respect of the living roof in the area indicated on the approved roof plan shall be submitted to and approved by the local planning authority. The details shall include
- i. a detailed scheme of maintenance
 - ii. sections at a scale of 1:20 with manufacturers details demonstrating the construction and materials used [for large areas of green roof add in : and showing a variation of substrate depth with peaks and troughs]
 - iii. full details of planting species and density

The living roofs shall be fully provided in accordance with the approved details prior to first occupation and thereafter retained and maintained in accordance with the approved scheme.

Reason: In order to ensure the development undertakes reasonable measures to take account of biodiversity and the water environment in accordance with policies G1, CC1, CC2, CC3, D1, D2 and A3 of the London Borough of Camden Local Plan 2017

Informative(s):

1 Reasons for granting permission.

The proposal involves extensions and alterations to an existing public house (Class A4) that is Grade II listed. The works would facilitate the continued use of the pub as a venue with a LGBTQ+ focus. The proposal retains the building's primary function as a drinking establishment but seeks to create new spaces to provide a broader (ancillary) offer, including meeting and gallery space, therapy rooms and a basement cabaret lounge.

Policy C4 (Public houses) incorporates a level of protection for pubs with community, cultural or heritage value. It recognises how community pubs can predominantly serve a 'protected group' such as LGBTQ+ communities, which may have a catchment wider than the local area. Furthermore, Policy C2 (Community facilities) recognises the role that community facilities that provide particular support and safe, welcoming environments for protected groups or communities play in supporting Camden's diversity and social and economic wellbeing. The policy also acknowledges live music venues, performance spaces and small, affordable accommodation highly valued by artists and performers as important in helping to define Camden's cultural and leisure offer. As such, the expansion of the public house is supported and the proposals represent significant public benefit.

The extensions to the building comprise a two storey extension (replacing an existing single storey toilet block) in the courtyard providing toilets at ground and first floor levels. The extension would allow sufficient facilities to be provided in line with Building Regulations. The additional massing would be concealed by high boundary walls and would not be discernible from the street. It would be clad in stained black timber with the inclusion of a green wall at ground floor level allowing it to read as a distinct and contemporary addition. A garden room extension would replace the existing non-original kitchen outbuilding. It would be of a similar scale to the building it is to replace and have a clean contemporary appearance, continuing the black timber material of the toilet extension through and comprising glazed sliding doors opening onto a small central courtyard. A green roof above the replacement extension would enhance visual amenity and site drainage.

The existing unsightly plant would be consolidated and housed in a plant enclosure above the garden room. The scale of the plant has been reduced as far as possible and is considered acceptable and a clear improvement on the existing situation.

The proposals seek to reinstate heritage features, for instance the original corner position of the entrance door and bar as well as providing historically accurate windows and restoring of faience tiles. Original plan form of the principal spaces at ground floor and first floor level would also be reintroduced, including the removal of a non-original staircase in the principal building. It is recognised, there are less favourable works in heritage terms, namely the creation of a non-original staircase between ground and first floor that would necessitate the removal of a chimney breast at first floor level and the insertion of a lift between basement and ground; however, these have to be taken in the

context of all the works and officers are satisfied that any detracting works are outweighed by the multiple aforementioned heritage benefits. As such, officers consider that on balance that the designated heritage assets of the listed building is preserved. It is also noted these are important components to the successful operation and accessibility of the reconfigured PH.

The proposal would enlarge an existing basement to accommodate the kitchen and cabaret lounge. Given the presence of the existing basement and the lower floor to ceiling heights, the enlarged basement would retain the spatial hierarchy of the building. The basement is fully compliant with policy A5 with respect to scale and siting.

- 2 A Basement Impact Assessment has been submitted and undergone a satisfactory audit by the Council's preferred independent engineer, Campbell Reith which confirms that the excavation would not bring about unacceptable impact in terms of building damage, hydrological or stability issues and meets the criteria of CPG Basements.

As the proposed excavation is so close to the public highway on Warner Street, an Approval in Principle would be required in order to ensure that the stability of the public highway is not compromised by the proposed basement excavations. The AIP report and an associated assessment fee of £1,800 would need to be secured via a legal agreement.

Due to the extent of the construction works involving a basement excavation, a construction management plan (CMP) would need to be secured to minimize the impact on the highway infrastructure and neighbouring community. A CMP and associated implementation support contribution of £3,136 plus a bond of £7,500 would be secured by legal agreement.

The proposal involves two outward opening doors onto the public footway which is usually resisted. In this instance, the doors are crucial to the fire strategy of the premises. At present, there are two inward opening sets of doors and an outward opening door which serves as the primary escape door for the building. The other doors are not compliant with Building Regulations. The proposed situation is to have two outward opening sets of doors consisting of the new corner entrance (which opens onto a sufficiently wide section of public footway) and the currently inward opening set which would be rehanged. The existing outward opening door would no longer function as a door. It is noted that the new outward opening door on Warner Street would project from the building line less than the existing situation when open, and therefore is an improvement on this narrow section of the footway. Furthermore, the proposal would be compliant with Building Regulations.

As the site does not have a forecourt, visitor cycle parking would be provided on the street. A financial contribution of £510 would cover the cost of the Council installing two 'M-shaped' stands accommodating 4 bikes in total.

A dedicated refuse and recycling area has been introduced within the building so that waste can be effectively stored between the daily collections. This will avoid the insanitary and unsightly problem of refuse bins being left on the street.

A Noise Impact Assessment has been submitted in relation to the plant installation. This has been reviewed by the Council's Environmental Health Officer who has confirmed that, with the support of conditions to limit the noise levels, the installation would avoid a detrimental impact on the amenities of neighbouring occupiers in terms of noise and vibration. As the application concerns an entertainment venue, it is also necessary to consider entertainment noise. To this end, the Environmental Health officer has requested further details are provided to demonstrate the level of entertainment noise would not have an impact on nearby residential properties.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and preserving the listed building and its features of special architectural or historic interest under s.72 and s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

No objections have been received prior to making this decision. The planning history of the site has been taken into account when coming to this decision.

As such, the proposed development is in general accordance with policies A1, A3, A4, A5, C2, C3, C4, C6, D1, D2, CC3, T1, T2, T4 and DM1 of the Camden Local Plan 2017. The proposed development also accords with the London Plan 2016 and the National Planning Policy Framework 2019.

- 3 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).
- 4 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.
- 5 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 2019.

You can find advice about your rights of appeal at:

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

Yours faithfully

A handwritten signature in black ink, appearing to read 'DPope', is written over a light grey rectangular background.

Daniel Pope
Director of Economy, Regeneration and Investment