

DATED 7th February 201~~7~~⁸

(1) LONDON LEGACY DEVELOPMENT CORPORATION

(2) WESTON HOMES PLC

(3) HSBC BANK PLC

DEED OF MODIFICATION

pursuant to section 106 and section 106A of
the Town and Country Planning Act 1990 and other powers
relating to Monier Road West, Fish Island

CERTIFIED TO BE A TRUE AND COMPLETE
COPY OF THE ORIGINAL
DATED THIS 9 DAY OF FEB 20 18
PINSENT MASONS LLP
Pinsent Masons LLP

London Legacy Development Corporation
11 DEC 2017
Received



Pinsent Masons

THIS DEED is made on

7th February

2018

BETWEEN:

- (1) **LONDON LEGACY DEVELOPMENT CORPORATION** of Level 10, 1 Stratford Place, Montfichet Road, London, E20 1EJ (the "**LPA**");
- (2) **WESTON HOMES PLC** (Company Number 02133568) of The Weston Group Business Centre, Parsonage Road, Takeley, Essex CM22 6PU (the "**Developer**"); and
- (3) **HSBC BANK PLC** (Company Number 00014259) of Corporate Trust and Loans Agency Level 42, 8-14 Canada Square, London E14 5HQ (the "**Mortgagee**")

WHEREAS:

- (A) The LPA exercises the functions of the local planning authority for the Site pursuant to The London Legacy Development (Planning Functions) Order 2012 and is the local planning authority by whom the obligations contained in this Deed are enforceable.
- (B) The Developer is the owner of a freehold interest in the Site registered at the Land Registry with Title Number EGL300523.
- (C) The Mortgagee is the registered proprietor of the charge dated 11 September 2015 referred to in entry numbers 2-4 of the charges register of Title Number EGL300523 and has agreed to enter into this Deed to give its consent to the terms of the Deed.
- (D) This Deed is supplemental to an agreement dated 4 September 2015 made pursuant to section 106 of the 1990 Act and other relevant powers between (1) the LPA and (2) City and Suburban Homes Limited and (3) others (the Developer's predecessor in title) (the "**Original Agreement**").
- (E) On 4 September 2015 the LPA granted Planning Permission for the Development and City and Suburban Homes Limited and others (the Developer's predecessor in title) entered into the Original Agreement with the LPA. Since that date, the Developer has acquired the freehold interest in the whole of the Site referred to in Recital (B).
- (F) On 30 August 2017 the LPA validated the Section 73 Planning Application submitted by the Developer for minor material amendments to the Planning Permission. The LPA intends to grant the Section 73 Planning Permission under delegated powers subject to the completion of this Deed.
- (G) The LPA and the Developer have agreed to enter into this Deed to vary the Original Agreement to ensure that the obligations contained in the Original Agreement shall also apply to the Section 73 Planning Permission and also to make amendments to Schedule 1 of the Original Agreement.

1. LEGAL EFFECT

- 1.1 This Deed is made pursuant to sections 106, 106A(1)(a) and 106A(2) of the 1990 Act and all other relevant powers with the effect that the planning obligations and covenants contained in the Original Agreement are modified by this Deed to the extent expressly stated herein and shall be enforceable by the LPA as local planning authority as if such provisions were provisions of the Original Agreement subject to the terms of this Deed.
- 1.2 The obligations undertakings and covenants on the part of the Developer in this Deed are planning obligations made pursuant to and for the purposes of section 106 of the 1990 Act and other relevant powers and the said obligations undertakings and covenants are entered into with the intent that they shall be enforceable by the LPA not only against the Developer but also against any successors in title to or assigns of

the Developer and/or any person claiming through or under it an interest or estate in the Site as if that person had been an original covenanting party in respect of the Site.

- 1.3 Subject to the modifications in this Deed the Original Agreement will remain in full force and effect and shall be enforceable by the LPA as local planning authority by virtue of their powers referred to in the Original Agreement.

2. DEFINITIONS

- 2.1 Save where expressly stated otherwise, words and expressions used in this Deed including the Recitals shall have the same meaning as defined in the Original Agreement.

- 2.2 Unless the context otherwise requires, references in this Deed to "the parties" shall mean the parties to this Deed.

- 2.3 Where in this Deed the following defined terms are used they shall have the following meanings:

"Deed" means this deed of modification;

"Original Agreement" means the agreement made under Section 106 of the Act by (1) the LPA (2) City and Suburban Homes Limited and (3) others on 4 September 2015;

"Section 73 Planning Application" means the application given planning reference 17/00227/VAR made pursuant to section 73 of the 1990 Act for minor material amendments to the Planning Permission (reference 14/00374/FUL), the said minor material amendments comprising the variation of vary condition 2 (Works in Accordance with Approved Details) of the Planning Permission to vary the layout of the ground floor and first floor of Block B in order to create an additional unit;

"Section 73 Planning Permission" means the planning permission issued by the LPA in respect of the Section 73 Planning Application in the form of the decision notice annexed to this Deed at Annex 1.

3. MODIFICATION OF THE ORIGINAL AGREEMENT

- 3.1 The parties agree that with effect from the later of the date of this Deed and the date on which development pursuant to the Section 73 Permission is Commenced the Original Agreement shall be modified as follows:

- 3.1.1 the definition of "Development" in clause 1 of the Original Agreement shall be deleted and replaced with the following:

"Development" means the development of the Site and all other operations and/or works authorised by the Planning Permission and/or the Section 73 Planning Permission

3.1.2 paragraph 2.3 of Schedule 1 of the Original Agreement shall be deleted and replaced with the following:

"2.3 The Affordable Housing to be provided pursuant to paragraphs 2.1 and 2.2 above shall comprise the following unit size mix:

	1 bed/2 person units	2 bed/4 person units	3 bed/5 person units	Total number of units
Intermediate Units	3	4	2	9
Affordable Rented Housing Units	6	9	5	20

4. **THIRD PARTIES**

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.

MORTGAGEE

4.1 The Mortgagee acknowledges and declares that:-

4.1.1 this Deed has been entered into by the Developer with its consent;

4.1.2 the Site is bound by the obligations contained in the Original Agreement as varied by this Deed; and

4.1.3 the security of the mortgagee over the Site shall take effect subject to the Original Agreement as varied by this Deed.

4.2 Any mortgagee shall be liable only for any breach of the provisions of the Original Agreement as varied by this Deed during such period as he is a mortgagee in possession of the Site.

5. **EXECUTION**

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

6. **COSTS**

6.1 The Developer agrees that it will pay the LPA's reasonable legal costs 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) within 28 days of receiving an invoice in relation to the same.

7. **JURISDICTION**

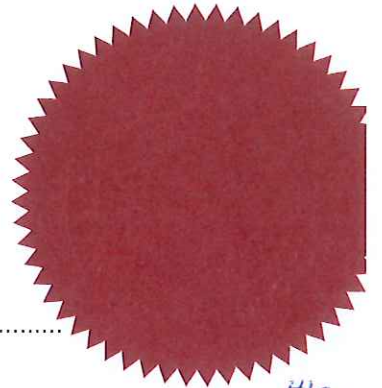
7.1 This Deed is governed by and shall be implemented in accordance with the law of England.

7.2 Each party irrevocably agrees that the courts of England shall have exclusive jurisdiction to hear and decide any suit, action or proceedings, and/or settle any disputes, which may arise out of or in any way relate to this Deed or its formation and, for these purposes, each party irrevocably submits to the jurisdiction of the courts of England.

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

EXECUTED as a deed by affixing the)
Common Seal of LONDON LEGACY)
DEVELOPMENT CORPORATION)

in the presence of : -)



[Handwritten signature]

Authorised Signatory

#1936

EXECUTED as a deed by WESTON HOMES PLC acting by

[Handwritten signature: Steve Hatton]

Steve Hatton

Director

[Handwritten signature: Jonathan Lewis]

Jonathan Lewis

Director/Secretary

EXECUTED as a deed by HSBC BANK PLC

Acting by it Attorney:

[Handwritten signature: Daniel J. SMY]

Attorney

Daniel J. SMY

Full name

Authorised Signatory

Witnessed by:

In the presence of *[Handwritten signature]* Witness
Sevim Howell Full Name
HSBC Bank plc Address
8 Canada Square Occupation
London E14 5HQ

ANNEX 1

DRAFT SECTION 73 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 Agent

David Poole
Weston Homes Plc
Weston Group Business Centre
Parsonage Road
Takeley
CM22 6PU

Part I - Particulars of Application

Date of Application: 30-Aug-2017

Application No: 17/00227/VAR

Proposal: Application under section 73 of the Town and Country Planning Act 1990 (as amended) to vary condition 2 (Works in Accordance with Approved Details) of planning permission 14/00374/FUL. The amendments propose to vary the layout of the ground floor and first floor of Block B in order to create an additional unit.

Location: 1 Smeed Road and 79-85 Monier Road, London, E3 2PS

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 the **VARIATION / REMOVAL 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:

1. Time limit

The development shall be commenced before the expiration of three years from the 4th September 2015.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1991

2. Works in accordance with approved details

Unless minor variations have been agreed by the Local Planning Authority and to the extent that it does not deviate from this permission, the development shall be carried out in accordance with the following details and plan numbers:

1505_DWG_PL_00_001 01	Site Location Plan
1505_DWG_PL_00_002	Existing Site Plan
1505_DWG_PL_00_050 01	Existing Street Elevations
1505_DWG_PL_00_100 02	Proposed Masterplan
1505_DWG_PL_00_130 02	Proposed Street Elevations
WH173/16/P/25.103	Ground Floor Proposed Layout
WH173/16/P/25.104	First Floor Proposed Layout
1505_DWG_PL_00_202 03	Proposed Second GA Plan
1505_DWG_PL_00_203 03	Proposed Third GA Plan
1505_DWG_PL_00_204 03	Proposed Fourth GA Plan
1505_DWG_PL_00_205 03	Proposed Fifth GA Plan
1505_DWG_PL_00_206 04	Proposed Sixth GA Plan
1505_DWG_PL_00_208 02	Proposed Roof Plan
1505_DWG_PL_00_230 05	Proposed Sections AA & BB
1505_DWG_PL_00_231 05	Proposed Sections CC, DD, EE & FF
1505_DWG_PL_00_240 02	Proposed Section AA Plots A, B and C
1505_DWG_PL_00_241 02	Proposed Section BB Plots A,B and C
1505_DWG_PL_00_242 02	Proposed Section CC
1505_DWG_PL_00_243 02	Proposed Section DD Plots B and C
1505_DWG_PL_00_244 02	Proposed Section BB Plots D and E
1505_DWG_PL_00_245 02	Proposed Section BB Plots A, B and C
1505_DWG_PL_00_246 01	Proposed Section EE
1505_DWG_PL_00_247 01	Proposed Section FF
1505_DWG_PL_00_250 04	Proposed Elevation Monier Road
1505_DWG_PL_00_251 04	Proposed Elevation Wyke Road
1505_DWG_PL_00_252 03	Proposed Elevations
WH173/15/30.01 Rev AE	Block A – Elevation Residential (South East)
1505_DWG_PL_00_261 01	Plot C Elevation New Public Space
WH173/15/30.03 Rev AE	Block A – Elevation Residential (North West)
1505_DWG_PL_00_263 02	Proposed Elevation Smeed Road
WH173/15/30.05 Rev AD	Block B – Elevation Residential (South East)
1505_DWG_PL_00_265 01	Proposed Elevation Block E (East)
WH173/15/30.07 Rev AD	Block B – Elevation Residential (North West)
1505_DWG_PL_00_267 01	Plot D Elevation New Public Space
1505_DWG_PL_00_268 01	Monier East Interface Ground Floor Plan
1505_DWG_PL_00_269 01	Monier East Interface First Floor Plan
1505_DWG_PL_00_270 01	Monier East Interface Second Floor Plan
1505_DWG_PL_00_280 02	Typical Bay Detail Plot A
1505_DWG_PL_00_281 02	Typical Bay Detail Plot B
1505_DWG_PL_00_282 01	Typical Bay Detail Plot C
1505_DWG_PL_00_283 01	Typical Bay Detail Plot D
1505_DWG_PL_00_284 01	Typical Bay Detail Plot E

Transport Statement ref. TS/001 dated 05/02/2015 and transport notes prepared by Arup dated 30/03/2015 and 02/04/2015; Construction Method Statement ref. PGL-70MR RCMS – rev. 17/10/2014;

Planning Statement dated October 2014 and Supplementary Planning Statement dated February 2015; Sunlight and Daylight Report prepared by Schroeders Begg dated September 2014 rev. 01, and supplementary documents dated March 2015 and April 2015 (ref. 1080/D; Sustainability Statement ref. 237494 dated 19/09/2014; Energy Statement ref. 237494-oo dated 22/08/2014; Environmental Noise Assessment ref AAc/237494-00/R02-JM dated 08/08/2014; Ground Contamination Desk Study and Preliminary Risk Assessment ref. 237494 issue 3 dated 17/12/2014; Flood Risk Statement ref. 237494-90 dated 25/09/2014; Air Quality Assessment ref. 237494-50 dated 02/04/2015; Ecology Report ref. 237494 dated 11/08/2014; Design and Access Statement dated September 201 and Supplementary Design and Access Statement Information dated February 2015

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.

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

3. Notice of Commencement

The development shall not be commenced until written notice of intention to commence the development has been given to the Local Planning Authority. The notice required by this condition shall only be given where there is a genuine prospect of development being commenced within 21 days of the notice and the notice shall confirm and provide evidence that this is the case.

Reason: To ensure satisfactory compliance with this planning permission.

4. Land Use

Notwithstanding the provisions of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and/or re-enacting that Order) the commercial premises hereby approved shall only be used for the purposes specified in the application (being use class B1 as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended)

Reason: To ensure a suitable quantum of workspace on the site.

5. Housing Design Guide

Except where different standards are set out in this planning permission, all residential units shall be built in substantial conformity with the Mayor's Housing SPG and, in the event that the Housing SPG (as applicable) is replaced at any time before this permission is implemented, all residential units shall be built in substantial conformity with any replacement housing design guide that may be issued by the Mayor of London after the 4th September 2015.

Reason: To ensure that high standards of urban design, residential amenity and landscaping are achieved.

6. Residential standard- internal noise levels

All residential premises shall be designed and constructed in accordance with BS8233:1999 'Sound insulation and noise reduction for buildings- Code of Practice' to attain the following internal noise levels:

Bedrooms- 30dB LAeq,T* and 40dB LAfmax

Living rooms- 30dB 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.

7. Refuse storage

Before the first occupation of the buildings hereby permitted, the refuse storage arrangements shown on the approved drawing/s referenced 1505_DWG_PL_00_200 rev. 4 shall be provided and made available for use by the occupiers of the buildings 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.

8. Approval of road works necessary

The development hereby approved shall be carried out in accordance with the details submitted and approved under application ref. 16/00077/AOD.

Reason: To ensure that all road works associated with the proposed development are to a standard approved by the Local Planning Authority and are completed before occupation.

9. Construction Management Plan

The development shall not be commenced until a construction management plan (CMP), has been submitted to and approved by the Local Planning Authority. An updated version of the plan to reflect any changes in policy or best practice guidance shall be submitted to the Local Planning Authority for approval no less frequently than once every three years whilst construction works are in progress on the site. The Construction Management Plan and the updates thereto shall be in accordance with all relevant legislation in force and substantially in accordance with all policy adopted and best practice guidance published at the time of submission. The CMP shall include as a minimum the following information:

- The arrangements for liaison with the relevant highway authorities;
- The parking of vehicles of site operatives and visitors;
- The loading and unloading of plant and materials including a construction logistics plan;
- The storage of plant and materials use in constructing the development;
- The erection and maintenance of security hoardings;
- Measures to control the emission of dust and dirt during construction;
- A scheme for recycling and disposing of waste resulting from demolition and construction work;
- Dealing with complaints and community liaison;
- Details of routes and access for construction traffic. Including lorry holding areas; and
- Guidance on membership of the Fleet Operator Recognition Scheme and implementation of vehicle safety measures and driver training including cycle awareness and an on road cycle module.

The development shall be carried out in accordance with the approved details.

Reason: To ensure that the construction of the development uses best practicable means to minimise adverse environmental impacts

10. Material samples

No above ground works shall take place until material samples and sample-panels of all external facing materials (including any hard landscaping materials, mortar and bond) to be used in the construction of the external surfaces of the building hereby approved have been submitted to and approved in writing by

the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory appearance of the development

11. Detailed drawings

Prior to commencement of the development the following detailed drawings including sections (at a scale to be agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority:

- Commercial façade details (ground level shopfronts and entrances): Elevations and sections through shopfronts, including details of doors, windows and signage and junctions with new pedestrian space;
- Residential façade details: Elevations and sections annotated with materials and finishes of all windows (including reveals and sills), entrances, external bin stores, balconies, and balustrades, pipework and parapets;
- External lighting;
- Junctions with the adjacent building; and
- All openings adjacent to the highways.

The development shall not be carried out otherwise than in accordance with the approved drawings.

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

12. Deliveries and servicing management plan

The development shall not be commenced until a delivery and servicing management plan (DSMP) detailing how all elements of the site are to be serviced has been submitted to and approved in writing by the Local Planning Authority. The DSMP shall be prepared in accordance with TfL's online guidance on delivery and servicing plans found at <http://www.tfl.gov.uk/info-for/freight/planning/delivery-and-servicing-plans#on-this-page-1> or such replacement best practice guidance as shall apply at the date of submission of the DSMP. The approved DSMP shall be implemented from first occupation and thereafter for the life of the development.

Reason: In the interests of highway and pedestrian safety.

13. Car Parking

The designated disabled car parking bays shown on the drawings hereby approved, shall be made available and retained for the purposes of car parking for holders of blue badges only. No part of the development shall be occupied until a car park management strategy has been submitted to and approved by the Local Planning Authority in writing which shall describe the allocation and management of these spaces. The car parking shall be maintained in accordance with the approved strategy for the life of the development.

Reason: To ensure the permanent retention of the parking areas, to avoid obstruction of the surrounding streets by waiting vehicles and to safeguard the amenities of the adjoining properties.

14. Cycle Storage and facilities- details to be submitted

No above ground works shall take place until details (1:50 scale drawings) of the facilities to be provided for the secure storage of cycles (for both residential and commercial elements) and on site changing facilities and showers (for the commercial element) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the facilities provided shall be retained for the life of the development and the space used for no other purpose.

Reason: In order to ensure that satisfactory secure cycle parking and facilities for cyclists are provided and retained.

15. Renewable energy

The development shall be constructed and operated in accordance with the submitted Energy Strategy (ref: 237494-00 dated 22/08/2014), and achieve reductions in regulated CO2 emissions through the use of on-site renewable energy generation sources approved as part of this development.

Reason: To ensure a high standard of sustainable design and construction.

16. BREEAM

Before any fit out works to the commercial premises hereby authorised begins, an independently verified BREEAM report (detailing performance in each category, overall score, BREEAM rating and a BREEAM certificate of building performance) which demonstrates that a minimum 'very good' rating has been achieved shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given. Before the first occupation of any commercial premises hereby permitted, a certified Post Construction Review (or other verification process agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards above have been met.

Reason: To ensure that high standards of sustainability are achieved.

17. Code for Sustainable Homes

No above ground works hereby authorised shall be commenced until:

- (i) a means of independently assessing and certifying that the energy and water efficiency performance of the residential units hereby permitted is at least equivalent to Code for Sustainable Homes Level 4 has been submitted to and approved in writing by the Local Planning Authority ("Certification Scheme");
- (ii) an interim certificate which confirms that the energy and water efficiency performance of the residential units can achieve at least equivalent to Code Level 4 has been submitted to and approved in writing by the Local Planning Authority in accordance with the approved Certification Scheme

No residential unit shall be occupied until a final certificate which confirms that the energy and water efficiency performance of the residential unit has achieved at least Code Level 4 has been submitted to and approved in writing by the Local Planning Authority in accordance with the approved Certification Scheme.

Reason: To ensure that high standards of sustainability are achieved

18. Green/brown roof/ living walls/ vertical gardens

Before any above ground work hereby authorised begins, details of the biodiverse roofs (including a specification and maintenance plan) and living walls / vertical gardens to be used in the carrying out of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason: To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity.

19. Landscaping Plan (including roof terraces)

Before any above ground work hereby authorised begins, the following information shall be submitted to and approved in writing by the Local Planning Authority:

- detailed drawings 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 and roof terrace areas (including boundary treatments, surfacing materials of any parking, access, or pathways layouts, materials and edge details and material samples of hard landscaping);
- details of all existing trees on and adjacent to the land, and details of any to be retained, together with measures for their protection, during the course of development;
- planting schedules;
- sections through street tree pits;
- species mix;
- details of biodiversity enhancements (bird and bat nesting boxes etc).

The planting, seeding and/or turfing shall be carried out as approved in the first planting season following completion of building works comprised in the development and any tree or shrub that is found to be dead, dying, severely damaged or diseased within two years of the completion of the building works OR two years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season. Planting shall comply to BS:4428 Code of practice for general landscaping operations, BS:3996 Nursery stock specification, BS:5837 Trees in relation to construction and BS:7370 Recommendations for establishing and managing grounds maintenance organisations and for design considerations related to maintenance.

Reason: In order that the Local Planning Authority may ensure that the design and details are in the interest of the special architectural qualities of the existing building and the public spaces around it.

20. Drainage

Development shall not commence until a drainage strategy, detailing any on and/or off site drainage works, has been submitted to and approved by the Local Planning Authority in consultation with the sewerage undertaker. The drainage works referred to in the approved strategy shall be implemented in full and no discharge of foul or surface water from the site shall be accepted into the public system until the said drainage works have been completed.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

21. Water Supply

Development shall not be commenced 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.

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

22. Piling method statement

The development hereby approved shall be carried out in accordance with the piling method statement submitted and approved under application ref. 16/00084/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.

23. Contamination

No 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), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site has been 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 a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (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 the remediation strategy 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 written consent of the Local Planning Authority. The scheme shall be implemented in full as approved.

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

24. 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 verification 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.

25. Unexpected contamination

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 a remediation strategy has been submitted to and approved by the Local Planning Authority in writing detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved.

Reason: To protect the water environment, including groundwater.

26. Surface water drainage

No infiltration of surface water drainage into the ground at this site 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: To protect the water environment, including groundwater.

27. Archaeological investigation

The development hereby approved shall be carried out in accordance with the details submitted and approved under application ref. 16/00176/AOD.

Reason: To protect heritage assets of archaeological interest that may survive on the site.

28. Wheelchair housing

The development hereby approved shall be carried out in accordance with the details submitted and approved under application ref. 16/00083/AOD.

Reason: To ensure adequate wheelchair housing is provided

Informatives:

1. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921.
2. Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.
3. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
4. For the avoidance of doubt, Condition 3 (Notice of Commencement) of planning permission 14/00374/FUL has been discharged under ref. 16/00077/AOD.

5. Where a planning condition imposed on this permission corresponds with a planning condition attached to the planning permission dated 4th September 2015 (reference: 14/00374/FUL) (the "2015 Conditions"), approvals given by the Local Planning Authority prior to the date of this permission in relation to the 2015 Conditions shall be deemed to be valid approvals for the purposes of the corresponding condition imposed on this permission.
6. Please note that errors in the numbering of conditions set out in 14/00374/FUL have been rectified under this permission.

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: XXXX

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.