

DATED 17 JUNE 2021

(1) LONDON LEGACY DEVELOPMENT CORPORATION

(2) TAYLOR WIMPEY UK LIMITED

(3) OPTIVO

SECTION 106A AGREEMENT
DEED OF VARIATION
relating to the development of land at 411 – 415 Wick
Lane, London E3 2JG
Supplemental to Agreement dated 12 September 2017



Pinsent Masons

THIS DEED is made on

17 JUNE

2021

BY:-

- (1) **LONDON LEGACY DEVELOPMENT CORPORATION** of Level 10, 1 Stratford Place, Montfichet Road, London E20 1EJ (the "LPA");
- (2) **TAYLOR WIMPEY UK LIMITED** (Company Number 01392762) whose registered office is at Gate House, Turnpike Road, High Wycombe, Buckinghamshire HP12 3NR (the "Applicant");
- (3) **OPTIVA** (Co-operative Society Number RS007561) of Grosvenor House, 125 High Street, Croydon CR0 9XP (the "Owner").

WHEREAS:-

- (A) By virtue of the London Legacy Development Corporation (Planning Functions) Order 2012 (effective from 1 October 2012 and made pursuant to powers, inter alia, in the 2011 Act) the Local Planning Authority is the local planning authority for the Site for the purposes of Part 3 of the 1990 Act and is the local planning authority by whom the obligations contained in this Deed are enforceable.
- (B) The Applicant has a freehold interest in the Site registered at the Land Registry with Title Numbers LN133618, AGL403352.
- (C) The Owner has a freehold interest in the Site registered at the Land Registry with Title Number AGL450195, AGL456923. The Applicant has a leasehold interest in this part of the Site registered at the Land Registry with Title Numbers AGL505154, AGL505488.
- (D) Planning permission was granted by the LPA on 13 September 2017 in respect of the Site under reference number 16/00685/FUL ("**Existing Permission**").
- (E) The Applicant submitted an application to the LPA seeking amendments to condition 2 (works in accordance with approved details) of the Existing Permission and allocated reference number 18/00485/VAR ("**Variation Application**").
- (F) The LPA and the Applicant have previously entered into the Principal Agreement in order to secure the planning obligations contained within the Principal Agreement.
- (G) The LPA, the Applicant and the Owner have agreed to vary the Principal Agreement in the manner set out in clause 4 of this Deed.
- (H) This Deed is supplemental to and varies the Principal Agreement.
- (I) The LPA, the Applicant and the Owner have agreed to enter into this Deed in order to secure the planning obligations contained in it pursuant to the provisions of Section 106 and Section 106A of the 1990 Act, Section 111 of the Local Government Act 1972, Section 2 of the Local Government Act 2000, Section 1 of the 2011 Act and all other enabling powers.
- (J) The LPA and the Applicant agree that the obligations contained in this Deed meet the three tests for planning obligations as set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

1. INTERPRETATION

In this Deed:-

- 1.1 "**the Principal Agreement**" means the s106 agreement dated 12 September 2017 between the LPA and the Applicant;
- 1.2 terms and expressions defined in the Principal Agreement shall have the same meaning in this Deed unless otherwise provided;

- 1.3 any reference to an enactment includes any amendment to or modification of it and the version of it for the time being in force shall apply;
- 1.4 headings in this Deed are for convenience only and shall not be taken into account in its construction and interpretation;
- 1.5 references to clauses sub-clauses and schedules are references to clauses sub-clauses and schedules in this Deed save where the context provides otherwise;
- 1.6 where the context so requires:-
 - 1.6.1 the singular includes the plural and vice versa;
 - 1.6.2 the masculine includes the feminine and vice versa; and
 - 1.6.3 persons includes bodies corporate associations and partnerships and vice versa;
- 1.7 where a party comprises more than one person the obligations and liabilities of that party shall be joint and several obligations and liabilities of those persons;
- 1.8 where more than one party enters into any obligation or liability those parties are jointly and severally liable;
- 1.9 words denoting an obligation on a party to do any act, matter or thing include an obligation to procure that it is done and words placing a party under a restriction include an obligation not to cause permit or allow infringement of this restriction;
- 1.10 references to any party shall include their respective successors in title and assigns.

2. **LEGAL EFFECT**

This Deed is made pursuant to the provisions of Section 106 and Section 106A of the 1990 Act, Section 111 of the Local Government Act 1972, Section 2 of the Local Government Act 2000, Section 1 of the 2011 Act and all other enabling powers.

3. **PLANNING OBLIGATION INCORPORATING THE PRINCIPAL AGREEMENT**

- 3.1 This Deed shall take effect on the date hereof.
- 3.2 The Applicant and Owner agree to observe and perform all of the covenants agreements restrictions and obligations on the part of the Applicant contained in the Principal Agreement subject to this Deed.
- 3.3 The Applicant and Owner agree that the covenants and obligations contained in the Principal Agreement are to continue in full force and effect except as expressly varied by this Deed.

4. **MODIFICATION**

- 4.1 The Applicant and Owner agree that from the date of this Deed the Principal Agreement shall be varied as follows:
 - 4.1.1 The definition of "Planning Application" shall be amended as follows:

"means the application for planning permission submitted to the LPA and given reference number 16/00685/FUL by the LPA for demolition of 1,187.5 sq.m Class B1 220.4 sq.m Class B2 and 688.9 sq.m Sui Generis redevelopment of a mixed use scheme totalling 18,329 sq.m GIA floor space comprising 175 residential units (14,848 sq.m) (Class C3), 2,503 sq.m employment space comprising 1,648 sq.m Class B1, 221 sq.m Class B2, and 345 sq.m commercial use (Class A1/A3) plus 289 sq.m of ancillary spaces, 660 sq.m on plot lower ground floor parking alongside 3,951 sq.m on plot lower ground floor parking

alongside 3,951 sq.m public realm, open space and associated vehicular access and/or the application for planning permission submitted to the LPA and given reference number 18/00485/VAR by the LPA for amendments to Condition 2 (Works in accordance with approved details) of planning permission 16/00685/FUL (dated 13th September 2017). Proposed amendments include alterations to: residential entrance locations (Building A), bicycle stores and plant rooms (Buildings A & B), commercial entrance locations (Building D), residential unit layouts (Building B), building envelope lines (Building A), rooftop chimney (Building B), smoke shafts (Building E), podium wall (Building E), wheelchair accessible units (Buildings D & E), bin presentation area (Building G), window and balcony positions (all buildings) and external/landscaping works"

4.1.2 The definition of "Planning Permission" shall be amended as follows:

"means planning permission 16/00685/FUL and/or the planning permission which may be granted subject to conditions for the proposals within the Planning Application and the form of which is attached at Appendix 1 of this Deed"

4.2 Except as expressly varied by this Deed the Principal Agreement shall remain in full force and effect.

5. LEGAL FEES

The Applicant agrees that they will on completion of this Deed pay the LPA's legal costs reasonably and properly incurred in the negotiation and completion of this Deed (inclusive of any such reasonable costs properly incurred by external lawyers appointed by the LPA in relation to the negotiation and completion of this Deed).

6. THIRD PARTY RIGHTS

This Deed gives no rights under the Contract (Rights of Third Parties) Act 1999 but this does not affect any rights which are available apart from that Act and it may be enforced by the successors in title of the parties and by any successor to the Council's statutory functions.

7. NO WAIVER

No alteration in the terms of this Deed nor any forbearance or forgiveness on the part of the LPA in or in the extent or nature of any matter or thing concerning this Deed shall in any way release the Developer from any liability under this Deed.

8. NO FETTER

Nothing in this Deed shall prejudice or affect the rights powers duties and obligations of the LPA in the exercise of its functions in any capacity.

9. JURISDICTION

This Deed is governed by and interpreted in accordance with the law of England.

10. DELIVERY

The provisions of this Deed shall be of no effect until this Deed has been dated.

IN WITNESS whereof the parties hereto have executed this Deed as a deed the day and year first before written.

EXECUTED as a Deed by affixing the common seal of LONDON LEGACY DEVELOPMENT CORPORATION in the presence of:-

[Signature]
Authorized signatory



EXECUTED as a Deed by TAYLOR WIMPEY UK LIMITED acting by:- its authorised attorneys in the presence of:

Witness:

[Signature]

CHARLOTTE MCDOWELL
COLVEDENE COURT, WESSEX
BUSINESS PARK, COLDEN
COMMON, HANTS SO21 1WP

[Signature]
LAURA AUSTIN
ATTORNEY

Director

[Signature]

Lisa Guelfi
Attorney

Director/Secretary

EXECUTED as a Deed by OPTIVO acting by:-

)
)

Director

Director/Secretary

Pinsent Masons
LLP
(on authority)

IN WITNESS whereof the parties hereto have executed this Deed as a deed the day and year first before written.

EXECUTED as a Deed by affixing the)
common seal of LONDON LEGACY)
DEVELOPMENT CORPORATION)
in the presence of:-)

.....
Authorised signatory

EXECUTED as a Deed by TAYLOR WIMPEY)
UK LIMITED acting by its Attorneys-)

.....
Attorney

.....
Attorney

in the presence of:

Witness signature

Name

Address

Occupation

6376

EXECUTED as a Deed by OPTIVO acting by:-)
)

.....
Director

.....
Director/Secretary

Pinsent Masons LLP
(on authority)

APPENDIX 1
DRAFT PLANNING PERMISSION

VARIATION / REMOVAL OF CONDITION(S) APPROVAL

**Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2015**

Please see notes at the end of this notice

Applicant:

Taylor Wimpey East London

Agent:

Mr Peter Saundery,
Taylor Wimpey East London
Ground Floor East Wing
BT Brentwood
1 London Road
Brentwood
CM14 4QP

Part I - Particulars of Application

Date of Application: 30-Oct-2018

Application No: 18/00485/VAR

Proposal: Application under section 73 of the Town and Country Planning Act 1990 (as amended) for amendments to Condition 2 (Works in accordance with approved details) of planning permission 16/00685/FUL (dated 13th September 2017). Proposed amendments include alterations to: residential entrance locations (Building A), bicycle stores and plant rooms (Buildings A & B), commercial entrance locations (Building D), residential unit layouts (Building B), building envelope lines (Building A), rooftop chimney (Building B), smoke shafts (Building E), podium wall (Building E), wheelchair accessible units (Buildings D & E), bin presentation area (Building G), window and balcony positions (all buildings) and external/landscaping works.

Location: 411-415 Wick Lane, London, E3 2JG

Part II - Particulars of Decision

In pursuance of the powers under the above Act and Order the London Legacy Development Corporation hereby gives notice that **VARIATION OF CONDITION(S) HAS BEEN APPROVED** as referred to in Part I hereof and as described and shown on the application and plan(s) submitted, subject to the following conditions and notes:

Conditions:

1. Time Limit

The development shall be commenced before the expiration of three years from the date of the parent planning permission ref: 16/00685/FUL, 13th September 2017.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. Works in accordance with approved details

The development hereby approved shall be carried out in accordance with the following approved plans and documents and retained thereafter:

389-WL-SITE-100-3; 389-WL-SITE-101-1; 389-WL-SITE-102-1; 389-WL-SITE-103-1; 389-WL-SITE-104-1; 389-WL-L00-200-6; 389-WL-L01-201-6; 389-WL-L02-202-6; 389-WL-L03-203-6; 389-WL-L04-204-6; 389-WL-L05-205-6; 389-WL-L06-206-6; 389-WL-LRF-207-6; 389-WL-ELE-401-5; 389-WL-ELE-402-5; 389-WL-ELE-403-5; 389-WL-ELE-404-5; 389-WL-405-5; 389-WL-ELE-406-5; 389-WL-ELE-410-3; 389-WL-ELE-411-3; 389-WL-ELE-430-2; 389-WL-ELE-431_2; 389-WL-ELE-432_2; 389-WL-ELE-433-1; 389-WL-ELE-433-1; 389-WL-ELE-434-1; 389-WL-ELE-435-1; 389-WL-ELE-436-1; 389-WL-SEC-300-1; WIC469-GRA-X-00-DR-L-3100-P; WIC469-GRA-X-00-DR-L-5100-P; 2089/ARC/3200 Rev T8; 2089/ARC/3201 Rev T8; 20898/ARC/3202 Rev T9; 20898/ARC/3203 T8; 20898/ARC/3204 Rev T8; Design and Access Statement Rev 2; Desk Study & Site Investigation Report; Report on Daylight & Sunlight Effects for Proposed Development at 415 Wick Lane; Transport Assessment Version 2; Archaeological Desk Based Assessment; Fire Strategy; Statement of Community Engagement; Report on Daylight and Sunlight Within Proposed Dwellings & Amenity Spaces at 415 Wick Lane; Preliminary Ecological Appraisal; London Plan Compliant Energy Report; Arboricultural Impact Assessment; Flood Risk Assessment Revision 2; 415 Wick Lane Pedestrian Wind Comfort Analysis Version 2; Townscape and Visual Impact Assessment Version 2; Heritage Statement; Planning Statement Version 2; Pre-Occupation Residential & Work Based Travel Plan; Construction Logistics Plan; Delivery & Servicing Plan Version 2; Air Quality Assessment; Environmental Management & Construction Logistics Plan; Noise Impact Assessment Version 2; Technical & Utilities Report Version 2; Open Space Management Strategy; Sustainability Statement Version 2; Drainage Strategy Version 2; Wick Lane Planning Amendments – 10.10.18.

Reason: To ensure that all works are properly implemented and retained.

3. Notice of Commencement

The Notice of Commencement for the development was approved under application ref: 17/00474/AOD.

Reason: To ensure that the construction of the Development uses best practicable means to minimise adverse environmental impact.

4. Archaeology

- A) The development shall be carried out in accordance with the Stage 1 Written Scheme of Investigation (WSI) approved under application ref: 17/05933/AOD unless otherwise approved in writing by the Local Planning Authority.
- B) No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under part (A) of this condition.
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (A) of this condition and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To safeguard the heritage assets by ensuring that any archaeological remains that may exist on site are not permanently destroyed.

5. Code of Construction Practice

The development shall be carried out in accordance with the Code of Construction Practice as approved under application ref: 18/00262/AOD.

Reason: To ensure that the construction of the Development uses best practicable means to minimise adverse environmental impact.

6. Construction & Demolition Noise Monitoring & Mitigation

The development shall be carried out in accordance with the Construction & Demolition Noise Monitoring & Mitigation details approved under application ref: 18/00264/AOD.

Reason: To ensure that the construction of the Development uses best practicable means to minimise adverse environmental impact.

7. Construction & Demolition Dust Monitoring & Mitigation

The development shall be carried out in accordance with the Construction & Demolition Dust Monitoring & Mitigation details approved under application ref: 18/00279/AOD.

Reason: To ensure that the construction of the Development uses best practicable means to minimise adverse environmental impact.

8. Construction & Demolition Transport Management Plan

The development shall be carried out in accordance with the Construction & Demolition Transport Plan approved under application ref: 18/00266/AOD.

Reason: To ensure that the construction of the Development minimises its environmental impacts and ensures highway safety.

9. Construction & Demolition Waste Management Plan

The development shall be carried out in accordance with the Construction & Demolition Waste Management Plan approved under application ref: 18/00267/AOD.

Reason: To ensure that the construction of the Development minimises its environmental impacts.

10. Borehole Management

The development shall be carried out in accordance with the Borehole Management Details approved under application ref: 18/00393/AOD.

Reason: To ensure that redundant boreholes are safe and secure, and do not cause groundwater pollution or loss of water supplies.

11. Piling Method Statement

The development shall be carried out in accordance with the Piling Method Statement approved under application ref: 17/00618/AOD.

Reason: The proposed works will be in close proximity to underground water utility infrastructure and some piling techniques can cause preferential pathways for contaminants to migrate to groundwater and cause pollution.

12. Contamination

The development shall be carried out in accordance with the contamination details approved under applications ref: 17/00475/AOD; 18/00521/AOD and 19/00087/AOD.

Reason: To protect the water environment, including groundwater. The desk study indicates the potential presence of contamination from the previous uses.

13. Verification Report

No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been 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 validation plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, a maintenance timetable and arrangements for contingency action arising from the monitoring, as identified in the verification report. The long-term monitoring and maintenance plan shall be implemented in full as approved.

Reason: To protect the water environment, including groundwater from pollution and/or further deterioration.

14. Unexpected Contamination

If, during development, unexpected contamination is encountered 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 a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure the protection of human health, the avoidance of pollution of controlled waters and to protect groundwater from pollution and/or further deterioration.

15. Contamination – Monitoring and Maintenance

The development shall be carried out in accordance with the monitoring and maintenance details approved under application ref: 18/00429/AOD.

Reason: To ensure that the site does not pose any further risk to the water environment by managing any ongoing contamination issues and completing all necessary long-term remediation measures.

16. Surface Water Drainage

No infiltration of surface water drainage into the ground at the site is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To protect the water environment including groundwater.

17. Potable Water

The residential dwellings hereby permitted shall achieve potable water use of 110 litres per person per day when calculated in line with the requirements of Building Regulations Part G2.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand for Potable Water.

18. Residential standard – internal noise levels

There shall be no occupation of any residential unit hereby permitted, unless it is designed and constructed in accordance with BS 8233:2014 'Guidance on sound insulation and noise reduction for buildings' to attain the below internal noise levels.

Bedrooms- 30dB LAeq,T* and 45dB LAfmax

Living rooms- 35dB LAeq, D*

*T- Night-time 8 hours between 23:00-07:00

*D- Daytime 16 hours between 07:00-23:00.

Reason: To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources.

19. Noise and Vibration Attenuation

The development shall be carried out in accordance with the Noise and Vibration Attenuation measures approved under application ref: 18/00047/AOD.

Reason: To ensure an adequate standard of residential amenity.

20. Accessible Housing

At least ten per cent of the residential units hereby permitted shall be constructed to comply with Part M4(3) of the Building Regulations. Any communal areas and accesses serving the M4(3) compliant Wheelchair User Dwellings should also comply with Part M4(3). All other residential units, communal areas and accesses hereby permitted, other than the 4 maisonette units within Building C (unit refs. C.L01.01.3B.6P.TH; C.L01.02.3B.6P.TH; C.L01.03.3B.6P.TH; and C.L01.04.3B.6P.TH) shall be constructed to comply with Part M4(2) of the Building Regulations.

Reason: To secure appropriate access for disabled people, older people and others with mobility constraints. The exception from the optional standards contained at Part M4(2) of the Building Regulations for the 4 maisonette units in Building C is order to allow the living space to be located on the upper floor to benefit from direct access to the private amenity spaces to these units.

21. Refuse Storage

Before the first occupation of the Development hereby permitted, the refuse and recycling storage arrangements shown on the approved drawing/s shall be provided and made available for use by the occupiers of the Development and the facilities provided shall thereafter be retained for the life of the Development and neither they nor the space they occupy shall be used for any other purpose.

Reason: To ensure that that the refuse will be appropriately stored within the site in the interest of protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance.

22. Car Park Management Plan

Prior to the occupation of the development hereby permitted, a car park management plan shall be submitted to and approved in writing by the local planning authority. The use hereby permitted shall thereafter be operated in accordance with the approved details. The submitted details will include the following:

a) The provision of a car club parking space;

- b) Details of allocation, management, and monitoring of Blue Badge parking;
- c) The number and location of electric vehicle charging points; and
- d) Secure access arrangements to the car park.

Reason: To avoid obstruction of the surrounding streets and limit the effects of the increase in travel movements within the locality as well as safeguarding public safety and the amenity of the surrounding area.

23. Permit Free

No occupiers of the residential units hereby permitted, with the exception of disabled persons who are blue badge holders, shall apply to the Council for a parking permit or retain such permit, and if such permit is issued it shall be surrendered to the Council within seven days of written demand.

Reason: To avoid obstruction of the surrounding streets.

24. Permit Free Details

Prior to the occupation of the development hereby permitted, arrangements shall be agreed in writing with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in the area at any time.

Reason: To avoid obstruction of the surrounding streets.

25. Cycle Parking

Prior to the occupation of the development hereby permitted, details of the provision to be made for internal and external cycle parking shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be implemented in full in accordance with the approved details before the use hereby permitted commences and shall thereafter be retained solely for its designated use.

Reason: To ensure adequate cycle parking is available on site and to promote sustainable modes of transport.

26. Service Equipment

Prior to the occupation of any complimentary retail unit to be used for food and drink use (Use Classes A3 – A5), details and full specifications of fume extraction equipment shall be submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details and specification and the use of the retail unit shall not commence until the approved fume extraction equipment has been installed and is fully operational. The approved fume extraction equipment shall thereafter be retained and maintained in accordance with manufacturer's instructions.

Reason: To ensure appropriate appearance and that no nuisance or disturbance is caused to the detriment of the amenities of adjoining occupiers or to the area generally.

27. Landscaping

Prior to the occupation of the development hereby permitted, a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall be thereafter carried out in accordance with the approved details within 6 months of the date of occupation. All tree, shrub and hedge planting included within the above specification shall accord with BS3936:1992, BS4043:1989 and BS4428:1989 (or subsequent superseding

equivalent) and current Arboricultural best practice. The submitted details are expected to demonstrate the following:

- a) The quantity, size, species, position and the proposed time of planting of all trees and shrubs to be planted.
- b) An indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance and protection, including the replacement of any dead species within 5 years from first planting.
- c) Specification of which shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape.
- d) Details of external lighting (including lighting design for Wick Walk).
- e) Details of hard landscaping and street furniture.

Reason: In order to ensure high quality landscaping in and around the site in the interests of the ecological value of the site and in the interests of visual amenity.

28. BREEAM

Prior to occupation of the commercial units, a final code certificate shall be obtained and submitted to the Local Planning Authority confirming the commercial development hereby permitted has achieved a minimum BREEAM New Construction rating of 'Very Good'.

Reason: To ensure that the development has an acceptable level of sustainability.

29. Detailed Drawings

Block A of the development shall be carried out in accordance with the detailed drawings approved under application ref: 19/00064/AOD.

Block B of the development shall be carried out in accordance with the detailed drawings approved under application ref: 19/00067/AOD.

Block C of the development shall be carried out in accordance with the detailed drawings approved under application ref: 19/00068/AOD

Prior to commencement of the remaining blocks of the development hereby permitted, detailed drawings (at scales of 1:5, 1:10 or 1:20 where appropriate) of the following architectural features shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be thereafter built in accordance with the approved details. The following details are required:

- a) Windows;
- b) Building entrances (including car park, plant and refuse);
- c) Shopfronts;
- d) Balconies including soffit and balustrade detailing; and
- e) Means of enclosure to car park;
- f) Privacy Screens.

Reason: To ensure that the Local Planning Authority is satisfied that the details and approach adopted will secure high quality design and detailing and minimise impact on neighbouring properties.

30. Materials

The development shall be carried out in accordance with the materials approved under application ref: 18/00106/AOD.

For the avoidance of doubt, the standing seam metal panels to the chimney to Building B as approved under this variation shall be RAL colour 3016.

Reason: To ensure that the Local Planning Authority is satisfied that the details and approach adopted will secure high quality design and detailing and minimise impact on neighbouring properties.

31. Green Roof

Prior to the installation of the green roof, a detailed specification of the green roof shall be submitted to and approved in writing by the local planning authority. The specification shall include details of the quantity, size, species, position and the proposed time of planting of all elements of the green roof, together with details of their anticipated routine maintenance and protection. The green roof shall thereafter be installed prior to first occupation and shall only be installed and maintained in accordance with the approved details.

Reason: To safeguard the visual amenities of the area.

32. Accessibility Strategy

Notwithstanding the approved plans, prior to first occupation of the development hereby permitted, an Accessibility Strategy dealing with the following issues, shall be submitted to and approved in writing by the Local Planning Authority.

- a) That the main entrance of every commercial unit is fully accessible without the need for platform lifts.
- b) Wheelchair storage and charging point areas should be provided for any ground floor wheelchair accessible units.
- c) Doors along wheelchair accessible routes should be automated.

The works shall thereafter be carried out and maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to ensure an appropriate level of accessibility.

Proactive and Positive Statement

In accordance with the National Planning Policy Framework and with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the following statement explains how the LLDC as Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with this application:

Following submission of the application to LLDC, the local planning authority continued to work with the applicant in a positive and proactive manner. The application complies with planning policy as stated above and was determined in a timely manner.

The applicant has been kept informed of the progress of the application and has been given the opportunity to respond to and address any problems arising.

Dated this: **XX-Mar-2021**

A Hollingsworth

Anthony Hollingsworth
Director of Planning Policy and Decisions
London Legacy Development Corporation

London Legacy Development Corporation

Town and Country Planning Act 1990 (as amended)

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 Communities and Local Government under Section 78 of the Town and Country Planning Act 1990 (as amended).
- * If you want to appeal then you must do so within **SIX months** of the date of this notice (unless your proposal relates to a householder appeal or minor commercial appeal as defined in Article 37 of the DMPO 2015 in which case you must do so within **TWELVE weeks** of the date of this notice), using a form, which is available from the Planning Inspectorate, (a copy of which must be sent to London Legacy Development Corporation Planning Policy and Decisions Team) 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.gov.uk/appeal-planning-inspectorate. 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 Secretary of State 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.