

Application ref: 2021/0811/P  
Contact: Kristina Smith  
Tel: 020 7974 4986  
Email: [Kristina.Smith@camden.gov.uk](mailto:Kristina.Smith@camden.gov.uk)  
Date: 29 September 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](mailto:planning@camden.gov.uk)  
[www.camden.gov.uk/planning](http://www.camden.gov.uk/planning)

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

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:

**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 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 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 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 paragraph 38 of the National Planning Policy Framework 2021.

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  
Chief Planning Officer