

APPENDIX 2

LTGDC-08-165-OUT Draft Conditions & Informatives

1.
 - i) No part of the development hereby permitted shall be commenced on Plot 2 or Plot 3 (as identified on Figure 1.2 of the Environmental Statement dated November 2008) unless and until an application or applications for written approval of the matters reserved by this planning permission in respect of the relevant plot have been made to and approved by the Local Planning Authority and the reserved matters applications shall include detailed plans, sections and elevations showing:
 - appearance; and
 - landscaping.
 - ii) Application(s) for approval of the matters reserved by this planning permission for the relevant plot referred to in paragraph (i) above must be made not later than the expiration of FIVE YEARS from the date of this decision notice; and
 - iii) Development of Plots 2 and 3 to which this permission relates must be begun not later than the expiration of TWO YEARS from the final approval of reserved matters for the relevant plot, or, in the case of approval on different dates, the approval of the last such matter to be approved.

Reason: To comply with Article 2 of the Town and Country Planning (Applications) Regulations 1988 as amended by the Planning (Applications for Planning Permission, Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2006 and Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development of Plot 1 (as identified on Figure 1.2 of the Environmental Statement dated November 2008) must be commenced not later than the expiration of ONE YEAR from the date of this permission.

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

3.
 - (i) No part of the development hereby permitted (with the exception of archaeological or preliminary site investigations) shall be commenced unless and until a Phasing Scheme in respect of the whole of the development hereby permitted, to include a sequence of stages for construction of the development; and the area and location of the plots of land comprised within each phase has been submitted to and approved in writing by the Local Planning Authority.
 - (ii) Prior to the commencement of development of each phase approved under (i) above, a detailed Phasing Plan to include details of:
 - the order in which development and occupation of buildings within the phase shall take place;

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- the type and quantum of accommodation to be provided in that phase of the development;
- the quantum, tenure and location of affordable housing to be provided in that phase of the development;
- the area, location and programme for construction of public open space, public realm and landscaping to be provided in that phase of the development; and
- the quantum and location of car parking to be provided in that phase of the development,

shall be submitted to and approved in writing by the Local Planning Authority; and

The development hereby permitted shall only be carried out in accordance with the Phasing Plan approved under (i) and (ii) above, unless otherwise approved in writing by the Local Planning Authority.

Reasons: To ensure that the development is constructed in accordance with an approved phasing plan; and safeguard local amenity with regard to saved policies EQ18 (Promoting Urban Quality), EQ19 (Urban Design Consideration) and EQ45 (Pollution) of the London Borough of Newham Unitary Development Plan; and policies 4A.3 (Sustainable design and construction), 4B.1 (Design principles for a compact city), 4B.2 (Promoting world-class architecture and design) and 4B.3 (Enhancing the quality of the public realm) of the London Plan published February 2008.

4. No phase or stage therein (as approved under condition 3) of the development hereby permitted shall be commenced unless a minimum of 14 days' notice of the commencement date of that phase shall have been given in writing to the Local Planning Authority.

Reason: To ensure that the Local Planning Authority is aware of the commencement date of each phase of the development.

5. The development hereby permitted shall not be constructed unless in accordance with the documents submitted as part of the planning application, including:

(i) CZWG design parameter drawing numbers:

1619-4-P-000-MP-900 Rev 0 (Proposed Masterplan Basement)
1619-4-P-000-MP-1000 Rev 0 (Proposed Masterplan Outline Application)
1619-4-P-000-MP-1001 Rev 0 (Proposed Masterplan Public Space)
1619-4-MP-000-1002 Rev 0 (Height Plan)
1619-4-S-000-3001 Rev 0 (Masterplan Sections A-B)
1619-4-S-000-3002 Rev 0 (Masterplan Sections C-D-E)
1619-4-E-000-2001 Rev 0 (Masterplan Elevations)

(iii) CZWG drawing numbers:

1619-4-000-1000 Rev 0 (Application Boundaries)
1619-4-P-200-1009 Rev 0 (Basement Floor Plan)
1619-4-P-200-1010 Rev 0 (Ground Floor Plan)
1619-4-P-200-101M Rev 0 (Mezzanine Plan)
1619-4-P-200-1011 Rev 0 (First Floor Plan)
1619-4-P-200-1012 Rev 0 (Second Floor Plan)

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1619-4-P-200-1013 Rev 0 (Third Floor Plan)
1619-4-P-200-1014 Rev 0 (Fourth Floor Plan)
1619-4-P-200-1015 Rev 0 (Fifth Floor Plan)
1619-4-P-200-1016 Rev 0 (Sixth Floor Plan)
1619-4-P-200-1017 Rev 0 (Seventh Floor Plan)
1619-4-P-200-1018 Rev 0 (Eight Floor Plan)
1619-4-P-200-1019 Rev 0 (Ninth Floor Plan)
1619-4-P-200-1020 Rev 0 (10th Floor Plan)
1619-4-P-200-1021 Rev 0 (11th Floor Plan)
1619-4-P-200-1022 Rev 0 (12th Floor Plan)
1619-4-P-200-1023 Rev 0 (13th Floor Plan)
1619-4-P-200-1024 Rev 0 (14th Floor Plan)
1619-4-P-200-1025 Rev 0 (15th Floor Plan)
1619-4-P-200-1026 Rev 0 (16th Floor Plan)
1619-4-P-200-1027 Rev 0 (17th Floor Plan)
1619-4-P-200-1028 Rev 0 (18th Floor Plan)
1619-4-P-200-1029 Rev 0 (19th Floor Plan)
1619-4-P-200-1030 Rev 0 (20th Floor Plan)
1619-4-P-200-1031 Rev 0 (21st Floor Plan)
1619-4-P-200-1032 Rev 0 (Roof Plan)
1619-4-S-200-3001 Rev 0 (Section JJ)
1619-4-S-200-3002 Rev 0 (Section KK)
1619-4-S-200-3003 Rev 0 (Section LL)
1619-4-S-200-3004 Rev 0 (Section MM)
1619-4-S-200-3005 Rev 0 (Section NN)
1619-4-D-200-1001 Rev 0 (External Materials Sheet 1 of 3)
1619-4-D-200-1002 Rev 0 (External Materials Sheet 2 of 3)
1619-4-D-200-1003 Rev 0 (External Materials Sheet 3 of 3)
1619-4-E-200-2001 Rev 0 (Elevation A-A)
1619-4-E-200-2002 Rev 0 (Elevation B-B)
1619-4-E-200-2003 Rev 0 (Elevation C-C)
1619-4-E-200-2004 Rev 0 (Elevation D-D)

and no other drawings, except where compliance with the conditions attached to this planning permission require otherwise, or unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents; the assessed Environmental Statement; and to protect local amenity with regard to saved Policy EQ18 of the London Borough of Newham adopted Unitary Development Plan and Policy 4B.1 (Design principles for a compact city) of the London Plan, published February 2008. The development is acceptable on the basis of the particulars contained within the application and this condition seeks to ensure the development is undertaken in strict accordance with those details as approved.

6. The development hereby permitted shall not be constructed unless in accordance with the environmental standards, mitigation measures, requirements, recommendations and methods of implementing the development contained in the Environmental Statement relevant to the development and appendices thereto, dated November 2008, unless and to the extent that such standards, measures, requirements and methods are altered by the express terms of the conditions attached to this planning permission and the approved drawings and supplementary documents submitted pursuant to them.

Reason: To ensure the development is carried out in accordance with the environmental impact assessment carried out as part of the environmental

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statement dated November 2008 and the mitigation measures proposed therein.

7. All reserved matters applications shall comply with the principles and parameters set out in masterplan drawing numbers:

1619-4-P-000-MP-900 Rev 0 (Proposed Masterplan Basement)
1619-4-P-000-MP-1000 Rev 0 (Proposed Masterplan Outline Application)
1619-4-P-000-MP-1001 Rev 0 (Proposed Masterplan Public Space)
1619-4-S-000-3001 Rev 0 (Masterplan Sections A-B)
1619-4-S-000-3002 Rev 0 (Masterplan Sections C-D-E)
1619-4-E-000-2001 Rev 0 (Masterplan Elevations)

and other drawings and documents set out in condition 5 of this planning permission.

Reason: To ensure that the development is constructed in accordance with the Design Guidelines on which this decision is based and to be consistent with the principles of good masterplanning, in accordance with Policies EQ18 and EQ19 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policies 4A.3, 4B.1, 4B.2 and 4B.3 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

8. The total quantum of built floorspace across all phases (as approved pursuant to condition 3) of the development hereby permitted shall not exceed 60,600 square metres gross (m² GEA), (with the exception of the basement car and bicycle parking, waste stores), comprising:

- Residential (Use Class C3) up to 52,000m² GEA or 652 units, whichever is the lowest;
- Retail (Use Classes A1-A5) up to 4,500m² GEA;
- Offices (Use Class B1) up to 2,600m² GEA;
- Internal Plant up to 1,500 m².

In the event of there being any discrepancy between the figures specified above and the documents submitted in support of the application the floorspace figures specified in this condition shall apply.

Reason: To ensure that the development is carried out in accordance with the approved plans and other submitted details and to ensure that the quantum of floorspace remains within the approved parameters as assessed pursuant to the environmental impact assessment of the development, in accordance with saved policies S6, H13, EMP3, SH14, LR2, EQ18 and EQ19 of the London Borough of Newham Unitary Development Plan; and Policies 3A.1, 3A.2, 3A.3, 3B.1, 3B.2, 3B.3, 3D.3, 4B.1, 4B.2 and 4B.3 of the London Plan (published February 2008).

9. The quantum of built floorspace across the whole development for uses falling within Use Classes A3, A4 or A5 shall not exceed 25% (1,125 m²) of the total 4,500 m² retail floorspace. In any event, Hot Food Takeaway (Use Class A5) shall not exceed 10% (450m² GEA) of the total 4,500 m² retail floorspace.

Reason: In the interest of residential amenity and achieving a mixed and balanced development, in accordance with saved policies S6, H13, SH14, SH20, EQ18, EQ19 and EQ45 of the London Borough of Newham Unitary Development Plan; and policies 3B.1, 3B.3 and 4B.1 of the London Plan

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(published February 2008).

10. (a) No phase or stage therein of the development (as approved pursuant to condition 3 above) hereby permitted shall be commenced unless and until an Estate Management Strategy (EMS), to include:
- full details of the proposed management and maintenance of the office, car parks, residential and retail floor space (including communal parts), the market square and areas of public realm, public open space and landscaping; and the funding of such maintenance and management for that phase; and
 - the proposed management and maintenance of those parts of the site not the subject of that phase

has been submitted to and approved by the Local Planning Authority.

(b) The EMS shall demonstrate a strategy for the management of Rathbone Market to facilitate its continued trading throughout the construction and operation of the development. In particular, the EMS shall also provide for:

- (i) the relocation of the existing market during the construction phase;
- (ii) a new market comprising a minimum of 30 market stalls within Plot 2 (as approved pursuant to condition 3) of the development;
- (iii) the appointment of a reputable market operator as approved by the Local Planning Authority; and
- (iv) existing market traders to be offered tenancies / licences over new market stalls first at a reasonable rent and the negotiation process to be undertaken to achieve this.

(c) With regard to car parking, the EMS shall include details of how spaces will be allocated and managed on site.

(d) With regard to servicing, the EMS shall include a Delivery Servicing Plan (DSP) which: (a) seeks to rationalise the number of delivery and servicing trips including waste, particularly during peak traffic periods, with the aim of reducing the impact of residual freight activity; and (b) ensures that delivery space and time is actively controlled through measures set out in the DSP.

The development shall only be operated in accordance with the approved EMS.

Reason: To ensure that the all aspects of the development to which occupiers and / or members of the public will have access are adequately and appropriately managed, maintained and controlled so that they are of standard sufficient to ensure the development is some where people would wish to live, work and play and with regard to saved policies S1 (Community Safety and Crime Reduction), S3 (Quality of Development), S9 (Environmental Quality: Design Issues), EQ18 (Promoting Urban Quality), EQ19 (Urban Design Considerations), EQ20 (Design Considerations: Residential Areas), EQ21 (New Development: Landscaping), EQ25 (Access), EQ26 (Safety), LR4 (Public Art), OS8 (Green Space in New Housing Development), OS12 (Children's Play Facilities in New Housing Development), CS18 (Drainage System); and policy 4B.1 (Design principles for a compact city) of the London Plan (published February 2008).

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11. No building in any phase or stage therein (as approved under condition 3) shall exceed the maximum building heights illustrated on approved drawing 1619-4-MP-000-1002 Rev 0 (Height Plan).

Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents; the assessed Environmental Statement; and to protect local amenity with regard to saved Policy EQ19 (Urban Design Considerations) and EQ27 (High Buildings: Control and Design Considerations) of the London Borough of Newham adopted Unitary Development Plan and Policy 4B.1 (Design principles for a compact city) of the London Plan, published February 2008. The development is acceptable on the basis of the particulars contained within the application and this condition seeks to ensure the development is undertaken in strict accordance with those details as approved.

12. (i) All of the residential units comprised within the development hereby permitted shall be constructed in accordance with Lifetime Homes standards, as defined in the Joseph Rowntree Foundation publication "Achieving Part M and Lifetime Homes standards" and the joint collaboration of JRF, Mayor of London, GML Architects and Habinteg HA in the publication 'Lifetime Homes' and as referred to in the Greater London Authority Accessible London Supplemental Planning Guidance entitled Accessible London: achieving an inclusive environment (April 2004);

(ii) any application for reserved matters approval shall be accompanied by adequate information to demonstrate that all of the residential units in the relevant phase or stage therein (as approved under condition 3) of the development will be constructed to Lifetime Home Standards.

Reason: To ensure that accessible housing is provided, in accordance with saved policies EQ18 (Promoting Urban Quality), EQ19 (Urban Design Considerations), EQ25 (access), H14 (Promoting Choice in Housing); H17 (Housing Design and Layout) of the London Borough of Newham Unitary Development Plan; and policies 3A.5, 4B.1, 4B.2 and 4B.3 of the London Plan (Published February 2008).

13. No fewer than 10% of the total number of residential units within the development shall be constructed so that they can be easily adapted for residents who are wheelchair users in accordance with the publication 'Wheelchair Housing Guide, Stephen Thorpe, National Wheelchair Housing Association Group, Home Housing Trust, BRE 1997.

Reason: To ensure that accessible housing is provided, in accordance with saved policies EQ18 (Promoting Urban Quality), EQ19 (Urban Design Considerations), EQ25 (access), H14 (Promoting Choice in Housing); H17 (Housing Design and Layout) of the London Borough of Newham Unitary Development Plan; and policies 3A.5, 4B.1, 4B.2 and 4B.3 of the London Plan (Published February 2008).

14. (i) No phase or stage therein (as approved under condition 3) shall be commenced (with the exception of archaeological or preliminary site investigations) unless and until full particulars and detailed drawings for that phase showing:

- the means of access and egress of buildings suitable for people with disabilities; and
- measures to ensure people of disabilities are able to move freely

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within the development, including details of the location, number and size of external lifts and provision for long term maintenance of them,

have been submitted to and approved in writing by the Local Planning Authority;

(ii) The approved details shall be implemented prior to the first occupation of the relevant development phase and thereafter retained for so long as the development shall exist.

Reason: To ensure that the development is fully accessible to all, in accordance with saved policies EQ 18, EQ 19, EQ25, H 14 and H 17 of the London Borough of Newham Unitary Development; and policies 3A.5, 4B.1, 4B.2 and 4B.3 of the London Plan (published February 2008).

15. No phase or stage therein (as approved under condition 3) of the development hereby permitted shall be commenced unless and until, a plan showing details of all access routes for fire and other emergency vehicles to the development, during the construction period of that phase. The approved access routes shall be kept clear at all times.

Reason: To ensure satisfactory access for emergency vehicles.

16. (i) Notwithstanding submitted drawing numbers C329D201 Rev A (Materials Plan), 1619-4-D-200-1001 Rev 0, 1619-4-D-200-1002 Rev 0 and 1619-4-D-200-1003 Rev 0 dated 22.09.2008 no building within any phase (as approved under condition 3) of the development hereby permitted shall be commenced unless and until, details and samples of materials to be used on all external surfaces of that phase, including windows and glazing, shall have been submitted to and approved by the Local Planning Authority and such details should include the colour, texture, type and specification of the materials to be used;

(ii) The materials approved pursuant to (i) above shall be constructed and / or installed prior to occupation of the relevant building within that phase of the development and shall be retained and maintained thereafter on all permanent buildings.

Reason: To ensure a satisfactory standard of external appearance; protect local amenity; and with regard to the assessment contained in the Environmental Statement and saved policy EQ19 (Urban Design Considerations) of the London Borough of Newham adopted Unitary Development Plan; and policy 4B.1 (Design principles for a compact city) of the London Plan (published February 2008).

17. (i) No phase or stage therein (as approved under condition 3) of the development hereby permitted shall be commenced unless and until, details showing the hard and soft landscaping scheme (the Landscaping Scheme) for that phase or stage has been submitted to and approved by the Local Planning Authority.

(ii) The Landscaping Scheme approved pursuant to (i) above shall include as appropriate to that phase the following:

- Full details of plants and trees (common and Latin names, size and pot height; density or number, tree girth and method of growth e.g.

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- container or open ground)
- Surface treatment
- Maintenance schedule
- Suppliers or manufacturers details
- Guide to construction
- Paving/fencing/colours/finishes
- Signage and information boards
- Internal and site boundary treatment
- Street furniture
- The play equipment to be provided (including the specifications, manufacturer, and British or European Standards of that equipment)
- The public works of art to be provided, e.g. the Market Cross

(iii) All planting, seeding or turfing shall be implemented in the first planting season following the substantial completion of the relevant phase or stage therein of development, whichever is the sooner.

(iv) Any plants or trees that die or are removed, damaged or diseased within a period of FIVE years from the substantial completion of the development shall be replaced to the satisfaction of the Local Planning Authority in the next planting season with others of a similar size and species.

Reasons: To ensure a satisfactory standard of external appearance of the development and with regard to saved policy EQ21 (New development: Landscaping), EQ38 (Planning Applications Affecting the Setting of a Listed Building), of the London Borough of Newham Unitary Development Plan and Policies 4B.1 (Design principles for a compact city) and 3D.14 (Biodiversity and nature conservation) of the London Plan, published February 2008.

18. All landscaping provided as part of the development hereby permitted, shall be fully accessible and useable by disabled people, including wheelchair and scooter users, people with sight impairment and people with prams or pushchairs.

Reason: To ensure that the site is accessible and usable for all and with regard to saved policy EQ25 (Access) of the London Borough of Newham Unitary Development and Policies 4B.1 (Design principles for a compact city) and 3A.17 (Addressing the needs of London's diverse population) of the London Plan, published February 2008.

19. (i) No phase or stage therein (as approved under condition 3) of the development hereby permitted shall be commenced unless and until, details and a scheme setting out how the hard and soft landscaped areas identified in the Landscaping Scheme (approved pursuant to condition 17) are to be maintained and managed (Public Realm and Landscape Management and Maintenance Scheme) for that phase, shall have been submitted to and approved in writing by the Local Planning Authority;

(ii) the Landscape Management and Maintenance Scheme shall include specific details of: the proposed quantum of area; location; specification; long term design objectives; management responsibilities; and maintenance schedules for all landscape areas for that phase;

(iii) the Public Realm and Landscape Management and Maintenance

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Schemes shall be carried out as approved.

Reason: To protect, enhance and maintain the landscape features and character of the area and with regard to saved policies EQ18, EQ21 and EQ38 of the London Borough of Newham Unitary Development plan and policies 4B.1 (Design principles for a compact city), 4A.3 (Sustainable design and construction) and 3D.14 (Biodiversity and nature conservation) of the London Plan (published February 2008).

20. The completed development shall provide the following minimum areas in accordance with the submitted documents:
- a. 590 m² (minimum) formal play space for under 5s across Plots 1, 2 and 3 (as identified on Figure 1.2 of the Environmental Statement dated November 2008);
 - b. 1246 m² communal amenity space at podium level within Plot 1 (as identified on Figure 1.2 of the Environmental Statement dated November 2008) (including 227 m² formal play space for under 5s) and 291 m² communal amenity space for residents at roof level of Building B;
 - c. 765 m² communal garden at roof level within Plot 2 (as identified on Figure 1.2 of the Environmental Statement dated November 2008); and
 - d. 972 m² communal courtyard garden within Plot 3 (as identified on Figure 1.2 of the Environmental Statement dated November 2008).

The reserved matters applications for plots 2 and 3 of the development shall be accompanied by adequate information to demonstrate that formal play space and communal amenity space in that plot are fully accessible to disabled people.

Reason: To ensure that appropriate, accessible, play space and amenity space are provided, in accordance with saved policies EQ18, EQ19, EQ25, H13, H17, OS1 and OS12 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policies 3D.13, 3D.14, 4A.11, 4B.1 and 4B.2 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

21. No phase or stage therein (as approved under condition 3) of the development hereby permitted shall be commenced unless and until, details of the proposed external lighting scheme (the External Lighting Scheme) for that phase has been submitted to and approved in writing by the Local Planning Authority in consultation with London City Airport.

The External Lighting Scheme shall include details of the appearance and technical details/specifications, intensity, orientation and screening of lamps, siting, the means of construction and laying of cabling, and the timing of installation;

The External Lighting Scheme is to be constructed and / or installed prior to occupation of the relevant phase of the development, and shall be retained and maintained for so long as the development shall exist.

Reasons: To ensure that safety is not compromised with regard to the

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principles/practices of Secured by Design; to minimize adverse impacts of light pollution on the highway network; to minimize adverse impacts on the safeguarded area around London City Airport; and with regard to saved policy EQ45 of the London Borough of Newham adopted Unitary Development Plan; and policies 4B.1 (Design principles for a compact city) and 4A.3 (Sustainable design and construction) of the London Plan (published February 2008).

22. No phase or stage therein (as approved under condition 3) of the development hereby permitted shall be commenced unless and until details of the proposed car parking layout, motor cycle parking facilities and secure cycle facilities for that phase have been submitted to and approved in writing by the Local Planning Authority and such facilities will be made available for use prior to the first occupation of the relevant phase of development and shall be made available for use and retained for so long as the development shall exist.

The development shall not include more than 120 car parking spaces in Plot 1 (as identified on drawing number 1619-4-P-200-1009 Rev 0) and no more than 0.4 car parking spaces per residential unit for the development as a whole.

Reason: To ensure the provision of adequate off street car, motor cycle and cycle facilities to the standards adopted by the Local Planning Authority and with regard to policies T24 (Access by Cycle and Cycle Parking) and T26 (Motorcycling); and 3C.22 (Improving conditions for cycling) and 3C.23 (Parking strategy) of the London Plan (published February 2008). The development of the site is subject of an Environmental Impact Assessment and any alteration to the use of the proposed car parking spaces may have an impact which has not been assessed by that process.

23. No phase or stage therein (as approved under condition 3) of the development hereby permitted shall be commenced unless and until, an air quality report shall be submitted to and agreed by the Local Planning Authority (the Air Quality Report). The Air Quality Report shall detail:

- the area(s) within the boundary of the site (if any), which may exceed relevant national air quality objectives;
- specify how the development will address any potential to cause relevant exposure to air pollution levels exceeding the national air quality objectives;
- identify areas of potential exposure to air pollution (if any); and
- detail how the development will mitigate its impact on local air pollution.

The Air Quality Report shall have regard to the guidance from the Association of London Government "Air quality assessment for planning applications – Technical Guidance Note".

Thereafter the scheme shall be implemented in accordance with the approved details.

Reason: To ensure that there is no breach of emission levels of prescribed pollutants in accordance with saved policies EQ45 (Pollution) and EQ46 (Air Quality Management) of the London Borough of Newham Unitary Development Plan; and policy 4A.19 (Improving air quality) of the London Plan (published

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February 2008).

24. No development shall commence until:

(i) a scheme and programme of archaeological investigation and works on the site has been submitted to and approved by the Local Planning Authority (the Archaeological Scheme); and

(ii) the Archaeological Scheme has been implemented in full by a suitably qualified archaeological body approved by the Local Planning Authority.

The development hereby permitted shall not be constructed otherwise than in accordance with the Archaeological Scheme.

Reason: Significant archaeological remains may survive on the site. The local planning authority wishes to secure the provision of archaeological investigation and the subsequent recording of the remains prior to development, in accordance with the guidance and model condition set out in PPG16 and with regard to saved policy EQ43 (Archaeology: Investigation, Excavation and Protection) of the London Borough of Newham Unitary Development Plan; and policy 4B.15 (Archaeology) of the London Plan (published February 2008).

25. No part of the development used for food and drink purposes falling within use classes A3, A4 or A5 shall be occupied until details of the arrangements for ventilation / extraction of cooking fumes, and grease trap or grease digester system to be installed for the commercial kitchen(s) have been submitted to and approved in writing by the Local Planning Authority. Details should include plan(s) and sectional drawings, full specifications of all filtration, deodorising systems, noise output and termination points, and measured drain sizes and invert levels. Particular consideration should be given to the potential high level discharge of kitchen extract. Reference shall be had to Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA. The approved scheme shall be maintained and retained for so long as the development shall exist. .

The mechanical ventilation or other plant and equipment approved above shall be installed, maintained and retained for so long as the development shall exist.

Reason: To safeguard the amenities of the area, and in order that the development accords with saved policies EQ19 (Urban Design Considerations), EQ45 (Pollution) and EQ46 (Air Quality Management) of the London Borough of Newham Unitary Development Plan.

26. (i) No phase or stage therein (as approved under condition 3) of the development hereby permitted shall be commenced unless and until, details of the proposed sound insulation scheme to be implemented between the residential accommodation and any non residential uses (including any roof garden(s)) in that phase shall be submitted to and approved by the Local Planning Authority. The details should include airborne and impact sound insulation.

(ii) No building within a phase or stage therein (as approved under condition 3) of the development hereby permitted shall be occupied unless and until in relation to that building the noise mitigation measures set out in the scheme approved pursuant to (i) above have been installed and completed and a

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suitably qualified engineer approved by the Local Planning Authority has certified that the noise mitigation measures agreed have been installed and completed.

Reasons: To protect the amenity of future occupants and neighbours and with regard to saved policies EQ19 and EQ45 of the London Borough of Newham Unitary Development Plan.

27. Notwithstanding and in addition to the provisions of section 9.6 of the Environmental Statement dated November 2008 submitted as part of the application, no phase or stage therein (as approved under condition 3) of the development hereby permitted shall be commenced unless and until a survey measuring noise levels generated from adjacent road traffic has been submitted to and approved by the Local Planning Authority in relation to that phase.

The survey should be accompanied by a scheme setting out mitigation measures such as siting, orientation, noise barriers and other such measures as may be appropriate to be incorporated into the development to ensure internal noise levels specified in BS8233 (Good) are achieved. Where it is shown that the site falls within Category C or D as set out in Planning and Policy Guidance Note 24, the mitigation measures shall include the provision of acoustic glazing and mechanical ventilation as required.

The mechanical ventilation system shall meet or exceed the specifications set out in clause 6, schedule 1 of the Noise Insulation Regulations 1975 with regard to acoustic performance and airflow rates.

No building within plot 2 or 3 (as identified on Figure 1.2 of the Environmental Statement dated November 2008) of the development hereby permitted shall be occupied unless and until in relation to that building the mitigation measures approved pursuant to (i) above have been implemented in full and certified as such by a suitably qualified engineer approved by the Local Planning Authority. The mitigation measures approved pursuant to (i) above shall be retained for so long as the development shall exist.

Reasons: To protect the amenity of future occupants and neighbours and with regard to saved policy EQ48 of the London Borough of Newham Unitary Development Plan and policy 4A.20 of the London Plan (published February 2008).

28. (i) Notwithstanding and in addition to the provisions of section 9.6 of the Environmental Statement submitted as part of the application, no building within plot 2 or 3 (as identified on Figure 1.2 of the Environmental Statement dated November 2008) of the development hereby permitted shall be occupied unless and until in relation to that building, an acoustic report in respect of plant operation associated with that building has been submitted to and approved in writing by the Local Planning Authority. Plant operation and activity on site shall not give rise to a BS4142 rating level greater than the background level at the nearest or worst affected property. Where it is considered impractical to meet this noise standard the acoustic report should detail mitigation measures to be taken to reduce noise to a minimum.

(ii) No building within plot 2 or 3 (as identified on Figure 1.2 of the Environmental Statement dated November 2008) of the development hereby permitted shall be occupied unless and until in relation to that building the

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mitigation measures approved pursuant to (i) above have been implemented in full and certified as such by a suitably qualified engineer approved by the Local Planning Authority. The mitigation measures approved pursuant to (i) above shall be retained for so long as the development shall exist.

Reasons: To protect the amenity of future occupants and/or neighbours and with regard to saved policy EQ47 of the London Borough of Newham Unitary Development Plan; and policy 4A.20 of the London Plan (published February 2008).

29. (i) No phase or stage therein (as approved under condition 3) of the development hereby permitted shall be commenced unless and until details relating to the means of refuse and recycle storage for that phase of the development have been submitted to and approved in writing by the Local Planning Authority. The details should include noise output, odour control systems and termination points.

(ii) No building within any phase (as approved under condition 3) of the development hereby permitted shall be occupied unless and until in relation to that building the details approved pursuant to (i) above have been implemented in full. The details approved pursuant to (i) above shall be permanently maintained thereafter to the satisfaction of the Local Planning Authority.

Reason: To ensure adequate and hygienic refuse and recycle storage with regard to saved policy EQ61 (Recycling) of the London Borough of Newham Unitary Development Plan; and policy 4A.3 (Sustainable design and construction) of the London Plan (published February 2008).

30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and / or re-enacting that Order), no satellite antenna, apparatus or plant of any sort (including structures or plant in connection with the use of telecommunication systems or any electronic communications apparatus) shall be erected on the roof of any building other than as shown on the drawings without the express permission of the Local Planning Authority.

Reason: In the interest of visual amenity and with regard to saved EQ19 (Urban Design Considerations) of the London Borough of Newham Unitary Development Plan.

31. The non-residential parts of the development hereby permitted shall not be occupied unless and until, the developer shall have provided a copy of the final Building Research Establishment (BRE) certificate confirming that the development design for the relevant part of the permanent buildings each achieve a minimum BREEAM rating of Very Good. The BREEAM Post Construction Assessment shall be carried out on a sample of the development in accordance with an agreed methodology to ensure that the required minimum rating has been achieved and can be maintained.

Reason: In the interest of energy efficiency and sustainability and with regard to saved policy DC49 (Sustainable design and construction) of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State); and policy 4A.3 (Sustainable design and construction) of the London Plan (published February 2008).

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32. No building within any phase (as approved under condition 3) of the development hereby permitted shall be occupied unless and until the developer has provided a copy of the post construction stage final certificate issued by a licensed code assessor on behalf of the Department of Communities and Local Government, and logged on the service provider database, demonstrating that the residential units in that building have achieved The Code for Sustainable Homes Code Level 4 in respect of that phase.

Reason: To ensure that high standards of sustainable design are implemented and with regard to policy 4A.3 (Sustainable design and construction) of the London Plan (published February 2008).

33. The development hereby permitted shall not be commenced until, a scheme providing for the protection of the two London Plane Trees (*Platanus X Hispanica*), which are the subject of a Tree Preservation Order, shall have been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented at all times until the development is complete.

Reasons: The existing trees represent an important visual amenity that the Local Planning Authority considers should be maintained and with regard to policy EQ14 of the London Borough of Newham Unitary Development Plan (adopted June 2001).

34. The development hereby permitted shall only be constructed in accordance with the design principles and measures set out in the Flood Risk Assessment prepared by Peter Brett Associates (bearing project reference number 19173) dated September 2008 as approved by the Local Planning Authority.

Reason: To ensure the development is designed safely in reference to flood risk.

35. No phase or stage therein of the development (as approved under condition 3) hereby permitted shall be commenced until details of the existing ground levels and proposed finished floor levels for that phase have been submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency. The development hereby permitted shall only be constructed in accordance with the approved details.

Reason: To prevent the increased risk of flooding to the site and with regard to policy 4C.6 of the London Plan (adopted February 2004).

36. No phase or stage therein of the development (as approved under condition 3) hereby permitted shall be commenced until details of the surface water drainage works for that phase have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall only be constructed in accordance with the approved details.

Reason: To prevent the increased risk of flooding to third parties; to the site itself; to improve water quality; to enhance biodiversity and with regard to saved policy EQ63 of the London Borough of Newham Unitary Development Plan; and policy 4A.14 (Sustainable drainage) of the London Plan (published February 2008).

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37. No phase or stage therein (as approved under condition 3) of the development hereby permitted shall be commenced unless and until in relation to that phase an evacuation plan covering flood evacuation and escape routes, in-house warning system, signage within and outside the buildings comprised within the development, shall have been submitted to and approved in writing by the Local Planning Authority. The approved evacuation plan shall be implemented in full from the date the buildings in the relevant phase are first occupied.

Reason: To minimise the risk to users of the development from flooding.

38. Piling or any other foundation designs using penetrative methods shall not be carried out other than with the express written consent of the Local Planning Authority. The Local Planning Authority shall consult with the Environment Agency before deciding whether to grant such consent, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: To prevent pollution of the water environment and in accordance with policy 4A.17 (Water quality) of the London Plan (published February 2008).

39. No phase or stage therein (as approved under condition 3) of the development hereby permitted shall be commenced unless and until in relation to that phase a scheme detailing:

- i. how water efficiency measures will be incorporated into the development; and
- ii. how rainwater attenuation measures will limit discharge to 30% of the existing site run-off and for residential units maximum water use will be limited to 105 litres per person per day,

shall have been submitted to and approved by the Local Planning Authority. Where such measures cannot be used justification should be provided to the Local Planning Authority. The approved scheme shall be implemented, maintained and retained for so long as the development shall exist.

No permanent building hereby approved shall be occupied until the approved scheme for that building referred to above has been implemented in full and shall be retained for so long as the development shall exist.

Reason: There is a high demand for limited water resources in this area; to ensure that water use is managed to meet the needs of society and the environment; and with regard to policy 4A.9 (Adaptation to Climate Change) and 4A.16 (Water supplies and resources) of the London Plan (published February 2008).

40. No permanent building hereby approved shall be commenced until a detailed scheme for living roofs and walls has been submitted to and approved by the Local Planning Authority.

No permanent building hereby approved shall be occupied until the approved scheme for that building has been implemented in full and shall be retained for so long as the development shall exist.

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Reason: To protect and enhance the biodiversity of the site and contribute towards sustainable drainage in accordance with policies 4A.11 (Living Roofs and Walls), 4A.9 (Adaptation to Climate Change) and 4A.14 (Sustainable drainage) of the London Plan (published February 2008).

41. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor designed and constructed to have a capacity and specification compatible with the required drainage of the site and the details of which shall have been submitted to and approved by the Local Planning Authority before the development hereby permitted is commenced. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment and in accordance with policy 4A.17 (Water quality) of the London Plan (published February 2008).

42. The development hereby approved shall not be commenced until impact studies of the existing water supply infrastructure shall have been submitted to and approved by the Local Planning Authority. The Local Planning Authority shall consult with Thames Water before granting such approval. The studies should determine the magnitude of any new additional capacity required in the water supply system and a suitable connection point.

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

43. No phase or stage therein (as approved under condition 3) of the development hereby permitted shall be commenced unless and until in relation to that phase:

(i) an investigation into ground conditions shall be undertaken in accordance with the Model Procedures for the Management of Land Contamination, Environment Agency, Contaminated Land Report 11;

(ii) the report setting out the findings of that investigation and the proposals for any remediation required shall be submitted to and approved in writing by the Local Planning Authority; and

(iii) all works approved under (ii) above shall be undertaken to the satisfaction of the Local Planning Authority.

No phase or stage therein (as approved under condition 3) of the development hereby permitted shall be occupied unless and until in relation to that phase a validation report confirming that the works undertaken were completed in accordance with the report approved under (ii) above remediation strategy shall have been submitted to and approved by the Local Planning Authority.

Reason: To protect those engaged in construction and occupation of the development from potential contamination and to prevent pollution of the water environment as the site may be contaminated due to previous use(s) and with regard to saved policy EQ49 (Contaminated Land: Assessment, Remediation and Monitoring) of the London Borough of Newham Unitary Development Plan; and 4A.17 (Water quality) and 4A.33 (Bringing contaminated land into beneficial use) of the London Plan (published February 2008).

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44. No soils, or infill materials, are to be brought onto the site unless they have been satisfactorily proven to be uncontaminated and present no significant risks to human health, planting and the environment. A declaration to this effect, together with acceptable documentary evidence to confirm the origin of all imported soils and infill materials, supported by appropriate chemical analysis test results, must be submitted to and be approved in writing by the Local Planning Authority prior to occupation of any phase of the development.

Reasons: To prevent uncontaminated and remediated land from becoming contaminated with material that is potentially harmful to humans, planting and the environment and with regard to saved policy EQ49 of the London Borough of Newham Unitary Development Plan; and policy 4A.34 (Dealing with hazardous substances) of the London Plan (published February 2008).

45. The development hereby permitted shall not be commenced unless and until:
- (i) a scheme setting out the details of a settlement facility for the removal of suspended solids from surface water run-off during construction works has been submitted to and approved in writing by the Local Planning Authority; and
 - (ii) the settlement facility approved pursuant to (i) above has been implemented in full.

The approved scheme shall be retained throughout the construction phases of the development hereby permitted.

Reason: To prevent pollution of the water environment and in accordance with saved policy EQ49 (Pollution) of the London Borough of Newham Unitary Development Plan; and policy 4A.17 (Water quality) of the London Plan (published February 2008).

46. There shall be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct or via soakaways.

Reason: To prevent pollution of the water environment; to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system; and in accordance with policy 4A.17 (Water quality) of the London Plan (published February 2008).

47. All areas where waste is stored, handled or transferred shall be underlain by impervious hardstanding with dedicated drainage to foul sewer or sealed tank.

Reason: To prevent pollution of the water environment and in accordance with policy 4A.17 (Water quality) of the London Plan (published February 2008).

48. No construction or building works shall be carried out on the site except between the hours of 0800 and 1800 on Mondays to Fridays and between 0800 and 1300 on Saturdays without the prior written approval of the Local Planning Authority.

Deliveries of construction and demolition materials to and from the site by road shall take place between the hours of 0800 and 1800 Monday to Friday and between 0800 and 1300 on Saturday and at no other time except with the prior written approval of the Local Planning Authority.

Reason: In order to minimise noise and disturbance, in the interest of

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residential amenity, and with regard to saved policies EQ45, EQ46 and EQ47 of the London Borough of Newham Unitary Development Plan; and policies 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (published February 2008).

49. All construction compounds for the development hereby permitted shall be erected within the site, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to minimise noise and disturbance, in the interest of residential amenity, in accordance with Policies EQ45, EQ46 and EQ47 of the London Borough of Newham Unitary Development Plan (adopted June 2001, saved from 27th September 2007 by direction from the Secretary of State) and Policies 4A.3, 4A.19, 4A.20 and 4B.1 of the London Plan (Feb 2008, Consolidated with Alterations Since 2004).

50. No phase or stage therein (as approved under condition 3) of the development hereby permitted shall be commenced unless and until in relation to that phase, a full and detailed application for the Secured by Design award scheme, indicating how the principles and practices of that scheme are to be incorporated shall have been submitted to and approved by the Local Planning Authority. The development shall not be constructed or maintained otherwise than in accordance with the agreed scheme.

Reason: In the interest of amenity and creating safer, sustainable communities and residential amenity, reflecting guidance set out in PPS1, PPS3 and saved policies EQ19 (Urban Design Considerations), EQ26 (Safety) and S1 (Community Safety and Crime Reduction) of the London Borough of Newham Unitary Development Plan; and 4B.6 (Safety, security and fire prevention and protection) of the London Plan (published February 2008).

51. No phase or stage therein (as approved under condition 3) of the development hereby permitted shall be occupied unless and until a scheme showing the details of a CCTV system to be installed for the safety of users and the prevention of crime within that building, has been submitted to and approved in writing by the Local Planning Authority.

No building within the development hereby permitted shall be occupied unless and until in respect of that building the CCTV scheme has been implemented as approved.

Reason: In the interest of amenity and creating safer, sustainable communities and residential amenity, reflecting guidance set out in PPS1, PPS3 and saved policies EQ19 (Urban Design Considerations), EQ26 (Safety) and S1 (Community Safety and Crime Reduction) of the London Borough of Newham Unitary Development Plan; and 4B.6 (Safety, security and fire prevention and protection) of the London Plan (published February 2008).

52. No phase or stage therein (as approved under condition 3) of the development hereby permitted shall be commenced unless and until in relation to that phase, a scheme making provision for construction method and management to control the adverse impacts of the development on the amenity of the public and nearby occupiers has been submitted to and approved in writing by the Local Planning Authority (the Construction Management Statement).

The Construction Method Statement shall include, but not be limited to,

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details of:

- a) parking of vehicles of site personnel and visitors;
- b) sourcing of materials;
- c) storage of plant and materials;
- d) dust management controls;
- e) location and height of cranes and scaffolding;
- f) measures of minimising the impact of noise and, if appropriate, vibration arising from construction activities;
- g) predicted noise and, if appropriate, vibration levels for construction using methodologies and at locations agreed with the Local Planning Authority;
- h) scheme for monitoring noise and if appropriate, vibration levels using methodologies and at points agreed with the Local Planning Authority;
- i) scheme for security fencing / hoardings, depicting a readily visible 24-hour contact number for queries or emergencies;
- j) details of disposal of waste arising from the construction programme, including final disposal points (the burning of waste on the site at any time is specifically precluded);
- k) construction traffic management; and
- l) wheel washing facilities.

The relevant phase of the development here by permitted shall only be constructed in accordance with the Construction Method Statement.

Reason: To safeguard the amenities of the area; in the interests of safety and the operation of London City Airport; and in order that the development accords with saved policies EQ19 (Urban Design Considerations), EQ45 (Pollution) and EQ46 (Air Quality Management), EQ47 (Noise Impact Assessment) of the London Borough of Newham Unitary Development Plan; and 4A.3 (Sustainable design and construction) (Reducing noise and enhancing soundscapes) of the London Plan (published February 2008).

53. No phase or stage therein (as approved under condition 3) of the development hereby permitted shall be commenced unless and until in relation to that phase, details demonstrating how a minimum reduction in carbon dioxide emission of 20% will be achieved, shall be submitted to the Local Planning Authority for written approval in consultation with the Greater London Authority. The approved system(s) shall be implemented and retained for so long as the development shall exist.

Reason: To ensure the development meets the requirements of the Mayor's Climate Change Mitigation and Energy Strategy and its objectives of increasing the proportion of energy used generated from renewable sources in accordance with policy 4A.7 (Renewable energy) of the London Plan (published February 2008).

54. The minimum 20% reduction in carbon dioxide emissions shall be established from the anticipated carbon dioxide emissions of all of the approved permanent development phases once all energy efficiency measures have been accounted for and details shall be provided in writing to the Local Planning Authority.

Reason: To ensure accordance with policy 4A.7 (Renewable energy) and 4A.4 (Energy assessment) of the London Plan (published February 2008).

55. No building within the development hereby permitted shall be occupied unless

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and until charging points for electric cars have been installed and are available for use in the car park serving the relevant building.

Reason: To ensure the development contributes to the Mayor's Climate Change Mitigation and Energy Strategy.

INFORMATIVES

1. The applicant is advised that the grant of planning permission does not discharge the requirements under the Traffic Management Act 2004. Formal notifications and approval may be needed for both the permanent highway scheme and any temporary highway works required during the construction phase of the development.
2. The applicant is advised that there are public sewers crossing this site, and no building works will be permitted within 3 metres of the sewers without Thames Water's approval. Should a building over / diversion application form, or other information relating to Thames Water's assets be required, the application should contact Thames Water Developer Services on 0845 850 2777.
3. Thames Water advises that peak discharge to the combined sewer system should not exceed historic peak discharge from the site, this should be achieved by SUDS / surface water retention.
4. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 08450 850 2777. It is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.
5. The grant of planning permission does not discharge requirements under the Traffic Management Act 2004. Formal notifications and approval are required for both the permanent highway alterations and any temporary highway works required during the construction phase of the development. The grant of planning permission does not prejudice the TfL Network Assurance Team's subsequent decision on the formal notification.
6. This permission does not grant approval for fire safety measures that have been incorporated. The applicant is therefore reminded that building control regulations will need to be satisfied.
7. The development of this site is likely to damage archaeological remains. The applicant should therefore submit detailed proposals in the form of an archaeological project design. The design should be in accordance with the appropriate English Heritage guidelines.
8. National Grid has advised that whilst the risk is negligible with respect to its operational electricity transmission network and its operational gas transmission network, the Developer must also obtain information of local gas and electricity

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distribution networks.

9. The sound insulation between flats in this development must meet or exceed the standards set out in approved Document E of the Building Regulations. Reference should be had to the London Borough of Newham's Building Control Department or an approved building inspector.
10. The commercial kitchens and other food areas of the premises must comply in full with:
 - a) EU 853/2004 as enforced by the Food Hygiene (England) Regulations 2006
 - b) EU 178/2002 as enforced by the General Food Regulations 2004
 - c) The Food Premises Registration Regulations 1991, (under these regulations there is a requirement to register with the Environmental Health Service at least 28 days prior to opening for business. This form is accessible from Newham's website).

All structural finishes and equipment must comply with the catering Guide (industry) to Good Hygiene Practice; Chadwick House Group Ltd.)

Further details in respect of food requirements are available from The London Borough of Newham, Housing and Public Protection, Food Safety Unit, tel.: 020 8430 2000 Ext. 25283, food@newham.gov.uk or www.newham.gov.uk

Compliance with Planning Law does not automatically mean that you will comply with these more specific Food law requirements.

11. The commercial parts of these premises should comply with the Health & Safety at Work etc. Act 1974 & Associated Legislation, and the Workplace (Health, Safety and Welfare) Regulations 1992 in particular. For this sort of commercial premises the enforcing authority for Health and Safety at Work is the London Borough of Newham Environmental Health Service.
12. Consideration of the management and operation of the finished premises, in relation to health and safety is a requirement of The Construction (Design and Management) Regulations 2007. The Developer is strongly advised to contact London Borough of Newham Environmental Health and Safety team for further advice.
13. Careful consideration must be made of how it is proposed to control the above ground water features in terms of health and safety, including control of Legionnaire's Disease and other Water Borne micro organisms. The Developer is strongly advised to contact London Borough of Newham Environmental Health and Safety team for further advice.
14. Compliance with Planning Law does not automatically mean that you will comply with more specific Health and Safety Law requirements.
15. The proposed passenger/goods lifts must comply with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). There is a specific requirement that no new lift may be used unless it has either a certificate of thorough examination or a certificate of conformity to the relevant EU Directive. Normal commissioning documentation IS NOT ADEQUATE. Use of a lift that does not comply with LOLER is a criminal offence. You should refer to your CDM planning supervisor to ensure compliance.

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16. For advice and information on contaminated land site investigation, risk assessment and implementing a remediation strategy it is recommended that the developer contacts the Environmental Health Pollution Control Unit, Alice Billings House, 2-12 West Ham Lane, Stratford, London E15 4SF Tel: 020 430 3820. The Unit has produced a leaflet 'The development of contaminated sites' which can be downloaded free from www.newham.gov.uk. The developer shall notify the Council's Development Control and the Environmental Health Pollution Control Unit of the start dates and programme of site investigations and any subsequent remediation works.

For the site investigation, risk assessment and remediation strategy reference should be made to:

Model Procedures for the Management of Land Contamination, Environment Agency Contaminated Land Report 11. This document can be downloaded free from www.environment-agency.gov.uk

BS 10175: Investigation of potentially contaminated sites – Code of Practice

Building Regulations 2000 APPROVED DOCUMENT C Site preparation and resistance to contaminants and moisture: C1 Site preparation and resistance to contaminants.

If the site investigation reveals land contamination the associated report must include the results of a source-pathway-receptor environmental risk assessment with regard to the current use and proposed development.

If the site investigation discovers organic containing natural soils or made ground then monitoring of potential ground gases, over a suitable period of time, will be required in order to determine the requirement for gas mitigation measures in the development.

If the site is located in a groundwater protection zone or if groundwater is encountered during the site investigation then the groundwater should also be tested for contamination. The Local Planning Authority may require more detailed groundwater monitoring to be undertaken on the advice of the Environment Agency.

A remediation scheme should include, where necessary, a long-term commitment to maintenance of any works and measures required by the Local Planning Authority or the Environment Agency.

Remediation capping layers based upon 'Cover systems for land regeneration' BR 465 by the Building Research Establishment will not be accepted, as this is not approved by the Environment Agency.

Anyone procuring analytical services must ensure that the data supplied to the Local Planning Authority meets the requirements in the Monitoring Certification Scheme (MCERTS). Laboratories undertaking the chemical testing of soil must be accredited, the analytical methods should be appropriate and fit for the purpose of the parameter being investigated and the sampling procedures and the audit trail should also conform.

Supporting reports should be prepared by appropriately qualified professionals.

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All reports should be sent directly to the planning case officers at both the London Borough of Newham and London Thames Gateway Development Corporation Planning Departments. For each application at least two copies of each report should be submitted in hard copy format plus a further copy in electronic format. The planning case officers will forward the reports on to the appropriate consultees for comment. Applicants are advised against entering into direct negotiation with either the Pollution Control Unit, Environment Agency or any other Council department consultees without notifying the planning case officers.

17. The proposed development lies within Newham's Air Quality Management Area that was declared in March 2002. When deciding upon ventilation to the building you should consider how to reduce exposure to road traffic pollution. For details of the area, the review and assessment of air quality in Newham and the Action Plan that sets out how the London Borough of Newham will act to tackle air pollution the applicant should contact Public Protection (Pollution Control Unit) at No. 2-12 West Ham Lane, Stratford, London E15 4SF (Telephone 020 8430 2000 Ext. 25255).
18. Attention is drawn to the position of cookers with the flats. Cookers within the open plan kitchens, should be positioned away from the exit doors or away from the bedroom doors. The applicant should seek the advice of the London Fire Brigade and Building Control Officers in this matter.
19. Attention is drawn to the siting of doors with the flats and their direction of opening, as this can create a hazard under the Housing Act 2004 of Collision and Entrapment. Doors opening into passages, small rooms (such as bathrooms) or onto stairs can be a collision hazard, as can doors opening across paths. Doors to wall hung cupboards over worktops in kitchens can also be a collision hazard.
20. Attention is drawn to the hazard of falls on the level, as detailed by the Housing Act 2004. There should be effective drainage of surface water on the outdoor paths and yards to reduce the chances of slips, trips and falls because of ponding of water, and in adverse weather, patches of ice.
21. Attention is drawn to the hazard of falls between levels, as detailed by the Housing Act 2004, due to the high rise nature of the development and extensive use of balconies and roof gardens.
22. Safety catches on windows should be considered, as it will reduce the likelihood of children being able to open a window unsupervised. Catches which restrict the distance a window can be opened to 100mm should be fitted to windows above ground floor level to reduce the possibility of an accident involving a child.
23. The design of the windows should facilitate safe cleaning of the outer surface. It should be such that there is no reason to climb on a chair or stepladder to clean it. Where there is a high level opening light above the main opening light, the high level light should be easily cleanable on both sides without opening the main light.

In this type of multi-storey building there is a need for increased safety precautions to upper storey windows, because of the increased risk posed by the more severe harms resulting from distance of fall. Guarding (e.g. balustrade) should be provided to balconies and landings to prevent falls. It should be at least 1,100mm high and designed and constructed so as to discourage children climbing and strong enough to support the weight of people leaning against it. There should be no openings to the guarding which would allow a 100mm sphere to pass through.

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24. Attention is drawn to the hazard of Entry by Intruders, as detailed by the Housing Act 2004. Regard should be had so that possible areas of concealment for burglars and intruders are reduced to a minimum. This includes providing both public and private space that the residents feel is theirs (defensible space), ensuring pedestrian routes are well lighted and defined. However a balance must be struck to prevent creating fortress-like dwellings which may have a negative effect on the health of occupiers. I would suggest that the applicant contact the Metropolitan Police Community Safety Unit for comment on these plans.
25. Air pollution and noise from demolition or construction sites

Smoke

Bonfires should not be used on any construction or demolition sites. Burning materials causes smoke that will contain carbon monoxide, particles and a range of noxious compounds. A bonfire will add to the background level of air pollution, which can cause adverse health effects to persons on site and beyond the site boundary. The smoke, smell and smuts from bonfires can also cause annoyance to neighbours and bonfires may get out of control and become dangerous.

The Clean Air Act 1993 makes it an offence to burn any material that results in the emission of dark smoke on industrial or trade premises (including demolition sites), with a maximum fine of £20,000.

The Environmental Protection Act 1990 gives Local Authorities and the Environment Agency the power to control smoke arising from burning waste on site. In cases where complaints have been received, or the Council has reason to believe that burning is to take place and nuisance is likely to occur, an Abatement Notice may be served prohibiting nuisance and specifying steps to be taken to minimise further problems. If the requirements of the notice are not satisfied the local authority can enforce by taking legal proceedings.

Dust.

Dust from demolition and construction work can also damage health and impact upon quality of life by leaving deposits on cars, windows and property. These impacts can be reduced through using measures such as:

Using water sprays or sprinklers to suppress dust during dust generating activities such as filling skips, breakout of concrete and managing stock piles

Washing the wheels of vehicles leaving the site if they are carrying mud or debris.

Erecting solid barriers to the site boundary.

Ensuring that lorries leaving the site carrying debris or waste are properly covered.

Cleaning the road and footpath near the site entrance as required.

Where disk cutters are to be used they should have a dust bag, have water suppression or the working area should be wet prior to use of the machinery. Where demolition or construction is due to occur over greater than one week the contractor should provide the local authority with a dust management protocol. This should detail the identification of dust generating activities, their location, duration and the means by which the dust shall be suppressed. Under the Environmental Protection Act 1990 dust from a demolition or construction sites may, like smoke, be a statutory nuisance. As above the local authority may serve an abatement notice on the person responsible and take legal proceedings if the notice is not complied with.

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Detailed guidance on dust issues relating to construction sites can be found in the Building Research Establishment documents 'Control of dust from construction and demolition activities' and 'Improving air quality in urban environments: Guidance for the construction industry'.

In addition, the GLA Best Practice Guide for dust, currently in draft format, is seen as the most comprehensive dust management protocol. Contractors should be aware of its details regarding the efficient management of dust and particulate on site.

http://www.london.gov.uk/mayor/environment/air_quality/construction-dust.jsp

Noise.

The redevelopment of a site involving demolition and construction activities will inevitably cause some noise that affects neighbouring residential or commercial properties. You can reduce or avoid annoyance for neighbours by informing the neighbours before demolition or construction work starts telling them about the work and what to expect. Give the neighbours a contact name and telephone number and keep them informed. If a neighbour does make a complaint try to resolve the matter straight away.

Complaints are often made in relation to noise at unsociable hours of the day. We recommend working hours of 8 AM – 6 PM Monday to Friday and 8 AM – 1 PM on Saturdays. No noisy works should be carried out on Sundays and Bank/Public Holidays.

The Control of Pollution Act 1974 gives the council the power to serve a Notice upon contractors or developers which sets out how works should be carried out in order to minimise noise arising from demolition or construction activities. This may involve restricting the hours of noisy operations audible beyond the site boundary, the provision of noise barriers and precluding the use of certain plant.

Developers and contractors have the option of applying to the Council for approval of their works prior to commencement.

Detailed guidance on noise issues relating to construction sites can be found in BS 5228 *Noise control on construction and open sites*. In particular, Part 1, "Code of Practice for basic information and procedures for noise control" will be useful because as well as giving general advice, it describes a method for predicting noise from construction sites.

General.

Developers should be aware that there are likely to be other Acts or legislation that are not covered in this document and that acts and regulations identified within the document may have been superseded.

Please note that if you are carrying out demolition works you may need to notify the council as required by the Building Act 1984. This enables the council to protect public safety and ensure that adjoining premises and the site are made good on completion of the demolition. For further information contact London Borough of Newham Council Building Control Service on 020 8430 2000 or [Email: reception.bco@newham.gov.uk](mailto:reception.bco@newham.gov.uk)

If you have any queries about air pollution or noise from construction or demolition sites please telephone or email Newham Public Protection on 0208 430 3820 or pollution.inquiry@Newham.gov.uk.

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DEFINITIONS

For the avoidance of doubt, for the purposes of this planning permission the following do not constitute commencement of development

- (i) ground investigation and site survey
- (ii) boundary fencing and hoarding
- (iii) archaeological investigations
- (iv) environmental investigations
- (iv) decontamination and remediation (if any)
- (v) site preparation
- (vi) demolition of existing buildings and structures and site clearance
- (vi) public sewers, laying services and service diversions
- (vii) alterations to existing retail units and market stalls affected by demolition and/or the investigations referred to above