

Planning Statement

Procedural Amendments

423-435 Lordship Lane, Wood Green

March 2023

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1. Introduction

- 1.1. This statement has been prepared on behalf of Ivorystone Investments Limited in support of its planning applications ('the Applications') pursuant to Section 96A and Section 73 of the Town and Country Planning Act 1990 (as amended) ('TCPA') in relation to planning permission ref: HGY/2017/3679 (referred to as 'the Original Application'), for *demolition of existing building and erection of part 1, part 5, part 6 and part 7 storey building comprising commercial uses (use class A1, A2, A3, A4, A5) at ground floor and 50 residential dwellings above*. Provision of waste refuse storage, cycle parking, disabled car parking and amenity space, at 423-435 Lordship Lane, Wood Green, London N22 SDH. Planning permission was granted on appeal on 29th June 2020 (PINS ref: APP/Y5420/W/19/3223654).
- 1.2. These applications seek to introduce formal phasing into the planning permission, via the inclusion of a suitably worded planning condition. Phase 1 would comprise the totality of the demolition works, and Phase 2 would comprise the totality of the construction works. The s.73 application also provides an enhanced level of information and detail, such that, if approved, the planning permission would not be subject to conditions 3, 4, 5, 6, 7, 8 requiring discharge ahead of demolition works (a schedule of suggested re-wording of relevant conditions is provided at Appendix 1). This approach is not required for the s.96A application.
- 1.3. The reason why both applications have been submitted concurrently is to give the LPA the option to utilise the procedure which it considers most appropriate. Therefore if for example the s.96A application is approved then the s.73 application would be withdrawn, and vice versa. For the avoidance of doubt, it is considered that using s.96A is procedurally sound for the proposed variation, and offers a simpler way forward compared to s.73.
- 1.4. The 2020 planning permission will lapse on 29th June 2023 if not lawfully implemented in advance. As it currently stands the development is financially unviable, primarily owing to the recent significant increase in build costs, and therefore development finance cannot be secured. Nevertheless the Applicant remains committed to the development and is hopeful that market conditions will improve in the short term such that the development will become financially viable. Consequently it wishes to implement and thereby 'save' the consent via some limited demolition works to the rear outbuildings. However as currently constructed, the planning permission is single-phase, and therefore the Applicant would become liable for the full CIL amount (£207,090) upon implementation.
- 1.5. By introducing the aforementioned phasing, the Applicant would be able to implement and thereby save the consent, such that it could be substantively undertaken and completed in the short-term once market conditions have improved, but without the added financial burden of full CIL liability in the interim, or without the need to re-apply for planning permission for the same scheme.

- 1.6. Concurrently, and mindful of the possibility that the s.73 application is not determined in advance of the expiry date, applications to discharge the relevant pre-demolition conditions attached to 4, 5, 6, 7, 8 have been submitted to the LPA¹.

¹ Condition 3 is already discharged

2. Planning Background

The 2015 Permission

- 2.1. Planning permission (HGY/2015/0629) was granted on 18th March 2016 for the “*addition of two further storeys to the existing three storey building, comprising 8 additional residential units.*”
- 2.2. This was subject to four conditions requiring discharge in advance of the commencement of development. All of these conditions were discharged via applications HGY/2018/2822 and HGY/2018/2823, and the consent was lawfully implemented in early March 2019 via the undertaking of construction works – specifically the installation of timber cladding in accordance with the approved scheme.

The 2020 Permission

- 2.3. Planning permission (HGY/2017/3679) was granted on 29th June 2020 for “*demolition of existing building and erection of part 1, part 5, part 6 and part 7 storey building comprising commercial uses (use class A1, A2, A3, A4, A5) at ground floor and 50 residential dwellings above. Provision of waste refuse storage, cycle parking, disabled car parking and amenity space.*” Whilst consent was granted on appeal, both parties reached full common ground in advance of the hearing, and the LPA did not put forward evidence at the hearing.
- 2.4. The consent is subject to five conditions requiring discharge in advance of demolition works commencing – numbers 3², 4, 5, 6, 7, 8.

² Condition 3 already discharged under HGY/2021/2150

3. Proposed Variations

Scope of Proposed Variations

- 3.1. Applications submitted pursuant to s.96A and s.73 of the Town and Country Planning Act 1990 allow variations to be made to conditions attached to an existing planning consent.
- 3.2. For the s.96A application, the proposed variations fall into one category:
- Converting the approved single-phase development into a two-phase development.
- 3.3. For the s.73 application, the proposed variations fall into two categories:
- Converting the approved single-phase development into a two-phase development.
 - Introducing detailed information not present within the original planning application and appeal (to avoid the requirement for conditions to be discharged again under the new s.73 permission in advance of demolition)

Phasing

- 3.4. These applications seek to introduce formal phasing into the planning permission, via the inclusion of a suitably worded planning condition. Phase 1 would comprise the totality of the demolition works, and Phase 2 would comprise the totality of the construction works.
- 3.5. The 2020 planning permission will lapse on 29th June 2023 if not lawfully implemented in advance. As it currently stands the development is financially unviable, primarily owing to the recent significant increase in build costs, and therefore development finance cannot be secured. Nevertheless the Applicant remains committed to the development and is hopeful that market conditions will improve in the short term such that the development will become financially viable. Consequently it wishes to implement and thereby 'save' the consent via some limited demolition works to the rear outbuildings. However as currently constructed, the planning permission is single-phase, and therefore the Applicant would become liable for the full CIL £207,090 upon implementation.
- 3.6. By introducing the aforementioned phasing, the Applicant would be able to implement and thereby save the consent, such that it could be substantively undertaken and completed in the short-term once market conditions have improved, but without the added financial burden of full CIL liability in the interim, or without the need to re-apply for planning permission for the same scheme.

Detailed Information

- 3.7. In respect of the s.73 application, it also provides an enhanced level of information and detail, such that, if approved, the planning permission would not be subject to conditions 3, 4, 5, 6, 7, 8 requiring discharge ahead of demolition works (a schedule of suggested re-wording of relevant conditions is provided at Appendix 1).
- 3.8. For the avoidance of doubt, this is exactly the same information that has been submitted via condition discharge applications HGY/2023/0725, HGY/2023/0726, HGY/0734, HGY/2023/0735, HGY/2023/0736.

4. Legal Considerations

- 4.1. Legal advice around the introduction of phasing into a planning permission has been provided by Pinsent Masons, and is rehearsed within this chapter.

Legal Framework

- 4.2. The calculation and collection of CIL is governed by the Community Infrastructure Levy Regulations 2010 (as amended) (the “CIL Regulations”).
- 4.3. CIL applies to new build floorspace (including extensions and replacement) of 100m² or above as well as to proposals for one or more new dwellings.

Phased Development

- 4.4. The CIL Regulations specifically allow for development to be phased (CIL Regulation 8(3A)). A copy is provided at Appendix 3.
- 4.5. A phased planning permission for the purposes of CIL is defined as a planning permission: “... *which expressly provides for the development to be carried out in phases.*”
- 4.6. The paragraph 129 (Reference ID: 25-129-20190901, Revision date: 1st September 2019) of the Planning Policy Guidance provides: “*The principle of phased delivery must be expressly set out in the planning permission.*”
- 4.7. The key is that conditions to a planning permission are used effectively to make the intentions around CIL clear on the face of the permission.
- 4.8. Where a planning permission is phased for CIL purposes, each separate phase is treated as a separate chargeable development (CIL Regulation 9(4)).
- 4.9. Where a planning permission is phased for CIL purposes, CIL is calculated by reference to when a phased planning permission “*first permits a phase of the development*” (CIL Regulation 8(3A)). For a full phased permission with pre-commencement conditions, this is the day final approval is given under any pre-commencement condition associated with that phase.
- 4.10. The CIL chargeable amount for a phase of a planning permission is calculated in accordance with Regulation 40/Schedule 1 to the Regulations. CIL liability to pay crystallises on commencement of development.

- 4.11. Commencement of development occurs on the earliest date on which any “*material operation*” begins to be carried out on the relevant land. A “*material operation*” for the purposes of the CIL Regulations is the same as in section 56(4) TCPA 1990.
- 4.12. Demolition is a “*material operation*” for the purposes of section 56(4) TCPA 1990. Where demolition is a CIL phase in its own right with no other works giving rise to new floorspace (as is proposed here) then CIL would not be triggered in the first CIL phase.
- 4.13. In certain circumstances, the first CIL phase may benefit from the demolition credit.
- 4.14. The demolition credit is available for buildings or parts of buildings which are situated on the land to which the phase relates on the day planning permission “first permits the development” and which satisfy the “*in use*” test. To satisfy the “*in use*” test, the building must “*contain a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the development*” - as defined in paragraph 4.9 above.
- 4.15. Where the floorspace to be demolished qualifies for the demolition credit, the CIL Regulations provide that the demolition credit applicable on one phase automatically rolls over to subsequent phases.

Government Support

- 4.16. CIL phasing is positively encouraged in the PPG (paragraph 129, Reference ID: 25-129-20190901, Revision date: 1st September 2019) which states: “*Local authorities should work positively with developers to allow such developments to be delivered in phases.*” This is in recognition of the fact that: “*Large scale developments which are delivered over a number of years face particular issues in relation to cashflow and the delivery of on-site infrastructure.*”
- 4.17. On 13th May 2020, the Ministry of Housing, Communities and Local Government published additional guidance which encourages charging authorities to apply steps to ease the burden for developers, particularly in light of the uncertainty and financial pressure faced as a result of the Coronavirus pandemic. Charging authorities are: “*... encouraged to take a positive approach to their engagement with developers, to ensure CIL liabilities do cause undue burdens over the period of disruption caused by the coronavirus.*”
- 4.18. We are not aware of any indication of a change in central government policy in this regard. The guidance in the PPG applies directly to the circumstances described in chapter 1 of this Planning Statement.
- 4.19. Demolition is commonly carved out as a CIL phase 1, in order to reduce upfront development costs and ease cashflow issues.

- 4.20. The proposed CIL phasing condition does not affect the underlying development; it simply serves to defer payment of CIL and thereby facilitate the sustainable implementation of this development in the economic context described in chapter 1.

NMA Application

- 4.21. Two precedent Non-Material Amendment (NMA) decisions under s.96A TCPA 1990 that support the approach advocated in this application are provided at Appendices 4 and 5.
- 4.22. In the Spelthorne example, the local planning authority approved a NMA to amend the original permission to include a CIL phasing condition and informative. This amended permission provides for two phases; the first phase being below ground works, which attracts no CIL liability on the basis that no new floorspace is created. The second phase relates to above ground works that would attract CIL liability.
- 4.23. In the Hackney example, the local planning authority also approved a NMA to amend the original permission to include a CIL phasing condition. The phasing for this development is more complicated than is proposed here, but also involves demolition as CIL phase 1 – as is proposed here.
- 4.24. In view of the fact that the development would, in substance, remain unchanged, the introduction of a phasing condition is capable of classification as 'non-material', in planning terms.

5. Conclusion

- 5.1. This Planning Statement has been prepared by Centro Planning Consultancy on behalf of Ivorystone Investments Limited (“the Applicant”), the landowner, in support of the s.96A and s.73 applications at 423-435 Lordship Lane, Wood Green, London N22 SDH to LB Haringey Council.
- 5.2. The reason why both applications have been submitted concurrently is to give the LPA the option to utilise the procedure which it considers most appropriate. Therefore if, for example, the s.96A application is approved then the s.73 application would be withdrawn, and vice versa. For the avoidance of doubt, it is considered that using s.96A is procedurally sound, and offers a simpler way forward in comparison to a grant of a new permission under s.73 TPCA 1990.
- 5.3. The proposed amendment is to introduce formal phasing into the planning permission, via the inclusion of a suitably worded planning condition. Phase 1 would comprise the totality of the demolition works, and Phase 2 would comprise the totality of the construction works. The s.73 application also provides an enhanced level of information and detail, such that, if approved, the new planning permission would not be subject to conditions 3, 4, 5, 6, 7, 8 requiring discharge ahead of demolition works.
- 5.4. The 2020 planning permission will lapse on 29th June 2023 if not lawfully implemented in advance. As it currently stands the development is financially unviable, primarily owing to the recent significant increase in build costs, and therefore development finance cannot be secured. Nevertheless the Applicant remains committed to the development and is hopeful that market conditions will improve in the short term such that the development will become financially viable. Consequently it wishes to implement and thereby ‘save’ the consent via some limited demolition works to the rear outbuildings. However as currently constructed, the planning permission is single-phase, and therefore the Applicant would become liable for the full CIL £207,090 upon implementation.
- 5.5. By introducing the aforementioned phasing, the Applicant would be able to implement and thereby save the consent, such that it could be substantively undertaken and completed in the short-term once market conditions have improved, but without the added financial burden of full CIL liability in the interim, or without the need to re-apply for planning permission for the same scheme.

Appendix 1 – Proposed Condition Changes

Suggested insertions are in **red**, and suggested deletions are represented by ~~strikethroughs~~.

Condition 2

The development hereby authorised shall be carried out in accordance with the following approved plans and details unless otherwise required by the conditions below:

Site Location Plan (ref.0097-DR-0010 Rev. P01)³
Proposed Block Plan (ref.0097-DR-0099 Rev. P01);
Proposed Ground Floor Plan (ref.0097-DR-0100 Rev. P08);
Proposed First to Second Floor Plan (ref. 0097-DR-0101 Rev. P06);
Proposed Third to Fourth Floor Plan (ref.0097-DR-0102 Rev. P06);
Proposed Fifth Floor Plan (ref.0097-DR-0103 Rev. P05);
Proposed Sixth Floor Plan (ref.0097-DR-0104 Rev. P05);
Proposed Roof Plan (ref.0097-DR-0105 Rev. P05);
Proposed East Elevation (ref.0097-DR-200 Rev. P05);
Proposed North Elevation (ref. 0097-DR-0201 Rev. P05);
Proposed West Elevation (ref.0097-DR-0202 Rev. P06);
Proposed South Elevation (ref.0097-DR-0203 Rev. P06);
Proposed Section AA (ref.0097-DR-0300 Rev. P05);
Proposed Section BB (ref.0097-DR-0301 Rev. P05);
Service Vehicle & Large Car Passing plan (ref. 17076-01-104);
Accommodation Schedule;
Energy Efficiency Statement (ref. 439/4.2/ 02);
Sustainability Statement (ref. 2017.102)
Construction Method Statement (March 2023)
Air Quality and Dust Management Plan (March 2023)
Air Quality Assessment (Report ref: AQ1065)
Highways Boundary (ref: 23057-MA-XX-XX-DR-C-0150 – P01)
Stopping Up Plan (ref: 23057-MA-XX-XX-DR-C-0180 – P01)
Phase 1 Desk Study (ref: GWPR5273/DS/March 2023)

³ This proposed change simply corrects a previous error

Conditions 3 to 7

~~Condition 3: No development shall take place until a detailed design for the foundations of the building hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details~~

~~Condition 4: No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall include details of:~~

- ~~a) the parking of vehicles of site operatives and visitors;~~
- ~~b) construction logistics covering delivery, loading and unloading of plant and materials;~~
- ~~c) storage of plant and materials used in constructing the development;~~
- ~~d) the erection and maintenance of security hoarding;~~
- ~~e) a Tree Protection Plan for retained trees~~
- ~~f) wheel washing facilities;~~
- ~~g) a scheme for recycling/disposing of waste resulting from demolition and construction works;~~

~~The approved Construction Method Statement shall be adhered to throughout the construction period for the development.~~

~~Condition 5: No development shall take place until a detailed Air Quality and Dust Management Plan (AQDMP), detailing the management of demolition and construction dust, has been submitted and approved in writing by the Local Planning Authority. The plan shall be in accordance with the Greater London Authority's Control of Dust and Emissions Supplementary Planning Guidance document (July 2014) and shall include a Dust Risk Assessment. The development shall be carried out in full accordance with the approved AQDMP.~~

~~Condition 6: No development shall take place until a revised air quality assessment including any required mitigation measures and a timetable for their implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.~~

~~Condition 7: Notwithstanding the plans hereby approved, no development shall take place until revised highway plans, including details of the stopping-up of the footway, have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved highway plans prior to its first occupation.~~

Condition 8

Before development commences (except for demolition) other than for investigative work:

a) A site investigation shall be designed for the site using information obtained from the Desktop Study and Conceptual Model (Phase 1 Desk Study [ref: GWPR5273/DS/March 2023]). This shall be submitted to and

approved in writing by the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- A risk assessment to be undertaken;
- Refinement of the conceptual model; and
- The development of a method statement detailing the remediation requirements. The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority for its written approval.

b) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

c) Where remediation of contamination on the site is required, completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied.

Condition 36 (New Condition)

The development hereby consented is phased. Phase 1 comprises the whole of the associated demolition works, and Phase 2 comprises the whole of the associated construction works.

Appendix 2 – Appeal Decision Letter



Appeal Decision

Site visit made on 25 February 2020

by **S D Castle BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 June 2020

Appeal Ref: APP/Y5420/W/19/3223654

423-435 Lordship Lane, Wood Green, London N22 5DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ivorystone Investments Ltd against the Council of the London Borough of Haringey.
 - The application Ref HGY/2017/3679, dated 14 December 2017, was refused by notice dated 31 August 2018.
 - The development proposed is demolition of existing building and erection of part 1, part 5, part 6 and part 7 storey building comprising commercial uses (use class A1, A2, A3, A4, A5) at ground floor and 50 residential dwellings above. Provision of waste refuse storage, cycle parking, disabled car parking and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing building and erection of part 1, part 5, part 6 and part 7 storey building comprising commercial uses (use class A1, A2, A3, A4, A5) at ground floor and 50 residential dwellings above. Provision of waste refuse storage, cycle parking, disabled car parking and amenity space at 423-435 Lordship Lane, Wood Green, London N22 5DH in accordance with the terms of the application, Ref HGY/2017/3679, dated 14 December 2017, subject to the conditions in the attached Schedule.

Procedural and Preliminary Matters

2. A planning hearing was scheduled for the 25 February 2020. Prior to the hearing date, the main parties mutually agreed and requested that the appeal be dealt with by written representations. The request followed the agreement between the main parties of the heads of terms of the legal agreement under s106 of the Town and Country Planning Act 1990 (the s106), as set out in an updated Statement of Common Ground (SoCG), received 17 February 2020. An agreed draft of the s106 was received 21 February 2020.
3. The updated SoCG also confirmed that the appellant would not be challenging the Council's stated 5-year housing land supply position. Given these factors, it was confirmed to all parties that the appeal would be determined through the written representations procedure, subject to an agreed timetable for the submission of final documents.
4. The Council submitted a CIL Compliance Statement, received 24 February 2020, that sets out how the obligations within the s106 meet the relevant tests of the Community Infrastructure Levy Regulations 2010 (as

amended) (the CIL Regulations) and the requirements of other relevant planning policies. The completed and signed s106, dated 26 February 2020, was received 27 February. The s106 addresses the following matters: affordable housing; build to rent; training and employment; construction management; transport and highways; energy efficiency; public realm improvements; and monitoring.

5. The Council's updated 'Planning Balance Note', received 28 February 2020, confirmed the Council's withdrawal of both reasons for refusal. The Council advises that the first refusal reason is addressed by the provisions of the s106 including the securing of the residential element of the development as 'Build to Rent'¹. Based on the evidence before me, I have no reason to consider otherwise.
6. The Council's second refusal reason relates to the absence of a legal agreement securing: i) training and employment; ii) sustainable modes of travel; and iii) a financial contribution towards carbon offsetting. In the appellant's 'Statement of Planning Balance', received 02 March 2020, the appellant confirms agreement with the justification for the planning obligations as set out by the Council. I will consider the planning obligations secured by the s106 later in this decision.
7. The Council's Planning Balance Note concludes that the proposal is not in conflict with the development plan overall, and that planning permission should be granted subject to appropriate conditions. A set of conditions agreed between the main parties was received 04 March 2020.
8. As such, there are no remaining areas of dispute between the main parties that are material to the outcome of the appeal.

Main Issues

9. In light of the extent of common ground between the main parties, the main issue is whether there are any other considerations that might indicate that the appeal should be dismissed.

Reasons

10. Notwithstanding the Council's position on the proposed development, concerns have been expressed by other interested parties with respect to several considerations. These include the effect of the development on the living conditions of neighbours; existing property values; highway safety and congestion; air pollution; and the character and appearance of the area. Furthermore, the site is located near to several designated heritage assets.
11. With regard to living conditions, objections have been received in relation to the loss of privacy, daylight and sunlight from residents of flats at 1 The Roundway, a 7-storey building opposite the site to the north. The proposed building and the existing flats to the north would be separated by the width of Lordship Lane, a distance in excess of 20 m. Whilst outlook from, and sunlight/daylight to, the existing properties to the north would be changed as a result of the development, a reasonable relationship would be achieved in relation to these matters given the separation distance. This is supported by a

¹ As defined by the Mayor of London's Affordable Housing and Viability SPG (2017) & the National Planning Policy Framework

report within the evidence which assesses the development's effect on daylight and sunlight. The appellant's 'Daylight, Sunlight and Overshadowing Assessment' concludes that the development is not anticipated to have a notable impact on the daylight received by neighbouring properties or on the sunlight access to windows of surrounding developments. I see no substantive reason to disagree. Furthermore, the separation distance is sufficient to maintain acceptable levels of privacy for the existing occupiers of dwellings opposite the site to the north.

12. Whilst I appreciate the concern raised regarding the issue of the impact of the proposal on existing local property values, I have no substantive evidence regarding the likely effect of the proposal on local property prices. Furthermore, it is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property.
13. I have had regard to the concerns of interested parties in relation to the impact of the development on existing public transport facilities, highway congestion and the suitability of the existing road crossings in the area for increased numbers of pedestrians. Whilst the number of dwellings would increase by 38 units, the residential element of the development is designed to be car free, with only wheelchair accessible car parking spaces being provided on-site. The site is within an area that is busy for both pedestrian and vehicular traffic. The Council's Transportation Officer advises, however, that additional public transport trips generated by the development would not have any significant impact on local bus or underground routes. Neither the Council's Transportation Team, nor Transport for London, have objected to the proposal. I see no substantive reason to take a different view and find the development acceptable with regards to highways safety and access to sustainable means of transport.
14. The proposals are supported by an Air Quality Assessment (AQA) that advises the impact of the development from dust and particulate matter would be negligible subject to appropriate construction management. Whilst the AQA concludes that the transport emissions of the development would not be air quality neutral, mitigation measures including electric vehicle charging points and the provision of a travel plan are recommended. The s106 secures appropriate residential and commercial travel plans. The Council's Pollution Officer advises that the proposal cannot be considered air quality neutral but does not object to its air quality impact subject to conditions securing an updated AQA (including mitigation measures), and the installation of appropriate boilers and chimneys. Subject to these conditions, I see no substantive reason to take a different view and find appropriate mitigation measures can be secured to prevent the development contributing to unacceptable levels of air pollution in accordance with Policy DM23 of the Haringey Development Management DPD 2017 (DMDPD) and paragraph 170 of the National Planning Policy Framework (the Framework).
15. In respect to character and appearance, the stated concerns include that the building would have an excessive scale and height. As noted above, the existing building opposite the site to the north is a modern 7-storey building and the site is a busy local intersection and local shopping centre. A significant area of pavement would remain to ensure the building would be set back from the highway and the commercial units would ensure an active street frontage. Whilst the building would be prominent, its scale and rhythmic street facing

elevations would appropriately address this focal corner plot, contributing positively to the character of the area.

16. Whilst the appeal site is not located within a conservation area, the Tower Gardens Conservation Area (TGCA) is located approximately 65 m north-east, and the Noel Park Conservation Area (NPCA) is located approximately 160 m west of the site. The Framework makes clear that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. I am also mindful of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act) which requires that decision makers pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. The TGCA's special interest is substantially derived from its garden suburb layout and the high-quality design of dwellings typical of the 'Arts and Crafts' architectural movement. The NPCA also displays a distinctly planned urban layout, with attractive back-to-back terraces that include a variety of decorative design details.
17. I note that the Council's Conservation Officer advises that the scale of the building would result in less than substantial harm to the TGCA and the NPCA. The proposed development would be clearly visible in views from within the TGCA. It would also be visible from within the NPCA, although these views would be limited and largely screened by existing housing and flatted development. Whilst the development would be significantly taller than the majority of buildings within the TGCA and the NPCA, there is already variation in the height, design and age of buildings in the area immediately surrounding the appeal site. Given this existing variation, including the modern 7-storey building opposite the site, the proposal would not appear discordant with the character and appearance of the area, or represent any more than very limited harm to the significance of the TGCA and the NPCA. Any such harm by virtue of the scale of the proposal being significantly in excess of the prevailing scale of the buildings within those conservation areas would be substantially tempered by the separation distances from the appeal site. As such, I find the proposal would result in less than substantial harm to the significance of both the TGCA and the NPCA.
18. I also have a statutory duty, under Section 66(1) of the LBCA Act, to have special regard to the desirability of preserving the setting of listed buildings. The Grade II listed St Benet Fink Church and its Grade II Listed Vicarage are early 20th Century red brick buildings located approximately 75 m to the south-east of the site. Whilst there would be inter-visibility between the proposal and the listed buildings, the visual link between them would be limited by the intervening distance, extensive large street trees and busy wide road. Furthermore, the proposed building, though higher than the existing building, would be in an established area of urban development adjacent to an existing 7-storey building. Given these factors, the development would, by virtue of its scale, have a very limited adverse effect on the setting of the identified listed buildings. The harm to the significance of the listed buildings would be less than substantial.
19. Given the harm to the significance of heritage assets identified above, the proposal would conflict with DMDPD Policy DM9 and Policy SP12 of the Haringey Strategic Local Plan (2017) (SLP) which taken together require,

amongst other things, the conservation of the historic significance of Haringey's heritage assets, their setting and the wider historic environment.

Paragraph 196 of the Framework requires less than substantial harm to the significance of designated heritage assets to be weighed against the public benefits of the development. I will consider the public benefits as part of my planning balance section later in this decision.

Planning Obligations

20. I have considered the s106 legal agreement (dated 26 February 2020) in light of the CIL Regulations, paragraph 56 of the Framework and the Planning Practice Guidance (the PPG).
21. The s106 agreement secures the entire residential element of the proposal as 'build to rent' units, including three-year tenancy agreements, a fifteen-year covenant and a clawback mechanism to ensure that there is no financial incentive to break the covenant. These provisions are in accordance with Policy H11 of the Emerging London Plan – Intend to Publish Version (December 2019) (the ELP). Policy H11 is not the subject of a direction by the Secretary of State² and was not subject to objections in the Report of the Examination in Public of the London Plan 2019³ (EIP). As such, I give significant weight to the policy.
22. Part D of ELP Policy H11 states that where build to rent schemes do not meet a 35% affordable housing threshold they should follow the 'Viability Tested Route' as set out in ELP Policy H5, and in accordance with the Mayor's Affordable Housing and Viability SPG (2017)(the SPG). ELP Policy H5 is not the subject of a direction by the Secretary of State and was not subject to objections in the EIP. As such, I give significant weight to the policy. The s106 includes an early stage review and a late stage review. Depending on the outcome of those reviews, a contribution towards affordable housing may be triggered. This would be in accordance with SLP Policy SP2, DMDPD Policy DM13, Policy 3.12 of the London Plan 2016 (LP), the SPG, and ELP Policies H5 and H11, which taken together, require, amongst other things, affordable housing contributions to take account of development viability.
23. There is an obligation included to require the developer to provide an Employment and Skills Plan. This is necessary to support local employment, skills and training as required by SLP Policies SP8 and SP9 and is in accordance with the Council's Planning Obligation SPD (2018) (the SPD).
24. The s106 agreement requires that the developer seeks to construct the site in the manner of a considerate constructor, submitting a Construction Management Plan and a construction logistics plan to safeguard the living conditions of local residents and to ensure against traffic disruption or highway safety issues through the construction period. These requirements are in accordance with LP Policy 7.15 and paragraph 8.22 of the SPD.
25. The proposed development would provide limited on-site car parking but is reasonably close to public transport facilities. The S106 includes requirements for the provision of on-street car club spaces and a financial contribution towards car club memberships. It also requires the submission of commercial and residential travel plans; a contribution towards a Traffic Management Order

² London Plan: Directions on future housing delivery in London – dated 13 March 2020

³ The Report of the Examination in Public of the London Plan - dated 8th October 2019

- amendment to ensure proposed residents cannot apply for parking permits; and highway works to be completed. These requirements are necessary to promote sustainable transport, provide adequate car parking provision, to mitigate pressure for on-street parking spaces in surrounding streets and to ensure the free flow of traffic and conditions of general safety along the neighbouring highways. This is in accordance with LP Policies 6.3 and 6.13, SLP Policy SP7 and DMDPD Policies DM2, DM31 and DM32, and paragraph 8.11 of the SPD.
26. A contribution towards offsetting carbon emission impacts and an assessment of the development's compliance with the energy strategy is included in the legal agreement. These provisions are necessary in the interests of energy efficiency and reducing climate change. This is in accordance with LP Policy 5.2, ELP Policy GG6, SLP Policy SP4, and paragraphs 11.8-11.21 of the SPD.
27. The legal agreement requires a financial contribution towards public realm improvements, including the provision of cycle parking and the installation of a new ornamental fountain. Such improvements to the character and appearance of the local area are in accordance with LP Policies 6.9 and 7.5, ELP Policy T5, SLP Policy SP7 and DMDPD Policies DM3 and DM31, and paragraphs 9.24-9.27 of the SPD.
28. The s106 also includes contributions towards the Council's costs incurred in the administration, monitoring, and reporting of the discharge of planning obligations in accordance with paragraphs 5.4-5.42 of the SPD.
29. Overall, I am satisfied that the obligations contained within the s106 would meet the tests set out in paragraph 56 of the Framework and Regulation 122 of the CIL Regulations. I regard the obligations are necessary given development plan policies and other adopted planning documents. They are directly related to the development proposed and would be fairly and reasonably related to the scale of the development. The s106 has been properly executed and would be effective. The matters required by these obligations would be additional to any CIL contributions and there would be no overlap to my knowledge. The existence of the completed s106 is, therefore, a material consideration in this appeal.

Planning Balance

30. I acknowledge that the Council has withdrawn its reasons for refusal and considers that the proposal is not in conflict with the development plan overall. Nevertheless, I have found less than substantial harm to the significance of heritage assets and it is, therefore, necessary that this identified harm is weighed against the public benefits of the proposal. The PPG⁴ states that public benefits could be anything that delivers, social or environmental objectives as described in the Framework. Such benefits would include the proposal's contribution towards boosting housing supply in accordance with paragraph 59 of the Framework. Given the number of dwellings proposed, I give significant weight to the delivery of the homes. Economic benefits would be derived from jobs provided through construction and within the proposed commercial units. Future occupiers would support services and facilities in the area and this represents further economic benefits in favour of the proposed development. I give moderate weight to these economic benefits. Environmental benefits

⁴ Paragraph: 020 Reference ID: 18a-020-20190723 (Revision date: 23 07 2019)

would include the enhancements to the public realm and the improvements in energy efficiency derived from the proposed energy strategy. I give moderate weight to these environmental benefits.

31. Whilst I give great weight to the conservation of the identified heritage assets, the proposal's public benefits would outweigh the identified less than substantial harm. I acknowledge that the identified harm to the significance of heritage assets would result in a limited degree of conflict with the heritage policies of the development plan. Overall, however, the proposed mixed-use scheme would accord with the development plan when taken as a whole. There are no material considerations, taken individually or cumulatively, that outweigh the identified benefits or indicate that the appeal should not succeed.

Conditions

32. I have considered the conditions agreed between the Council and the appellant against the requirements of the PPG and the Framework. The conditions I have included from the recommended list have been subject to some alterations to improve clarity and ensure consistency with the Framework and PPG. The numbers in brackets relate to the conditions in the schedule.
33. In addition to the standard timescale condition (1), I have imposed a condition specifying the relevant plans and documents as this provides certainty (2).
34. In the interests of the character and appearance of the area, it is necessary to attach conditions in relation to: materials to be used externally on the building (10); elevational design details (11); satellite dishes (30); finished floor levels (17); external lighting (22); the proposed water fountain (15); and hard and soft landscaping (16).
35. In the interests of certainty and to protect the vitality of the local centre, a condition is required to control the uses of the commercial units (28).
36. A condition requiring at least 10% of new dwellings to be wheelchair accessible and for all other dwellings to be of a sufficient standard of accessibility is necessary in accordance with SLP Policy SP2 (31).
37. Extraction/ventilation details prior to any A3, A4 or A5 uses are necessary (21) to protect local air quality. Conditions requiring details of noise attenuation measures (9) and limiting plant machinery noise (33) and opening hours of the commercial units (29) are necessary to ensure the satisfactory living conditions of those living at the site and neighbouring residential areas.
38. It is necessary to include a condition to address potential issues of contaminated land (8) to ensure the development can be safely occupied. To ensure the proposed development does not impact the Moselle Brook culvert structure and increase flood risk, details of the building's foundations are required (3).
39. A scheme for reducing crime through design features is necessary in the interests of the security of the development (14).
40. To address environmental effects, conditions requiring a Construction Method Statement (4), an Air Quality and Dust Management Plan (5), an Air Quality Assessment (6) and a Piling Method Statement (26), are all necessary. For the

same reason it is necessary to control all Non-Road Mobile Machinery (35) and the hours of construction/demolition (27).

41. In the interests of highway safety and accessibility, conditions securing a Delivery and Servicing Plan (23) and highway/footway details (7) are necessary. Details of cycle parking (13) and provision of electric charging points (24) are necessary in the interests of sustainable transport provision. A car park management plan (12) is also necessary, in the interests of providing suitable parking provision and access.
42. An obscure glazing condition is necessary to safeguard the living conditions of occupiers of neighbouring properties in terms of privacy (25). A condition is necessary to ensure that the proposed sustainability and energy performance measures are implemented (34).
43. To address suitable and necessary sustainable construction measures, I have imposed conditions relating to low NOx boilers (32), the energy network including the combined heat and power system (18), and surface water drainage (19). A condition requiring details of the living roof provisions is necessary to enhance biodiversity (20).
44. Several of the conditions set out in the Schedule of Conditions below require details prior to commencement of development. It is essential that the requirements of conditions 3, 4, 5, 6, 7 and 8 are agreed prior to development commencing to ensure an acceptable form of development in respect of geo-environmental information, demolition and construction management, air quality, flood risk and highway safety. These details need to be agreed before works begin to prevent the development resulting in harm in these regards.

Conclusion

45. For the reasons above, the appeal is allowed subject to the conditions in the attached Schedule.

S D Castle

INSPECTOR

Schedule of Conditions attached to Appeal Decision
Ref: APP/Y5420/W/19/3223654
423-435 Lordship Lane, Wood Green, London N22 5DH

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby authorised shall be carried out in accordance with the following approved plans and details unless otherwise required by the conditions below:

Site Location Plan (ref.0087-DR-0010 Rev. P01)
Proposed Block Plan (ref.0097-DR-0099 Rev. P01);
Proposed Ground Floor Plan (ref.0097-DR-0100 Rev. P08);
Proposed First to Second Floor Plan (ref. 0097-DR-0101 Rev. P06);
Proposed Third to Fourth Floor Plan (ref.0097-DR-0102 Rev. P06);
Proposed Fifth Floor Plan (ref.0097-DR-0103 Rev. P05);
Proposed Sixth Floor Plan (ref.0097-DR-0104 Rev. P05);
Proposed Roof Plan (ref.0097-DR-0105 Rev. P05);
Proposed East Elevation (ref.0097-DR-200 Rev. P05);
Proposed North Elevation (ref. 0097-DR-0201 Rev. P05);
Proposed West Elevation (ref.0097-DR-0202 Rev. P06);
Proposed South Elevation (ref.0097-DR-0203 Rev. P06);
Proposed Section AA (ref.0097-DR-0300 Rev. P05);
Proposed Section BB (ref.0097-DR-0301 Rev. P05);
Service Vehicle & Large Car Passing plan (ref. 17076-01-104);
Accommodation Schedule;
Energy Efficiency Statement (ref. 439/4.2/02);
Sustainability Statement (ref. 2017.102)

- 3) No development shall take place until a detailed design for the foundations of the building hereby approved has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall include details of:
 - a) the parking of vehicles of site operatives and visitors;
 - b) construction logistics covering delivery, loading and unloading of plant and materials;
 - c) storage of plant and materials used in constructing the development;
 - d) the erection and maintenance of security hoarding;
 - e) a Tree Protection Plan for retained trees
 - f) wheel washing facilities;
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works;

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) No development shall take place until a detailed Air Quality and Dust Management Plan (AQDMP), detailing the management of demolition and construction dust, has been submitted and approved in writing by the Local Planning Authority. The plan shall be in accordance with the Greater London Authority's Control of Dust and Emissions Supplementary Planning Guidance document (July 2014) and shall include a Dust Risk Assessment. The development shall be carried out in full accordance with the approved AQDMP.
- 6) No development shall take place until a revised air quality assessment including any required mitigation measures and a timetable for their implementation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.
- 7) Notwithstanding the plans hereby approved, no development shall take place until revised highway plans, including details of the stopping-up of the footway, have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved highway plans prior to its first occupation.
- 8) Before development commences other than for investigative work:
 - a) A revised desktop study shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information (including appropriate reference to the existing on-site sub-station). Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.
 - b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to and approved in writing by the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:
 - A risk assessment to be undertaken;
 - Refinement of the conceptual model; and
 - The development of a method statement detailing the remediation requirements.The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority for its written approval.
 - c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and

approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

- d) Where remediation of contamination on the site is required, completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied.
- 9) No development excluding demolition and groundworks shall commence until a scheme to protect the dwellings hereby approved from external noise has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in its entirety before any of the dwellings are occupied and the measures shall be retained for the lifetime of the development.
- 10) No development excluding demolition and groundworks shall commence until details/samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.
- 11) Notwithstanding the approved plans, no development excluding demolition and groundworks shall commence until detailed drawings of all elevations of the building hereby approved, including 1:20 plans of brick panels; balcony and canopy details; and window reveals; have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
- 12) No development excluding demolition and groundworks shall commence until a Parking Management Plan (PMP), including details of how the on-site vehicle parking spaces shall be allocated and managed, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter operate in accordance with the approved PMP.
- 13) No development excluding demolition and groundworks shall commence until a Cycle Parking Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details prior to first occupation and shall be retained as such thereafter.
- 14) No development excluding demolition and groundworks shall commence until a scheme for reducing the risk of crime and disorder through the design of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme and shall be retained as such thereafter.
- 15) No development excluding demolition and groundworks shall commence until the detailed design of the proposed water fountain, and a management and maintenance plan for it, have been submitted to and approved in writing by the Local Planning Authority. The water fountain shall then be installed and

made fully operational prior to the first occupation of the approved development.

16) No development excluding demolition and groundworks shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall thereafter be carried out as approved. These details shall include:

- a) proposed finished levels or contours;
- b) pedestrian access and circulation areas;
- c) hard surfacing materials;
- d) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.);
- e) proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.);

Soft landscape details shall include:

- f) Planting plans;
- g) Written specifications (including cultivation and other operations associated with plant and grass establishment);
- h) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
- i) An implementation programme.

The hard landscaping and equipment/features shall be laid out and installed prior to the first occupation of the development. The soft landscaping shall be provided within the first planting period following occupation of the development. Any trees or plants, either existing or proposed, which within a period of five years from the completion of the development die, are removed, become damaged or diseased shall be replaced in the next planting season with a similar size and species. The landscaping scheme, once implemented, is to be retained thereafter and shall be managed and maintained in accordance with a scheme of management to be submitted to and approved in writing by the Local Planning Authority.

17) No development excluding demolition and groundworks shall commence until full details of the proposed finished floor levels of the building hereby approved in relation to the adjoining properties has been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

18) No development excluding demolition and groundworks shall commence until details of the site wide energy network, including details of the Combined Heat Power System and any chimneys/flues, and its ongoing operation have been submitted to and approved in writing by the Local Planning Authority. The energy network shall be implemented and operated thereafter in accordance with the approved details.

19) No development excluding demolition and groundworks shall commence until a sustainable urban drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall:

- a) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- b) include a timetable for its implementation; and
- c) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The drainage strategy shall be provided in accordance with the approved details prior to first occupation of the development.

20) No development excluding demolition and groundworks shall commence until details of the proposed living roof have been submitted to and approved in writing by the Local Planning Authority. Details shall include the following:

- a) A roof plan identifying where the living roofs will be located;
- b) Confirmation that the substrates depth range of between 100mm and 150mm across the roof;
- c) Details on the diversity of substrate depths across the roof to provide contours of substrate;
- d) Details on the diversity of substrate types and sizes;
- e) Details on bare areas of substrate to allow for self-colonisation of local windblown seeds and invertebrates;
- f) Details on the range of native species of wildflowers and herbs planted to benefit native wildlife;
- g) Details of the location of log piles / flat stones for invertebrates.

The living roof shall not be used for amenity or sitting out space of any kind. Access shall only be permitted for maintenance, repair or escape in an emergency. The living roof shall be carried out in accordance with the details as approved by the Local Planning Authority.

21) Prior to the first use of each ground floor unit for activities within Use Classes A3, A4 or A5 of the Town and Country Planning (Use Classes) Order 1987 (as amended), details of extraction/ventilation measures associated with the specific use of the relevant unit concerned shall have been submitted to and approved in writing by the Local Planning Authority. The approved extraction/ventilation measures shall be installed and made operational before any A3, A4 or A5 use commences in the relevant unit and shall thereafter be operated and maintained in accordance with that approval and retained for so long as the use continues.

22) Prior to first occupation of the development hereby approved details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and the approved lighting scheme shall be retained as such thereafter.

- 23) Prior to the first occupation of the development hereby approved a Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter operate in accordance with the approved plan.
- 24) Prior to the first occupation of the development, details of electric vehicular charging points including their siting shall be submitted to and approved in writing by the Local Planning Authority. All electric charging points shall be installed in accordance with the approved details prior to first occupation of the development and shall be retained thereafter.
- 25) Prior to first occupation of the development, the windows to the western elevation of the flats located in the south-western corner of each floor of the development hereby approved shall be fitted with obscured glazing. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
- 26) No piling shall take place until a piling method statement (detailing the depth and 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 sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
- 27) Demolition or construction works shall take place only between 0800h-1800h Monday to Friday and 0800h-1300h on Saturday, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 28) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and/or re-enacting that Order) the ground floor commercial premises hereby approved shall only be used for the purposes within Use Classes A1-A5 of the Town and Country Planning (Use Classes) Order 1987 (as amended) or any provision equivalent to that Class in any Statutory Instrument revoking and/or re-enacting that Order). No more than 3 of the 6 commercial units (50%) hereby approved shall be occupied by businesses not within Use Class A1 at any given time.
- 29) The commercial premises at ground floor level of the development hereby approved shall only be open for customers between the following hours: 0700h-2300h on any day of the week.
- 30) The erection of any satellite dish or television antenna shall only take place the main roof of the development only and not on any other external surface of the development.
- 31) All dwellings shall be designed and constructed to Part M4(2) 'accessible and adaptable dwellings' of the Building Regulations 2010 (as amended), and at least 10% (5 dwellings) shall be wheelchair accessible or easily adaptable for wheelchair use in accordance with Part M4(3) of the same Regulations.

- 32) Prior to their installation, details of the ultra-low NOx boilers for space heating and hot water shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 33) Noise arising from the use of the new boiler plant and associated equipment shall be no less than 5dB below the lowest background noise level (LA90 15mins) when measured (LAeq 15mins) 1 metre external from the nearest dwelling or noise sensitive premises.
- 34) The development shall be carried out in accordance with the sustainability measures and standards as set out in the Sustainability Statement (Element Sustainability - Ref:2017.102) dated December 2017. Following practical completion of works a final Energy Performance Certificate(s) shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of the development.
- 35) All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the Greater London Authority's 'Control of Dust and Emissions During Construction and Demolition' supplementary planning guidance (SPG) dated July 2014, or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the Local Planning Authority. The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Appendix 3 – CIL Regulation 8

Community Infrastructure Levy Regulations 2010/948

reg. 8 Time at which planning permission first permits development



Law In Force

Version 3 of 3

24 February 2014 - Present

Subjects

Planning

8.— Time at which planning permission first permits development

- (1) This regulation has effect for determining the time at which planning permission is treated as first permitting development for the purposes of [Part 11](#) of [PA 2008](#).
- (2) Planning permission first permits development on the day that planning permission is granted for that development.
- (3) Paragraph (2) is subject to the following provisions of this regulation.

[

(3A) In the case of a phased planning permission, planning permission first permits a phase of the development—

(a) for any phase of an outline planning permission which is granted in outline—

(i) on the day of final approval of the last reserved matter associated with that phase; or

(ii) if earlier, and if agreed in writing by the collecting authority before commencement of any development under that permission, on the day final approval is given under any pre-commencement condition associated with that phase; and

(b) for any other phase—

(i) on the day final approval is given under any pre-commencement condition associated with that phase; or

(ii) where there are no pre-commencement conditions associated with that phase, on the day planning permission is granted.

(3B) In this regulation a “*pre-commencement condition*” is a condition imposed on a phased planning permission which requires further approval to be obtained before a phase can commence.

] ¹

(4) In the case of a grant of outline planning permission [which is not a phased planning permission] ², planning permission first permits development on the day of the final approval of the last reserved matter associated with the permission.

[...] ³ [

(7) In the case of a general consent, planning permission first permits development—

(a) on the day on which the collecting authority receives a notice of chargeable development submitted to it in accordance with [regulation 64](#) in respect of that development; or

(b) if no notice of chargeable development is submitted in accordance with [regulation 64](#), the day on which the last person is served with a notice of chargeable development in accordance with [regulation 64A\(3\)](#).

] ⁴

Notes

- 1 Added by Community Infrastructure Levy (Amendment) Regulations 2014/385 [reg.4\(1\)\(a\)](#) (February 24, 2014: insertion has effect subject to transitional provision specified in SI 2014/385 reg.14(1))
- 2 Words inserted by Community Infrastructure Levy (Amendment) Regulations 2014/385 [reg.4\(1\)\(b\)](#) (February 24, 2014: insertion has effect subject to transitional provision specified in SI 2014/385 reg.14(1))
- 3 Revoked by Community Infrastructure Levy (Amendment) Regulations 2014/385 [reg.4\(1\)\(c\)](#) (February 24, 2014: revocation has effect subject to transitional provision specified in SI 2014/385 reg.14(1))
- 4 Substituted by Community Infrastructure Levy (Amendment) Regulations 2011/987 [reg.4\(2\)](#) (April 6, 2011)

Part 2 DEFINITION OF KEY TERMS > reg. 8 Time at which planning permission first permits development

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Appendix 4 – Spelthorne Decision Notice



Indigo Planning
FAO Anna Stott
Aldermay House
10-15 Queen Street
London
EC4N 1TY

Please reply to:
Contact: Russ Mounty
Please telephone: 01784 444259
Fax Number: 01784 446362
Email Address: r.mounty@spelthorne.gov.uk
Our Ref: 16/01158/AMD
Your Ref:
Date: 26th July 2017

DETERMINATION OF APPLICATION

TOWN AND COUNTRY PLANNING ACT 1990

Town & Country Planning (Development Management Procedure) (England) Order 2015

NON MATERIAL AMENDMENT REQUEST – ACCEPTED

**Proposal: Addition of phasing condition to provide two phases to the development:
Phase 1 below ground works and Phase 2 above ground works, together with an
informative**

Site Address: 17-51 London Road, Staines-upon-Thames TW18

Application No: 16/01158/AMD

The proposed changes sought by this request are considered to provide a non-material alteration to the approved planning permission. All planning conditions applicable to the approved planning permission remain in force in addition to any included as part of this amendment.

The following condition and informative should be read in conjunction with the planning approval 16/01158/RVC.

CONDITIONS/REASONS

1. The development may be carried out in accordance with the approved phasing plan (CIL Phasing Plan July 2018) on a phased basis in respect of phase 1 - below ground works, and phase 2 - above ground works. The development shall be carried out in accordance with the provisions of the approved phasing plan and/or any subsequent amendment to it that has been agreed in writing by the Local Planning Authority.

Reason:- To assist with the identification of each chargeable phase for the purposes of the Community Infrastructure Levy payable in accordance with the Community Infrastructure Levy Regulations 2010 (as amended).

INFORMATIVES TO APPLICANT

1 This planning permission is phased, which provide for the development to be carried out in two phases for the purposes of the Community Infrastructure Levy Regulations 2010 (as amended). The two phases are:

Phase 1 - below ground works

Phase 2 - above ground works

Reason for Accepting Non-Material Minor Amendment:

The addition of the proposed condition, together with previous changes to the application, would not result in any changes to the way the Development is carried out or to the completed development as permitted under the Planning Permission (16/01158/RVC) and the impacts and effects of the Development, which have been assessed by the Local Planning Authority, would remain unchanged.

Signed

A handwritten signature in blue ink, appearing to read 'Esme Spinks', with a horizontal line drawn underneath it.

Esme Spinks
Planning Development Manager

Appendix 5 – Hackney Decision Notice and Phasing Plan

PLANNING DECISION NOTICE

Town and Country Planning Act 1990 as amended

Town and Country Planning (Development Management Procedure) (England) Order 2015

Agent: Kate Outterside

Applicant: .

Part 1- Particulars of the Application	Application No:	2020/3430
	Date of Application:	11-11-2020
	Date Validated:	17-11-2020
	Application Type:	Non-Material Amendment

Proposal: Non material amendment to planning permission 2015/1685 to add a condition which attaches a phasing plan to the permission. The wording of condition 27 (sustainability details) would also be amended to change the trigger to 'prior to the commencement of substructure works'.

Location Bavaria House, 13 - 14 Appold Street, Hackney, London, EC2A 2NB

Plan Numbers: Phasing Plan PH-01

Part 2 – Particulars of Decision: **Grant**

Notice is hereby given that the London Borough of Hackney as local planning authority in pursuance of its powers under the above mentioned Act and Rules, Orders and Regulations made there under permits the development referred to in Part1, in accordance with the plan(s) submitted and subject to the following condition(s):

Conditions:

Condition 27: Sustainability Details - Notwithstanding the details shown on the plans and documents hereby approved, full particulars of the following shall be submitted to and approved in writing by the Local Planning prior to the commencement of the substructure works. The development shall not be carried out otherwise than in accordance with the details thus approved. Details of the three hierarchy steps 'be lean, clean and green' with both SAP2002 and SAP10 factors along with a BRUKL green report. REASON: In order to ensure that the development is adequately sustainable.

Condition 28: Phasing Plan - The Development hereby approved shall be carried out in Phases in accordance with the approved Phasing Plan (ref. PH-01), unless an alternative Phasing Plan is submitted to and approved in writing by the Local Planning Authority pursuant to this condition. REASON: In order to enable the development to be carried out in phases.

Date of Decision: 13-01-2021

Yours sincerely



Natalie Broughton

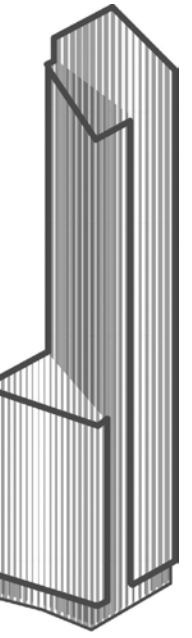
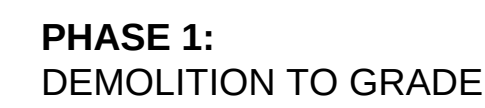
**Head of Planning and Building Control
Neighbourhoods and Housing**

□

PHASE 1: DEMOLITION TO GRADE

PHASE 2: BELOW-GRADE DEMOLITION & CONSTRUCTION

PHASE 3: ABOVE-GRADE CONSTRUCTION



13-14
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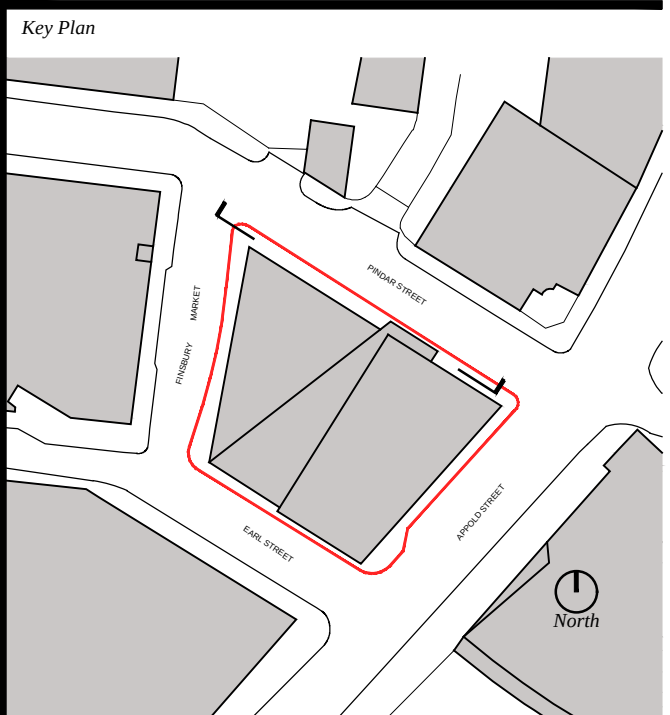
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00	PLANNING AMENDMENT	24.01.19
No.	Issue	Date

ISSUED FOR APPROVAL



Date
06.11.2020

Scale
As noted

Project No.
2374 1314

Drawn by
TOS

Checked by
MO

PHASING PLAN

Drawing Number	Revision
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PH-01

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