



DANIEL RINSLER & CO

1 May 2023

Haringey Council
Planning Service
6th Floor, River Park House
225 High Road, Wood Green
London, N22 8HQ

Dear Sirs

4 BROUGHTON GARDENS, LONDON, N6 5RS: APPLICATION FOR VARIATION OF CONDITIONS FOLLOWING GRANT OF PLANNING PERMISSION

On behalf of our client, Mr & Mrs Lloyd Simon, we are applying to vary planning conditions 4 & 7 on an approved development of November 2020 in respect of 4 Broughton Gardens London N6 5RS.

Background Planning History

On 18 November 2020, conditional planning permission was granted by the Council for:

‘Construction of a new ground floor and lower ground floor side extension with a new terrace and addition of a new garage to the front of the existing dwelling’ (LPA Ref No: HGY/2020/2352).

The permission is subject to two pre-commencement conditions, namely:

4. No development shall start until all those trees to be retained, as indicated on the approved drawings, have been protected by secure, stout, exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and in accordance with BS 3998:2010 and to a suitable height. Any works connected with the approved scheme within the branch spread of the trees shall be by hand only. No storage of materials, supplies or plant machinery shall be stored, parked, or allowed access beneath the branch spread of the trees or within the exclusion fencing.

Reason: In order to ensure the safety and well being of the trees on the site during constructional works that are to remain after building works are completed

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consistent with Policy 7.21 of the London Plan 2016, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

7. No development shall take place, including any works of demolition, until a Method of Construction Statement, to include details of :

- a) parking and management of vehicles of site personnel, operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials
- d) programme of works (including measures for traffic management)
- e) provision of boundary hoarding behind any visibility zones
- f) wheel washing facilities:

have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented and retained during the demolition and construction period.

Reasons: To ensure there are no adverse impacts on the free flow of traffic on local roads and to safeguard the amenities of the area consistent with Policies 6.3, 6.11 and 7.15 of the London Plan 2011, Policies SP0 of the Haringey Local Plan 2017 and with Policy DM1 of The Development Management DPD 2017.

The 2020 planning permission remains extant.

On 27 April 2023, the Council issued a Certificate of Lawfulness (CLOPUD):

‘Establishing that the proposed demolition of a concrete walled planter at ground floor level at the front of the property, would constitute the carrying out of a ‘material operation’ comprised in the development granted planning permission under application reference: HGY/2020/2352 on the 18 November 2020, and for the purposes of Section 56 (1) of the Town and Country Planning Act 1990 would represent the initiation of the development.’ (LPA Ref No: HGY/2023/0990)

The CLOPUD has two Informatives:

INFORMATIVE: Pre-Commencement Conditions

To ensure that the works to implement planning permission reference HGY/2020/2352 are lawful, the applicant is advised to comply with any relevant pre-commencement conditions attached to the original permission prior to the commencement of work unless, the LPA has agreed in writing to the variation of those conditions to allow the



works described in this certificate of lawfulness to commence before the condition(s) are discharged.

INFORMATIVE: Community Infrastructure Levy - Self Build Exemption

Please note that if you wish to apply for a self-build exemption in relation to the Community Infrastructure Levy applicable to the approved development, then you must have submitted your application for exemption and received a decision before beginning work. If you fail to submit a commencement notice before starting any work, the full chargeable amount for CIL will become immediately payable.

Purpose of Application

The applicant considers that it is appropriate to vary the pre-commencement Conditions 4 and 7 on the November 2020 planning permission given their relevance to the main construction works rather than the specifically lawful proposed implementation works, namely the demolition of the front concrete planter.

The preceding officer's report on the 2020 planning permission, stated:

Related to Condition 4:

Details of tree protection measures have been submitted as part of the application and a condition is to be attached to ensure that these measures are implemented prior to works commencing on site to ensure these trees would be retained during construction works. (page 6)

Related to Condition 7:

It is noted that concerns have been raised in relation to noise and pollution from during construction works would be temporary and the proposal would be subject a condition relating to the submission of a Construction Management Plan in order to mitigate against the impacts of any potential disturbance. The works would also be subject to the control of pollution act in terms of hours. (page 5)

The clear intention of these conditions is to address the main construction aspect of the approved development and indeed there are no trees in the vicinity of the proposed works.



Our client has no immediate plans to carry out the extension's construction but of course acknowledges that when it comes to doing so, they must submit the necessary document as required by the currently worded condition 7 as well as ensuring the necessary tree protection measures are in place as required by condition 4.

Proposed Variations to Conditions 4 & 7

In order to make a meaningful start to the approved development, in accordance with the Approved CLOPUD of 27 April 2023, the applicant is now seeking the Council's written approval for a variation to conditions 4 and 7 that enables the demolition of the front concrete planter to take place whilst otherwise retaining the conditions' current wording.

To enable this, the proposed re-worded Conditions 4 & 7 are as follows (additional wording in bold italics):

4. Save for the proposed demolition of a concrete walled planter at ground floor level at the front of the property, no development shall start until all those trees to be retained, as indicated on the approved drawings, have been protected by secure, stout, exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and in accordance with BS 3998:2010 and to a suitable height. Any works connected with the approved scheme within the branch spread of the trees shall be by hand only. No storage of materials, supplies or plant machinery shall be stored, parked, or allowed access beneath the branch spread of the trees or within the exclusion fencing.
Reason: In order to ensure the safety and well being of the trees on the site during constructional works that are to remain after building works are completed consistent with Policy 7.21 of the London Plan 2016, Policy SP11 of the Haringey Local Plan 2017 and Policy DM1 of The Development Management DPD 2017.

7. Save for the proposed demolition of a concrete walled planter at ground floor level at the front of the property, no development shall take place, including any works of demolition, until a Method of Construction Statement, to include details of :

- a) parking and management of vehicles of site personnel, operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials
- d) programme of works (including measures for traffic management)
- e) provision of boundary hoarding behind any visibility zones
- f) wheel washing facilities:



have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented and retained during the demolition and construction period.

Reasons: To ensure there are no adverse impacts on the free flow of traffic on local roads and to safeguard the amenities of the area consistent with Policies 6.3, 6.11 and 7.15 of the London Plan 2011, Policies SPO of the Haringey Local Plan 2017 and with Policy DM1 of The Development Management DPD 2017.

In addition, we propose a new Informative that expressly allows the proposed material operation to commence with the following wording:

Informative: For the avoidance of doubt, this permission allows a material operation to start, namely the proposed demolition of a concrete walled planter at ground floor level at the front of the property, to enable the planning permission's implementation, but excludes any other works of demolition and construction works of the approved development.

Pre-Application Advice

On 25 April 2023, Neil McClellan, the Council's Principal Planning Officer, responded to the issues raised in the applicant's preceding enquiry now subject of this application.

He stated that Condition 4 is not at all relevant to the removal of the planter as all the trees requiring protection are in the back garden.

In relation to Condition 7, he acknowledged that the front concrete planter is only a very small part of the works to which any agreed CMP would apply and its removal on its own is unlikely to cause any significant difficulties or nuisance for neighbours.

In his opinion, the proposed amended wording of these conditions and adding the new informative as we had suggested is likely to be acceptable to the Council.



Other Matter

Community Infrastructure Levy - Self Build Exemption

On 25 November 2020, the Council issued a self-build exemption in relation to the Community Infrastructure Levy applicable to the approved development and a revised Liability Notice confirming £0.00 NIL CIL liability. Copies of both documents are attached to this letter.

The applicant requests that the prospective planning permission confirms this.

Conclusion

For the reasons set out in this letter, the applicant considers that the proposed variation of the pre-commencement Conditions 4 and 7 on the 2020 planning permission are acceptable. There is nothing therefore that precludes the granting of planning permission as sought.

It is also considered that it would be appropriate for an Informative to be attached to the new permission confirming that the approved development is exempt from CIL liability.

Yours faithfully

DANIEL RINSLER & CO



Mr. Lloyd Simon
4 Broughton Gardens
London
N6 5RS

Your Ref :
Our Ref : HGY/2020/2352
Contact : Lucretia Foster
Direct Line : 020 8489 5216
E-mail : Lucretia.foster@haringey.gov.uk
Date : 25th November 2020

Dear Mr. Simon,

Community Infrastructure Levy (CIL) Regulations 2010 (as amended) – Self Build Residential Annex or Extension Exemption Claim Decision Notice, Regulation 42A-42B

Thank you for your claim for Self Build Residential Annex or Extension Exemption from liability to pay the Mayoral and Haringey Community Infrastructure Levy (CIL) in respect of the chargeable development listed below.

Planning Permission Reference: HGY/2020/2352

Site Address: 4 Broughton Gardens, N6 5RS

Description of Development: Construction of a new ground floor and lower ground floor side extension with a new terrace and addition of a new garage to the front of the existing dwelling.

Regulation 42A of the Community Infrastructure Levy Regulations (2010 as amended) sets out the conditions that must be satisfied to allow self build residential annexes or extensions to be exempt from liability to pay CIL. We have assessed your claim and have decided that **it is eligible** for an exemption from liability to pay.

This is because the Council considers that:

- The development is a residential annex (i.e. wholly within the curtilage of an existing main dwelling and comprises only one new dwelling); or
- The development is a residential extension (i.e. an enlargement of an existing main dwelling and does not comprise a new dwelling); and
- The person owns a material interest in the main dwelling; and
- The person will occupy the main dwelling as their sole or main residence for at least 3 years from completion.
- The claim is received and decided by the Planning Service before commencement of the chargeable development;
- Be submitted to the Planning service in writing on a form published by the Secretary of State (or a form substantially to the same effect);
- Include the particulars specified or referred to in the form; and

Therefore, the amount of exemption granted on the chargeable development towards the Mayoral CIL is £7,455.00 and Haringey CIL is £46,291.25.

River Park House
Level 6
225 High Road
London N22 8HQ

www.haringey.gov.uk

State Aid means aid within the meaning of Article 107(1) of the Treaty of the Functioning of the European Union. The de minimis block exemption makes relief permissible for Self Build Exemption where this would constitute a State Aid. Under European Commission Regulation 1998/2006 (De Minimis Regulation), this award constitutes de minimis funding. There is a ceiling of €200,000 for all de minimis funding provided to any single recipient undertaking over a rolling, three, fiscal year period. De minimis funding awarded to you under this offer letter will be relevant if you wish to apply, or have applied, for any other de minimis funding. You must retain this letter for 10 years from the date on this letter and produce it on any request by the UK public authorities or the European Commission.

A residential annex ceases to qualify for the exemption if any of the following disqualifying events occur within three years of completion:

- The main house is used for any purpose other than as a single dwelling;
- The annex is let; or
- Either the main residence, or the Annex, is sold separately from the other.

If there is a disqualifying event, the person benefitting from the exemption must notify the Council in writing within 14 days. The exemption will be withdrawn and that person is then liable for the CIL charge specified by the Council that would have been payable at the time the exemption was first claimed.

Next Steps

The Council will serve a revised Liability Notice to the person(s) who has/have assumed liability to pay CIL for the chargeable development. The Liability Notice states the total CIL chargeable amount due, including any relief or exemption granted.

One of the development parties must notify the Council of the intended commencement date of the chargeable development by submitting a **Commencement Notice** to the Council no later than the day before the day on which the chargeable development is to be commenced.

Please email the completed Commencement Notice to myself or to: cil@haringey.gov.uk. Alternatively, you can post the Commencement Notice to the address listed above.

Further information, guidance, forms and notices are available at www.haringey.gov.uk/cil.

Yours sincerely,



Lucretia Foster
S106/CIL Infrastructure Planning Officer

Planning Service

Rob Krzyszowski Interim Assistant Director Planning, Building Standards & Sustainability

Community Infrastructure Levy

Liability Notice

Regulation 65 Community Infrastructure Levy Regulations 2010 (as amended)

Planning, Regeneration & Economy

Level 6, River Park House, 225 High Road, Wood Green, London, N22 8HQ

25/11/2020

Mr Lloyd Simon
4 Broughton Gardens
London
N6 5RS

For other recipients, see end of notice

Community Infrastructure Levy Liability

This notifies you that you will be liable to pay the amount of Community Infrastructure Levy to the Collection Authority on commencement of development as set out below:

Amount of Community Infrastructure Levy (£ sterling):	Haringey	Mayoral	Total
	£0.00	£0.00	£0.00
Application Reference Number:	HGY/2020/2352		
Site Address:	4 Broughton Gardens N6 5RS		
Description of chargeable development:	Construction of a new ground floor and lower ground floor side extension with a new terrace and addition of a new garage to the front of the existing dwelling.		

This charge has been levied under the Mayor of London's CIL Charging Schedule, s211 of the Planning Act 2008 and the London Borough of Haringey CIL Charging Schedule – Adopted July 2014.

How the CIL was calculated

The figure was calculated based on S211 of the Planning Act 2008 and the CIL Regulations 2010 (as amended). The relevant CIL Charging Schedules are summarised below but please note this does not include indexation for inflation. More information is available at www.haringey.gov.uk/cil

Use	CIL Rate LB Haringey			Mayoral CIL 1 (MCIL1)	Mayoral CIL 2 (MCIL2)
	Western	Central	Eastern		
Residential	£265	£165	£15	£35	£60
Student Accommodation	£265	£165	£15	£35	£60
Supermarkets	£95			£35	£60
Retail Warehousing	£25			£35	£60
Office, Industrial, Warehousing, Small Scale Retail (Use Class A1-5)	Nil Rate			£35	£60
Health, School & Higher Education	Nil Rate			Nil Rate	Nil Rate
All Other Uses	Nil Rate			£35	£60

Exemptions/Relief

If you are a charity, intend to use the development for social housing, undertaking a self build or residential annexe or extension, you may be eligible for a reduction (partial or entire) in this CIL liability.

You should also complete the relevant **Claiming Exemption or Relief Form** to request any exemptions or relief from CIL **before commencement of the development**. Application forms and guidance are available via the Planning Portal website at: <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

When will the CIL amount be due for payment?

Payment of the CIL chargeable amount is due within 60 days from the date of commencement, unless greater than £500,000 in which case see the instalments section below. The applicant is required to notify the Planning Service before development commences of:

- Who will pay the amount, by assuming liability using the “**Assumption of Liability Form**” (unless not previously assumed);
- The date on which you intend to commence development, by submitting a **valid Commencement Notice**.

A blank **Commencement Notice** for you to complete is enclosed with this Notice. This Notice must be submitted to the Planning Service no later than the day before the day on which the chargeable development is to be commenced.

Following submission of a valid **Commencement Notice**, the Planning Service will issue a **Demand Notice** displaying details of the chargeable development and ways to make payment.

If this procedure is not followed, payment of the CIL amount will be due in full on the day that development commences. If a valid Commencement Notice has not been submitted before development commences, payment of the CIL amount will be due in full on the day that the Planning Service believes the development to have commenced.

Instalments

Where the payable amount is more than £500,000, you have the option to pay two instalment payments:

- The greater of £500,000 or half the value of the total payable amount 60 days after commencement, and
- The remainder 240 days after commencement

Consequences of non payment

If you fail to follow the payment procedure described above, the Planning Service may impose surcharges on this liability. Persistent failure to pay CIL liabilities may result in the Planning Service imposing surcharges, serving a CIL stop notice prohibiting further development on the site and/or taking action to recover the debt due.

The amount of CIL liability in this notice is a Local Land Charge

This CIL liability has been registered as a Local Land Charge against the land affected by the planning permission in this Notice. This charge will be cancelled on full payment of this liability.

The Local Land Charge for the amount of any relief granted will be cancelled either within three or seven years after commencement of development, or where a disqualifying event has occurred, on full payment of the amounts due.

New Liability Notices may be issued

Any change in the details contained in this Notice (including calculation of the chargeable amount or amount of relief granted) will lead to the Planning Service issuing a new liability notice.

Do you think we have made a mistake in our calculations?

You can ask us to review them. If you are unhappy with the calculation following this review, you can appeal to the Valuation Office Agency. Please see the Planning Portal website or Valuation Office Agency for more information on how to appeal.

Other recipients of this Notice who are jointly liable to pay CIL or have jointly assumed liability to pay CIL

Name and address of other recipient(s) of this notice	Category of recipient
[Name and address of other recipient of this notice]	[Can be one of: • 'Owner of the relevant land'; • Leaseholder of the relevant land (7 or more years) • 'Party has assumed liability to pay CIL due'; • 'Party has submitted a notice of chargeable development'; • Party who has received deemed Notice of Chargeable Development • 'Party has applied for further approval in line with a conditional grant of planning permission'; • 'Party applied for planning permission']

Contact Information

Email: planningcustomercare@haringey.gov.uk

Address: Planning Service, Haringey Council, Level 6, River Park House, 225 High Road, Wood Green, London, N22 8HQ

Telephone: 020 8489 5504

Website: www.haringey.gov.uk/cil