



Appeal Decision

Site visit made on 8 August 2022

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 September 2022

Appeal Ref: APP/N5090/W/22/3295028

698 Finchley Road, LONDON NW11 7NE

- 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 Flakevale Ltd against the decision of London Borough of Barnet.
 - The application Ref 20/4194/FUL, dated 9 September 2020, was refused by notice dated 5 January 2022.
 - The development proposed is Demolition of the existing building and erection of a part single, part two and part five storey building comprising of office space (Use Class E(c)) at ground floor level with 9no. self-contained flats (comprising of 7x 2 bed 2 x 3 bed units) on the upper floors; and 11 car parking spaces at basement level accessed via Hoop Lane associated amenity space, refuse storage and cycle parking.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition of the existing building and erection of a part single, part two and part five storey building comprising of office space (Use Class E(c)) at ground floor level with 9no. self-contained flats (comprising of 7x 2 bed 2 x 3 bed units) on the upper floors; and 11 car parking spaces at basement level accessed via Hoop Lane associated amenity space, refuse storage and cycle parking at 698 Finchley Road, LONDON NW11 7NE in accordance with the terms of the application, Ref 20/4194/FUL, dated 9 September 2020, and the plans submitted with it, subject to the conditions within the attached schedule and the associated Unilateral Undertaking.

Preliminary Matters

2. The description of development includes reference to an office use within the A2 Use Class. The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 came into effect on 1 September 2020. The proposed A2 use part of the development would therefore now fall within Class E(c) of Part A, Schedule 2. As such, the description of development has been altered to reflect this change. Main parties have raised no objection to this, and this would not prejudice any party.
3. Planning permission¹ was granted in 2008 for the demolition of the existing building and the erection of a 5-storey building with offices (Class A2) at ground floor and 9 self-contained flats on upper floor. This was subject to approval for an extension of commencement period in 2011. It is undisputed, between main parties, that the scheme has been lawfully commenced and is therefore extant (the extant scheme). The appellant has explained that there is a realistic prospect of the extant scheme will continue to be built and there is

¹ Planning Application Reference: C/06012/AJ/07

no insuperable reason, within the evidence, for this not to be so. The completion of the extant scheme is therefore not merely a theoretical prospect but offers a tenable fallback position. Therefore, this fallback position would not be lessened by recent new designations of heritage assets, whose setting the appeal site now falls within.

4. The main difference between the extant consent and the proposed scheme is that the proposed 5 storey element would be around one metre taller. Other minor alterations have been proposed to the elevations and a small increase to the scale of the single-storey element closest to the Church. I shall take this into consideration in my assessment of the appeal proposal.
5. Planning permission² was also granted in 2013 for the erection of a four-storey building comprising 9 residential units, on the adjacent site. It is undisputed between main parties that this has also been implemented and hence also extant. Although, it seems that limited work has been undertaken this in itself would not erode the status of the implemented consent or its weight as a material consideration. This is similar in scale to the extant scheme and would continue substantive built form along Hoop Lane, away from Finchley Road and obscuring some views of the adjacent church.
6. A S106 Legal Agreement³ in the form of a Unilateral Undertaking has been submitted in support of the appeal (the planning obligation). This includes sums to cover the replacement costs of street trees and to fund an off-site child's play space. I shall return to this later in my decision.

Main Issues

7. The main issues are:
 - Whether the proposed development would preserve or enhance the setting of the Grade II listed Roman Catholic Church of St Edward The Confessor, and the effect of the proposal on the character and appearance of the area, and
 - The effect of the proposed development on the living conditions of future occupiers with particular regard to the provision of external amenity and play space.

Reasons

Character and appearance

8. The vicinity of the appeal site consists of commercial and residential uses. Nevertheless, it is largely residential in character with such housing taking the form of detached, semi-detached and flatted development of various styles. Buildings range in height, with most housing being two-storey and most blocks of flats being three storeys. Some notable local buildings that do not follow the predominant character including the four-storey block within the appeal site and the Grade 2 listed Church adjacent to the site. The site is also close to the Hampstead Garden Suburb Conservation Area.
9. The buildings within the appeal site are of differing styles and scales. 698 Finchley Road (Temple House) is a four-storey building with a slender frontage

² Planning Application Reference: F/01413/13

³ Unilateral Undertaking 19 July 2022

addressing Finchley Road and a much wider elevation facing Hoop Lane. Number 698a Finchley Road (no 698a) is a two-storey house that is separated from the side boundary of the Church by a single-storey garage structure. Despite the rather disjointed mix of buildings on site, these complement each other and the street. As such, the site makes a positive contribution to the character and appearance of the area.

10. The proposed scheme would be part three and part five stories. Its scale would, to a large extent, replicate the overall mass of the existing buildings on site. The higher parts of the building would be focussed on the corner. The secondary element, following Finchley Road, would step down towards the Church in deference of its importance in the street. The design of the proposal would be traditional with a balance of window form and articulation that would enable it to convey a positive and proportionate response to its corner setting. The provision of Juliet balconies would add further interest to the elevations without over complicating these facades. The proposal would therefore include contemporary building proportions that would not compete visually with the striking design of the adjacent Church. Consequently, the proposed scheme would represent good design and make a positive contribution to the streetscene and its surroundings.

Heritage asset

11. I am required to pay special attention and have regard to the desirability of preserving the setting of listed buildings⁴. The RC Church of St Edward The Confessor was built in 1914-15 and is reported to be one of the finest examples of church design by the ecclesiastical architect Arthur Young. It was listed in 2016. It has a cruciform plan with a square tower over the crossing with north and south transepts. It stands close to the footway and presents two slim octagonal towers, with chequered flushwork beneath crenelated parapets either side of the main entrance doorway with a stone surround. The Central tower, the tallest part of the building, has turrets and chequered flushwork and three pointed-arched windows on each side. The significance of the building seems to derive from its origins, aesthetic contribution to the street scene, its community importance and architectural interest. As advised by the National Planning Policy Framework (the Framework), significance derives not only from a heritage asset's physical presence, but also from its setting.
12. Setting is described, in the Framework's glossary, as the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
13. The Church is a prominent building within the streetscene due to its proximity to the highway and its sense of scale. Furthermore, views of the Church are evident from many viewpoints along Finchley Road, although intervisibility of most of the building becomes limited from the middle distance by intervening buildings and street trees. Nevertheless, due to its height, the central tower can be seen from more distant views. This is also especially noted when approaching from the southern part of Hoop Road, where most of the tower can be seen behind Temple House. Another important view of the tower is from

⁴ Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Finchley Road, close to the junction with Corringham Road, where it can be seen projecting over the ridge of Temple House.

14. The single-storey section of the proposal would be adjacent to the shared boundary of the site with the Church, stepping up to three stories with dormer windows within the second-floor level as part of its roof form. The Church is a short distance from the shared boundary with the existing building of No 698a built on the boundary. As such, the form of the existing development creates a close-knit pattern of development that the proposal seeks to replicate. Accordingly, the proximity and scale of the proposal would not demonstrably encroach into views of the Church. Furthermore, the taller, five-storey part of the proposal would be located a substantial distance from the Church. As such, this component would not crowd or dominate the adjacent listed building.
15. The appellant's Heritage Statement (2019) (HS) provides a useful visual comparison of key views. From the Corringham Road junction onto Finchley Road, the increased ridgeline of the proposal, in comparison to the extant scheme, would obscure the top of the tower sooner as an observer approaches the site. The difference between the extant scheme and proposed is clearly illustrated by 'view 2' of the HS. This vantage is already substantially affected by Temple House, obscuring most of the Church and the proposal would therefore not result in a material change to this view.
16. The increased width of the four-storey component of the proposal, would obscure views of some parts of the central tower Church from Hoop Lane on the south side of Finchley Road ('View 3' of the HS). However, the extant scheme would equally obscure a similar extent of the tower and the overall difference between the extant scheme and the proposal would be negligible in this view.
17. The setting of the Church would evolve through the replacement of the existing buildings within the site with a scheme of marginally greater mass than the extant scheme. The existing buildings on site correctly and properly define the corner plot and complements the local pattern of development. The proposal would replicate these characteristics. Furthermore, the visual change to the streetscene and the setting of the listed building would be limited. The proposal would make a positive contribution to the character and appearance of the area and for the reasons set out above would have a neutral effect on the significance of the heritage asset. Consequently, it would not materially affect the ability of observers to appreciate the significance of the Church. The proposal would therefore complement the character and appearance of the area and preserve the setting of the Church and would not raise any conflict with s66 of the Act.
18. As a consequence, the proposal would comply with policy D1 of the London Plan (2021), policy CS5 of the Core Strategy (2012) (CS), policies DM01 and DM06 of the Local Plan (2012) (DPD) and Section 16 of the Framework. These policies seek, among other matters, for development to respect and enhance the setting of heritage assets and be based on an understanding of local characteristics.

Living conditions – future occupiers

19. The Council's Sustainable Design and Construction SPD (2016) establishes the Council's expectations with respect to outdoor amenity space. Table 2.3 seeks a provision of outdoor amenity space at a rate of 5m² per habitable room. This results in a requirement for 225m². However, the SPD also states that flats may not always be able to provide amenity space in accordance with table 2.3.
20. The proposal would provide around 69m² of outdoor space. This would be located in two communal gardens found at the front and rear of the building. Although below the requirements of the Council's SPD, it is clear that the site constraints, and design expectations of a corner site, hamper the delivery of a full on-site provision. It is also recognised that the flats exceed the National Described Space Standards and future occupiers would have access to over-sized flats that would off-set some of the shortfall, providing generous living spaces. Furthermore, the site is close to Golders Green town centre where development of increased density, with reduced access to outdoor space, would be largely outweighed by the benefits of providing easy access to good, services and public transport.
21. Furthermore, the appellant offers, through the UU to provide a contribution towards the Council's parks and play space to partly offset this requirement in accordance with the Council's standard approach to these matters. Taking the above points together, the level of provision of on-site outdoor space would be suitable. As such, the proposal would result in the development that would include adequate provision of on-site external space providing good quality living conditions for future occupiers.
22. Consequently, the proposal would comply with policies D6 and S4 of the London Plan (2021), CS policies CS1 and CS5, DPD policies DM01 and DM02, the Council's Sustainable and Construction SPD (2016), the Council's Design Guidance SPD (2016) and the Framework, with respect to outdoor space. These policies seek, among other matters, for development to create attractive environments for people to live in and create a high standard of amenity for future users.

Other material considerations

23. The planning application and appeal have raised substantial objection from interested parties, largely from parishioners of the adjacent church. This is a popular facility that is used extensively by the local Catholic Community and the wider community and provides services throughout the week. People with a specific religious group have protected characteristics. In my assessment of the effect of the proposed development on church goers' wellbeing, I have had due regard to the Public Sector Equality Duty (PSED) contained in Section 149 of the Equality Act 2010 (EA).
24. South facing windows receive daylight and sunlight through most of the day over the appeal site. The benefit of strong light within the church has been raised in several comments as a great benefit to parishioners. However, the increase in height of the proposed scheme, in comparison to the extant consent, would be slight and therefore the difference would only marginally affect sunlight and daylight. Users of the Church have also raised concerns with respect to a loss of privacy due to overlooking. Nevertheless, the windows and balconies, that would overlook the Church, would be within the five-storey part

of the building. These would be a substantial distance from the shared boundary and result in only limited overlooking with no material loss of privacy for parishioners.

25. Concerns have also been raised that noise generated by the operation of the Church could lead to complaints from future occupiers of the proposal, restricting how the Church could be used. Paragraph 187 of the Framework explains that planning decisions should ensure that new development should be integrated effectively with existing community facilities. Existing facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Nonetheless, the proposal would consist of residential uses that are already present on site. Furthermore, the immediate area around the Church is also residential in character. As such, I am unconvinced that the proposal would introduce a new use, or greatly increase the proximity of noise sensitive spaces mindful of the extant consent, as to result in a significant adverse effect on the operation of the Church.
26. The EA sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic. I have therefore afforded weight to the rights of parishioners to privacy, light and an unfettered right to worship as required by the PSED. Nevertheless, even with weight applied to the effect of the proposal in this regard, its effect would be negligible resulting in no material impact on the users of the Church. As such, this matter does not amount to a material consideration of sufficient magnitude to outweigh the primacy of, and accord found with, the development plan.

Planning obligation

27. The UU secures the payment of sums towards children's play provision and a street tree protection clause. The obligation is a certified and executable document.
28. The Planning obligation also seeks to ensure that future occupiers are excluded from obtaining a resident parking permit. However, this requirement has not been sought by the Highway Authority. The site would provide eleven parking spaces, this would serve both the proposed flats and the office. This would meet the parking standards of policy DM17 of the DPD. Local roads are subject to parking restrictions as a combination of double yellow lines and a controlled parking zone that prevents parking 11am to noon, Monday to Friday. During my visit I observed that parking stress was moderate with on-street parking available in some places. Whilst offering only a snapshot in time, there is no clear reason to consider this availability to be uncommon.
29. The site is well connected to public transport with a Public Transport Accessibility Level (PTAL) of 6a (excellent). As such, due to the site's location and level of parking proposed, the parking provision would be acceptable. Furthermore, due to the provision of on-site parking, the proposal would not place substantial demand on the availability of local on-street parking. As such, it would be unnecessary to prevent future occupiers from applying for a resident parking permit.
30. The offered contribution towards local parks and play areas would seek to address the absence of children's play space on site. This would be necessary to meet policy S4 of the London Plan, requiring a child's play space of 30m², as

a sum derived from GLA's population yield calculator. Furthermore, Hampstead Heath Extension is around 800 metres from the site, Meadway Gate Open Space would also offer closer and suitable play space for occupiers of the site. As such, suitable and appropriate play space is local to the site where the offered sum could be invested. Even if this were found to be unsuitable by the Council, access to Hampstead Heath Extension could be readily obtained by public transport in mind of the site's excellent PTAL rating.

31. There are two street trees adjacent to the site, on Hoop Lane, that may be affected by the development of the site, especially during the construction of the basement. These are subject to a Tree Preservation Order. The Council has calculated a sum for their replacement if damaged by the proposal. Payment would be sought by the Council if, within a period of five years, the trees are lost through the implementation of the scheme. The street trees affected are of good quality and make a positive contribution to the verdant character of the area, especially in recognition of the positive contribution made by roadside trees. For the above reasons, this provision would be necessary for the proposal to be acceptable in planning terms.

Other Matters

32. The proposal would result in a degree of construction disturbance to users of the Church and the wider residential community. However, such disturbance would be temporary and could be adequately controlled through the imposition of a Construction Management Plan and construction hours conditions to mitigate the overall effects of construction.
33. Due to the relatively small number of parking spaces proposed on site, the traffic associated with the proposal would be minimal and cause no material harm to highway safety, and I note that the Highway Authority takes a similar view.
34. Hoop Lane Jewish Cemetery was designated a Grade II Registered Park and Garden in 2020. The cemetery is a rare example of a burial site shared between two branches of Judaism. It's significance relates to the range of tombs and inscriptions that reflect the social and geographical mix of the two communities. Its historical interest is supported by the number of listed buildings within its grounds and in sight of the cemetery with religious associations. Listed buildings within the cemetery include the entrance gateway and prayer hall, both Grade II and listed in 2020. The significance of the entrance gateway derives from its importance in providing a focal point into the site from Hoop Lane through decorative brick pillars. The significance of the prayer hall appears to derive from its architectural and cultural interest and relationship with the surrounding cemetery.
35. The proposal would be some distance from these Heritage Assets and would have limited intervisibility due to intervening tree cover. I am also cognisant of the extant schemes, along Finchley Road and Hoop Lane referenced above, that would alter the local pattern of development. As a result, due to these features and the evolving nature of the area, I am satisfied that the proposal would preserve the significance of these designated heritage assets.
36. The proposal would offer limited views towards neighbouring windows and gardens over Hoop Lane and Finchley Road. Such views would also be similar to the overlooking possible from the existing buildings on site and especially

from the extant scheme. Therefore, the proposed relationship would result in limited greater overlooking. Furthermore, due to the separation distances and intervening tree cover, the proposal would not materially affect the living conditions of neighbouring occupiers with respect to sunlight or daylight.

37. The impact of the proposal on local services would be partly addressed through the payment of a Community Infrastructure Levy (CIL) payment to the Council. Being for only nine flats, it would be of insufficient size to result in a material impact on other infrastructure not included within the CIL requirement.
38. The proposal would be largely set adjacent to the edge of the footway, with a secure boundary proposed in front of the garden adjacent to Finchley Road. As such, there is no clear indication that the building would be especially vulnerable to criminal activity or create antisocial behaviour. The overhang, at the car park entrance, may attract some anti-social behaviour, being recessed and undercover. However, a condition could be imposed seeking measures to limit criminal and anti-social activity to mitigate the effect of this design feature, a measure supported by the Metropolitan Police.
39. The proposal would include the creation of a basement for car parking. This would follow the side boundary of the site alongside the Church grounds. Although adjacent to the boundary, the Church itself is set away from the boundary. The ground retention design specification would be a matter for building regulation approval. Nevertheless, subject to a suitable design, I see no reason why the basement construction works would disturb the foundations of the Church or its associated land.

Conditions

40. I have considered the use of conditions in line with the guidance set out in the Government's Planning Practice Guidance (PPG). I shall take the Council's suggested conditions into consideration and impose most of these with some amendments and adjustments for clarity.
41. It is necessary for details relating to a tree protection plan and a construction management plan to be submitted prior to the commencement of development. I consider these pre-commencement conditions to be so fundamental to the development that it would have been otherwise necessary to refuse permission. These are required prior to construction commencing because tree protection should be installed before demolition takes place and construction management plan would include details of the initial setting out of the site. These measures would ensure that the construction process would protect trees and would have an acceptable effect on the living conditions of adjacent occupiers and road users. The conditions are necessary in the interests of the character and appearance of the area and to protect the living conditions of neighbouring occupiers.
42. I have imposed the standard conditions with respect to timeframe and approved plans as advised by the PPG for clarity and certainty. Conditions are necessary with respect to the provision of a landscape planting scheme, details of levels, details of excavation around tree roots and materials/hardstanding in the interests of the character and appearance of the area. It is also necessary for the car park design to be subject to a safety audit, for the car park to be laid out correctly and to be subject to a management plan in the interest of highway safety and ensure it functions well.

43. It is also necessary for the provision of electric car charging points, air pollution mitigation, a sustainable drainage design and to incorporate water management measures, in the interests of sustainable development. Conditions are also required for details of the location and use of refuse and recycling bins, air pollution control, a noise assessment and noise attenuation design and limits on the noise levels of installed plant, in the interests of the living conditions of future occupiers.
44. A condition is necessary to ensure that the proposal satisfies Secure by Design accreditation, to secure water sprinklers and fire access facilities in compliance with CS policy CS5 in the interests of the safety of future occupiers. A condition is also required to limit the hours of construction in the interests of the living conditions of neighbouring residential occupiers. A condition with respect to details of piling would also be necessary in order to ensure the development would not affect adjacent sewerage infrastructure.
45. The Council has suggested a condition that requires the highway to be surveyed prior to and following construction of the building to appraise and seek reparation of any damage. However, there is no indication that the highway would be damaged by construction vehicles and the Council has not referenced a policy requirement for such a condition. On this basis, such a condition would be unreasonable and unnecessary.

Conclusion

46. The proposal would accord with the development plan, when taken as a whole, and there are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. As such, the appeal is allowed, and planning permission is granted subject to the attached conditions and the Unilateral Undertaking.

Ben Plenty

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Drawing numbers: AP03 Rev D - proposed elevations; AP02 Rev E - proposed floor plans; and AP04 Rev A - proposed sections.
- 3) No development, other than demolition works, shall take place until details of the materials to be used for the external surfaces of the building and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the materials as approved under this condition.
- 4) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include the following: i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures; ii. site preparation and construction stages of the development; iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials; iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway; v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works; vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance; vii. noise mitigation measures for all plant and processors; viii. details of contractors compound and car parking arrangements; ix. details of interim car parking management arrangements for the duration of construction; x. details of a community liaison contact for the duration of all works associated with the development. For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development. The development shall thereafter be implemented in accordance with the measures detailed within the statement.
- 5) Notwithstanding the details submitted with the application and otherwise hereby approved, prior to the occupation of the development, details of: (i) A Refuse and Recycling Collection Strategy, (ii) Details of the areas to be used for the storage of recycling bins; and (iii) details of collection points for refuse and recycling, shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling facilities shall be provided in accordance with the agreed details before the development is first occupied and the development shall be managed in accordance with the agreed strategy in perpetuity once occupation of the site has commenced.

- 6) Notwithstanding the submitted parking layout plan, prior to the commencement of the development, a detailed parking layout plan showing the dimensions of the proposed access shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the off-street parking spaces shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with the approved development in perpetuity.
- 7) Notwithstanding the submitted parking layout plan, prior to commencement of the development, a stage 1 safety audit of the proposed vehicular access and basement car park layout shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the agreed safety audit.
- 8) Before the permitted development is occupied, details of parking management plan shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved parking management plan.
- 9) Prior to the occupation of the development full details of the electric vehicle charging points to be installed in the development shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the provision of a minimum of two active and two passive electric vehicle charging points. The development shall be implemented in accordance with the approved details prior to first occupation and thereafter be maintained as such.
- 10) Prior to first occupation of the hereby approved development, a scheme of hard and soft landscaping to the front forecourt area, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has be submitted to and agreed in writing by the Local Planning Authority.
- 11) No development, other than demolition works, shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with details approved under this condition.
- 12) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority. No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any

- time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.
- 13) No development, other than demolition works, shall take place until a noise assessment to assess the effect of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations. The measures approved under this condition shall be implemented in their entirety prior to the first occupation of the development and retained as such thereafter.
 - 14) The level of noise emitted from any mechanical ventilation plant incorporated into the development hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property. If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.
 - 15) The level of noise emitted from the specify machinery plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property. If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.
 - 16) Prior to the occupation of the proposal, the applicant shall provide details of Secure by Design measures to the Local Planning Authority to obtain Secure by Design accreditation. The measures, once agreed, shall be incorporated into the proposal prior to its first use.
 - 17) The development shall be installed with water sprinklers. These shall be fully operational prior to the occupation of the building and retained thereafter.
 - 18) No development, other than demolition works, shall take place until full details of the fire access facilities and arrangements have been submitted to the Local Planning Authority, in consultation with London Fire Brigade Authority. The details hereby approved shall be implemented and retained thereafter.
 - 19) No development, other than demolition work, shall take place until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

- 20) Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.
- 21) 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 Development Management planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
- 22) No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays; before 08:00 or after 13:00 on Saturdays; or before 08:00 or after 18:00 on other days.
- 23) No development, other than demolition work, shall take place until, a scheme of proposed air pollution mitigation measures is submitted to and approved in writing by the Local Planning Authority. The approved mitigation scheme shall be implemented in accordance with the approved details before any of the development is first occupied or the use commences and shall be retained as such thereafter.
- 24) No development, other than demolition work, shall take place until details of the levels of the building, roads and footpaths in relation to the adjoining land and highways and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

End of conditions