

DATED

29th September

2021

(1) BOHEMIA CLUB LONDON LIMITED

-and-

(2) A1 LENDING LTD

-and-

(3) THE MAYOR AND THE BURGESSES OF
THE LONDON BOROUGH OF CAMDEN

**FIRST DEED OF VARIATION
UNDER S106A OF THE TOWN AND COUNTRY
PLANNING ACT 1990 (AS AMENDED)**

Relating to the Agreement dated 24 September 2020
Between the Mayor and the Burgesses of the
London Borough of Camden and
Bohemia Club London Limited and A1 Lending Limited
under section 106 of the Town and
Country Planning Act 1990 (as amended)
Relating to development at premises known as
The Apple Tree Public House
45 Mount Pleasant, 2 and 4 Warner Street, WC1X 0AE

Andrew Maughan
Borough Solicitor
London Borough of Camden
Town Hall
Judd Street
London WC1H 9LP
Tel: 020 7974 4125

CLS/COM/00/1800.1915
DoV

THIS AGREEMENT is made on the 29th day of September 2021

BETWEEN

- A. **BOHEMIA CLUB LONDON LIMITED** (Co. Regn. No. 11139961) whose registered office is at The Apple Tree, 45 Mount Pleasant, 2 & 4 Warner Street, London, WC1X 0AE (hereinafter called "the Owner") of the first part
- B. **A1 LENDING LIMITED** (Co. Regn. No.11866102) whose registered office is at 27 Abercorn Gardens, Harrow, United Kingdom HA3 0PB (hereinafter called "the Mortgagee") of second part
- C. **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF CAMDEN** of Town Hall, Judd Street, London WC1H 9LP (hereinafter called "the Council") of the third part

1. WHEREAS:

- 1.1 The Council, Bohemia Club London Limited and A1 Lending Limited entered into the Existing Agreement dated 24 September 2020 pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended).
- 1.2 The Owner is registered at the Land Registry as the freehold proprietor of the Property with Title Absolute under title number 297683 subject to a charge to the Mortgagee, and is interested in the Property for the purposes of Section 106 of the Act.
- 1.3 The Council is the local planning authority for the purposes of the Act for the area in which the Property is situated and considers it expedient in the interests of the proper planning of its area that the Development of the Property should be restricted or regulated in accordance with the Existing Agreement as modified by this Deed.
- 1.4 The Owner has submitted the application for First Minor Material Amendment (reference number 2021/0811/P) in respect of the Property to amend the Original Planning Permission and the Council has agreed to modify the Original Planning

Permission under Section 73 of the Act subject to the Parties entering into this Deed to secure amendments to the Existing Agreement.

1.5 This Agreement is made by virtue of the Town and Country Planning Act 1990 Section 106 (as amended) and Section 106A and is a planning obligation for the purposes of that section.

1.6 Without prejudice to the terms of the other covenants contained in the Existing Agreement the parties hereto have agreed to vary the terms of the Existing Agreement as hereinafter provided.

1.7 The Mortgagee as mortgagee under a legal charge registered under Title Number 297683 and dated 14 August 2020 is willing to enter into this Deed to give its consent to the same.

2. LEGAL EFFECT AND INTERPRETATION

2.1 The planning obligations in the Existing Agreement as modified by this Deed shall be enforceable by the Council against the Owner as provided therein and against any person deriving title to any part of the Property from the Owner and insofar as it is not a planning obligation its provisions may be enforceable by the Council under any relevant statutory powers.

2.2 Apart from where it is expressly stated all words and phrases defined in the Existing Agreement shall have the same meaning in this Deed save where the context otherwise dictates and for the avoidance of any doubt the Existing Agreement shall remain in full force and effect save as varied by this Deed.

2.3 All references in this Deed to clauses in the Existing Agreement are to clauses within the Existing Agreement.

2.4 Where in this Deed reference is made to a clause schedule or recital such reference (unless the context otherwise requires) is a reference to a clause schedule or recital of this Deed.

- 2.5 Headings are for ease of reference only and are not intended to be construed as part of this Deed and shall not be construed as part of this Deed and shall not affect the construction of this Deed.
- 2.6 Unless the context otherwise requires references to the singular shall include the plural and vice versa.
- 2.7 References in this Deed to the Owner shall include their successors in title.
- 2.8 For the purposes of this Deed the following words and expressions shall have the meanings assigned unless the context states otherwise:

2.8.1	"Act"	the Town and Country Planning Act 1990 (as amended)
2.8.2	"the Deed"	this first Deed of Variation
2.8.3	"Existing Agreement"	the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 24 September 2020 between the Mayor and the Burgesses of the London Borough of Camden, Bohemia Club London Limited and A1 Lending Limited
2.8.4	"the First Minor Material Amendment"	the application for planning permission made under section 73 of the Act having reference number 2021/0811/P substantially in a form found attached to this Deed amending the Original Planning Permission to permit: Removal of condition 4 (entertainment noise levels) of planning permission ref. 2020/0760/P (dated 24/09/2020) for 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) as shown on drawing numbers:- BHM-A-P-001 P01; BHM-A-P-010 P01; BHM-A-P-011

		<p>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; Acoustic Review prepared by Gillieron Scott (dated 26th January 2021)</p>
2.8.5	"the Original Planning Permission"	<p>means the planning permission granted by the Council on 24 September 2020 referenced 2020/0760/P allowing the 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 the expansion of public house (Class A4) as shown on drawing numbers: 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</p>

		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
2.8.6	"the Parties"	the Council, the Owner and the Mortgagee being the parties to this Deed and shall include their successors in title, transferees and assigns

3. VARIATION TO THE EXISTING AGREEMENT

With effect from the date of this Deed and the Council issuing a notice granting planning permission for the First Minor Material Amendment, the Existing Agreement shall be varied as follows:

3.1 The definition at clause 2.14 shall be varied to the following:

"the Development"

means (as the case may be) either:

(a) 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 the expansion of public house (Class A4) as shown on drawing numbers: 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; or

(b) the development described by the First Minor Material Amendment Application

3.2 The definition at clause 2.21 shall be varied to the following:

"the Planning Application"

means (as the case may be) either:

(a) the application for the Original Planning Permission in respect of the development of the Property which a resolution to grant permission was passed conditionally under reference number 2020/0760/P; or

(b) the First Minor Material Amendment Application

3.3 The definition at clause 2.23 shall be varied to the following:

"Planning Permission"

either the Original Planning Permission or the First Minor Material Amendment Planning Permission (as the case may be)

3.4 The following definitions shall be added to Clause 2 of the Existing Agreement:

<p>"the Existing Agreement"</p>	<p>the Section 106 Agreement under the Town and Country Planning Act 1990 (as amended) dated 24 September 2020 between the Mayor and the Burgesses of the London Borough of Camden, Bohemia Club London Limited and A1 Lending Limited</p>
<p>"the First Minor Material Amendment Application"</p>	<p>the application for planning permission made under section 73 of the Act having reference number 2021/0811/P substantially in a form found attached to this Deed amending the Original Planning Permission to permit:</p> <p>Removal of condition 4 (entertainment noise levels) of planning permission ref. 2020/0760/P (dated 24/09/2020) for 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) as shown on drawing numbers:-</p> <p>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; Acoustic Review prepared by Gillieron Scott (dated 26th January 2021)</p>

<p>"the First Minor Material Amendment Planning Permission"</p>	<p>the planning permission granted pursuant to the First Minor Material Amendment Application with reference number 2021/0811/P (substantially in a form found attached) subject to the completion of this Deed</p>
<p>"the Original Planning Permission"</p>	<p>means the planning permission granted by the Council on 24 September 2020 referenced 2020/0760/P allowing the 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 the expansion of public house (Class A4) as shown on drawing numbers: 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</p>

- 3.5 The draft planning permission reference annexed to this Deed shall be treated as annexed to the Existing Agreement in addition to the existing annexures.
- 3.6 The numbering of Clause 2 (Definitions) of the Existing Agreement shall be re-numbered accordingly.

3.7 In all other respects the Existing Agreement (as varied by this Deed) shall continue in full force and effect.

4. **COMMENCEMENT**

4.1 Without prejudice to the effect of Clause 3.5 in the Existing Agreement the provisions in this Deed shall take effect on the Implementation of the development permitted pursuant to the planning permission for the First Minor Material Amendment referenced 2021/0811/P.

5. **MISCELLANEOUS PROVISIONS**

5.1 This Deed shall be registered as a Local Land Charge.

5.2 The Owner hereby covenants with the Council that it will within 28 days from the date hereof apply to the Chief Land Registrar of the Land Registry to register this Deed in the Charges Register of the title to the Property and will furnish the Council forthwith on written demand with official copies of such title to show the entry of this Deed in the Charges Register of the title to the Property.

5.3 The Owner agrees to pay the Council (on or prior to completion of this Deed) its reasonable legal costs incurred in preparing this Deed.

5.4 The Contracts (Rights of Third Parties) Act 1999 shall not apply this Deed.

6. **MORTGAGEE EXEMPTION**

6.1 The Mortgagee hereby consents to the Existing Agreement (as varied by this Deed) and to the same being registered at the Land Registry as provided in Clause 5 hereof and for the avoidance of doubt agrees to be bound by the said obligations only in the event that it becomes a mortgagee in possession of the Property.

6.2 The Parties agree that the obligations contained in the Existing Agreement (as varied by this Deed) shall not be enforceable against any mortgagee or chargee of the whole or any part of the Property unless it takes possession of the Property in which case it will be bound by the obligations as a person deriving title from the Owner.

CONTINUATION OF SECTION 106 AGREEMENT (DEED OF VARIATION) IN RELATION TO THE
APPLE TREE PUBLIC HOUSE 45 MOUNT PLEASANT, 2 AND 4 WARNER STREET, WC1X 0AE

IN WITNESS whereof the Council has caused its Common Seal to be hereunto affixed and
the Owner has executed this instrument as their Deed the day and year first before written

EXECUTED AS A DEED BY)
BOHEMIA CLUB LONDON LIMITED)
acting by a Director in the presence)
of a witness)


.....

Director Signature

Director Name: PHIL HUNT


.....

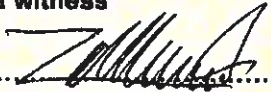
Witness Signature

Witness Name: LUCY FENTON

Witness Address: 81 SWAINS LANE, LONDON N6 6PJ


Witness Occupation: COMPANY/DIRECTOR -

EXECUTED AS A DEED BY)
A1 LENDING LTD)
acting by a Director in the presence)
of a witness)


.....

Director Signature

Director Name: ZACH MATAI


6/9/21
.....

Witness Signature

Witness Name: PARITA DESAI

Witness Address: 11-A, NORTH PARADE, MOLLISON WAY, HA8 5BH

Witness Occupation: ADMINISTRATIVE ASSISTANT

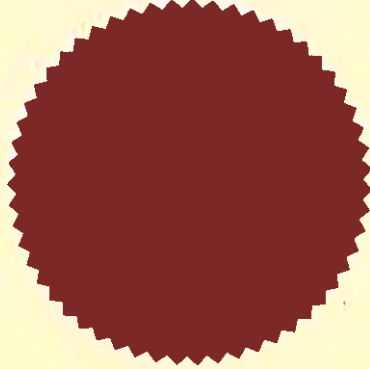
**CONTINUATION OF SECTION 106 AGREEMENT (DEED OF VARIATION) IN RELATION TO THE APPLE
TREE PUBLIC HOUSE 46 MOUNT PLEASANT, 2 AND 4 WARNER STREET, WC1X 0AE**

**THE COMMON SEAL OF THE MAYOR
AND BURGESSES OF THE LONDON
BOROUGH OF CAMDEN**

was hereunto affixed by Order:-



.....
Duly Authorised Officer



THE UNIVERSITY OF CHICAGO



THE UNIVERSITY OF CHICAGO
1100 EAST 58TH STREET
CHICAGO, ILLINOIS 60637
TEL: 773-709-3000
WWW.CHICAGO.EDU

Application ref: 2021/0811/P
Contact:
Tel: 020 7974
Date: 7 July 2021

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/planning

Palmer Lunn architects ltd
219 The Metal Box Factory
30 Great Guildford Street
London
SE1 0HS

Dear Sir/Madam

DRAFT
FOR INFORMATION ONLY - THIS IS NOT A FORMAL DECISION
Town and Country Planning Act 1990 (as amended)

DECISION SUBJECT TO A SECTION 106 LEGAL AGREEMENT

Address:
The Apple Tree
45 Mount Pleasant
London
WC1X 0AE

Proposal:

Removal of condition 4 (entertainment noise levels) of planning permission ref. 2020/0760/P (dated 24/09/2020) for 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
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; Acoustic Review prepared by Gillieron Scott (dated 26th January 2021)

The Council has considered your application and decided to grant permission subject to the conditions and informatives (if applicable) listed below **AND** subject to the successful conclusion of a Section 106 Legal Agreement.

The matter has been referred to the Council's Legal Department and you will be contacted shortly. If you wish to discuss the matter please contact **Aidan Brookes** in the Legal Department on **020 7 974 1947**.

Once the Legal Agreement has been concluded, the formal decision letter will be sent to you.

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 2020/0760/P dated 24/09/2020.

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 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.

- 5 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.

- 6 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.

- 7 The green roofs shall be fully provided in accordance with the details submitted and approved under application ref. 2020/5456/P (dated 21/12/2020), or other such appropriate details that have first been submitted to and approved in writing by the local planning authority. The green roofs shall thereafter be 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 applicant seeks to remove Condition 4 of planning permission 2020/0760/P which relates to the submission of details in relation to the impact of entertainment noise on the amenities of nearby noise sensitive properties. There are no other changes proposed and so the assessment will focus solely on the proposed amendment.

After further consideration by the Council's Environmental Health officer, it is considered acceptable for this condition to be removed. The Apple Tree Public House has been in operation for many years and even though the proposal introduces new activities such as cabaret in the approved basement extension, these activities could be introduced in the existing building without the benefit of planning permission. Furthermore, any noise generated by the cabaret use would be contained at basement level. Other proposed uses such as meeting, gallery and therapy spaces are not typically noise generating. In any event, were the pub to undertake new potentially noisy activities the licensable area would need a variation of the premises licence and entertainment noise will be controlled through appropriate licence conditions.

As such, the removal of this condition is not considered to result in any additional adverse impact on neighbouring amenities compared to the existing situation.

The proposal is considered to preserve the character and appearance of the conservation area. Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area and the special interest of the Listed Building, 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, nor were any objections received to the original planning application. 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. The proposed development also accords with the London Plan 2021 and the National Planning Policy Framework.

- 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 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.
- 4 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 paragraphs 186 and 187 of the National Planning Policy Framework.

Yours faithfully

Supporting Communities Directorate

