

13<sup>th</sup> July 2020

Planning and regeneration  
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Dear Planning and Regeneration,

**Planning Application: 2016/4256/P (2014/7851/P), 79 Fitzjohns Avenue,  
Hampstead, NW3 - Application to Vary the Wording and Formally  
Discharge Condition 11 (Noise Limit)**

In relation to the above application, we formally apply to vary the wording of condition 11 and formally discharge the varied condition.

Condition 11 currently stipulates:

*“The internal noise levels in the dwellings hereby approved shall not exceed an indoor ambient noise levels in unoccupied rooms of 30 dB(A) LA eq (1hour) and individual noise events shall not exceed 45 dB LAmax at any time of day or night. Prior to first occupation of the development hereby approved, noise testing and an associated report to demonstrate compliance with the above levels shall be submitted to and approved in writing by the Local Planning Authority.”*

In support of the application to vary the condition wording, an acoustic report has been produced by the client's noise consultants, Clarke Saunders, to assess the likely internal noise levels within the proposed dwellings. The report states that the strict limit on maximum noise levels never to be exceeded at any time of day or night poses a problem in terms of compliance and does not take account of inevitable, noisy, daily occurrences such as; emergency sirens, loud vehicles etc. As such, we suggest amending the wording to include specific time frames when the maximum noise levels need to be met. The proposed condition reads as follows:

“The internal noise levels in the dwellings hereby approved shall not exceed an indoor ambient noise levels in unoccupied rooms of 35dB(A) LAeq,16hour (07:00-23:00 hours) and 30dB(A) LAeq,16hour (23:00-07:00 hours) and individual noise events shall not normally exceed 45dB LAmax during the night (23:00-07:00 hours). Prior to first occupation of the development hereby approved, noise testing and an associated report to demonstrate compliance with the above levels shall be submitted to and approved in writing by the Local

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Planning Authority.”

With these changes we believe the proposed wording is reasonable and enforceable.

With regards to discharging the condition, we believe that the acoustic assessment provided within the statement meets the requirements and as such, we seek to also discharge condition 11 once it has been varied.

We can confirm that we have submitted via the Planning Portal:

- A Cover Letter (this document),
- Acoustic Report undertaken by Clarke Saunders,
- Planning Application Fee of £234.00.

We look forward to receiving confirmation that the application has been validated. However, should you require any further information please do not hesitate to contact the undersigned.

Yours sincerely

For Tibbalds Planning and Urban Design



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enc

cc Ben Allen, Lifestory Group Limited