



**Town and Country Planning Act 1990**

**Planning (Listed Buildings and Conservation Areas) Act 1990**

**Public Inquiry 12<sup>th</sup> December 2017**

**DRAFT CONDITIONS**

**Draft 4.1.18**

<b>Sites at:-</b>	<b>Sites at 14-16 Clegg Street, 13-15 Cinnamon Street &amp; 125-129 Wapping High Street, London EW1 2NX</b>
<b>Appeal by:-</b>	<b>Rail for London and Wapping High Street Limited</b>
<b>PINS Reference:</b>	<b>APP/E5900/W/17/3167832</b>
<b>LPA Reference:</b>	<b>PA/15/03561</b>

London Borough of Tower Hamlets  
Place Directorate  
Town Hall  
Mulberry Place  
5 Clove Crescent  
London E14 1BY



### **Time Limit**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

### **Compliance with plans**

- 2) The development hereby permitted shall be carried out in accordance with the approved plans listed in the Schedule to this letter.

Reason: For the avoidance of doubt and in the interests of proper planning.

### **No demolition without building contract**

- 3) The works of demolition hereby authorised shall not be carried out on any individual site before a contract for the carrying out of the works of redevelopment of that site has been made and planning permission has been granted for the redevelopment for which the contract provides.

Reason: To maintain the character and appearance of the Wapping Wall Conservation Area pending redevelopment and as advised by NPPF paragraph 136.

### **Timing of demolition works**

- 4) The works of demolition hereby authorised shall not be carried out in the months of November to February (inclusive)

Reason: To ensure that potential habitats for bat roosting or Black Redstarts are not disturbed, in compliance with Policy SP04 of the Tower Hamlets Core Strategy 2010, Policy DM11 of the Tower Hamlets Managing Development Document 2013 and the Tower Hamlets Local Biodiversity Action Plan.

### **External materials**

- 5) No development of each site shall take place until full details (including samples, specifications and annotated plans at a scale of no less than 1:20) of all external facing materials for the respective site has been submitted to and approved in writing by the local planning authority. The submitted details shall include:
  - a) Mock-up panels of the external cladding materials,
  - b) Samples of all other external facing materials including soffits and external rainwater goods;
  - c) Doors and windows at all three sites to include details and specification of acoustic glazing and ventilation for the residential accommodation at Site A.
  - d) Balconies and privacy screens to the residential accommodation at all three sites.
  - e) Drawings and details of material finish to any rooftop plant.

Development shall be carried out in accordance with the approved details.

Reason: To ensure that high quality materials are used in the construction of the development and the external appearance of the building is satisfactory in accordance with Policies SP10 and SP12 of the Tower Hamlets Core Strategy 2010 and Policies DM24 and DM28 of the Managing Development Plan Document 2013.

### **Railway ground borne noise and vibration**

- 6) No development other than demolition shall occur until a Noise and Vibration Assessment has been submitted to the local planning authority for approval in writing of ground borne noise and vibration arising from the London Overground railway and re-radiated noise within habitable residential rooms on all three sites. Noise and vibration from the railway should not exceed 35dB Lamax(s).

Reason: To safeguard the amenity of adjacent residents and the surrounding area in compliance with Policy SP10 (4) of the Tower Hamlets Core Strategy 2010 and Policy DM25 of the Managing Development Document 2013.

### **Demolition and Construction Management Plan**

- 7) No development shall take place, including any works of demolition, until a Demolition and Construction Management Plan has been submitted to, and approved in writing by the local planning authority.. The approved plan shall be adhered to throughout the construction period. The Plan shall provide for:

- the parking of vehicles of site operatives and visitors
- details of the site manager, including contact details (phone, facsimile, email, postal address) and the location of a large notice board on the site that clearly identifies these details of the site manager;
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the feasibility of transporting waste and construction materials by the River Thames,
- delivery, demolition and construction working hours,
- the erection and maintenance of security hoardings, including decorative displays and facilities for public viewing, where appropriate;
- any means, such as a restriction on the site and weight of vehicles and machinery accessing the site, required to ensure that no damage occurs to adjacent streets or railway structures and assets throughout the demolition period;
- measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage, loading and unloading of plant and materials and similar demolition activities;
- measures to be adopted to ensure that the access from the emergency exits is safe and not obstructed during the works;
- wheel washing facilities,
- measures to control the emission of dust and dirt during construction,
- a scheme for recycling/disposing of waste resulting from demolition and construction works,
- all non-road mobile machinery, used in connection with the construction of the development hereby approved (NRMM) must meet the minimum emission requirements set out in the Mayor of London's Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance 2014.

Thereafter, the works shall only be carried out in accordance with the approved details.

**Reason:** To safeguard the amenity of adjacent residents and the area generally in accordance with Policy SP10 of the Tower Hamlets Core Strategy 2010 and Policy DM25 of the Managing Development Document 2013. To ensure efficient and safe operation of the borough's highway system and the London Overground Railway in accordance with Policies SP08 and SP09 of the Core Strategy 2010 and Policies

DM20 and DM21 of the Managing Development Document 2013. To prevent or reduce air pollution during demolition and construction in accordance with Policy SP03 of the Core Strategy 2010 and Policy DM9 of the Managing Development Document 2013.

### **Vibro-compaction Method Statement**

- 8) No vibro-compaction machinery shall be used in the development unless details of the use of such machinery and a Method Statement have been submitted to and approved in writing by the local planning authority. The works shall only be carried out in accordance with the approved Method Statement.

Reason: To limit the risk of nuisance that may be caused by the use of vibro-compaction machinery in accordance with Policy SP10 of the Tower Hamlets Core Strategy 2010 and Policy DM25 of the Managing Development Document 2013.

### **Archaeology**

- 9) No development other than demolition to existing ground level shall take place on each of the three sites until:
- A) The developer has implemented a programme of archaeological evaluation in accordance with a Stage 1 written scheme of investigation for each of the three sites which has (or have) been submitted to and approved by the local planning authority in writing.
  - B) If heritage assets of archaeological interest are identified by the evaluation under Part A, then prior to the commencement of development on each of the three sites, other than demolition to existing ground level, a programme of archaeological investigation for that site shall be implemented in accordance with a Stage 2 written scheme of investigation which has been submitted by the applicant and approved by the local planning authority in writing.
  - C) No development or demolition to existing ground level shall take place other than in accordance with the Written Scheme of Investigation approved under Part (B) for each site unless otherwise agreed in writing by the local planning authority.
  - D) No development on any of the three sites shall be occupied until the site investigation and post investigation assessment for that site has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Part (B), and the results and archive deposition has been secured and provide to the local planning authority for analysing, publication and dissemination.

Reason: Heritage assets of archaeological interest may survive on the site and to insure the safeguarding of the site's archaeological interest in accordance with London Plan Policy 7.8, Tower Hamlets Core Strategy 2010 Policy SP10 and Managing Development Document 2013 Policy DM27.

### **Decontamination**

- 10) a) No works shall take place on each of the three sites (save for demolition works, site preparation, erection of fencing, laying or provision of services, temporary surfaces and construction site buildings) until a remediation scheme to deal with any potential ground contamination of the respective site(s) has (or have) been submitted to and approved in writing by the local planning authority. The scheme(s) shall include:

- i. A preliminary risk assessment which identifies:
  - All previous uses;
  - Potential contaminants associated with those uses;
  - A conceptual model of the site(s) indicating sources, pathways and receptors; and
  - Potentially unacceptable risks arising from contamination at the sites;
- ii. A site investigation scheme, based on (i.) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- iii. The results of the site investigation and detailed risk assessment referred to in (ii.) and based on these an options appraisal and remediation strategy giving full details of the remediation and mitigation measures required and how they are to be undertaken;
- iv. A verification plan setting out the details of the data to be collected in order to demonstrate that the works set out in the remediation strategy in (iii.) are complete to a satisfactory standard; and
- v. A monitoring and maintenance plan, setting out provisions for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The contamination remediation works shall be implemented in accordance with the approved details and completed prior to the first occupation of each part of the development. The provisions of the monitoring and maintenance plan shall be in force from the first occupation of each part of the development and retained for its lifetime.

- b) If during the works any additional contamination is encountered, all works in the relevant part of the site shall cease immediately and not resume until the additional contamination has been fully assessed and a remediation scheme has been submitted to and approved in writing by the local planning authority. Any additional land contamination shall be remedied prior to the first occupation of relevant part of the development.
- c) None of the residential units on any individual site comprised within the development shall be occupied until a post completion verification report, including results of sampling and monitoring carried out, has first been submitted to and approved in writing by the local planning authority demonstrating that the site remediation criteria have been met.

Reason: To ensure that contaminated land is properly treated and made safe and to safeguard the health and safety of the future occupants in accordance with Policy 5.21 of the London Plan 2016 and Policy DM30 of the Managing Development Document 2013.

#### **Hours of demolition / construction**

- 11) 1. The building operations required to carry out the development allowed by this permission must only be carried out within the following times and not at all on Sundays and Bank Holidays:-

- 8.00 am to 6.00 pm Monday to Friday
- 8.00 am to 1.00 pm on Saturdays

2 Any hammer driven piling or impact breaking out of materials carried out in pursuance of this permission shall be carried out only between the hours of:

- 10am and 4pm Mondays to Fridays and shall not take place at any time on Saturdays, Sundays or Public Holidays.

Reason: To safeguard the amenity of adjacent residents and the surrounding area in accordance with Policy SP09 of the Core Strategy 2010 and Policy DM25 of the Managing Development Document 2013.

#### **Piling method statement**

- 12) No impact piling shall take place until a Piling Method Statement to include a Hydrogeological Risk Assessment of any physical disturbance to the aquifer or subsurface water or sewerage infrastructure has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: As requested by Thames Water to ensure piling will not impact on local underground water and sewer utility infrastructure or disturb or contaminate the aquifer and to accord with Policy SP04 of the Tower Hamlets Core Strategy 2010 and Policy DM25 of the Managing Development Document 2013.

#### **Wheelchair accessible housing**

- 13) Ten percent (10%) of the residential units shall meet Building Regulation requirement M4 (3) 'wheelchair user dwellings' in accordance with the approved residential schedule.

Reason: To ensure sufficient accessible housing is provided in accordance with London Plan Policy 3.8; Tower Hamlets Core Strategy 2010 Policies SP07 and SP08 and Managing Development Document 2013 Policy DM4.

#### **Secured by Design**

- 14) No superstructure works shall take place until details of security measures have been submitted to and approved in writing by the local planning authority. The development shall comply with the Secured by Design standards. The security measures shall be implemented in accordance with the approved details, prior to the first occupation of the development and retained for the lifetime of the development.

Reason: To ensure that Secured by Design principles are implemented into the development in accordance with policy 7.3 of the London Plan 2016 and policies SP10 of the Tower Hamlets Core Strategy 2010 and DM23 of the Managing Development Document 2013.

#### **Landscaping**

- 15) No above ground works or superstructure (other than demolition) shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include hard

surfacing materials, means of enclosure, furniture, biodiversity enhancement measures, green and brown roofs, external lighting and any CCTV. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities.

Reason: To ensure a satisfactory form of development and contribute to the visual amenity and biodiversity of the area in accordance with Policies SP04 and SP10 of the Tower Hamlets Core Strategy 2010 and Policies DM10, DM11, DM12, DM23, DM24 and DM27 of the Managing Development Document 2013.

### **Implementation of landscaping**

- 16) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development or in accordance with a programme agreed with the local planning authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.

Reason: To ensure a satisfactory form of development and contribute to the visual amenity and biodiversity of the area in accordance with Policies SP04 and SP10 of the Tower Hamlets Core Strategy 2010 and Policies DM10, DM11, DM12, DM23, DM24 and DM27 of the Managing Development Document 2013.

### **Landscape Management Plan**

- 17) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development. The landscape management plan shall be carried out as approved.

Reason: To ensure a satisfactory form of development and contribute to the visual amenity and biodiversity of the area in accordance with Policies SP04 and SP10 of the Tower Hamlets Core Strategy 2010 and Policies DM10, DM11, DM12, DM23, DM24 and DM27 of the Managing Development Document 2013.

### **Biodiversity Enhancement**

- 18) No development other than demolition shall occur until a biodiversity enhancement scheme has been submitted to and approved in writing by the local planning authority. The biodiversity enhancement scheme shall include but not be limited to the following:
- the location and total area of biodiverse roofs, substrate depth and type, planting and additional habitats;
  - The location, number and type of bat boxes and nest boxes for appropriate bird species, including Black Redstart.

The approved scheme shall be implemented in full prior to the occupation of the development.

Reason: To mitigate potential impacts on protected species and increase the biodiversity of the site in compliance with the Tower Hamlets Local Biodiversity Action Plan and to comply with Policy SP04 of the Tower Hamlets Core Strategy 2010 and Policy DM11 of the Tower Hamlets Managing Development Document 2013.

#### **Flood resilience measures**

- 19) Details of flood resilience measures to be incorporated into the design of the development shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The safe havens shall be set above the 2100 tidal breach flood level of 5.75 m AOD. The development shall be carried out in accordance with the approved details and shall be completed in their entirety prior to the occupation of the development and retained thereafter in perpetuity.

Reason: To mitigate the impact of flooding in accordance with London Plan Policies 5.12 and SP04 of the Tower Hamlets Core Strategy 2010 and Policy DM13 of the Managing Development Document 2013.

#### **External play areas**

- 20) Prior to the occupation of any part of the residential accommodation details of the child play areas, including surfacing, boundary treatment, and play equipment for the child play space and communal roof terrace at Site B shall be submitted to and approved in writing by the local planning authority. The play areas shall be laid out in accordance with the approved details and shall be completed and available for use prior to the occupation of the residential accommodation and thereafter retained for the life of the development.

Reason: To ensure that residents benefit from adequate provision of children's play areas in accordance with Policy 3.6 of the London Plan 2016, Policies SP02 and SP04 of Tower Hamlets Core Strategy 2010 and Policy DM10 of Tower Hamlets Managing Development Document 2013.

#### **Refuse and recycling facilities**

- 21) The refuse store and recycling facilities shown on the approved plans shall be provided prior to the occupation of the development and thereafter be made permanently available for the occupiers of the buildings.

Reason: To ensure adequate provision for the storage of refuse in accordance with the requirements of policy SP05 of the Tower Hamlets Core Strategy 2010 and Policy DM14 of the Managing Development Document 2013.

#### **Surface water drainage**

- 22) Prior to commencement of the superstructure works a surface water drainage scheme shall be submitted to and approved by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development. The development shall be carried out in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To manage the flow rate and volume of surface runoff to reduce the risk of flooding and water pollution in accordance with London Plan 2016 Policies 5.12 and 5.13 and Tower Hamlets Core Strategy 2010 Policy SP04 (5).



### **Energy System**

- 23) The Energy System shall be based on Option A set out in the Energy Statement dated December 2015 by Aecom and allow connection to a centralised heating system on Site A unless alternative arrangements are approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a reduction of carbon dioxide emissions in accordance with policies 5.2 of the London Plan 2016, Policy SP11 of the Tower Hamlets Core Strategy 2010 and Policy DM29 of the Managing Development Document 2013.

### **Clegg Street footway**

- 24) No development other than demolition shall occur on Site C until a widened public footway increased in depth by between 1.25 m and 1.55 m along the entire length of Clegg Street as shown on drawing (03)-P-C-001 Rev PL00 has been laid out. The widened footway shall be unobstructed and permanently retained for the life of the development on Site C.

Reason: To provide a safe pedestrian environment in compliance with Tower Hamlets Core Strategy Policy SP09 and Managing Development Document Policies DM23 and DM24.

### **Cycle parking facilities**

- 25) The cycle parking facilities shown on the approved plans shall be provided prior to occupation of the residential accommodation on each of the three sites and thereafter retained for the life of each development.

Reason: To ensure there is adequate cycle parking for the residents and staff of the development in accordance with London Plan 2016 Policy 6.9 and Tower Hamlets Managing Development Document 2013 Policy DM22.

### **Scheme of highway improvement works**

- 26) No development shall occur until a Scheme of Highway Improvement Works necessary to serve the development (being the closure of the existing accesses and reconstruction / resurfacing of the carriageway / footway / and proposals for any agreements necessary under Section 278 of the Highways Act 1980 to facilitate such works) has been approved in writing by the London Borough of Tower Hamlets as local planning authority and road traffic authority.

The development shall not be occupied until the Scheme has been completed in full accordance with the approved details.

Reason: In the interests of highway and pedestrian safety and to ensure the development is well integrated with its surroundings in accordance with the requirements of Tower Hamlets Core Strategy Policies SP09 and SP10.

### **Servicing and Delivery Plan**

- 27) No development other than demolition shall occur until a plan for the management of deliveries to and servicing of the development shall be submitted to and approved in

writing by the local planning authority. The Plan shall include (but not be limited to) the following information:

- a) The location, dimensions and proposed operation of loading facilities designed to serve the entire development, to include the retail unit on Wapping High Street, once occupied, and any consequential amendments to the approved drawings thereby required;
- b) Details of the proposed measures to co-ordinate and schedule deliveries to the retail unit on Wapping High Street once operational;
- c) Details of any amendments proposed to the regulation of parking in the vicinity of the development in order to facilitate deliveries and/or servicing to the development once occupied;
- d) Details of any traffic regulation orders that might be necessary to facilitate the proposals set out in the plan; and
- e) Details of the budget reasonably and properly required to carry out the works set out in the Delivery and Servicing Plan (including for the avoidance of doubt details of the costs of any works to be carried out by or on behalf of the local planning authority).

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

Reason: To ensure there is no significant impact upon the surrounding highway network or the amenities of the surrounding residents in accordance with Policies DM23 and DM25 of the Tower Hamlets Managing Development Document 2013.

#### **Heritage Scheme**

- 28) Prior to commencement of the superstructure works a scheme detailing the implementation of measures to record the historical significance of the site of the development hereby approved and its relationship with the surrounding area shall be submitted to and approved by the Local Planning Authority.

The development shall not be occupied until the measures within the approved Scheme have been implemented in full accordance with the approved details.

Reason: To ensure that the historical significance of the site is recorded in accordance with Policy DM27 of the Tower Hamlets Managing Development Document 2013 and the Wapping Wall Conservation Area Appraisal and Management Guidelines 2009.