Subject: 17/00344/FUL: Land at Imperial Street, E3 3ED  
Meeting date: 23 January 2018  
Report to: Planning Decisions Committee  
Report of: Richard McFerran, Principal Planning Development Manager

FOR DECISION.

This report will be considered in public.

1. EXECUTIVE SUMMARY

1.1. The application for full planning permission was considered at the meeting of the Planning Decisions Committee (PDC) held on 19 December 2017. Having considered the report and the update report Members resolved to defer consideration of the application in order to receive additional information and give further consideration to the matters set out below:

- The need for the A12 highway works;
- The approach to the delivery of infrastructure – particularly the part funding of A12 junction works through s106 contributions as opposed to CIL payments and the impact this would have on affordable housing;
- Further information on financial viability and affordable housing; and
- The impact of the proposal on sports and leisure facilities.

1.2. There has been no change to the scheme previously assessed by Officers and Members, other than the inclusion of an additional s106 obligation in the form of a financial contribution towards sports facilities.

1.3. Both the 19 December 2017 Committee Report and accompanying Update Report are attached at Appendices 1 and 2 respectively. The identified typographical errors within the Committee Report at para. 9.1 (Sport England officer comment) and para. 10.122 (unfinished paragraph) have been addressed and are highlighted for ease of identification. The final version of QRP comments (August 2017) are attached at Appendix 4.

1.4. A summary of the officer response to the issues identified by Members at the previous PDC is set out below:

1.5. The need for the A12 highway works: This is an LLDC promoted scheme which is a long-held aspiration for the Bromley-by-Bow area. The improved vehicle and pedestrian accesses to the site are considered necessary to help regenerate the wider area and ensure development in the Bromley-by-Bow SPD area is truly sustainable. The works would improve pedestrian and cyclist connectivity, accessibility and facilitate the provision of a new strategic bus route. The proposals would also result in significant public realm improvements and humanise an existing hostile environment.

1.6. Delivery of Infrastructure: Officers emphasise that the approach of delivering infrastructure through s106 obligations is sufficiently robust and fully accords
with the adopted guidance contained within the Local Plan (2015), Planning Obligations SPD (2016) and the Bromley-by-Bow SPD (2017). The proposed pedestrian and vehicle accesses to the A12 are an LLDC led initiative which would result in significant regeneration benefits and ensure that sustainable development is delivered in the Bromley-by-Bow SPD area. The LLDC CIL charge payable in respect of from the Phase 1 developments (both this application and the adjacent PLOT (Bromley-by-Bow application) is calculated to be £3,525,517.60 which is significantly less than the £5 million that would be secured through the section 106 contributions outlined in the heads of terms for both developments. This, and the uncertainty surrounding the approval of CIL funding (as explained at para. 10.14 – 10.16), would significantly put at risk TfL’s commitment to providing 50% of funding (i.e. a further £6 million) as well as physically delivering the works.

1.7. **Affordable Housing and Financial Viability:** There has been no change to the affordable housing offer as previously presented to Members in December 2017. The offer remains as 20% onsite affordable housing, with 50% being low cost London Affordable Rent and 50% being shared ownership. The A12 junction contribution can also be considered as the equivalent of a further 3 – 5% affordable housing depending on tenure mix. Additional information has been provided on a number of the key inputs to the financial viability appraisal to explain this position. A summary of the viability negotiations has also been appended at Appendix 3. Officers reiterate that the viability has been subject to independent review by PPDT’s Viability Consultant and the GLA Viability Officer who are both in agreement that the offer exceeds the maximum technically viable position. Whilst the offer falls short of the 35% policy target, Members are reminded that as set out in national, regional and local planning policies, negotiations on affordable housing are required to take account of development viability. In this context the current offer is considered to represent the maximum amount of affordable housing that could be achieved.

1.8. **Impact on Sports and Recreation Facilities:** The draft evidence work as part of the Local Plan Review is considered to demonstrate that there is no deficit in outdoor sports facilities in the LLDC area. In addition, further evidence has been presented to suggest that there is capacity at Three Mills Green despite increasing development in the surrounding area. Notwithstanding this, the applicant has made an offer of a £100,000 contribution towards sports facilities in the in the Bromley-by-Bow area. The allocation of this money would be agreed as part of the detailed s106 discussions. Given this, the sports facilities within the proposed Phase 2 primary school, and the significant amount of open space to be provided as part of the masterplan area, it is considered that the wider redevelopment proposals would provide suitable mitigation in terms of sports and leisure facilities.

1.9. Overall, the development is considered to comply with strategic and local development plan policy, particularly the Bromley by Bow SPD, in terms of land use, urban design, architecture and public realm. The development would also suitably respond to nearby heritage assets including the Grade I listed House Mill and Three Mills Conservation Area. The development would successfully optimise the capabilities of the site and would deliver a substantial proportion of housing, including an affordable housing offer which exceeds the technically viable position, to help meet strategic need.

1.10. It is therefore recommended that the application be approved subject to conditions and completion of a s106 legal agreement and referral to the Mayor of London.
2. RECOMMENDATIONS

2.1 The Committee is asked to:

a) Approve the application for the reasons given in the report and grant planning permission subject to:

1. referring the application to the Mayor of London and any direction by the Mayor of London;

2. the satisfactory completion of a legal agreement under s.106 of the Town and Country Planning Act 1990 and other enabling powers to secure the planning obligations set out in the recommended heads of terms which are set out in this report; and

3. the conditions set out in this report.

b) Confirm that their decision has taken into consideration the environmental information submitted in relation to the application, as required by Regulation 3(4) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, and agree that following the issue of the decision a statement be placed on the Statutory Register confirming the details as required by Regulation 24(1)(c) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 including that the main reasons and considerations on which the Committee’s decision was based were those set out in the Planning Officer’s Report to Committee;

c) Agree to delegate authority to the Director of Planning Policy and Decisions to:

1. Consider any direction from the Mayor of London and to make any consequential or necessary changes to the recommended conditions and/or recommended heads of terms;

2. Finalise the recommended conditions as set out in this report including such refinements, amendments, additions and/or deletions (including to dovetail with and where appropriate, reinforce, the final planning obligations to be contained in the section 106 legal agreement) as the Director of Planning Policy and Decisions considers reasonably necessary;

3. Finalise the recommended legal agreement under section 106 of the Town and Country Planning Act 1990 and other enabling powers as set out in this report, including refining, adding to, amending and/or deleting the obligations detailed in the heads of terms set out in this report (including to dovetail with and where appropriate, reinforce the final conditions and informatives to be attached to the planning permission) as the Director of Planning Policy and Decisions considers reasonably necessary; and

4. Complete the section 106 legal agreement referred to above and issue the planning permission.

3. FINANCIAL IMPLICATIONS

3.1 There are no financial implications as a result of this application.
4. LEGAL IMPLICATIONS

4.1. The recommendation is that planning permission is granted, subject to the satisfactory completion of a s106 legal agreement to ensure adequate mitigation of the impacts of the development. The contents of the required s106 agreement are described within para. 10.30 of this report (Draft Heads of Terms).
Location: Trad Scaffolding Yard, Land at Imperial Street, London, E3 3ED

London Borough: London Borough of Tower Hamlets

Proposal: Application for full planning permission for the demolition of existing buildings and redevelopment of a mixed-use scheme to include five buildings, ranging between 3 and 14 storeys in height, which would comprise 407 residential units (Use Class C3), up to 339 sqm of employment space (Use Class B1), and up to 274 sqm of flexible retail space (Class A1/A3/A4), together with the provision of basement cycle parking, street level car parking, public realm, vehicular access and the replacement of the adjacent river wall.

Applicants: L & A Trad Limited

Agent: Simply Planning

Architecture: Pitman Tozer & BPTW Partnership

Figure 1: Site boundary – L&Trad Plot located in the south-east corner of the wider Bromley-by-Bow SPD area.

5. SITE & SURROUNDINGS

5.1. A description of the site and surroundings is set out in Section 5 of the appended PDC report of 19 December 2017 found at Appendix 1.
6. RELEVANT PLANNING HISTORY

6.1. Details of the relevant planning history for the site and the surrounding area are set out in Section 6 of the appended PDC report of 19 December 2017.

7. APPLICATION PROPOSALS

7.1. There have been no changes to the proposed development from the scheme that was previously presented to Members. Details of the application proposals can therefore be found in Section 7 of the appended PDC report of 19 December 2017 (as clarified by the Update Report found at Appendix 2).

8. POLICIES & GUIDANCE

8.1. The relevant policies and guidance which are considered applicable in the assessment of this application are set out in Section 8 of the appended PDC report of 19 December 2017.

8.2. In addition to the above, it should also be noted that Policy SP.5 (A sustainable and healthy place to live and work) of the LLDC Local Plan (2015) is a relevant consideration in the assessment of this application.

9. CONSULTATIONS

9.1. Since the deferral of the application there has not been any further public consultation and no further comments have been received. The consultation responses to the application are set out in Section 9 of the appended PDC report of 19 December 2017.

9.2. Further discussion with Sport England regarding the impact on sport and leisure provision as set out their original objection to the scheme are set out in para. 10.25 – 10.29 of this report.

10 ASSESSMENT OF PLANNING ISSUES

10.1. The assessment of the application presented in the appended 19 December PDC report remains applicable (as clarified by the update report). The following assessment solely deals with those issues which were raised as points of concern by Members at the previous committee meeting. These are:

- The need for the A12 junction works;
- The approach to the delivery of infrastructure – particularly the part funding of A12 junction works through s106 contributions as opposed to CIL payments and the impact this would have on affordable housing;
- Further information on financial viability and affordable housing; and
- The impact on sports and leisure facilities.

**The need for the A12 highway works**

10.2. It is acknowledged that, in terms of transport movements, the existing junction has sufficient capacity to safely deal with the predicted number of vehicular movements to and from the Bromley-by-Bow Phase 1 developments. However it is strongly considered that there is a wider strategic requirement for early delivery of improved vehicular and pedestrian access into the site. Residential and mixed-use development in the Bromley by Bow South site is intrinsically
linked to having safe and direct pedestrian crossings. These essential crossings are a long-held aspiration for the area and are one of a series of already permitted or implemented infrastructure projects to improve local pedestrian and cycle links in the area.

10.3. As noted above, the proposed A12 works are an LLDC promoted scheme which is considered necessary to help regenerate the wider area and ensure that development within the Bromley-by-Bow SPD area is truly sustainable. The works are required in order to improve connectivity and help create legible, safe and accessible 24-hour routes from the existing communities to the west, into the Bromley-by-Bow South sites, and beyond into Sugar House Lane, Stratford High Street and the southern part of the Olympic Park. The proposals would create safe and accessible routes into the site along identified desire lines, in a well overlooked environment, and without the need to negotiate lengthy or steep ramps to underground subways. The pedestrian links would also form part of wider access to a network of green spaces which are currently challenging to access in the wider area.

10.4. The proposed A12 works would also facilitate the provision of a new strategic bus route which would run from Bow to the Southern Olympic Park and Stratford High Street through the emerging communities at Bromley-by-Bow and Strand East. The route would run along key pedestrian routes and would promote access to local businesses and provide a degree of surveillance along its route.

10.5. The junction works would also assist in the ‘normalisation’ of the A12 in this location. The immediate vicinity of the A12 is considered to be an extremely hostile environment which results from the speed of passing vehicles, the noise generated from them and the poor public realm that surrounds it. The proposed junction works would facilitate a slowing down of traffic which would significantly improve the road environment and reduce noise levels. The new buildings would help bring definition to the A12 edge and improve overlooking and activity. The public realm would be significantly improved with an increase in the width of the pedestrian pavement on the eastern side of the A12, together with dedicated off carriageway cycle lanes and new tree planting to help humanise the environment.

Justification for the approach to infrastructure delivery

10.6. At the previous PDC, Members expressed concern with the approach to infrastructure delivery through s106 contributions as opposed to funding from CIL. The Bromley-by-Bow Phase 1 developments, including this application, would each deliver £2.5 million as s106 contributions to help facilitate the proposed A12 highway works which would include two new at-grade pedestrian crossings and an all movement junction to facilitate a new bus route through the site, the need for which is outlined in paras. 10.2 – 10.5.

10.7. Specific guidance on the use of s106 obligations is found within the Local Plan (2015) and the adopted Planning Obligations SPD (2016). Para. 14.10 of the Local Plan makes reference s106 agreements and states:

Section 106 of the Town and Country Planning Act 1990 allows Local Planning Authorities to enter into a legal agreement with a developer that would make a development proposal acceptable in planning terms that would not otherwise be acceptable. That might, for example, include the amount of affordable housing which would be included in the development scheme, or an item of infrastructure or financial contribution towards it, such as a new school or the provision of a new highway junction.
10.8. The Planning Obligations SPD builds upon this and provides further information on the delivery of key Local Plan objectives across the LLDC area. With regards to on-site infrastructure it states:

*There are some sites within the Legacy Corporation area where on-site infrastructure will need to be provided and secured through section 106 agreements, in accordance with regulation 122 of the CIL regulations.*

*Generally, if projects are on the Infrastructure (Regulation 123) List they will be funded through CIL, if they are identified in particular Local Plan site allocations they are considered to be on site requirements and will be secured through section 106.*

10.9. The Planning Obligations SPD goes on to identify the main pieces of on-site infrastructure to be secured through section 106 including the following infrastructure at Bromley-by-Bow South:

- A12 subway works to access Bromley-by-Bow regeneration site;
- A12 all movement junction to access the site (says this could also be secured through section 278 of the Highways Act 1980);
- Provision of land for a community facility and primary school at Bromley-by-Bow; and
- Provision of funding for, or in kind provision of, school buildings where this is necessary in terms of child yield arising from the development.

10.10. The Planning Obligations SPD also specifically states that it is not intended that this infrastructure will be added to the Infrastructure (Regulation 123) List or funded through CIL.

10.11. The approach within the Planning Obligations SPD is reinforced within the Local Plan Site Allocation Policy (SA4.1) for Bromley-by-Bow which states:

*A new junction which provides vehicular and pedestrian access from the site to and across the A12 is required, to improve access to the wider Bow area and to Bromley-by-Bow Station. Such improvements will be required as part of the comprehensive proposals on the site. As set out in the Legacy Corporation Planning Obligations SPD, the Legacy Corporation considers that development at Bromley-by-Bow will require on-site improvements to access and transport and highways improvements which would be secured through s106 agreements. Appropriate arrangements for providing for community uses, open space and improved public realm on site would also be secured through s106 agreement.*

10.12. In light of the above, it is considered that the approach to securing the highway contribution through a s106 obligation is grounded in policy and adopted guidance. It is noted that the Planning Obligations SPD makes reference to an agreement under s278 of the Highways Act as being an alternative means of securing the vehicular and pedestrian access infrastructure. However the works are considered to be extremely complicated from a traffic management perspective given the need to ensure the A12 remains partially open during construction activities. For this reason it has been agreed that TfL will undertake the works using the s106 contributions proposed to secured from the Bromley-by-Bow Phase 1 developments, as well as £5 million if its own funding.

10.13. The adopted Bromley-by-Bow SPD (2017) provides guidance on the phasing of development across the wider Bromley-by-Bow South site and the associated delivery of infrastructure through the s106 process. The phasing of development across the wider site means that the Phase 1 developments would rely on Phase 2 to provide the land for the primary school. In relation to this approach the SPD states:
In principle the local planning authority consider that this will be acceptable provided that the developers of plots 1 and 2 [i.e. in Phase 1; which comprises this application, along with the one on Land at Clockhouse and Access House] take on responsibility for making sure that the new junction and crossings are provided.

10.14. The proposed s106 contributions from the Phase 1 applications therefore fully comply with the guidance set out within the adopted Bromley-by-Bow SPD. Securing these contributions from the first phase of the wider development (as opposed to subsequent phases) would also ensure earlier delivery of the pedestrian and vehicle accesses into the site which unlock the development plots to the north (the Phase 2 development cannot be delivered without the junction works), without which the long-held wider aspirations for the creation of a new district centre could not be met. It is considered that funding the A12 works through CIL as opposed to s106 contributions would significantly put at risk the delivery of infrastructure across the wider site, including the required primary school to be delivered as part of the Phase 2 development. The compliant approach to infrastructure delivery through s106, as opposed to CIL, means that there is a minor impact on the amount of affordable housing that the scheme can deliver.

10.15. The A12 works is an LLDC led initiative which has been designed jointly with TfL. TfL have appointed a project team to work on the scheme and detailed design and traffic modelling has been ongoing since 2016. It had been originally envisaged that the junction would be fully funded by s106 contributions from the Phase 1 developments, however LLDC have been able to negotiate funding commitments from TfL who will now contribute 50% (i.e. a further £6 million) of the costs and take delivery for responsibility. This was specifically negotiated to reduce the costs to the Phase 1 applications and thereby maximise the provision of affordable housing. The total cost is estimated to be £12 million with LLDC’s contribution intended to be £5 million from s106 contributions from the Phase 1 applications and £1 million already earmarked from s106 contributions from the existing Bromley-by-Bow North development.

10.16. The TfL funding of the project is now within the TfL Business Plan and they have conducted public consultation on their emerging proposals. The £5 million s106 contribution from the Phase 1 applications was a significant factor in the negotiations with TfL in order to secure 50% of the funding. The s106 approach provides upfront certainty that the contributions will be ring-fenced for the A12 works, whereas such certainty is only secured through the CIL approach once the money has been paid and the LLDC Project Proposals Group has approved CIL funding of the A12 works. Any change in approach to the developer funding of the junction therefore significantly puts at risk the matched TfL funding.

10.17. Finally, in terms of the CIL amount, it was reported within the 19 December Committee Report that the total CIL contribution from the site would be £2,603,509.00. However it should be noted that this was the combined Mayoral and LLDC CIL. The Mayoral CIL accounts for £955,078.25 of this and will be used by TfL to help finance Crossrail. The remaining £1,648,431.00 would be allocated to LLDC; however 15% of this would be a ‘neighbourhood portion’ of funding which would be spent in consultation with the local community. A further 5% would be allocated towards monitoring costs. This means that the total CIL contribution would be £1,318,744.80 which is considerably less than the proposed s106 contribution towards A12 works of £2,500,000.00.

10.18. Furthermore, the combined LLDC CIL payment (minus the neighbourhood portion and monitoring fee) for the entire Bromley-by-Bow Phase 1 development would be £3,525,517.60 which is a significant shortfall from the combined £5,000,000.00 which would be secured through s106 contributions from both schemes.
Financial Viability and Affordable Housing

10.19. Members previously expressed concern regarding a lack of information regarding the scheme’s viability and the overall amount of affordable housing that is proposed. In response to this a summary of the viability negotiations and agreed position is appended at Appendix 3. The following key viability inputs are also provided for clarity:

<table>
<thead>
<tr>
<th>Financial Viability Input</th>
<th>Adopted Figure (following negotiation between Applicant and PPDT’s Viability Consultant)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Benchmark Land Value (EUV plus premium)</td>
<td>£9,000,000</td>
</tr>
<tr>
<td>Gross Development Value</td>
<td>£170,662,537</td>
</tr>
<tr>
<td>Construction Costs</td>
<td>£101,540,119</td>
</tr>
<tr>
<td>Other Costs (s106, Finance, Fees, Marketing etc)</td>
<td>£68,953,933 (including s106 costs at £3.46m which equates to £8,500 per unit)</td>
</tr>
<tr>
<td>Profit Level</td>
<td>20%</td>
</tr>
</tbody>
</table>

10.20. In relation to profit levels it should be noted that 20% profit was considered acceptable by PPDT’s Viability Consultant for a scheme of this nature. However as part of the negotiations to drive up the level of affordable housing the GLA stated that the profit level could be reduced to 17.5% in order to provide another 5% affordable housing and a total on-site provision of 20% (based on the proposed 50:50 tenure split). The applicant (at current day values) has accepted this lower profit level on an ex gratia basis in order to provide 20% on-site affordable housing; however the profit level within future reviews will remain at 20%.

10.21. Members are advised that the affordable housing offer remains as per the scheme presented in December 2017. As stated above, the scheme would deliver 20% on-site affordable housing (by habitable room) in addition to the s106 contribution towards the A12 works which would be equivalent to between 3-5% affordable housing depending on tenure mix. This ensures that the overall affordable housing package can be viewed as being up 25% when including the s106 equivalency. As discussed in paras. 10.6 – 10.14 the delivery of the A12 works through s106 obligations is considered to wholly accord with adopted LLDC policy and guidance. Furthermore, the affordable housing equivalency of the A12 financial contribution is considered to be an acceptable approach as it is considered to be an abnormal cost to the scheme, and this approach is supported by GLA officers.

10.22. Members are reminded that the original offer of 5% affordable housing was deemed to be unviable by PPDT’s Viability Consultant and in this context the proposed offer is supported. Whilst the offer falls short of the 35% policy target, national, regional and local planning policies acknowledge that negotiations on affordable housing are required to take account of development viability. In this context the current offer is considered to represent the maximum affordable housing provision that could be sustained. Early and late affordable housing review mechanisms would also be secured through the s106 Agreement. The London Affordable Rent Units would be contained within the Civic Building whilst the shared ownership units would be in Block D.
10.23. In terms of tenure mix, 50% of the affordable homes would be London Affordable Rent and 50% would be shared ownership. For the purposes of clarification, London Affordable Rent is rent for households on low incomes with the rent levels based at social rent levels, and in viability terms is a lower value housing product in comparison to intermediate housing products such as shared ownership. For example, if the affordable housing within this scheme were to be 100% shared ownership, then the total on-site affordable housing provision would be 25%. However, officers consider that this would be an inappropriate approach noting the Local Plan aspirations around tenure mix which seek to secure 60% low cost rent and 40% intermediate. Whilst the proposed offer would be a 50:50 tenure split, this is considered to be acceptable on the basis that the design of the buildings would not allow easy separation of cores/entrances for management of the London Affordable Rented units by a registered housing provider.

10.24. At the previous PDC it was discussed by Members that a reduction in construction costs could increase the amount of affordable housing. The construction costs originally provided by the applicant as part of the viability appraisal were based upon development tenders of schemes of a similar architectural quality. This was reviewed by PPDT’s Viability Consultant and following negotiations with the applicant the total construction cost was reduced from £106,370,000 to £101,540,119. As such a significant reduction has already been achieved. The Local Plan and Bromley-by-Bow SPD are both clear that the architectural quality of the scheme is required to be ‘outstanding’. The agreed construction costs are based on a scheme which is considered to be ‘outstanding’ by QRP and as such the scheme is considered to be policy compliant in this regard.

Impact on Sport and Recreation Facilities

10.25. Members previously expressed concern in relation to the response to the objection made by Sport England and the impact of the scheme on sports facilities. Officers would like to reiterate that there is an agreed approach to the delivery of infrastructure across the Bromley-by-Bow SPD area as set out within the Planning Obligations SPD and Bromley-by-Bow SPD. Therefore, whilst the Phase 2 developer will not be making a contribution to the A12 works, they will be making an equivalent contribution to that which would come from the Phase 1 developers, with respect to the provision of land for a primary school. This primary school would include a MUGA and sports hall which would be made available for community use through s106 obligations and as such would help mitigate the impact on sport facilities resultant from the development.

10.26. PPDT are currently in pre-application discussions with the Phase 2 developer and it is anticipated that the planning application for this will be submitted later in 2018. However, as set out within the table at para. 9.1 of the December PDC report, in the event that the primary school does not come forward, the education contributions secured through the Phase 1 developments would be redirected towards sports provision. This application would make an education contribution of £333,963.

10.27. In addition to the above, emerging work being undertaken by Arup on behalf of LLDC in advance of the Local Plan Review has examined access to outdoor sports facilities across the LLDC administrative area. The draft document is based on Fields in Trust benchmark standards to identify whether existing provision within LLDC meets the hectare quantity per 1,000 people required. The study concludes that the total existing provision for outdoor sports facilities (including MUGAs and playing pitches) within the LLDC boundary is in line with best practice standards identified by Fields in Trust. It is also noted that Members previously expressed concerns in relation to the use of Three Mills Green. Whilst it is acknowledged that the proposed Strand East Primary School
would rely on Three Mills Green for additional play space (i.e. in addition to integral playground space), the remainder of the site, including all 1,200 residential units, meets all requirements for open space and play space within the development. Furthermore, East London Science School, which currently relies on Three Mills Green as its only play space, benefits from a temporary permission which expires in September 2018. An alternative site has been identified for the relocation of the school which will then no longer be reliant on Three Mills Green.

10.28. Notwithstanding the above, the applicant has offered an additional s106 contribution of £100,000 to be used specifically for sports provision in the Bromley-by-Bow area. This would be matched by the adjacent Phase 1 developer meaning that a total contribution of £200,000 would be provided towards sports facilities to help mitigate the impact of the Phase 1 developments. Based on Sport England’s latest Facilities Cost Guide (2017) this would pay for 0.25 of a 2 court affordable sports hall, 0.18 of a 25m (4 Lane) community swimming pool, 0.11 of a (6 rink) indoor bowls centre and 0.22 of a senior football pitch (3G with fencing and lighting). It is considered that officers liaise with Sports England as part of the detailed s106 discussions in terms of allocation of this money.

10.29. Since the December PDC meeting, and at the time of writing this addendum report, Sport England have confirmed that they would not object to the Bromley-by-Bow Phase 1 applications subject to the aforementioned funding for sports facilities being secured through the respective s106 agreements. However they also indicated that the s106 should also ensure that the design of the MUGA and hall, to come forward as part of the primary school, should adhere to Sport England design guidance. However the primary school does not form part of these applications and will come forward as part of the Phase 2 development. Such an obligation is therefore not directly related to this planning application and would not therefore be compliant with the relevant tests contained within the National Planning Policy Framework. Officers commit to discussing these matters with the Phase 2 applicants with a view to achieving the best possible outcome.

Planning Obligations

10.30. The following draft heads of terms for the Section 106 Agreement are recommended to mitigate the effects of the development. They have been updated from the December 2017 PDC report to include the additional s106 contribution for sports facilities:

- 20% affordable housing – based of a 50:50 split between affordable rented units and shared ownership units;
- An ‘early stage’ affordable housing review should the works not be substantially implemented within 24 months of the date of grant of planning permission;
- A ‘late stage’ affordable housing review upon occupation of 75% of private residential units;
- Payment of £2.5 million towards the A12 junction works;
- Provision of 2 car club spaces and agreement with a car club operator to provide 2 car club vehicles for the life of the development;
- Provision of electric vehicle charging points to include 20% of residential parking spaces for active provision and a further 20% for passive provision;
Submission of a Travel Plan to include modal split targets, monitoring and measures to promote sustainable transport and behavioural change;

An education contribution of £333,963 to be applied towards the provision of a new primary school in the masterplan area or in the event that a primary school not be forthcoming within an agreed period then to be used towards local sports provision;

A contribution of £100,000 to be applied towards the provision or upgrade of sports facilities in the Bromley-by-Bow area. Allocation of the contribution to be determined as part of the detailed s106 discussions in conjunction with Sports England.

Submission of a Local Labour Strategy to include use of local labour during construction, including training opportunities, paid at the London Living Wage;

Commercial floorspace to be fitted out to shell and core prior to occupation of the residential units within the same block;

Retention of public access through the site including the Riverside Park, Residential Park, Residential Courtyard (Plot A) and Pocket Park (Plot D);

Submission of a Public Realm Management and Maintenance Strategy;

Payment of a Carbon Offset Contribution of £509,837.37 to be applied by the Local Planning Authority in accordance with the provisions of the Carbon Offset SPD;

Submission of an Energy Network Strategy with the developer expected to employ reasonable endeavours to connect to an existing District Energy Network in the first instance, a Masterplan Energy Network in the second instance or adjoining site CHP (Plot (Bromley-by-Bow) LLP) in the third instance. If connection to these systems is demonstrated as not reasonably possible then the development shall be connected to on-site CHP;

Legible London signage contribution of £17,000 which overlooks the requirement of an additional £2,333 for upgrade of existing sign;

Payment of Design Monitoring Costs in the event that the original architects are not retained to oversee the delivery of the design quality of the development; and

Considerable Constructors Scheme - the applicant to carry out all works in keeping with the National Considerate Constructors Scheme.

11 CONCLUSION

11.1 As set out in section 12 of the appended 19 December 2017 PDC report, the development is considered to accord with national, regional and local development plan policy. The approach of delivering infrastructure through s106 obligations is robust and fully accords with the adopted guidance contained within the Local Plan (2015), Planning Obligations SPD (2016) and Bromley-by-Bow SPD (2017). Further information has also been provided on the viability of the scheme and officers reiterate that the affordable housing offer significantly exceeds the maximum technically viable position. Furthermore, an additional s106 contribution of £100,000 towards the provision of sports facilities in the area is considered to provide additional
mitigation to the facilities that would be provided as part of the Phase 2 primary school.

11.2 It is therefore recommended that the Committee should grant planning permission for the development proposed subject to referral to the Mayor of London and the satisfactory completion (under delegated authority to the Director of Planning Policy and Decisions) of a legal agreement under section 106 of the Town and Country Planning Act 1990.

11.3 The application is also recommended for approval subject to the below conditions.

12 CONDITIONS

1) **Time Period**
The development to which this permission relates must be begun no later than three years from the date of this decision notice.

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

2) **Approved Plans**
The development, including demolition and construction, shall be carried out in accordance with the following details and plan numbers and retained thereafter:

   XXX

   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, including demolition, 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 written evidence that this is the case.

   Reason: To ensure satisfactory compliance with this planning permission.

   *Pre commencement justification: To enable the LPA to monitor development.*
4) **Non-Road Mobile Machinery**
   No non-road mobile machinery (NRMM) shall be used on the site unless it is compliant with the NRMM Low Emission Zone requirements (or any superseding requirements) and until it has been registered for use on the site on the NRMM register (or any superseding register).

   Reason: To ensure that air quality is not adversely affected by the development in line with London Plan policy 7.14 and the Mayor’s SPG: The Control of Dust and Emissions during Construction and Demolition.

5) **Archaeology**
   A) No demolition or development hereby permitted shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions, and all of the following:
   
   i. The provision of a site deposit model.
   
   ii. The programme and methodology of site investigation and recording.
   
   iii. The programme for post investigation assessment.
   
   iv. Provision to be made for analysis of the site investigation and recording.
   
   v. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
   
   vi. Provision to be made for archive deposition of the analysis and records of the site investigation.
   
   vii. Nomination of a competent person or persons/ organisation to undertake the works set out within the Written Scheme of Investigation.

   B) No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under part (A) of this condition.

   C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (A) of this condition and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

   Reason: Development must not commence before this condition is discharged to safeguard the heritage assets by ensuring that any archaeological remains that may exist on site are not permanently destroyed.

   *Pre commencement justification: To ensure appropriate measures are adopted prior to commencement of the works to protect archaeological remains*

6) **Demolition and Construction Management Plan**
   No demolition or development hereby permitted shall commence until full details of the proposed construction methodology, in the form of a Method of Demolition and Construction Statement, have been submitted to and
approved in writing by the local planning authority. The Method of Demolition and Construction Statement shall include details regarding:

a) Hours of work and noise mitigation and monitoring measures;
b) Safeguarding of buried services;
c) The notification of neighbours with regard to specific works;
d) Advance notification of road closures;
e) Details regarding parking, deliveries, and storage (including hours of deliveries);
f) Details of measures to prevent the deposit of mud and debris on the public highway;
g) A feasibility survey shall be carried out to consider the potential for moving demolition and construction material from the site by waterborne freight.
h) Details of compliance of construction vehicles with Construction Logistics and Community Scheme (CLOCS) standards and Fleet Operator Recognition Scheme (FORS) registration;
i) Details of collaboration with adjoining development sites to mitigate against detrimental impacts; and
j) Any other measures to mitigate the impact of construction upon the amenity of the area (including the River Lea and areas of adjacent habitat) and the function and safety of the highway network.

No demolition or development shall commence until provision has been made to accommodate all site operatives’, visitors’ and construction vehicles loading, off-loading, parking and turning within the site or otherwise during the construction period in accordance with the approved details. The demolition and construction shall thereafter be carried out in accordance with the details and measures approved in the Method of Demolition and Construction Statement unless otherwise approved in writing by the Local Planning Authority.

Reason: Development must not commence before this condition is discharged to avoid hazard and obstruction being caused to users of the public highway and to safeguard residential amenity from the start of the construction process.

Pre commencement justification: To ensure that demolitions and construction impacts are appropriately mitigated in advance of commencement of works.

7) Construction & Demolition Dust Monitoring and Mitigation
Prior to commencement of development hereby permitted, a scheme for dust monitoring, assessment and mitigation for all demolition and construction activities shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be substantially in accordance with the best practice guidance entitled 'The control of dust and emissions from construction and demolition' published by the GLA in November 2006 (or any subsequent revision) and shall include:

- The identification of dust sensitive premises to be used as the location for dust monitoring, including any arrangements proposed for
amending the selected locations if new dust sensitive premises are introduced;

• The frequency and other arrangements for dust monitoring; and
• The arrangements for reporting the results of dust monitoring and the implementation of mitigation measures to the Local Planning Authority.

The demolition and construction shall thereafter be carried out in accordance with the scheme for dust monitoring, assessment and mitigation for all demolition and construction activities unless otherwise approved in writing by the Local Planning Authority.

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

Pre-commencement justification: submission required prior to commencement to ensure that the Local Planning Authority to ensure that the impact of the construction is appropriately mitigated.

8) Demolition and Construction Waste Management Plan
The Development shall not be commenced until a Demolition and Construction Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The objectives of the management plan shall be to ensure all waste arising from demolition and construction works are managed in a sustainable manner, maximising the opportunities to reduce, reuse and recycle waste materials. The management plan shall also detail the compliance and assurance requirements to be maintained on the Site during all phases of works including site-preparation and remediation. The management plan shall include as a minimum the following information:

• Classification of all waste including hazardous waste according to current legislative provisions;
• Performance measurement and target setting against estimated waste forecasts;
• Reporting of project performance on quantities and options utilised;
• Measures to minimise waste generation;
• Opportunities for re-use or recycling;
• Provision for the segregation of waste streams on the Site that are clearly labelled;
• Licensing requirements for disposal sites;
• An appropriate audit trail encompassing waste disposal activities and waste consignment notes;
• Measures to avoid fly tipping by others on lands being used for construction. Returns policies for unwanted materials;
• Measures to provide adequate training and awareness through toolbox talks; and
• Returns policies for unwanted materials.

The demolition and construction shall thereafter be carried out in accordance with the Demolition and Construction Waste Management Plan unless otherwise approved in writing by the Local Planning Authority.
Reason: To ensure that the construction of the Development minimises its environmental impacts.

*Pre-commencement justification: The submission is required prior to commencement to ensure that the Local Planning Authority to ensure that the impact of the construction is appropriately mitigated.*

9) **Replacement Flood Defence**

The development hereby permitted shall not be commenced until such time as a scheme to demonstrate how the flood defence will be replaced has been submitted to, and approved in writing by, the Local Planning Authority. The new flood defence shall be fully constructed in accordance with the approved details prior to the occupation of the development hereby permitted to ensure that continuous flood protection is provided. The submitted details will be expected to demonstrate the following:

a) A continuous, fit for purpose secondary defence line at the statutory level will be required for the flood defence replacement works. There must no gates on the secondary defence line – it must be continuous. If access is required over the secondary line, it must be ramped.

b) Details of the how the new flood wall will be tied into the flood defence at either end of the site and any other structures (e.g. basement of new building).

c) The scheme shall include full details / method statement and drawings detailing how the defence will be replaced to statutory defence height of 5.490m AOD.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the approved scheme.

Reason: To reduce the risk of flooding to the proposed development and future users.

*Pre-commencement justification: The submission is required prior to commencement to ensure that the construction of the proposed Canalside Building would not impede the construction of the replacement river wall.*

10) **Drainage Strategy**

Prior to the commencement of the development hereby permitted, full details of the proposed surface water drainage, for the demolition, construction and operation phases of the development, shall be submitted to and agreed in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved details unless otherwise agreed in writing.

Reason: To determine the potential for pollution of the waterway and likely volume of water. Potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site, and high volumes of water
should be avoided to safeguard the waterway environment and integrity of the waterway infrastructure.

*Pre-commencement justification: to ensure that an appropriate drainage strategy can be implemented on site.*

11) **Water Supply Infrastructure**

Prior to the commencement of the development hereby permitted an impact study of the existing water supply infrastructure shall have been first submitted to, and approved in writing by, the Local Planning Authority (in consultation with Thames Water). The study shall determine the magnitude of any new additional capacity required in the system and a suitable connection point which shall be installed prior to the occupation of the development.

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

*Pre-commencement justification: to ensure that no construction activities are commenced without confirmation that the water supply infrastructure has sufficient capacity to deal with additional demand.*

12) **Piling Method Statement**

No piling including impact piling shall take place until a piling method statement (detailing the depth and 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 impact on ground water, 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 Thames Water and The Environment Agency. All piling shall be undertaken in accordance with the terms of the approved piling method statement.

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.

*Pre commencement justification: To ensure that piling methodology is appropriate prior to first commencement.*

13) **Railway Infrastructure Safeguarding**

The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:

- Provide details on all structures.
- Provide details on the use of tall plant/scaffolding.
• Accommodate the location of the existing London Underground structures.
• London Underground inspection and maintenance teams will require 24-hour unrestricted access to the south elevation of the site (specifically to the retaining wall on the boundary). Any fence lines, walls etc shall not restrict this access. In the case where access to a required area is gated, an appropriate mechanism shall be agreed in writing with London Underground prior to the installation of the gate in order to maintain access.
• Demonstrate access to elevations of the building adjacent to the property boundary with London Underground can be undertaken without recourse to entering London Underground land.
• Demonstrate that there will at no time be any potential security risk to London Underground railway, property or structures.
• Accommodate ground movement arising from construction.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in paragraphs of this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with The London Plan 2015 and ‘Land for Industry and Transport’ Supplementary Planning Guidance 2012.

14) Contamination

A) No demolition or development hereby permitted shall commence until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved in writing by the local planning authority:

i) A site investigation scheme, based on previous findings to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;
ii) The site investigation results and the detailed risk assessment resulting from i);
iii) An options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

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

Reason: To protect the health of future users or occupiers of this site and the wider environment.

*Pre-commencement justification: to ensure there is no detrimental health impacts on future users or occupants of the site.*

15) **Materials**

Prior to the commencement of the relevant phase of the development hereby permitted, samples and a schedule of the materials to be used in the external elevations shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be thereafter built in accordance with the approved details. The following details are required:

a) Brick (including mortar);
b) Windows frames;
c) External doors;
d) Balustrades;
e) Privacy screens;
f) Balconies;
g) Shopfronts; and
h) Rainwater goods.

Reason: To ensure that the external appearance of the building is satisfactory.

16) **Detailed Design**

Prior to the commencement of the relevant phase of the development hereby permitted, detailed architectural drawings (at scales of 1:5, 1:10 or 1:20 where appropriate) shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall be thereafter built in accordance with the approved details. The following details are required:

a) Detailed brick elements;
b) Windows;
c) Building entrances (including cycle, plant and refuse stores);
d) Shopfronts;
e) Soffits;
f) Parapets;
g) Balconies (including soffits and balustrade detailing)

Reason: To ensure that the construction detailing and external appearance of the building is satisfactory.

17) Landscape Plan

Prior to the commencement of above ground works pursuant to the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall be thereafter carried out in accordance with the approved details prior to the date of first occupation. All tree, shrub and hedge planting included within the above specification shall accord with BS3936:1992, BS4043:1989 and BS4428:1989 (or subsequent superseding equivalent) and current Arboricultural best practice. The submitted details are expected to demonstrate the following:

a) The quantity, size, species (including invasive non-native species and associated control methods), position and the proposed time of planting of all trees and shrubs to be planted.
b) An indication of how they integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance and protection.;
c) Specification of which shrubs and hedges to be planted that are intended to achieve a significant size and presence in the landscape.;
d) Details of hard landscaping (including buffers around water bodies), street furniture, lighting and short-stay cycle parking;
e) Details of any proposed root barrier systems;
f) Details of the proposed wetland area and floating reed beds (which should incorporate native species); and
g) Details of green and blue roofs and walls.

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

18) Replacement of dead/damaged planting

Any trees, shrubs or hedges included in the landscaping scheme for the development hereby permitted that die, are removed, become seriously damaged or diseased, within five years of planting, shall be replaced within the first planting season following death, removal, damage or disease.

Reason: In order to ensure long term retention of the landscaping in and around the site in the interests of the ecological value of the site and in the interests of visual amenity.
19) **Cycle Parking**
Prior to the occupation of the relevant phase of the development hereby permitted, details of the provision to be made for long-stay cycle parking (minimum capacity: 655 residential spaces; 2 retail spaces; and 4 workspace spaces) shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall thereafter be implemented in full in accordance with the approved details before the occupation of the relevant block and shall thereafter be retained solely for its designated use.

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

20) **Waste and Recycling Storage**
Prior to the first occupation of the development hereby permitted, details of waste and recycling storage for the development shall be submitted to and approved in writing by the Local Planning Authority. The waste and recycling storage shall be provided in accordance with the approved details prior to the commencement of the development hereby permitted, and shall thereafter be retained solely for its designated use. The waste and recycling storage areas/facilities are expected to demonstrate the following:

- The facilities are appropriately ventilated.
- Have a suitably robust design including walls that are fitted with rubber buffers and that any pipes/services are fitted with steel cages.
- Features gates/doors with galvanised metal frames/hinges and locks.
- Have sufficient capacity to service the relevant building/use.
- Have maintenance facilities including a wash-down tap and floor drain.

Reason: To ensure suitable provision for the occupiers of the development, to encourage the sustainable management of waste and to safeguard the visual amenities of the area.

21) **BREEAM New Construction (Interim Rating)**
Within three months of the commencement of works on site, certificates from the Building Research Establishment shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the commercial and retail units hereby permitted have achieved an interim BREEAM rating of "Very Good" (shell only) under the BREEAM New Construction 2014 Scheme. The works shall thereafter be carried out in accordance with the approved details.

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

22) **BREEAM New Construction (Final Certificates)**
Within three months following the first occupation of the commercial and retail units hereby permitted, certificates from the Building Research Establishment shall be submitted to and approved in writing by the Local Planning Authority demonstrating that they have achieved a final BREEAM rating of "Very Good"
shell only under the BREEAM New Construction 2014 Scheme. The approved details shall thereafter be maintained onsite.

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

23) Secured by Design
The development shall be constructed and operated thereafter to ‘Secured by Design Standards’. A certificate of accreditation to Secured by Design Standards shall be submitted to the local planning authority for approval in writing prior first occupation of the residential development hereby permitted.

Reason: To ensure that the development maintains and enhances community safety.

24) Car Parking Strategy and Management Plan
Prior to the commencement of development hereby permitted, the following details shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall thereafter be operated in accordance with the approved details.

(a) A Car Parking Strategy providing details of car parking (including blue badge parking, provision for motorcycle parking and electric vehicle charging points), garaging, manoeuvring and the loading and unloading of vehicles shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of above ground works. The parking, manoeuvring and loading/unloading area shall be laid out and made available for use in accordance with the approved scheme before the phase development hereby permitted is occupied and that area shall not thereafter be used for any other purpose, or obstructed in any way.

(b) No part of the development hereby permitted shall be occupied until a car parking management plan (which shall set out how the car park will be operated and monitored including how residents with a disability will have priority access to a parking space) has been submitted to and approved in writing by the Local Planning Authority and the car park shall be operated in accordance with the approved plan for the lifetime of the development.

Reason: To enable vehicles to draw off, park and turn clear of the highway, minimising danger, obstruction and inconvenience to users of the adjoining highway and to minimise impact on amenity.

25) Service and Delivery Plan
Prior to the occupation of the development hereby permitted, a Service and Delivery Management Plan (including details of refuse collection for residential and commercial uses) shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall thereafter be operated in accordance with the approved details.
Reason: To avoid obstruction of the surrounding streets and limit the effects of the increase in travel movements within the locality as well as safeguarding public safety and the amenity of the surrounding area.

26) Internal and External Plant Equipment
Prior to the commencement of above ground construction works, full details of internal and external plant equipment and trunking, including building services plant, ventilation and filtration equipment and commercial kitchen exhaust ducting/ventilation, shall have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and all flues, ducting and other equipment shall be installed in accordance with the approved details prior to the use commencing on site and shall thereafter be maintained in accordance with the manufacturers’ instructions.

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

27) Noise Levels – Mechanical Equipment or Plant
Noise from any mechanical equipment or building services plant, as measured in accordance with BS4142: 2014, shall not exceed the background noise level L90B(A) 15 minutes, when measured outside the window of the nearest noise sensitive or residential premises.

Reason: To protect the amenities of adjoining occupiers and the surrounding area.

28) Lighting Strategy
Prior to the commencement of above ground construction works, a lighting strategy for the streets, buildings and open spaces shall be submitted and approved in writing by the Local Planning Authority. The submitted details shall demonstrate that the lighting scheme has been designed to ensure that it minimises impacts on bats and other species impacted by artificial lighting and minimises any impact upon residential amenity. The development hereby permitted shall thereafter be carried out in accordance with the approved details.

Reason: To ensure that habitat provisions achieve their stated aim of providing value for biodiversity by ensuring considerate lighting design.
29) Hours of Operation
Prior to the first occupation of the development hereby permitted, details of the hours of operation for the commercial units hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The commercial units shall thereafter be occupied solely in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

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

30) Sustainable Urban Drainage
No building hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details (as set out within Flood Risk and Drainage Assessment Report July 2017). The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the approved details.

Reason: To manage the water environment of the development and mitigate the impact on flood risk, water quality, habitat and amenity value.

31) Adaptable & Wheelchair Accessible Housing
At least ten per cent of the residential units hereby permitted shall be constructed to comply with Part M4(3) of the Building Regulations. Any communal areas and accesses serving the M4(3) compliant Wheelchair User Dwellings shall also comply with Part M4(3). All other residential units, communal areas and accesses hereby permitted shall be constructed to comply with Part M4(2) of the Building Regulations.

Reason: To secure appropriate access for disabled people, older people and others with mobility constraints

32) Potable Water
The residential dwellings hereby permitted shall achieve potable water use of 110 litres per person per day when calculated in line with the requirements of Building Regulations Part G2 unless otherwise agreed in writing by the Local Planning Authority.

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

33) Imperial Street Vehicle Access
Prior to first occupation of the development hereby permitted, the detailed design of the final vehicle and pedestrian access to the site from Imperial Street shall be submitted to and approved in writing by the local planning authority. The access shall be thereafter implemented in accordance with the approved details and shall be retained thereafter unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of the safety and operation of the highway network.

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

Reason: To avoid obstruction of the surrounding streets.

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

Reason: To avoid obstruction of the surrounding streets.

36) Ventilation Strategy
Prior to the commencement of above ground works, an overheating strategy for Block D of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy shall demonstrate adequate mitigation measures with respect to NOx filtration or ventilation. The development shall be thereafter carried out prior to first occupation in accordance with the approved details and the mitigation measure maintained as part of the development unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the residential unit within Block D are appropriately ventilated and achieve suitable level of internal air quality.

37) CHP Emissions
Any proposed CHP equipment to be installed within the development hereby permitted shall ensure that NOx emissions of <95mgNm^{-3} are achieved and maintained unless otherwise first approved in writing by the Local Planning Authority in order to ensure that the building emissions is air quality neutral.

Reason: to ensure the development does not have an adverse impact on the local air quality.

38) Overheating
Prior to the commencement of above ground works, an overheating strategy shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be implemented and maintained on site unless otherwise agreed in writing by the Local Planning Authority. The strategy shall include details of the following:

a) Passive measures included in the design and provided by the developer to mitigate against overheating including, but not limited to, floor to ceiling heights of at least 2500mm, internal blinds in bedrooms, glazing g-value of 0.65 or below, and openable windows (with appropriate provision for security on lower floors).

b) Details of measures that will be installed to prevent overheating in common areas with communal heating pipework in line with objective 3.9 of CIBSE CP1.
c) Details of any management strategies required to control overheating or information that will be supplied to occupants to support the strategy.

d) Dynamic modelling in line with CIBSE TM59 shall be carried out to demonstrate that the measures installed are appropriate to control overheating without the need for mechanical cooling.

Reason: To ensure that suitable living conditions are achieved within the development and that the building does not overheat.

39) Wind
Prior to commencement of above ground construction works, details of wind mitigation measures including soft and hard landscaping and any façade details shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate that the proposed mitigation results in acceptable conditions in terms of safety and comfort within and around the development. The development shall be thereafter carried out in accordance with the approved details and the mitigation measure maintained as part of the development thereafter.

Reason: In order to ensure a high quality of design and public realm in regards to wind safety and comfort.

40) Removal of Permitted Development Rights - General
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 no enlargement, improvement, alteration, building, or enclosure permitted by Schedule 2, Part 1, Classes A, B, C, D, E or F of the Order shall be carried out or erected without the prior written permission of the Local Planning Authority.

Reason: To safeguard the visual amenities of the area and ensure that the external appearance of the development is satisfactory.

41) Removal of Permitted Development Rights – Change of Use
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 no change of use permitted by Schedule 2, Part 3, Class O of the Order shall be carried out or erected without the prior written permission of the Local Planning Authority.

Reason: To safeguard the provision of B1a office space within the development and the proposed Bromley-by-Bow District Centre.

42) Protected Species Survey
Prior to the commencement of demolition works, a suitably qualified ecologist shall undertake pre-construction protected species surveys across the site in order to confirm the absence of roosting bats and birds. Should protected species be identified on the site then details of a suitable methodology for the protection of the protected species shall be submitted to and approved in writing by the Local Planning Authority. The development shall be thereafter carried out in accordance with the approved details.

Reason: To safeguard the habitat of protected species and prevent irrevocable damage to habitat and wildlife.
Pre-commencement justification: to ensure that appropriate measures are taken to safeguard protected species in advance of demolition.

43) Residential Noise Standards:

All residential premises shall be designed and constructed in accordance with BS8233:2014 ‘Sound insulation and noise reduction for buildings - Code of Practice’ to attain the following internal noise levels:

- Bedrooms: 30dB LAeq,T* and 45dB LAfmax
- Living rooms: 35dB LAeq, D*

*T - Night-time 8 hours between 23:00-07:00
*D - Daytime 16 hours between 07:00-23:00.

The residential units shall be occupied in compliance with the details above.

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.

44) Sound Insulation and Noise Mitigation Details - Residential:

Prior to the installation of acoustic insulation measures for the development hereby approved details shall have been submitted to and approved in writing by the Local Planning Authority for a scheme of acoustic insulation and any other necessary means of ventilation provided. The scheme shall include a glazing specification for all windows to ensure a good standard of internal noise can be achieved during day time and night time in accordance with the guideline levels of BS8233 1999: "Sound insulation and noise reduction for buildings – code of practice" or an equivalent standard. The residential units hereby permitted shall not be occupied until the noise attenuation scheme, including glazing specification, has been implemented in accordance with the approved scheme and thereafter permanently retained.

Reason: To ensure an adequate standard of residential amenity.

45) Sound insulation and noise mitigation details – Residential and Non-Residential

The Development shall not be occupied until details of a proposed sound insulation scheme to be implemented between the residential accommodation and any non-residential uses have been submitted to and approved in writing by the Local Planning Authority. Details should include airborne and impact sound insulation. The Development shall not be occupied until the noise mitigation measures approved as part of the sound insulation scheme have been installed. The approved scheme is to be completed prior to occupation of the Development and thereafter permanently retained.

Reason: To protect the amenity of future occupants and/or neighbours.
46) **Fabric Efficiency Standards**

The development shall be built to meet as a minimum the interim Fabric Energy Efficiency Standards (FEES) for domestic dwellings. The following requirements shall apply:

(a) the aforementioned standards shall be required in respect of any Residential Unit for which all Reserved Matters have been approved or lodged prior to the date of such abolition or replacement;

(b) the aforementioned standards shall continue to be required in respect of any Residential Unit for which Reserved Matters are lodged in the period:
   (i) commencing with the date of such abolition or replacement; and
   (ii) ending on the date on which written approval is obtained from the Local Planning Authority (for the purposes of this Condition only, the "Approval Date") to an alternative means of assessing that the fabric efficiency performance of Residential Units is at least equivalent to the aforementioned standards (for the purposes of this Condition only, the "Alternative Certification");

(c) the standards identified as part of the Alternative Certification shall be required in respect of any Residential Unit for which Reserved Matters are lodged following the Approval Date, and FEES shall no longer apply to such Residential Units.

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

47) **Smart Meters and Reduction of Energy Demand**

All Residential Units and Non-Residential Units constructed as part of the Development shall have installed at the time of construction smart meters (meaning a meter and any associated or ancillary devices which enables information to be communicated to or from it, using an external electronic communications network) for measuring the supply of electricity, gas and water consumption which shall as a minimum be designed to inform the occupants and owners of each Residential Units and Non-Residential Units (as appropriate) of the level of their usage by way of a digital display showing total power consumption and figures for cost and CO2 emissions and comparison of energy use on a daily, weekly or monthly basis.

Reason: To optimise the standards of sustainable design and construction.

13 **INFORMATIVES**

As set out in Section 14 of the appended 19 December PDC report.

**List of Appendices:**

Appendix 1: 19 December PDC Report
Appendix 2: 19 December PDC Update Report
Appendix 3: Viability Summary
Appendix 4: Final QRP Comments (August 2017)