



Appeal Decision

Site visit made on 14 May 2024

by L Clark BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2024

Appeal Ref: APP/N5090/W/23/3326949

12 - 18 High Road, East Finchley, London N2 9PJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Can Deniz of Deniz N2 Limited against the decision of the Council of the London Borough of Barnet.
 - The application Ref is 22/3419/S73.
 - The application sought planning permission for demolition of existing buildings and construction of two 4-storey buildings (plus basement) providing 24 no self-contained flats and (Class B1a) office space with associated refuse and recycling storage, cycle storage, 2 no off-street parking spaces and amenity space without complying with a condition attached to planning permission Ref 18/5822/FUL, dated 17 June 2020.
 - The condition in dispute is No 1 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing numbers: HR-H-AE01A; HR-H-AE02A; HR-H-AE03A; HR-H-AE04A; HR-H-AE05A; HR-H-AE06A; HR-H-AE07A; HR-H-AE08A; HR-H-AE09A; HR-H-AE10A; HR-H-AE11A; HR-H-AG01B; HR-H-AG02A; HR-H-AG03A; HR-H-AG04A; HR-H-AGP00A; HR-H-AGP01B; HR-H-AGP02A; HR-H-AGP03A; HR-H-AGP04A; HR-H-AGP05A PROJECT REF 19018 DWG NO: 200 REV A
Transport Assessment dated July 2019
Framework Travel Plan dated July 2019
Design and Access Statement-September 2019
Environmental Sustainability Statement by Aecom dated 28.10.2019
Construction Management Plan dated August 2018
Daylight and Sunlight Assessment by GLA Hearn (13 November 2018)
Utilities Assessment
Ventilation Strategy
Drainage Strategy
Waste & Recycling Schedule
Financial Viability Report
Planning Statement
Refuse and Recycling schedule
Air Quality Assessment dated March 2016
Tree Impact Assessment and Method Statement dated July 2018
Planning Statement dated November 2018
Environmental Noise Report (ref: 128187-AC-2v1 dated 13/03/2018)
 - The reason given for the condition is: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and construction of two 4-storey buildings (plus basement) providing 24 no self-contained flats and (Class B1a) office space with associated refuse and recycling storage, cycle storage, 2 no off-street parking spaces and amenity space at 12 - 18 High Road, East Finchley, London N2 9PJ in accordance with the application Ref 22/3419/S73, without compliance with condition number 1 previously imposed on planning permission Ref 18/5822/FUL dated 17 June 2020 and subject to the following conditions, set out in the attached schedule.

Applications for costs

2. An application for costs was made by the appellant, using the company name Deniz N2 Limited against the Council of the London Borough of Barnet. This is subject of a separate decision.

Preliminary Matters

3. The description of development on the application form differs from that on the decision notice for the original planning permission Ref 18/5822/FUL. I have used wording from that permission in my formal decision for consistency.
4. A signed and dated Planning Obligation by Deed of Agreement under Section 106A of the Town and Country Planning Act 1990 (as amended) (S106A Agreement) was submitted by the appellant. I have been told that all S106 monies have been paid to the Council; the purpose of the S106A Agreement is to link the previously approved S106 Agreement pursuant to planning permission Ref 18/5822/FUL to planning application Ref 22/3419/S73, should this appeal be allowed.

Background and Main Issues

5. Planning permission Ref 16/2351/FUL was granted on 8 January 2018 for the demolition of existing buildings and construction of 2 no 4 storey buildings providing 21 no self-contained flats and 265sqm of B1 office space at ground level to block A (the 2018 application). The permission was subject to a S106 Agreement.
6. On 17 June 2020, a further planning permission was granted for the construction of two 4-storey buildings providing 24 no self-contained flats and (Class B1a) office space under planning application Ref 18/5822/FUL. This was also subject to a S106 Agreement. Since this time, the planning permission has been implemented and the development is approaching completion, with some units occupied. The application which is the subject of the current appeal seeks permission to vary condition 1 of the latter permission, to insert 2 angled oriel windows within the first-floor central section of the eastern elevation of the building and make corrections to the boundary and the position of neighbouring properties on the plans.
7. There is no dispute between the main parties regarding the positioning of the buildings within the site. Furthermore, it is common ground that their height and mass remain unaltered from the approved planning permission Ref 18/5822/FUL. For clarity, the only change to the buildings would be in relation to its fenestration on the eastern elevation of Block B.

8. There is also no dispute that the dwellings on Ingram Road, the site boundary and the height of Park House were incorrectly plotted on the original plans. The position of the neighbouring properties has now been corrected, using data from an independent survey commissioned by residents of Ingram Road. I am content that the application site on the Site Location Plan has not increased in size and that the relevant notices have been served on all owners/occupiers.
9. There is, however, a disagreement regarding whether, based on the correctly plotted properties, the distance between the development and neighbouring properties has resulted in additional loss of daylight and sunlight and overshadowing to the occupants of Nos 5-13 Ingram Road (Nos 5-13), and whether that culminates in unacceptable harm to their living conditions.
10. The Council expresses regret in having granted planning permission under Ref 18/5822/FUL, stating that the building is closer to neighbours than originally anticipated. Whilst this may be the case, it nevertheless approved an earlier planning application for a similar scheme Ref 16/2351/FUL. This is the baseline against which I have to assess the amendments. Therefore, the appellant's fallback position is its extant planning permission of Ref 18/5822/FUL. Even though the refusal reason is wider in scope than the nature of the works sought, whether the Council should have approved the planning application is not directly relevant to my consideration of the planning merits of the appeal scheme before me.
11. The main issue therefore is the effect the development currently has, and the effect the proposed changes in fenestration would have, on the living conditions of Nos 5-13 with regards to outlook, privacy and daylight/sunlight.

Reasons

12. The appeal site is located on High Road and consists of two blocks of residential accommodation, Blocks A and B, with vacant commercial space in Block A. Each block is four storeys high, with Block B subject to this appeal, containing residential accommodation only. To the north and east are the residential terraced properties of Baronsmere Road and Ingram Road respectively, which are predominantly two and three storeys high. Several residential flats within Block B face towards the rear elevations of Ingram Road.
13. The rear of Block B incorporates a step in its building line. This results in its ground floor at either end and its central core at the ground, first and second floors projecting outwards in the direction of Ingram Road.
14. The Council's Local Plan Supplementary Planning Document: Residential Design Guidance 2016 (RDG) and its Local Plan Supplementary Planning Document: Sustainable Design and Construction 2016 (SPD) both state that there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking. I have been told by both main parties that the London Housing Plan Supplementary Planning Document relaxes these standards to a minimum distance of between 18-21 metres.
15. The gardens within Ingram Road, immediately to the rear of Block B, are bound by a brick wall, above which, verdant landscaping of varying heights provides filtered views of the opposing elevation. Beyond the brick wall is a gap, beyond which a fence of similar height to the wall faces the rear of Block B and bounds the communal garden for the development.

16. The distance between the third-floor apartment windows of Block B and the windows of Nos 5-13 exceeds the recommended 21 metres set out in the RDG and SPD. The ground floor units are much closer, but these look out onto a high, solid boundary which restricts any views of the neighbour's gardens and windows. The main concerns relate to the first and second-floor apartments in Block B. The separation distance between these units and the windows on the rear of Nos 5-13 varies, but all parties agree that it falls short of the recommended figure in the Council's guidance.
17. At my site visit I was able to assess the views available from within Block B. Existing mature vegetation along the boundary and within the neighbours' gardens was effective in filtering views towards the properties in Ingram Road. Seasonal effects mean that the verdancy will be reduced in winter, but the trees and shrubs on the boundary will continue to provide a reasonable level of privacy for the occupiers of properties in Ingram Road, including Nos 5-13.
18. The proposed plans show additional planting within the appeal site along the boundary with Ingram Road. The appellant has also suggested the planting of 4 Olive trees. Whatever solution is adopted, the planting would take a number of years to become effective. Nevertheless, it would provide additional screening in the longer term. Details of this planting could be secured by condition.
19. The appellant is also proposing to modify the approved building design to insert two angled oriel windows within the eastern elevation of Block B. Clear glazing to one side of the windows would direct views for the occupants of Block B towards the rear gardens Nos 1 and 3 Ingram Road and properties on Baronsmere Road, thereby providing a greater effective separation distance. The other panes would face in the direction of Nos 11 and 13 Ingram Road, but these would be obscurely glazed to approximately 1.7 metres above the floor, and this would prevent any overlooking of the neighbours. Even though the top section would be clearly glazed, the orientation of each pane and angle of view would prevent direct overlooking of the rear elevations of Nos 11 and 13. Overall, I consider that the insertion of the angled oriel windows would be an improvement over the scheme already permitted by the Council.
20. At present, a mix of tree and shrub planting is present between the rear of Nos 5-13 and Block B. This appears to be predominantly within the gardens of Ingram Road and under the control of the occupants. At the time of my site visit the trees were in partial leaf and provided filtered views between the two elevations. Given that this would be reduced from autumn and is reliant on the occupants of Ingram Road to allow the landscaping to grow upwards, it would be important to ensure adequate screening is provided within the site, as suggested by the appellant. Proposed plans show a line of trees to the inside of the timber boundary which would add an additional layer of screening between the two elevations. The appellant suggests planting 4 Olive trees (*Olea Europaea*-Evergreen) in a raised border approximately 5-7 metres in height and 3-4 metres in width. I have neither the precise details of the trees or planting bed to satisfy me that they would be of sufficient size, or species to provide adequate screening. Nevertheless, this matter could be addressed by a suitably worded condition. I am satisfied that, subject to the imposition of such a condition, together with the insertion of the angled oriel windows, there would be no significant harm caused to the living conditions of residents within Ingram Road through loss of outlook or privacy.

21. There have been a number of previous daylight and sunlight reports submitted in respect of the development of this site. The 2018 application and an earlier application in 2015 were both accompanied by such reports. The Council contends that the 2018 report related only to the lower ground floor flats and did not address matters relating to adjoining properties. However, I note that the report was an addendum to the 2015 report and therefore the two needed to be read together.
22. There is no evidence before me to indicate that the Council objected to either report and indeed both planning applications were approved. The height, mass and position of the buildings on site has already been agreed by the Council. The question is whether the errors in the plotting of neighbouring properties would have affected the outcome of the previous assessment.
23. The appellant has subsequently undertaken a further Daylight and Sunlight Report (DSR) dated June 2023 in support of the latest appeal in accordance with Building Research Establishment (BRE) guidance. This provides an analysis of the effect of Block B on daylight and sunlight received at Nos 5-13. It also compares the original buildings on-site to the approved scheme Ref 18/5822/FUL and that of the proposed scheme subject to this appeal. Importantly, the latest report uses the measured survey plans undertaken by Gary A Jackson Survey Plans, paid for and provided by the residents of Ingram Road. The baseline information is therefore not in dispute.
24. The Council does not appear to dispute the contents of the latest report which concludes that the thresholds are met in respect of matters such as the 25-degree angle, Vertical Sky component and Annual Probable Sunlight Hours at affected windows.
25. Notwithstanding the above, the DSR concludes that there would be between a 1% and 4% increase in overshadowing of the gardens at Nos 5-13 compared to the approved scheme. I accept that sunlight has an important impact on how an external area is used; BRE guidance recommends that at least 50% of each amenity space should achieve at least two hours of sunlight on 21 March. However, according to the DSR, which the Council does not dispute, all gardens would still maintain 2 hours of sunlight on the 21 March. I sympathise with residents who have seen a noticeable difference in shading to their gardens, however, the reduction of direct sunlight is shown to remain within the threshold outlined within the BRE guidance. As such and without compelling evidence to the contrary, I do not consider that the additional overshadowing is as harmful as the Council contends.
26. Despite a topographical survey not having been submitted alongside the appeal, spot levels have been shown within the DSR. These show that Block B does not subtend the 25-degree line drawn from the ground floor of the properties at Nos 5-13. This also indicates that it is unlikely to have a substantial effect on the diffuse skylight enjoyed by the existing occupants of Ingram Road.
27. Furthermore, whilst the spacing between the rear of Block B and the boundaries with neighbouring gardens of Ingram Road falls below the recommended 10.5 metres set out in the RDG, taking into account my findings in the previous sections there would be no direct overlooking either from the habitable rooms within Block B or the communal external area.

28. Overall, based on the evidence presented and my observations at the site visit, I am satisfied that the development would be no more harmful to neighbour living conditions than the scheme which the Council has already permitted at the site. Indeed, the proposal for angled oriel windows and additional landscaping along the boundary would result in a small net improvement in the privacy of adjoining residents and reduce any perception of being overlooked.
29. As such, I find no conflict with Policies D3 and D6 of the London Plan 2021, Policy CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document 2012, or Policies DM01 and DM02 of Barnet's Local Plan (Development Management Policies) Development Plan Documents 2012. These collectively seek to ensure that development delivers appropriate outlook, privacy and amenity; and its design provides sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context. There would also be no conflict with Part 12 of the Framework, insofar as it seeks to ensure development creates places with high standards of amenity for existing and future users.

Other Matters

30. With regard to the discrepancies with the site boundary, the appellant signed Certificate B on the application form and served notice on the owners of Ingram Road, acknowledging that they do not own the whole site boundary. Notwithstanding this, the timber fence has been constructed on the inside of the brick wall and its erection does not appear to interfere with the use of those gardens associated with Ingram Road. Whilst I sympathise with residents regarding these discrepancies, matters related to the ownership of the land are separate to, and would not ultimately influence the assessment of, the planning merits of the proposal.
31. Even if the appellant's previous application for a non-material amendment was withdrawn, the extent of the works, together with any visual clutter on the roof, or disruption during the build and removal of a childcare facility, are not within the scope of my assessment which must focus on the planning merits of the appeal proposal.
32. Whether or not there have been amendments to the Ordnance Survey plan, the Council's validation and subsequent handling of the planning application and issues of maintenance of the wall all fall outside the scope of my assessment which must focus on the planning merits of the appeal proposal.
33. Even if the appellant's plans previously showed that the brick wall and Park House were taller than constructed on site, I have seen both the brick wall and Park House at my site visit and have been able to see the development in context. Furthermore, Existing & Proposed East Elevations Rev P3, and Proposed Roof Plan, submitted in support of the appeal, show the lift overruns and PV panels.
34. I have not been provided with any evidence to suggest that the insertion of an angled oriel window would materially harm the living conditions of the occupants of Block B. The views from the windows would change, but it would maintain an acceptable outlook for the occupiers of the affected apartments.
35. The issue of impact on property values has also been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as the value of land or property. As such I give this limited weight.

36. Whether or not the Council proceed with enforcement action, or whether conditions have been implemented in full, fall outside the scope of my assessment, which must focus on the planning merits of the case and based on the evidence that is before me.

Conditions

37. The Planning Practice Guidance explains that decision notices, for the grant of planning permission under s73, should restate the conditions imposed on earlier permissions that continue to have effect. The Council has helpfully provided a list of suggested conditions that it considers are still relevant. In some instances, I have made minor changes to wording, with some amalgamation of conditions and deleted others to improve precision and enforceability. In doing so, I am satisfied that the interests of the parties would not be prejudiced.
38. In the interests of certainty, I have attached a condition listing the revised plans. In light of the number of discharged conditions, I have restricted the list of approved plans and documents to those necessary for the development to comply with in order to remain acceptable in planning terms.
39. Those conditions relating to wheelchair accessibility, privacy screens and balconies are both necessary and reasonable to protect the living conditions of nearby residents and provide satisfactory living conditions for future occupiers. To protect the character and appearance of the area, conditions are also required to ensure that refuse storage and boundary treatments are carried out as per the previously approved details. To provide satisfactory living conditions for future occupiers, conditions relating to play equipment, carbon dioxide, sound mitigation, ventilation, site levels, land contamination, and sustainable drainage are necessary.
40. It is necessary to reimpose conditions relating to ecology and landscaping, as well as cycle parking, entrance gates and car parking, energy and water efficiency, air quality, Travel Plan and the removal of permitted development rights.
41. As the development has already commenced, the standard three-year time limit is not necessary. Furthermore, as the development has already been substantially implemented, I have deleted the following conditions as they are no longer necessary: 4 relating to materials, 8 relating to contract for works, 19 relating to construction hours, 20 relating to construction vehicles, 24 and 25 relating to access road and means of vehicular access, 28 relating to tree protection, 29 relating to development and construction management plan, 36 relating to highway works, and 37 relating to control of dust during demolition.
42. The Council has suggested two additional conditions to which the appellant has had an opportunity to comment. To protect the living conditions of occupiers within Ingram Road, it is necessary that details of further landscaping to the common boundary with Ingram Road and its retention within the site thereafter. Given that the properties on Ingram Road are closer than originally indicated on the plans when the Council approved the 2018 application, it is reasonable to impose a condition requiring the installation of the proposed angled oriel windows to the eastern elevation. The Council has suggested that the condition requires works to be carried out prior to occupation of the units, but I noted that at least one is already occupied. I have therefore altered the trigger to within 3 months of the date of this decision, with amended wording to ensure that the condition is enforceable.

Conclusion

43. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed. I will grant a new planning permission, substituting the disputed condition with one listing the revised plans and restating those undisputed conditions that are still subsisting and capable of taking effect.

L Clark

INSPECTOR

SCHEDULE OF CONDITIONS

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

Updated Cover letter from Peacock and Smith dated 11th January 2023

P-A001_P4 - Site Location Plan

P-A101_P3 - Proposed Lower Ground Floor Plan

P-A102_P3 - Proposed Ground Floor Plan

P-A102-1_P3 - Proposed Development Block Plan - Ground Floor

P-A103_P3 - Proposed First Floor Plan

P-A103-1_P3 - Proposed Development Block Plan - First Floor

P-A104_P3 - Proposed Second Floor Plan

P-A104-1_P3 - Proposed Development Block Plan - Second Floor

P-A105_P3 - Proposed Third Floor Plan

P-A105-1_P3 - Proposed Development Block Plan - Third Floor

P-A106_P3 - Proposed Roof Plan

P-A201_P3 - Existing & Proposed North Elevations

P-A202_P3 - Existing & Proposed South Elevations (Park House Excluded)- P-

A203_P3 - Existing & Proposed South Elevations

P-A204_P2 - Existing & Proposed East Elevations

P-A301_P3 - Proposed South Section

Document titled: Notes and pictures showing separation dimensions (drawing numbers 01; 02; 03 & 04)

Daylight and Sunlight Assessment by GLA Hearn dated 13 November 2018

Daylight and Sunlight Report by Consil dated 23 June 2023

Sustainable Urban Drainage Strategy Prepared by jms Civil & Structural Consulting Engineers. 12-18 High Road, East Finchley, London. JMS Project Reference: EX2011907 Rev B

Thames Water: Notice of consent to connect to a public sewer/public lateral drain (letter dated 17 February)

Accommodation schedule dated September 2019

2. The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 3 (site levels) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.
3. The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 5 (Refuse and Recycling facilities) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition, and the development shall be managed in accordance with the information in perpetuity.
4. The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 6 (Wheelchair accessible or easily adaptable) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved prior to the first occupation of each unit and retained as such thereafter.

5. The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 7 (means of enclosure and boundary treatments) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in full accordance with the details as approved and retained as such thereafter.
6. The details approved under planning ref: 20/4189/CON dated 21.10.20 pertaining to condition 9 (land contamination risk assessment) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.
7. a) The details approved under planning ref. 20/4137/CON pertaining to condition 10 (sound mitigation measures) pursuant to planning ref. 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of each unit the development and retained as such thereafter.
8. a) The details approved under planning ref: 20/4137/CON dated 20.10.20 pertaining to condition 11 (ventilation/ extraction plant) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of each unit within the development and retained as such thereafter.
9. The level of noise emitted from the 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.
10. Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of any of the new dwelling house (Use Class C3) permitted under this consent, they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.
11. a) The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 14 (landscaping works) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the

details as approved under this condition before the end of the first planting and seeding season following the date of this decision.

b) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

12. The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 15 (Sustainable Urban Drainage Strategy) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.
13. The details approved under planning ref: 22/5408/CON dated 08.11.2022 pertaining to condition 16 (play equipment) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.
14. The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 17 (Cycle parking) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.
15. The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 18 (privacy screens and balconies) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.
16. Within three months of the date of this permission the new dwelling house(s) (Use Class C3) hereby approved 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.
17. The details approved under planning ref: 22/5658/CON dated 24.11.2022 pertaining to condition 22 (carbon dioxide emission reduction measures) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.
18. No parts of the roof of each floor shall be used as a balcony, amenity or sitting-out area unless shown as such on the approved drawings.
19. The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 24 (the access and access road(s)) pursuant to planning

ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.

20. The gated access system, including the maintenance agreement, and all equipment for the access barrier system must be installed within the site's boundaries and not encroach on the public highway as per the details agreed under condition application 22/5408/CON dated 08.11.2022.
21. The details approved under planning ref: 22/5658/CON dated 24.11.2022 pertaining to condition 27 (Delivery and Servicing Plan (DSP)) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.
22. The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 30 (car parking layout plan) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.
23. The details approved under planning ref: 20/5651/CON dated 06.01.2021 pertaining to condition 31 (energy measures) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.
24. Within 3 months of occupation, a Framework (work and residential) Travel Plan that meets the criteria of the current Transport for London Travel Plan guidance, currently 'Travel Planning for new development in London incorporating deliveries and servicing' and Itrace or TRICS compliant surveys shall be submitted to and approved in writing by the Local Planning Authority. The document shall set out the transport policy to incorporate measures to reduce trips by the private car, especially single occupancy and single passenger journeys and encourage non-car modes such as walking, cycling and public transport and to reduce, consolidate or eliminate delivery trips. The Travel Plan Statement should include the appointment of a Travel Plan Champion, SMART targets and a clear action plan for implementing the measures. The Travel Plan should be reviewed, updated and resubmitted in writing for approval in years 1, 3 and 5 in accordance with the targets set out in the Plan.
25. Within 6 months of first occupation, certification demonstrating compliance with Secured by Design standards (or any superseding accreditation) shall be submitted to and approved in writing by the Local Planning Authority.
26. The measures to deal with foul water discharge pertaining to condition 34 (Waste Water Network Upgrade/Housing and Infrastructure Phasing Plan) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be as agreed under approved condition application 22/5658/CON dated 24.11.2022.
27. The details approved under planning ref: 20/5053/CON dated 22.03.2021 pertaining to condition 35 (Surface Water Network Upgrade/Housing and Infrastructure Plan) shall be implemented as agreed under approved condition application 22/5658/CON dated 24.11.2022.

28. a) The details approved under planning ref: 20/4336/CON dated 30.10.20 pertaining to condition 38 (air quality report) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.
- b) The approved measures shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.
29. The details approved under planning ref: 22/5408/CON dated 08.11.2022 pertaining to condition 40 (ecological enhancements) pursuant to planning ref no: 18/5822/FUL dated 17/06/2020 shall be implemented in accordance with the details as approved under this condition and retained as such thereafter.
30. The basement and ground floors of block A shall be used for offices and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
31. Within three months from the date of this decision, the two proposed angled oriel windows to the first floor east-facing elevation of Block B, as indicated on drawing nos. P-A103 rev P3 and P-A204 rev P2 shall be inserted as per the approved plan, with obscure glass to one side which shall be permanently fixed shut with only a fanlight opening. The windows shall be retained as such thereafter.
32. Notwithstanding the provisions of condition 11:
- a) Within 3 months of the date of this decision, a scheme of landscaping, including planting heights and densities for along the common boundary with Ingram Road shall be submitted to and agreed in writing by the Local Planning Authority.
- b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first available planting and seeding season following the date of this decision.
- c) If any trees or shrubs to be planted as part of the approved scheme are removed, die, become severely damaged or diseased within five years of the completion of development they shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

*** END OF CONDITIONS ***