

Application ref: 2020/3109/P
Contact: David Peres Da Costa
Tel: 020 7974 5262
Email: David.PeresDaCosta@camden.gov.uk
Date: 11 May 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

Tibbalds Planning and Urban Design
19 Maltings Place
169 Tower Bridge Road
London
SE1 3JB
UK

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:
79 Fitzjohns Avenue
London
NW3 6PA

Proposal:

Variation of condition 11 (internal noise levels) of planning permission 2014/7851/P dated 28/08/15 (for demolition of hostel and erection of 3 - 6 storey building plus excavation of 2 storey basement to provide 33 self-contained wheelchair accessible flats for the care & well-being of older people including communal garden and associated landscaping) as amended by 2015/5881/P dated 21/04/2016 (to allow reduction in flat count to 29) as amended by 2016/4256/P dated 23/11/17, NAMELY to amend wording of condition to include specific time frames when maximum noise levels need to be met.

Drawing Nos: Planning Condition 11 (Ref. 2014/7851/P) letter prepared by Clarke Saunders Acoustics dated 30 January 2020; Cover letter prepared Tibbalds dated 13 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 the original permission 2014/7851/P dated 28/08/15.

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing drawings:

276/4001, 276/4100, 276/4110, 276/4111, 276/4112, 276/4113, 276/4114, 276/4115, 276/4116, 276/4150, 276/4151, 276/4175, 276/4176, 276/4177 & 276/4178

Proposed drawings:

276/4200b; 276/4230c; 276: 4261g; 4260f; 4263c; 4262f; 4296f; 4295e; 4299b; 4298f; 4297e; 4221d; 4400a; 4223f; 4222d; 4225g; 4224d; 4227d; 4226d; 4229; 4228f; LL489000001B; LL489-150-0011 & J4901

Supporting documents:

Cover letter by Tibbalds dated 19/12/14; Cover letter by Tibbalds dated 26/03/15; Planning, DAS (incorporating the landscape strategy prepared by Camlins and Townscape and Heritage Visual Impact Assessment) by Sergison Bates Architects, Tibbalds and Barton Willmore dated Dec 2014; Planning, DAS Addendum by Sergison Bates dated Mar 2015; Addendum to Heritage and Conservation Assessment by Tibbalds dated Mar 2015; Townscape and Visual Addendum by Barton Willmore dated Mar 2015; Townscape and Visual Addendum Verified Photomontages - Methodology and Supporting Evidence by Designhive dated March 2015; Photomontage Views P1, P2, P4 & P5, Summer and Winter, Full Size by Barton Willmore dated Mar 2015; Area Schedule prepared by Sergison Bates 6300 B; Statement of Community Involvement by Keeble Brown dated Dec 2014; CMP by Gleeds dated Dec 2014; CMP Addendum by Gleeds dated Mar 2015; Sustainability and Energy Statement - Design and Construction by Max Fordham LLP Issue D dated 17 Dec 2014; BIA by Symmetrys Limited dated Dec 2014; Transport Assessment (including Delivery and Servicing Plan and Travel Plan) by TTP Consulting dated Mar 2015; Draft Delivery and Servicing Plan by TTP Consulting dated Mar 2015; Arboricultural Survey and Impact Assessment by Tree Maintenance Limited dated Dec 2014; Tree Survey, Implications Assessment and Outline Protection Method Statement (Addendum) by Tree Maintenance Limited dated Mar 2015; Noise and Vibration Report Issue D by Max Fordham LLP dated 17/12/14; Ground Investigation Survey and Contaminated Land Assessment (Phase 2) by Ian Farmer Associates Limited dated Nov 2014; Ecological Appraisal by Camlins dated Aug 2014; Daylight, Sunlight and Overshadowing Assessment by EB7 dated 17/12/14; Addendum to the submitted daylight and sunlight assessment by EB7 dated 13/3/15; Letter recommending no archaeological requirement from English Heritage dated 30/10/14; Air Quality Assessment by AECOM dated Feb 2015; AQA Addendum by AECOM dated Mar 2015; Barrister Opinion by Morag Ellis dated 1/08/14; Molecular Filter Lifetime Determination Report by Camfil dated 26/02/15; Financial Viability Report by GL Hearn dated 19/2/15; Development Appraisal by GL Hearn dated 1/4/15; Independent Review of Assessment of Viability by BPS dated 29/3/15;

Independent Review of Assessment of Viability Addendum Report by BPS dated 24/4/15; Independent Review of BIA by LBH Wembley dated Mar 2015; Barrister Opinion by Timothy Corner QC dated 10/4/15; Addendum DAS to accompany revisions by Tibbalds dated June 2015; Daylight & Sunlight Addendum Report by JLL dated 15/06/15; and Revised Consultation Summary by Keeble Brown undated; Cover letter by Tibbalds dated 19/10/15; Planning report - Rainwater pipes; Information to support s.73 and condition n.3 dated February 2017; Letter prepared by Clarke Saunders Acoustics dated 30/01/20

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

- 3 The development shall be carried out in full accordance with the detailed drawings and samples approved in connection with 2015/7229/P on 03/03/2017 or any subsequent submission of detailed drawings, and/or samples of materials as appropriate, in respect of the following approved in writing by the local planning authority before the relevant part of the work is begun:

- a) Plan, elevation and section drawings, including jambs, head and cill, of all new external window and door at a scale of 1:10 with typical glazing bar details at 1:1.
- b) Typical details of new railings and balustrade at a scale of 1:10 with finials at 1:1, including method of fixing.
- c) Samples and manufacturer's details of new facing materials including brickwork and windows and door units shall be submitted to and approved by the local planning authority prior to commencement of the development and implemented in accordance with any such approval. Brickwork panels of a minimum 1.5m x 1.5m shall be presented on-site.

The relevant part of the works shall be carried out in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.

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.

- 4 The hard and soft landscaping shall be carried out in full accordance with the details approved in connection with 2016/3939/P dated 24/04/2018 or any subsequent submission of details of hard and soft landscaping and means of enclosure of all un-built, open areas approved in writing by the local planning authority prior to the commencement of work on the superstructure. [Such details shall include details of proposed planting (including species and planting density), details of 2 additional trees on-site along Fitzjohn's Avenue, pruning details of existing trees, detailed hardstand materials and layout, screen planting for ground floor flats, and details of boundary walls/fences.] The relevant part of the works shall not be carried out otherwise than in accordance with the details thus approved.

Reason: To ensure that the development achieves a high quality of landscaping which contributes to the visual amenity and character of the area in accordance with the requirements of policies A2, A3, D1 and D2 of the

- 5 All hard and soft landscaping works shall be carried out in accordance with the approved landscape details by not later than the end of the planting season following completion of the development or any phase of the development. Any trees or areas of planting which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and, in any case, by not later than the end of the following planting season, with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure that the landscaping is carried out within a reasonable period and to maintain a high quality of visual amenity in the scheme in accordance with the requirements of policies A2, A3, D1 and D2 of the London Borough of Camden Local Plan 2017.

- 6 Cycle parking spaces comprising at least 33 covered, secure and fully enclosed cycle storage/parking spaces for residents and 4 secure cycle parking spaces for staff and visitors and showering, changing and locker facilities for staff shall be provided in accordance with the details approved in connection with 2016/0191/P dated 03/03/2017 or any subsequent submission, prior to the commencement of work on the superstructure, approved by the local planning authority.

The approved facility shall thereafter be provided in its entirety prior to the first occupation of any of the new units, and permanently retained 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.

- 7 The green roof and green wall shall be provided in full accordance with the details approved in connection with 2016/0801/P dated 10/01/2019 or any subsequent submission, prior to the commencement of work on the superstructure, approved by the local planning authority in writing. Such details to include a plan showing details of the green roof including species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, and a programme for a scheme of maintenance.

The green roof and green wall 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 of maintenance.

Reason: To ensure that the green roof and green wall are suitably designed and maintained in accordance with the requirements of policies CC1, CC2, CC3, CC4, D1, and A3 of the London Borough of Camden Local Plan 2017.

- 8 The piling shall be carried out in accordance with the details approved under 2015/7229/P dated 03/03/2017 or any subsequent submission of a piling method statement (prepared in consultation with Thames Water or the relevant

statutory undertaker, detailing the type of piling to be undertaken and the methodology by which such piling will be carried out including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) approved in writing by the local planning authority, before any impact piling commences. Any piling or other foundation designs using penetrative methods must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To safeguard existing underground sewerage utility infrastructure and controlled waters in accordance with the requirements of policy CC3 of the London Borough of Camden Local Plan 2017.

- 9 The sustainable drainage system shall be carried out in accordance with the details approved under 2015/7229/P dated 03/03/2017 or any subsequent submission, prior to the commencement of basement excavation, of details of a sustainable urban drainage system with associated scheme of maintenance, prepared in accordance with the SUDS hierarchy detailing any on and/or off site drainage works, approved in writing by the local planning authority in consultation with the sewerage undertaker. Such a system should be designed to accommodate all storms up to and including a 1:100 year storm with a 30% provision for climate change, and shall demonstrate at least 50% reduction in run off rate from the existing conditions.

The system shall be implemented as part of the development and thereafter retained and maintained.

Reason: To reduce the rate of surface water run-off from the buildings and limit the impact on the storm-water drainage system in accordance with policies CC1, CC2 and CC3 of the London Borough of Camden Local Plan 2017.

- 10 The lifetime homes features and facilities, as indicated on the drawings and documents hereby approved shall be provided in their entirety prior to the first occupation of any of the new residential units.

Reason: To ensure that the internal layout of the building provides flexibility for the accessibility of future occupiers and their changing needs over time, in accordance with the requirements of policy H6 of the London Borough of Camden Local Plan 2017.

- 11 For the purposes of this decision, condition no.11 of planning permission 2014/7851/P dated 28/08/2015 (as amended by 2015/5881/P dated 21/04/2016 and 2016/4256/P dated 23/11/17) shall be replaced with the following condition:

REPLACEMENT CONDITION 11

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,8hour (23:00-07:00 hours) and individual noise events shall not normally exceed 45dB LAm_{ax} 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 Planning Authority.

Reason: To ensure the occupiers of the proposed flats are not unduly disturbed by nuisance from traffic noise, in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 12 Enhanced sound insulation value $D_{nT,w}$ and $L'_{nT,w}$ of at least 5dB above the Building Regulations values required by Part E 2014, for the floor/ceiling/wall structures separating different types of rooms in adjoining dwellings, namely living room and kitchens above bedroom and between the car stacker and the unit marked 'B.05' on the approved drawings shall be implemented prior to occupation of the development and thereafter be permanently retained.

Reason: To ensure the occupiers of the proposed flats are not unduly disturbed by nuisance from traffic noise, in accordance with the requirements of policies A1 and A4 of the London Borough of Camden Local Plan 2017.

- 13 The external noise level emitted from plant, machinery or equipment at the development hereby approved shall be lower than the lowest existing background noise level by at least 5dBA, by 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.

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

- 14 The bird and bat boxes shall be installed in accordance with the details approved under 2015/7229/P dated 03/03/2017 or any subsequent submission, prior to the commencement of work on the superstructure, of a plan showing details of bird and bat box locations and types and indication of species to be accommodated approved in writing by the local planning authority. The boxes shall be installed in accordance with the approved plans prior to first occupation of the development and permanently retained thereafter.

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of the London Plan 2016 (Consolidated with Alterations Since 2011) and Policies A3 and CC2 of the London Borough of Camden Local Plan 2017.

- 15 No part of the flat roof areas hereby approved shall be used as roof terraces, and the use of these areas shall be for maintenance purposes only.

Reason: In order to prevent any detrimental impacts of overlooking and/or noise and disturbance of the neighbouring premises in accordance with the requirement of policy A1 of the London Borough of Camden Local Plan 2017.

- 16 All trees to be retained and those growing on adjoining sites and public land shall be retained and protected from damage prior to commencement of works on site in accordance with the approved protection details in Tree Survey, Implications Assessment and Outline Protection Method Statement by Tree Maintenance Limited dated December 2014.

Pruning shall only be undertaken in accordance with the approved details required by condition 4 above.

Reason: To ensure that the development will not have an adverse effect on existing trees and in order to maintain the character and amenity of the area in accordance with the requirements of policies A2 and A3 of the London Borough of Camden Local Plan 2017.

- 17 No lights, meter boxes, flues, vents or pipes, and no telecommunications equipment, alarm boxes, television aerials, 'man-safe' rails or satellite dishes shall be fixed or installed on the external face of the buildings, without the prior approval in writing of the local planning authority.

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.

- 18 A suitably qualified chartered engineer as approved under 2017/0330/P dated 03/03/2017 with membership of the appropriate professional body shall 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. For the duration of the construction works, any subsequent change or reappointment shall be confirmed by the local planning authority in writing and shall include details of the appointment and the appointee's responsibilities.

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

- 19 The demolition hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been made.

Reason: To protect the visual amenity of the area in accordance with the requirements of policy D2 of the London Borough of Camden Local Plan 2017.

- 20 The refuse storage facility as approved shall be provided prior to the first occupation of any of the new units and permanently retained thereafter.

Reason: To ensure that sufficient provision for the storage and collection of waste has been made in accordance with the requirements of policies CC5, A1 and A4 of the London Borough of Camden Local Plan 2017.

- 21 All removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation

shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation shall not be removed until the fledglings have left the nest.

Reason: Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of the London Plan 2016 (Consolidated with Alterations Since 2011) and Camden Planning Guidance 2006 and policy A3 of the London Borough of Camden Local Plan 2017.

- 22 The lighting strategy shall not be carried out otherwise than in accordance with the details approved in connection with 2016/3886/P dated 19/01/2017 and shall be fully implemented before the premises are first occupied.

Reason: In order to secure appropriate features to conserve and enhance wildlife habitats and biodiversity measures within the development, in accordance with the requirements of policy A3 of the London Borough of Camden Local Plan 2017.

Informative(s):

- 1 Reason for granting permission

Condition 11 (internal noise levels) of the original permission includes strict limits on maximum noise levels, never to be exceeded at any time of day or night. The original noise condition appears to be loosely based on desirable internal ambient noise levels as stated in BS8233:2014 Guidance on sound insulation and noise reduction for buildings, as well as guidance detailed in the World Health Organisation Guidelines for Community Noise (1999).

The National Planning Policy Framework has since been revised and Professional Planning Guidance: Planning & Noise was published in 2017. This incorporates a holistic approach to specification of mitigation measures to achieve acceptable levels of amenity in the context of the wider development, rather than strict compliance with numerical criteria.

The submitted acoustic report states that the stringent criteria in condition 11 would pose a problem in terms of compliance. Condition breaches would occur due to infrequent but inevitable noisy events (e.g. emergency sirens, noisy motorcycles, backfires, fireworks etc), to which it would be entirely unreasonable to expect the façade protection to be designed against this absolute limit never to be exceeded.

In addition, to deliver compliant maximum event noise levels, the resulting internal average noise levels would be so low as to result in a loss of privacy between dwellings. Any sound generated in adjacent dwellings would be more perceptible in the neighbouring apartment and increased likelihood of complaints could arise.

The applicant therefore seeks to amend the wording to include specific time frames when the maximum noise levels would need to be met.

The submission has been reviewed by Environmental Health. The acoustic report is considered reasonable and the variation of the condition is considered acceptable and would protect the amenity of future occupiers of the development.

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

As such, the proposed development is in general accordance with policies A1 and A4 of the Camden Local Plan 2017. The development also accords with the NPPF and the London Plan 2016.

- 2 Your proposals may be subject to control under the Building Regulations and/or the London Buildings Acts which 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, Argyle Street WC1H 8EQ, (tel: 020-7974 6941).
- 3 The London Borough of Camden introduced the Community Infrastructure Levy (CIL) on the 1st of April 2015 to help pay for local infrastructure. This is in addition to the Mayoral CIL which helps fund the Crossrail introduced on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay the CIL charge.

The proposed CIL charge will be calculated in accordance with the regulations set out in Part 5 of the Community Infrastructure Levy Regulations 2010 (as amended). For further information on the Camden CIL or Mayoral CIL charge please refer to the information on the Camden website which may be accessed via the following link: http://www.camden.gov.uk/ccm/cms-service/stream/asset/?asset_id=3298006

You are required to assume liability and notify the CIL team on commencement using the forms that can be downloaded from the planning portal; <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will issue an assumption of liability setting out the calculation and CIL demand notice setting out the method of payment accordingly. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or queries to CIL@Camden.gov.uk

- 4 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, Argyle Street, WC1H 8EQ (Tel. No. 020 7974 4444 or on the website <http://www.camden.gov.uk/ccm/content/contacts/council-contacts/environment/contact-the-environmental-health-team.en> 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.

- 5 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.
- 6 You are advised that Section 44 of the Deregulation Act 2015 [which amended the Greater London Council (General Powers) Act 1973)] only permits short term letting of residential premises in London for up to 90 days per calendar year. The person who provides the accommodation must be liable for council tax in respect of the premises, ensuring that the relaxation applies to residential, and not commercial, premises.
- 7 No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed except during the construction stage.
- 8 The Mayor of London introduced a Community Infrastructure Levy (CIL) to help pay for Crossrail on 1st April 2012. Any permission granted after this time which adds more than 100sqm of new floorspace or a new dwelling will need to pay this CIL. It will be collected by Camden on behalf of the Mayor of London. Camden will be sending out liability notices setting out how much CIL will need to be paid if an affected planning application is implemented and who will be liable.

The proposed charge in Camden will be £50 per sqm on all uses except affordable housing, education, healthcare, and development by charities for their charitable purposes. You will be expected to advise us when planning permissions are implemented. Please use the forms at the link below to advise who will be paying the CIL and when the development is to commence. You can also access forms to allow you to provide us with more information which can be taken into account in your CIL calculation and to apply for relief from CIL.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

We will then issue a CIL demand notice setting out what monies needs to paid when and how to pay. Failure to notify Camden of the commencement of development will result in a surcharge of £2500 or 20% being added to the CIL payment. Other surcharges may also apply for failure to assume liability and

late payment. Payments will also be subject to indexation in line with the construction costs index.

Please send CIL related documents or correspondence to
CIL@Camden.gov.uk

- 9 This approval under Section 73 of the 1990 Act effectively varying the relevant condition of the previous planning permission is subject otherwise to the same terms, drawings, conditions and obligations as attached to the previous planning permission. This includes condition 1 providing for a 3 year time period for implementation which for the avoidance of doubt commences with the date of the original decision (and not this variation).

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', written in a cursive style.

Daniel Pope
Chief Planning Officer