

DATED

PLS 7 MAY

2014

- (1) LONDON LEGACY DEVELOPMENT CORPORATION
- (2) WESTON HOMES PLC
- (3) HSBC BANK PLC

## SUPPLEMENTAL PLANNING OBLIGATION BY DEED

made pursuant to section 106 of the Town and Country Planning Act 1990 and all other powers enabling

relating to the development of land at 80-92 High Street Stratford

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THIS SUPPLEMENTAL AGREEMENT is made on DO 7<sup>th</sup> MAY 2014 2014

**BETWEEN:-**

- (1) **LONDON LEGACY DEVELOPMENT CORPORATION LIMITED** of Level 10, 1 Stratford Place, Montfichet Road, London E20 1EJ (the "LPA"); and
- (2) **WESTON HOMES PLC** (CRN 2133568) of The Weston Group Business Centre Parsonage Road Takeley Essex CM22 6PU (the "Owner")
- (3) **HSBC BANK PLC** (CRN 00014259) of 8 Canada Square London E14 5EQ (the "Mortgagee")

**RECITALS**

- (A) The LPA is the local planning authority for the purposes of section 106 of the 1990 Act for the area within which the Site is situated.
- (B) The Owner is the freehold and leasehold owner of the Site shown edged red on the plan attached hereto and as registered at the Land Registry under title numbers EGL526851, EGL533282, EGL538033 and EGL437503
- (C) The Mortgagee is the mortgagee of the Site
- (D) On 7 April 2008 Stratford Edge Limited entered into the Principal Agreement in relation to the redevelopment of the Site to provide a 27 storey tower with a 6-storey street building comprising of 202 residential units, 792sq.m. of offices at ground floor and first floor, 218sq.m. of a café/bar (Class A3/A4) or office or leisure use at ground and first floor with 65 car parking spaces, 150 cycle spaces, 32 motorcycle spaces in a basement car park with access via the High Street and associated landscaping.
- (E) The Owner submitted the planning application to the LPA to vary condition 2 'Drawing numbers' of planning permission reference 06/90011/FUMODA.
- (F) The LPA has resolved to approve the planning application subject to the prior completion of this supplemental agreement which is intended to ensure that the benefits of the Principal Agreement are secured in carrying out any development of the Site pursuant to the Planning Permission.
- (G) The Parties agree that the obligations contained in this Deed meet the three tests for planning obligations set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (as amended).

**OPERATIVE PROVISIONS:-**

**1. INTERPRETATION**

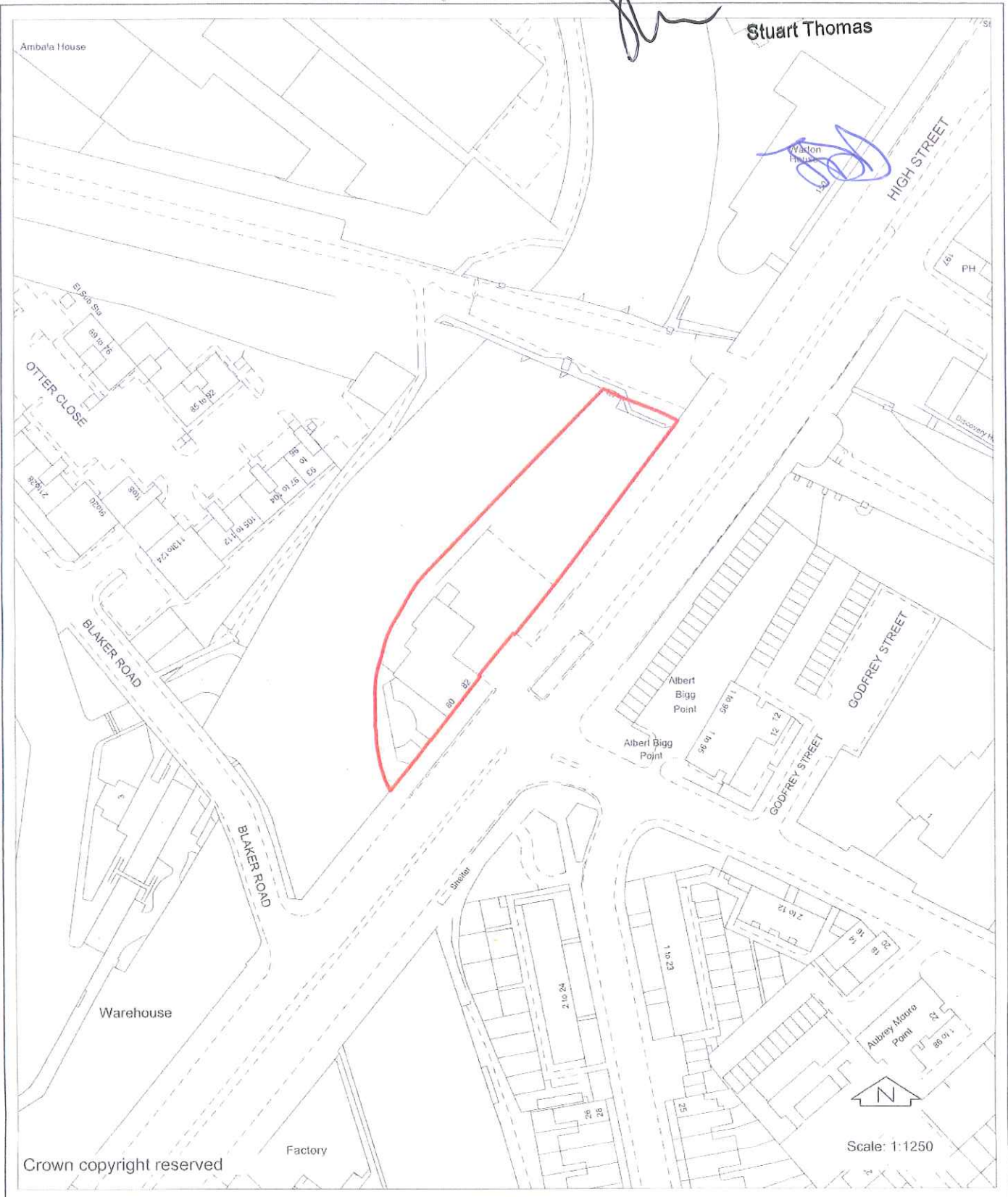
- 1.1 Save where provided otherwise, words and expressions used in this Supplemental Agreement have the meaning assigned to them in the Principal Agreement.
- 1.2 For the purposes of this Supplemental Agreement, the following words and expressions have the meanings assigned:

**Revised Development** means the development to be carried out pursuant to the Planning Permission.

*[Handwritten signatures]*

Richard Payne

Stuart Thomas



### 80-92 High Street E15

Date: 27/06/2006

Drawn:



**Planning Permission** means the planning permission for the Revised Development given reference number 14/00043/VAR a draft of which is included in Schedule 1 and for the purposes of this Deed the term 'Planning Permission' shall also include any planning permission granted after the date of this Deed pursuant to an application made under section 73 of the Town and Country Planning Act 1990 (as amended) varying any condition attached to planning permission reference 06/90011/FUMODA.

**Principal Agreement** means an agreement dated 7 April 2008 and made in relation to the Development between (1) the Olympic Delivery Authority (2) the Mayor and Burgesses of the London Borough of Newham, (3) Stratford Edge Limited and (4) KBC Bank NV pursuant to section 106 of the 1990 Act and other relevant powers.

## 2. **Construction of this Deed**

### 2.1 In this Deed:

2.1.1 unless otherwise indicated reference to any:

- (a) clause, schedule or appendix is to a clause of, schedule to or appendix to this Deed;
- (b) paragraph is to a paragraph of a schedule to this Deed;
- (c) reference within a schedule to a paragraph is to a paragraph of that Schedule;
- (d) part is to a part of a schedule to this Deed;
- (e) table is to a table of a schedule to this Deed;
- (f) recital is to a recital to this Deed; and
- (g) plan, is to a plan annexed to this Deed;

2.1.2 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 Deed;
- (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;

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

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

- 2.1.5 references to the Site include any part of it;
  - 2.1.6 references to the LPA comprise the London Legacy Development Corporation in its capacity as local planning authority and include successors to such function;
  - 2.1.7 references to any other party to this Deed shall include the successors in title to that party and to any person deriving title through or under that party;
  - 2.1.8 "including" means "including without limitation";
  - 2.1.9 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;
  - 2.1.10 unless otherwise indicated words importing persons include firms, companies, other corporate bodies or legal entities and vice versa;
  - 2.1.11 any obligation, covenant, undertaking or agreement by any Owner or LPA not to do any act or thing includes an obligation, covenant, undertaking or agreement not to permit or allow the doing of that act or thing; and
  - 2.1.12 save where expressly stated to the contrary, where in this Deed 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 3 (three) months), within 10 (ten) Working 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.
- 2.2 The Interpretation Act 1978 shall apply to this Deed.

### 3. **LEGAL BASIS**

- 3.1 This Supplemental Agreement is supplemental to the Principal Agreement and is entered into pursuant to section 106 of the 1990 Act.

### 4. **OPERATION OF THIS SUPPLEMENTAL AGREEMENT**

- 4.1 The obligations, covenants, undertakings and agreements contained herein constitute planning obligations for the purposes of section 106 of the 1990 Act and are enforceable by the LPA as the local planning authority for the area within which the Site is situated.
- 4.2 The Owner and Mortgagee covenant with the LPA that from the date of this Supplemental Agreement the obligations, covenants and undertakings on the part of the Developer contained in the Principal Agreement shall bind the Site with the intent that they shall be enforceable not only against the Owner but also against any successors in title to or assigns of the Owner and/or any person claiming through or under the Owner an interest or estate in the Site.
- 4.3 The LPA covenants with the Owner in respect of the Site to perform the obligations, covenants and undertakings on its part contained in the Principal Agreement to the extent that such covenants and undertakings have not already been performed.

5. **CONDITIONALITY**

5.1 Save where expressly provided for in this Deed, this Deed is conditional upon and shall not take effect until the Planning Permission has been granted and issued.

6. **OPERATIONAL CLAUSES**

6.1 Subject to Clause 6.2, the Owner covenants with the LPA to observe and perform the obligations, covenants, undertakings, restrictions and agreements imposed on and/or undertaken by the Developer in the Principal Agreement to the extent that these have not already been performed or discharged as if such obligations, covenants, undertakings, restrictions and agreements were set out in full in this Deed but as if they related to the Revised Development.

6.2 It is agreed that references in the Principal Agreement to Development shall be construed as if they were references to the Revised Development.

6.3 It is agreed any obligation in this Deed shall not be enforceable against any statutory undertaker or other person who acquires any part of the Site or an interest therein for the purpose of the supply of electricity, gas, water, drainage, telecommunication services, public transport or other infrastructure.

7. **No Waiver**

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

8. **MISCELLANEOUS**

8.1 If any provision of this Deed is held to be illegal invalid or unenforceable the legality validity and enforceability of the remainder of this Deed is (if and to the extent that it may properly and lawfully be construed as such) to be unaffected.

8.2 The Owner shall not be liable for any breach of any of the undertakings given in this Deed after parting with its interest in the Site or its interest in respect of 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.

8.3 This Deed and the undertakings which it contains shall lapse and be extinguished automatically in respect of land to which any of the Planning Permissions relates if (and from the date that) such Planning Permission(s) lapse without the Revised Development envisaged by such Planning Permission(s) being commenced or if such Planning Permission(s) are otherwise revoked, withdrawn or (without the consent of the Owner) modified.

8.4 Other than the Planning Permissions nothing in this Deed shall prohibit or limit the right to develop any part of the Site in accordance with a planning permission granted (whether or not on appeal) after the date of this Deed.

8.5 The undertakings contained in this Deed shall be enforceable against any Owner that takes any steps or allows any steps to be taken which triggers such undertaking in respect of their land.

9. **The LPA'S Legal and Other Costs**

9.1 The Developer agrees that it will pay the LPA's reasonable costs incurred in negotiating and completing this Deed on completion of this Deed.

10. **Rights of Third Parties**

10.1 Other than as set out in Clause 4, no term of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999 by a person who is not a party to this Deed.

11. **LOCAL LAND CHARGE**

11.1 This Supplemental Agreement is a local land charge and shall be registered as such.

12. **MORTGAGEE'S CONSENT**

12.1 The Mortgagee confirms its consent to the Site being bound by the Supplemental Agreement

**IN WITNESS** whereof the parties have executed this Deed the day and year first above written



**SCHEDULE 1 : Draft Planning Permission**

**VARIATION OF CONDITION APPROVAL**

**Town and Country Planning Act 1990**  
**Town and Country Planning (Development Management Procedure) (England) Order 2010**

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Please see notes at the end of this notice

**Applicant**

Mr Jim Arthur  
Broadway Malyan Broadway Malyan  
2A Southwark Bridge Road  
London  
SE1 9HA

**Agent**

Mr Jim Arthur  
Broadway Malyan Broadway Malyan  
2A Southwark Bridge Road  
London  
SE1 9HA

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**Part I - Particulars of Application**

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Date of Application: 20-Feb-2014

Application No: 14/00043/VAR

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Proposal: Application for minor material amendments under s73 of TCPA to vary condition 2 'Drawing numbers' of planning permission 06/90011/FUMODA (dated 30-10-2006) for: omission of winter gardens and inclusion of open balconies; facade external materials changed; realignment of facade; apartment areas increased in line with LHDG minimums (no increase in overall internal gross area); west end of building shortened and overhang reduced; canopy over 6<sup>th</sup> floor omitted; shape of tower revised; and other external design changes.

Location: 80-92 High Street, Stratford

**Part II - Particulars of Decision**

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In pursuance of the powers under the above Act and Order the London Legacy Development Corporation hereby gives notice that **VARIATION OF CONDITION 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 and notes:

1. The development to which this permission relates must be commenced not later than the expiration of TWO YEARS from the date of the original permission dated (7<sup>th</sup> April 2008).

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

2. The development hereby approved shall only be undertaken in full compliance with all details as shown on applicant's drawings no(s):

Original Drawing no.	Superseded by New Drawing no.
AP-01-01 Rev G	AP-01-01 Rev G
02-01 Rev G	02-01 Rev G
02-02 Rev G	A-02-101
02-10 Rev C	Supersede (no replacement)
02-11 Rev C	Supersede (no replacement)
03-B1 Rev G	A-03-99
03-00 Rev G	A-03-00
03-01 Rev G	A-03-01
03-02 Rev G; 03-03 Rev G; 03-04 Rev G	A-03-02-04
03-05 Rev G; 03-06 Rev G	A-03-05-06
03-07 Rev G	A-03-07
03-08 Rev G; 03-09 Rev G; 03-13 Rev G; 03-17 Rev G; 03-21 Rev G; 03-25 Rev G	A-03-08-25; A-03-26-27; A-03-28
04-01 Rev G	A-04-01; A-04-02; A-04-20
05-11 Rev G; 05-12 Rev G	A-05-03
05-13 Rev G	A-05-01; A-05-02
90-01 Rev G	L-90-P-001; L-90-P-002; L-90-P-020
(No equivalent original drawings.)	A-00-01; A-00-02; A-00-03; A-00-04; A-00-05; A-00-06; A-00-07

Reason: To ensure that the development is constructed in accordance with the approved plans and there shall be no departures from those details unless otherwise agreed by the local planning authority in writing.

3. Notwithstanding the details shown in the approved drawing, full particulars of colour and texture to be used on all external surfaces shall be submitted to and approved by the Local Planning Authority prior to commencement of the development above grade.

Reason: To ensure a satisfactory standard of external appearance.

4. Before any above grade work hereby authorised begins, a plan showing the proposed planting scheme shall be submitted to and be approved by the Local Planning Authority. 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. Maintenance schedule

iii. Full details of materials to be used on any paved areas and any other hard surfaces

All planting, seeding or turfing shall be implemented in the first planting season following occupation of the buildings or the substantial completion of the development, whichever is the sooner.

Any plants or trees 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.

Reason: To ensure a satisfactory standard of external appearance of the development.

5. Prior to the commencement of works on the development hereby permitted, 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 during construction. Alternatively the developer shall demonstrate to the satisfaction of the Local Planning Authority compliance with the Considerate Constructors Scheme. Details to be addressed by the environmental code or Considerate Constructors Scheme should include noise, dust, smoke, road cleaning and any other matters relevant to this particular site. The approved environmental code or scheme standards shall be adhered to for the duration of the construction works.

**Unless otherwise approved in accordance with planning permission 06/90011/FUMODA.**

Reason: To ensure that the construction does not prejudice the ability of neighbouring occupiers reasonable enjoyment of their properties.

6. 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.

**Unless otherwise approved in accordance with planning permission 06/90011/FUMODA.**

Reason: 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.

7. 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 in writing. 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.

**Unless otherwise approved in accordance with planning permission 06/90011/FUMODA.**

Reasons: To protect the amenity of future occupants and/or neighbours.

8. Operations of demolition, site clearance, construction and so on, for which noise is audible at the nearest residential boundary shall be restricted to the hours of 0800 and 1800 on Mondays to

Fridays and between 0800 and 1300 on Saturdays and at no time on Sundays or Statutory holidays without the prior written approval of the Local Planning Authority.

Reason: To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

9. a). Prior to the commencement of works on the development hereby permitted full details of the routing of mechanical ventilation and the passive provision of associated ducting for all commercial units shall be provided to and approved by the Local Planning Authority. The approved scheme shall be installed and commissioned prior to occupation of the development and shall be permanently maintained in proper working order thereafter.

b). Prior to the occupation of any unit within the development for Class A3/A4 purposes full details of any mechanical ventilation or other plant associated with each such unit shall be submitted to and approved by the Local Planning Authority. Details should include plans and drawings, full specifications of all filtration and odour abatement systems, noise output, termination points and maintenance schedules. Particular consideration should be given to the potential high level discharge of kitchen extract air or odoriferous extract air where a high level of discharge is usually essential. The approved ventilation equipment and other plant shall be installed and commissioned prior to occupation of the development and shall be permanently maintained in proper working order thereafter.

**Unless otherwise approved in accordance with planning permission 06/90011/FUMODA.**

Reason: To protect the amenity of future occupants and/or neighbours.

10. Before commencement of the development, an air quality report shall be submitted to and agreed by the Local Planning Authority. The report shall detail:

a) the area within the boundary of the site, which may exceed relevant national air quality objectives.

b) specify how the detailed application will address any potential to cause relevant exposure to air pollution levels exceeding the national air quality objectives.

c) identify areas of potential exposure.

d) detail how the development will reduce its impact on local air pollution.

Regard shall be had to the guidance from the Association of London Government "Air quality assessment for planning applications - Technical Guidance Note" in the compilation of the report.

**Unless otherwise approved in accordance with planning permission 06/90011/FUMODA.**

Reason: To protect the amenity of future occupants and/or neighbours and in the interest of the declared Air Quality Management Area.

11. All commercial road vehicles used on the construction project must meet the European Emission Standards (commonly known as Euro standards) of Euro 3 during any works that take place from the date of this consent and Euro 4 for any works that takes place from 1 January 2008. In the event of any new European Emission Standards being introduced after 2006 the standards shall be applied to all road vehicles serving the construction project within a period of 2 years after the date of introduction contained within the relevant EU Directive.

All non-road mobile vehicles with compression ignition engines used within the site must comply with emission standards set in EC directive 97/68/EC. Vehicles must meet Stage II limits from the start of contract and from 1 January 2012, meet Stage IIIa and b emission limits.

Exemptions to the above standards (for road and non-road vehicles) may be granted for specialist equipment or for equipment with alternative emission reduction equipment or run on alternative

fuels. Such exemptions shall be applied for in writing to the LPA in advance of the use of such vehicles, detailing the reasons for the exemption being sought and clearly identifying the subject vehicles. Exemptions that are granted will be in writing and such vehicles must not be used until written exemption has been received by the applicant.

No vehicles or plant to which the above emission standards apply shall be on site, at any time, whether in use or not, unless it complies with the above standards, without the prior written consent of the local planning authority.

Any diesel powered machines used on, or otherwise serving the site, must be run on ultra low sulphur diesel (also known as ULSD 'cleaner diesel' or 'green diesel'). "Ultra low sulphur diesel" means fuel meeting the specification within BS EN 590.

Reason: To protect the amenity of future occupants and/or neighbours.

**12.** Prior to the occupation of any unit within the development for Class A3/A4 purposes, 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.

Reason: To protect the amenity of future occupants and/or neighbours.

**13.** No impact piling shall be permitted during the construction of this development without the written permission of the local planning authority.

Reason: To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

**14.** Prior to commencement of works on the development hereby permitted supplemental information to the Acoustic Strategy Report dated 15 June 2005 shall be submitted to and approved by the Local Planning Authority. Additional information required includes the date of measurement, location of microphone during the survey and justification for the predicted 5 dB reduction in noise level on the 20th floor and upward. The acoustic report shall also include an assessment of the environmental impact of reflective road traffic noise as a result of the angled building façade design and mitigation measures where appropriate.

The developer shall specify noise mitigation measures to produce internal noise levels specified in BS8233 (Good) and shall include details upon mechanical ventilation systems for living rooms and bedrooms. The mechanical ventilation systems shall meet or exceed the specifications set out in clause 6, schedule 1 of the Noise Insulation Regulations 1975 with regard to acoustic performance and airflow rates. Alternative schemes that meet the above noise and ventilation standards can be considered.

The approved scheme is to be completed prior to the 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.

**Unless otherwise approved in accordance with planning permission 06/90011/FUMODA.**

Reason: To protect the amenity of future occupants and/or neighbours.

**15.** Electrical, mechanical or operational noise emitted by the development measured 1 metre from the façade of the nearest residential property (including those associated with the development) using the protocol in BS 4142 shall not exceed LAeq 45 dB between the hours of 0700 to 2300 and LAeq 42 dB between the hours of 2300 to 0700.

Reason: To protect the amenity of future occupants and/or neighbours.

16. At no time shall any amplified music generated from an A3/A4 use within the development, including any outside seating area ancillary to that use, be audible within any adjoining residential premises.

Reason: To prevent loss of amenity to neighbouring residential premises due to noise generated from the premises.

17. Prior to the commencement of works on the development hereby permitted a report upon electromagnetic field levels from high voltage overhead power lines shall be submitted to and approved by the Local Planning Authority. Details are to include predicted maximum field strengths within residential units closest to the overhead power lines together with any required mitigation to meet the current guidelines set upon human exposure by the Health Protection Agency.

**Unless otherwise approved in accordance with planning permission 06/90011/FUMODA.**

Reason: To protect the amenity of future occupants and/or neighbours.

18. Before any above grade work hereby authorised begins, details of the proposed Water Edge Treatment shall be submitted to and approved by the Local Planning Authority in consultation with the Canal and River Trust. 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.

Reason: In the interest of public safety and visual amenity.

19. 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 [delete where appropriate]. The approved scheme is to be completed prior to occupation of the development and shall be permanently maintained thereafter.

**Unless otherwise approved in accordance with planning permission 06/90011/FUMODA.**

Reason: To protect the public from risk of falls/drowning and to ensure an aesthetically acceptable water frontage.

20. Prior to the commencement of works on the development hereby permitted, full details of the vehicular 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.

**Unless otherwise approved in accordance with planning permission 06/90011/FUMODA.**

Reason: To protect the public from risk of falls/drowning and to ensure an aesthetically acceptable water frontage.

21. Prior to the commencement of works on the development hereby permitted, full details of proposed water edge lighting scheme shall be submitted to and approved by the Local Planning

Authority. The approved scheme is to be completed prior to occupation of the development and shall be permanently maintained thereafter.

**Unless otherwise approved in accordance with planning permission 06/90011/FUMODA.**

Reason: To protect the public from risk of falls/drowning at night and during inclement weather and to ensure an aesthetically acceptable water frontage.

**22.** Prior to the commencement of any works on the development hereby permitted, full details of life saving provision and equipment along the towpath and river edge shall be submitted to and approved by the Local Planning Authority. The approved works are to be completed prior to occupation of the development and shall be permanently maintained thereafter.

**Unless otherwise approved in accordance with planning permission 06/90011/FUMODA.**

Reason: To protect the public from risk of drowning and to ensure an aesthetically acceptable water frontage.

**23.** No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. The development shall only take place in accordance with the detailed scheme approved pursuant to this condition. The archaeological works shall be carried out by a suitably qualified investigating body acceptable to the Local Planning Authority.

**Unless otherwise approved in accordance with planning permission 06/90011/FUMODA.**

Reason: Important archaeological remains may exist on the site. Accordingly the planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development.

**24.** Development shall not commence until details of onsite drainage works have been submitted to and approved by the Local Planning Authority in consultation with the sewerage undertaker. No works which result in the discharge of foul or surface water from the site shall be commenced until the onsite drainage works referred to above have been completed.

**Unless otherwise approved in accordance with planning permission 06/90011/FUMODA.**

Reason: To ensure that the foul and/or surface water discharge from the site shall not be prejudicial to the existing sewerage system.

**25.** Development shall not commence until impact studies of the existing water supply infrastructure have been submitted to and approved in writing by the Local Planning Authority, in consultation with Thames Water. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

**Unless otherwise approved in accordance with planning permission 06/90011/FUMODA.**

Reason: To ensure that the Water supply infrastructure has sufficient capacity to cope with the/this additional demand.

**26.** Prior to occupation details of the incorporation of bat roosting and bird nesting boxes on the proposed building or parts thereof shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lee Valley Park Authority.

**Unless otherwise approved in accordance with planning permission 06/90011/FUMODA.**

Reason: To ensure the continued protection of local wildlife species.



27. Prior to the occupation of the development details of external lighting shall be submitted to the Local Planning Authority for their consideration and approval prior, and such lighting as is approved by the Local Planning Authority shall be retained permanently thereafter.

**Unless otherwise approved in accordance with planning permission 06/90011/FUMODA.**

Reason: To ensure that the site is adequately lit and to limit loss of amenity to adjoining occupiers from excessive glare.

28. Accommodation shall be provided on the site for a minimum of 180 bicycles spaces and a minimum of 32 motorbikes, in accordance with the approved drawings. The facilities are to be constructed, surfaced and marked out prior to occupation of the development and shall be permanently maintained thereafter.

Reason: To ensure that adequate on-site parking is made available for alternative forms of transport.

29. All ground floor commercial units hereby approved shall be constructed with ramped entrances and exits, (no greater than 1:15), or level access with a minimum 900mm front pathway to a level landing 1.2m deep x 900mm wide, leading to a flush threshold, with a minimum clear door opening of 800mm. Details of any external ramp shall be submitted to the Local Planning Authority and approved prior to the use commencing.

**Unless otherwise approved in accordance with planning permission 06/90011/FUMODA.**

Reason: To ensure that people with mobility impairment in particular wheelchair users are not excluded from using the proposed development by reasons of lack of adequate facilities.

30. Details of the means of enclosure for the refuse bins for:

- a) the residential units; and
- b) the commercial units

shall be submitted to and agreed in writing by the Local Planning Authority and be erected before the occupation of the dwellings or commercial units and thereafter shall be permanently retained.

**Unless otherwise approved in accordance with planning permission 06/90011/FUMODA.**

Reason: To ensure that the details of the development are acceptable to the Local Planning Authority.

31. No meter boxes, flues, vents, plumbing or pipes, other than rainwater pipes, other than those shown on the approved drawings, shall be fixed to the front elevation of the building without the prior written approval of the Local Planning Authority.

Reason: To protect local amenity.

32. The amenity space shown on the approved drawings shall not be sub-divided in any manner that prejudices the use of that space by future occupants of the premises and shall be permanently maintained thereafter.

Reason: To protect the amenities of future occupants.

33. Notwithstanding the details shown in the approved drawings; before any above grade work hereby authorised begins, details of the means of enclosure, layout, surface finish, furniture and landscaping arrangement of the communal roof garden shall be submitted to and approved by the Local Planning Authority. Details should include the proposed design, height and materials (with play equipment and furniture to encourage use of this space). The approved works are to be completed prior to occupation of the development and shall be permanently maintained thereafter.

Reason: In the interest of public safety and security, to protect the visual amenity of the locality and encourage use by residents of the amenity space.

**34.** All flats with lift access shall be constructed to accessible general housing standards.

Reason: To provide adequate access for residents and visitors to the dwellings including wheelchair and scooter users and people with toddlers and prams.

**35.** Prior to the commencement of works on the development hereby permitted, details of the lift design shall be submitted to and approved by the Local Planning Authority. If the lift for structural reasons is not designed to allow a wheelchair user to turn, the applicant is required to install either a pass-through lift as the first preference or, if this cannot be installed due to the nature of the design, a full length mirror is to be installed to allow wheelchair users to back out safely. The approved works are to be completed prior to occupation of the development and shall be permanently maintained thereafter.

**Unless otherwise approved in accordance with planning permission 06/90011/FUMODA.**

Reason: To ensure adequate access for all users of the building in particular wheelchair and scooter users and people with pushchairs and prams.

**36.** Prior to the commencement of works on the development hereby permitted, details of a possible protected internal route for the provision of a flue through the building shall be submitted to and approved by the Local Planning Authority. The approved works are to be completed prior to occupation of the development and shall be permanently maintained thereafter.

**Unless otherwise approved in accordance with planning permission 06/90011/FUMODA.**

Reason: To protect residential amenity and the external appearance of the building by resisting the provision of an external flue.

**37.** In the event that during construction, craneage 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 attention should be brought to the British Standard Code of Practice for the safe use of cranes (BS7121:Part1:1989)

Reason: In the interest of airport safety.

**38.** The car parking hereby shown on the approved drawings shall be used by the residential occupiers and their visitors of the flats hereby approved and for no other users. There shall be no sale, subletting or renting of spaces to anyone other than an occupier of a residential unit at this site.

Reason: In order to provide a satisfactory level of onsite parking available for residents.

**39.** The use of the commercial space on the ground and first floors of the southern block hereby shown on the approved drawings shall be restricted to use class B1, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure premises are occupied by activities that will not have a detrimental impact on residential amenity.

**40.** The use of the commercial space on the ground and first floors of the northern block hereby shown on the approved drawings shall be restricted to use classes A3, A4, B1 or D2 (Leisure), unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure premises are occupied by activities that will not have a detrimental impact on residential amenity.

**41.** (First Use of Premises) The first use of the hereby permitted ground and first floor commercial units shall be for a use falling within Use Class A3, A4, B1 or D2 of the Town and Country Planning

(Use Classes) Order 1987 (or any superseding legislation). Following the commencement of the operation of the first use to occupy the commercial unit, normal planning rules under the Town and Country Planning (Use Classes) Order 1987 will apply concerning any further changes of use.

Reason: To ensure that the premises are occupied by activities that will not have a detrimental impact on residential amenity.

**42.** No construction work shall commence unless and until detailed plans of the construction and foundation works for the proposed building have been submitted to and approved in writing by the Local Planning Authority in consultation with the London Development Agency. The development shall not be carried out other than in full accordance with the approved details.

**Unless otherwise approved in accordance with planning permission 06/90011/FUMODA.**

Reason: To ensure that construction of the proposed Olympic bridge adjacent to the site's north east boundary is not prejudiced.

**43.** Vehicles associated with construction work at the site shall at no time block vehicular access to the residential properties of neighbouring residents.

Reason: To prevent harm to the amenities of neighbouring residents.

**44.** Prior to construction work commencing contact details of a named person to act as a point of contact for neighbouring residents during the construction period, and details of how this information has been communicated to neighbouring residents, shall be submitted to and approved by the local planning authority. This liaison officer shall be available to contact throughout the duration of the construction period.

**Unless otherwise approved in accordance with planning permission 06/90011/FUMODA.**

Reason: To minimise harm to the amenities of neighbouring residents.

#### **45. Material samples sample-boards**

Notwithstanding the details shown in the approved drawings; before any above grade work hereby authorised begins, material sample-boards of all external facing materials to be used in the carrying out of this permission shall be presented on site and approved in writing by the Local Planning Authority; the development shall not be carried out otherwise than in accordance with any such approval given. The colour of all external materials to be used in exercising this permission, are to be consented by the Local Planning Authority prior to their use in the construction of this development.

Reason: In order to ensure that these samples will make an acceptable contextual response in terms of materials to be used, and achieve an satisfactory quality of design and detailing.

#### **46. Detailed drawings**

Notwithstanding the details shown in the approved drawings; before any above grade work hereby authorised begins, the following detailed drawings shall be submitted to the Local Planning Authority for approval.

Detailed drawings, with key dimensions annotated and including sections, at a scale of 1:50 and 1:20 of the following:

- principal features on the facades (including bay studies of the top of the tower, mid-point on the tower, entrances, ground floor and mid point on low rise block);
- lift overruns;
- details of escape stair / gate as it appears from High Street;
- parapets and roof edges;
- soffits (with materials / colour / finish annotated);

- junctions between different materials at scale 1:10 (or other agreed); and
- heads, sills and jambs of all openings.

The development shall not be carried out otherwise than in accordance with any such approval given.

Reason: In order to ensure a high quality of design and detailing.

#### **47. Active ground floor uses**

Prior to occupation of the residential units hereby permitted, the commercial ground and first floor units are to be fully fitted externally, including frontage glazing.

Reason: To ensure an attractive appearance to the development.

#### **48. Landscaping Plan**

Notwithstanding the details shown in the approved drawings and before any above grade work hereby authorised begins, detailed drawings at 1:50 and 1:10 of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including surfacing materials of any parking, access, or pathways layouts, materials and edge details and material samples of hard landscaping), shall be submitted to and approved in writing by the Local Planning Authority and the landscaping shall not be carried out otherwise than in accordance with any such approval given.

Reason: To ensure an attractive appearance to the development site.

#### **Informatives:**

1. The applicant / developer should refer to the current 'Code of Practice for Works affecting the Canal & River Trust' to ensure that any necessary consents are obtained.
2. The applicant / developer is advised that any encroachment or oversailing of the river during construction requires written consent from the Canal & River Trust, and they should contact the Canal & River Trust's Estate Surveyor.

#### **Proactive and Positive Statement**

In accordance with the National Planning Policy Framework and with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 (as amended), 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 planning application:

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

Dated this:

*A Hollingsworth*

**Anthony Hollingsworth**

Director of Planning Policy and Decisions  
London Legacy Development Corporation

## TOWN AND COUNTRY PLANNING ACT 1990

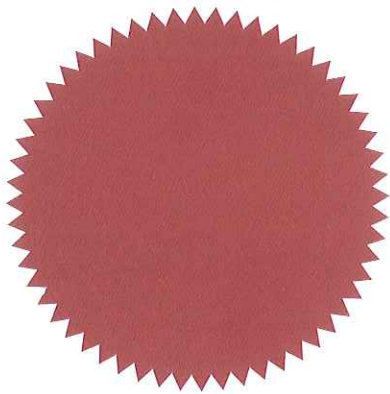
### Appeals to the Secretary of State

- \* 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 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](mailto:enquiries@pins.gsi.gov.uk) ) or (Tel: 0117 372 8000).  
To make an appeal online, please use [www.planningportal.gov.uk/pcs](http://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.
- \*

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THE COMMON SEAL of THE LONDON )  
LEGACY DEVELOPMENT CORPORATION )  
was hereunto affixed in the presence of: )

Authorised signatory

EXECUTED as a DEED by WESTON )  
HOMES PLC )  
acting by:

Director

Richard Payne

Director/Secretary

Stuart Thomas

SIGNED as a DEED by  
HSBC BANK PLC

authorised signatory on  
behalf of the Bank in the  
presence of:

Chris Merrett  
Authorised Signat

Witness sign.....

Witness name..... SEVIN HOWELL

Witness address..... 8 Canada Square

..... London

..... E14 5LQ

Witness occupation..... Loan Agency Analyst

