


Dated **9 February** 201**6** 7

- (1) London Legacy Development Corporation
- (2) East London Regeneration (Wallis South) Limited
- (3) West One Loan Limited
- (4) Aura Finance Limited

## DEED OF VARIATION

relating to

a Planning Agreement made pursuant to sections 106 and s.106A  
of the Town and Country Planning Act 1990 re: s.73 permission  
for the development relating to 80-84 & 90b Wallis Road,  
Hackney Wick, E9 5LW

CERTIFIED TO BE A TRUE AND COMPLETE  
COPY OF THE ORIGINAL  
DATED THIS 9 DAY OF FEB 2017  
  
Present Masons LLP

This Deed is dated **9 February 2017**

**Between**

- (1) **London Legacy Development Corporation** Level 10, 1 Stratford Place, Montfichet Road, London E20 1EJ (“the **LPA**”);
- (2) **East London Regeneration (Wallis South) Limited** (a company incorporated in England and Wales under registered number 06357940) of New Burlington House, 1075 Finchley Road, London, NW11 0PU (“the **Developer**”);
- (3) **West One Loan Limited** (a company incorporated in England and Wales under registered number 05385677) of Third Floor, Premiere House, Elstree Way, Borehamwood, Hertfordshire WD6 1JH (“the **First Chargee**”); and
- (4) **Aura Finance Limited** (a company incorporated in England and Wales under registered number 08326315) of Third Floor, Premiere House, Elstree Way, Borehamwood, Hertfordshire WD6 1JH (“the **Second Chargee**”).

(together the **Parties**)

**Background**

- (a) This Deed is supplemental to the Original Agreement entered into by the Original Parties and is a planning obligation pursuant to Sections 106 and 106A of the Town and Country Planning Act 1990 and is enforceable by the LPA.
- (b) 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 LPA is the local authority for the area in which the Site is situated 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.

- (c) On 30 June 2016 the LPA granted the First Planning Permission subject to conditions and following completion of the Original Agreement by the Original Parties.
- (d) The Developer is the current registered proprietor of the Site having acquired the Site from the Owner after the Original Agreement was completed and the First Planning Permission was granted and is bound by the terms of the Original Agreement.
- (e) The Owner having disposed of its interest in the Site has ceased to be bound by the terms of the Original Agreement and is therefore not a party to this Deed.
- (f) The First Chargee and the Second Chargee are each mortgagees of the Site pursuant to their respective registered charges each of which are dated 30 September 2016 (together the Chargees).
- (g) Pursuant to the Section 73 Application the Developer has applied for planning permission to vary condition 2 (approved plans) of the First Planning Permission.
- (h) The parties enter into this Deed with the intention that the obligations contained in the Original Agreement as varied by this Deed shall apply to the Development pursuant to the Section 73 Permission and be enforceable by the LPA against the Developer and persons deriving title from them as herein provided following the issue of the Section 73 Permission.

## **Agreed Terms**

### **1 Definitions**

- 1.1 Except to the extent that they are inconsistent with the definitions and interpretation in Clause 1 of this Deed or as specifically varied as stated in Schedule 1 of this Deed the definitions and interpretations in Clause 1 of the Original Agreement shall apply

- Development** : means the "Development" as defined in the Original Agreement as varied by the terms of this Deed
- First Planning Permission** : the Planning Permission for the Development granted by the LPA on 30 June 2013~~6~~ with reference number ~~H15~~ 14/00387/FUL
- Original Agreement** : the s106 agreement entered into by the Original Parties dated 30 June 2016
- Original Parties** : LPA (1) Developer (2) and David Berin Stone, Robert Louis Stone and James Daniel Stone (3)
- Owner** : the owner as defined in the Original Agreement from whom the Developer acquired the Site
- Section 73 Application** : the application submitted to the LPA by the Developer on 7 September 2016 to vary condition 2 (approved drawings) of the First Planning Permission to allow minor material amendments to the ground floor vehicle access arrangements for access from Wallis Road to which the LPA have allocated application number 16/00467/VAR
- Section 73 Permission** : the Planning Permission that is issued pursuant to the Section 73 Application a draft of which is attached at Annexure 7
- Site** : means the freehold property known as 80-84 and 90b Wallis Road, London, E9 5LW all of which is registered at the Land Registry and comprised in title numbers

LN113151, 149310, LN240303 and  
LN119694

- 1.2 A reference to laws in general is to all local, national and directly applicable laws in force for the time being, taking account of any amendment, extension, application or re-enactment and includes any subordinate laws for the time being in force made under them and all orders, notices, codes of practice and guidance made under them.
- 1.3 Words importing one gender include all other genders, words importing the singular include the plural and vice versa, and words importing persons shall be construed as importing a corporate body or partnership and vice versa.
- 1.4 Except where a contrary intention appears, a reference to a clause or Schedule, is a reference to a clause of, or Schedule to, this Deed and a reference in a Schedule to a paragraph is to a paragraph of that Schedule.
- 1.5 Clause, Schedule and paragraph headings do not affect the interpretation of this Deed.
- 1.6 This Deed is made pursuant to sections 106 and 106A of the Town and Country Planning Act 1990, section 2 of the Local Government Act 2000, section 111 and 120 Local Government Act 1972, section 1 of the Localism Act 2011 and all other enabling powers.

## **2 Effect and Conditionality**

- 2.1 At the date hereof neither the Developer nor the Owner have commenced the development for the purposes of Clause 2.2 of the Original Agreement.
- 2.2 Save for clause 5 of this Deed (which shall take effect on the completion of this Deed) this Deed is conditional upon and shall have no effect until the grant of the Section 73 Application.
- 2.3 The Developer agrees that having implemented the Development it will observe and perform all of the covenants agreements restrictions and

obligations contained in the Original Agreement subject to and as varied by this Deed.

- 2.4 The Developer agrees that the covenants contained in the Original Agreement are to continue in full force and effect to the extent they are applicable except as expressly varied by this Deed.

### **3 The Parties Covenants**

- 3.1 The Developer hereby undertakes to comply with the obligations and provisions set out in the Original Agreement as varied by this Deed as if reference in the Original Agreement to the First Planning Permission were a reference to the Section 73 Permission.

- 3.2 Clause 4.1.2, Clause 5, and Clause 16.1 of the Original Agreement shall no longer apply

- 3.3 The LPA confirms that the clauses set out at clause 3.2 above have prior to the date hereof been complied with and shall be treated as having been complied with for the purposes of this Deed and the Section 73 Permission.

### **4 Chargees**

The Chargees join herein to consent to the terms of this Deed but without liability save in the event that they become persons deriving title from the Developer

### **5 Legal Fees**

The Developer 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 to the LPA in relation to the negotiation and completion of this Deed).

### **6 No Waiver**

No alteration in 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.

**7 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.

**8 Execution**

This document has been executed as a deed and is delivered and shall not take effect until the date stated at the beginning of it.

**9 Applicable law**

This Deed shall be governed by and construed in accordance with the law of England and Wales.

**10 Contractual rights of third parties**

No term of this Deed shall be enforceable under the Contracts (Rights of Third Parties) Act 1999 by a third party but this does not affect any right or remedy of a third party which exists or is available apart from under that Act.

## Schedule 1

### Variations to the Original Agreement

#### 1. CLAUSE 1.1 – DEFINITIONS

1.1 The defined term "Development" shall be deleted and replaced with:-

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

#### 2. CLAUSE 7 – NOTICES

2.1 Clause 7.2 of the Original Agreement is amended to include the following address details for the Chargees:

**First Chargee:**

Address: West One Loan Limited  
Third Floor, Premiere House  
Elstree Way  
Borehamwood  
WD6 1JH

For the Attention of: Stephen Wasserman

**Second Chargee:**

Address: Aura Finance Limited  
Third Floor, Premiere House  
Elstree Way  
Borehamwood  
WD6 1JH

For the Attention of: Stephen Wasserman

#### 3. SCHEDULE 5 – MAIN YARD

3.1 Schedule 5 of the Original Agreement is deleted and replaced with the Schedule 5 annexed hereto at Annexure 1.



4. **APPENDIX 5 – FOOTWAY PLAN**

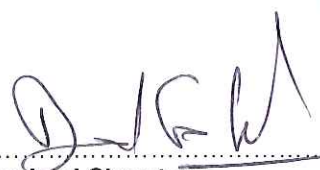
4.1 Appendix 5 of the Original Agreement is deleted and replaced with the plan annexed hereto at Annexure 2.

5. **APPENDIX 6 – ACCESSIBLE PARKING AND SERVICE YARD**

5.1 The plan annexed at Appendix 6 of the Original Agreement is deleted and replaced with the plan annexed hereto at Annexure 3.

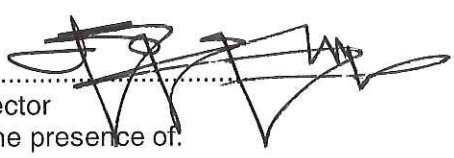


**EXECUTED** as a deed by affixing the Common Seal of **LONDON LEGACY DEVELOPMENT CORPORATION** in the presence of: -

)  
)  
)  
)  
\_\_\_\_\_   
**Authorised Signatory**

#1803

Executed as a Deed by **East London Regeneration (Wallis South)** acting by a Director

Director  
in the presence of: 



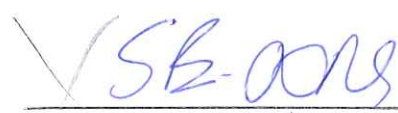
Name of Witness: ROWENA TIMMS-ENGLISH

Address: 6 Graham St, London, N18 9GB

Executed as a Deed by Stephen Evans-Jones as Attorney for **WEST ONE LOAN LIMITED** in the presence of




(Signature of Witness)

  
STEPHEN

Name of Witness: SONIA EDWARDS

Address: 19 SHORE RD  
LITTLEBOROUGH  
OL15 9LG

Executed as a Deed by Stephen Evans-Jones as Attorney for **AURA FINANCE LIMITED** in the presence of



(Signature of Witness)

  
STEPHEN

Name of Witness: SONIA EDWARDS

Address: 19 SHORE RD  
LITTLEBOROUGH  
OL15 9LG

## Annexure 1

### SCHEDULE 5 - MAIN YARD

#### DEFINITIONS

- "Footway" means the footway along the Eastern elevation of the Development being the area shown edged and hatched blue on plan SK\_011 annexed at Annexure 2;
- "Hackney Wick Area Masterplan" means the comprehensive redevelopment of the Hackney Wick area as identified on the plan annexed at Annexure 4 as promoted by LLDC Real Estate;
- "LLDC Real Estate" means the London Legacy Development Corporation acting in its capacity as promoter of the Hackney Wick Area Masterplan;
- "Main Yard Access" means the access to the Development from the east via the main yard as shown on the plan annexed at Annexure 6.
- "Plot GHI" means the land identified as such on the plan annexed at Annexure 5;
- "Plot GHI Permission" means a planning permission or reserved matters approval granting consent for the development of Plot GHI which facilitates the Main Yard Access and is either part of or outside of the Hackney Wick Area Masterplan provided that if it is outside of the Hackney Wick Area Masterplan it accords with the principles of the Hackney Wick Area Masterplan;
- "Wallis Road Access" means the access to the Development from the north via Wallis Road as shown on the plan annexed at Annexure 3.

#### 1. FOOTWAY ACCESS

- 1.1 The Commercial Units benefiting from pedestrian access from the Footway shall not be Occupied until the Footway is to an adoptable highway standard.

**2. VEHICULAR ACCESS**

2.1 If Commencement of Development takes place within 18 months of the date of the Section 73 Permission then the Developer shall implement the Wallis Road Access and where this paragraph 2.1 applies the Development shall not be Occupied until the Wallis Road Access has been completed.

2.2 If Commencement of Development takes place on a date 18 months or later from the date of the Section 73 Permission and at the time of Commencement works pursuant to a Plot GHI Permission has not Commenced then the Developer shall implement the Wallis Road Access and where this paragraph 2.2 applies the Development shall not be Occupied until the Wallis Road Access has been completed.

2.3 If Commencement of Development takes place on a date 18 months or later from the date of the Section 73 Permission and at the time of Commencement works pursuant to a Plot GHI Permission has Commenced then the Developer shall subject to paragraph 2.4 use Reasonable Endeavours to implement the Main Yard Access under the First Planning Permission unless and until either:

2.3.1 the Main Yard Access has been completed; or

2.3.2 the Developer has submitted a report to the LPA outlining the steps the Developer has taken to satisfy the obligations and giving reasons (which shall be to the LPA's reasonable satisfaction) as to why it is not possible to implement the Main Yard Access.

2.4 Where paragraph 2.3.1 applies the Development shall not be Occupied until the Main Yard Access has been completed.

2.5 Where paragraph 2.3.2 applies the Developer shall implement the Wallis Road Access and the Development shall not be Occupied until the Wallis Road Access has been completed.

**Annexure 2**  
**APPENDIX 5 – FOOTWAY PLAN**



GENERAL NOTES

This drawing is © 2015 PTE architects

Use figured dimensions only. DO NOT SCALE.

All dimensions are in millimetres unless noted otherwise

All levels are in metres above ordnance datum unless noted otherwise

This drawing must be read in conjunction with all other relevant drawings and specifications from the Architect and other consultants

If in doubt, ask

KEY

— Main Yard Footway

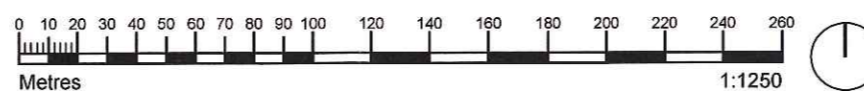
rev	date	description	drawn	audited
drawing status				

FOR INFORMATION

Diespeker Wharf  
 38 Graham Street  
 London N1 8JX  
 020 7336 7777  
 forename.surname@ptea.co.uk  
 @ptearchitects  
 www.pollardthomasedwards.co.uk

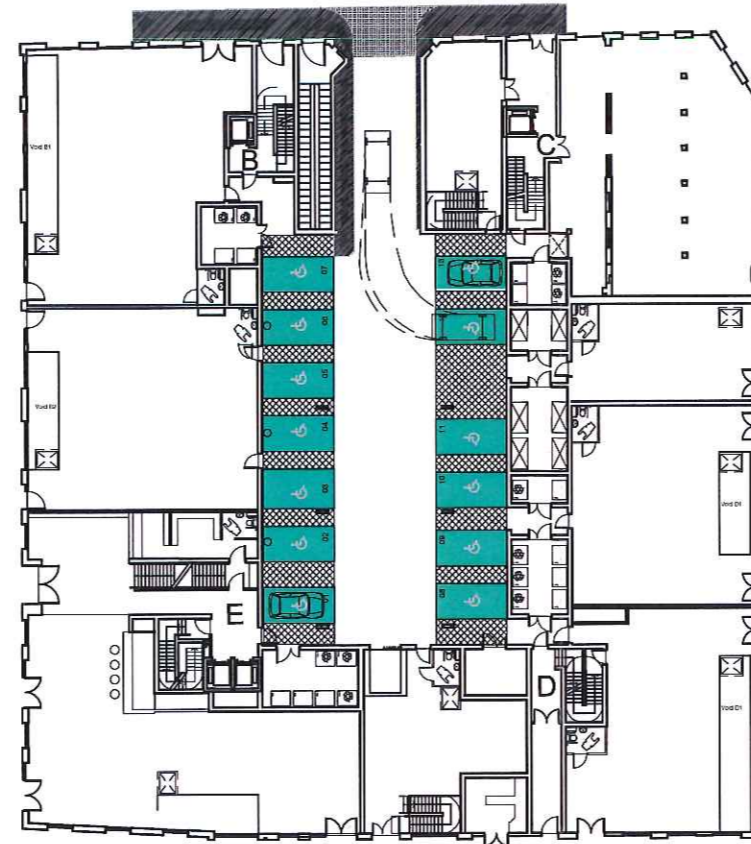
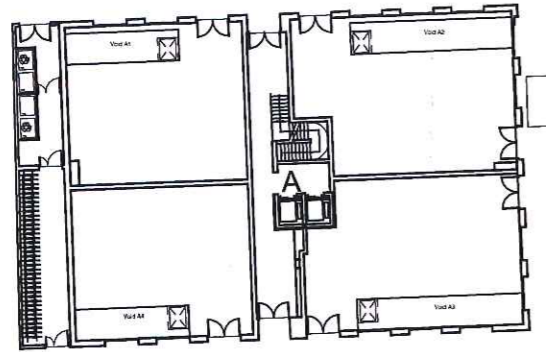
**Pollard  
 Thomas  
 Edwards**

project	job no	drawn	audited	scale	date
Wallis Road, North South Route London	15-063	DH	***	1:1250@A3	Apr'16
drawing title	drawing number	revision			
Main Yard	SK_011	B			

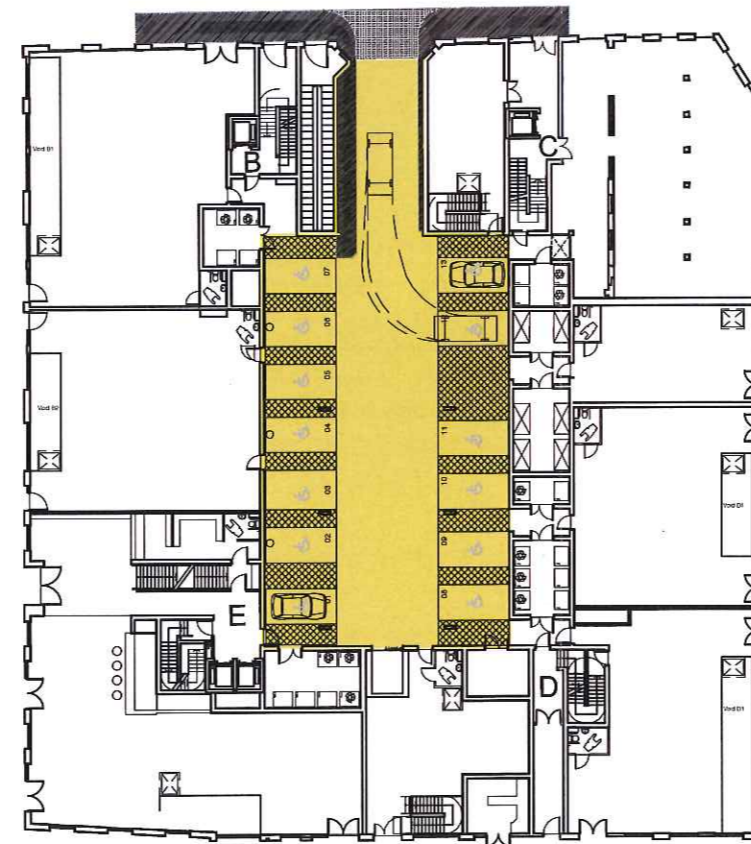
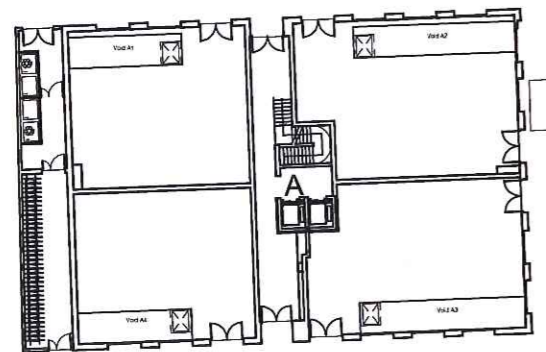


**Annexure 3**

**APPENDIX 6 – ACCESSIBLE PARKING AND SERVICE YARD**



13no. ACCESSIBLE CAR PARKING SPACES



CAR PARK AND SERVICE YARD

GENERAL NOTES

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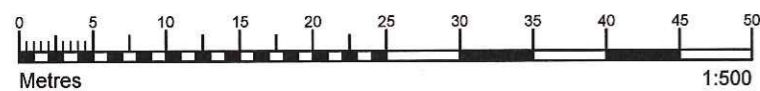
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If in doubt, ask



rev	date	description	drawn	audited	date
A	05.12.16	Plan revised	HKB	AB	

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**Pollard  
 Thomas  
 Edwards**

project	job no	drawn	audited	scale	date
80-84 & 88 Wallis Road Hackney Wick, London	11-450	DH	***	1:500@A3	Feb'16

drawing title	drawing number	revision
General Arrangement Ground Floor Plan	SK_123	A

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## Annexure 4

# HACKNEY WICK AREA MASTERPLAN



APPLICANT  
 London Legacy Development Corporation  
 London Borough of Hackney

DO NOT SCALE FROM THIS DRAWING.  
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NOTES

01	Planning Application	14/04/2016
Rev	Revision Notes	Date

**karakusevic carson architects**  
 Unit E03  
 The biscuit Factory  
 100 Clements Road  
 London SE10 4JG  
 Tel: +44 207 599 6300  
 Email: mail@karakusevic-carson.com

PROJECT  
 Hackney Wick Central Outline Planning Application

TITLE  
 Planning Application  
 Red Line Boundary

DRAWING NUMBER	REVISION
HWK-DWG-APP-RED-01	01

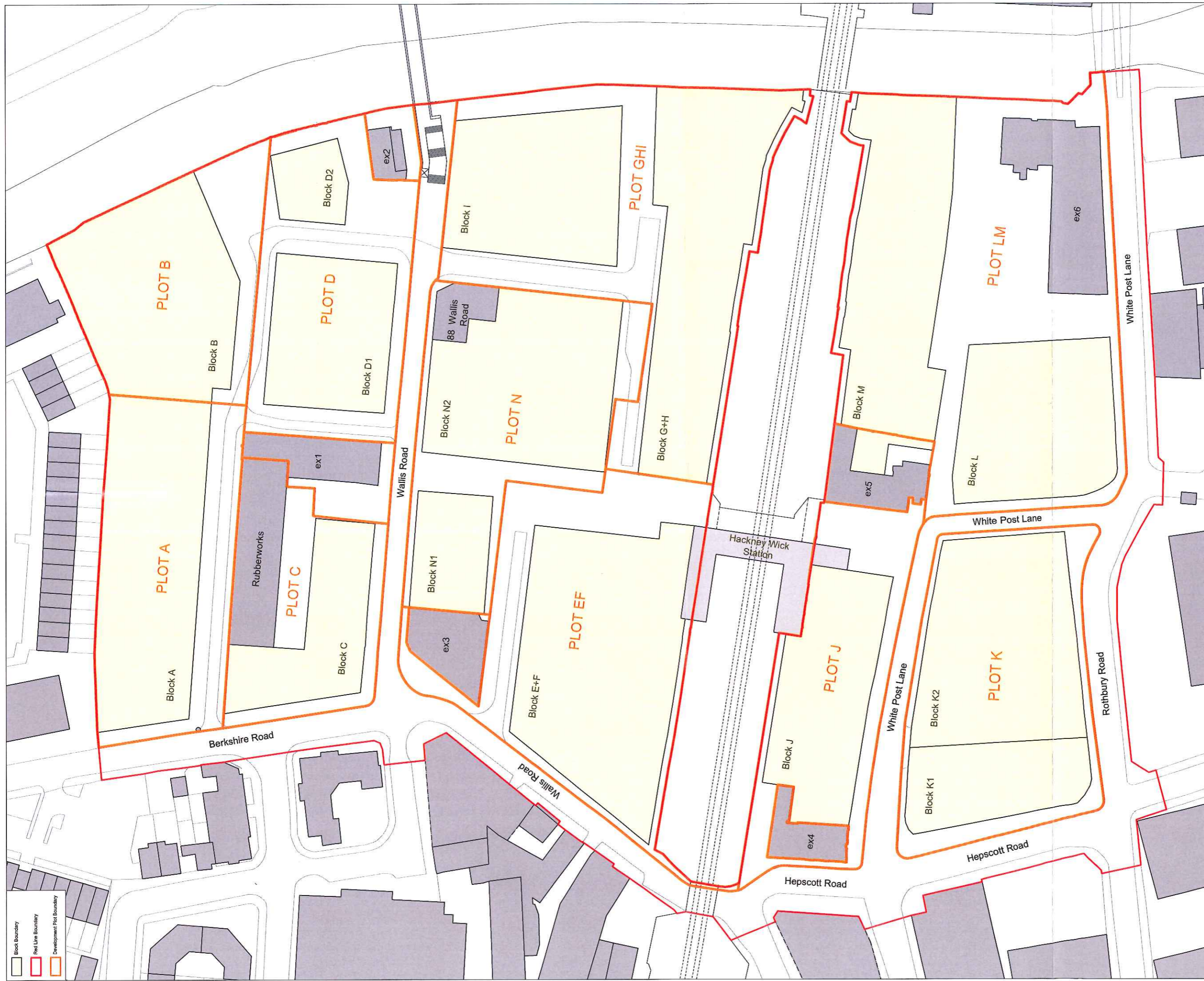
STATUS  
 FOR APPROVAL

DATE	DRAWN BY	SCALE
14/04/2016	CC/AW	1/500 @ A1
PLOT DATE	CHECKED BY	PROJECT NUMBER
	NE	223

Red Line Boundary

## Annexure 5

### PLOT GHI



APPLICANT  
 London Legacy Development Corporation  
 London Borough of Hackney

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NOTES

Rev	Revision Notes	Date
01	Planning Application	14/04/2016

karakusevic carson architects  
 Line E03  
 The Biscuit Factory  
 100 Clements Road  
 London SE16 4DE  
 Tel: +44 207 596 6300  
 Email: mail@karakusevic-carson.com

PROJECT  
 Hackney Wick Central Outline Planning Application

TITLE  
 Development Plots and Blocks

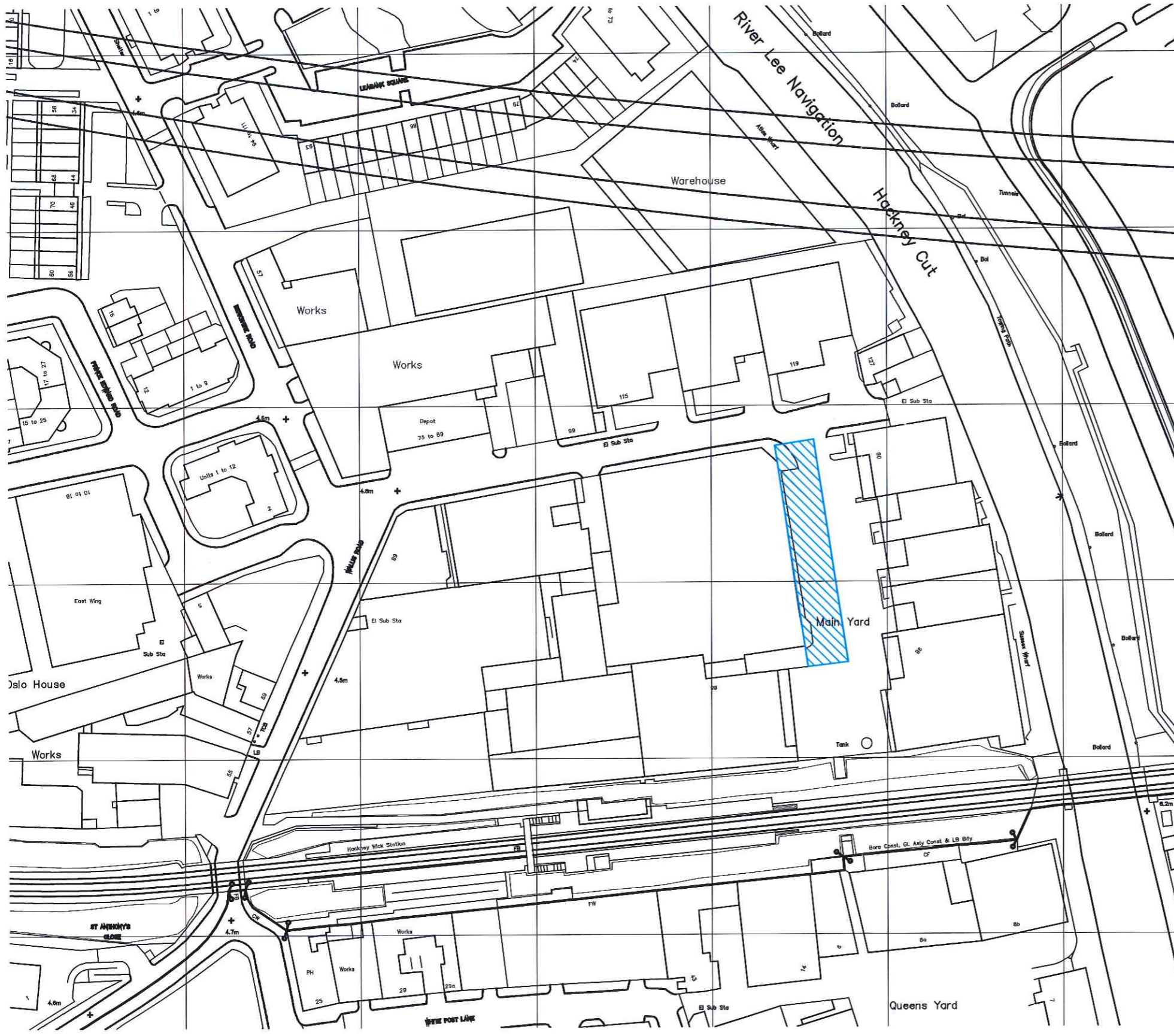
DRAWING NUMBER	REVISION
HWK-DWG-APP-DP&B-01	01

STATUS  
 FOR APPROVAL

DATE	DRAWN BY	SCALE
14/04/2016	CC	1/500 @ A1

PLOT DATE	CHECKED BY	PROJECT NUMBER
	NE	223

**Annexure 6**  
**MAIN YARD ACCESS**



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KEY

— Main Yard

rev	date	description	drawn	audited

FOR INFORMATION

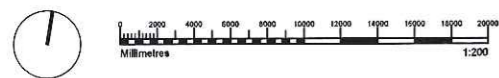
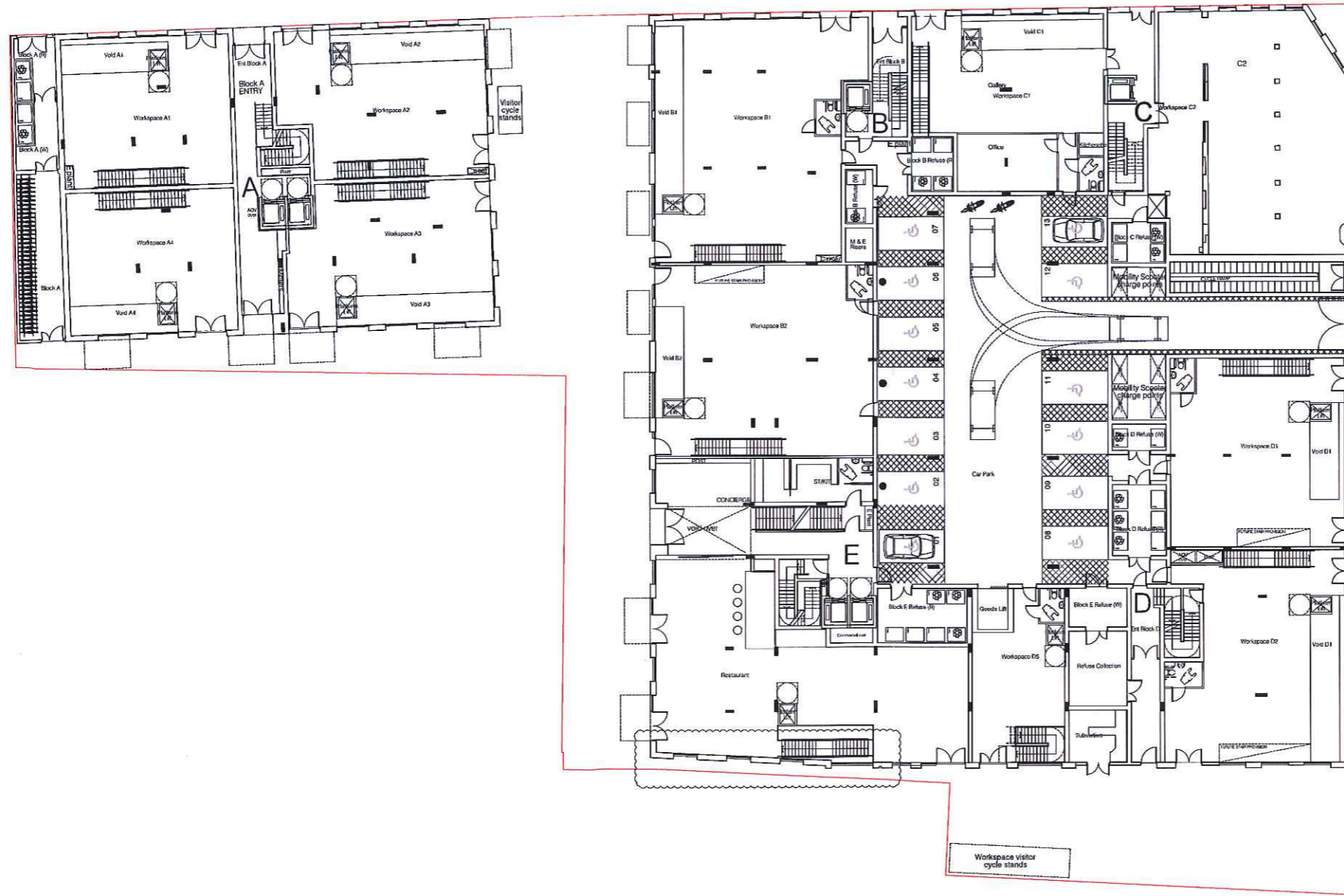
Diespeker Wharf  
 38 Graham Street  
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 020 7336 7777  
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 @ptearchitects  
 www.pollardthomasedwards.co.uk

**Pollard  
 Thomas  
 Edwards**

project	job no	drawn	audited	scale	date
Wallis Road, North South Route London	15-063	DH	***	1:1250@A3	Apr'16

drawing title	drawing number	revision
Main Yard	SK_011	/

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 This drawing must be read in conjunction with all other relevant drawings and specifications from the Architect and other consultants  
 If in doubt, ask



Rev	Date	Description	Drawn	Checked
C	24.04.15	Revision to south facade as clouded	HJ	HKB
B	23.01.15	Responses to LLDC feedback as clouded	BF	HKB
A	13.01.15	Revisions to stairs within commercial units and building line adjustment to Block E	BF	HKB

PLANNING

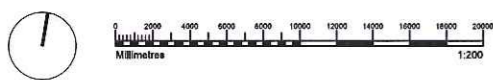
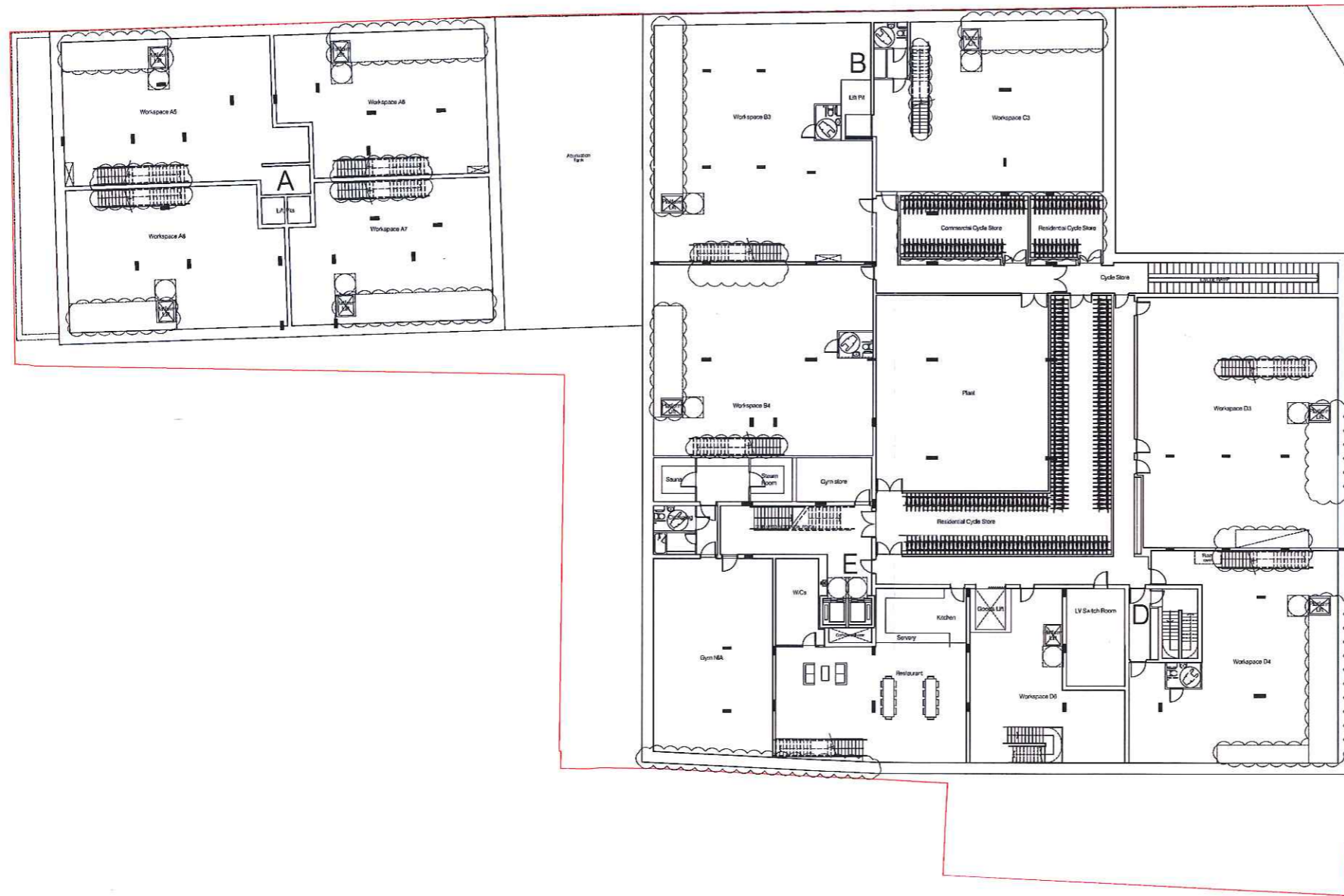
Deepcar Wharf  
 38 Greenwich Street  
 London N1 8JX  
 020 7336 7777  
 forename.surname@pteo.co.uk  
 @ptearchitects  
 www.pollardthomasedwards.co.uk

**Pollard  
 Thomas  
 Edwards**

proj no.	date	scale	sheet	total
80-84 & 88 Wallis Road Hackney Wick, London	11-450-1	MM MM	1:200@A1	13/01/15
General Arrangement Ground Floor Plan	450_PL_021		C	

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 If in doubt, ask



Rev	Date	Description	Drawn	Checked
B	23.01.15	Response to LDCO feedback as detailed	DF	PHB
A	13.01.15	Revised state within commercial units, and building line adjustment to Block E	DF	PHB

**PLANNING**

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 @ptearchitects  
 www.pollardthomasedwards.co.uk

**Pollard  
 Thomas  
 Edwards**

Project	80-84 & 88 Wallis Road Hackney Wick, London	Job no.	11-450-1	Drawn	MM	Scale	1:200@A1	Date	13/01/15
Drawing No.	General Arrangement Lower Ground Floor Plan	Drawing number	450_PL_020	Revision					B

E:\11\_450-1 WALLIS RD SOUTH STORE EROHED2014\_03\_PLANNING\GENERAL ARRANGEMENT LOWER GROUND FLOOR PLAN.DWG



**Annexure 7**  
**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**

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Please see notes at the end of this notice

**Applicant**

Richard Rothwell  
East London Regeneration (Wallis South)  
6 Graham Street  
London  
N1 8GB

**Agent**

Ben Kelway  
Nathaniel Lichfield and Partners  
14 Regents Wharf  
All Saints Street  
London  
N1 9RL

---

**Part I - Particulars of Application**

Date of Application: 21-Sep-2016

Application No: 16/00467/VAR

Proposal: Application under Section 73 of the Town and Country Planning Act 1990 to vary Condition 2 (Approved Drawings) of planning permission 14/00387/FUL to allow minor material amendments to the ground floor vehicle access arrangements for access from Wallis Road.

Location: 80-84 & 90b Wallis Road, Hackney, London, E9 5LW

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**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:

**1. Time limit - Full**

The development shall be commenced before the expiration of three years from the date of this permission.

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:

450_PL_001	Site Location
450_PL_002	Existing Site Plan
450_PL_003	Existing Ground Floor Plan
450_PL_004	Existing First and Second Floor Plan
450_PL_005	Existing Roof Plan
450_PL_006	Existing Elevations
450_PL_007	Existing Sections
450_PL_010	Demolition Plan Ground Floor
450_PL_011	Demolition Plan First and Second Floor
450_PL_020C	Lower Ground Floor Plan
450_PL_021_D	Ground Floor Plan
450_PL_022_C	First Floor Plan
450_PL_023_C	Second Floor Plan
450_PL_024_C	Third Floor Plan
450_PL_025_C	Fourth Floor Plan
450_PL_026_C	Fifth Floor Plan
450_PL_028_B	Roof Plan
450_PL_030_B	Context Elevation
450_PL_031_B	Context Elevation
450_PL_032_B	North Elevation Blocks A B C
450_PL_033_B	East Elevation Blocks C D
450_PL_034_B	South Elevation Blocks D E
450_PL_035_B	West Elevation Blocks B E
450_PL_036_A	Block A Elevations
450_PL_037_B	West Section Blocks B D
450_PL_038_C	East Section Blocks B D
450_PL_039_B	North Section Blocks D E
450_PL_040_B	South Section Blocks D E
450_PL_041_A	West Section Block A
450_PL_050	Details Block A
450_PL_051	Details Block B
450_PL_052_A	Details Block C
450_PL_053	Details Block D
450_PL_054	Details Block E
450_PL_060	Existing and Proposed Block C Ground Floor Plans
450_PL_061	Existing and Proposed Block C Upper Floor Plans
450_PL_062_A	Block C Plans
450_PL_063_A	Block C Elevations and Sections

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. Commercial Use**

No more than 20% (1,073m<sup>2</sup> GEA) of the commercial floorspace hereby approved shall be occupied by Use Class A1 (retail), A2 (financial and professional services), A3 (café and restaurant) and D1 (non-residential institution) and details of the location of these uses shall be submitted to and approved in writing by the Local Planning Authority before occupation of the development.

Reason: To ensure an appropriate mix and location of commercial uses within the proposed Hackney Wick Neighbourhood Centre.

### **5. Housing Design Guide**

All Residential Units shall be built in substantial conformity with the London Housing Design Guide and Mayor of London Housing SPG and, in the event that the London Housing Design Guide or the Housing SPG (as applicable) is replaced at any time, shall be substantially in conformity with any replacement housing design guide that may be issued by the Mayor of London after the date of this permission.

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

### **6. Lifetime Homes**

All housing units shall be designed and constructed to the Lifetime Homes Standard.

Reason: To ensure the Residential Units are Lifetimes Homes compliant.

### **7. Wheelchair adaptable housing**

Not less than 10% of the Residential Units of each of the following types of Residential Unit shall be designed and constructed as Wheelchair Adaptable Housing: private residential, affordable rented and any shared ownership, and the actual number of such units to be provided as Wheelchair Adaptable Housing will be the number of whole units that is as near as arithmetically possible to the specified percentage and 0.5 or above shall be rounded up to the nearest whole.

Reason: To ensure adequate wheelchair adaptable housing is provided.

### **8. Residential standard- internal noise levels**

All residential premises shall be designed in accordance with BS8233:1999 'Sound insulation and noise reduction for buildings - Code of Practice' to achieve 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.

## **9. Sound insulation and noise mitigation details – Residential and Non-Residential**

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

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

## **10. Ventilation details – Non-Residential Units**

Prior to the commencement of each Block above ground, full details of any mechanical ventilation or other plant associated with the non-residential operation of the Block shall be submitted to and approved by the Local Planning Authority. Details should include full specifications of all filtration, deodorising systems, noise output and termination points. Particular consideration should be given to the potential high level discharge of kitchen extract air/ the discharge of toxic or odoriferous extract air where a high level of discharge is usually essential. The approved scheme in respect of each Block shall be completed prior to occupation of the Non-Residential Units in the relevant Block and shall be permanently maintained thereafter. Reference shall be had to Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA. This Condition can be discharged on a Site Wide, Zonal or Block basis.

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

## **11. Grease trap or grease digester system details**

Prior to the occupation of any commercial unit within the Development, full details of any the grease trap or grease digester system to be installed for any Non-Residential Unit kitchen associated with the non-residential units operation of the Block 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 in respect of each Block is to be completed prior to occupation of the Non-Residential Units within the relevant Block and shall be permanently maintained thereafter.

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

## **12. Hours of work**

There shall be no demolition or construction work outside the hours of 08.00 to 18.00 on Monday to Friday and 08.00 to 13.00 on Saturdays nor at any time on Sundays or on Bank or Public Holidays without the prior written approval of the Local Planning Authority. Construction work audible at the façade of any noise sensitive premises may only take place outside these permitted hours of work where these works have been approved by the Local Authority under s61 of the Control of Pollution Act 1974.

Reason: To protect the amenities and environment of residents and other sensitive receptors.

### **13. Noise residential**

Noise levels at any occupied residential property due to construction or demolition shall not exceed 75dB LAeq (10 hour) measured at 1m from the façade of the nearest occupied property, during the hours from 08:00 to 18.00 Monday-Friday, 75dB LAeq (5 hour) during the hours from 08:00 to 13:00 on Saturday except with the prior approval of the Local Authority, under s61 of the Control of Pollution Act 1974.

Reason: To ensure that best practicable means are used to reduce noise generated by construction.

### **14. Code of Construction Practice**

The Development shall not be commenced until a Code of Construction Practice has been submitted to and approved by the Local Planning Authority. The Code of Construction Practice 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 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

### **15. Construction Waste Management Plan**

The Development shall not be commenced until a Construction Waste Management Plan (CWMP) has been submitted to and approved by the Local Planning Authority. The objectives of the CWMP shall be to ensure all waste arising from the construction works are managed in a sustainable manner, maximising the opportunities to reduce, reuse and recycle waste materials. The CWMP shall also detail the compliance and assurance requirements to be maintained on the Site during all phases of construction. The Development shall be carried out in accordance with the approved details.

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

### **16. Construction Transport Management Plan**

The Development shall not be commenced until a Construction Transport Management Plan (CTMP) has been prepared in consultation with the Local Planning Authority, local highway authorities and Transport for London and such CTMP has been submitted to and approved by the Local Planning Authority. The objectives of the CTMP shall be to:

- minimise the level of road based construction traffic through the promotion of sustainable transport options, where feasible
- minimise the impact of road based construction traffic by identifying clear controls on routes for large goods vehicles, vehicle types, vehicle quality and hours of site operation;

- identify highway works required to accommodate construction traffic;
- minimise the number of private car trips to and from the site (both workforce and visitors) by encouraging alternative modes of transport and identifying control mechanisms for car use and parking; and
- assess the need for improvements to the public transport network to accommodate the additional number of trips associated with construction site activity.

The CTMP shall include as a minimum the following information:

- the arrangements for liaison with the relevant highway authorities, emergency services and rail infrastructure providers;
- the method for applying for approvals for Off Site highway works;
- road closures implementation and management
- direction signing to worksites;
- emergency access protocols and internal road naming conventions;
- workforce distribution, mode share and assignment, to include proposals for transport provision for movement of construction workforce;
- designated routes for large goods vehicles and dealing with abnormal loads;
- highway enabling schemes for access to and from the construction sites;
- position and operation of cranes / Mobile Elevating Work Platforms
- Off Site parking issues;
- Control of and limits on parking spaces for construction workers' motor cars and vans used to travel to the Site, but to which access is not otherwise required when the vehicle is on the Site;
- provision for walking and cycling;
- lorry holding areas;
- driver standards and enforcement within the construction sites and on the highway;
- monitoring;
- dealing with complaints and community liaison; 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 minimises its environmental impacts.

### **17. Impact piling**

No impact piling shall take place unless it has the prior written approval of the Local Planning Authority and takes place in accordance with the terms of any such approval, or in accordance with a consent issued under s61 of the Control of Pollution Act, 1974. In addition no impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency as appropriate. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: To avoid, wherever possible, unnecessary noise from piling and because piling has the potential to impact on local underground water utility and transport infrastructure.

**18.** Prior to the commencement of the development hereby approved a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. A preliminary risk assessment which has identified all previous uses; potential contamination associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme based on (1) above to provide information for 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. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

**19.** The development hereby permitted shall not be occupied 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 any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

## **20 Unexpected contamination**

If at any time during the construction of the Site, contamination is encountered which was not previously identified or treated or has been brought to the surface by construction activity, construction work shall not proceed (except to the extent that it would not further disturb that contamination) until a Remediation Change Note, containing an assessment of that contamination and a scheme and timetable to contain, treat or remove it has been submitted to and approved by the Local Planning Authority and any necessary remediation has been carried out.

Reason: To ensure the protection of human health and avoidance of pollution of controlled waters.

## **21 Hours of Operation – Commercial Units**

Details of all hours of operation including time of receiving deliveries and/or servicing of all uses on the Site (excluding residential) shall be submitted to and approved by the Local Planning Authority prior to



the occupation of the development. The Development shall thereafter be operated only in accordance with the approved hours of operation.

Reason: In the interests of amenity.

## **22. Detailed Drawings**

Prior to commencement of the development the following details shall be submitted to and approved in writing by the Local Planning Authority on drawings prepared at 1:5 and 1:20 scale:

- a) pre-cast concrete cills, string courses and copings;
- b) window reveals and cills;
- c) balconies;
- d) ground floor commercial units;
- e) external signage;
- f) internal or external shutters;
- g) photovoltaic panels

## **23. Material samples/sample-panels/sample-boards**

Material samples/sample-panels/sample-boards of all external facing materials to be used in the carrying out of this permission shall be presented on site and/or submitted to 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.

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.

## **24. Securing Archaeological Works**

- A. No development other than demolition to existing ground level shall take place until the applicant has secured the implementation of a programme of archaeological evaluation in accordance with a written scheme which has been submitted and approved in writing by the local planning authority and a report on that evaluation has been submitted to the local planning authority.
- B. If heritage assets of archaeological interest are identified under the evaluation in Part (A) no development other than demolition to existing ground level shall take place until the applicant has secured the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the local planning authority.
- C. No development shall take place other than in accordance with the Written Scheme of Investigation approved under Part (B).

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 (B), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

## **25. Servicing Management Plan**

The development shall not be occupied until a Servicing Management Plan 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 development shall be carried out in accordance with the approval given and shall remain for as long as the development is occupied.

Reason: In the interests of highway and pedestrian safety.

## **26. Electric vehicle charging points**

Prior to commencement of the development hereby approved, details of the installation (including location, type and number) of electric vehicle charging points within the car parking area shall be submitted to and approved in writing by the Local Planning Authority and the electric vehicle charging points shall be installed prior to occupation of the development and the development shall not be carried out otherwise in accordance with any such approval given.

Reason: To encourage more sustainable travel.

## **27. Renewable energy**

All buildings within the Development shall achieve a 20% reduction in regulated CO2 emissions through the use of On Site renewable energy generation sources, such reduction to be calculated across all buildings Site Wide. The reduction can include that attributable to the biomass boiler generation in any off site Combined Heat and Power (CHP) plant that the development is connected to and which supplies energy to the development.

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

## **28. 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) to achieve a minimum 'excellent' rating 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 the 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.

## **29. Bat survey**

Prior to commencement of works, including demolition, hereby authorised begins, a bat survey, including a minimum of three activity surveys (two emergence and one dawn survey) shall be undertaken, and the findings of the survey and any recommendations, including, where the survey encounters bats, a strategy outlining the most appropriate method for dealing with the protected bats, shall be submitted to

and approved in writing by the Local Planning Authority, in consultation with Natural England and / or the London Wildlife Trust.

Reason: To ensure the proposal protects biodiversity.

### **30. Landscaping Plan**

Before any above grade work hereby authorised begins, detailed drawings [select scale 1:50, 1:10 and 1:5] 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. The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs 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.

### **31. Permitted development**

None of the rights contained in Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall be exercised unless otherwise agreed with the Local Planning Authority as part of a written framework approved by the Local Planning Authority setting out the thresholds in respect of which such rights shall be exercisable.

Reason: To provide control over alterations to dwelling houses given the particular character and appearance of the area, to protect local amenity and the wellbeing of the area and to ensure the maintenance of design.

**32.** None of the rights contained in Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 shall be exercised, unless otherwise agreed with the Local Planning Authority as part of a written framework approved by the Local Planning Authority setting out the thresholds in respect of which such rights shall be exercisable.

Reason: To provide control over minor operations given the particular character and appearance of the area, to protect local amenity and the wellbeing of the area and to ensure the maintenance of design quality.

**33.** None of the rights contained in Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 shall be exercised in respect of buildings in excess of 15 metres in height unless otherwise agreed with the Local Planning Authority as part of a written framework approved by the Local Planning Authority setting out the thresholds in respect of which such rights shall be exercisable.

Reason: To provide control over the provision and location of microwave antenna given the particular character and appearance of the area, to protect local amenity and the wellbeing of the area and to ensure the maintenance of design quality.

### **34. Wallis Road Vehicle Doors**

Notwithstanding the details shown on the Approved Plans, full details of the material, colours and design of the vehicular entrance doors on the Wallis Road elevation (drawing 450\_PL\_032 North Elevation Blocks A B C Rev B) shall be submitted to and approved by the Local Planning Authority, prior to their use on site. The vehicular doors shall be designed in collaboration with a local artist, and evidence of such collaboration shall be submitted to the Local Planning Authority at the time submission, latest, to the Local Planning Authority's satisfaction. The doors shall be installed prior to the occupation of the buildings.

Reason: To ensure that the Local Planning Authority is satisfied that the details and approach adopted will secure high quality design and detailing in accordance with London Plan policy 7.6.

### **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-January 2017**



**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](mailto:enquiries@pins.gsi.gov.uk)) or (Tel: 0117 372 8000).

To make an appeal online, please use [www.gov.uk/appeal-planning-inspectorate](http://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.