

DATED 28th March

2012

- (1) OLYMPIC DELIVERY AUTHORITY
- (2) THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF NEWHAM
- (3) STRATFORD (HIGH STREET) LIMITED
- (4) F.O.S. PROPERTIES LIMITED
- (5) B.M. SAMUELS FINANCE GROUP PLC

PLANNING OBLIGATION BY AGREEMENT

made pursuant to section 106 of the Town and Country Planning Act 1990 and sections 4 and 5 of the London Olympic Games and Paralympic Games Act 2006 and all other powers enabling

relating to 2-12 High Street, Stratford, London



Pinsent Masons

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THIS AGREEMENT is made on 28th March 2012

BETWEEN:-

- (1) **OLYMPIC DELIVERY AUTHORITY** of 23rd Floor, One Churchill Place, Canary Wharf, London E14 5LN (the "ODA");
- (2) **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF NEWHAM** of Newham Dockside, 1000 Dockside Road, London, E16 2QU (the "Council");
- (3) **STRATFORD (HIGH STREET) LIMITED** of Copper House, Snakes Lane East, Woodford Green IG8 7HX (the "Developer");
- (4) **F.O.S. PROPERTIES LIMITED** (Co.Regn.No: 05019574) whose registered office is at Berkeley Square House, Berkeley Square, London W1J 6BD (the "Owner"); and
- (5) **B.M. SAMUELS FINANCE GROUP PLC** of 314 Regents Park Road, London N3 2JX (the "Mortgagee").

RECITALS

WHEREAS:-

- (A) By virtue of section 5 of the Olympic Act and the Olympic Delivery Authority (Planning Functions) Order 2006 the ODA is the local planning authority for the purposes of Part III of the 1990 Act for the area in which the Site is situated and has the functions conferred by those provisions of the 1990 Act. Accordingly the ODA is the appropriate body to enforce the planning obligations contained in this Agreement for the purposes of Section 106 of the 1990 Act.
- (B) The Council is a local authority for the purposes (inter alia) of the Local Government Act 1972 and the 1974 Act and is further the local highway authority for the purposes of the Highways Act 1980.
- (C) The Parties acknowledge that whilst the ODA is the local planning authority for the purposes of Part III of the 1990 Act in respect of the Site, the Council retains certain functions in respect of the area within which the Site is situated, including functions in respect of highways, community and leisure facilities, social, economic and environmental well-being, housing and education and the Parties hereto agree that it is appropriate for the ODA to nominate the Council as the beneficiary of various covenants, undertakings and obligations given by the Developer in this Agreement pursuant to Sections 106 of the 1990 Act as aforesaid as provided for in this Agreement.
- (D) By virtue of a Service Level Agreement dated 29 January 2007 and made between (1) the ODA and (2) the Council, the ODA and the Council agreed to make arrangements for certain planning applications within the ODA's planning boundary to be determined by the Council.
- (E) The Developer is the freehold owner of that part of the Site registered at the Land Registry under title number EGL192685.
- (F) The Owner is the freehold owner of that part of the site registered under Title No; LN253988.
- (G) The Mortgagee has a charge over that part of the Site registered at the Land Registry under title number LN253988.

- (H) The Planning Application was submitted to the ODA on 3 November 2010 pursuant to the Service Level Agreement noted in Recital (D) hereto, the application is to be determined by the Council.
- (I) On 8 March 2011 the ODA's Planning Committee resolved to advise the Council that the ODA Planning Committee had no objections to the grant of the Planning Permission subject to consideration of a number of points and subject to a legal agreement being entered into.
- (J) On 17 May 2011 the Council resolved to grant the Planning Permission subject to the completion of a legal agreement made pursuant to section 106 of the 1990 Act and other powers and subject to referral to the GLA.
- (K) On 26 July 2011 the GLA confirmed that it did not wish to direct refusal for the Planning Application.
- (L) The Parties have agreed to enter into this Agreement in order to secure the planning obligations contained in it so that the Council may grant the Planning Permission.

OPERATIVE PROVISIONS:-

1. INTERPRETATION

1.1 In this Agreement (which shall include the Recitals and Schedules hereto) the following words and expressions have the following meanings:-

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| "1974 Act" | means the Greater London Council (General Powers) Act 1974 |
| "1990 Act" | means the Town and Country Planning Act 1990 |
| "Affordable Housing" | means housing that is available to people whose incomes are insufficient to enable them to afford adequate housing locally on the open market and where the rent or price for such housing is reduced, directly or indirectly, by means of subsidy from the public, private or voluntary sector and which is provided for or managed by a housing association, local authority or other organisation |
| "Affordable Housing Units" | means Affordable Housing of the tenure types set out in Annex B of Planning Policy Statement 3 published by the Department of Communities and Local Government (" PPS 3 ") or any guidance as may from time to time amend or replace the same and also includes the tenure type "Affordable Rent" described in the Department of Communities and Local Government and Homes and Communities Agency publication "2011-2015 Affordable Homes Programme Framework" (or any guidance as may from time to time amend or replace the same) and currently proposed for inclusion in Annex B of PPS 3 aforesaid and for the avoidance of doubt such Affordable Housing Units may be provided by way of new build or by the acquisition or use of existing premises |
| "Approved Drawings" | means the drawings prepared by the Architect to be approved by the Planning Permission |

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| "Architect" | means the architect as specified in the Design and Access Statement as being the architects responsible for the design of the Mixed Use Development |
| "Associated" | means, for the purposes of clause 2.14 any company, subsidiary company, body or organisation established by or associated with or acting under the direction of the owner (including the Developer) of another leasehold interest |
| "Business Day" | means a day other than a Saturday or Sunday or public holiday in England or the period between 24 December and 1 January inclusive |
| "Business Incubator Units" | means the provision of commercial unit no. 1, commercial unit no. 2, commercial unit no. 3, commercial unit no. 4 and commercial unit no. 5 as business incubator units to be provided pursuant to paragraph 3 of Part 4 hereto on Stratford High Street in the locations shown on Plan 1 contained in Appendix 4 of this Agreement |
| "Children's Play Areas and Community Facilities" | means the children's play areas and community facilities including (but not limited to) the community room, indoor play rooms and crèche to be provided at the Site |
| "Children's Play Areas and Community Facilities Management Plan" | <p>means a management plan which shall include the following details:</p> <p>(a) how the Children's Play Areas and Community Facilities will be maintained in perpetuity; and</p> <p>(b) setting up of a fund which will be used to staff the Children's Play Areas and Community Facilities</p> |
| "Commencement of the Mixed Use Development" | <p>means, in respect of the Mixed Use Development, the carrying out of a material operation pursuant to the Planning Permission as defined in section 56(4) of the 1990 Act but excluding archaeological investigations, demolition, diversion of (or connecting) utilities to the Site, pile probing, assessment of contamination and decontamination works (if any), site clearance and the erection of fences and hoardings</p> <p>and "Commence", "Commenced" and "Commences" shall be construed accordingly</p> |
| "Commencement of the Residential Development" | <p>means, in respect of the Residential Development only, the carrying out of a material operation pursuant to the Planning Permission as defined in section 56(4) of the 1990 Act but excluding archaeological investigations, demolition, diversion of (or connecting) utilities to the Site, pile probing, assessment of contamination and decontamination works (if any), site clearance and the erection of fences and hoardings</p> <p>and "Commence", "Commenced" and "Commences" shall be construed accordingly</p> |

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| "Completed" | means in relation to any works of construction forming part of the Mixed Use Development and Residential Development, the date of issue of a certificate of practical completion of those works by the Developer's contract administrator |
| "Comply" | means to implement, comply, fulfil and/or discharge or procure implementation, compliance, fulfilment and/or discharge and "Compliance" and "Complied" shall be construed accordingly |
| "Consent" | any of the following: approval, agreement, licence, authorisation, confirmation, certification, expression of satisfaction, consent, permission or any other kind of authorisation however expressed |
| "Contributions" | means the CPZ/A12 Crossing Contribution, the Education Contribution, the First Affordable Housing Contribution, the Second Affordable Housing Contribution, the Public Realm Contribution, the First British Waterways Contribution, the Second British Waterways Contribution, the Design Monitoring Contribution, the Health Contribution, the Highways Contribution, the Skills and Training Contribution and the TfL Contribution |
| "Council's Contributions" | means the CPZ/A12 Crossing Contribution, the Education Contribution, the First Affordable Housing Contribution, the Second Affordable Housing Contribution, the Public Realm Contribution, the Health Contribution, the Skills and Training Contribution and the Highways Contribution |
| "Council's Monitoring Contribution" | means the sum of £6,500 (six thousand five hundred pounds) to be paid by the Developer to the Council |
| "CPZ" | means a controlled parking zone |
| "CPZ/A12 Crossing Contribution" | means the sum of £60,000 (sixty thousand pounds) (Indexed) to be paid by the Developer to the Council towards a future CPZ in the vicinity of the Site and provision of a pedestrian and cycle crossing facility under the A12 |
| "Design Monitoring Contribution" | means the design monitoring contribution of £25,000 (twenty five thousand pounds) (Indexed) to be paid by the Developer to the ODA in the event that the original architect is not retained to RIBA Stage L (or equivalent) |
| "Education Contribution" | means the sum of £187,000 (one hundred and eighty seven thousand pounds) (Indexed) to be paid by the Developer to the Council towards education facilities within the vicinity of the Site |
| "Estate Management Plan" | means an estate management plan which shall include details as to landscape maintenance of the Public Access Areas in order to keep these areas in good condition and maintain and repair the Public |

Access Areas

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| "Expert" | the expert appointed in accordance with the provisions of Clause 11 to determine a dispute |
| "First Affordable Housing Contribution" | means the sum of £200,000 (two hundred thousand pounds) (Indexed) to be paid by the Developer to the Council towards Affordable Housing pursuant to paragraph 1.1 of Schedule 1 hereto |
| "First British Waterways Contribution" | means the sum of £84,000 (eighty four thousand pounds) (Indexed) to be paid by the Developer to British Waterways towards improvement of the waterway environment in the vicinity of the Site |
| "First Reception Survey" | a survey to be carried out by the Reception Consultant prior to Commencement of the Mixed Use Development to assess the standard of terrestrial (both analogue and digital) and satellite television reception to properties within the Relevant Survey Area |
| "GLA" | means the Greater London Authority of City Hall Greater London Authority City Hall The Queen's Walk London SE1 2AA and the statutory successors to the Greater London Authority's functions |
| "Health Contribution" | means the sum of £19,000 (nineteen thousand pounds) (Indexed) to be paid by the Developer to the Council towards health facilities in the vicinity of the Site |
| "Highways Contribution" | means the sum of £120,000 (one hundred and twenty thousand pounds) (Indexed) to be paid by the Developer to the Council towards public highway works within the vicinity of the Site |
| "Index" | means the BCIS All-in-TPI published by the RICS' Building Cost Information Service or if the same shall cease to be published such alternative construction related index agreed by the ODA, the Council and the Developer |
| "Indexed" | means indexed in accordance with the provisions of Clause 16 hereto |
| "Landscaping Scheme" | means the landscaping scheme to be submitted for approval by the Developer to the ODA |
| "Local Labour Commitment Scheme" | means a scheme which shall set out initiatives to provide employment opportunities and apprentice opportunities for local residents and businesses so that at least 25% of the construction staff employed in construction of the Mixed Use Development are local residents and 10% of that 25% are apprentices such scheme shall be substantially in the same form as the draft scheme contained in Appendix 6 |
| "Mixed Use Development" | means the development of the Site comprising a 15 and 35 storey building with a four storey bridge link |

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| | <p>element to provide 765m² of commercial floor space and 191 residential units with 41 car parking spaces, 307 cycle parking spaces, gym, crèche, landscaping and riverside walkway authorised by the Planning Permission</p> |
| "Mitigation Measures" | <p>means such mitigation measures as are agreed by the Developer and the Council (having regard to the recommendations of the Reception Consultant made in the relevant Second Reception Survey) as being reasonably necessary to restore the quality of terrestrial and/or satellite television reception to an affected property or properties within the Relevant Survey Area to the standard assessed in the relevant First Reception Survey</p> |
| "Occupation" | <p>means beneficial occupation of the building for the purposes for which the Planning Permission has been granted by the Council but not including occupation for staff training or by personnel engaged in construction fitting out security or marketing and "Occupy" and "Occupied" shall be construed accordingly</p> |
| "ODA's Monitoring Contribution" | <p>means the sum of £10,000 (ten thousand pounds) to be paid by the Developer to the ODA</p> |
| "Olympic Act" | <p>means the London Olympic Games and Paralympic Games Act 2006</p> |
| "Parking Permit" | <p>means a resident's parking permit and/or a visitor's parking permit issued by the Council under section 45(2) of the Road Traffic Regulation Act 1984 or such other legislation allowing a vehicle to park in the CPZ</p> |
| "Parties" | <p>means the parties to this Agreement and the word "Party" shall mean any one of them</p> |
| "Planning Application" | <p>means the application for planning permission submitted to the Council and allocated reference number 10/90519/FUMODA</p> |
| "Planning Permission" | <p>means the planning permission subject to conditions that may be granted by the Council following the determination of the Planning Application for the proposals within the Planning Application, a draft of which is contained in Appendix 2</p> |
| "Public Access Areas" | <p>means the public access areas to be retained across the Site from Stratford High Street to Bow Back River as shown on Plan 2 contained in Appendix 5 of this Agreement</p> |
| "Public Realm Contribution" | <p>means the sum of £175,000 (one hundred and seventy five thousand pounds) (Indexed) to be paid by the Developer to the Council</p> |
| "Reasonable Endeavours" | <p>means that it is agreed by the Parties that the Party under such an obligation will not thereby be required to take proceedings (including any appeal) in any</p> |

court public inquiry or other hearing (unless specified to the contrary) but subject thereto and to other terms of this Agreement such party will be bound to attempt to fulfil the relevant obligation by the expenditure of such effort and/or sums of money and the engagement of such professional or other advisers as in all the circumstances may reasonably be expected: in the case of the ODA and the Council, of a competent public authority or publicly funded publicly accountable body acting reasonably properly and proportionately in the context of its statutory functions duties and purposes and in the case of the Developer, of a competent commercial developer carrying out the Mixed Use Development

"Reception Consultant"

a consultant specialising in matters relating to television reception and approved by the Council

"Reduced Car Parking Contribution"

means the sum of £2,000 (two thousand pounds) (Indexed) to be paid by the Developer to the Council

"Relevant Survey Area"

areas over which the Mixed Use Development is predicted to cast a shadow from satellite television transmitters and the terrestrial television transmitter stations at Croydon and Crystal Palace, such areas to be approved by the Council pursuant to paragraph 2 of Part 5 of Schedule 1

"Renewable Energy Strategy"

means a renewable energy strategy containing details as to how the Mixed Use Development will be able to provide renewable energy on Site including photovoltaics

"Replacement Architect"

means an independent senior architect or firm of architects retained by the Developer in connection with the Mixed Use Development with whom the Council has expressed its reasonable satisfaction (in consultation with the ODA) pursuant to paragraph 9 of Part 2 to Schedule 1 hereto

"Residential Development"

means that part of the Mixed Use Development comprising 191 residential units

"Residential Development Commencement Date"

means the date upon which the Residential Development is Commenced

"Residential Unit"

means a residential unit comprised within the Residential Development

"S73 Consent"

a planning permission granted by the Council following the determination of a planning application made pursuant to section 73 of the 1990 Act to carry out the development authorised by the Planning Permission without complying with a condition or conditions subject to which the Planning Permission was granted

"Second Affordable Housing Contribution"

means the sum representing 70 per cent of the amount of the surplus funds above a breakeven gross development value of £63,400,000 (sixty three

million four hundred thousand pounds) for the Mixed Use Development such sum to be deemed to be 70% of the sum which the VA Consultant calculates to be the total surplus in the final report issued by the VA Consultant pursuant to the provisions of paragraphs 2 and 3 of Part 1 of Schedule 1 hereto up to a maximum payment of £6,685,000 (indexed) (six million six hundred and eighty five thousand pounds) (the "**Second Affordable Housing Contribution Cap**") less the Public Realm Contribution, the Second British Waterways Contribution and the First Affordable Housing Contribution but for the avoidance of doubt if the gross development value of £63,400,000 (sixty three million four hundred thousand pounds) is not exceeded then no Second Affordable Housing Contribution shall be payable

"Second British Waterways Contribution"

means a sum of £6,000 (six thousand pounds) (indexed) to be paid by the Developer to British Waterways

"Section 278 Agreement"

means an agreement pursuant to section 278 of the Highways Act 1980

"Service Instructions"

means the instructions detailing the viability assessment services that the VA Consultant is to carry out to enable the calculation of the Second Affordable Housing Contribution, a copy of which is contained in Appendix 3 hereto

"Site"

means the whole of the land to which the Planning Permission relates as shown edged red on the plan contained in Appendix 1 hereto

"Skills and Training Contribution"

means the sum of £95,000 (ninety five thousand pounds) (Indexed) to be paid by the Developer to the Council towards skills and training initiatives in the vicinity of the Site

"TfL"

means Transport for London

"TfL Contribution"

means the sum of £60,000 (sixty thousand pounds) (Indexed) to be paid by the Developer to Transport for London to provide improvements to buses and real time information boards within the Mixed Use Development for Pudding Mill Lane DLR and Bow Church stations

"Transfer"

means a transfer by way of freehold or the grant of a lease both in respect of any of the residential units within the Residential Development

"Travel Plan"

means a travel plan containing practical measures that have the aim of reducing car travel to and from the Site, in particular single occupancy car trips, a programme for implementation of the travel plan, a methodology and programme for monitoring, reviewing, maintaining and developing the travel plan in relation to the targets set out in the travel plan including the appointment of a travel plan co-

ordinator if appropriate. All travel plan surveys to be iTrace and TRAVL compliant

"VA Consultant"

means a consultant who is independent of the Parties specialising in development viability assessments encompassing affordable housing with not less than ten years experience of carrying out such assessments in respect of developments of a magnitude which are similar to the Mixed Use Development and appointed by the ODA pursuant to paragraph 2.4 of Schedule 1 hereto

1.2 In this Agreement:-

1.2.1 unless otherwise indicated reference to any:-

- (a) Clause, Schedule or Appendix is to a clause of, schedule of or appendix to this Agreement;
- (b) paragraph is to a paragraph of a Schedule of this Agreement;
- (c) Part is to a part of Schedule 1;
- (d) reference within a Schedule to a paragraph is to a paragraph of that Schedule;
- (e) Recital is to a recital to this Agreement; and
- (f) plan, is to a plan annexed to this Agreement as an Appendix;

1.2.2 references to any statute or statutory provision include references to:-

- (a) all Acts of Parliament and all other legislation having legal effect in the United Kingdom as enacted at the date of this Agreement;
- (b) any orders, regulations, instruments or other subordinate legislation made or issued under that statute or statutory provision; and
- (c) in each case shall include any re-enactment thereof for the time being in force and any modifications or amendments thereof for the time being in force;

1.2.3 headings, the table of contents and titles to the plans are for reference purposes only and are not incorporated into this Agreement and shall not be deemed to be an indication of the meaning of the parts of the Agreement to which they relate;

1.2.4 the content of any plans is for identification purposes only;

1.2.5 any notice, notification, consent, approval, agreement, request, statement or details to be made, given or submitted under or in connection with this Agreement shall be made, given or submitted in writing;

1.2.6 references to the Site include any part of it;

1.2.7 references to the ODA comprise the Olympic Delivery Authority in its capacity as local planning authority and include its successors to the functions of the ODA;

- 1.2.8 references to the Council include its statutory successors to the functions pursuant to which the Council has entered into this Agreement;
- 1.2.9 references to the Developer include:-
- (a) persons deriving title from the Developer;
 - (b) persons claiming through or under the Developer an interest or estate in the Site; and
 - (c) the Developer's successors, assigns, transferees and persons for the time being assuming the relevant obligations and/or rights of the Developer;
- 1.2.10 "include" and "including" mean "including without limitation";
- 1.2.11 unless otherwise indicated references to the singular include the plural and references to the plural include the singular and words importing any gender include every gender;
- 1.2.12 unless otherwise indicated words importing persons include firms, companies, other corporate bodies or legal entities and vice versa;
- 1.2.13 where two or more people form a single Party to this Agreement the obligations, covenants and undertakings on the part of that Party may be enforced against them all jointly or against each of them individually; and
- 1.2.14 where in this Agreement there is reference to using Reasonable Endeavours to achieve an outcome, upon written request by any of the Parties at reasonable intervals (not to exceed more than once every three months), within ten Business Days of such request reasonable evidence of the steps taken to achieve such outcome shall be provided in documentary form (where possible) to the requesting Party(s).
- 1.3 The Interpretation Act 1978 shall apply to this Agreement.
- 1.4 The "Agreement" includes the Schedules and Recitals to this Agreement.
- 1.5 If any provision of this Agreement is held to be illegal invalid or unenforceable the legality validity and enforceability of the remainder of the Agreement is (if and to the extent that it may properly and lawfully be construed as such) to be unaffected.
- 1.6 Where in this Agreement there is any reference to an expression of satisfaction certificate approval agreement or other Consent to be given or made by the ODA such expression of satisfaction certificate approval agreement or other Consent shall be requested in writing and the ODA shall not unreasonably withhold or delay the giving or making of the same.
- 1.7 Where in this Agreement any matter is referred to dispute resolution under Clause 11 the findings of the Expert shall (save in relation to manifest error) be final and binding on the Parties and such findings shall be deemed to constitute the required approval or agreement or other Consent for the purposes of this Agreement.
- 2. EFFECT OF THIS AGREEMENT**
- 2.1 This Agreement is made pursuant to:-
- 2.1.1 section 106 of the 1990 Act;
 - 2.1.2 sections 4 and 5 of the Olympic Act;

- 2.1.3 section 111 of the Local Government Act 1972;
- 2.1.4 section 16 of the 1974 Act; and
- 2.1.5 all other powers so enabling.
- 2.2 The ODA is the local planning authority having the power to enforce the planning obligations contained in this Agreement.
- 2.3 So far as the obligations, covenants and undertakings in this Agreement are given by or to the Council then the same are entered into pursuant to the relevant powers referred to in Clause 2.1 and such obligations, covenants and undertakings shall be enforceable by or against the Council.
- 2.4 The obligations, covenants and undertakings on the part of the Developer in this Agreement are planning obligations in so far as they are capable of being lawfully made pursuant to and for the purpose of section 106 of the 1990 Act and so as to bind the Developer's interest in the Site (as referred to in Recital E) and with the intent that they shall be enforceable by the ODA and the Council not only against the Developer but also against any successors in title to or assigns of or transferees of the Developer and/or any person claiming through or under the Developer an interest or estate in the Site as if that person had been an original covenanting party and insofar as any such obligations, covenants or undertakings are not capable of falling within section 106 of the 1990 Act the same are entered into as obligations, covenants or undertakings in pursuance of sections 4 and 5 of the Olympic Act.
- 2.5 Save to the extent that the same would be lawful or in equity enforceable nothing in this Agreement restricts or is intended to restrict the proper exercise at any time by the ODA or the Council of any of their statutory powers functions or discretions.
- 2.6 No person shall be liable for any breach of any of the obligations, covenants and undertakings or other provisions of this Agreement after parting with his entire interest in the Site or his interest in that part of the Site on which the breach occurs but without prejudice to liability for any subsisting breach arising before parting with that interest.
- 2.7 No obligation, covenant or undertaking in this Agreement shall be binding on or enforceable against any chargee or mortgagee from time to time who shall have the benefit of a charge or mortgage of or on any part or parts of the Site or any receiver appointed by such chargee or mortgagee or any person deriving title through such chargee, mortgagee or receiver unless and until such chargee, mortgagee, receiver or person has entered into possession of the Site or part thereof to which such obligation, covenant or undertaking relates.
- 2.8 This Agreement is a local land charge and shall be registered as such by the Council.
- 2.9 Where the Planning Permission is the subject of any judicial review proceedings or other legal challenge the ODA shall as soon as reasonably practicable notify the Developer and the Council of the bringing of such proceedings or challenge.
- 2.10 This Agreement and the obligations, covenants and undertakings which it contains shall (apart from this Clause and paragraph 1.4 of Schedule 2) lapse and be extinguished automatically if (and from the date that) the Planning Permission
- 2.10.1 lapses without the Mixed-Use Development being Commenced; or
- 2.10.2 is quashed, revoked or (without the consent of the Developer) modified;
- and in these circumstances the provisions of paragraph 1.4 of Schedule 2 shall apply.

2.11 Nothing in this Agreement shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this Agreement.

2.12 Without prejudice to Clause 2.5 and to the ODA 's or the Council's discretion to require a modification to this Agreement made pursuant to section 106A of the 1990 Act and/or to require any new additional or further planning obligations made pursuant to section 106 of the 1990 Act, references in this Agreement to the Mixed-Use Development include development authorised by any S73 Consent and by any non-material change to the Planning Permission approved by the ODA or the Council pursuant to section 96A of the 1990 Act.

2.13 This Agreement shall not be enforceable against:-

2.13.1 individual occupiers or individual occupational tenants in each case of individual Residential Units; or

2.13.2 subject to clause 2.14, a leasehold owner having an interest in not more than ten Residential Units.

2.14 Clause 2.13.2 shall not apply in the case of a leasehold owner who is Associated with another leasehold owner of Residential Units if collectively they have an interest in more than ten Residential Units and the obligations, covenants and undertakings in this Agreement shall remain fully enforceable by the ODA and/or the Council (where applicable) directly against any such leasehold owners.

3. **CONDITIONALITY**

This Agreement is conditional upon and shall not take effect until the Planning Permission has been granted.

4. **THE DEVELOPER'S COVENANTS WITH THE ODA AND THE COUNCIL**

4.1 The Developer covenants with the ODA to perform and Comply with, and shall procure performance of and Compliance with, each and every of the obligations, covenants and undertakings specified in Schedule 1.

5. **ODA'S AND COUNCIL'S COVENANTS WITH THE DEVELOPER**

The ODA and the Council covenant with the Developer that the ODA and the Council will perform and Comply with the obligations, covenants and undertakings on their respective parts specified in Schedules 1 and 2.

6. **ADVANCE NOTIFICATIONS**

6.1 **Commencement of the Mixed Use Development**

6.1.1 The Developer shall:-

(a) notify the ODA and the Council at least one month prior to the date that the Mixed Use Development is intended to be Commenced or the intended date for Commencement of the Mixed Use Development;

(b) as soon as practicable, notify the ODA and the Council of any revised date for the Commencement of the Mixed Use Development (subject always to the requirement to give at least one week prior notice of the intended date for Commencement of the Mixed Use Development); and

- (c) notify the ODA and the Council of the date of Commencement of the Mixed Use Development within five Business Days of the Mixed Use Development Commencing.

6.2 Marketing and Commencement of the Residential Development

6.2.1 The Developer shall:-

- (a) notify the ODA and the Council at least one month prior to the date that the marketing of the Residential Units is intended to be commenced of the intended date for commencement of the marketing of the Residential Units;
- (b) as soon as practicable, notify the ODA and the Council of any revised date for the commencement of the marketing of the Residential Units (subject always to the requirement to give at least one week prior notice of the intended date for commencement of the marketing of the Residential Units);
- (c) notify the ODA and the Council at least one month prior to the date that the Residential Development is intended to be Commenced of the intended date for Commencement of the Residential Development;
- (d) as soon as practicable, notify the ODA and the Council of any revised date for the Commencement of the Residential Development (subject always to the requirement to give at least one week prior notice of the intended date for Commencement of the Residential Development); and
- (e) notify the ODA and the Council of the Residential Development Commencement Date within five Business Days of the Residential Development Commencement Date occurring.

6.3 Sales Completion of the Residential Development

6.3.1 The Developer shall:-

- (a) notify the ODA and the Council of the date that:-
 - (i) the first binding contract for a Transfer was completed;
 - (ii) the forty-eighth binding contract for a Transfer was completed;
 - (iii) the ninety-sixth binding contract for a Transfer was completed;
 - (iv) the one hundred and seventy second binding contract for a Transfer was completed; and
 - (v) the last binding contract for a Transfer was completed;
- within five Business Days of the date that each such binding contracts were completed.

- 6.4 Without prejudice to Clause 2.5 and the restrictions imposed pursuant to Schedule 1 the purpose of Clauses 6.1 to 6.3 inclusive is one of prior notification to the ODA and the Council and not to restrict the Commencement of the Mixed Use Development, the Commencement of the Residential Development, the commencement of the

marketing of the Residential Units or the entering into of a binding contract for a Transfer or the completion of a Transfer.

7. NOTICES

7.1 Any notice or other written communication to be served upon a Party or given by one Party to any other under the terms of this Agreement shall be deemed to have been validly served or given if delivered by hand or sent by first class post or sent by recorded delivery post to the Party upon whom it is to be served or to whom it is to be given and shall conclusively be deemed to have been received on:-

7.1.1 if delivered by hand, the next Business Day after the day of delivery; and

7.1.2 if sent by first class post or recorded delivery post, the day two Business Days after the date of posting.

7.2 The address for any notice or other written communication shall be within the United Kingdom only and shall be as specified below or such other address as shall be specified by the Party upon whom the notice is to be served to the other Parties by not less than five Business Days' notice:-

ODA:

Director of Panning Decisions (For the Attention of: Vivienne Ramsey)
Olympic Delivery Authority - Planning Decisions Team
Mailpoint 32B - 23rd Floor
One Churchill Place
Canary Wharf
London E14 5LN

with a copy to:

Chief Planner, ODA (For the Attention of: Anthony Hollingsworth)
Olympic Delivery Authority - Planning Decisions Team
Mailpoint 32B - 23rd Floor
One Churchill Place
Canary Wharf
London E14 5LN

Council:

Head of Development Control (Major Applications)
Regeneration, Planning and Property
London Borough of Newham
Newham Dockside
1000 Dockside Road
London
E16 2QU

with a copy to:

Head of Legal Services
London Borough of Newham
Newham Dockside
1000 Dockside Road
London
E16 2QU

The Developer:

Stratford (High Street) Limited
Copper House
Snakes Lane East
Woodford Green
IG8 7HX

The Owner:

F.O.S. Properties Limited
Berkeley Square House
Berkeley Square
London
W1J 6BD

The Mortgagee:

B. M. Samuels Finance Group PLC

- 7.3 Any notice or other written communication to be given by the ODA shall be deemed valid and effectual if on its face it is signed on behalf of the ODA by an officer or duly authorised signatory.

8. SATISFACTION OF ANY OF THE PROVISIONS OF THIS AGREEMENT

- 8.1 Without prejudice to the Town and Country Planning (Fees For Applications And Deemed Applications) Regulations 1989 and the Town and Country Planning (Development Management Procedure) (England) Order 2010 both of which shall take precedence at all times over this Clause 8.1, where in the opinion of the Developer any obligation, covenant, undertaking or other provision on the part of the Developer contained in this Agreement has been satisfied wholly or in part or any condition attached to the Planning Permission has been complied with wholly or in part, the Developer shall be entitled to apply to the ODA for a notification to that effect, and where the ODA (having first consulted with the Council on any obligations, covenants or undertakings given to the Council) considers that the relevant obligation, covenant, undertaking or other provision has been satisfied (wholly or in part) or condition has been complied with (wholly or in part) the ODA shall as soon as reasonably practicable issue a notification to such effect. A notification may be given that the relevant obligation, covenant, undertaking or other provision (as the case may be) has been satisfied in relation to part of the Site or condition has been complied with in relation to part of the Site.
- 8.2 Where in the opinion of the ODA, any obligation, covenant, undertaking or other provision on the part of the ODA contained in this Agreement has been satisfied wholly or in part, the ODA shall be entitled to apply to the Developer for a notification to that effect, and where the relevant obligation, covenant, undertaking or other provision has been satisfied (wholly or in part) the Developer shall as soon as reasonably practicable issue a notification to such effect. A notification may be given that the relevant obligation, covenant, undertaking or other provision (as the case may be) has been satisfied in relation to part of the Site.
- 8.3 Where in the opinion of the Council, any obligation, covenant, undertaking or other provision on the part of the Council contained in this Agreement has been satisfied wholly or in part, the Council shall be entitled to apply to the Developer for a notification to that effect, and where the relevant obligation, covenant, undertaking or other provision has been satisfied (wholly or in part) the Developer shall as soon as reasonably practicable issue a notification to such effect. A notification may be given that the relevant obligation, covenant, undertaking or other provision (as the case may be) has been satisfied in relation to part of the Site.

9. **CONSULTATION PROCEDURE**

9.1 Where in this Agreement the ODA is required to consult with the Council over a particular matter (the "**Consultation Matter**") the ODA shall be responsible for consulting with the Council and the Developer shall not have any responsibility in that respect.

9.2 Subject always to any rule of law (whether domestic or international) and the ODA acting in accordance with Clause 13 any agreement or approval granted or decision made by the ODA in respect of the Consultation Matter:

9.2.1 shall not be invalidated by the failure of the ODA to consult properly or at all with the Council over the Consultation Matter; and

9.2.2 shall not be invalidated by the agreement or approval or decision not incorporating the Council's response on the Consultation Matter.

9.3 Where in this Agreement the Council is required to consult with the ODA over a Consultation Matter the Council shall be responsible for consulting with the ODA and the Developer shall not have any responsibility in that respect.

9.4 Subject always to any rule of law (whether domestic or international) and the Council acting in accordance with Clause 13 any agreement or approval granted or decision made by the Council in respect of the Consultation Matter:

9.4.1 shall not be invalidated by the failure of the Council to consult properly or at all with the ODA over the Consultation Matter; and

9.4.2 shall not be invalidated by the agreement or approval or decision not incorporating the ODA's response on the Consultation Matter.

10. **VERIFICATION AND ENFORCEMENT**

The Developer shall permit the ODA and the Council together with their respective authorised employees agents surveyors and other representatives to enter upon the Site and any buildings erected thereon pursuant to the Mixed Use Development at reasonable times and upon reasonable prior notice for the purpose of verifying whether or not the obligations contained in this Agreement are being performed and Complied with **PROVIDED THAT** the ODA or (as the case may be) the Council shall make good any damage caused by the ODA or the Council or their respective authorised employees, agents, surveyors or other representatives during the carrying out of such verification.

11. **DISPUTE RESOLUTION**

11.1 In the event of any dispute arising between the Parties in respect of any matter contained in this Agreement the same may be referred to the Expert by any Party notifying the other Parties of such intention (the "**Notice**").

11.2 The Notice must specify:-

11.2.1 the nature, basis and brief description of the dispute;

11.2.2 the Clause of this Agreement or paragraph of a Schedule of this Agreement in respect of which the dispute has arisen; and

11.2.3 the proposed Expert.

11.3 The Expert shall be an independent person of at least ten years standing in the area of expertise relevant to the dispute and in the event that the Parties are unable to

agree whom should be appointed as the Expert within ten Business Days after the date of the Notice then any Party may request:-

- 11.3.1 if such dispute shall relate to matters concerning the construction, interpretation and/or the application of this Agreement, the Chairman of the Bar Council to nominate the Expert;
 - 11.3.2 if such dispute shall relate to matters requiring a specialist chartered surveyor, the President of the Royal Institute of Chartered Surveyors to nominate the Expert;
 - 11.3.3 if such dispute shall relate to matters requiring a specialist chartered civil engineer, the President of the Institution of Civil Engineers to nominate the Expert; and
 - 11.3.4 if such dispute shall relate to matters requiring a specialist chartered accountant, the President of the Institute of Chartered Accountants in England and Wales to nominate the Expert; and
 - 11.3.5 in all other cases, the President of the Law Society to nominate the Expert.
- 11.4 If the dispute shall relate to matters falling within two or more of Clauses 11.3.1 to 11.3.5 above, the Parties may agree to appoint joint Experts and in the event that the Parties are unable to agree whom should be appointed as joint Experts, the Parties may request the President of the Law Society to nominate such persons falling within the descriptions of Clauses 11.3.1 to 11.3.5 to act as joint Experts.
- 11.5 The Expert shall act as an expert and not as an arbitrator and whose cost shall be at his discretion or in the event that he makes no determination, such costs will be borne by the Parties to the dispute in equal shares.
- 11.6 The Expert shall be appointed (through an agreed request statement setting out exactly the questions that he is to determine submitted jointly by the Parties) subject to an express requirement that he reaches his decision and communicates it to the Parties to the dispute within the minimum practical timescale allowing for the nature and complexity of the dispute and in any event not more than twenty Business Days from the date of his appointment to act and that he is to have particular regard to the 1990 Act and duties imposed by the Olympic Act in reaching his decision.
- 11.7 The Expert shall be required to give notice to each of the said Parties to the dispute inviting each of them to submit to him within ten Business Days from the date of his appointment written submissions and supporting material and shall afford to the said Parties an opportunity to make counter submissions within a further five Business Days in respect of any such submission and material.

12. **NO WAIVER**

No waiver (whether expressed or implied) by the ODA and/or the Council of any breach or default by the Developer in performing or complying with any of the obligations, covenants or undertakings contained in this Agreement shall constitute a continuing waiver and no such waiver shall prevent the ODA and/or the Council from enforcing any of the said obligations, covenants or undertakings or from acting upon any subsequent breach or default in respect thereof by the Developer.

13. **DUTY TO ACT REASONABLY AND IN GOOD FAITH**

The Parties agree with one another to act reasonably and in good faith in the fulfilment of this Agreement.

14. **EXCLUSION OF CONTRACTS (RIGHTS OF THIRD PARTIES) ACT 1999**

No provisions of this Agreement shall be enforceable under the Contracts (Rights of Third Parties) Act 1999.

15. **PARTIES NOT TO ENCUMBER**

The Developer shall not encumber or otherwise deal with its interest in the Site or any part or parts thereof in any manner whatsoever whereby the obligations, covenants and undertakings imposed by this Agreement are rendered impossible to carry out save where planning permission is granted after the date of this Agreement for an alternative development of the Site **PROVIDED THAT** this Clause 15 shall not restrict the Developer from encumbering or otherwise dealing with its interest in the Site or any part or parts thereof on a basis that is subject to the obligations, covenants and undertakings imposed by this Agreement.

16. **INDEX LINKED PAYMENTS**

Each of the Contributions will be increased by reference to the amount of the quarterly increase in the Index from the date hereof until the date (which immediately precedes the date on which such sums are paid) on which the quarterly figure was last published and the First Affordable Housing Contribution and the Second Affordable Housing Contribution will be either decreased or increased by reference to the amount of the quarterly change in the Index from the date of this Agreement until the date (which immediately precedes the date on which such sums are paid) on which the quarterly figure was last published.

17. **COUNCIL'S CONTRIBUTIONS**

17.1 The Council's Contributions are planning obligations and whilst for the purposes of sub-section 106(1)(d) of the 1990 Act the ODA is the authority to which payments are to be made pursuant to the said section, in the interests of administrative efficiency and in recognition of the fact that the Council's Contributions are made as contributions towards matters in respect of which the Council has the relevant responsibility and/or is the appropriate authority to apply the sums in question to the specified purposes then the ODA hereby nominates the Council as the beneficiary of the Council's Contributions **PROVIDED THAT** for the avoidance of doubt this shall not affect or prejudice the Council's ability to enforce the said obligations against the Developer as obligations, covenants or undertakings given in pursuance of section 16 of the 1974 Act.

17.2 In respect of each of the Council's Contributions:-

17.2.1 the Developer shall advise the ODA when payment of each Council's Contribution has been made within five Business Days of making each payment;

17.2.2 the Council shall advise the ODA of receipt of the payments referred to in Clause 17.2.1, such notification to be given within ten Business Days of such receipt; and

17.2.3 the Council shall advise the ODA within 10 Business Days of any expenditure of the payments referred to in Clause 17.2.1 together with confirmation that the payment was expended for its specific purpose as set out in this Agreement so that the ODA can monitor and audit payments.

18. **OTHER CONTRIBUTIONS**

18.1 In respect of Contributions other than the Council's Contributions and the Design Monitoring Contribution the Developer shall advise the ODA when payment of each contribution has been made within five Business Days of making each payment.

19. **JURISDICTION AND LEGAL EFFECT**

19.1 This Agreement shall be governed by and interpreted in accordance with the laws of England.

19.2 The provisions of this Agreement (other than this Clause 19.2 which shall be effective in any event) shall be of no effect until this Agreement has been dated.

20. **LEGAL FEES**

20.1 The Developer agrees that it will on completion of this Agreement pay the ODA's legal costs properly incurred in the negotiation and completion of this Agreement (inclusive of any such reasonable costs properly incurred by external lawyers appointed by the ODA in relation to the negotiation and completion of this Agreement) up to a maximum of £17,500 plus VAT.

20.2 The Developer agrees that it will on completion of this Agreement pay the Council's legal costs properly incurred in the negotiation and completion of this Agreement (inclusive of any such reasonable costs properly incurred by external lawyers appointed by the Council in relation to the negotiation and completion of this Agreement) up to a maximum of £100.

21. **MONITORING COSTS**

21.1 Upon the date of completion of this Agreement, the Developer shall pay to the ODA the ODA's Monitoring Contribution to be used towards its costs incurred in monitoring the compliance with and satisfaction of the obligations imposed upon the Developer by this Agreement.

21.2 Upon the date of completion of this Agreement, the Developer shall pay to the Council the Council's Monitoring Contribution to be used towards its costs incurred in monitoring the compliance with and satisfaction of the obligations imposed upon the Developer by this Agreement.

21.3 The Developer shall not nor permit or allow the Commencement of the Mixed Use Development until the ODA's Monitoring Contribution has been paid to the ODA and the Council's Monitoring Contribution has been paid to the Council in accordance with clauses 21.1 and 21.2 of this Agreement.

22. **EXECUTION**

The Parties have executed this Agreement as a deed and it is delivered on the date set out at the front of this Agreement.

SCHEDULE 1

THE DEVELOPER'S OBLIGATIONS

- Part 1 Affordable Housing
- Part 2 Contributions
- Part 3 Transport
- Part 4 Employment and Training
- Part 5 TV Reception
- Part 6 Miscellaneous Obligations

PART 1

AFFORDABLE HOUSING

1. FIRST AFFORDABLE HOUSING CONTRIBUTION

- 1.1 Prior to Commencement of the Mixed Use Development the Developer shall pay the First Affordable Housing Contribution to the Council.

2. PROCUREMENT OF VA CONSULTANT

- 2.1 Prior to the Commencement of the Mixed Use Development, the Developer shall pay to the ODA the sum of three thousand pounds (£3,000.00) (Indexed) to be used by the ODA in managing and carrying out the tender process for the VA Consultant.
- 2.2 The ODA will issue a tender for the appointment of a VA Consultant to carry out the services detailed in the Service Instructions within twenty-eight Business Days of receipt of the payment to be made by the Developer pursuant to paragraph 2.1 or within such other timeframe as may be notified by the ODA to the Developer from time to time being the timeframe required under internal procurement procedures adopted by the ODA (a copy of which shall be sent to the Developer with the notification).
- 2.3 The ODA will manage the tender process in a clear and transparent manner and all relevant information relating to the tender process, including copies of all responses received to the invitations to tender, will be made available to the Council and the Developer and the Council and the Developer will be entitled to attend all relevant meetings during the conduct of the tender process and the ODA shall have regard to any comments made by the Council or the Developer in relation to the tender process **PROVIDED THAT** all information received by the Council and the Developer in relation to the tender documentation and tender process shall be kept confidential by the Council and the Developer and shall not be disclosed **SAVE WHERE** such disclosure is required by any court, tribunal or other body legally empowered to order such disclosure upon an application by a third party.
- 2.4 The ODA will with effect from the closing date for the submission of tenders in response to its invitation to tender for a VA Consultant, in consultation with the Council and the Developer, examine and evaluate the tenders received in response to such invitation to tender and, if necessary, interview all or a selected number of those companies who submitted tenders in response to the ODA 's invitation to tender for a VA Consultant and as soon as reasonably practicable following such examination evaluation and, if applicable, interview the ODA will appoint the VA Consultant.
- 2.5 Following the appointment by the ODA of the VA Consultant pursuant to paragraph 2.4, the Developer shall pay to the ODA on demand any additional costs incurred by ODA in managing and carrying out the tender process for the VA Consultant that exceed the sum paid by the Developer under paragraph to paragraph 2.1.
- #### 3. CARRYING OUT OF THE VIABILITY ASSESSMENT
- 3.1 Subject to the ODA receiving the sums pursuant to paragraphs 2.1, 2.5 and 3.2.2, the ODA will procure that the VA Consultant carries out the services detailed in the Service Instructions as soon as reasonably practicable and no later than six months following the Commencement of Mixed Use Development.
- 3.2 Within five Business Days of receiving notice of the appointment of the VA Consultant by the ODA pursuant to paragraph 2, the Developer shall:
- 3.2.1 provide to the ODA, the Council and the VA Consultant the inputs identified in paragraph 1 of the "Detailed Requirements" section of the Service Instructions; and

- 3.2.2 pay to the ODA the fees and expenses that the VA Consultant has estimated that it will incur in carrying out the services detailed in the Service Instructions for use by the ODA in the payment of the VA Consultant's fees and expenses.
- 3.3 The Developer shall Comply with their obligations contained in the "Process and Timing" section of the Service Instructions including:
- 3.3.1 to attend the initial meeting;
- 3.3.2 to provide to the VA Consultant, the ODA and the Council within seven Business Days of receipt of a request from the VA Consultant (or such alternative timescale as may be agreed pursuant to the Service Instructions) any further information requested by the VA Consultant pursuant to the Service Instructions; and
- 3.3.3 to attend any further meeting requested by the VA Consultant.
- 3.4 The final report issued by the VA Consultant pursuant to the Service Instructions shall (save in relation to manifest error) be final and binding on the Parties.
- 3.5 In the event that the VA Consultant exceeds the fees and/or expenses that it has estimated that it will incur in carrying out the services detailed in the Service Instructions and which the Developer has paid under paragraph 3.2.2, within ten Business Days upon request by the ODA to the Developer for such additional fees and/or expenses the Developer shall pay to the ODA such additional fees and/or expenses that the VA Consultant reasonably and properly incurs or has reasonably and properly incurred in carrying out the services detailed in the Service Instructions and as carried out in accordance with the contract entered into between the VA Consultant and the ODA.
- 3.6 The ODA will advise the Developer and the Council in writing of the Second Affordable Housing Contribution within ten Business Days of receipt of the final report issued by the VA Consultant.
- 3.7 The Second Affordable Housing Contribution shall not exceed the sum of the "**Second Affordable Housing Contribution Cap**" less the amount of the Public Realm Contribution, the Second British Waterways Contribution and the First Affordable Housing Contribution.
4. **OBLIGATIONS ON THE COUNCIL**
- 4.1 Prior to allocating any part or all of the First Affordable Housing Contribution or the Second Affordable Housing Contribution, the Council shall notify the GLA and the ODA of the Affordable Housing scheme or schemes to which such allocation is to be made together with the amount of such allocation.
- 4.2 Subject to the Council using Reasonable Endeavours to allocate all of the First Affordable Housing Contribution and the Second Affordable Housing Contribution towards the funding of Category 1 (as defined below) units in an Affordable Housing scheme or Affordable Housing schemes, the Council shall allocate the First Affordable Housing Contribution and the Second Affordable Housing Contribution towards the funding of the following units, in descending order of priority, in an Affordable Housing scheme or Affordable Housing schemes:-
- 4.2.1 the provision of new three or more bedroom Affordable Housing Units within the Council's administrative area ("Category 1");
- 4.2.2 the provision of new two or more bedroom Affordable Housing Units within the Council's administrative area ("Category 2"); and

- 4.2.3 the provision of net additional Affordable Housing Units within the Council's administrative area ("Category 3").
- 4.3 Upon request by the ODA or the GLA the Council shall, within twenty Business Days of receipt of such request, provide to the ODA or the GLA (as applicable) the following information:-
- 4.3.1 the amount of the First Affordable Housing Contribution and/or the Second Affordable Housing Contribution that remains in the Council's bank account as at the date of the request;
- 4.3.2 the location of the Affordable Housing scheme or Affordable Housing schemes that have benefitted from the First Affordable Housing Contribution and/or the Second Affordable Housing Contribution up to the date of the request; and
- 4.3.3 the amount of the allocation to each of the Affordable Housing scheme or Affordable Housing schemes that have benefitted from the First Affordable Housing Contribution and/or the Second Affordable Housing Contribution up to the date of the request.

5. SECOND AFFORDABLE HOUSING CONTRIBUTION

- 5.1 Upon the date of completion of the ninety-sixth Transfer (or within fourteen Business Days of the date upon which the ODA has advised the Developer of the Second Affordable Housing Contribution pursuant to paragraph 3.6 (if later)), the Developer shall pay to the Council fifty percent of the Second Affordable Housing Contribution.
- 5.2 Upon the date of completion of the one hundred and seventy-second Transfer (or within fourteen Business Days of the date upon which the ODA has advised the Developer of the Second Affordable Housing Contribution pursuant to paragraph 3.6 (if later)), the Developer shall pay to the Council the remaining fifty percent of the Second Affordable Housing Contribution.

6. THE RESIDENTIAL DEVELOPMENT OCCUPATION RESTRICTION

- 6.1 Unless otherwise agreed in writing with the ODA (in consultation with the Council in relation to paragraph 5.1), no more than 95 (ninety five) Residential Units shall be Occupied unless and until, subject to paragraph 6.3, [fifty percent] of the Second Affordable Housing Contribution has been paid to the Council pursuant to paragraph 5.1.
- 6.2 Unless otherwise agreed in writing with the ODA (in consultation with the Council in relation to paragraph 2), no more than 172 (one hundred and seventy two) Residential Units shall be Occupied unless and until, subject to paragraph 6.3, [fifty percent] of the Second Affordable Housing Contribution has been paid to the Council pursuant to paragraph 5.2.
- 6.3 The restrictions on Occupation in paragraphs 6.1 and 6.2 shall not apply if the ODA has not notified the Developer of the Second Affordable Housing Contribution prior to the date upon which the Residential Development is to be Occupied **PROVIDED ALWAYS THAT** this paragraph 6.3 shall only apply where the Developer has complied fully with their obligations covenants and undertakings in paragraphs 2.1, 2.5, 3.2, 3.3 and 3.5.

7. SALES COMPLETION RESTRICTIONS

- 7.1 No Transfers after the completion of the ninety-fifth Transfer shall be completed unless and until, subject to paragraph 7.3, fifty percent of the Second Affordable Housing Contribution has been paid to the Council pursuant to paragraph 5.1.

7.2 No Transfers after the completion of the one hundred and seventy-second Transfer shall be completed unless and until, subject to paragraph 7.3, fifty percent of the Second Affordable Housing Contribution has been paid to the Council pursuant to paragraph 5.2.

7.3 The restrictions on completion of Transfers in paragraphs 7.1 and 7.2 shall not apply if the ODA has not notified the Developer of the Second Affordable Housing Contribution in accordance with paragraph 3.6 prior to the date upon which the second Transfer has been completed **PROVIDED ALWAYS THAT** this paragraph 7.3 shall only apply where the Developer has complied fully with their obligations covenants and undertakings in paragraphs 2.1, 2.5, 3.2, 3.3 and 3.5.

8. **FURTHER OBLIGATIONS ON THE COUNCIL**

8.1 Following receipt of any sums or amounts from the Developer pursuant to any obligations set out in Part 1 of Schedule 1, the Council covenants and undertakes to apply such sums or amounts only for the following purposes:

8.1.1 the First Affordable Housing Contribution and the Second Affordable Housing Contribution shall be used for the delivery of off-site Affordable Housing.

PART 2

CONTRIBUTIONS

1. EDUCATION CONTRIBUTION

- 1.1 Upon Occupation of the Residential Development, the Developer shall pay to the Council the Education Contribution.
- 1.2 The Developer shall not Occupy nor permit or allow the Occupation of the Residential Development until the Education Contribution has been paid to the Council in accordance with paragraph 1.1 of this Part 2.

2. CPZ/A12 CROSSING CONTRIBUTION

- 2.1 Upon the date of Commencement of the Mixed Use Development, the Developer shall pay to the Council the CPZ/A12 Crossing Contribution.
- 2.2 The Developer shall not Commence nor permit or allow the Commencement of the Mixed Use Development until the CPZ/A12 Crossing Contribution has been paid to the Council in accordance with paragraph 2.1 of this Part 2.
- 2.3 Prior to allocating any part or all of the CPZ/A12 Crossing Contribution the Council shall notify the GLA and the ODA of the details of the scheme or schemes to which such allocation is to be made together with the amount of such allocation.
- 2.4 Upon request by the ODA or the GLA the Council shall, within twenty Business Days of receipt of such request, provide to the ODA or the GLA (as applicable) the following information:-
 - 2.4.1 the amount of the CPZ/A12 Crossing Contribution that remains in the Council's bank account as at the date of the request;
 - 2.4.2 the location of the scheme or schemes that have benefitted from the CPZ/A12 Crossing Contribution up to the date of the request; and
 - 2.4.3 the amount of the allocation to each of the scheme or schemes that have benefitted from the CPZ/A12 Crossing Contribution up to the date of the request.

3. TFL CONTRIBUTION

- 3.1 Upon the date of Commencement of the Mixed Use Development, the Developer shall pay to TfL the TfL Contribution.
- 3.2 The Developer shall not Commence nor permit or allow the Commencement of the Mixed Use Development until the TfL Contribution has been paid to TfL in accordance with paragraph 3.1 of this Part 2.

4. HIGHWAYS CONTRIBUTION

- 4.1 Upon the date of Commencement of the Mixed Use Development, the Developer shall pay to the Council the Section 278 Contribution.
- 4.2 The Developer shall not Commence nor permit or allow the Commencement of the Mixed Use Development until the Section 278 Contribution has been paid to the Council in accordance with paragraph 4.1 of this Part 2.

4.3 Prior to allocating any part or all of the Section 278 Contribution the Council shall notify the GLA and the ODA of the details of the scheme or schemes to which such allocation is to be made together with the amount of such allocation.

4.4 Upon request by the ODA or the GLA the Council shall, within twenty Business Days of receipt of such request, provide to the ODA or the GLA (as applicable) the following information:-

4.4.1 the amount of the Section 278 Contribution that remains in the Council's bank account as at the date of the request;

4.4.2 the location of the scheme or schemes that have benefitted from the Section 278 Contribution up to the date of the request; and

4.4.3 the amount of the allocation to each of the scheme or schemes that have benefitted from the Section 278 Contribution up to the date of the request.

5. PUBLIC REALM CONTRIBUTION

5.1 Upon Commencement of the Mixed Use Development, the Developer shall pay to the Council the Public Realm Contribution.

5.2 Upon Commencement of the Mixed Use Development, the Developer shall submit the Landscaping Scheme to the ODA for approval.

5.3 The Developer shall not Occupy nor permit or allow the Occupation of the Mixed Use Development until:

5.3.1 the Public Realm Contribution has been paid to the Council in accordance with paragraph 5.1 of this Part 2; and

5.3.2 the approved Landscaping Scheme has been constructed and completed to the reasonable satisfaction of the ODA.

5.4 Prior to allocating any part or all of the Public Realm Contribution, the Council shall notify the GLA and the ODA of the detail of the scheme or schemes to which such allocation is to be made together with the amount of such allocation.

5.5 Upon request by the ODA or the GLA the Council shall, within twenty Business Days of receipt of such request, provide to the ODA or the GLA (as applicable) the following information:-

5.5.1 the amount of the Public Realm Contribution that remains in the Council's bank account as at the date of the request;

5.5.2 the location of the scheme or schemes that have benefitted from the Public Realm Contribution up to the date of the request; and

5.5.3 the amount of the allocation to each of the scheme or schemes that have benefitted from the Public Realm Contribution up to the date of the request.

6. BRITISH WATERWAYS CONTRIBUTION

6.1 Upon Commencement of the Mixed Use Development, the Developer shall pay to British Waterways the First British Waterways Contribution.

6.2 Upon the date of completion of the 48th Transfer, the Developer shall pay the British Waterways the Second British Waterways Contribution.

6.3 The Developer shall not complete more than 48 (forty eight) Transfers unless and until payment of the First and Second British Waterways Contributions have been made.

7. HEALTH CONTRIBUTION

7.1 Prior to Commencement of the Residential Development, the Developer shall pay to the Council's Primary Care Trust the Health Contribution.

7.2 The Developer shall not permit or cause the Commencement of the Residential Development unless and until payment of the Health Contribution has been made.

8. REDUCED CAR PARKING CONTRIBUTION

8.1 Prior to Occupation of the Residential Development, the Developer shall pay to the Council the Reduced Car Parking Contribution.

8.2 The Developer shall not shall not Occupy nor permit or cause the Occupation of the Residential Development until the Reduced Car Parking Contribution has been paid to the Council in accordance with paragraph 8.1 of this Part 2.

9. DESIGN MONITORING CONTRIBUTION

9.1 Design Team Statement

9.1.1 No details required to be submitted pursuant to a condition of the Planning Permission shall be submitted by the Developer unless accompanied by a statement prepared by the Developer specifying the design team involved in the preparation of those details (the "**Design Team Statement**").

9.1.2 The Developer shall also submit a statement to the ODA and provide a copy to the Council specifying the design team retained in connection with the Development upon Commencement of the Mixed Use Development and every 6 (six) months during the construction of the Mixed Use Development until its Completion.

9.2 Change of Architect

9.2.1 Any statement submitted to the ODA pursuant to paragraphs 9.1.1 and 9.1.2 that does not include the Architect as a member of the Developer's design team retained in connection with the Mixed Use Development shall be accompanied by the payment of the Design Monitoring Contribution to the ODA.

9.2.2 The Design Monitoring Contribution shall be applied by the ODA towards the cost of employing or retaining design professionals to monitor the design quality of the Mixed Use Development as detailed drawings are prepared and construction works are carried out on the Site and to ensure that all such drawings and works are completed to a satisfactory quality and are consistent with the Approved Drawings and the Design and Access Statement.

9.2.3 The Developer shall not be required to pay the Design Monitoring Contribution to the ODA where the Architect has ceased trading or is otherwise no longer retained as a member of the Developer's design team in connection with the Development PROVIDED THAT the Developer can demonstrate to the reasonable satisfaction of the ODA that another independent senior architect or firm of architects of good reputation and appropriate expertise has been retained as a member of the Developer's design team in connection with the Mixed Use Development and that such

architect or firm of architects has confirmed to the ODA that it will take responsibility for the design quality of the Mixed Use Development.

9.3 Design Professionals

9.3.1 The design professionals referred to in paragraph 9.2.2 may either be staff employed directly by the ODA or third party consultants retained by the ODA but provided that in either case they have the appropriate expertise to carry out the functions referred to in those paragraphs.

9.4 Restriction on Commencement

9.4.1 Subject to paragraph 9.2, the Developer shall not Commence the Mixed Use Development unless the Design Monitoring Contribution has been paid to the ODA where it has become due pursuant to paragraph 9.2.

9.5 Restriction on Occupation

9.5.1 The Developer shall not Occupy or permit Occupation of the Mixed Use Development unless the Architect or any Replacement Architect has certified to the ODA that the Mixed Use Development has been carried out and completed in accordance with the Approved Drawings and the details approved pursuant to a condition of the Planning Permission or any variations thereof approved pursuant to section 96A of the 1990 Act.

PART 3

TRANSPORT AND HIGHWAYS

1. TRAVEL PLAN

- 1.1 The Developer shall not Occupy nor permit to be Occupied the Mixed Use Development unless and until the Travel Plan has been submitted to the ODA for approval (in consultation with the Council).
- 1.2 The Developer shall Comply with the approved Travel Plan for the life of the Mixed Used Development SUBJECT TO such amendments as may be agreed with the ODA (in consultation with the Council) from time to time.

2. RESTRICTION ON RESIDENTS' PERMIT

- 2.1 No leasehold owner of any Residential Unit and no individual occupiers or individual occupational tenants in each case of any individual Residential Units shall apply for, or permit the application for, a Parking Permit.
- 2.2 No future leasehold owner of any Residential Unit and no future individual occupiers or individual occupational tenants in each case of any individual Residential Units shall be able to apply for, or permit the application for, a Parking Permit.
- 2.3 The Developer shall procure that all Transfers contain a covenant prohibiting the Transferee applying for a residential car parking permit.

3. SECTION 278 AGREEMENT

- 3.1 The Developer covenants with and undertakes to the Council to enter into a Section 278 Agreement or Section 278 Agreements with the highway authority within 3 months of the date of completion of this Agreement in order to:
 - 3.1.1 carry out any highways works which are necessary due to the Mixed Use Development on Stratford High Street and Cooks Road;
 - 3.1.2 provide details as to the layout and specification for the Home Zone;
 - 3.1.3 renew footpaths;
 - 3.1.4 remove redundant crossovers; and
 - 3.1.5 create new vehicular accesses.

PART 4

EMPLOYMENT AND TRAINING

1. SKILLS AND TRAINING CONTRIBUTION

- 1.1 Prior to Commencement of the Mixed Use Development, the Developer shall pay to the Council the Skills and Training Contribution.
- 1.2 The Developer shall not Commence nor permit or allow the Commencement of the Mixed Use Development until the Skills and Training Contribution has been paid to the Council in accordance with paragraph 1.1 of this Part 4.

2. LOCAL LABOUR COMMITMENT SCHEME

- 2.1 Prior to Commencement of the Mixed Use Development, the Developer shall submit to the ODA and the Council the Local Labour Commitment Scheme for approval by the ODA in consultation with the Council.
- 2.2 The Developer shall use Reasonable Endeavours to ensure that the Local Labour Commitment Scheme is implemented and adhered to for the duration of the construction phase of the Mixed Use Development.

3. BUSINESS INCUBATOR UNITS

- 3.1 For a period of 3 years from Occupation of the Mixed Use Development, the Developer shall provide the Business Incubator Units.
- 3.2 Each Business Incubator Unit shall:
 - 3.2.1 not be Occupied other than as a Business Incubator Unit;
 - 3.2.2 be first offered to Acme;
 - 3.2.3 be let on a short term 3 (three) year lease on a full insuring and repairing basis;
 - 3.2.4 be contracted out of the security of tenure provisions in Part II of the Landlord and Tenant Act 1954;
 - 3.2.5 be let at a peppercorn rent for the first 3 (three) years provided that the tenant is responsible for any business rates due; and
 - 3.2.6 not be assigned or sub-let.

PART 5

TV RECEPTION

1. APPOINTMENT OF RECEPTION CONSULTANT

- 1.1 Prior to Commencement of the Residential Development, the Developer will appoint the Reception Consultant.

2. SURVEY AREAS

- 2.1 Prior to Commencement of the Residential Development, the Developer will commission the Reception Consultant to produce a plan showing the Relevant Survey Area and will submit the plan showing the Relevant Survey Area to the ODA for approval (in consultation with the Council).

3. FIRST RECEPTION SURVEY

- 3.1 The Developer will not Commence the Residential Development until:
- 3.1.1 the plan showing the Relevant Survey Area has been submitted to and approved by the Council pursuant to paragraph 2 of this Part 5; and
 - 3.1.2 the Reception Consultant has been appointed; and
 - 3.1.3 the First Reception Survey has been carried out.
- 3.2 The Developer will commission the First Reception Survey in the joint names of the Developer and the ODA (but at the Developer's sole expense).
- 3.3 The Developer will submit a copy of the Reception Consultant's report setting out the results of the First Reception Survey to the ODA and the Council within five Business Days of receipt from the Reception Consultant, unless a copy has already been provided to the ODA and the Council directly.

4. SECOND RECEPTION SURVEY

- 4.1 The Developer will commission a Second Reception Survey in the joint names of the Developer and the ODA (but at the Developer's sole expense) not later than one month following Completion of the Residential Development.
- 4.2 Upon commissioning the Second Reception Survey pursuant to paragraphs 4.1 of this Part 5, the Developer will require the Reception Consultant to carry out and complete that Second Reception Survey and submit his report to the Developer within one month of the date the Second Reception Survey is commissioned.
- 4.3 The Developer will submit a copy of the Reception Consultant's report setting out the results of any Second Reception Survey to the ODA and the Council within five Business Days of receipt from the Reception Consultant, unless a copy has already been provided to the ODA and the Council directly.

5. TV RECEPTION PAYMENT

- 5.1 In the event that the Reception Consultant's report setting out the results of any Second Reception Survey identifies a material deterioration in terrestrial and/or digital/satellite television reception to any property or properties within the Relevant Survey Area since the date of the First Reception Survey, and such deterioration is in the reasonable opinion of the Reception Consultant attributable to the Mixed-Use Development or part thereof (but not otherwise), the Developer will (subject to paragraph 5.6 of this Part 5) within twenty-eight days following written request from

the ODA pay to the ODA a sum equivalent to the estimated cost of carrying out and completing the Mitigation Measures, such estimated cost to be determined by the Reception Consultant.

5.2 On request, the ODA will pass to the Council the sum necessary for carrying out the mitigation measures that have been identified. The ODA and the Council will apply any sum paid to it by the Developer pursuant to paragraph 5.1 of this Part 5 solely towards the costs of carrying out and completing the Mitigation Measures either:

5.2.1 by carrying out and completing the Mitigation Measures itself; or

5.2.2 by making payments directly to the owner or occupier of the premises to be the subject of the Mitigation Measures to enable that owner or occupier to carry out and complete or procure the carrying out and completion of the necessary Mitigation Measures.

5.3 The Council will notify the ODA and the Developer within five Business Days of any payment being made pursuant to paragraph 5.2.2 of this Part 5 of the name of the owner or occupier to whom the payment was made, his address and (if different) the address of the premises to which the payment relates.

5.4 In the event that the total cost of any Mitigation Measures exceeds or, in the Council's reasonable opinion, will reasonably and properly exceed the amount of the sum paid to it by the Developer pursuant to paragraph 5.1 of this Part 5, the Council may serve written notice on the Developer stating the amount by which such costs exceed or will exceed the amount of such payment and will accompany such written notice with details of how the increased costs have been calculated and within twenty-eight days of receipt of such written notice, the Developer will pay to the ODA the amount of such excess and the ODA and the Council will apply such sum in accordance with paragraph 5.2.2 of this Part 5.

5.5 The Council may serve more than one written notice on the ODA and the Developer pursuant to paragraph 5.4 of this Part 5.

5.6 The Developer cannot be required to pay to the ODA and the Council more than [£20,000 (Indexed)] as a result of written requests received from the ODA or the Council pursuant to paragraph 5.1 of this Part 5 and written notices served by the Council pursuant to paragraph 5.4 of this Part 5.

6. **RECEPTION CONSULTANT**

6.1 The Developer will use its Reasonable Endeavours to ensure that the same Reception Consultant is employed to carry out the First Reception Survey and any Second Reception Survey.

PART 6

MISCELLANEOUS OBLIGATIONS

1. PUBLIC ACCESS AREAS

- 1.1 Prior to Occupation of the Mixed Use Development or the Residential Development, whichever is the earlier, the Developer shall submit the Estate Management Plan to the ODA for approval.
- 1.2 The Developer undertakes and covenants to implement the approved Estate Management Plan in respect of the Public Access Areas.
- 1.3 The Developer undertakes and covenants to allow the public access at all times on foot and (where appropriate) by bicycle to pass and repass over, through and to the Public Access Areas and shall at all times retain a public way from Stratford High Street to Bow Back River.

2. CHILDREN'S PLAY AREAS AND COMMUNITY FACILITIES

- 2.1 Prior to Occupation of the Residential Units, the Developer shall submit the Children's Play Areas and Community Facilities Plan to the ODA for approval.
- 2.2 The Developer undertakes and covenants to implement the approved Children's Play Areas and Community Facilities Plan in respect of the Children's Play Areas and Community Facilities.

3. RENEWABLE ENERGY

- 3.1 Prior to Commencement of the Mixed Use Development the Developer covenants to submit the Renewable Energy Strategy to the ODA for approval.
- 3.2 The Developer undertakes and covenants to implement the approved Renewable Energy Strategy.
- 3.3 Prior to Commencement of the Mixed Use Development the Developer shall submit such information to the ODA as the ODA shall deem necessary to demonstrate that the proposed design is capable of connection to a distinct energy CCHP network and the Developer shall not commence the Mixed Use Development until the ODA has approved such information.
- 3.4 The Developer shall use Reasonable Endeavours to connect to a distinct energy CCHP network.

SCHEDULE 2

ODA AND COUNCIL FURTHER OBLIGATIONS

1. APPLICATION OF FUNDS

1.1 Subject to 1.2 below, following receipt of any sums or amounts from the Developer pursuant to any obligations set out in Schedule 1, the ODA and the Council covenant and undertake to apply such sums or amounts paid to the ODA and/or the Council respectively only for the purposes for which the Contributions, sums or amounts have been made **PROVIDED THAT** for the avoidance of doubt the ODA and the Council will be entitled to treat any accrued interest as if it were part of the principal sum paid by the Developer.

1.2 In the event that any part or all of any part of the Contributions, sums or amounts have not been used for the said purposes within 5 (five) years from the date of payment such Contributions, sums or amounts the ODA and/or the Council may reallocate those Contributions, sums or amounts to one or more of the other purposes, obligations, schemes or works referred to herein.

1.3 In the event that any part or all of any of the Contributions, sums or amounts have not been used for the said purposes within 7 (seven years) from the date of payment of ~~such sums or amounts~~ the ODA and the Council shall within twenty-eight days of the end of the said period repay such sums or amounts (or such part thereof) to whoever paid the contribution in question with interest calculated at the Bank of England Base Rate from time to time from the date of payment until the date of repayment by the ODA and/or the Council (as applicable) but less any tax that may be payable thereon **PROVIDED THAT** the ODA and the Council shall not be required to repay any sum or sums which the ODA or the Council have contractually committed to pay to another party at the date of expiration of the said period or any sum which is required by the ODA or the Council to secure the completion of any works, project or programme or provision of services which have commenced but have not been completed as at the expiration of the said period.

1.4 In the event that this Agreement is extinguished automatically pursuant to Clause 2.10, the ODA and the Council shall within twenty-eight days of the date of extinguishment repay to whoever paid the contribution in question any sums or amounts received by the ODA and the Council pursuant to any obligations set out in Schedule 1 with interest as aforesaid **PROVIDED THAT** the ODA and the Council shall not be required to repay any sum or sums which the ODA or the Council have contractually committed to pay to another party at the date of extinguishment of this Agreement or any sum which is required by the ODA or the Council to secure the completion of any works, project or programme or provision of services which have commenced but have not been completed as at date of extinguishment of this Agreement or, for the avoidance of doubt, any sums paid pursuant to Clauses 19 and 20 hereto.

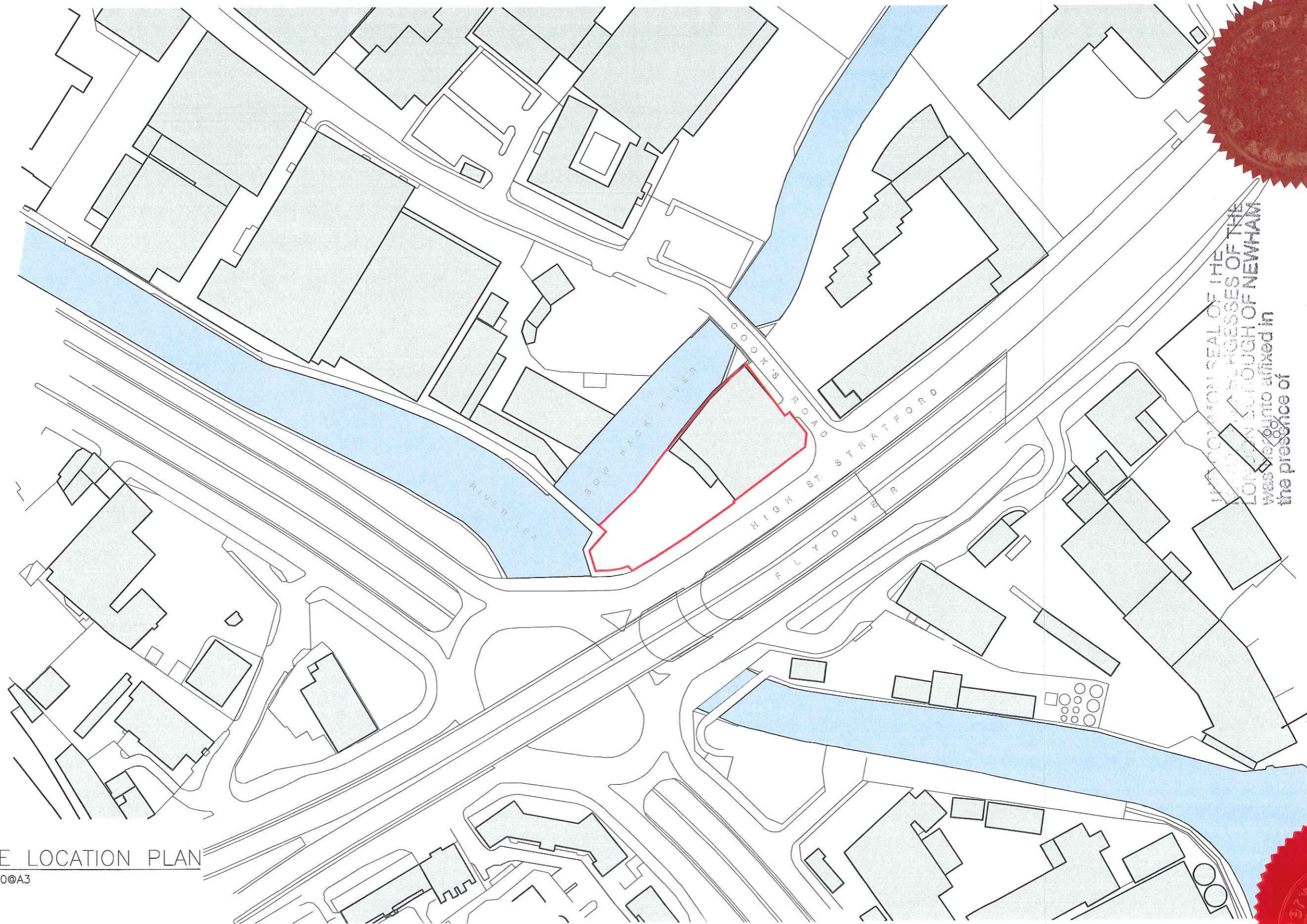
Development is Completed

Residential

EXECUTED as a Deed)
(but not delivered until dated) by)
F B. M. SAMUELS FINANCE GROUP PLC)
acting by:-)

Director *A. J. Samuel*
[Signature]
Director/Secretary

Appendix 1
PLAN SHOWING THE SITE



THE COMMON SEAL OF THE
LONDON BOROUGH OF NEWHAM
was hereunto affixed in
the presence of

John...

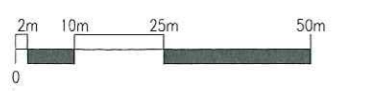
Authorised Signatory

V. G. ...
M. ...
A. D. Samuel
M. ...



1 SITE LOCATION PLAN
PL-001 1:1250@A3

DO NOT SCALE THIS DRAWING ALL DIMENSIONS MUST BE CHECKED ON SITE
INFORM THE ARCHITECT OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION



| KEY PLAN | NOTES |
|----------|-------|
| | |

| REV | DATE | DESCRIPTION | DRN | CHK | DRAWING TITLE |
|-----|----------|---------------------|-----|-----|--------------------|
| P01 | 20.10.10 | ISSUED FOR PLANNING | LL | HR | SITE LOCATION PLAN |

| | | |
|-----------------|-------------|------------------|
| SCALE 1:1250@A3 | A3 SHEET | CLIENT |
| STATUS | PLANNING | SHSP |
| DRAWING NO | 2325-PL-001 | PROJECT |
| REV | P01 | 2-12 HIGH STREET |
| | | STRATFORD |

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t +44 (0) 20 7380 0000
architecture + interior design

Appendix 2
DRAFT PLANNING PERMISSION

OLYMPIC DELIVERY AUTHORITY

FULL PLANNING PERMISSION APPROVAL

Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (England) Order 2010

Please see notes at the end of this notice

Applicant

High Street Stratford Ltd & Nigel Henry and
Sanjay Bhasin acting as LPA Receivers for FOS
Properties Limited

Agent

Montagu Evans
Clarges House
6-12 Clarges Street
London
W1J 8HB

Part I - Particulars of Application

Date of Application: 30th November 2010

Application No: 10/90519/FUMODA

Proposal: Development comprising 15 and 35 storey building to provide 639 sqm of commercial floor space and 191 residential units with 41 car parking spaces, 307 cycle parking spaces, gym, crèche, landscaping and riverside walkway.

Location: 2-12 High Street Stratford London, E15

Part II - Particulars of Decision

In pursuance of the powers under the above Act and Order the Olympic Delivery Authority hereby gives notice that **PLANNING PERMISSION HAS BEEN APPROVED** for the carrying out of the development referred to in Part I hereof and as described and shown on the application and plan(s) submitted, subject to the following conditions, informatives and notes:

Time Limit

1. The development to which this permission relates must be commenced not later than the expiration of **THREE YEARS** from the date of this permission.

Reasons: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

Works in accordance with approvals

2. All works are to be completed in accordance with drawing numbers;

2325-PL-001 P01, 2325-PL-002 P04, 2325-PL-003 P03, 2325-PL-004 P03,
2325-PL-005 P03, 2325-PL-006 P03, 2325-PL-007 P04, 2325-PL-008 P03,
2325-PL-009 P02, 2325-PL-010 P01, 2325-PL-011 P02, 2325-PL-012 P03,
2325-PL-013 P03, 2325-PL-014 P03, 2325-PL-015 P02, 2325-PL-016 P03,
2325-PL-017 P03, 2325-PL-018 P03, 2325-PL-019 P02, 2325-PL-020 P03,
2325-PL-021 P03, 2325-PL-022 P01, 2325-PL-023 P01, 2325-PL-024 P01,
2325-PL-025 P03, 2325-PL-026 P02, 2325-PL-027 P01, 2325-PL-028 P03,
2325-PL-029 P03, 2325-PL-030 P02, 2325-PL-031 P02, 2325-PL-032 P02,
2325-PL-033 P04, 2325-PL-034 P02, 2325-PL-035 P02, 2325-PL-036 P01,
2325-PL-037 P01, 2325-PL-038 P01, 2325-PL-039 P01, 2325-PL-042 P01,
2325-PL-045 P02, 2325-PL-046 P04, 2325-PL-047 P04, 2325-PL-049 P01,
2325-PL-050 P01 and 2325-PL-051 P01.

and the description of development contained in the application and any other plans, drawings, documents, details, schemes or strategies which have been approved by the Local Planning Authority pursuant to these conditions.

No further drawings apply, unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the development is undertaken in accordance with the approved drawing(s) and to protect the local amenity with regard to Policy SP3 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012). The development is acceptable on the basis of the particulars contained within the application and this condition seeks to ensure the development is undertaken in strict accordance with those details as approved.

Details and Samples – External Surfaces and Hard Landscaping

3. Works to the development hereby approved shall not commence until full details, including samples, specifications and annotated plans where appropriate (at a scale to be agreed with the local planning authority), of the materials to be used on all external surfaces (which for the avoidance of doubt shall also include hard landscaping), including windows, doors, reveals and cills, balconies, canopies and balustrades at roof level and Photovoltaic cells have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details, to the satisfaction of the Local Planning Authority.

Reason: To ensure a satisfactory standard of external appearance, in accordance with Policies SP3 and SP4 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 7.1, 7.4, 7.6 of the London Plan (adopted July 2011).

Details and Samples – Ground Floor Units and Shopfronts

4. Works to the development hereby approved shall not commence until full details, including samples, specifications and annotated plans where appropriate (at a scale to be agreed with the local planning authority), of the external appearance and materials to be used on the ground floor units, details of shopfronts, including windows, doors, signage and refuse storage have been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved details, to the satisfaction of the Local Planning Authority.

Reason: To ensure a satisfactory standard of external appearance, in accordance with Policies SP3 and SP4 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 7.1, 7.4, 7.6 of the London Plan (adopted July 2011).

Details and Samples – ‘Ribbon Mesh’

5. Notwithstanding the details shown on the approved drawings, and prior to the commencement of development on site, detailed elevations of the ‘ribbon mesh’ to a scale of 1:50 shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the mesh location, specification, wind noise impacts, details of attachments, lighting, colour and on site samples and include details of maintenance of the aging of the materials.

The ribbon mesh shall be constructed in accordance with the approved details to the satisfaction of the Local Planning Authority and maintained to the satisfaction of the Local Planning Authority.

Reasons: To ensure a satisfactory standard of external appearance and to protect local amenity and with regard to SP3 and SP4 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 7.1, 7.4, 7.6 of the London Plan (adopted July 2011).

Code for Sustainable homes Code Level 4

6. No residential unit within the development hereby permitted shall be occupied unless and until the developer has provided a copy of the post construction stage final certificate issued by a licensed code assessor on behalf of the Department of Communities and Local Government, and logged on the service provider database, demonstrating that the residential units have achieved The Code for Sustainable homes Code Level 4.

Reason: To ensure that high standards of sustainable design are implemented and with regard to Policy SC2 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 5.2 and 5.3 of the London Plan (adopted July 2011).

Detailed Landscaping Scheme and Arboriculture Report

7. a) Prior to commencement of development hereby approved, a detailed landscaping scheme and Arboriculture Report for the site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency and British Waterways. The scheme shall include the following:
- i. Full details of plants and trees (common and Latin names, size and pot height; density or number, tree girth and method of growth i.e. container or open ground);

- ii. Full details of all hard landscaping, including the design of any shared surfaces and materials to be used on the site, including suppliers or manufacturers;
- iii. Signage and information boards together with the means of on-going maintenance for a five year period.
- iv. Location and design of any seating areas and decking;
- v. Location and design of any lighting and details of lighting levels (wattage), (having regard to light spill into the adjacent waterway);
- vi. Full details of all boundary treatment;
- vii. Management Plan detailing the arrangements for the maintenance and upkeep of landscaping, naturalisation and regrading of the banks of the waterworks river, planting of emergent vegetation along the bank of the watercourse and native species planted; and
- viii. Details of CCTV equipment

b) The approved scheme shall be completed before the use hereby approved commences, and shall be permanently maintained thereafter to the satisfaction of the Local Planning Authority.

c) The soft landscaping scheme shall be implemented in the first planting season following first occupation. Any plants or trees required as part of the implementation of the condition that die or are removed, damaged or diseased within a period of FIVE years from the substantial completion of the development shall be replaced to the satisfaction of the Local Planning Authority in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent for a variation.

Any trees, shrubs or grassed areas become diseased, damaged or die within the first five years from the date of planting within any part of the development shall be replaced within the next planting season, to the satisfaction of the Local Planning Authority.

The Landscaping scheme for this development shall be accompanied with adequate information to demonstrate:

- i. the use of suitable native and locally appropriate species which where practical shall be locally sourced;
- ii. that all landscaping that is intended to be accessible shall be fully accessible and useable by disabled people, including wheelchair users, people with sight impairment and people with prams or pushchairs

Reason: In the interest of design quality, residential amenity, walking, cycling, accessibility, public safety and biodiversity, and with regard to Policies EQ2, EQ15 and H17 of the London Borough of Newham Unitary Development Plan (saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy on 26th January 2012), Policies SP2, SC4 and INF6 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 3.6, 5.10, 7.14, 7.19 and 7.27 of the London Plan (adopted July 2011).

Brown and green roofs and plant details

8. Prior to the construction of any part of the roof of the development hereby permitted, details of proposed brown and green roofs and plant, including details of location, design, dimensions, materials and a maintenance scheme, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and maintained in accordance with the approved details.

Reason: To promote biodiversity and safeguard the appearance of the building, in accordance with Policies SP2, SC4 and INF6 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 5.10, 7.14, 7.19 and 7.27 of the London Plan (adopted July 2011).

Roof garden finishes and layout

9. a) Prior to the construction of any part of the roof of the development, details of the specification for finishes and layout of all roof gardens shall be submitted to and approved in writing by the Local Planning Authority.

b) Prior to use of the roof garden by residents of the building, a management strategy for access to and use of the roof shall be submitted to and approved by the Local Planning Authority in writing. The roof shall be constructed and managed in accordance with the approved details and maintained in this condition thereafter.

Reason: To provide private amenity space and to ensure that the construction of the roofs is carried out in a manner that will permit habitat creation for flora and fauna to encourage biodiversity within the development in accordance with Policies SP2, SC4 and INF6 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 5.10, 7.14, 7.19 and 7.27 of the London Plan (adopted July 2011).

Waterway Wall – Survey and Method Statement

10. Prior to the commencement of the development hereby approved a survey of the condition of the waterway wall, and a method statement and schedule of the repairs identified shall be submitted to and approved in writing by the Local Planning Authority, in consultation with British Waterways. Any heritage features and materials identified by the survey shall be made available for inspection by British Waterways and where appropriate, preserved in-situ or reclaimed and re-used elsewhere on site or on a nearby waterway wall. The repair works identified shall be carried out in accordance with the method statement and repairs schedule by a date to be agreed in the repairs schedule.

Reason: In the interest of the structural integrity of the waterway wall, waterway heritage, navigational safety and visual amenity in accordance with Policies INF7 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 7.27 and 7.28 of the London Plan (adopted July 2011).

Feasibility study to assess the potential for moving freight by water

11. Prior to the commencement of development, a feasibility study to assess the potential for moving freight by water during the construction cycle (waste and bulk materials) and following occupation of the development (waste and recyclates) shall be submitted to and approved by the Local Planning Authority in consultation with British Waterways. The use of waterborne transport shall be maximised during the construction of the development

unless the above assessment demonstrates that such use of the canal is not physically or economically feasible.

Reason: In the interest of sustainable transport and to maximise the use of the watercourse in accordance with Policy EQ2 of the London Borough of Newham Unitary Development Plan (saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy on 26th January 2012), Policies INF2 and INF7 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 7.27 and 7.28 of the London Plan (adopted July 2011).

Grease trap or grease digester system details

12. Prior to the commencement of works on the development hereby permitted, full details of the grease trap or grease digester system to be installed for the commercial kitchen shall be submitted to and approved by the Local Planning Authority. Details should include plan and sectional drawings with measured drain sizes and invert levels, full manufacturers specifications etc. The approved scheme is to be completed prior to occupation of the development and shall be permanently maintained thereafter.

Reasons: To protect the amenity of future occupants and/or neighbours and with regard to Policies EQ2 and EQ45 of the London Borough of Newham Unitary Development Plan (saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy on 26th January 2012) and Policy INF3 and INF7 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) (adopted January 2012) /

Ventilation details - Internal bathrooms and kitchens and open-plan kitchen/living areas

13. Prior to the commencement of works on the development hereby permitted, details of the means of ventilation to internal bathrooms and kitchens and open-plan kitchen/living areas shall be submitted to and approved by the Local Planning Authority. Details should include the termination positions of any ducting. The approved scheme is to be completed prior to occupation of the development and shall be permanently maintained thereafter.

Reason: To ensure a satisfactory standard of accommodation and in accordance with Policy EQ45 of the London Borough of Newham Unitary Development Plan (saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy on 26th January 2012) and Policies SP2 and SP3 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policy 7.14 of the London Plan (adopted July 2011).

Ventilation details – Commercial

14. Prior to the commencement of works on the development hereby permitted, full details of any mechanical ventilation or other plant associated with the commercial operation of the building shall be submitted to and approved by the Local Planning Authority. Details should include full specifications of all filtration, deodorising systems, noise output and termination points. Particular consideration should be given to the potential high level discharge of kitchen extract air/ the discharge of toxic or odoriferous extract air where a high level of discharge is usually essential [delete where appropriate]. The approved scheme shall be completed prior to occupation of the development and shall be permanently maintained thereafter. Reference shall be had to Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA.

Reasons: To protect the amenity of future occupants and/or neighbours and with regard to Policy EQ45 of the London Borough of Newham Unitary Development Plan (saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy on 26th January 2012) and Policies SP2 and SP3 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policy 7.14 of the London Plan (adopted July 2011).

Ventilation details - 2nd to 7th Floor residential units

15. Prior to the commencement of works on the development hereby permitted, full details of ventilation to the 2nd to 7th Floor residential units shall be submitted to and approved by the Local Planning Authority. The approved details shall be completed prior to occupation of the development and shall be permanently maintained thereafter.

Reasons: To protect the amenity of future occupants and/or neighbours and in the interest of the declared Air Quality Management Area and with regard to Policy EQ45 of the London Borough of Newham Unitary Development Plan (saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy on 26th January 2012) and Policies SP2 and SP3 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policy 7.14 of the London Plan (adopted July 2011).

Sound insulation and noise mitigation details

16. a) Prior to the commencement of works on the development hereby permitted, details of the proposed sound insulation scheme to be implemented between the residential accommodation and any non residential uses shall be submitted to and approved by the Local Planning Authority.
Details should include airborne and impact sound insulation.

b) The developer shall certify to the local planning authority that the noise mitigation measures agreed have been installed. The approved scheme is to be completed prior to occupation of the development and shall be permanently maintained thereafter.

Reasons: To protect the amenity of future occupants and/or neighbours and with regard to Policy EQ45 of the London Borough of Newham Unitary Development Plan (saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy on 26th January 2012), and Policies SP2 and SP3 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policy 7.15 of the London Plan (adopted July 2011).

Sound insulation details

17. Prior to the commencement of works on the development hereby permitted, details of the proposed sound insulation scheme to be implemented between the residential accommodation and the roof garden shall be submitted to and approved by the Local Planning Authority. Details should include airborne and impact sound insulation. The developer shall certify to the local planning authority that the noise mitigation measures agreed have been installed. The approved scheme is to be completed prior to occupation of the development and shall be permanently maintained thereafter.

Reasons: To protect the amenity of future occupants and/or neighbours and with regard to Policy EQ45 of the London Borough of Newham Unitary Development Plan (saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy on 26th

January 2012), and Policies SP2 and SP3 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policy 7.15 of the London Plan (adopted July 2011).

Noise (and vibration) survey

18. a) Prior to commencement of works on the development hereby permitted, a survey measuring noise (and vibration) levels generated from road traffic shall be submitted to and approved by the Local Planning Authority. Details should include mitigation measures such as siting, orientation, noise barriers and sound insulation measures where appropriate. Where it is shown that the site falls within Category C or D as set out in Planning and Policy Guidance Note 24, these measures are to include the provision of acoustic glazing and mechanical ventilation. Noise mitigation measures should produce internal noise levels specified in BS8233 (Good) while also mitigating the impact on residents from the air quality conditions in the area. The approved scheme is to be completed prior to the occupation of the development and shall be permanently maintained thereafter.
- b) The developer shall certify to the local planning authority that the noise mitigation measures and mechanical ventilation as agreed have been installed to the satisfaction of the Local Planning Authority.

Reasons: To protect the amenity of future occupants and/or neighbours and with regard to Policies EQ47 and EQ48 of the London Borough of Newham Unitary Development Plan (saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy on 26th January 2012), and Policies SP2 and SP3 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policy 7.15 of the London Plan (adopted July 2011).

Acoustic Report

19. Prior to the commencement of works on the development hereby permitted, an acoustic report shall be submitted to and approved by the Local Planning Authority. Plant operation and activity on site shall not give rise to a BS4142 rating level greater than the background level at the nearest or worst effected property. Where it is considered impractical to meet this noise standard the report should detail mitigation measures taken to reduce noise to a minimum.

The approved scheme shall be implemented prior to occupation of the development and shall be permanently maintained thereafter. The developer shall certify to the local planning authority that the noise mitigation measures agreed have been installed.

Reasons: To protect the amenity of future occupants and/or neighbours and with regard to Policy EQ47 of the London Borough of Newham Unitary Development Plan (saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy on 26th January 2012), and Policies SP2 and SP3 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policy 7.15 of the London Plan (adopted July 2011).

Ground investigation

20. a) Prior to the commencement of works on the development, an investigation into ground conditions shall be undertaken in accordance with the Model Procedures for the Management of Land Contamination, Environment Agency, Contaminated Land Report

11. The report of the investigation and proposals for any remediation required shall be submitted to and approved in writing by the Local Planning Authority.

b). All works approved shall be undertaken to the satisfaction of the Local Planning Authority.

c). As soon as reasonably practicable, and before the occupation of any remediated area of the site, a validation report shall be submitted and approved by the Local Planning Authority in writing, stating what works were undertaken and that the remedial scheme was completed in accordance with the approved remediation strategy.

Please see the informative(s) below for further advice and information.

Reasons: To safeguard the public, the environment and surface and groundwater as this site may have or is known to have been used in the past for activities that are likely to have resulted in it being contaminated with material that is potentially harmful to humans, or the environment and with regard to policy EQ49 of the London Borough of Newham Unitary Development Plan (saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy on 26th January 2012) and Policy 5.21 of the London Plan (adopted July 2011).

Importation of soils or infill materials

21. No soils, or infill materials, are to be brought onto the site unless they have been satisfactorily proven to be uncontaminated and present no risks to human health, planting and the environment. A declaration to this effect, together with acceptable documentary evidence to confirm the origin of all imported soils and infill materials, supported by appropriate chemical analysis test results, must be submitted to and be approved in writing by the Local Planning Authority prior to occupation.

Reasons: To prevent uncontaminated and remediated land from becoming contaminated with material that is potentially harmful to humans, planting and the environment and with regard to policy EQ49 of the London Borough of Newham Unitary Development Plan (saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy on 26th January 2012) and Policy 5.21 of the London Plan (adopted July 2011).

Environmental Code

22. Prior to the commencement of works on the site, an Environmental Code shall be submitted to and approved by the Local Planning Authority, in respect of such matters as are likely to cause nuisance to adjoining occupiers. Details should include any demolition, ground works, (including decontamination), construction and access to the site, hours of operation, noise, dust, smoke, road cleaning, odour control, wheel washing and any other matters relevant to this particular site. The environmental code shall be adhered to for the duration of the construction works.

Reasons: To ensure that the construction does not prejudice the ability of neighbouring occupier's reasonable enjoyment of their properties and with regard to Policy EQ45 of the London Borough of Newham Unitary Development Plan (saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy on 26th January 2012), and Policies SP2 and SP3 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policy 7.15 of the London Plan (adopted July 2011).

Impact Piling

23. No impact piling shall be permitted during the construction of this development without the written permission of the Local Planning Authority.

Reasons: To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties and with regard to Policy EQ45 of the London Borough of Newham Unitary Development Plan (saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy on 26th January 2012), and Policies SP2 and SP3 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policy 7.15 of the London Plan (adopted July 2011).

Hours of Works

24. No demolition, construction or building works shall be carried out except between the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday or at any time on bank or public holidays without the prior written approval of the Local Planning Authority, unless the works have been approved in advance under section 61 of the Control of Pollution Act 1974.

Deliveries of construction and demolition materials to and from the Site by road shall take place between 08:00 - 18:00 Monday to Friday & 08:00 - 13:00 on Saturday and at no other time except with the prior written approval of the Local Planning Authority.

Reason: In order to minimise noise and disturbance, in the interest of residential amenity, in accordance with Policies Policy EQ45 of the London Borough of Newham Unitary Development Plan (saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy on 26th January 2012), and Policies SP2 and SP3 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policy 7.15 of the London Plan (adopted July 2011).

Assessment of the condition of the river wall

25. No development approved by this planning permission shall be commenced until an assessment of the condition of the river wall is submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. If the assessment identifies that the riverwall is not structurally sound then a scheme of remedial measures shall be submitted to and approved in writing by the Local Planning Authority before development commences. Development shall proceed only in accordance with the approved remedial measures.

Reason: To maintain the integrity and stability of the flood defences in accordance with Policies SC3 and INF7 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policy 5.12 of the London Plan (adopted July 2011).

26. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified all previous uses potential contaminants associated with those uses a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the local planning authority. The scheme shall be implemented as approved.

Reason: The site is located on a Secondary aquifer in the river terrace gravels and at depth below the site there is a Principal aquifer in the Chalk/Basal Sands. The site lies adjacent to a surface watercourse that may be fed by groundwater and the previous use of the site is likely to have resulted in contamination of the ground and groundwater and with regard to Policy EQ45 of the London Borough of Newham Unitary Development Plan (saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy on 26th January 2012), Policy SP2 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 5.14 and 5.21 of the London Plan (adopted July 2011).

Verification report

27. Prior to commencement of development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a long-term monitoring and maintenance plan) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority.

Reason: To ensure that the site no longer poses a risk to groundwater and with regard to Policy EQ45 of the London Borough of Newham Unitary Development Plan (saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy on 26th January 2012), Policy SP2 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 5.14 and 5.21 of the London Plan (adopted July 2011).

Unexpected Contamination

28. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason: The site is located on a Secondary aquifer in the river terrace gravels and at depth below the site there is a Principal aquifer in the Chalk/Basal Sands and with regard to Policy EQ45 of the London Borough of Newham Unitary Development Plan (saved by

the Secretary of State in 2007 and not deleted on adoption of the Core Strategy on 26th January 2012), Policy SP2 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 5.14 and 5.21 of the London Plan (adopted July 2011).

Controlled waters

29. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: There may be contamination at the site and the infiltration of surface water would provide a potential pathway for contamination to migrate into the aquifer and with regard to policy EQ45 of the London Borough of Newham Unitary Development Plan (saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy on 26th January 2012), Policy SP2 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 5.14 and 5.21 of the London Plan (adopted July 2011).

Water Edge Treatment

30. Prior to the commencement of works on the development hereby permitted, details of the proposed Water Edge Treatment shall be submitted to and approved by the Local Planning Authority. Where applicable, details should include:

- i) Security/water safety
- ii) Rehabilitation works/retention walls/construction of piles
- iii) Method of construction/flood prevention
- iv) Landscaping/planting/features or artworks/lighting
- v) Paving/footpaths

The approved works are to be completed prior to occupation of the development and shall be permanently maintained thereafter.

Reasons: In the interest of public safety and visual amenity and with regard to policy Policies SP3, INF7 and INF9 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policy 4.27 of the London Plan (adopted July 2011).

Pedestrian water edge protection

31. Prior to the commencement of works on the development hereby permitted, full details of the pedestrian water edge protection shall be submitted to and approved by the Local Planning Authority. The scheme is to comply with ROSPA category "Band 4" and BS 6180:1999, for the requisite lengths of the water edge of the site. The approved scheme is to be completed prior to occupation of the development and shall be permanently maintained thereafter.

Reasons: To protect the public from risk of falls/drowning and to ensure an aesthetically acceptable water frontage and with regard to Policies SP3, INF7 and INF9 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policy 4.27 of the London Plan (adopted July 2011).

Written scheme for investigation - archaeological work

32. Works to the development hereby approved shall not commence until a programme of archaeological work in accordance with a written scheme for investigation has been submitted to and approved in writing by the Local Planning Authority. The submission shall also include a detailed design and method statement for the foundation design and all new grounds works. The relevant Phase of development shall only take place in accordance with the approved scheme. The archaeological works shall only be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

Reason: As important archaeological remains may exist on site the Local Planning Authority wishes to secure the provision of an archaeological investigation and the recording of any remains prior to commencement of development, in accordance with Policy SP5 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policy 4.8 of the London Plan (adopted July 2011).

Lifetime Homes

33. All residential units within the development shall be constructed in accordance with Lifetime Homes standards, as defined in the Joseph Roundtree Foundation publication "Achieving Part M and Lifetime Homes standards" and the joint collaboration of JRF, Major of London, GML Architects and Habinteg HA in the publication 'Lifetime Homes' and as referred to in the GLA Accessible London SPG.

The development shall be implemented in accordance with the Lifetime Homes standards prior to the first occupation of the relevant Phase and retained permanently, to the satisfaction of the Local Planning Authority.

Reason: To ensure that accessible housing is provided, in accordance with Policy H17 of the London Borough of Newham Unitary Development Plan (saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy on 26th January 2012), saved from 27th September 2007 by direction from the Secretary of State) and Policies SP3 and H1 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 7.1 and 7.2 of the London Plan (adopted July 2011).

BREEAM preliminary assessment

34. No development shall take place until a BREEAM preliminary assessment demonstrating a route to achieving a minimum BREEAM rating of 'Very Good', accompanied by full details of energy efficiency measures that will be implemented to achieve this rating, have been submitted to and approved in writing by the Local Planning Authority. The BREEAM final Post Construction Certificate shall be submitted to the Local Planning Authority prior to the commencement of use of the premises. The development shall be implemented and operated in accordance with the BREEAM certificate.

Reason: In the interest of climate change and sustainability in accordance with Policy EQ47 of the London Borough of Newham Unitary Development Plan (saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy on 26th January 2012), saved from the 27th of September 2007 in accordance with the direction from the Secretary of State) and Policy SC2 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 5.1, 5.2 and 5.3 of the London Plan (adopted July 2011).

Adaptable Units

35. Unless otherwise agreed in writing by the Local Planning Authority, no fewer than 10% of the total number of residential units within the development shall be constructed to be easily adapted for residents who are wheelchair users in accordance with the publication "Wheelchair Housing Guide Second Edition" by Stephen Thorpe and Habinteg HA.

Reason: To ensure that accessible housing is provided, in accordance with Policy H17 of the London Borough of Newham Unitary Development Plan (saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy on 26th January 2012), saved from 27th September 2007 by direction from the Secretary of State) and Policies SP3 and H1 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 7.1 and 7.2 of the London Plan (adopted July 2011).

Wind mitigation strategy

36. Prior to the commencement of works on the development hereby permitted a suitable wind mitigation strategy for the public realm surrounding the Tower and pedestrian thoroughfares shall be submitted to and approved by the Local Planning Authority. The development shall only operate in accordance with the approved strategy. A further study shall then be undertaken 1 year after the mitigation has been implemented to ascertain its effectiveness. The study shall also recommend alternative mitigation strategies in the event that the initial strategy is found to be inadequate. The development shall operate at all times in accordance with the approved strategies. The strategies could include additional landscaping and vertical screening.

Reason: The submitted Wind Report concluded that suitable wind mitigation strategies would be required to minimise amenity impacts and maximise design qualities, in accordance with Policies SP1, SP3 and SP4 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 7.6 and 7.7 of the London Plan (adopted July 2011).

Waste Management Strategy

37. Prior to the commencement of works on the development hereby permitted, a Waste Management Strategy shall be submitted to and approved by the Local Planning Authority. Details should include noise output, odour control systems & termination points. The approved scheme is to be completed/ implemented prior to occupation of the development & shall be permanently maintained thereafter.

Reasons: To ensure adequate & hygienic refuse disposal with regard to Policies SP1, INF3 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 5.16 and 5.17 of the London Plan (adopted July 2011).

Servicing Management Plan

38. Prior to the occupation of the development hereby permitted, a servicing management plan shall be submitted and approved to the Local Planning Authority. The development shall be implemented and operated in accordance with the approved scheme.

Reason: To ensure that the servicing arrangements are accommodated within the curtilage of the site in the interest of pedestrian safety and highway efficiency and in accordance with Policy T14 of the London Borough of Newham Unitary Development Plan (saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy

on 26th January 2012), saved from 27th September 2007 by direction from the Secretary of State) and Policies SP1, INF1, INF3 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 6.11 and 6.13 of the London Plan (adopted July 2011).

Car park use

39. Notwithstanding the drawings hereby approved, the car park shall be used by the residential occupiers of the units/dwellings hereby approved and for no other users.

Reason: In order to provide a satisfactory level of on site parking and in compliance with Policies SP1, INF1, INF3 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 6.11 and 6.13 of the London Plan (adopted July 2011).

Public footway and bus stop access during works

40. During the commencement of works on the development access to the public footways and bus stops immediately abutting the site shall be maintained at all times.

Reason: To ensure that development does not give rise to any loss of amenity and accesses are maintained in accordance with Policies H17 and EQ45 of the London Borough of Newham Unitary Development Plan (saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy on 26th January 2012) and saved from 27th September 2007 by direction from the Secretary of State) and Policies SP1, SP3, INF1, INF3 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 6.7, 6.11 and 6.13 of the London Plan (adopted July 2011).

Electric charging points

41. Prior to occupation of the residential units, details of electric charging points (a total of 8) shall be provided to the Local Planning Authority. Electric charging points should be provided and maintained in accordance with any approval unless written consent is obtained from the Local Planning Authority.

Reason: In the interests of promoting sustainable forms of travel in accordance with Policy INF2 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 6.11 and 6.13 of the London Plan (adopted July 2011).

Management and maintenance strategy for the car lifts

42. Prior to occupation of the residential units of the development a management and maintenance strategy for the car lifts should be submitted to the Local Planning Authority. The approved strategy should then be fully implemented and maintained into perpetuity unless written consent is obtained from the Local Planning Authority.

Reason: In the interests of ensuring that the car lift benefit from a thorough maintenance strategy in case of breakdown, and to ensure adequate provision of parking spaces for this development, in accordance with Policies INF1 and SP3 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 6.11 and 6.13 of the London Plan (adopted July 2011).

Car parking spaces

43. The car parking spaces hereby approved shall not to be sold to any person residing outside, working within the premises or associated in any way with the development apart from being resident within the development.

Reason: In order to provide a satisfactory level of on site parking and in compliance with Policies INF1 and SP3 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 6.11 and 6.13 of the London Plan (adopted July 2011).

Car parking space allocation

44. Prior to the occupation of the residential units hereby approved, details of the allocation of car parking spaces shall be submitted to and approved by the Local Planning Authority. The approved allocations are to be completed prior to the occupation of the residential units and shall be permanently maintained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the car parking spaces are satisfactorily distributed between the market and affordable housing units and in compliance with Policies INF1 and SP3 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 6.11 and 6.13 of the London Plan (adopted July 2011).

Car parking spaces – Number and Surfacing

45. Accommodation shall be provided on the site for 41 parking spaces as shown on the approved drawings. Prior to beneficial occupation of the development hereby permitted, the parking spaces are to be surfaced and marked out to the satisfaction of the Local Planning Authority and shall thereafter be permanently maintained for use by occupiers and/or visitors to the site.

Reasons: To ensure the provision of adequate off street parking facilities and with regard to Policies INF1 and SP3 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 6.11 and 6.13 of the London Plan (adopted July 2011).

Blue Badge parking spaces

46. The car parking accommodation shown on the approved drawings shall include 20 car parking spaces designed for use by Blue Badge holders. These spaces are to be marked out on site with appropriate signage, prior to occupation of the development to the satisfaction of the Local Planning Authority and shall be permanently maintained thereafter.

Reasons: To ensure adequate access for all users of the building, in particular Blue Badge holders and with regard to Policy EQ45 of the London Borough of Newham Unitary Development Plan (saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy on 26th January 2012), saved from 27th September 2007 by direction from the Secretary of State) Policies H1, INF1 and SP3 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 6.11, 6.13 and 7.3 of the London Plan (adopted July 2011).

Public Highway – Door obstruction

47. No doors of the development shall open outwards onto public highway.

Reason: To prevent pedestrian accidents on the public highway and in compliance with Policy SP3 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 6.11 and 6.13 of the London Plan (adopted July 2011).

Transport Management Plan

48. No development shall take place until a Transport Management Plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with Transport for London. The Transport Management Plan shall set out the proposed management arrangements for pick up and set down by taxis and other vehicles associated with the proposed Lay-by in High Street and Cooks Road.

Reason: To prevent obstruction of the public highway and avoid accidents in accordance with Policies INF1 and SP3 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 6.11 and 6.13 of the London Plan (adopted July 2011).

Construction Logistics Plan

49. Prior to the commencement of works on the site, a Construction Logistics Plan shall be submitted to and approved by the Local Planning Authority. The Construction Logistics Plan shall set out the details and timing of construction activity and shall demonstrate that works will not result in any conflict with Olympic Park construction activity, Olympic test events or Olympic Games and Paralympic Games operational traffic.

The Construction Logistics Plan shall include specific details relating to construction, logistics and management and shall include details of the following:

- a) Phasing and proposed management and coordination of works under this permission;
- b) Site Constraints and Considerations;
- c) Details of the likely volume of roads trips and any mitigation measures proposed;
- d) Ingress and Egress to and from site for vehicles and vehicular routes;
- e) Works on the public highway and site enclosure and/or hoarding details;
- f) Disposal/storage of rubbish and building materials;
- g) Pedestrian access; and
- h) Location of workers conveniences.

All development shall be undertaken in accordance with the details set out in the approved Construction Logistics Plan.

Reason: To ensure there are no adverse impacts on the free flow of traffic on local roads and to safeguard the amenities of the area and with regard to Policies EQ45, EQ47 and T14 of the London Borough of Newham Unitary Development Plan (saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy on 26th January 2012) and Policy SP2 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policy 7.15 of the London Plan (adopted July 2011).

Management Strategy for all community facilities

50. Prior to occupation of the residential units, a Management Strategy for all community facilities and Child Play Spaces shall be submitted to the Local Planning Authority. The approved details should then be fully implemented and maintained into perpetuity unless written consent is obtained from the Local Planning Authority.

Reason: In the interests of ensuring that the development provides satisfactory, useable community facilities in accordance with Policy INF8 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policy 3.6 of the London Plan (adopted July 2011).

Details of cycle and motorcycle parking provision

51. Prior to the commencement of use of the development hereby permitted, details of cycle and motorcycle parking provision, security measures and details of means of entrance for cyclists (including door mechanisms) have been submitted to and approved by the Local Planning Authority. The facilities are to be constructed, surfaced and marked out prior to occupation of the development and shall be permanently maintained thereafter.

Reasons: In order to ensure that adequate and accessible cycle and motorcycle parking is provided on this site and with regard to Policies INF2 and SP3 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 6.9 and 6.13 of the London Plan (adopted July 2011).

Service Transport Management Plan

52. Prior to commencement of the development hereby approved, a Service Transport Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Service Transport Management Plan shall set out the proposed management arrangements for collection of refuse bins and general servicing of the development from both High Street Stratford and Cooks Road. The following should be included:

- a) details of appropriate road markings and signage internal to the site to regulate the movement of traffic and pedestrians especially within High Street Stratford.
- b) the applicant is provide details of the proposed 2 car lifts. Both lifts would allow 'in' traffic at peak times (controlled by lights) and at other times revert to one being in and the other being out.

Reason; To prevent obstruction of the public highway including High Street and Cooks Road and avoid accidents in accordance with Policy T14 of the London Borough of Newham Unitary Development Plan (saved by the Secretary of State in 2007 and not deleted on adoption of the Core Strategy on 26th January 2012), Policies INF1 and SP3 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 6.11 and 6.13 of the London Plan (adopted July 2011).

Plant room provision - potential future connection with District Heating Network (DHN)

53. Prior to the commencement of the development, the developer shall submit a written statement and drawings demonstrating that sufficient plant room and provision throughout the building is available to allow the development to make any potential future connection with the District Heating Network (DHN) for both the residential and commercial elements of the development. The approved details shall be implemented prior to first occupation of

the building and shall thereafter be permanently maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure that the development in compliance with Policies SC1, SC2 and INF4 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 5.5 and 5.6 of the London Plan (adopted July 2011).

Heating and cooling networks for the development

54. Prior to the commencement of the development, the developer shall submit a written statement and drawings demonstrating heating and cooling networks for the development. The approved details shall be implemented prior to first occupation of the building and shall thereafter be permanently maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure that the development in compliance with Policies SC1, SC2 and INF4 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 5.5 and 5.6 of the London Plan (adopted July 2011).

Reduction in CO2 emissions

55. Prior to commencement of development, the developer shall submit full details of the CHP and Photovoltaic cells which commits to a 22.7% reduction in CO2 emissions as stated in document entitled 'Energy Assessment and Renewable Strategy' February 2011. The approved details shall be implemented prior to first occupation of the building and shall thereafter be permanently maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure that the development in compliance with Policies SC1, SC2 and INF4 of the London Borough of Newham Core Strategy (approved by Council for Adoption on 26th January 2012) and Policies 5.5 and 5.6 of the London Plan (adopted July 2011).

INFORMATIVES

1. For the avoidance of doubt the applicant is reminded that at the date of this planning permission the Olympic Delivery Authority is the Local Planning Authority for the application site. Any details submitted for approval pursuant to the conditions listed above should be made to the Olympic Delivery Authority, or any successor body, as Local Planning Authority.
2. The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. This design should be in accordance with the appropriate English Heritage guidelines.
3. Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws 1981, the prior written consent of the Environment Agency is required for any proposed works or structures either affecting or within 16 metres of the tidal flood defence structure. Contact Development & Flood Risk on 01707 632639 for further details.
4. Any access from the towpath, closures of the towpath or scaffolding oversailing British Waterway's land or water during the construction must be agreed in writing with British Waterways before development commences. Please contact Ben Loader in British Waterways London's Estate Team on 020 7985 7288 for further information.

5. The applicant/developer should refer to the current Code of Practice for Works Affecting BritishWaterways (www.britishwaterways.co.uk/media/documents/Code_of_Practice_2010.pdf) and is advised to keep in contact with third party works engineer, Andy Nicholls, in order to ensure that any necessary consents are obtained and the works are compliant with the Code of Practice.
6. The development should comply with the *Construction (Design and Management) Regulations 2007 (CDM)* specifically to ensure that health and safety matters relevant to development are considered from the start.

If the project is notifiable under CDM, it will be necessary to produce a Health & Safety File for the client and future user(s). The Health & Safety File constitutes a record of the health and safety information for the project's client or end-user and the responsibility for its preparation and upkeep rests with the CDM Co-ordinator; ideally the process should be an on-going one, not left until the construction is completed.

It is desirable for the CDM Co-ordinator to discuss the Health & Safety file with the Client early on in the project and the contents of the file will vary according to the complexity of the project but typically will include;

- a) record or as-built drawings and plans;
- b) general details of the construction methods and materials;
- c) details of the structures equipment and maintenance facilities;
- d) operating and maintenance manuals supplied by contractors and equipment manufacturers;
- e) procedures for cleaning;
- f) information relating to the location and type of emergency systems and fire fighting equipment; etc.

Further information can be obtained from the *Health & Safety Executive (HSE)* website www.hse.gov.uk/construction/index.htm and from their publications – e.g. the *Construction Information* series.

Once built : While the responsibility for the enforcement of CDM rests with HSE throughout the construction phase, the London Borough of Newham will become the health & safety enforcing authority (upon handover) for any commercial premises within the development.

You therefore need to be aware of the requirements of *CDM* and especially how the design will affect the end-user(s) of the development, to enable them to fulfil their duties under the *Workplace (Health, Safety and Welfare) Regulations 1992*

The matters that might need to be considered include:-

- a) measures for window cleaning and other suspended access operations;
- b) the design and layout of plant rooms for safe access and egress;

- c) the safety of lift servicing and maintenance and emergency provisions;
- d) the level of sanitary conveniences and washing and other workplace facilities;
- e) solar gain and ventilation requirements for different areas of the development;
- f) *Legionellosis* control and the installation of cooling towers;
- g) gas flooding fire protection systems;
- h) non-ionising radiation - e.g. cellular telephone system aerials and masts.
- i) Installing suitable floor surfaces with regard to minimising accidents and slips, trips and falls
- j) Workplace transport issues such as the segregation of traffic routes, including car parks from pedestrian areas and safe access to and from the site for delivery vehicles

Compliance with Planning Law does not automatically mean that you will comply with more specific Health and Safety Law requirements.

7. For advice and information upon contaminated land site investigation, risk assessment and implementing a remediation strategy it is recommended that the developer contacts the Environmental Health Pollution Control Unit, Housing & Public Protection, Third Floor, West Wing, Newham Dockside, Dockside Road, London E16 2QU Tel 020 3373 0643. The Unit has produced a leaflet 'The development of contaminated sites' which can be downloaded free from www.newham.gov.uk. The developer shall notify the Council's Development Control and the Environmental Health Pollution Control Unit of the start dates and programme of site investigations and any subsequent remediation works.

For the site investigation, risk assessment and remediation strategy reference should be made to:

- Model Procedures for the Management of Land Contamination, Environment Agency Contaminated Land Report 11. This document can be downloaded free from www.environment-agency.gov.uk
- BS 10175: Investigation of potentially contaminated sites – Code of Practice
- Building Regulations 2000 APPROVED DOCUMENT C Site preparation and resistance to contaminants and moisture: C1 Site preparation and resistance to contaminants.

If the site investigation reveals land contamination the associated report must include the results of a source-pathway-receptor environmental risk assessment with regard to the current use and proposed development.

If the site investigation discovers organic containing natural soils or made ground then monitoring of potential ground gases, over a suitable period of time, will be required in order to determine the requirement for gas mitigation measures in the development.

If the site is located in a groundwater protection zone or if groundwater is encountered during the site investigation then the groundwater should also be tested for contamination. The Local Planning Authority may require more detailed groundwater monitoring to be undertaken on the advice of the Environment Agency.

A remediation scheme should include, where necessary, a long-term commitment to maintenance of any works and measures required by the Local Planning Authority or the Environment Agency.

Remediation capping layers based upon 'Cover systems for land regeneration' BR 465 by the Building Research Establishment will not be accepted, as this is not approved by the Environment Agency.

No soils, or infill materials should be imported onto the site unless they have been satisfactorily proven to be uncontaminated and present no risks to human health, planting and the environment. A declaration to this effect, together with acceptable documentary evidence to confirm the origin of all imported soils and infill materials, supported by appropriate chemical analysis test results, should be obtained and copies may be requested by the Local Planning Authority.

Anyone procuring analytical services must ensure that the data supplied to the Local Planning Authority meets the requirements in the Monitoring Certification Scheme (MCERTS). Laboratories undertaking the chemical testing of soil must be accredited, the analytical methods should be appropriate and fit for the purpose of the parameter being investigated and the sampling procedures and the audit trail should also conform.

Supporting reports should be prepared by appropriately qualified professionals. All reports should be sent directly to the planning case officer in the Development Control Unit. For each application at least two copies of each report should be submitted in hard copy format plus a further copy in electronic format. The planning case officer will forward the reports on to the appropriate consultees for comment. Applicants are advised against entering into direct negotiation with either the Pollution Control Unit, Environment Agency or any other Council department consultees without notifying the planning case officer.

8. The property lies within an area of the borough that has moderate to high gas susceptibility resulting from natural alluvial and peat deposits. The construction methods and materials should take account of this possibility and professional advice should be taken to ensure the adoption of appropriate gas protection measures. Professional advice should also be sought regarding possible requirements within the Building Regulations 2000 APPROVED DOCUMENT C: C1 Site preparation and resistance to contaminants.
9. The property lies within an area of the borough that has been identified as being at potential risk from buried explosive ordnance due to wartime bombing. It is recommended that professional advice is obtained and a risk assessment undertaken to identify and analyse any threat posed by ordnance before works commence.
10. The sound insulation between flats in this development must meet or exceed the standards set out in approved Document E of the Building Regulations. Reference should be had to the Council's Building Control Department or an approved building inspector.
11. The relative internal arrangement of the flats is not ideal. We would usually recommend that 'like for like' rooms are positioned adjacent to and above one another so as reduce the potential for later noise problems. This is especially relevant to the 35 storey tower, where most of the plans viewable show there may be stacking issues.

12. The proposed passenger/goods lift must comply with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). There is a specific requirement that no new lift may be used unless it has either a certificate of thorough examination or a certificate of conformity to the relevant EU Directive. Normal commissioning documentation IS NOT ADEQUATE. Use of a lift that does not comply with LOLER is a criminal offence. You should refer to your CDM planning supervisor to ensure compliance.

Note: Compliance with Planning Law does not automatically mean that you will comply with more specific Health and Safety Law requirements.

13. The proposed development lies within Newham's Air Quality Management Area that was declared in March 2002. When deciding upon ventilation to the building you should consider how to reduce exposure to road traffic pollution. For details of the area, the review and assessment of air quality in Newham and the Action Plan that sets out how the Council will act to tackle air pollution the applicant should contact Public Protection (Pollution Control Unit) at Pollution Control Unit, Housing & Public Protection, Third Floor, West Wing, Newham Dockside, Dockside Road, London E16 2QU Tel 020 3373 0643.
14. Your attention is drawn to minimum room sizes under Newham Council's Private Sector Housing Standard:
- Minimum size for Single Bedroom is 6.5M²
 - Minimum size for Double Bedroom is 10.2M²
15. External lighting for the development should be designed and positioned such as to:
- Be the minimum required to perform the relevant lighting task.
 - Minimise light spillage and pollution.
 - Include landscaping/screening measures to screen illuminated areas in environmentally sensitive areas.
 - Avoid dazzle or distraction to drivers on nearby highways.

The developer should be aware that the Clean Neighbourhoods and Environment Act 2005 amended the Environmental Protection Act 1990 to bring artificial light from premises under the statutory nuisance regime as of 6 April 2006. Local authorities now have a duty to deal with light nuisance from premises which they consider to be a statutory nuisance.

Useful contacts:

The Institute of Lighting Engineers, Lennox House, 9 Lawford Road, Rugby, Warwickshire CV21 2DZ, Tel: 01788 576492 <http://www.ile.org.uk/>

Lighting in the Countryside: towards good practice, which is on the website, <http://www.odpm.gov.uk/>. This document is a guide for local authorities, planners, highway engineers and members of the public. It demonstrates what can be done to

lessen the adverse effects of external lighting, including security, street and flood-lights. The advice is applicable in towns as well as the countryside.

Environment Agency – Light Pollution:

<http://www.environment-agency.gov.uk/yourenv/eff/1190084/pollution/152227/>

16. Smoke- Bonfires should not be used on any construction or demolition sites. Burning materials causes smoke that will contain carbon monoxide, particles and a range of noxious compounds. A bonfire will add to the background level of air pollution, which can cause adverse health affects to persons on site and beyond the site boundary. The smoke, smell and smuts from bonfires can also cause annoyance to neighbours and bonfires may get out of control and become dangerous.

The Clean Air Act 1993 makes it an offence to burn any material that results in the emission of dark smoke on industrial or trade premises (including demolition sites), with a maximum fine of £20,000.

The Environmental Protection Act 1990 gives Local Authorities and the Environment Agency the power to control smoke arising from burning waste on site. In cases where complaints have been received, or the Council has reason to believe that burning is to take place and nuisance is likely to occur, an Abatement Notice may be served prohibiting nuisance and specifying steps to be taken to minimise further problems. If the requirements of the notice are not satisfied the local authority can enforce by taking legal proceedings.

Dust.

Dust from demolition and construction work can also damage health and impact upon quality of life by leaving deposits on cars, windows and property. These impacts can be reduced through using measures such as:

- Using water sprays or sprinklers to suppress dust during dust generating activities such as filling skips, breakout of concrete and managing stock piles
- Washing the wheels of vehicles leaving the site if they are carrying mud or debris.
- Erecting solid barriers to the site boundary.
- Ensuring that lorries leaving the site carrying debris or waste are properly covered.
- Cleaning the road and footpath near the site entrance as required.

Where disk cutters are to be used they should have a dust bag, have water suppression or the working area should be wet prior to use of the machinery.

Where demolition or construction is due to occur over greater than one week the contractor should provide the local authority with a dust management protocol. This should detail the identification of dust generating activities, their location, duration and the means by which the dust shall be suppressed.

Under the Environmental Protection Act 1990 dust from a demolition or construction sites may, like smoke, be a statutory nuisance. As above the local authority may serve an abatement notice on the person responsible and take legal proceedings if the notice is not complied with.

Detailed guidance on dust issues relating to construction sites can be found in the Building Research Establishment documents 'Control of dust from construction and

demolition activities' and 'Improving air quality in urban environments: Guidance for the construction industry'.

In addition, the GLA Best Practice Guide for dust, currently in draft format, is seen as the most comprehensive dust management protocol. Contractors should be aware of its details regarding the efficient management of dust and particulate on site.

http://www.london.gov.uk/mayor/environment/air_quality/construction-dust.jsp

Noise.

The redevelopment of a site involving demolition and construction activities will inevitably cause some noise that affects neighbouring residential or commercial properties. You can reduce or avoid annoyance for neighbours by informing the neighbours before demolition or construction work starts telling them about the work and what to expect. Give the neighbours a contact name and telephone number and keep them informed. If a neighbour does make a complaint try to resolve the matter straight away.

Complaints are often made in relation to noise at unsociable hours of the day. We recommend working hours of 8 AM – 6 PM Monday to Friday and 8 AM – 1 PM on Saturdays. No noisy works should be carried out on Sundays and Bank/Public Holidays.

The Control of Pollution Act 1974 gives the council the power to serve a Notice upon contractors or developers which sets out how works should be carried out in order to minimise noise arising from demolition or construction activities. This may involve restricting the hours of noisy operations audible beyond the site boundary, the provision of noise barriers and precluding the use of certain plant.

Developers and contractors have the option of applying to the Council for approval of their works prior to commencement.

Detailed guidance on noise issues relating to construction sites can be found in BS 5228 *Noise control on construction and open sites*. In particular, Part 1, "Code of Practice for basic information and procedures for noise control" will be useful because as well as giving general advice, it describes a method for predicting noise from construction sites.

17. Developers should be aware that there are likely to be other Acts or legislation that are not covered in this document and that acts and regulations identified within the document may have been superseded.

Please note that if you are carrying out demolition works you may need to notify the council as required by the Building Act 1984. This enables the council to protect public safety and ensure that adjoining premises and the site are made good on completion of the demolition. For further information contact London Borough of Newham Council Building Control Service on 020 8430 2000 or Email: reception.bco@newham.gov.uk

If you have any queries about air pollution or noise from construction or demolition sites please telephone or email Public Protection on 0208 430 3820 or pollution.inquiry@Newham.gov.uk.

18. In the event that during construction cranes or scaffolding is required at a higher elevation than that of the planned development then their use must be subject to separate

consultation with London City Airport. Crane operators should be made aware of the British Standard Code of Practice for the Safe Use of Cranes BS71212: Part 1989 (as amended).

Summary of Policies and Reasons:

In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the following is a summary of the reasons for the grant of planning permission, together with a summary of the policies in the development plan which are relevant to the decision to grant permission.

Each of the reasons, set out below, includes a summary of the relevant development plan policies and reflects the topics and issues identified in the committee reports including representations and objections received and matters raised by statutory consultees and the decision has been based on the committee reports, the application drawings and illustrative images of the development and the reports and accompanying assessments submitted by the applicant.

The application was delegated for determination to the London Borough of Newham to determine on behalf of the Olympic Delivery Authority under the terms of the Service Level Agreement between the two Authorities. Consequently, the application was considered at the ODA Planning Committee meeting on 8th March 2011, where the views of the ODA's Planning Committee were sought in informing the London Borough of Newham's decision on the application, which was considered at a meeting of the Strategic Development Committee of the London Borough of Newham on 17th May 2011.

The Minutes of the ODA's Planning Committee meeting provide a full record of the consideration of this development and the discussion and debate at the meeting. In summary, the following issues in particular were discussed at the meeting of 8th March 2011:

- A Member queried the difference in the emphasis between the recommendation in the original Committee Report and the Update to that Report. The Officer explained that the differences resulted from having additional time to negotiate issues due to the London Borough of Newham determining the application at a later date than was originally envisaged. The Legal Advisor to the Committee then suggested a slightly altered recommendation in order to take the Committee's discussions into account. The insertion of the words "subject to the outstanding issues being resolved to Officers' satisfaction" at the end of the recommendation at paragraph 2.5(i) of the Update.
- A Member queried the height of the application building, noting that it seemed to be very tall. The Member was concerned that it detracted from the arrangement of tall buildings at other parts of Stratford High Street to draw attention to the centre of Stratford. The Officer noted that the height was as a result of the challenging constraints at the site and that the height had a positive impact in terms of noise and air quality for those residents who would live higher up in the development. The need to locate the carpark on a level with the flyover to ensure that residential elements of the development were located away from the flyover was a further reason for the height of the development. The applicant commented that significant time had been spent on ensuring that the form of the building was elegant and that reducing the height would detract from this elegance.
- A Member queried the suitability of the indoor play areas provided for residents under 15 years of age at the development. The applicant confirmed that the space was secure and protected and could be used all year round, with the management of the space sitting

with the management company for the development. The Head of Development Control drew Members' attention to a proposed section 106 obligation dealing with the management of the space. A Member requested that the obligation be expanded to include residents in the management of the space.

- A Member queried the amount of affordable housing to be provided. The Head of Development Control confirmed that this was an issue that would be discussed with the applicant further. The Member confirmed support for the Head of Development Control's negotiations to secure more certainty on the affordable housing offer.

On balance and taking into account material considerations, the ODA's Planning Committee resolved on 8th March 2011 to agree that the ODA Planning Committee provide their views and general support that the scheme is acceptable in principle subject to the outstanding issues being resolved to Officers' satisfaction; agree that the ODA Planning Committee enter into a Section 106 Agreement in accordance with the Heads of Terms summarised in the Committee Report as updated; agree that the London Borough of Newham be advised that they should not reach a final view or resolve to grant planning permission until all the outstanding concerns set out at Section 10 of the Committee Report as updated have been fully assessed and addressed; agree that the London Borough of Newham be advised that the grant of permission be subject to the Heads of Terms for the Section 106 Agreement and subject to the imposition of conditions set out at Section 10 of the Committee Report as updated; and agree that the ODA Committee grant delegated authority to the Head of Development Control to negotiate the detail and complete the Section 106 agreement on the terms as summarised in the Committee Report as updated and issue the permission with the conditions as set out in Committee Report as updated (subject to such refinement as the Head of Development Control considers appropriate during the negotiation of the Section 106 Agreement).

The Strategic Development Committee of the London Borough of Newham reached its decision on the planning application on the basis of the Committee Report, the presentations at the Committee and the comments of the speakers who addressed the Strategic Development Committee speaking against the Recommendation in respect of the planning application.

The Minutes of the Strategic Development Committee of the London Borough of Newham meeting provide a full record of the consideration of this development and the discussion and debate at the meeting. In summary, the following issues in particular were discussed at the meeting of 17th May 2011:

- The Committee Chair queried the design merits of the scheme. Peter Ahrends, the Committee's Design Advisor, advised that the application had been refined; the architect had addressed the concerns of the LB of Newham Design Review Panel and made a number of significant improvements.
- A Committee member asked about the impact on 14-26 High Street development. The Presenting Officer advised that the impact was assessed and considered acceptable.
- A Committee member queried the height of the development. The Presenting Officer advised that the height of the building had been subject to considerable discussion, and the distinction between the two was deliberate.
- In response to a query about the extent of public consultation the Presenting Officer confirmed that 2 rounds of consultation were held in November 2011 and January 2011, plus advertisements placed in the local press. Committee notification letters and e-mails were sent to local residents who had responded to the consultation, on 9 May 2010, the date of the agenda despatch which is the normal practice.

- A Committee member queried the wind impacts of the development. The Presenting Officer agreed that if the Committee were mindful to approve the application, a condition relating to wind assessment would be imposed.
- A sample of the proposed fabric; metal ribbon mesh fabric in contrasting bronze colour to wrap around both building was circulated at the meeting. Peter Ahrends added that the Design Review Panel originally has a difference of opinion regarding the materials. The Committee was also advised that the material was very robust, with an 80 year life span. The maintenance of the building involves an annual deep clean. The Presenting Officer agreed that if the Committee were mindful to approval the application, condition 5 would be amended, to incorporate details of maintenance of the aging of the materials.

On balance and taking into account material considerations, the Strategic Development Committee of the London Borough of Newham resolved on 17th May 2011 to agree the reasons for approval and delegated authority to the Divisional Director of Development Services to grant full planning permission for this application subject to referral to the GLA, the completion of a S106 and the conditions set out in the LB of Newham Committee report.

The Development Plan for the area comprises of the London Plan, adopted July 2011; the London Borough of Newham Local Development Framework Core Strategy Development Plan Document, approved by the Council to be adopted on 26 January 2012; and extant policies of the London Borough of Newham Unitary Development Plan (saved policies 2007).

1. Regeneration

Within the identified area major development proposals will secure change and contribute to the integration these development lands with existing neighbourhoods in the borough and beyond. The principles embodied in this objective reflect the aims and objectives of the London Plan which sets out the Mayor's commitment to use the Olympic and Paralympic Games to deliver economic, social and environmental change within east London to close the deprivation gap between the host boroughs and the rest of London. The re-development of the application site will contribute toward the regeneration of the area and the emergence of a new neighbourhood at Sugar House Lane/Pudding Mill/Three Mills.

Several examples of tall buildings have been granted permission in the past four to five years, including the adjoining development at 14-26 High Street which includes a 22 storey residential tower. Within the adjoining LB Tower Hamlets a 16 storey residential development has also recently been completed opposite the application site at 2-23 Payne Road. Officers assess that the principle of providing a high density mixed use residential-led development was consistent with development plan policies which seek to maximise potential on Brownfield sites to achieve local and strategic housing need. London Plan policy seeks to increase London's supply of housing. The proposed 191 residential units would make a contribution towards the new housing target for Newham. The principle of residential development is therefore considered acceptable and established by development plan policy. The principle of providing a high density mixed use residential-led development is consistent with the development plan and the proposals are in accordance with the following policies;

London Plan July 2011

2.4: The 2012 Games and Their Legacy:

The Mayor will work with partners to develop and implement a viable and sustainable legacy for the Olympic and Paralympic Games to deliver fundamental economic, social and environmental change within east London, and to close the deprivation gap between the Olympic host boroughs, and the rest of London. This will be London's single most important regeneration

project for the next 25 years. It will sustain existing stable communities and promote local economic investment to create job opportunities (especially for young people), driven by community engagement. All strategic planning applications will be expected to demonstrate how they will help to achieve Convergence outcomes.

2.13: Opportunity Areas

The site is within the Lower Lee Valley Opportunity Area. Within such an area development should support the wider regeneration objectives; contribute towards meeting housing and employment targets, make the best use of transport infrastructure and promote inclusive access, including walking and cycling.

2.14: Areas for Regeneration

Within the areas for regeneration shown on Map 2.5 the Mayor will work with strategic and local partners to co-ordinate their sustained renewal by prioritising them for neighbourhood-based action and investment.

Newham Local Development Framework Core Strategy Development Plan Document January 2012

S1 – Spatial Strategy

The objective of this overarching spatial strategy is to focus major development proposals in the 'Arc of Opportunity' to secure transformational change for the borough and its residents and to integrate the Arc with the existing neighbourhoods elsewhere in the borough and beyond. The priority is to build communities that work and to ensure that growth contributes to achieving convergence. It is proposed to provide 37,500 homes between 2012 and 2027, but this must not be at the expense of creating new jobs for residents and the creation of mixed and balanced communities.

The policy will support proposals which address the following criteria (inter alia);

1. Creation of new and rejuvenated communities across the borough, through investment and improved access to jobs, business opportunities, homes and services;
2. Achieve a lasting Olympic Legacy;
3. Achieve a major shift from traditional industrial activity towards higher value employment uses in emerging growth sectors;
4. Promote genuinely mixed use areas where employment uses sit comfortably with housing and supporting services;
5. Prioritise quality new family housing over smaller residential units;
6. Provide new or enhanced social and green infrastructure where these are required to support new housing and address existing deficits;
7. Promote new or enhanced open space and walking and cycling routes, including along the Lower Lea Valley and other Blue Ribbon corridors;
8. Improve connectivity both within the borough and to areas beyond it through strategic and local transport investment including new river crossings;
9. Support the development of a decentralised energy network.

S2 – Stratford and West Ham

The area will play a central role in the delivery of the Olympic Legacy by developing Stratford as a thriving Metropolitan Centre that acts as hub for new and rejuvenated communities, employment and education; makes strong connections between the existing town centre and surrounding areas and becomes a vibrant piece of new city supported by heritage assets, waterways and green space that will serve an international and regional community whilst retaining the distinct heritage and character of this part of London's East End.

The policy sets out that new and rejuvenated communities providing approximately 19,700 new additional homes will be developed in this area. Proposals which address and, where appropriate, accord with the following will be supported;

1. Contribute to the creation of a Metropolitan Centre at Stratford, including a wide spectrum of uses that are linked to new and rejuvenated neighbourhoods within and beyond the borough;
2. Improve connectivity to overcome barriers to movement caused by railways, roads, waterways and key development sites to increase integration with surrounding areas and between new and existing communities;
3. Sensitively integrate heritage assets within new areas of development to enhance the built environment;
4. Ensure all new development is closely integrated with its surroundings to create successful high quality and well connected areas, including the limitation of new buildings to identified suitable locations;
5. Ensure all new development is supported by the timely provision of infrastructure;
6. Improve the provision, quality and access to open space, including the Greenway and waterways;

The Pudding Mill Lane, Sugar House Lane and Three Mills sites are considered together to have the critical mass needed to create a successful new neighbourhood for homes and businesses. It is stressed that it will be important to link Pudding Mill and Sugar House Lane via a link over the High Street.

S09 – Pudding Mill Lane

The site will be de-designated from a Strategic Industrial Location in order to recognise its regeneration potential and ensure a good relationship with surrounding new and rejuvenated areas. The site is to be developed for mixed use comprising employment uses, residential and community uses with a new local centre focussed around Pudding Mill Lane DLR station and improved links north-south through the site to Stratford High Street. The indicative residential typology is given as medium density with a high proportion of family housing.

2. Land Uses

i. Employment

The redevelopment of the site will include 639m² of commercial space and a 155m² Gym which would generate employment activities consistent with London Plan policies. The applicant has committed to measures to ensure that local residents and businesses benefit from the development and the GLA have recommended that such measures be secured in the Section 106 agreement.

In order to address the current level of vacancies within ground floor commercial and retail units along Stratford High Street, it has been agreed that the commercial units be used as business incubator units in the short term and this is secured through a Section 106 obligation.

It is considered that in addition to having economic benefit for the locality, the incubator units would provide a positive design outcome by ensuring a degree of animation and activity at ground floor which would enhance and have a positive impact on the streetscape. Furthermore, financial contributions towards labour initiatives and a Local Labour Commitment Scheme are also secured as a Section 106 obligation.

The creation of employment floorspace would be in accordance with the following policies;

London Plan July 2011

4.1: Developing London's Economy

Broad-based growth of London's economy is encouraged by seeking to ensure that there are sufficient workspaces, environments, skilled workforces and infrastructures available to enable enterprises of all kinds to develop and innovate.

4.12: Improving opportunities for all

Strategic development proposals should support local employment, skills development and training opportunities.

Newham Local Development Framework Core Strategy Development Plan Document January 2012

J3 – Skills and Access to Employment

The objective of the policy is to improve educational attainment, skills and raise aspirations to contribute towards eliminating the deprivation gap between the Olympic host boroughs and the London average by 2030. All major developments will be required to ensure that the borough's residents can access work and share in the increasing wealth associated with the expanding local and London-wide economy.

ii. Housing

The residential development will contribute toward meeting the housing needs of the borough and London as a whole. The density of the development is appropriate for the location of the site and its proximity to public transport links.

London Plan Policy establishes the approach to negotiating affordable housing on site, and states that 'The maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes' taking account of a range of factors including local and regional requirements, the need to encourage rather than restrain development, and viability.

LB of Newham's Housing Officers have assessed the viability of the scheme and have been in detailed discussions with the applicant in relation to the affordable housing on site and consider that there are constraints to on site provision, namely the high rise design and location adjacent to busy roads. For these reasons they consider that a payment-in-lieu of on-site provision to deliver affordable family housing would be appropriate. They have therefore considered that a review mechanism is the most appropriate mechanism likely to generate a reasonable affordable housing offer.

Objections

Objections were raised in respect of: **Social Problems**. Representations were received which stated that High rise building create and deepen social problems and exacerbate future problems, including a lack of creativity and individual freedom. Officers assessed that the high quality design and resulting public realm enhancements would not exacerbate social problems. The proposal is therefore considered to be acceptable in respect of this issue.

The proposal is considered to be in accordance with the following policies;

London Plan July 2011

3.3: Increasing Housing Supply

There is a pressing need for more homes in London in order to promote opportunity and provide a real choice for all Londoners in ways that meet their needs at a price they can afford.

3.4 Optimising Housing Potential

Housing development for different types of location should be optimised. The accompanying table sets out broad ranges of density for residential development based on accessibility to public transport to optimise

3.8 Housing Choice

New development should offer a range of housing choices, in terms of mix of sizes and types; all new housing should be built to 'Lifetime Homes Standard' and 10% should be designed as wheelchair accessible.

3.9 : Mixed and Balanced Communities

Communities mixed and balanced by tenure and household income should be promoted across London through incremental small scale as well as larger scale developments. A more balanced mix of tenures should be sought in all parts of London.

3.10 : Definition of Affordable Housing

Affordable housing includes social rented and intermediate housing provided to specific eligible households whose needs are not met by the market.

3.11: Affordable Housing Targets

The Mayor will, and boroughs and other relevant agencies and partners should, seek to maximise affordable housing provision and ensure an average of at least 13,200 more affordable homes per year in London over the term of the Plan. 60% of affordable housing should be for social rent and 40% for intermediate rent or sale. Priority should be afforded to the provision of affordable family housing.

3.12: Negotiating affordable Housing on Private Residential and Mixed Use Schemes

The maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes, having regard to current and future requirements for affordable housing at local and regional levels; adopted affordable housing targets; the need to encourage rather than restrain residential development; the need to promote mixed and balanced communities; the size and type of affordable housing needed in particular locations; and the specific circumstances of individual sites. Negotiations on sites should take account of their individual circumstances including development viability and the availability of public subsidy.

3.13: Affordable Housing Thresholds

Affordable housing should normally be sought on a site which has capacity to provide 10 or more homes.

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H1 – Building Sustainable Mixed Communities

The policy aims to build sustainable communities in quality neighbourhoods with the right mix and balance of housing types, sizes and tenure where residents feel safe and choose to live, work and stay.

New development should fit in with the existing urban character and scale. Development proposals should be of high quality design; contribute to an increase in the number of quality homes; seek to provide 39% of all homes with 3 bedrooms or more; ensure that all new homes meet Lifetime Homes standard and 10% be wheelchair accessible or easily adaptable; meet the internal space standards of the London Plan as a minimum; and be of a density that reflects local context and character, be appropriate in relation to the availability of open space (including public

green space, private gardens and play space), transport, retail, community and other supporting facilities.

H2 - Affordable Housing

The Council will ensure that communities are places where residents can afford to live and are adaptable to their changing economic circumstances. The policy aims to ensure that 50% of all new homes built over the plan period will be affordable. New development on sites with capacity for 10 or more units should provide between 35-50% of the proposed units as affordable housing, comprising 60% social housing. In considering planning applications the Council will have regard to the following when determining appropriate mix and tenure;

1. Scheme viability
2. The availability of subsidy
3. The existing mix of housing in the area
4. The individual circumstances of the site in terms of site conditions, local context and features.
5. The availability of required infrastructure and community facilities for residents.

The primary concern will be the need to secure quality mixed and balanced communities. Off-site provision will only be considered in very exceptional circumstances.

3. Design

Comments from adjoining residents have been considered as part the assessment of the application. The development will impact on the outlook, levels of daylight and sunlight and the perception of overlooking for some adjoining properties however, on balance it is not considered by officers that the magnitude of the impacts in relation to BRE guidelines warrants a refusal of planning permission when considered in relation to the quantity of properties affected, the planning policy context for the site, the design quality of the development and the other benefits set out in these reasons for approval, including the positive redevelopment of this prominent but under used brown-field site.

The location of the proposed tower would contribute toward the legibility of the regenerated area. The proposed development would be viewed as an additional tall building within the context of other existing and proposed tall buildings, together creating a cluster that will signify the regeneration of this new neighbourhood.

Although CABE and the Council's DRP have raised concerns in relation to the 'architectural expression' of the proposed development and the massing at the base of the development (ground to third floor level) they do support the overall scale and height of the development. CABE state that they think the location of the site at a crossroads of major highway infrastructure and waterways, and its proximity to the Olympic Park, means it is well placed to accommodate tall buildings. CABE support the principle of the development and consider that the heights of the two towers relate positively to one another. CABE also consider that the location of car parking at second and third floor levels is a convincing response to the proximity of the A11 flyover.

Illustrative long sections submitted in support of the application show the proposed height of the two towers relative to surrounding approved and existing structures along Stratford High Street and the Olympic Stadium. The 35 storey tower would have a height 8 storeys less than the approved 43 storey tower at 150 Stratford High Street but have a height greater than that of the Olympic stadium and neighbouring development to the east and west, at 2-23 Payne Road and 14-26 Stratford High Street respectively, and would be visible in long views around the application site.

English Heritage provided a response noting that the application site is located close to a range of heritage assets including the designated Sugar House Lane Conservation Area and Fairfield Road Conservation Area (LB Tower Hamlets) and the Church of St Mary's Bow (LB Tower Hamlets) which is listed at Grade II*. A Grade II* building is classified as a building of more than special interest. The applicant submitted a number of contextual images showing the setting of the Church of St Mary's Bow as it currently exists and as proposed with the two proposed towers at 2-12 High Street noting that design development has had regard to the listed church. The taller of the two towers is proposed to be located at the eastern extent of the application site furthest away from the listed church and Fairfield Conservation Area, with the shorter 15 storey tower in the foreground. Both towers are orientated such that they present their slenderest profiles when viewed from the approach along the Bow Road/A11 towards Bow Church and only become prominent at the point where the alignment of the A11 shifts slightly northwards near its intersection with Fairfield Road. Officers assessed that the setting of the Conservation Area and the listed church are influenced by the church's location on an island site bordered by dense mature evergreen tree planting and the A11 which surrounds the church on both sides. The Bow Flyover provides an unsympathetic backdrop to the church when viewed from the west. The Fairfield Conservation area is also bordered by significant infrastructure to the east and south. Although the proposed development will be visible when approaching the church it is considered that the significant highway infrastructure surrounding both the listed building and conservation area serve to provide a degree of visual and physical severance between the church and the proposed towers. Although the towers are viewed as a slender pair of buildings in the background they are not read within the immediate context of the church which is clearly detached visually and physically. The church sits within its immediate context of similarly scaled buildings along Bow Road/A11 and mature tree planting. The relatively fine building grain of 4-5 storey buildings surrounding the church is abruptly terminated at Payne Road by the existing 16 storey mixed-use scheme and only a single storey McDonalds, significant highway infrastructure and the River Lea are located in the last 150m approach towards the site. This 150m visual 'break' was considered to allow for the commencement of contemporary and taller building forms at this gateway location which are not considered to detract from the character of setting of the Fairfield Conservation Area or the listed Church which are sited to the west across the A12. Within the context of the church and conservation area it has been assessed that the high quality, but visually recessive material and colour selections are appropriate and would ensure that the towers provide a suitable backdrop when approaching from LB Tower Hamlets.

Although the proposed towers will clearly represent a new insertion in the skyline to the east of the listed church and conservation area it was assessed that on balance, although the proposed buildings would have an impact on the setting of the listed church within the locality and on the conservation area that the nature of the impact is acceptable given the quality of the development and its role at a Gateway location.

Objections

In summary, objections were raised in respect of:

- ***Size and height of the building*** - *The buildings proposed will be significantly higher than the buildings in the One Stratford development.*
- ***Wind Impact***

A summary of the assessment of the amenity impacts on surrounding properties is set out below. Officers assessed that the rationale which informed the layout, scale and massing of the development has sought to use the building form as a means of mitigating against the environmental constraints of the site and thereby create a series of microclimates towards the waterway and above the Bow Flyover that are more amenable than that the current conditions on

site. Essentially, the buildings are designed to act as screens or shields which protect and improve the conditions on the majority of the site and towards the waterway.

The submitted Sunlight and Daylight assessment confirms that the proposed open space fronting onto the Bow Back River at ground floor will receive reasonable amounts of sunlight in the afternoon and evenings, with some sun at 11am and noon during summer and uninterrupted sunlight for the entire ecological area from 3pm onwards during both summer and winter.

A wind study was submitted with the application which assesses the impact of the proposed development on wind conditions in the vicinity. The study was assessed by the ODA PDT's environmental consultants who considered the report acceptable in principle subject to appropriate mitigation measures for example landscaping. Revised plan were submitted in March 2011 which included the removal of the bike store located in the ground floor void and planting of additional trees adjacent to the river walkway. It was assessed that the removal of the bike store will require additional mitigation measures to be put in place. A condition has been imposed requiring further details of wind mitigation be submitted. Taking into account the above, it is not considered that the proposed development would give rise to any undue microclimate conditions which would compromise the comfort of pedestrians around the building.

In terms of appearance, Officers consider that the overall massing, scale and height of the buildings and overall principle of the scheme's architectural treatment and material section are well handled. The architectural expression and form of the buildings is not overt but a sophisticated response to contexts and challenges of the site which will provide a high quality architectural insertion into the streetscape and provide an improvement on the current situation. Although divergent views have been provided on various matters relating to the appearance of the scheme, LB of Newham Design Review Panel, the GLA and Design for London consider that the scheme demonstrates design quality and it is not considered that the appearance or design of the scheme is a reason for refusal.

The proposal is therefore considered to be acceptable in respect of this issue.

The proposal is considered to be in accordance with the following policies;

London Plan July 2011

7.1 Building London's Communities and Neighbourhoods

Development should enable people to live healthy, active lives. The design of new buildings and spaces they create should help reinforce or enhance the character, legibility permeability and accessibility of the neighbourhood.

7.4 Local Character

Development should have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings.

7.6: Architecture

Architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context.

7.7 Location and Design of Tall Buildings

Tall buildings should be located where they make a significant contribution to local regeneration. They should be of the highest architectural quality and should not have a negative impact on the amenity of surrounding uses.

7.8 Heritage assets and archaeology

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SP3 – Quality Urban Design within Places

Seeks to secure a high quality of urban design in new buildings and spaces created, contributing to safe, sociable and inclusive mixed and balanced communities and places that people feel proud of. Development will be expected to realise a high quality of urban design in the new buildings and spaces that are created, helping to engender safe, sociable and inclusive mixed and balanced communities and places that people feel proud of.

Proposals that address the following criteria will be supported;

- 1 Contribute towards the creation and continued support for mixed use areas with an integrated range of high quality accommodation for living, community facilities and workplaces, ensuring easy and inclusive access to these and associated walking, cycling and public transport links.
- 2 Avoid problems related to 'bad neighbour' uses, vacant premises and inactive frontage, flood risk and cumulative impact.
- 3 Minimise environmental impact, incorporate sustainability features into buildings, spaces and neighbourhoods at an early stage of the design process.
- 4 Seek to reinforce local character and secure integration and coherence with the local context.
- 5 Make the public realm attractive as a social meeting place to be enjoyed by the whole community, creating a sense of safety and security and help to prevent crime and anti-social behaviour.
- 6 Provide legible, connected networks of streets, spaces and parks conducive to travel on foot or by bike.

SP4 – Tall Buildings

The policy seeks to control the location and form of new tall buildings in the borough on a strategic basis to ensure they contribute to best effect in signifying regeneration and creating successful places.

Locations on strategic sites with good public transport access within the Arc of Opportunity will be regarded as suitable locations for tall buildings where they will contribute to legibility, place-making and sustainable community objectives, whilst ensuring sufficient space between clusters. It is expected that tall buildings will meet exemplary design and management standards paying particular attention to local context, the strength and weaknesses of tall buildings and the importance of integration with and positive contribution to their surroundings.

SP7 – Quality Movement Corridors and Linear Gateways

The objective of this policy is to reinforce the positive role performed by the borough's principal street networks, key movement corridors and linear gateways to and within the borough through interventions in the public realm and good urban and architectural design. Stratford High Street is defined as one of the Key Movement Corridors and Linear Gateways.

Development proposals should address the desirability of reclaiming the streets for people by introducing active frontage to their edges that stimulates social activity and interaction along them. There is a need to enclose the street and to reduce the noise and air pollution impacts of passing traffic.

4. Amenity – Proposed development and adjoining occupiers

85% of the proposed apartments are dual aspect. 29 out of 191 units are single aspect and comprise 28 x one-bedroom (2 person) apartments and a single 3-bedroom (5 person) apartment all located in Tower 2. All single aspect apartments are west-facing. Residential layouts within

each tower have been designed in order to reduce plan depth and maximise the number of windows and therefore daylight/sunlight access to each habitable room.

Tower 1 is proposed to accommodate a maximum of 4 residential units per floor which are serviced by a double lift core. Tower 2 is proposed to accommodate a maximum of 5 residential units per floor, with a triple lift core servicing Ground to 33rd Floor and two lifts serving the 34th Floor.

Design For London have commented that 'Generally the flat layouts look particularly promising and are maximising their potential in terms of space layout, views and outside space' and further add that 'It is good to see that the scheme seeks to achieve high standards of design but it is imperative that it also meets the requirements of the London Housing Design Guide which is specific to London'. It is considered that in relation to the numerical standards for minimum internal dwelling areas and private amenity area, as considered below, and minimum floor to ceiling heights that the scheme is assessed to be in compliance with the requirements of the interim London Housing Design Guide.

Although it is acknowledged that most apartment plans have an irregular geometry in comparison to more orthogonal plan types, as each floor plate has been designed as a deliberate response to maximise available daylight and sunlight and minimise apartments with unfavourable outlooks it is considered that the layouts proposed are acceptable and the floor plans submitted demonstrate that furniture can be feasibly accommodated within each unit type whilst retaining adequate circulation space within each unit.

Daylight and Sunlight - 7.5.7 15% of the proposed apartments are single aspect, comprising 28 x one-bedroom (2-person) apartments and a single 3-bedroom (5 person) apartment all located in Tower 2. All single aspect apartments are 1-bedroom units and are west-facing.

A daylight and sunlight assessment has been submitted with the application indicating predicted Vertical Sky Component (VSC) and Annual Probably Sunlight Hours (APSH). The APSH predictions indicate that for those windows facing within 90 degrees of south that proposed values of APSH of at least 25% of the total, including at least 5% in winter should be achieved. The VSC modelling indicates that in general the buildings will retain the potential for good interior diffuse daylighting as facades appear to have VSC value of 27% or more in accordance with BRE guidelines.

All apartments include private amenity areas in the form of balconies or terraces. Balconies are enclosed, extending their usability year round, providing an extension to living areas and providing mitigation against the environmental constraints of the site. Balconies have been designed with operable glazed screens to allow residents to modulate their own environments. Balconies are generally located at the corners of each floor plate providing views in at least two directions and reinforcing the shape of the building form.

In addition to external private amenity space described above a further 823m² of external open area is proposed throughout the development. This is inclusive of external Children's Play Space, as set out below.

280m² of external community space in the form of two private roof terraces is proposed at 4th Floor and a communal roof terrace is proposed at the top of Tower 2 for use as a viewing platform which is protected from the wind by glazed screens. This space has a proposed area of 74m².

The smaller space at 4th Floor, with an area of 74m², directly adjoins the proposed crèche. A larger area at 4th Floor, interlinking the two towers, is proposed as a shared amenity space with fixed play equipment for children plus seating areas and comprises the remaining 206m². Following comments from the GLA the applicant currently proposes to divide the area into a dedicated play space of 103m² and general amenity space within the other half of the space. The external spaces at 4th floor are linked to two internal children's play areas that provide all weather play space. The Landscape Strategy submitted in support of the application notes that this area will incorporate glazed noise barriers which would be integrated into the façade.

The submitted Air Quality assessment submitted in support of the application notes that air quality levels at the proposed 4th floor roof terraces are predicted to be in line with the annual limit value for the protection of human health for Nitrogen Dioxide set within the EU Air Quality Standards and the national air quality objective.

An ecological area is also proposed at Ground Floor to provide communal amenity space and would have an area of 469m². However, as this area is publicly accessible, providing a link between the highway and waterfront, it is considered that it is less likely to be used by residential occupants and would not make a suitable play area due to the sloping topography, visual separation from dwellings above and lack of enclosure required for play area. The benefit of this space is primarily considered to be in relation to its benefit in enhancing connectivity through the site and providing a waterfront setting for passive recreation and visual amenity and biodiversity benefit.

Objections

In summary, objections were raised in respect of:

- **Loss of daylight/sunlight**
- **Undue loss of privacy to 14- 26 High Street Stratford**
- **Air Pollution**
- **Noise**

In respect of loss of daylight/sunlight:

Daylight and Sunlight Impacts on Adjoining Occupiers

Daylight – The applicant undertook a Daylight and Sunlight assessment regarding the impacts of the development on adjoining properties in terms Vertical Sky Component (VSC), No Sky Line, Average Daylight Factor (ADF), Annual Probable Sunlight Hours (ASPH) and permanent overshadowing.

VSC is a measurement of daylight received at a window. BRE guidance suggests that where a proposed VSC value is less than 27%, then the resultant value should not be less than 0.8 times its former value. No Sky Line or Daylight Distribution assesses the change in position of the No Sky Line between the existing and proposed situations. ADF measures the adequacy of daylight within a room. BRE guidance suggests that acceptable ADF depends on the use of the room and should be 1% for a bedroom, 1.5% for a living room and 2% for a kitchen. ASPH measures levels of sunlight at windows facing within 90 degrees of south. BRE guidance suggests that proposed values of ASPH should be at least 25% of the total, including at least 5% in winter. Where the proposed value falls short then the resultant value should not be less than 0.8 times its former value.

Daylight to 14-26 High Street, Stratford, Block A1 - All windows serving this property meet the BRE guidelines in terms of VSC and No Skyline. However 3 bedroom windows fall below ADF guidelines. The percentage loss would be 10% for two of these bedrooms and 14.3% for the other bedroom. Therefore the proposed development would have some detrimental impacts on these 3 windows in terms of daylight.

Daylight to 14-26 High Street, Stratford, Block A2 - Only the windows in the southern elevation of this building are a consideration in terms of daylight as all other windows in this property do not face directly onto the development site and will not be directly impacted by the proposal. The analysis shows that 31 windows (20 bedrooms and 11 living room) will experience more than a 20% change in their existing VSC values and will be left with less than 27% VSC resulting in a loss of daylight. The applicant considered that many of these windows relate to rooms which are lit by either more than one window or that have large windows, it is important to take note of the No Skyline and ADF analysis. Officers agreed that this was the appropriate process for assessment. This demonstrates that every room will see no change in their No Skyline results and all rooms meet the BRE requirements. In addition, all rooms also meet the BRE and British Standard requirements in terms of Average Daylight Factor. On this basis although there will be some change to the sky visibility as a result of this development the level of daylight and its distribution within the existing accommodation in Block A2 was considered to be reasonable in relation to the relevant guidelines.

Daylight to 14-26 High Street, Stratford, Block B - The reports identifies that 6 windows serving this property would experience a loss of VSC below 27%, although the percentage loss for these windows would be less than 10%. Again all windows would meet the BRE Guidelines in terms of No Skyline and ADF. Therefore the impact of the proposed development upon this property was assessed to be negligible and was considered to be reasonable in relation to the relevant BRE guidelines.

Daylight to 14-26 High Street, Stratford, Block C - Only the windows in the south-western elevation of this building are a consideration in terms of daylight as all other windows serving this property do not face directly onto the development site. The VSC analysis shows that there are 33 windows which see more than a 20% change in their existing VSC values and that are left with under 27% VSC in absolute terms. However, the daylight distribution within the habitable rooms remains substantially unaffected by the proposed development. This was demonstrated by the No Skyline analysis which shows that all rooms see no change in their existing No Skyline area and that all rooms continue to enjoy in excess of the BRE and British Standard minimum guidelines for ADF with the exception of one living room where the proposed ADF value is reduced from 1.6% to 1.4% falling below the recommendation of 1.5%. There would consequently be some loss of daylight to this living room.

Sunlight - Only windows facing within 90 degrees of due south are relevant for sunlight assessment in accordance with the BRE Guidelines:

Sunlight to 14-26 High Street, Stratford, Block A1- A total of 3 bedroom windows would experience a loss of APSH below the recommended 25%, with the resultant values being 23-24%. The percentage loss would however be relatively minimal being between 4-11.5%. Nonetheless, there would be some noticeable sunlight impact for these 3 bedroom windows.

Sunlight to 14-26 High Street, Stratford, Block A2 - All windows in this property meet the BRE Guidelines in terms of sunlight and therefore the impact of the proposal was assessed acceptable.

Sunlight to 14-26 High Street, Stratford, Block B – All windows in this property meet the BRE Guidelines in terms of sunlight and therefore the impact of the proposal was considered acceptable.

Sunlight to 14-26 High Street, Stratford, Block C - According to officer analyses of the submitted assessment a total of 12 living room windows would experience a loss of APSH either below the recommended 25% or where already below 25% experiencing a loss greater than 20% of the formal value. The applicant considers that although there will be some noticeable change in sunlight to these rooms, given the number of windows which these rooms enjoy sunlight through, the change was not considered to be detrimental to the amenity of the accommodation. Officers consider that there would be some noticeable sunlight impact for these living room windows when considered in relation to BRE guidelines.

Transient Overshadowing - In summary the BRE document states the following:- 7.12.35 *"It is suggested that, for it to appear adequately sunlit throughout the year, no more than two fifths and preferably no more than a quarter of any garden or amenity area should be prevented by buildings from receiving any sun at all on 21 March. If, as a result of new development, an existing garden or amenity area does not meet these guidelines, and the area which can receive some sun on 21 March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable"*.

The applicant submitted an overshadowing study. It was assessed that there would be a direct and noticeable loss of sunlight to the 14-26 High Street courtyard in the afternoons as a result of the development. The courtyard would however receive the same levels of sunlight as existing for the remainder of the day. Overall officers assessed that the proposed development would have some impacts on levels of daylight and sunlight for 14-26 High Street in relation to BRE guidelines. In terms of daylight, a total of 70 windows (50 living room windows and 20 bedroom windows) would not directly comply with VSC, although importantly only 4 of these windows (3 bedrooms and 1 living room) would then fail ADF (ADF being the more accurate/detailed assessment methodology). In terms of sunlight a total of 15 windows (3 bedrooms and 12 living room windows) would not directly accord with APSH. There would also be noticeable overshadowing of the amenity courtyard in the afternoon in comparison to the existing situation.

In terms of the impact on residential amenity in terms of daylight, sunlight and overshadowing it was assessed that on balance that the magnitude of the impacts in relation to BRE guidelines did not warrant a refusal of planning permission when considered in relation to the quantity of properties affected, the planning policy context for the site, the design quality of the development and the other benefits set out in the committee report, including the positive redevelopment of this prominent but under used brown-field site.

The proposal is therefore considered to be acceptable in respect of this issue.

In respect of undue loss of privacy to 14- 26 High Street Stratford: LB of Newham's SPG Residential Planning Guidelines states that distances between windows and existing or proposed habitable rooms should be 21m up to 3 storeys, 25m up for 4 storeys, or be suitably designed to prevent views out. The SPG also states that distances between balconies/roof terraces and existing or proposed habitable rooms or gardens should be 21m at first floor, 25m if at second floor and 30m if at third floor. The Interim London Housing Design Guide notes that past planning guidance on visual privacy issues has been concerned with achieving visual separation between dwellings by setting a minimum distance of 18-21m between facing homes, which is considered to still be a useful yardstick for visual privacy. The guidance however notes that adhering rigidly

to these measures can limit the variety of urban spaces and housing types in the city, and can sometimes unnecessarily restrict density.

14-26 High Street is located to the east of Cooks Road. The nearest residential block within that development is Block A2, all other Blocks are located over 30m away and in accordance with Residential Planning Guidelines and the Interim London Housing Design Guide cannot be considered to be close enough to experience detrimental privacy impacts as a consequence of the proposed development. The nearest neighbouring units at 14-26 High Street are shown in the appendix 4 to the report. The minimum separation distance between the eastern wall of the proposed development at 2-12 High Street and the western wall of 14-26 High Street is approximately 13-15m for the first 5 storeys of both developments. Residential floors at 2-12 High Street are further set in from the site boundary such that a minimum separation distance of between 21-25m is proposed. The relationship between the two developments was assessed fully in the committee reports presented to Members.

The lower storeys of the most easterly section of the proposed development accommodates non-residential uses in the form of offices, commercial and two car parking levels which do not require east facing windows. Submitted drawings show that above Ground Floor the eastern wall will be solid and have no overlooking impact on 14-26 High Street. One of the external play spaces is proposed to be located at 4th floor and would be within 13-15m of the most westerly wall of 14-26 High Street. The play space will have a masonry wall over 2m in height and will not allow views out towards 14-26 High Street. This is considered to be the only space within proximity of the neighbouring dwelling which could give rise to a discernable level of increased noise. However, taking into account the urban context of the site adjoining the Bow Flyover and High Street and the predicted background noise levels fronting onto Bow Flyover and High Street it is considered that it would be unlikely that this outdoor area could result in noise disturbance that would be greater than existing background noise levels and materially harm the amenity of occupiers at 14-26 High Street.

In relation to residential separation distances, it is considered that out of the 191 proposed units only 3 units, one at 4th Floor and the two at 5th Floor, have the potential to result in a material impact on the privacy of the adjoining development as a consequence of having a wall 21-25m away from 14-26 High Street's western wall. At 6th floor and above, the separation distance between the two buildings either exceeds 25m or sightlines are at a higher level than Block A2's roof level. However, the three units in question are considered to have the potential to have a marginal impact on the privacy of the most western units within Block A2 as proposed separation distances are only marginally less than those set out within Newham's SPG Residential Planning Guidelines and are in general compliance with the 'yardstick' standard of 21m set out within the Interim London Housing Design Guide. It is also considered that any minor overlooking onto balconies within Block A2 from the proposed development cannot be considered to be greater than the impact on visual privacy which these balconies already experience due to their proximity to other balconies within the same 14-26 High Street development, their location fronting onto a public street and as a result of their clear balustrades. It is considered that on balance the distance between the proposed development and 14-26 High Street is not considered to warrant a refusal of planning permission.

In relation to the current application scheme it is considered that unit layouts within Tower 2 has been well considered and sensitively designed to reasonably reduce any impact on privacy or overlooking on the adjoining development at 14-26 High Street. The design of the easterly aspect of the tower includes circulation areas, such as lift cores and stairwells to reduce the number of units with habitable rooms and windows which would have any potential to overlook 14-26 High Street. In order to further ensure that any overlooking potential is mitigated the applicant has

submitted revised plans noting that they propose to provide etched glass to 1.5m above finished floor level to bedroom windows on the 5th Floor plan only.

The proposal is therefore considered to be acceptable in respect of this issue.

In respect of Air Pollution – A number of objections were received in relation to air quality. An Air Quality Assessment was submitted with the application. The Assessment considers both UK regulations and EU Air Quality Standards and notes that UK Air Quality Standard Regulations 2007 set air quality objectives in relation to Nitrogen Dioxide and particles in the atmosphere (PM10) at an annual mean of $40\mu\text{g}\cdot\text{m}^{-3}$. $40\mu\text{g}\cdot\text{m}^{-3}$ is also the annual limit value for the protection of human health for Nitrogen Dioxide set within the EU Air Quality Standards and the London Plan notes that nitrogen dioxide concentrations above $40\mu\text{g}\cdot\text{m}^{-3}$ exceed the national air quality objective (to be achieved from 2005). The Air Quality Assessment predicts concentrations of Nitrogen Dioxide and particles in the atmosphere (PM10) at various heights within the proposed Tower blocks. The results from predicted Nitrogen Dioxide calculations indicate that there is a fairly rapid fall off in concentrations of Nitrogen Dioxide within the first one to two storeys. The roadside contribution (Stratford High Street and Flyover) to NOx concentrations is predicted to be less than $5\mu\text{g}\cdot\text{m}^{-3}$ at the 4th floor and above compared with concentrations in the region of 30 - $40\mu\text{g}\cdot\text{m}^{-3}$ at ground floor level. At 7th floor level, which is the level at which apartments will not be provided with an alternative source of make-up air, the roadside contribution to NOx is $2\mu\text{g}\cdot\text{m}^{-3}$ or less. When considering total predicted pollutant concentrations the Air Quality Assessment states that at the 6th and 7th floor concentrations are predicted just below the $40\mu\text{g}\cdot\text{m}^{-3}$ annual objective. Concentrations at the 4th floor at the roof terraces are predicted to be $40\mu\text{g}\cdot\text{m}^{-3}$ and as such are considered to be in line with the annual limit value for the protection of human health for Nitrogen Dioxide set within the EU Air Quality Standards and the national air quality objective. The Air Quality Assessment also notes that predictions made have been relatively conservative, as no fall off in background pollution concentrations have been assumed at increased height. The assessment notes that decreases in pollution concentrations would be expected and as these have not been taken into account in the model that pollution concentrations are likely in reality to be less than those predicted. In response to the assessment conclusions as set out above it all dwellings are to be fitted with low velocity whole-house mechanical ventilation with heat recovery (MVHR). The air quality report recommends that units on lower floors have a fresh air supply from a higher level. The proposed design accommodates a supply duct that leads from the 7th floor to supply fresh air to all dwellings and commercial units below this level. This will be linked to the MVHR system in each apartment. This ventilation system will control moisture and humidity levels within the dwellings.

LB of Newham's Environmental Health Officers concluded that they were 'happy with the method and findings within the air quality report produced and submitted as part of the application' but requested a schematic diagram to indicate the location of the air intake proposed to provide clean air to all residential units below the 7th floor. Conditions have been imposed to secure details to ensure adequate amenity levels.

Although it is acknowledged that the proximity of the Bow Flyover, Stratford High Street and A12 provide constraints and environmental challenges the proposed MVHR system and proposed fresh air supply to lower level units together with the general arrangement of dwellings, which includes no dwellings below 4th Floor, and the provision of enclosed balconies are considered to provide reasonable mitigations which satisfactorily take into account the findings of the Air Quality Assessment. LB of Newham Environmental Health Officers were satisfied with the scheme subject to the imposition of planning conditions.

The proposal is therefore considered to be acceptable in respect of this issue.

In respect of Noise - Residents made representations with regards to the noise that would be caused from the development as well as the fumes and noise that will be created during the construction process. In terms of the noise created from the development, it is inevitable that there will be some noise created than that which is previously on site due to the derelict nature of the site at present. An increase of activity on the site will inevitably create an increase in noise. However, there is a play space located on at 4th floor which would be within 13-15m of the most westerly wall of 14-26 High Street which could give rise to a discernable level of increased noise. However, taking into account the urban context of the site adjoining the Bow Flyover and High Street and the predicted background noise levels fronting onto Bow Flyover and High Street it is considered that it would be unlikely that this outdoor area could result in noise disturbance that would be greater than existing background noise levels and materially harm the amenity of occupiers at 14-26 High Street. Whilst it is acknowledged that there will be some disturbance to existing residential properties during construction will occur conditions have been recommended to mitigate these impacts, specifically in relation to impact piling and hours of work to ensure no detrimental impact is caused to residential amenity during construction.

The proposal is therefore considered to be acceptable in respect of this issue.

The development is considered to be in accordance with the following policies;

London Plan July 2011

3.6: Children and Young Peoples Play and Informal Recreation Facilities

Development proposals that include housing should make provision for play and informal recreation based on the expected child population generated by the scheme and an assessment of future needs.

3.8 Housing Choice

New development should offer a range of housing choices, in terms of mix of sizes and types; all new housing should be built to 'Lifetime Homes Standard' and 10% should be designed as wheelchair accessible.

5.10 Urban Greening

Development proposals should integrate green infrastructure from the beginning of the design process, including tree planting, green roofs and walls and soft landscaping.

7.14 Improving Air Quality

Development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality (particularly within Air Quality Management Areas).

7.15 Reducing Noise and Enhancing Soundscapes

Development proposals should seek to reduce noise by minimising the existing and potential adverse impacts of noise on, from, within, or in the vicinity of development proposals.

7.19 Biodiversity and Access to Nature

Development proposals should, wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity.

7.27 Blue Ribbon Network: Supporting Infrastructure and Recreational Use

Development proposals should enhance the use of the Blue Ribbon Network and in particular proposals should protect and improve existing access points to or alongside the Blue Ribbon

Network, including paths. New access infrastructure into and alongside the Blue Ribbon Network should be sought.

7.28 Restoration of the Blue Ribbon Network

Development proposals should restore and enhance the Blue Ribbon Network by (inter alia) increasing habitat value

Newham Local Development Framework Core Strategy Development Plan Document January 2012

SP2 – Healthy Neighbourhoods

The objective of this policy is to promote healthy lifestyles, reduce health inequalities and create healthier neighbourhoods. Development should (inter alia) improve air quality; improve employment levels whilst attending to the environmental impacts of economic development including community/public safety, noise, vibrations, odour and the legacy of contaminated land; improve housing quality and reduce crime and improve inclusion through better urban design; facilitate and promote walking and cycling; provide or improve inclusive open space and sports facilities; provide new or improved health facilities.

SC4 – Biodiversity

This policy seeks to protect, enhance and create habitats for biodiversity across the borough. Biodiversity will be protected and enhanced and development will contribute to a net gain in the quantity and quality of the borough's natural environment.

Sites of Importance to Nature Conservation will be protected and development should contribute to their qualitative enhancement, including improvements to access. Development should incorporate living roofs, landscaping and tree planting. Opportunities for bio-diversity in the Blue Ribbon network and waterside environments should be enhanced.

INF6 – Green Infrastructure

The policy aims to address existing open space deficiencies and improve the quality and accessibility of existing open spaces, improve connections, and ensure new development includes adequate open space for new residents. New residential development including family homes should include (or contribute to the provision of) new children's play space within 150m.

INF7 – Blue Ribbon Network

The Blue Ribbon Network will be protected and enhanced to contribute to the regeneration of the borough. Development located adjacent to the Blue Ribbon Network should be set back from the waterway to integrate with and enhance the waterside environment and provide access and improved amenity to the waterfront to facilitate safe and active use of the waterscape.

5. Sustainability

The residential development is designed to be constructed so as to achieve Code for Sustainable Homes Level 4 and the commercial development would achieve a BREEAM rating of 'Very Good'.

Renewable energy measures are proposed in the form of photovoltaics which are proposed to be located on the roof of Tower 1 and integrated into the façade design of both towers in the place of spandrels.

The GLA noted that a range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. Both air permeability and heat loss parameters will be improved beyond the minimum values required by building

regulations. Other features include mechanical ventilation with heat recovery and low energy lighting.

LB Tower Hamlets objected to the scheme stating that the proposals for sustainable energy are considered to be inappropriate and that proposal does not sufficiently investigate connection to the nearby district heating system and that the energy report does not provide sufficient information on the viability of using combinations of renewable energy generation technology. LB Tower Hamlets further note that the use of gas fired CHP and boilers would result in emissions which would impact on air quality. Officers note that the Olympic Park district heating system is also gas fired.

The GLA has raised no objection to the proposed inclusion of a communal heating network in lieu of connection to the Olympic Park district energy network. GLA require that the applicant demonstrate that the design of the scheme is compatible with connection to the district energy network. The GLA note that in the event that a connection is not possible at this stage that a commitment to ensure that the scheme can connect to the district heating system should be committed to in the section 106 agreement for the scheme. The GLA also request that details of the efficient cooling strategies to be utilised for commercial and residential areas be submitted. Section 106 obligations and conditions are recommended accordingly.

Having regard to the applicant's revised commitment to renewable energy through photovoltaics and conditions and obligations to secure commitment to future connection to the district heating system and submission of further details in relation to cooling strategies it is considered that the proposal is capable of complying with London Plan polices and therefore considered that the proposal accords with relevant policies set as follows: -

It is therefore considered that the proposal accords with relevant policies set as follows: -

London Plan July 2011

5.2 Minimising Carbon Dioxide Emissions

Development proposal should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy of Be Lean; Be Clean; Be Mean.

5.3: Sustainable Design and Construction

Development proposals should demonstrate that sustainable design standards are integral to the proposal, including its construction and operation, and ensure that they are considered at the beginning of the design process.

5.6 Decentralised Energy in Development Proposals

Major development proposals should select energy systems in accordance with the hierarchy of Connection to existing heating or cooling networks; Site wide CHP; Communal heating and cooling.

5.7 Renewable Energy

Major development proposals should provide a reduction in expected carbon dioxide emissions through the use of on-site renewable energy generation where feasible.

Newham Local Development Framework Core Strategy Development Plan Document January 2012

SC2 – Energy

Carbon emissions from new and existing development should be reduced. Measures will include;

1. All new residential development built in line with the London Plan and Building Regulations should reach zero carbon by 2016 (or any subsequently adopted national standard on energy and low carbon design).
2. Connections to, or provision for connection to, decentralised heat networks should be sought.
3. On-site renewable energy generation.

INF4 – Local Heat and Power Networks

Growth in local heat and power networks is proposed to reduce carbon emissions and increase the borough's energy resilience. Applications for major developments in the vicinity of an existing or a planned district heating network should provide for connection to that network, either at the same time as the development is undertaken or, if not then feasible, the development should ensure that a future connection can be made.

6. Transport and Servicing

The site is located on a primary road, which is a bus route, with access to the Docklands Light Railway nearby.

Objections

In summary, objections were raised in respect of:

- o **Access/Traffic problems:** *The extra car parking spaces that are planned for the development site will invariably cause congestion and access problems on and around Cook's road along with the other traffic into the buildings.*
- o **Road Crossings:** *Road safety for pedestrians in the area are extremely poor and inadequate.*

A number of objections were raised in relation to impact that the development would have on traffic. The proposed development proposes 41 car parking spaces which are to be located on the 2nd and 3rd floors of the development within the horizontal 'bridge' or podium element which links the two tower elements of the development. The parking areas are proposed to be naturally lit and ventilated and will also include bicycle parking plus plant rooms. The car parking levels area accessible via twin car lifts off Cooks Road. Both lifts allow 'in' traffic at peak times and at other times revert to one access lift and one egress lift. It was assessed that the management of the lifts should be secured as part of the Management Plan for the development.

In relation to the quantum of proposed car parking the LB of Newham's Transportation officers have noted that the site is located within the Stratford Control Parking Zone (CPZ) current on-street parking restrictions 10am to 12pm and consider that the application may be considered under Newham's policy of "Reduced Car Parking Development" and that a reasonable expectation for off-street car parking for such a site with PTAL rating of 5 would be in the region of 0.5 – 0.7 per unit.

Given the PTAL rating of the site the proposed level of on-site car parking at 0.21 spaces per unit is assessed to be appropriate and supported by London Plan policy. It is considered that no further parking should be required on-site and this is supported by Transport for London's comments which sought to reduce the quantum of parking on site in recognition of the site's good accessibility. As TfL have noted the proposed parking numbers are in line with London Plan standards so it is considered that no change is required.

LB of Newham's Transport officers have sought that in order to mitigate against any potential on-street overspill parking that the developer be required to fund a "reduced car parking

development" agreement to prevent occupants of the development from obtaining resident parking permits for the CPZ and that furthermore the developer be required to contribute towards any potential implementation of a CPZ and that this should be secured via an Section 106 agreement/contribution. The applicant has stated that they would be prepared to contribute towards the funding of the CPZ hours extension and a condition whereby future occupants would be ineligible to apply for a CPZ Residential Parking Permit. Obligations and conditions have been secured accordingly.

TfL requested that in line with London Plan policy that 20% of all parking spaces be fitted with electric vehicle charging points (EVCP), with an additional 20% having passive provision, so that they can be easily converted in the future if needed and that the uptake of the EVCP's should be monitored through the travel plan, so that additional spaces can be activated as required. Conditions have been imposed accordingly.

The proposal is therefore considered to be acceptable in respect of this issue.

The proposals will be in accordance with the following policies;

London Plan July 2011

6.3 Assessing the Effects of Development on Transport Capacity

Development proposals should ensure that impacts on transport capacity and the transport network are fully assessed.

6.9 Cycling

Development should provide secure, integrated and accessible cycle parking facilities in line with minimum standards.

6.13 Parking

Development must make provision for disabled people, meet minimum cycle parking standards and provide for the needs of businesses for delivery and servicing.

Newham Local Development Framework Core Strategy Development Plan Document January 2012

SP3 – Quality Urban Design within Places

Seeks to secure a high quality of urban design in new buildings and spaces created, contributing to safe, sociable and inclusive mixed and balanced communities and places that people feel proud of. Development will be expected to realise a high quality of urban design in the new buildings and spaces that are created, helping to engender safe, sociable and inclusive mixed and balanced communities and places that people feel proud of.

Proposals that address the following criteria will be supported;

1. Contribute towards the creation and continued support for mixed use areas with an integrated range of high quality accommodation for living, community facilities and workplaces, ensuring easy and inclusive access to these and associated walking, cycling and public transport links.
2. Avoid problems related to 'bad neighbour' uses, vacant premises and inactive frontage, flood risk and cumulative impact.
3. Minimise environmental impact, incorporate sustainability features into buildings, spaces and neighbourhoods at an early stage of the design process.
4. Seek to reinforce local character and secure integration and coherence with the local context.
5. Make the public realm attractive as a social meeting place to be enjoyed by the whole community, creating a sense of safety and security and help to prevent crime and anti-social behaviour.

6. Provide legible, connected networks of streets, spaces and parks conducive to travel on foot or by bike.

INF 2 – Sustainable Transport

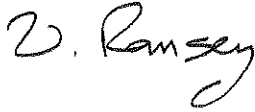
A more sustainable pattern of movement in the borough is sought through maximising the efficiency and accessibility of the borough's transport network on foot, cycle and public transport to reduce congestion, enable development, improve health, fitness and well being of residents and make necessary car journeys easier.

Development should include appropriate cycle and car-parking to the standards set out in the London Plan. Transport Assessments and Travel Plans will be required to show the likely impacts of trip generation and to include acceptable, robust monitored proposals to counter or minimise the potential impacts identified, including 'smarter travel' strategies and plans; and measures to facilitate and encourage more widespread walking, cycling and public transport use.

INF3 – Waste and Recycling

Development proposals must demonstrate arrangements for on-site waste management, including the location and appropriate size of storage facilities and vehicular access.

Dated this:



Vivienne Ramsey
Director of Planning Decisions
Olympic Delivery Authority

Olympic Delivery Authority

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- * If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990.
- * If you want to appeal then you must do so within SIX months of the date of this notice, using a form, which is available from the Planning Inspectorate, (a copy of which must be sent to Newham Council) or complete an application online.
The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (e-mail: enquiries@pins.gsi.gov.uk) or (Tel: 0117 372 8000).
To make an appeal online, please use www.planningportal.gov.uk/pcs. The Inspectorate will publish details of your appeal on the internet. This may include copies of documentation from the original planning application and relevant supporting documents supplied to the local authority, and or information, including personal information belonging to you that you are happy will be made available in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.
- * The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.
- * The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.
- * In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notice

- * If either the Local Planning Authority or the Office of the Deputy Prime Minister refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by carrying out any development which has been or would be permitted.
- * In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with Part VI of the Town and Country Planning Act 1990.

Appendix 3
SERVICE INSTRUCTIONS

**DRAFT SERVICE INSTRUCTIONS TO UNDERTAKE VIABILITY ASSESSMENT IN RESPECT OF THE
PROPOSED DEVELOPMENT OF 2-12 STRATFORD HIGH STREET FOR THE OLYMPIC DELIVERY
AUTHORITY PLANNING DECISIONS TEAM**

The terms used in this document shall bear the meanings accorded to them in the Section 106 Agreement referred to below.

1. SITE

1.1 The Site is approximately 0.211 ha and is located on the north east corner of the A12 intersection with the A11 trunk road to the south. Planning permission was granted in [] 2012 for the Mixed-Use Development.

2. SUMMARY OF WORK REQUIRED

2.1 At the time the Planning Application was determined, an agreement was reached whereby the part of the amount of the off-site affordable housing contribution that would be paid by the Developer towards affordable housing would be linked to the anticipated surplus arising from the Mixed Use Development as determined by a viability assessment undertaken by the VA Consultant no later than six months from the Commencement of the Mixed Use Development.

3. BACKGROUND

3.1 Planning permission was granted in [] 2012 for the following development:

'development comprising a 15 and 35 storey building to provide 765m² of commercial floor space and 191 residential units with 41 car parking spaces, 307 cycle parking spaces, gym, crèche, landscaping and riverside walkway.'

3.2 A copy of the planning permission is attached to these Instructions.

3.3 The permission was granted subject to a S106 agreement which secures the following obligations (the following summary is included as a general guide only and should be read in conjunction with the full S106 Agreement, which is attached to these Instructions and if there is any inconsistency between this summary and the S106 Agreement the wording of the Agreement takes precedence):

3.3.1 Affordable Housing

- (a) The First Affordable Housing Contribution will be £200,000 and will be payable by the Developer prior to Commencement of the Mixed Use Development.
- (b) In order to calculate the Second Affordable Housing Contribution, a new viability assessment will be undertaken no later than 6 months from the Commencement of the Mixed Use Development. The Second Affordable Housing Contribution will be 70% of the amount over and above a breakeven gross development value of £63,400,000, up to a maximum payment of £6,685,000.00 (Indexed) and having first deducted the First Public Realm Contribution, the Second Public Realm Contribution and the Second British Waterways Contribution and the First Affordable Housing Contribution. The Second Affordable Housing Contribution will be payable by the Developer as follows: 50% upon the completion of the 96th Transfer and the remaining 50% on the completion of the 172nd Transfer.

3.3.2 Education

- (a) An upfront contribution of £187,000 towards education to be paid to the Council upon Occupation of the Residential Development.

3.3.3 CPZ/A12 Crossing

- (a) An upfront contribution of £60,000 towards a future CPZ and provision of pedestrian/cycle crossing facility under the A12 to be paid to the Council upon the date of Commencement of the Mixed Use Development.

3.3.4 **TfL contribution**

- (a) An upfront contribution of £60,000 to TfL to provide improvements to buses and real time information boards with the Mixed Use Development for the DLR Pudding Mill Lane and Bow Church Stations to be paid to TfL upon the date of Commencement of the Mixed Use Development.

3.3.5 **S278 Contribution**

- (a) An upfront contribution of £120,000 towards s278 highways works to the public highway within the vicinity of the Site to be paid to the Council upon the date of Commencement of the Mixed Use Development.

3.3.6 **Public Realm**

- (a) A contribution of £175,000 for public realm works to be paid to the Council upon Commencement of the Mixed Use Development.

3.3.7 **British Waterways Contribution**

- (a) An upfront contribution of £84,000 to be paid to British Waterways towards improvement of the waterway environment upon Commencement of the Mixed Use Development.
- (b) A deferred contribution of £6,000 to be paid to British Waterways towards improvement of the waterway environment on Completion of the 48th Transfer.

3.3.8 **Health**

- (a) A contribution of £19,000 towards health to be paid to Newham PCT prior to Commencement of the Residential Development.

3.3.9 **Reduced Car Parking**

- (a) An upfront contribution of £2,000 to be paid to the Council prior to Occupation of the Residential Development.

3.3.10 **Skills and Training**

- (a) An upfront contribution of £95,000 towards skills and training to be paid to the Council on completion of the Section 106 Agreement.

3.4 **Other Heads of Terms**

- 3.4.1 The provision of Business Incubator Units.
- 3.4.2 A potential Additional Design Monitoring Contribution in the event that the original architect is not retained to RIBA Stage L (or equivalent).
- 3.4.3 Children's Play and Community Facilities Plan to maintain community facilities on Site in perpetuity and a fund made available to staff the facilities.
- 3.4.4 Public Access and Estate Management to ensure that public access areas are retained across the Site and maintained from Stratford High Street to Bow Back River.

- 3.4.5 Adherence to a Local Labour Commitment Scheme.
- 3.4.6 Exclusion for any Resident to obtain a Parking Permit.
- 3.4.7 Requirement to enter into a Section 278 Agreement for all associated highways works within Stratford High Street and Cooks Road.
- 3.4.8 Commitment to renewables (photovoltaics) and future connection to district energy network.
- 3.4.9 TV Reception.
- 3.4.10 Travel Plan.

3.5 Detailed Requirements

3.5.1 To undertake a viability assessment of the total development cost and value based on the following inputs and development programme (current at the Commencement Date of the Mixed Use Development (i.e. the date the assessment is based on and provided by the Developer):

(a) **Costs:**

- (i) land cost, stamp duty, legal fees, construction costs, professional fees, project management, NHBC registrations or warranties, development contingency, S106 contributions, marketing costs, bank fees and bank advisory costs and monitoring, interest and holding costs.

(b) **Sales:**

- (i) Gross residential sales, commercial income, commercial sale.

(c) **Fees:**

- (i) Residential legal and agent sales fees, commercial legal and agent sales fees.

(d) **Fixed Element:**

- (i) A developer's priority return on cost of 20% (on GDV).

3.5.2 To scrutinise all inputs into the assessment and to conclude on the surplus after allowing for the Fixed Element.

3.6 Process and Timing

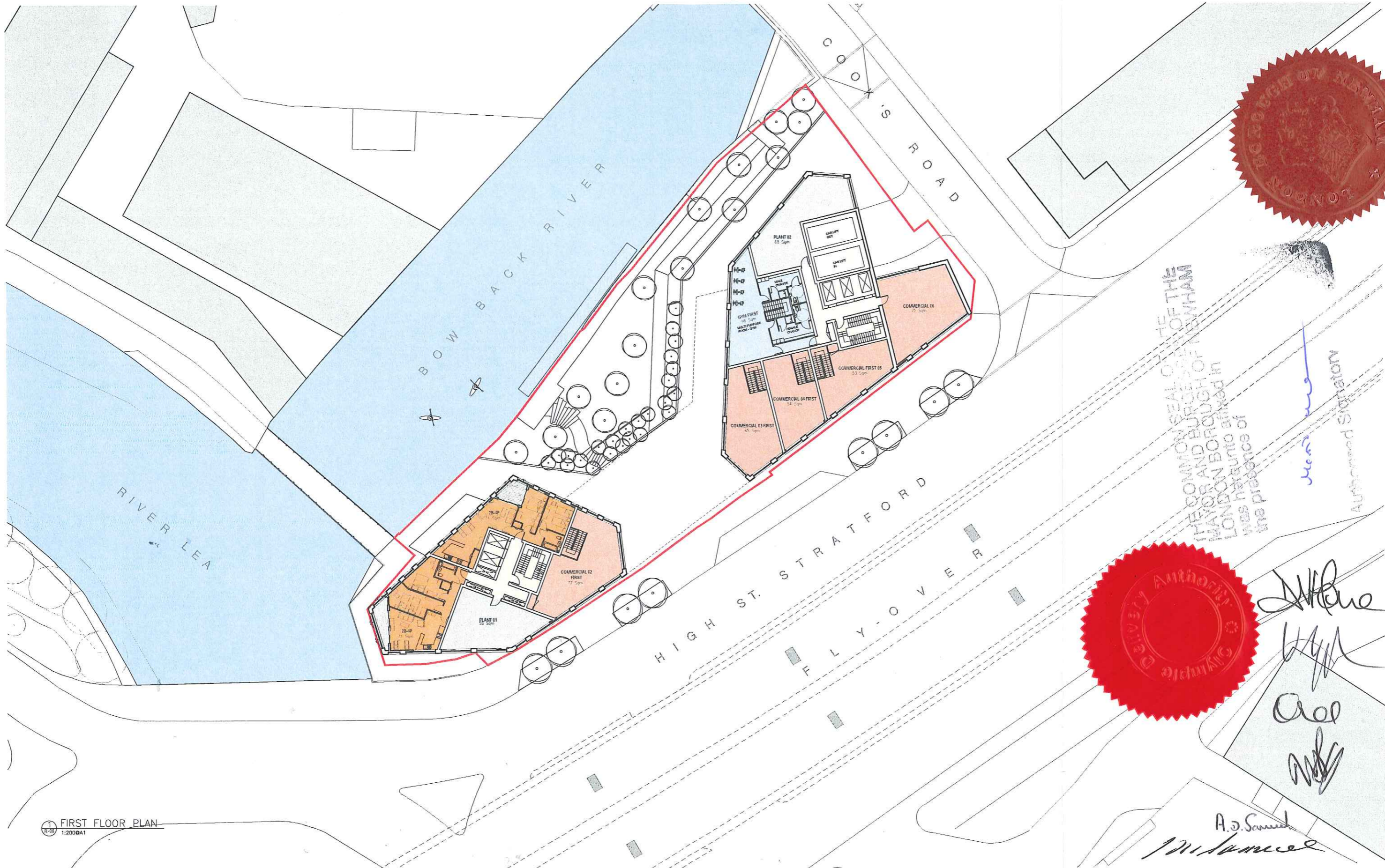
3.6.1 Upon instruction an initial meeting will be held with the VA Consultant, the ODA and the Council for the Developer (and necessary consultants) to present the figures and the methodology used.

3.6.2 Should the VA Consultant consider that further information from the Developer is required to enable the VA Consultant to carry out the viability assessment, the VA Consultant should request such further information that the VA Consultant considers, in his expert opinion, the Developer is reasonably able to provide (the "**Further Information**"). The Developer is to provide to the VA Consultant, the Council and the ODA the Further Information within 10 Business Days of the VA Consultant's request or within such other timescale as the VA Consultant considers reasonable given the nature of the Further Information.

- 3.6.3 Should a further meeting be required to discuss the inputs, then this shall be arranged within 10 Business Days from the date of the initial meeting or, in the case where Further Information has been requested by the VA Consultant, within 10 Business Days from the date of receipt by the VA Consultant of the Further Information. Attendees at this meeting shall include the Developer, the ODA, the Council and the VA Consultant.
- 3.6.4 A final report will be required within 14 Business Days from the date of the initial meeting or from the date of receipt by the VA Consultant of the Further Information (as the case may be). The report should set out the viability assessment in full and the Second Affordable Housing contribution will be deemed to be 70% of the sum which the VA Consultant calculates to be to total surplus.

Appendix 4

PLAN 1 SHOWING BUSINESS INCUBATOR UNITS



THE COMMON SEAL OF THE
MAYOR AND BURGESSES OF NEWHAM
LONDON BOROUGH OF NEWHAM
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the presence of

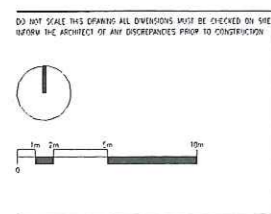
John
Authorized Signatory



John
John
John
John

A. S. Samuel
Michael

1 FIRST FLOOR PLAN
1:2000A1



KEY

| | |
|--|---|
| COMMERCIAL | CIRCULATION |
| REFUSE / BIKES / STORAGE | PLANT |
| CONCIERGE | 1 BED UNIT |
| OFFICE | 2 BED UNIT |
| GYMNASIUM / COMMUNITY / PLAY SPACE | 3 BED UNIT |

NOTES

P01 201010 ISSUED FOR PLANNING.

P02 20120111 REVISION BY LAYOUT 2010P PLAN AVOIDED. PAGES ADVISED TO THE INTERIOR DESIGN COMMERCIAL 02 RELOCATED ISSUED FOR PLANNING.

P03 20140111 CENTRAL PLANT ROOM OMITTED WITH CHAFFET, CHAFFET ROOMS TO COMMERCIAL 02 + 03. PLANT ROOM 01 + 02 REPLACED COMMERCIAL 07 AND UPPER COMMERCIAL 01. ISSUED FOR PLANNING.

| REV | DATE | DESCRIPTION | DRW | CHK | DRAWING TITLE |
|-----|--------|---|-----|-----|------------------|
| P01 | 201010 | ISSUED FOR PLANNING. | LL | TR | FIRST FLOOR PLAN |
| P02 | 201201 | REVISION BY LAYOUT 2010P PLAN AVOIDED. PAGES ADVISED TO THE INTERIOR DESIGN COMMERCIAL 02 RELOCATED ISSUED FOR PLANNING. | AL | TR | FIRST FLOOR PLAN |
| P03 | 201401 | CENTRAL PLANT ROOM OMITTED WITH CHAFFET, CHAFFET ROOMS TO COMMERCIAL 02 + 03. PLANT ROOM 01 + 02 REPLACED COMMERCIAL 07 AND UPPER COMMERCIAL 01. ISSUED FOR PLANNING. | CB | TR | FIRST FLOOR PLAN |

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jestico + whites
architecture + interior design london + prague

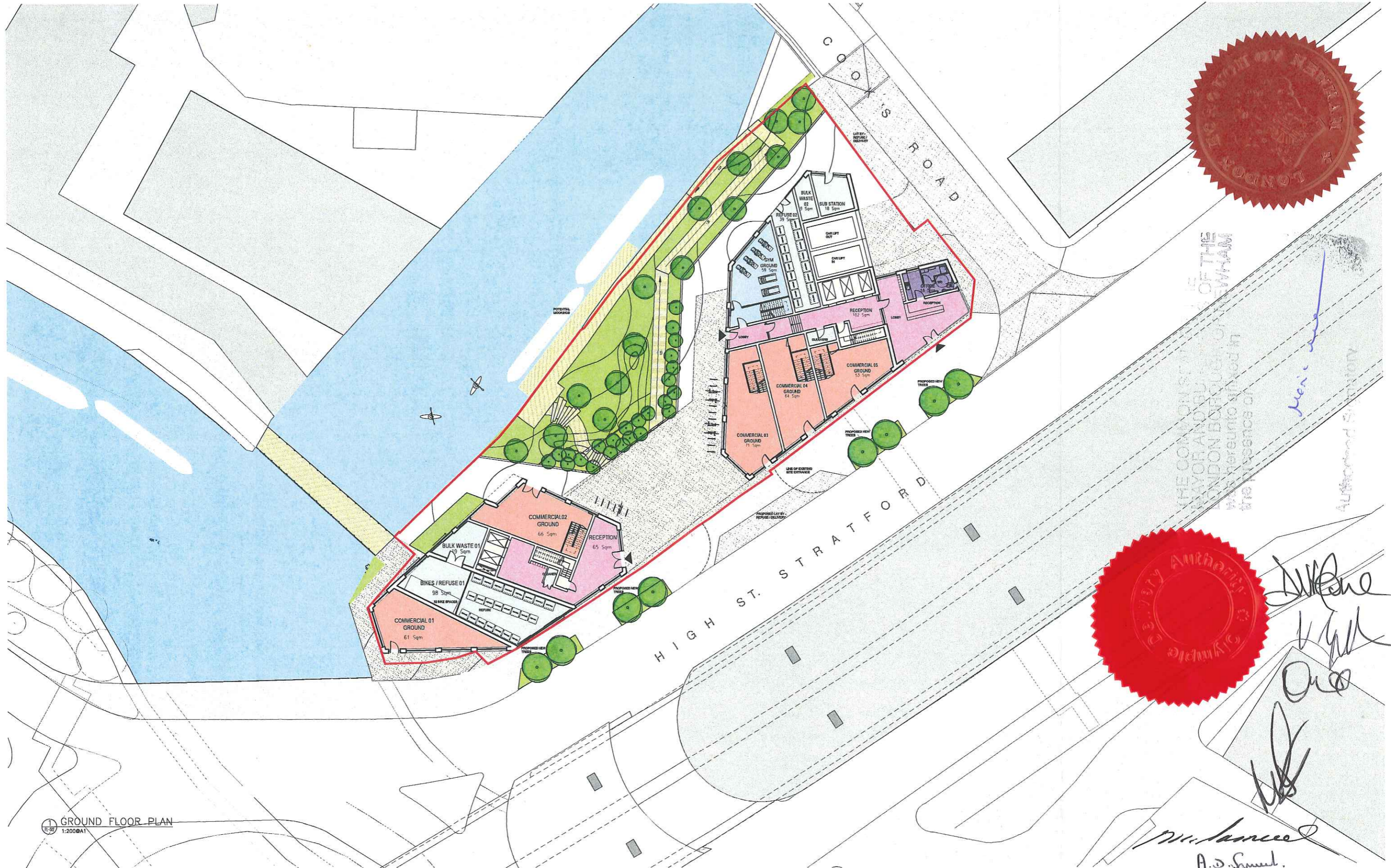
STATUS: PLANNING
PROJECT: 2-12 HIGH STREET
STRATFORD

SCALE: 1:2000A1
DRAWING NO: 2325-PL-003
REV: P03

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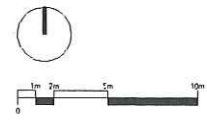
Appendix 5

PLAN 2 SHOWING PUBLIC ACCESS AREAS



1 GROUND FLOOR PLAN
1:2000(A1)

DO NOT SCALE THIS DRAWING ALL DIMENSIONS MUST BE CHECKED ON SITE
REFER TO THE ARCHITECT OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION



KEY PLAN

| KEY | | CIRCULATION | |
|-------------------|------------------------------------|--------------------|------------|
| [Red Box] | COMMERCIAL | [Grey Box] | PLANT |
| [Light Blue Box] | REFUSE / BIKES / STORAGE | [Orange Box] | 1 BED UNIT |
| [Pink Box] | CONCIERGE | [Light Orange Box] | 2 BED UNIT |
| [Purple Box] | OFFICE | [Dark Orange Box] | 3 BED UNIT |
| [Light Green Box] | GYMNASIUM / COMMUNITY / PLAY SPACE | | |

| REV | DATE | DESCRIPTION | DRW | CHK | DRAWING FILE |
|-----|----------|---|-----|-----|-------------------|
| P01 | 20.10.10 | ISSUED FOR PLANNING | LL | HR | GROUND FLOOR PLAN |
| P02 | 24.01.11 | BUILDING 01: RECEPTION AREA SHABS AND COMMERCIAL 01 REWELD BUILDING 02: ENTRANCE LOBBY REVISED ISSUED FOR PLANNING | AE | HR | |
| P03 | 03.02.11 | PLANNING TO COOK'S ROAD ADJACENT ISSUED FOR PLANNING | DS | HR | |
| P04 | 28.04.11 | CENTRAL BIKE STORE OMITTED, LANDSCAPE REVISED, TOWER 2 LODGE ADJACENT COMMERCIAL 01 SHABS OMITTED ISSUED FOR PLANNING | CB | HR | |

SCALE 1:2000(A1) AT 1 SHEET
 STATUS PLANNING
 DRAWING NO 2325-PL-002
 REV P04
 CLIENT SHSP
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THE COMMONS OF THE
 MAYOR AND BURGOESS
 OF THE CITY OF LONDON
 BY VIRTUE WHEREOF
 THE PRESENCE OF
 THE COMMONS OF THE
 CITY OF LONDON
 IS HEREBY CERTIFIED
 IN WITNESS WHEREOF
 THE COMMONS OF THE
 CITY OF LONDON
 HAVE CAUSED THESE
 SEALS TO BE AFFIXED
 AT THE MINT
 THE 12TH DAY OF
 APRIL 1881
 A.D. Samuel.

Appendix 6

DRAFT LOCAL LABOUR COMMITMENT SCHEME

1. LOCAL LABOUR

- 1.1 Commitment to use reasonable endeavours to ensure the recruitment on Site of local residents and businesses defined as living or located in Newham postcodes E6, E7, E12, E13, E15 and E16.
- 1.2 Contractors and sub-contractors to use reasonable endeavours to achieve a target of 25% local employment on the Site with 10% of that 25% being apprentices.
- 1.3 Recruitment will be through the following measures:-
 - 1.3.1 positions advertised in the Newham Recorder;
 - 1.3.2 notification of posts to Workplace, Boardman House, 64 Broadway, Stratford, London, E15 1NT (the "**Workplace**"); and
 - 1.3.3 notification of posts to the Access to Jobs team of the Council's Regeneration and Development Division (RAD) or its nominee.
- 1.4 The above measures should constitute the sole recruitment method for seven working days prior to the vacancy becoming available. By an agreed date the Access to Jobs Team or its nominee(s) is to be furnished with a full breakdown of staffing requirements and labour loadings, including estimate and numbers of particular skills required.
- 1.5 Commitment to use reasonable endeavours to ensure the use of local suppliers and contractors on the Site.
- 1.6 As soon as available to provide to the Access to Jobs Team or its nominee(s) a schedule of the breakdown of all construction contracts and suppliers required to complete the project to enable opportunities to be promoted to local contractors and suppliers.
- 1.7 To report the value of all orders placed with Newham suppliers to the Access to Jobs Team or its nominee(s).
- 1.8 The main contractor will supply to the Access to Jobs Team or its nominee(s) site monitoring information on a regular basis.

2. LOCAL GOODS AND SERVICES

- 2.1 Provide Workplace with a schedule of the construction contracts and suppliers required to complete the Mixed Use Development for its approval. This schedule must show all opportunities for contracted and sub-contracted work;
- 2.2 Use reasonable endeavours to ensure that at least 25% of service and support functions required to facilitate the operations of the Mixed Use Development are provided by local employers and businesses in the London Borough of Newham.

3. EMPLOYMENT AND TRAINING

- 3.1 Use (consistent with any relevant legislative requirements) reasonable endeavours to ensure the recruitment of local residents being defined as living in Newham postcodes: E6, E7, E12, E13, E15 and E16.

- 3.2 Use reasonable endeavours to ensure contractors and sub-contractors work towards achieving the following targets through working closely with Workplace:
- 3.2.1 25% of total workforce to be residents from Newham during the construction and development phase;
 - 3.2.2 10% of that 25% to be created as apprenticeship positions during the construction/development phase. These are to be marketed towards Newham residents via Workplace.
- 3.3 Work with Workplace or any organisation which may replace Workplace in the recruitment of local residents and the development of apprenticeship opportunities.
- 3.4 Ensure that the main contractor and sub-contractors use reasonable endeavours to provide Workplace staff with the following:
- 3.4.1 a nominated officer who will be the key contact with whom Workplace staff will liaise on local employment and supply chain initiatives;
 - 3.4.2 a schedule of the breakdown of expected construction contracts and suppliers required to complete the project to enable Workplace staff to prepare for expected skills demands;
 - 3.4.3 details of initial, future and ongoing skills needs and expected job vacancies throughout their operation on the Site;
 - 3.4.4 commitment that they will interview suitably qualified and experienced people who are put forward for job vacancies via Workplace;
 - 3.4.5 interview feedback following interviews with any people put forward by Workplace so that staff can address any skills/experience shortages that have been identified by the contractor;
 - 3.4.6 quarterly monitoring information in relation to the workforce with details of overall numbers employed by each contractor and numbers of which are Newham residents. Newham resident information to be provided as follows:-
 - (a) full postcode;
 - (b) gender;
 - (c) age group (16-24, 25-49 and over 55);
 - (d) length of residency in the Council's area;
 - (e) sexuality;
 - (f) job title;
 - (g) full or part-time;
 - (h) ethnicity (using census categories);
 - (i) disability; and
 - (j) previous employment status (including timescale and reasons).

- 3.5 Ensure that insofar as it is possible the main contractor provides space within the Site for an on-site job brokerage facility from which Workplace staff can operate and develop good working relationships with contractors.

4. BUSINESS AND ENTERPRISE

- 4.1 Use Reasonable Endeavours to ensure that local businesses benefit directly from the opportunities arising from the construction of the Mixed Use Development such measures to include:-

4.1.1 at 6 monthly intervals, the provision of a list by the Developer to the ODA and the Council containing details of the gross composite value and proportion of the total value of all contracts between the Developer and its contractors with companies based in the primary and secondary target areas and including the name of businesses to which contracts have been let and the location of such businesses (but not the individual value attributable to each contract);

4.1.2 at 6 monthly intervals, the provision by the Developer to the ODA and the Council of a schedule identifying opportunities existing or anticipated to exist at the Site for contracted and sub-contracted work;

4.1.3 frequent liaison by the Developer and its contractors with the ODA, the Council's Business Development Team, members of the Newham Business Network and Business Link; and

4.1.4 to issue adverts for construction and other contracts associated with the Mixed Use Development and its end use (including leases of floorspace available) to be placed in the local area and the local press and on the Internet.

5. YOUNG PEOPLE

- 5.1 Use reasonable endeavours to ensure that the Developer, together with contractors, will be encouraged and expected to undertake the following:-

5.1.1 build links with local schools and colleges in the regeneration area to enhance young people's awareness of the world of business and future employment; and

5.1.2 helping young people to realise the relevance of education and training, and thereby to engage in learning, to achieve and to take up learning and training opportunities through to 19 years of age.

- 5.2 Establish links with the East London Business Alliance (ELBA) and Newham Education Business Partnership (NEBP) and local schools. LBN staff will facilitate the development of these relationships.

- 5.3 Assist with the planning and delivery of the new 14-19 diplomas, including helping to make sure Diploma courses successfully reflect the real and current characteristics, practices and expectations of each sector, assisting in delivering work-related learning opportunities and the provision of work-experience related learning opportunities and the provision of work-experience opportunities to young people.

- 5.4 Provide for one-day teacher business placement opportunities to assist teachers to keep up-to-date with business practices, training requirements and expectations.

- 5.5 Assist with the development of Young Apprenticeship (14-16) programmes.

- 5.6 Contribute to ELBA and NEBP work-programmes with schools around careers education and guidance, work-related learning, enterprise education and mentoring. NEBP also works closely with primary schools in the regeneration area, providing a range of activities from business-supported reading programmes to the annual programmes of work which result in a high-profile area-wide citizenship week.
- 5.7 Contribute to the labour market information which the 14-19 Partnership now produces for 13-14 year olds and for 14-19 year olds.
- 5.8 Provide work-based learning opportunities, including where possible, apprenticeship opportunities for young people 16-19.