

Celebrating
60
years

Ashley Park
**Certificate of Lawful Existing
Use or Development**

06 June 2023

LICHFIELDS

Lichfields is the pre-eminent planning and development consultancy in the UK

**Celebrating 60 years
of innovation in planning.**

lichfields.uk

Contents

1.0	Introduction	1
2.0	Background	3
3.0	Pre-commencement Requirements	4
4.0	Implementation of the Permission	7
5.0	Certificate of Lawful Existing Use or Development (CLEUD) Application	8
	Planning Legislation and Guidance	8
6.0	Assessment	10
7.0	Conclusion	12

Appendices

Appendix 1 – Appeal decision notice ref. APP/Y5420/W/19/3232707

Appendix 2 – Decision notice for application ref. HGY/2022/4408 (Construction Environmental Management Plan)

Appendix 3 – Decision notice for application ref. HGY/2023/0076 (Air Quality Management Plan)

Appendix 4 – Decision notice for application ref. HGY/2022/4503 (Tree protection)

Appendix 5 – Decision notice for non-material amendment application ref. HGY/2022/4229

Appendix 6 – CIL Form 2: Assumption of Liability Form (dated 5 April 2023)

Appendix 7 – Assumption of Liability acknowledgment email from the LBH's CIL team via email (dated 5 April 2023)

Appendix 8 – CIL Form 10: Charitable and/or Social Housing Relief Claim Social Housing Relief (dated 5 April 2023)

Appendix 9 – Confirmation email – Social Housing Relief acknowledgement by LBH's CIL team (dated 6 April 2023)

Appendix 10 – Social Housing Relief Claim Decision Notice (dated 6 April 2023)

Appendix 11 – Liability Notice (dated 6 April 2023)

Appendix 12 – Commencement Notice submitted on behalf of NHHO to the Council via email on 6 April 2023

Appendix 13 – Commencement date acknowledgement email from LBH's CIL team

Appendix 14 – Demand Notice (dated 11 April 2023)

Appendix 15 – Relevant S106 definitions

Appendix 16 – Time and date stamped photos of demolition works

Appendix 17 – Contracts between NHHO and contractors relating to undertaking demolition works

Appendix 18 – Demolition plan (drawing ref no. ASP-AHR-B1-00-DR-A-10-102)

1.0 Introduction

- 1.1 Please find enclosed an application made to the London Borough of Haringey (LBH) for a Certificate of Lawful Existing Use or Development (CLEUD), submitted on behalf of our client Notting Hill Home Ownership (NHHO) in relation to the development at Ashley Park (appeal ref. APP/Y5420/W/19/3232707; LBH planning application ref. HGY/2019/0108). This application is made pursuant to Section 191(1)(b) of the Town and Country Planning Act 1990 (as amended) and seeks to confirm that the planning permission has been lawfully implemented.
- 1.2 A parallel CLEUD application is being pursued by the applicant for the neighbouring Cannon Factory Ashley House development which was implemented concurrently (LBH ref. HGY/2016/4165).
- 1.3 The application comprises:
- 1 Completed application form;
 - 2 Cover letter;
 - 3 This planning statement including planning assessment;
 - 4 Background documents and evidence of the implementation of planning permission APP/Y5420/W/19/3232707 (Appended to this report); as follows:
 - a Appendix 1: Appeal decision notice ref. APP/Y5420/W/19/3232707;
 - b Appendix 2: Decision notice for application ref. HGY/2022/4408 (Construction Environmental Management Plan);
 - c Appendix 3: Decision notice for application ref. HGY/2023/0076 (Air Quality Management Plan);
 - d Appendix 4: Decision notice for application ref. HGY/2022/4503 (Tree protection);
 - e Appendix 5: Decision notice for non-material amendment application ref. HGY/2022/4229;
 - f Appendix 6: CIL Form 2: Assumption of Liability Form (dated 5 April 2023);
 - g Appendix 7: Assumption of Liability acknowledgment email from the LBH's CIL team via email (dated 5 April 2023);
 - h Appendix 8: CIL Form 10: Charitable and/or Social Housing Relief Claim Social Housing Relief (dated 5 April 2023);
 - i Appendix 9: Confirmation email – Social Housing Relief granted by LBH's CIL team (dated 6 April 2023);
 - j Appendix 10: Social Housing Relief Claim Decision Notice (dated 6 April 2023);
 - k Appendix 11: Liability Notice (dated 6 April 2023);
 - l Appendix 12: Commencement Notice submitted on behalf of NHHO to the Council via email on 6 April 2023;

- m Appendix 13: Commencement date acknowledgement email from LBH's CIL team;
 - n Appendix 14: Demand Notice (dated 11 April 2023);
 - o Appendix 15: Relevant S106 definitions;
 - p Appendix 16: Time and date stamped photos of demolition works;
 - q Appendix 17: Contracts between NHHO and contractors relating to undertaking demolition works;
 - r Appendix 18: Demolition plan (drawing ref no. ASP-AHR-B1-00-DR-A-10-102)
- 5 Site Location Plan (drawing ref. ASP-AHR-B1-00-DR-A-10-100).

2.0 Background

2.1 The application site comprises a 0.5ha area of land, in the south-western corner of the Ashley Road area. Prior to the demolition works which form the basis of the CLEUD application, the site was occupied by a two-storey building located along the western boundary of the site, adjoining Down Lane Park, and yard space with areas for car parking. The site included circa. 1,000 sqm (GIA) of commercial floorspace when the building was in operation.

2.2 Planning permission was granted on appeal (ref. APP/Y5420/W/19/3232707) on 16 April 2020, following refusal of the application by LB Haringey (ref. HGY/2019/0108) on 10 April 2019. The appeal decision is provided at Appendix 1. This granted planning permission for:

“Demolition of existing buildings and erection of a part 6, part 8 storey building to provide 97 residential units (Class C3), 170 sqm of commercial floorspace (Class A1/A3/B1), new public realm, car and cycle parking and all associated works.”

3.0

Pre-commencement Requirements

Conditions

Three conditions were required to be discharged prior to the commencement of development. The decision notices are attached for completeness at Appendices 2-4. The conditions are listed below:

Table 3.1 Pre-commencement conditions

Condition	Condition wording	Application for discharge	Date of discharge	Decision notice Appendix to this letter
9) Construction Environmental Management Plan	Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide details of how demolition and construction works are to be undertaken and include: [list of required CEMP inclusions]	HGY/2022/4408	27 March 2023	Appendix 2
10) Air Quality Management Plan	No works shall be carried out on the site until a detailed Air Quality and Dust Management Plan (AQDMP), detailing the management of demolition and construction dust and including a Dust Risk Assessment, has been submitted and approved in writing by the Local Planning Authority. The plan shall be in accordance with the Greater London Authority's Dust and Emissions Control Supplementary Planning Guidance document (July 2014) and include a Dust Risk Assessment. The development shall be carried out in full accordance with the agreed AQDMP.	HGY/2023/0076	21 March 2023	Appendix 3
13) Tree protection	Prior to the commencement of the development (except demolition works) details of all existing and proposed levels on the site in relation to the adjoining properties shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be in full accordance with the agreed levels details.	HGY/2022/4503	7 March 2023	Appendix 4

3.1

A Section 96a Non-Material Amendment application (ref. HGY/2022/4229) was submitted and approved by the Council on 3 March 2023, to amend the trigger of pre-commencement

condition 12 (site levels) to allow demolition to take place ahead of its discharge. The decision notice is provided at Appendix 5. The wording of the amended condition enables demolition to occur prior to discharge of the condition.

- 3.2 All other conditions are to be discharged following implementation of the permission, or demolition is ‘carved out’ of the trigger point for the condition. As such, all pre-commencement conditions have been complied with and no condition precedent remains outstanding.

CIL

The necessary CIL forms were submitted and acknowledged or approved prior to commencement of the development. The relevant forms and correspondence are listed below and attached at Appendices 6-14:

Table 3.2 Pre-commencement CIL matters

CIL Form	Submission to Council	Confirmation/acknowledgement from Council
CIL Form 2: Assumption of Liability	Notting Hill Home Ownership (NHHO) assumed liability for the development with an Assumption of Liability Form submitted to the Council via email on 5 April 2023 (Appendix 6).	The Assumption of Liability was acknowledged by the Council’s CIL team via email on 5 April 2023 (Appendix 7).
CIL Form 10: Charitable and/or Social Housing Relief Claim	Social Housing Relief was claimed for Ashley Park, with a Social Housing Relief Claim Form submitted on behalf of NHHO to the Council via email on 5 April 2023 (Appendix 8).	Social Housing Relief was granted by the Council’s CIL team via email on 6 April 2023 (Appendix 9). The attachments of this email comprised a Social Housing Relief Claim Decision Notice (Appendix 10) and a liability notice confirming the CIL liable amount after social housing relief (Appendix 11).
CIL Form 6: Commencement Notice	A Commencement Notice was submitted on behalf of NHHO to the Council via email on 6 April 2023 (Appendix 12), stating the Commencement Date of 13 April 2023.	The Commencement Date was acknowledged by the Council’s CIL team via email on 11 April 2023 (Appendix 13) and in the same email, a Demand Notice was issued (Appendix 14).

- 3.3 In recognition that all pre-commencement CIL matters have been agreed appropriately, the Council issued a CIL Demand Notice via email on 11 April 2023 as noted above. The CIL liable amount, after social housing relief, of £288,301.61 is required to be paid by 12 June 2023, or by two instalments of 50%, paid by 12 June 2023 and 9 December 2023. NHHO are in the process of making the necessary payment and are in close contact with the Council regarding this payment.

Section 106 Obligations

- 3.4 The Section 106 agreement (dated 10 March 2020) confirms that demolition is ‘carved out’ of the definition of the implementation of development for the purposes of the S106 only, as it forms one of the list of Excluded Works. The relevant S106 definitions are included at Appendix 15 for reference.

- 3.5 Therefore, no S106 obligations were required to be complied with prior to demolition. All obligations will be progressed or complied with at the appropriate time.

4.0 Implementation of the Permission

- 4.1 Following the approval of all relevant pre-commencement conditions and completion of the CIL process (as detailed above), demolition works began on site by approved contractors, Hill Partnerships Ltd.
- 4.2 A large area of the Ashley House north-south building was identified as the starting point in order to begin demolition safely. The works required the demolition of brickwork, demolition of areas of the facade and removal of windows. This work commenced on 13 April 2023 and is ongoing. Substantial demolition work was therefore undertaken prior to the expiry of planning permission granted on appeal ref. APP/Y5420/W/19/3232707 on 16 April 2023. Each of the demolition operations removed a substantial amount of material from the buildings. The demolition works and associated operations are illustrated in the time and date stamped photos of the demolition taking place, included at Appendix 16.
- 4.3 Information on the demolition works to be undertaken was shared with Officers prior to the demolition contractors starting the work on site. As outlined above, the demolition work then commenced on 13 April 2023 as evidenced on the site photos; the works were clearly instructed within the contracts between NHHO and contractors Hill Partnerships Ltd, included at Appendix 17.

5.0 Certificate of Lawful Existing Use or Development (CLEUD) Application

5.1 A Certificate of Lawful Existing Use or Development (CLEUD) is sought to demonstrate that the demolition of the building located at the site set out above has occurred lawfully and thus the planning permission granted under appeal ref. APP/Y5420/W/19/3232707 (LBH planning application ref. HGY/2019/0108) has been implemented lawfully.

5.2 We set out below our assessment of the implementation of the development which occurred on the date of 13 April 2023 in accordance with the CIL Commencement Notice dated and submitted to the Council via email on 6 April 2023 (Appendix 12), ahead of the expiry of the planning permission on 16 April 2023.

Planning Legislation and Guidance

5.3 The Planning Practice Guidance (2021) states the following:

“Article 39 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 specifies the contents of an application and how it must be submitted. There is a different application form for each type of certificate, but either type must be accompanied by sufficient factual information/evidence for a local planning authority to decide the application...” (Paragraph: 005 Reference ID: 17c-005-20140306).

5.4 Section 191 of the TCPA 1990 (as amended) allows applications to the Local Planning Authority for the issue of Lawful Development Certificates for existing use. The test in the current application is whether 'on the balance of probabilities' it has been demonstrated that the planning permission to the application site has been lawfully implemented in accordance with Section 56 of the Town and Country Planning Act 1990.

5.5 To confirm that the permission has been implemented lawfully, the following considerations are relevant:

- 1 Are the works undertaken on site a material operation, as defined by s.56(2) and s.56(4) of the TCPA 1990 (as amended)?;
- 2 Are the works carried out part of the authorised development granted under the relevant Planning Permission?; and
- 3 Were the material operations undertaken carried out prior to the relevant deadline for implementing the permission?

5.6 A “material operation” is defined in section 56(4) as (our emphasis):

- a) any work of construction in the course of the erection of a building;
- **[aa) any work of demolition of a building;]**
- b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;
- c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);
- d) any operation in the course of laying out or constructing a road or part of a road;

- e) any change in the use of any land which constitutes material development.

5.7 There is no further statutory guidance on what constitutes demolition. However, case law principles provide that:

- 1 if the work carried out is referable to the permission, the extent of that work is irrelevant, provided it is more than *de minimis*; and
- 2 where a planning permission expressly includes demolition, then works of demolition are sufficient to determine when development begins.

5.8 In this case, the description of development on the planning permission specifically refers to “*Demolition of existing buildings...*”.

5.9 The information presented below (and enclosed) is considered sufficient to describe the nature of the demolition works carried out to lawfully implement the permission and meet the above tests.

6.0 Assessment

6.1 As outlined above, to confirm that the permission has been implemented lawfully, the following considerations are relevant:

- 1 Are the works undertaken on site a material operation, as defined by s.56(2) and s.56(4) of the Town and Country Planning Act 1990 (“the Act”)?;
- 2 Are the works carried out part of the authorised development granted under the relevant Planning Permission?; and
- 3 Were the material operations undertaken carried out prior to the relevant deadline for implementing the permission?

Material Operation

6.2 In order for the works (in this case, demolition) to constitute development under s.56(4) of the Town and Country Planning Act 1990, it needs to be ‘more than *de minimis*’.

6.3 The supporting documents include time/date stamped photographs of the works undertaken (see Appendix 16). As set out in Section 4, demolition works at the Ashley House north-south building has included demolition of brickwork, demolition of areas of the facade and removal of windows.

6.4 Each of these operations removed a substantial amount of material from the buildings leaving them no longer usable. These works are each material operations that would themselves require planning permission if not comprised within the scope of the planning permission that has been granted at the site. The works were also required to be undertaken by contracted builders and therefore constitute material operations that could not simply be undertaken by an unqualified or non-professional person.

6.5 As such, it is clear that these are significantly more than *de minimis*, and each, considered independently, would constitute a material operation.

6.6 With such a scale of intervention at the site, it is clear that the works undertaken comprise a material operation consistent with the requirements of Section 56(4, aa) of the Act (i.e. “*any demolition of a building*”).

Consistent with the Approved Scheme

6.7 The second assessment criteria is that the works carried out were part of the authorised development.

6.8 As above, the description of development specifically refers to “*Demolition of existing buildings*”. Therefore, the planning permission allows for demolition of the existing buildings on site.

6.9 A demolition plan was also approved, as set out in Condition 2 of the appeal decision notice. Drawing ref no. ASP-AHR-B1-00-DR-A-10-102 (see Appendix 18) shows the extent of existing buildings at the site to be demolished and includes the Ashley House north-south building. As demonstrated in the photographs provided, demolition works were

carried out on the existing Ashley House north-south building, as identified for demolition in the approved demolition plan.

- 6.10 As such, the material operations carried out are consistent with the approved development and so are authorised to be carried under the relevant planning permission ref. APP/Y5420/W/19/3232707 (LBH planning application ref. HGY/2019/0108).

Timing

- 6.11 Planning permission ref. APP/Y5420/W/19/3232707 (LBH planning application ref. HGY/2019/0108) was granted on 16 April 2020. Condition 1 states that:

“The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.”

- 6.12 The supporting documentation at Appendices 16 and 17 include date stamped photographs and contracts/ correspondence between NHHO and the demolition contractor. These documents demonstrate definitively that the material operations were commenced by NHHO on 13 April 2023, in advance of the planning permission’s ‘expiry’ on the 16 April 2023. Therefore, the material operations were carried out prior to the relevant deadline for implementing the planning permission.

Summary

- 6.13 In summary, planning permission exists for development at the site, relevant pre-commencement conditions were discharged or formally amended to allow demolition works to be undertaken prior to their submission/approval and CIL forms were submitted and a commencement date confirmed with LBH. The demolition works fall within the definition of a material operation and constitute works comprised within the development granted under the relevant planning permission. These works demonstrably took place on 13 April 2023, the committed commencement date on CIL Form 6, prior to the expiry of the planning permission on 16 April 2023. Evidence is provided in the appendices to this report to confirm these facts. As such, planning permission APP/Y5420/W/19/3232707 (LBH planning application ref. HGY/2019/0108) has been lawfully implemented.

7.0 Conclusion

- 7.1 This application seeks a CLEUD to confirm the commencement of the development at the Ashley Park site in Tottenham Hale (ref. APP/Y5420/W/19/3232707, LBH planning application ref. HGY/2019/0108).
- 7.2 Planning permission was granted at the site on appeal (ref. APP/Y5420/W/19/3232707) on 16 April 2020, for:
- “Demolition of existing buildings and erection of a part 6, part 8 storey building to provide 97 residential units (Class C3), 170 sqm of commercial floorspace (Class A1/A3/B1), new public realm, car and cycle parking and all associated works.”*
- 7.3 Relevant pre-commencement conditions have been discharged or formally amended to allow demolition works to be undertaken prior to their submission/approval. CIL forms were submitted, and a commencement date of 13 April was confirmed with LBH.
- 7.4 Demolition works comprising the demolition of brickwork, demolition of areas of the facade and removal of windows at the Ashley House north-south building were progressed on 13 April 2023 prior to the expiry of the permission on 16 April 2023. These works demonstrably fall within the definition of a material operation and constitute works comprised within the development granted under the relevant planning permission.
- 7.5 For the reasons outlined in this report and as evidenced in the accompanying appendices, planning permission APP/Y5420/W/19/3232707 (LBH planning application ref. HGY/2019/0108). has been lawfully implemented. This application for a CLEUD should therefore be granted at the earliest opportunity to formally confirm the development’s lawful implementation.

Appendix 1 – Appeal decision notice ref. APP/Y5420/W/19/3232707



Appeal Decision

Hearing Held on 10 March 2020

Site visit made on 10 March 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 April 2020

Appeal Ref: APP/Y5420/W/19/3232707

Ashley House, Ashley Road, Tottenham, London N17 9LZ

- 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 Notting Hill Home Ownership against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2019/0108, dated 21 December 2018, was refused by notice dated 10 April 2019.
 - The development proposed is the demolition of existing buildings and erection of a part 6, part 8 storey building to provide 97 residential units (Class C3), 170 sqm of commercial floorspace (Class A1/A3/B1), new public realm, car and cycle parking and all associated works.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and erection of a part 6, part 8 storey building to provide 97 residential units (Class C3), 170 sqm of commercial floorspace (Class A1/A3/B1), new public realm, car and cycle parking and all associated works at Ashley House, Ashley Road, Tottenham, London N17 9LZ, in accordance with the terms of the application, Ref HGY/2019/0108, dated 21 December 2018, subject to the conditions set out in the attached Schedule.

Application for costs

2. Prior to the Hearing event an application for costs was made by Notting Hill Home Ownership against Council of the London Borough of Haringey. This application will be the subject of a separate Decision.

Main Issues

3. The main issues are (1) the effect on the mix and balance of the community as a result of the proposed housing mix within the development, particularly the number of 1 and 2 bedroom units included; and (2) the effect on the residential environment and existing open space provision as a result of the proposed provision of play space for resident children within the proposed development.

Reasons

Housing Mix

4. The proposal consists of 97 apartments on a site, which is surrounded by several other sites currently being developed for similar housing schemes. The northwest corner of the site is designated as part of a wider regeneration area, whereas the appeal site is wholly within a growth area as defined by the Tottenham Area Action Plan (TAAP). The development would contribute over 40% affordable housing. The overall mix would include 40 one-bedroom units (approx. 41%), 46 two-bedroom units (approx. 47%) and 11 three-bedroom units (approx. 11%). The Council, in their first reason for refusal, has stated that essentially the number of family size (3 bedroom) units is too few for this development in this location.
5. In this regard, my attention has been drawn to the Tottenham Hale District Centre Framework (THDCF), which I understand is a document which was adopted by the Council to inform the large scale redevelopment of this area. For the area to which this site is part of (TH5) this THDCF sets out that an "appropriate mix for new residential development across this area as a whole is 40% 1-bed dwellings; 50% 2-bed dwellings; and 10% 3-bed+ dwellings." As is clear, the appeal site proposal meets this requirement with regards the minimum provision of 3 bedroom size dwellings.
6. At the Hearing the Council stated that the other approved developments that make up this defined area within the THDCF have underprovided in terms of family size dwellings, below that which this Framework set out as appropriate. I do not have full reasons why these developments were approved with less family size housing, but the result is that for the minimum of 10% 3 bedroom plus size dwellings to be provided at TH5 then there would need to be more than 11% provision at the appeal site. This would essentially be to compensate for the lack of family sized units in these other approved developments.
7. A reason given at the hearing for this was that other approved sites are closer to the station and further from the public park, known as Down Lane Park. It is clear that the proposed site would be immediately adjacent to the park, but it is also very close to the station. Therefore, I would consider a balanced mix would be reasonable, in line with that expressed in the THDCF. Furthermore, the other sites mentioned, some with very little family housing at all, are also close to the park, even if slightly further away than the appeal site. From the plans I have seen, the surrounding development sites are all within close range to both the park and the station. As such, I do not give this argument much weight.
8. Therefore, it does not seem reasonable to require greater family size units on this site to compensate for lower levels approved elsewhere. The appeal proposal provides slightly over the amount of family size dwellings set out in the Framework document. To my mind, the mix is appropriate given the location of the site and local demand and does not represent an overconcentration of 1 and 2 bedroom apartments.
9. Whilst I acknowledge the area does have a clear need for family size housing, this development does provide towards this with 11 units which could accommodate families. Therefore, the proposed development would appropriately contribute towards a mixed and balanced sustainable community,

thereby being in accordance with policies 3.9 of the London Plan (2016), Policy DM11 of the Development Management DPD (2017) and Policy AAP1 of the Tottenham Hale Area Action Plan (2017). These policies seek to, amongst other things, require development to provide a range of types and sizes of homes, having regard to location, character of its surrounds, site constraints and scale of development proposed.

10. I also find that the proposals, in this respect, are in general accordance with the National Planning Policy Framework (the Framework).

Children Play Space

11. The proposed development includes within its site area space for children under 5 years of age. Both parties agree that this provision is adequate. However, there is no provision on site for play space for children older than 5 years of age.
12. The proposal would result in 11 family size dwellings and there could be more than approximately 27 children living in the apartments when completed. Most would be over 5 years of age.
13. There is no disagreement between the parties that there would be children likely to live in the proposed development where there would be no on-site facilities for them to play. I also note that the Haringey Open Space and Biodiversity Study state that the Tottenham Hale Ward has the greatest deficiency in terms of access to city parks or other green spaces. Therefore, the children brought to the area who are over 5 years old would likely result in more pressure on the existing park facilities. To address this, the appellant has included in the S106 legal agreement an obligation to pay the Council £360,000 towards child play space.
14. In regard to the off-site contribution, I note that the London Mayor Play and Informal Recreation SPG states that the Mayor will expect play space provision to be made on-site in new development and regeneration schemes wherever possible (Para 4.38). However, this SPG also makes provision for possible financial contributions for off-site improvements to existing play facilities where there are planning constraints and meets the needs of future occupiers and existing residents (4.40).
15. In this case, the site is constrained in terms of its linear form. There would be a limited space around the base of the building. As discussed at the Hearing, increasing the amount of play space on site would likely mean less housing delivered on site. Furthermore, the site is adjacent to Down Lane Park, which is a large public park with sports areas and playgrounds, for example. This is in such close proximity to the proposed family dwellings that I would regard it likely that children would use this large park for sporting activities or general play.
16. The Council acknowledge that this park would be a facility that would be accessible to children living at the development for play, including those over 5 years of age. However, the Council have concerns over the capacity of the park due to children from this development and others in this growth area of Tottenham. I recognise that the redevelopment near this park will likely increase the usage of this park, but I have no substantive evidence before me that the park is struggling with overuse or that its practical capacity would be

exceeded by these new developments. I also have no detailed evidence that the biodiversity and nature conservation values that the park includes would be undermined by increased use. Furthermore, from the evidence I have seen regarding the park I am not convinced that the children from the development (which includes 11 family size dwellings) would likely be that 'tipping point' where such a capacity is exceeded.

17. It is also important in these considerations to factor in the planning obligation for the provision of £360,000 towards open space, which according to the Council as heard in the Hearing would likely be spent mainly on enhancing Down Lane Park. This is a substantial amount of money which can be spent to develop the park and maintain it. This money would sufficiently mitigate the pressure on the park from the additional children from the appeal site development, who would likely be quite dependent on this park for play and sport if they are over 5 years old.
18. Therefore, whilst it would be preferable for on-site provision of play space for all child age groups, there is sufficient reason in this circumstance to allow for an off-site contribution. The proximity of the large city park adjacent to the site, which could potentially benefit from the financial contribution is also a significant factor. As such, the proposed development would provide a sufficient quality of residential environment and the existing open space/play space at Down Lane Park would not be subject to unacceptable pressure and stress. On this basis, the proposal would not adversely contribute to poor health in the area, such as childhood obesity. The development would provide towards a link to the park (Ashley Link), some under 5 play space, plus a significant financial contribution towards open space provision in the area. This, to my mind, is a sufficient and substantial provision in this regard.
19. The proposal therefore accords with London Plan (2016) policy 3.6, Local Plan (2017) policy SP2 and SP13, and Policy DM12 and DM20 of Development Management DPD (2017). These policies seek to protect and enhance existing open space, provide housing with high design and space standards, seek on-site or financial contributions towards open space from new developments, and make provision for children's informal or formal play space in addition to amenity space provision, amongst other things.

Other Matters

20. The issue of housing land supply for Haringay was discussed at length at the Hearing, with the Council stating they have marginally over the 5 years land supply needed, whereas the appellant provided evidence that they claim showed the council had significantly less than this (below 4 years land supply).
21. As can be seen above, I have found the development does not result in harm based on either of the main issues, or any of the other issues considered. As a result, there is no need for me to come to a conclusion on the matter of whether the 'tilted balance' is engaged as I have found the development acceptable and in compliance with planning policy. I have not, therefore, considered this matter further and make no decision on whether the Council has a 5 year land supply for housing currently.
22. Other decisions including Appeal decisions have been brought to my attention in regard to the main issues. However, I have found that there are not directly comparable to this case and I have considered this appeal based on its merits.

Planning Obligations

23. A Planning Obligation in the form of a completed S106 agreement has been submitted at the Hearing which secures the provision of affordable housing on site and other contributions and obligations. I have considered the Planning Obligation in light of the Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 56 of the National Planning Policy Framework (the Framework).
24. The agreement includes the provision for over 40% affordable housing on site, which is to have a mix of London Affordable Rented Housing Units (11 x 3-bed) and 24 London Living Rented Units (9 x 1-bed and 15 x 2-bed) to be constructed. This provision is in accordance with the Framework and policies 3.9 and 3.12 of the London Plan 2016, policy SP2 of the Local Plan 2017, policy DM13 of the Development Management Development Plan Document 2017, and Section 6 of the Council's Planning Obligations Supplementary Planning Document (SPD) (March 2018). Wheelchair housing provision is also included, in line with policy.
25. As discussed above, the proposal would also contribute £360,000 towards open space provision which can secure improvements to Down Lane Park. There are also obligations to secure public access for the relevant public access areas, such as the Ashley Link, and the need for a Public Area Plan, regarding maintenance. This is in accordance with London Plan Policy 3.5 Strategic, Policies SP2 and SP13, Policies DM12 and DM20 of the Council's Development Management DPD, the Planning Obligations SPD and The Mayor's Housing SPG.
26. The obligation includes that the developer seeks to construct the site in the manner of a considerate constructor, to safeguard the amenity of local residents through the construction period. There is also the requirement for a construction logistics plan, to ensure against traffic disruption or highway safety issues, in accordance with Policy 6.13 of the London Plan 2016 paragraph 8.22 of the Planning Obligations SPD 2018.
27. The site is within The Hale Controlled Parking Zone ("CPZ") and also has good access to public transport. The constraints of the site mean that parking spaces are limited. Therefore, the legal agreement includes that residents of the development are not entitled to a parking permit, unless they hold a disabled person permit under section 21 of the Chronically Sick and Disabled Persons Act 1970. There would be a £5000 administration cost for this. Furthermore, there is the requirement of a parking plan which should ensure that parking is prioritised for occupiers of the wheelchair accessible dwellings, for example. This is in accordance with policies 6.3 of the London Plan 2016, Policy SP7 of the Haringey Local Plan 2013, and Policies DM2, DM31 and DM32 of the Development Management DPD and paragraph 8.16 of the Planning Obligations SPD.
28. Furthermore, the legal agreement requires the developer to endeavour to establish a car club bay as part of a car club for appellants, in line with the policies SP7 of the Haringey Local Plan 2013, Policies DM2, DM31 and DM32 of the Development Management DPD.
29. In the interests of sustainable transport there is an obligation included for the appellant to submit a commercial and residential travel plan. This would be in accordance with policies Policy 6.3 of the London Plan 2016, Policy SP7 of the

- Haringey Local Plan 2017, and Policies DM2, DM31 and DM32 of the Development Management DPD 2017 and the Planning Obligations SPD. There would also be a contribution of £3000 to the Council to monitor this.
30. To enhance employment and address skills shortages locally by providing jobs and training, there is an obligation included to require the developer to provide an Employment and Skills Plan. A contribution of £10,000 towards apprentices during construction is also required. This is in accordance with the Planning Obligations SPD.
 31. There is an obligation to ensure the developer enters into the necessary agreements for highway works delivery, to ensure highway safety and suitable access to the developer. This includes the junction of the Ashley Link with Ashley Road and is in accordance with Policy SP7 of the Haringey Local Plan 2013, and Policies DM31 and DM32 of the Development Management DPD and paragraph 8.11 of the Planning Obligations SPD.
 32. A contribution of £77,697 towards offsetting carbon emission impacts is to be included, along with an assessment of the development's compliance with the energy strategy, is included in the legal agreement, in the interests of energy efficiency and climate change. This is in accordance with London Plan 2016 Policies 5.2 and 5.3, Policy SP4 of the Local Plan 2017, Policy DM21 of the Development Management DPD 2017 and paragraphs 11.8-11.21 of the Planning Obligations SPD 2018.
 33. The legal agreement includes that the development will secure connection to a District Energy Network for this area, in accordance with policies 5.5 and 5.6 of the London Plan, Policy SP4 of the Local Plan 2017, Policies DM21 and DM22 of the Development Management DPD 2017, and the Planning Obligations SPD 2018. This is in the interest of providing a decentralised energy network as per policy DM22.
 34. Also, the architect should be retained where possible, to provide some continuity with the scheme. There would also be a £10,000 monitoring fee for the Council to monitor aspects of the development.
 35. After considering the legal agreement, which includes all the above, 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 development proposed. They therefore all pass the statutory tests within the CIL regulations. The matters required by these obligations would be additional to any CIL contributions and there would be no overlap to my knowledge. Finally, I am satisfied that the obligations contained in the S106 would be effective in delivering the policy outcomes sought and the existence of a completed S106 planning obligation is a material consideration in this case.

Conditions

36. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (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.

37. I have attached the standard time limit condition and a plans condition as this provides certainty.
38. I have included the 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, in accordance with the London Plan and Local Plan policy SP2.
39. I have included conditions requiring details of materials to be used externally on the building, together with details of satellite dishes, lighting strategy, and Photo-voltaic panels, all in the interest of visual amenity.
40. Details are required via condition for the ventilation from the commercial unit as part of the development. There is also a condition requiring details of noise insulation between this unit and adjacent residential areas. Furthermore, conditions setting a maximum internal noise level for the dwellings and also for plant machinery noise is included. This is all to primarily ensure the satisfactory living conditions of those living at the site and neighbouring residential areas.
41. Considering the former uses of the site, it is reasonable to include a condition to address potential issues of contaminated land.
42. Final details of levels are required by condition in the interests of visual amenity and to safeguard living conditions of neighbours.
43. There are some trees at the edge of the park with roots that could potentially be damaged by the proposed development. As such, a condition requiring tree protection has been included.
44. In the interests of the security of the development, the proposal should be accredited by 'Secure by Design', which should be submitted to the Council.
45. In the interests of highway safety and to protect the amenity of neighbours to the site, conditions requiring a Construction Environment Management Plan, Air Quality details, and a piling method statement.
46. In response to changing circumstances and data through the planning application process, a revised and updated Energy Strategy, Waste Management Scheme, Delivery and Servicing Plan and Overheating Report is required. These are in the interests of waste management and energy efficiency/climate change.
47. There is a condition which requires the U-values within the development to be as per those set out in the document 'Sustainable Strategy Report'. Furthermore, the commercial aspect of the development will need to be to sufficient BREEAM standard and achieve a 'very good' rating. This is in the interests of energy efficiency/climate change.
48. Being a large scale scheme, it is reasonable to require a Biodiversity Enhancement Plan, so that the proposal can make a positive contribution to local biodiversity.
49. There is a need to have full details of sustainable urban drainage (SuDs) for the site, together with details of the green and brown roofs, in the interests of ensuring a suitable drainage system, biodiversity, and the avoidance of flood risk as a consequence of the development.

50. Due to the need to have good broadband infrastructure, in a development such as this, a broadband strategy will be needed to be submitted to the Council for agreement, in the interests of the local economy.
51. The proposed development includes some details of cycle parking, but not in sufficient detail. Therefore, a condition requiring details of cycle parking has been included, in the interests of sustainable transport provision. A car park management plan is also required, in the interests of providing suitable parking provision and access.
52. Details of landscaping and the on-site play space is required through condition, in the interest of visual amenity and for the provision of suitable play provision for children under 5 years old.
53. Considering the scale of development, it is necessary for an estate management and maintenance plan, to cover areas such as the on-site play space and to ensure the long term appearance of the site is acceptable in this location.
54. Finally, there is a condition requiring a detailed affordable housing strategy, based on that proposed and also set out in the legal agreement. This is in the interests of ensuring sufficient provision of affordable housing within the development.
55. Several of the conditions set out in the schedule below require details prior to commencement of development. The appellant has not objected to the use of these pre-commencement conditions. Following discussion at the Hearing I am satisfied that there are exceptional justifications for imposing these pre-commencement conditions.

Conclusion

56. For the reasons given above, the appeal should be allowed subject to the conditions set out in the schedule below.

S. Rennie

INSPECTOR

APPEARANCES

For the Appellant:

Mr Allen Sacbucker	SM Planning
Mr Stuart Minty	SM Planning
Mr Ben Kelway	Lichfields
Ms Clare Catherall	Lichfields
Mr Matthew Spry	Lichfields
Mr Harry Bennett	Lichfields
Ms Danielle Lennon	Notting Hill Homes
Ms Kelly Harris	Notting Hill Homes
Mr Will Day	Churchman Thornhill Finch
Mr David de Sousa	AHR

For the Council:

Mr Robbie McNaugher	London Borough of Harringay Council
Ms Emma Williamson	London Borough of Harringay Council
Mr Philip Crowther	London Borough of Harringay Council
Mr Robert Frost	London Borough of Harringay Council

- There were no interested parties present throughout the Hearing.
- A finalised copy of the S106 legal agreement, dated 11 March 2020 was submitted at the Hearing.

Schedule - Conditions

1. The development hereby authorised must be begun not later than the expiration of 3 years from the date of this permission, failing which the permission shall be of no effect.
2. The development shall be completed in accordance with the approved plans and documents except where conditions attached to this planning permission indicate otherwise or where alternative details have been subsequently approved following an application for a non-material amendment.

Plans and Drawing Numbers:

Site Location Plan ASP-AHR-B1-00-DR-A-10-100
Block Plan ASP-AHR-B1-00-DR-A-10-101
Demolition Plan ASP-AHR-B1-00-DR-A-10-102
Proposed Site Plan ASP-AHR-B1-00-DR-A-10-103
Proposed Ground Floor Plan ASP-AHR-B1-00-DR-A-20-001
Proposed First Floor Plan ASP-AHR-B1-01-DR-A-20-002
Proposed Second Floor Plan ASP-AHR-B1-02-DR-A-20-003
Proposed Third Floor Plan ASP-AHR-B1-02-DR-A-20-004
Proposed Fourth Floor Plan ASP-AHR-B1-02-DR-A-20-005
Proposed Fifth Floor Plan ASP-AHR-B1-02-DR-A-20-006
Proposed Sixth Floor Plan ASP-AHR-B1-06-DR-A-20-007
Proposed Seventh Floor Plan ASP-AHR-B1-06-DR-A-20-008
Proposed Roof Plan ASP-AHR-B1-08-DR-A-20-009
Proposed North and East Elevation and Section ASP-AHR-B1-00-DR-A-20-020
Proposed South and East Elevation and Section ASP-AHR-B1-00-DR-A-20-021
Landscape Drainage and Levels 501-CLA-XX-GF-DR-L-4000
Landscape General Arrangement 501-CLA-XX-GF-DR-L-1000
Landscape Softworks Plan 501-CLA-XX-GF-DR-L-5000

3. All the residential units will be built to Part M4(2) 'accessible and adaptable Dwellings' of the Building Regulations 2010 (as amended) and at least 10% (10 units) shall be wheelchair accessible or easily adaptable for wheelchair use in accordance with Part M4(3) of the same Regulations.
4. The placement of a satellite dish telecommunications apparatus or television antenna on any external surface of the development is precluded, with exception provided for a communal solution for the residential units, details of which are to be submitted to the Local Planning Authority for its written approval prior to the first occupation of the development hereby approved. The provision shall be retained as installed thereafter.
5. No activities within Use Classes A3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) shall commence until details of ventilation measures associated with the specific use concerned have been submitted to and approved in writing by the Local Planning Authority. The approved ventilation measures shall be installed and made operational before any A3 use commences and shall be so maintained in accordance with the approved details.

6. The development hereby approved shall be constructed and delivered to the U-values set out in the document Sustainable Strategy Report and Sustainability Statement prepared by Calfordseaden dated December 2018, and any energy strategy document thereafter approved.
7. Noise arising from the use of any plant or associated equipment shall not increase the existing background noise level (LA90,15mins) when measured (LAeq, 15mins) 1 metre external from the nearest residential or noise sensitive premises.
8. Prior to the commencement of development, other than for investigative work and demolition:
 - a) Using information from previous assessments the proposed site investigation, sampling and analysis shall be undertaken. 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) A Method Statement detailing the remediation requirements, using the information obtained from the site investigations, 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.
9. Prior to the commencement of development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall provide details of how demolition and construction works are to be undertaken and include:
 - A)
 - i. The identification of stages of works;
 - ii. Details of working hours, which unless otherwise agreed with the Local Planning Authority shall be limited to 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 on Saturdays;
 - iii. Details of an Unexploded Ordnance Survey;
 - iv. Details of community engagement arrangements;
 - v. Details of any acoustic hoarding;
 - vi. A temporary drainage strategy and performance specification to control surface water runoff and Pollution Prevention Plan (in accordance with Environment Agency guidance);
 - vii. Details of external lighting.

B) Prior to the commencement of the development, evidence of site registration at nrmm.london to allow continuing details of Non-Road Mobile Machinery (NRMM) and plant of net power between 37kW and 560 kW to be uploaded during the construction phase of the development shall be submitted to and approved by the Local Planning Authority.

All plant and machinery to be used during the demolition and construction phases of the development shall meet Stage IIIA of EU Directive 97/68/ EC (or equivalent) for both NO_x and PM emissions and be uploaded to nrmm.london prior to use on site.

C) An inventory of all NRMM shall be kept on site during the course of the demolitions, site preparation and construction phases of the development hereby approved. All machinery should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment. This documentation shall be made available to Local Authority officers as required until development completion.

The works shall only be carried out in accordance with an approved CEMP.

10. No works shall be carried out on the site until a detailed Air Quality and Dust Management Plan (AQDMP), detailing the management of demolition and construction dust and including a Dust Risk Assessment, has been submitted and approved in writing by the Local Planning Authority. The plan shall be in accordance with the Greater London Authority's Dust and Emissions Control Supplementary Planning Guidance document (July 2014) and include a Dust Risk Assessment. The development shall be carried out in full accordance with the agreed AQDMP.
11. 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 in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
12. Prior to the commencement of the development (except demolition works) details of all existing and proposed levels on the site in relation to the adjoining properties shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be in full accordance with the agreed levels details.
13. No development shall commence until a Tree Protection Plan has been submitted to the Local Planning Authority for its written approval demonstrating a protection methodology for the neighbouring trees proposed to be retained during construction that shall incorporate the installation of appropriately sized and located wooden hoardings secured to the ground to protect the trees from impact damage. Once approved the development shall be constructed in accordance with the approved details.

14. Evidence that the commercial unit at the development hereby approved is registered with a BREEAM certification body and that a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve the stipulated BREEAM level "Very good" shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development and a final certificate shall be submitted for approval to the Local Planning Authority within 6 months of the occupation of the development.

15. Prior to any above ground works, including demolition, a revised Overheating Report shall be submitted to and approved in writing by the Local Planning Authority. Details in the report shall include, but not be limited to:

- The location and units modelled
- Occupancy levels in the units
- Impact of future weather files and how this will be risk mitigated.

The development shall be carried out in accordance with the details approved and maintained as such thereafter.

16. A schedule and samples of materials to be used for the external surfaces of the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority, and the approved materials shall be used in the implementation of the development and thereafter so retained.

17. Prior to commencement of above ground works an affordable housing strategy shall be submitted to and approved in writing by the Local Planning Authority relating to the provision of a minimum of 43% Affordable Housing (by habitable room). The details set out in the strategy shall thereafter be implemented in accordance with the approved strategy. Such a strategy for each phase must include:

- The overall percentage, numbers, tenure, affordability and location of the affordable housing provision to be made within the related phase;
- The timing of the construction of the affordable housing;
- The arrangements to ensure that such provision is affordable for both initial and subsequent occupiers of the affordable housing.

18. Prior to the commencement of any above ground works, a strategy to facilitate super-fast broadband for future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall seek to ensure that upon occupation of a dwelling, either a landline or ducting to facilitate the provision of a broadband service to that dwelling from a site-wide network, is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway, unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure. The development of the site shall be carried out in accordance with the approved strategy.

19. Prior to the commencement of above ground works details of the design, implementation, maintenance and management of the sustainable drainage scheme shall be submitted to, and approved in writing by the Local Planning Authority. Those details shall include:

- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control the surface water discharged from the site and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
- Substrate depths of the Green Roof;
- Details of replacement/repair works to pipe runs at the site;
- Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- Flood water exceedance routes, both on and off site;
- Surface water flow paths;
- A timetable for its implementation, and
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Once approved, the scheme shall be implemented, retained, managed and maintained in accordance with the approved details.

20. Notwithstanding the submitted details and prior to the commencement of above ground works, excluding demolition and site preparation works, a revised energy strategy shall be submitted to and approved in writing by the Local Planning Authority. The Energy Strategy shall, unless otherwise agreed by the Local Planning Authority, be based on connection of the building to the energy centre at the approved development at Ashley House (application Ref: HGY/2018/2353). The strategy shall explore all reasonable options for improving the energy efficiency of the buildings and reducing carbon dioxide emissions in accordance with the energy hierarchy set out in London Plan policy 5.2 "Minimising carbon dioxide emissions". The Strategy will comply with the targets and measures set out in London Plan (2016) Policy 5.2 and will be submitted using the format set out in the GLA Energy Assessment Guidance 2018. The development shall be carried out strictly in accordance with the details as approved.

21. Prior to the commencement of above ground works for the development hereby approved, details of green/brown roofs, including planting and maintenance schedules, and ecological enhancement measures shall be submitted to and approved in writing by the Council. The development shall accord with the details as approved.
22. Prior to any superstructure works details of arrangements for cycle storage (including provision for a total of cycle parking spaces and means of enclosure for the storage area) shall be submitted to, and approved in writing by, the Local Planning Authority in consultation with Transport for London (Borough Planning). The approved cycle storage details shall be completed before any part of the development is first occupied and maintained as such thereafter.
23. Prior to commencement of above ground works of the development hereby permitted, details of a sound insulation scheme to be installed between the commercial premises on the ground floor and residential premises on the first floor shall be submitted in writing to and for approval by the Local Planning Authority. The scheme shall be installed as approved prior to any commercial occupation of the site and shall be maintained thereafter.
24. Prior to commencement of above ground works of the development hereby permitted, and notwithstanding the approved Delivery and Servicing Plan (prepared by WSP dated December 2018) details of an updated scheme setting out the collection and storage of waste and recycled materials shall be submitted in writing to and for approval by the Local Planning Authority.

The updated scheme shall address:

- Waste and recycling collection frequency, following liaison with Haringey's Waste Management Team and Veolia (Haringey's waste service provider)
- The cost implications of collection frequency to future occupiers
- The management of waste on site, including bin rotation and storage layout
- The collection storage areas

The details shall be implemented as approved prior to the occupation of the development for residential purposes and maintained thereafter.

25. Prior to commencement of above ground works of the development hereby approved, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Local Planning Authority. The BEP shall include:
- i) Integration of bird and bat boxes;
 - ii) Details of native and 'nectar rich' landscaping; and
 - iii) Soft landscaping management & maintenance.

The Biodiversity enhancement measures set out in the approved BEP shall be implemented as per an agreed timeframe and maintained thereafter.

26. The submitted Acoustic Report by WSP dated December 2018 states that with the specified recommended glazing and mechanical ventilation installed

within the proposed residential units (with the windows closed) the following internal noise levels in accordance with BS8233:2014 will be achieved:

Day time Noise: From 7am-11pm, in Living rooms and bedrooms - 35dB(A) maximum noise level

Night time Noise: From 11pm-7am in Bedrooms - 45dB(A) maximum noise level

Prior to first occupation of the development, an appropriate test shall be undertaken to demonstrate that the above noise levels have been met and the results submitted to the Local Planning Authority for approval.

27. Prior to the first occupation of the development, a 'Secured by Design' accreditation shall be obtained and shall be submitted to the Local Planning Authority for information. The development shall be carried out in accordance with the accredited details.
28. Prior to the occupation of the development hereby approved an Estate Management and Maintenance Plan for the site, setting out maintenance and management responsibilities for all communal play spaces, communal amenity spaces and all publicly accessible open spaces, shall be submitted to and approved in writing by the Local Planning Authority and the open spaces shall thereafter be maintained and managed in accordance with the approved details.
29. Prior to occupation, details of the children's play space and soft landscaping provision contained within the private amenity areas, plus the details of landscape proposals for Ashley Link in accordance with the Design and Access Statement (dated December 2018) shall be submitted to and approved in writing by the Local Planning Authority.
The details shall include the:
- a) location, layout, design of the play space;
 - b) equipment/ features;
 - c) hard surfacing materials;
 - d) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting);
 - e) Proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines, indicating lines, manholes, supports, etc);
- Soft landscape details shall include:
- a) Planting plans;
 - b) Written specifications (including cultivation and other operations associated with plant and grass establishment);
 - c) Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate;
 - d) Implementation timetables.

The hard landscaping, play space 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. The children's play space shall be provided strictly in accordance with the details so approved, installed/erected prior to

the first occupation of the residential units and shall be maintained as such thereafter.

30. Prior to the occupation of the development for residential purposes, details of the layout and specification of the PV solar panel installation for the building hereby approved shall be submitted in writing to and approved by the Local Planning Authority. The installation shall be constructed in accordance with the approved details and maintained thereafter.
31. Prior to the building being brought into use a lighting strategy to address all external lighting across the development 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.
32. Prior to the first occupation of each approved use within the development, a Car Park Management Plan shall be submitted to the Local Planning Authority for approval in writing. The plan should:

- describe how parking will be managed on the site
- arrangements for leasing and allocating residential car parking spaces for wheelchair users;
- provide details of how disabled users of the commercial part of the development, can use the parking spaces and how this is going to be managed including details of priority criteria for allocation and access for Dial-a-Ride services;
- details of how the loading bay(s) will be managed, and any agreed restrictions;
- details of the controlled access to the parking area(s), parking enforcement, ramp details (if any), to show structural columns, swept paths, vehicle circulatory movements, visibility splays, all while considering pedestrian safety nearby;
- demonstration that all car parking spaces are of the correct width and length, with in-between allowance of 6m, following the Manual for Street (MfS) guidance and taking into account the 'IStructE Design recommendations for multi-storey and underground car parks'-third edition;
- details of the width in-between spaces that enables manoeuvring in/out of parking spaces, include swept path analysis for corner spaces and show the structural columns;
- provide one active and one passive Electric Vehicle Charging Points including locations of the EVCP points, and details of the criteria for reviewing the usage and converting passive points to active points. All identified points spaces should be marked prior to occupation and retained and maintained thereafter.

The development shall be managed thereafter in accordance with the approved details.

33. Prior to occupation of the development, an updated Delivery and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority and the development thereafter managed in accordance with the approved details.

END OF SCHEDULE

Appendix 2 – Decision notice for application ref. HGY/2022/4408 (Construction Environmental Management Plan)

Georgia Crowley
The Minster Building,
21 Mincing Ln.
London
United Kingdom
EC3R 7AG

27 March 2023

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015
NOTICE OF PLANNING PERMISSION**

Case Reference	HGY/2022/4408
Location	Cannon Factory and Ashley House, Ashley Road, London, N17 9LZ
Proposal	Approval of details pursuant to Condition 9 (Construction Environmental Management Plan (CEMP)) of Planning Permission HGY/2019/0108 (Appeal ref. APP/Y5420/W/19/3232707)
Received	13 December 2022

In pursuance of their powers under the above Act and Order, Haringey Council as Local Planning Authority hereby GRANT their approval of this application received on the above date.

Title	Description	Date
Updated Construction Environment Management Plan (CEMP) March 2023		27 March 2023

Robbie McNaugher

Robbie McNaugher
Head of Development Management and Planning Enforcement
Planning Service

Appendix 3 – Decision notice for application ref. HGY/2023/0076 (Air Quality Management Plan)

Georgia Crowley
The Minster Building,
21 Mincing Ln.
London
United Kingdom
EC3R7AG

21 March 2023

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015
NOTICE OF PLANNING PERMISSION**

Case Reference	HGY/2023/0076
Location	Ashley House, Ashley Road, London, N17 9LJ
Proposal	Approval of details pursuant to Condition 10 (Air Quality Dust Management Plan) of Planning Permission HGY/2019/0108 (Appeal ref. APP/Y5420/W/19/3232707)
Received	10 January 2023

In pursuance of their powers under the above Act and Order, Haringey Council as Local Planning Authority hereby GRANT their approval of this application received on the above date.

Title	Description	Date
Revised Air Quality and Dust Management Plan prepared by WSP, dated March 2023. Reference No. 70100691	Submitted 16/03/2023	20 March 2023

Robbie McNaugher

Robbie McNaugher
Head of Development Management and Planning Enforcement
Planning Service

Appendix 4 – Decision notice for application ref. HGY/2022/4503 (Tree protection)

Anna Rigelsford
The Minster Building,
21 Mincing Ln.
London
United Kingdom
EC3R 7AG

7 March 2023

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015
NOTICE OF PLANNING PERMISSION**

Case Reference	HGY/2022/4503
Location	Cannon Factory and Ashley House, Ashley Road, London, N17 9LZ
Proposal	Approval of details pursuant to Condition 13 (Tree Protection Plan) of Planning Permission HGY/2019/0108 (Appeal ref. APP/Y5420/W/19/3232707)
Received	21 December 2022

In pursuance of their powers under the above Act and Order, Haringey Council as Local Planning Authority hereby GRANT their approval of this application received on the above date.

Title	Description	Date
Ashley Park Arboricultural Report Ref: 70045903-AR1		3 February 2023

Robbie McNaugher

Robbie McNaugher
Head of Development Management and Planning Enforcement
Planning Service

Appendix 5 – Decision notice for non-material amendment application ref. HGY/2022/4229

Anna Rigelsford
The Minster Building,
21 Mincing Ln.
London
United Kingdom
EC3R 7AG

3 March 2023

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 96A
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND)
ORDER 2010**

Case Reference	HGY/2022/4229
Location	Ashley House, Ashley Road, London, N17 9LJ
Proposal	Non-Material Amendment (NMA) to planning permission HGY/2019/0108 (Allowed on Appeal APP/Y5420/W/19/3232707) to enable changes to be made to Conditions 12, 14, and 15 to allow for site demolition, site clearance, and proposed drainage works to be carried out prior to submission of details.
Received	25 November 2022

In pursuance of their powers under the above Act and Order, Haringey Council as Local Planning Authority hereby certify that the above proposal, described in the application received on the above date, APPROVE your application as a non-material amendment.

Robbie McNaugher

Robbie McNaugher
Head of Development Management and Planning Enforcement
Planning Service

Informatives:

The applicant is advised that Condition 12 of planning permission reference HGY/2019/0108 (Allowed on Appeal APP/Y5420/W/19/3232707) will now read:

Prior to the commencement of the development (except demolition, site clearance, & initial drainage works) details of all existing and proposed levels on the site in relation to the adjoining properties shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be in full accordance with the agreed levels details.

(The initial drainage works shall constitute those indicated on drawing numbers ASP-WSL-XX-XX-DR-D-92001 Rev T02; AH-WSL-XX-XX-DR-D-92002 Rev T01; and AH-WSL-XX-XX-DR-D-92001 Rev T02 or as otherwise agreed in writing with the local planning authority)

The applicant is advised that Condition 15 of planning permission reference HGY/2019/0108 (Allowed on Appeal APP/Y5420/W/19/3232707) will now read:

Prior to any above ground works (excluding demolition, site clearance, & initial drainage works) a revised Overheating Report shall be submitted to and approved in writing by the Local Planning Authority. Details in the report shall include, but not be limited to:

- The location and units modelled
- Occupancy levels in the units
- Impact of future weather files and how this will be risk mitigated.

The development shall be carried out in accordance with the details approved and maintained as such thereafter.

(The initial drainage works shall constitute those indicated on drawing numbers ASP-WSL-XX-XX-DR-D-92001 Rev T02; AH-WSL-XX-XX-DR-D-92002 Rev T01; and AH-WSL-XX-XX-DR-D-92001 Rev T02 or as otherwise agreed in writing with the local planning authority)

The applicant is advised that Condition 14 of planning permission reference HGY/2019/0108 (Allowed on Appeal APP/Y5420/W/19/3232707) will now read:

Evidence that the commercial unit at the development hereby approved is registered with a BREEAM certification body and that a pre-assessment report (or design stage certificate with interim rating if available) has been submitted indicating that the development can achieve the stipulated BREEAM level "Very good" shall be submitted to and approved in writing by the Local Planning Authority prior to above ground works (excluding demolition, site clearance, & initial drainage works) and a final certificate shall be submitted for approval to the Local Planning Authority within 6 months of the occupation of the development.

(The initial drainage works shall constitute those indicated on drawing numbers ASP-WSL-XX-XX-DR-D-92001 Rev T02; AH-WSL-XX-XX-DR-D-92002 Rev T01; and AH-WSL-XX-XX-DR-D-92001 Rev T02 or as otherwise agreed in writing with the local planning authority)

Appendix 6 – CIL Form 2: Assumption of Liability Form (dated 5 April 2023)

Community Infrastructure Levy (CIL) - Form 2: Assumption of Liability

This form should be used to assume liability prior to commencement of development.

Please note: This version of the form should only be used for submissions relating to planning applications in England. There is a legacy version of the form for use in Wales: [Download the legacy version of this form](#)

Please complete the form using block capitals and black ink and send to the Collecting Authority

See [Planning Practice Guidance for CIL](#) for guidance on CIL generally, including assuming liability.

Privacy Notice

This form is provided by Planning Portal and based on the requirements provided by Government for the sole purpose of submitting information to a Local Authority in accordance with the 'The Community Infrastructure Levy Regulations 2010 (as amended)'.

Please be aware that once you have downloaded this form, Planning Portal will have no access to the form or the data you enter into it (unless you choose to upload it to any Planning Portal online service in agreement with the relevant terms and conditions). Any subsequent use of this form is solely at your discretion, including the choice to complete and submit it to a Local Authority with the declaration section.

Upon receipt of this form and any supporting information, it is the responsibility of the Local Authority to inform you of its obligations in regards to the processing of this information. Please refer to its website for further information on any legal, regulatory and commercial requirements relating to information security and data protection of the information you have provided.

Description of Development

Planning Permission / Notice of Chargeable Development Reference:

HGY/2019/0108

Site address:

Ashley House, Ashley Road, London, N17 9LJ

Description of development:

Demolition of existing buildings and erection of a part 6, part 8 storey building to provide 97 residential units (Class C3), 170 sqm of commercial floorspace (Class A1/A3/B1), new public realm, car and cycle parking and associated works

Section A: Assumption of Liability

If the liable party is a company, you must fill in the company name

Party A Assuming Liability

Title:	Ms	First name:	Yvonne		
Last name:	Wright				
Company:	Notting Hill Home Ownership				
Position:	Senior Project Manager				
Company registration no: (where applicable)	23066R				
Unit:		House number:		House suffix:	
House name:	Bruce Kenrick House				
Address 1:	2 Killick Street				
Address 2:					
Address 3:					
Town:	London				
County:					
Country:					
Postcode:	N1 9FL				
Telephone number (mandatory)					
Country code:	National number:		Extension number:		
44	7540 123 051				
Email address (optional):					
yvonne.wright@nhg.org.uk					

Party B Assuming Liability

Title:		First name:			
Last name:					
Company:					
Position:					
Company registration no: (where applicable)					
Unit:		House number:		House suffix:	
House name:					
Address 1:					
Address 2:					
Address 3:					
Town:					
County:					
Country:					
Postcode:					
Telephone number (mandatory)					
Country code:	National number:		Extension number:		
Email address (optional):					

Party C Assuming Liability

Title:		First name:	
Last name:			
Company:			
Position:			
Company registration no: (where applicable)			
Unit:		House number:	
		House suffix:	
House name:			
Address 1:			
Address 2:			
Address 3:			
Town:			
County:			
Country:			
Postcode:			
Telephone number (mandatory)			
Country code:	National number:	Extension number:	
Email address (optional):			

Party D Assuming Liability

Title:		First name:	
Last name:			
Company:			
Position:			
Company registration no: (where applicable)			
Unit:		House number:	
		House suffix:	
House name:			
Address 1:			
Address 2:			
Address 3:			
Town:			
County:			
Country:			
Postcode:			
Telephone number (mandatory)			
Country code:	National number:	Extension number:	
Email address (optional):			

Agent Name and Address

Title:		First name:	
Last name:			
Company:			
Telephone number (mandatory)			
Country code:	National number:	Extension number:	
Email address (optional):			

Unit:		House number:	
		House suffix:	
House name:			
Address 1:			
Address 2:			
Address 3:			
Town:			
County:			
Country:			
Postcode:			

Declaration

I/we hereby assume liability for the Community Infrastructure Levy Charge for the above development. Where assuming liability on behalf of a company, I confirm that I am authorised to do so. I/we understand that I/we must submit a commencement notice in order to secure the 60 day payment window or such time as the charging authority has allowed in its current payment instalments policy, as per the requirements of the Community Infrastructure Levy Regulations (2010) as amended. I/we am/are aware of the surcharges I/we will incur if I/we do not follow the correct procedures for paying the CIL charge. I/we understand any communication and actions by the collecting authority to pursue me/us for the assumed liability will be copied to the site land owners (as defined in CIL regulations)

Name - A Party Assuming Liability:

Date (DD/MM/YYYY):

Name - B Party Assuming Liability:

Date (DD/MM/YYYY):

Yvonne Wright

05 April 2023

Name - C Party Assuming Liability:

Date (DD/MM/YYYY):

Name - D Party Assuming Liability:

Date (DD/MM/YYYY):

Or Name - Agent:

Date (DD/MM/YYYY):

Under regulation 37(2) of the Community Infrastructure Levy Regulations (2010) as amended, where two or more persons have assumed liability to pay CIL in respect of a chargeable development they shall each be jointly and severally liable to pay any CIL payable in respect of that chargeable development.

It is an offence for a person to knowingly or recklessly supply information which is false or misleading in a material respect to a charging or collecting authority in response to a requirement under the Community Infrastructure Levy Regulations (2010) as amended (regulation 110, SI 2010/ 948). A person guilty of an offence under this regulation may face unlimited fines, two years imprisonment, or both.

Appendix 7 – Assumption of Liability acknowledgment email from the LBH's CIL team via email (dated 5 April 2023)

Georgia Crowley

From: Lucretia Foster <Lucretia.Foster@haringey.gov.uk>
Sent: 05 April 2023 16:53
To: Jennie Baker; Minnie Ngaluafe
Cc: Paddy Hynes; Georgia Crowley; Ben Kelway; Debs Strawbridge; Yvonne Wright
Subject: RE: Ashley Road and Ashley Park CIL: Assumption of liability [LICH-DMS.FID395662]

CAUTION: This email originated from an external source.

Hi Jennie,

I confirm that the two forms are not blank.

Regards

Lucretia Foster
Section 106/CIL Infrastructure Planning Officer
020 8489 5216

From: Jennie Baker <jennie.baker@lichfields.uk>
Sent: Wednesday, April 5, 2023 4:36 PM
To: Lucretia Foster <Lucretia.Foster@haringey.gov.uk>; Minnie Ngaluafe <Minnie.Ngaluafe@haringey.gov.uk>
Cc: Paddy Hynes <Paddy.Hynes@Lichfields.uk>; Georgia Crowley <georgia.crowley@lichfields.uk>; Ben Kelway <ben.kelway@lichfields.uk>; Debs Strawbridge <Debs.Strawbridge@nhg.org.uk>; Yvonne Wright <Yvonne.Wright@nhg.org.uk>
Subject: RE: Ashley Road and Ashley Park CIL: Assumption of liability [LICH-DMS.FID395662]

Hi Lucretia and Minnie,

The form was are not blank, so it must be the incompatibility issue referred to at the top of the form. Apologies.

I have now attached:

1. Assumption of Liability Notice for Ashley Park HGY/2019/0108
2. Assumption of Liability Notice for Ashley House Cannon Factory HGY/2016/4165

We have saved the files differently, so hopefully you can see the information now. I would be grateful if you could please confirm receipt and that you can see the information, as soon as possible.

Thank you,

Kind regards,

Jennie

Jennie Baker
Associate Director
Lichfields, The Minster Building, 21 Mincing Lane, London, EC3R 7AG
T 020 7837 4477 / M 07741266079 / E jennie.baker@lichfields.uk

lichfields.uk

This email is for the use of the addressee. It may contain information which is confidential and exempt from disclosure. If you are not the intended recipient you must not copy, distribute or disseminate this email or attachments to anyone other than the addressee. If you receive this communication in error please advise us by telephone as soon as possible.

From: Lucretia Foster <Lucretia.Foster@haringey.gov.uk>

Sent: 05 April 2023 15:50

To: Jennie Baker <jennie.baker@lichfields.uk>

Cc: Paddy Hynes <Paddy.Hynes@Lichfields.uk>; Georgia Crowley <georgia.crowley@lichfields.uk>; Ben Kelway <ben.kelway@lichfields.uk>; Debs Strawbridge <Debs.Strawbridge@nhg.org.uk>; Yvonne Wright <Yvonne.Wright@nhg.org.uk>; Minnie Ngaluafe <Minnie.Ngaluafe@haringey.gov.uk>

Subject: RE: Ashley Road and Ashley Park CIL [LICH-DMS.FID395662]

CAUTION: This email originated from an external source.

Hi Jennie,

Just looked at your email again and can see that the Assumption of Liability form submitted is blank. Could you please re-send.

Thanks

Lucretia Foster

Section 106/CIL Infrastructure Planning Officer

020 8489 5216

From: Lucretia Foster

Sent: Wednesday, April 5, 2023 3:41 PM

To: Jennie Baker <jennie.baker@lichfields.uk>

Cc: Paddy Hynes <Paddy.Hynes@Lichfields.uk>; Georgia Crowley <georgia.crowley@lichfields.uk>; Ben Kelway <ben.kelway@lichfields.uk>; Debs Strawbridge <Debs.Strawbridge@nhg.org.uk>; Yvonne Wright <Yvonne.Wright@nhg.org.uk>; Minnie Ngaluafe <Minnie.Ngaluafe@haringey.gov.uk>

Subject: RE: Ashley Road and Ashley Park CIL [LICH-DMS.FID395662]

Hi Jenny,

I acknowledge receipt of the attached Assumption of Liability Form.

My colleague Minnie Ngaluafe will contact you if she requires any further information.

Regards

Lucretia Foster

Section 106/CIL Infrastructure Planning Officer

020 8489 5216

From: Jennie Baker <jennie.baker@lichfields.uk>

Sent: Wednesday, April 5, 2023 12:03 PM

To: Lucretia Foster <Lucretia.Foster@haringey.gov.uk>

Cc: Paddy Hynes <Paddy.Hynes@Lichfields.uk>; Georgia Crowley <georgia.crowley@lichfields.uk>; Ben Kelway <ben.kelway@lichfields.uk>; Debs Strawbridge <Debs.Strawbridge@nhg.org.uk>; Yvonne Wright <Yvonne.Wright@nhg.org.uk>

Subject: Ashley Road and Ashley Park CIL [LICH-DMS.FID395662]

Hi Lucretia,

Thank you very much for your time yesterday.

Further to our meeting and as mentioned, please disregard the tables in the email sent yesterday, which have changed slightly.

I have pasted the up to date tables within this email.

Please could you:

1. Review the Ashley Park CIL liability notice issued 1 August 2022 for accuracy, in light of the information provided below
2. Issue CIL liability notices for Phases 0, 1, 2 and 3 of the Ashley House Cannon Factory scheme - addressed to Yvonne Wright at Notting Hill Genesis at the email address above and within the attached Assumption of Liability Notice. Please also send copies of the liability notices to all addressees of this email. Please do not refer to Lichfields on the CIL liability notices, as we are not a liable party.
3. Acknowledge receipt of the attached Assumption of Liability Notice. Assumption of Liability Notice for Ashley Park to follow.

Our client will submit a social housing relief application in respect of the Ashley Park scheme very shortly.

Planning permission 1 HGY/2019/0108

Unphased permission, Ashley Park (Block 2B), ref. HGY/2019/0108

Development Inputs - Ashley Park (Unphased) (Block 2B)			
		Residential GIA floorspace schedule by BPTW	Commercial GIA floorspace schedule by BPTW
GR	GIA of development relating to a specific rate	9819.3	169.3
G	GIA of development	9988.55	9988.55
E	In-use buildings (demolition)	1154.0	1154.0
KR	In-use buildings (retained)	0	0

Planning permission 1 HGY/2016/4165

Phase 0: Demolition of in-use buildings.

In-use floorspace to be demolished	
Ashley House (East/West Block)	1486
Cannon Factory	1748
Total	3234

Phase 1, Cannon Factory (block 3), ref. HGY/2016/4165

Development Inputs - Cannon Factory Phase 1 (Block 3)			
		Residential GIA floorspace schedule by BPTW	Commercial GIA floorspace schedule by BPTW
GR	GIA of development relating to a specific rate	14934.66	2559.48
G	GIA of development	17494.14	17494.14
E	In-use buildings (demolition)	3234.0	3234.0
KR	In-use buildings (retained)	0	0

Phase 2, Ashley House (block 2), ref. HGY/2016/4165

Development Inputs - Ashley House Phase 2 (Block 2)			
		Residential GIA floorspace schedule by BPTW	Commercial GIA floorspace schedule by BPTW
GR	GIA of development relating to a specific rate	1326.45	359.21
G	GIA of development	1685.66	1685.66
E	In-use buildings (demolition)	0.0	0.0
KR	In-use buildings (retained)	0	0

Phase 3, Ashley House (block 2A), ref. HGY/2016/4165

Development Inputs - Ashley House Phase 3 (Block 2A)			
		Residential GIA floorspace schedule by BPTW	Commercial GIA floorspace schedule by BPTW
GR	GIA of development relating to a specific rate	7727.73	268.56
G	GIA of development	7996.29	7996.29
E	In-use buildings (demolition)	0.0	0.0
KR	In-use buildings (retained)	0	0

If you have any queries, please call Paddy, Georgia or me.

Thank you,

Kind regards,

Jennie

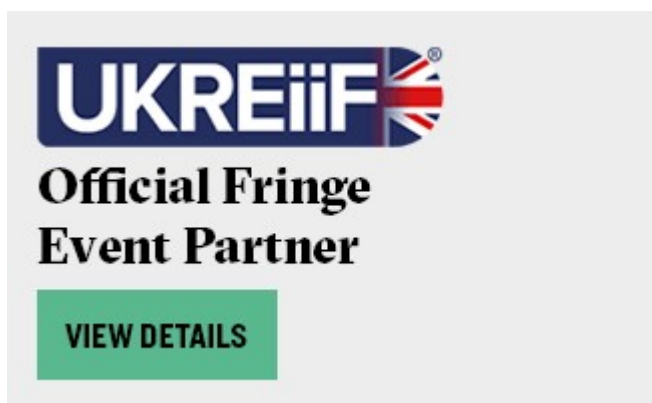
Jennie Baker

Associate Director

Lichfields, The Minster Building, 21 Mincing Lane, London, EC3R 7AG

T 020 7837 4477 / M 07741266079 / E jennie.baker@lichfields.uk

lichfields.uk  



This email is for the use of the addressee. It may contain information which is confidential and exempt from disclosure. If you are not the intended recipient you must not copy, distribute or disseminate this email or attachments to anyone other than the addressee. If you receive this communication in error please advise us by telephone as soon as possible.

Nathaniel Lichfield & Partners Limited (trading as "Lichfields") is registered in England, no. 2778116, registered office at The Minster Building, 21 Mincing Lane, London EC3R 7AG.

This email and any files transmitted with it are confidential, may be subject to legal privilege and are intended only for the person(s) or organisation(s) to whom this email is addressed. Any unauthorised use, retention, distribution, copying or disclosure is strictly prohibited. If you have received this email in error, please notify the system administrator at Haringey Council immediately and delete this e-mail from your system. Although this e-mail and any attachments are believed to be free of any virus or other defect which might affect any computer or system into

which they are received and opened, it is the responsibility of the recipient to ensure they are virus free and no responsibility is accepted for any loss or damage from receipt or use thereof. All communications sent to or from external third party organisations may be subject to recording and/or monitoring in accordance with relevant legislation.

Appendix 8– CIL Form 10: Charitable and/or Social Housing Relief Claim Social Housing Relief (dated 5 April 2023)

Community Infrastructure Levy (CIL)

Form 10: Charitable and/or Social Housing Relief Claim Form

This form should be used to claim charitable relief and/or social housing relief prior to the commencement of development

Please note: This version of the form should only be used for submissions relating to planning applications in England.

There is a legacy version of the form for use in Wales: [Download the legacy version of this form](#)

Please note the following in regard to your claim for relief from the levy

If your CIL Liability Notice, or revised CIL Liability Notice (if issued), was issued prior to 1 September 2019

Any Relief must be granted by the Collecting Authority prior to the date of commencement of the development, and a Commencement (of development) Notice must also be received by the Collecting Authority prior to the date of commencement of the development, otherwise the full levy charge will be payable and a surcharge may be applied.

If your CIL Liability Notice, or revised CIL Liability Notice (if issued), was issued on or after 1 September 2019

Any Relief must be granted by the Collecting Authority prior to the date of commencement of the development otherwise the full levy charge will be payable. Also, following the granting of any Relief, a Commencement (of development) Notice must be received by the Collecting Authority prior to the date of commencement of the development, otherwise a surcharge equal to 20% of the notional chargeable amount or £2,500, whichever is the lower amount, will be applied.

Where liability for the levy is shared, this form should be completed by each party wishing to seek exemption or relief from the levy.

Please complete the form using block capitals and black ink and send to the Collecting Authority.

See [Planning Practice Guidance for CIL](#) for guidance on CIL generally, including claiming exemption or relief.

Privacy Notice

This form is provided by Planning Portal and based on the requirements provided by Government for the sole purpose of submitting information to a Local Authority in accordance with the 'The Community Infrastructure Levy Regulations 2010 (as amended).

Please be aware that once you have downloaded this form, Planning Portal will have no access to the form or the data you enter into it (unless you choose to upload it to any Planning Portal online service in agreement with the relevant terms and conditions). Any subsequent user of this form is solely at your discretion, including the choice to complete and submit it to a Local Authority in agreement with the declaration section.

Upon receipt of this form and any subsequent information, it is the responsibility of the Local Authority to inform you of its obligations in regards to the processing of this information. Please refer to its website for further information on any legal, regulatory and commercial requirements relating to information security and data protection of the information you have provided.

Section A: Claiming Relief - General Information

Details of Development

Planning Permission / Notice of Chargeable Development Reference:

HGY/2019/0108

Site address:

Ashley House, Ashley Road, Tottenham, London N17 9LZ

Description of development:

Demolition of existing buildings and erection of a part 6, part 8 storey building to provide 97 residential units (Class C3), 170 sqm of commercial floorspace (Class A1/A3/B1), new public realm, car and cycle parking and all associated works.

Claimant Name and Address

Title:	Ms	First name:	Yvonne		
Last name:	Wright				
Company (optional):	Notting Hill Home Ownership				
Position:	Senior Project Manager				
Company registration no: (where applicable)	23066R				
Unit:		House number:		House suffix:	
House name:	Bruce Kenrick House				
Address 1:	2 Killick Street				
Address 2:					
Address 3:					
Town:	London				
County:					
Country:					
Postcode:	N1 9FL				
Telephone number			Extension number:		
Country code:	National number:				
44	7540 123051				
Email address (optional):	yvonne.wright@nhg.org.uk				

Agent Name and Address

Title:	Mr	First name:	Ben		
Last name:	Kelway				
Company (optional):	Lichfields				
Unit:		House number:		House suffix:	
House name:	The Minster Building				
Address 1:	21 Mincing Lane				
Address 2:					
Address 3:					
Town:	London				
County:					
Country:					
Postcode:	EC3R 7AG				
Telephone number			Extension number:		
Country code:	National number:				
Email address (optional):					

Type of Relief

Please select the type(s) of relief being claimed for and complete the corresponding section(s) of the form

Charitable relief
(Please complete Section B including the relevant declaration) ☐

Social housing relief
(Please complete Section C including the declaration) ☒

Discretionary social housing relief
(Please complete Section D including the declaration) ☐

Some types of relief are at the discretion of the Charging Authority, such as discretionary charitable relief and discretionary social housing relief.

Section B: Charitable Relief

Charity Details

Charity registration no: (where applicable)

If claimant represents a charity exempt or excepted from registration, please state grounds:

HMRC tax registration no: (where applicable)

If claimant represents a trust of which all the beneficiaries are charities or a unit trust scheme in which all the unit holders are charities, please state what form this takes (eg a Common Investment Fund)

Claim Type (Tick 1 box)

A mandatory exemption for using this chargeable development wholly or mainly for charitable purposes

☐

Discretionary charity relief for holding the greater part of this CIL chargeable development as an investment from which the profits will be applied for charitable purposes.*

☐

*Before proceeding, please check whether your Charging Authority has a policy for granting discretionary charitable relief in its area.

Supporting Information For All Charitable Relief

What are your charity's charitable purposes?

What is the intended use of the development and in what proportions?

How (if at all) does your charity fulfil the criteria in the charging authority's discretionary relief policy? (Maximum 100 words)

What is your apportioned CIL liability for this chargeable development? (Use the apportionment assessment at Annex A to calculate this)

Please provide a breakdown of all the activities of your organisation, including any goods or services it trades in and what these are:

Please complete the relevant declaration below and provide the supporting information:

Declaration - Mandatory Charitable Relief

I wish to be granted mandatory relief for my portion of the CIL liability.

I declare that all the below points apply:

- As indicated in Section B above, I am a person or trust established for charitable purposes only (a "charity"); **or** I am a trust of which all the beneficiaries are charities; **or** a unit trust scheme in which all the unit holders are charities; **and**
- I am an owner of a freehold interest in the relevant land or a leasehold interest in the relevant land of 7 years or more from the date planning permission first permits the chargeable development; **and**
- I do not own this interest jointly with a party which is not a charitable institution; **and**
- the whole or main part of the chargeable development will be used for charitable purposes (whether of myself, or of myself and other charities); **and**
- A qualifying charity will occupy or control the portion of the chargeable development used for charitable purposes; **and**
- I have completed an apportionment assessment to determine the extent of my CIL liability and will submit a revised apportionment assessment where I make a material disposition of any of the relevant land prior to commencement of development; **and**
- I commit, when submitting this application, to separately informing the collecting authority of the total amount of any subsidy granted to me by any public body in the three years* prior to submission of this application form, either as State Aid (up to 31 December 2020) or as a subsidy under the UK's international or domestic subsidy control commitments from 1 January 2021**; **and**
- I acknowledge that the collecting authority will inform me whether they consider that the amount of any relief granted to me in respect of this application will (or may) be impacted to account for any subsidies already received over the last three years*.

* Three years means over a three-year consecutive fiscal period (the current financial year and the two preceding financial years)

** Information about subsidy control for the purposes of CIL exemption or relief can be found at:

<https://www.gov.uk/guidance/community-infrastructure-levy#subsidy-control>

I understand:

- That my claim for relief will lapse where development commences on this chargeable development prior to the collecting authority informing me of its decision
- The meaning of a "disqualifying event" for CIL charitable relief and that where a disqualifying event occurs before or after commencement of development I must inform the collecting authority within 14 days.
- (if my CIL Liability Notice or revised CIL Liability Notice was issued prior to 1 September 2019) that my claim for relief will lapse if I fail to provide the Collecting Authority with a Commencement Notice prior to the commencement of the chargeable development to which this application applies; or
- (if my CIL Liability Notice or revised CIL Liability Notice was issued on or after 1 September 2019) that a surcharge equal to 20% of the notional chargeable amount or £2,500, whichever is the lower amount, will be payable if I fail to provide the Collecting Authority with a Commencement Notice prior to commencement of the chargeable development to which this application applies

Name - Claimant:

Date (DD/MM/YYYY):

Or name - Agent:

Date (DD/MM/YYYY):

It is an offence for a person to knowingly or recklessly supply information which is false or misleading in a material respect to a charging or collecting authority in response to a requirement under the Community Infrastructure Regulations (2010) as amended (regulation 110, SI 2010/ 948). A person guilty of an offence under this regulation may face unlimited fines, two years imprisonment, or both.

Declaration - Discretionary Charitable Relief

I wish to be considered for discretionary relief for my portion of the CIL liability.

I declare that all the below points apply:

- As indicated in Section B above, I am a person or trust established for charitable purposes only (a "charity"); **or** I am a trust of which all the beneficiaries are charities; **or** a unit trust scheme in which all the unit holders are charities; **and**
- I am an owner of a freehold interest in the relevant land or a leasehold interest in the relevant land of 7 years or more from the date of planning permission first permits the chargeable development; **and**
- I do not own this interest jointly with a party which is not a charitable institution; **and**
- the whole or the greater part of the chargeable development will be held by myself or by myself and other qualifying charities as an investment from which the profits will be applied for charitable purposes (whether of myself, or of myself and other charities); **and**
- the portion of the chargeable development held in the manner described above will not be used for ineligible trading activities; **and**
- I am satisfied that I meet the criteria advertised by the charging authority for giving discretionary relief; **and**
- I have completed an apportionment assessment to determine the extent of my CIL liability and will submit a revised apportionment assessment where I make a material disposition of any of the relevant land prior to commencement of development; **and**
- I commit, when submitting this application, to separately informing the collecting authority of the total amount of any subsidy granted to me by any public body in the three years* prior to submission of this application form, either as State Aid (up to 31 December 2020) or as a subsidy under the UK's international or domestic subsidy control commitments from 1 January 2021**; **and**
- I acknowledge that the collecting authority will inform me whether they consider that the amount of any relief granted to me in respect of this application will (or may) be impacted to account for any subsidies already received over the last three years*.

* Three years means over a three-year consecutive fiscal period (the current financial year and the two preceding financial years)

** Information about subsidy control for the purposes of CIL exemption or relief can be found at:

<https://www.gov.uk/guidance/community-infrastructure-levy#subsidy-control>

I understand:

- That my claim for relief will lapse where development commences on this chargeable development prior to the collecting authority informing me of its decision
- The meaning of a "disqualifying event" for CIL charitable relief and that where a disqualifying event occurs before or after commencement of development I must inform the collecting authority within 14 days.
- (If my CIL Liability Notice or revised CIL Liability Notice was issued prior to 1 September 2019) That my claim for relief will lapse if I fail to provide the Collecting Authority with a Commencement Notice prior to the commencement of the chargeable development to which this application applies; **or**
- (If my CIL Liability Notice or revised CIL Liability Notice was issued on or after 1 September 2019) That a surcharge equal to 20% of the notional chargeable amount or £2,500, whichever is the lower amount, will be payable if I fail to provide the Collecting Authority with a Commencement Notice prior to commencement of the chargeable development to which this application applies

Name - Claimant:

Date (DD/MM/YYYY):

Or name - Agent:

Date (DD/MM/YYYY):

It is an offence for a person to knowingly or recklessly supply information which is false or misleading in a material respect to a charging or collecting authority in response to a requirement under the Community Infrastructure Regulations (2010) as amended (regulation 110, SI 2010/ 948). A person guilty of an offence under this regulation may face unlimited fines, two years imprisonment, or both.