**APPEAL REF: APP/E5900/W/20/3250665 (LBTH ref: PA/19/00804)**

**628-634 Commercial Road, London, EH14 7HS**

**LIST OF CONDITIONS**

**Condition 1 – Time limit**

The development shall begin no later than three years from the date of this decision.

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

**Condition 2 – Compliance with drawings**

The development shall be carried out in accordance with the approved drawings listed in the Schedule to this decision notice.

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

**Condition 3 – Contamination presence**

If, during development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination

shall be dealt with. Following completion of the measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: To make sure that contaminated land is properly treated and made safe before development, to protect public health and to meet the requirements of policies 5.21 and 5.22 of London Plan (2016) policy D.ES8 and Tower Hamlets Local Plan 2031 (2020).

**Condition 4 – Construction restrictions**

Unless otherwise specified by a S61 Consent granted under the Control of Pollution Act 1974, demolition, building, engineering or other operations associated with the construction of the development (including arrival, departure and loading and unloading of construction vehicles):

Shall be carried out in accordance with the Tower Hamlets Code of Construction Practice.

Shall only be carried out within the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. No works shall take place on Sundays and Public Holidays.

Any non-road mobile machinery (NRMM) used shall not exceed the emission standards set out in the Mayor of London’s *‘Control of Dust and Emissions During Construction and Demolition’* Supplementary Planning Guidance 2014 and be registered under the Greater London Authority NRMM scheme [www.nrmm.london](http://www.nrmm.london)

Ground-borne vibration shall not exceed 1.0mm/s Peak Particle Velocity (PPV) at residential and 3.0mm/s PPV at commercial properties neighbouring the site.

Noise levels measured 1 metre from the façade of any occupied building neighbouring the site shall not exceed 75dB(A) at residential and commercial properties, and 65dB(A) at schools and hospitals (LAeq,T where T = 10 hours Monday to Friday and 5 hours for Saturday).

Reason: To safeguard the amenity of local residents and the area generally in accordance with policies D.DH8 of the Tower Hamlets Local Plan 2031 (2020).

**Condition 5 – Archaeology**

No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

a) The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

b) Where appropriate, details of a programme for delivering related positive public benefits.

c) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: To investigate the archaeological value of the site in line with the National Planning Policy Framework, policy 7.8 of the London Plan (2016) and policy S.DH3 of the Tower Hamlets Local Plan 2031 (2020).

**Condition 6 – Construction Environmental Management Plan & Logistics Plan**

No development shall take place, including any works of demolition, until a Construction Environmental Management & Logistics Plan have been submitted to and approved in writing by the Local Planning Authority.

The plans shall aim to minimise the amenity, environmental and road network impacts of the demolition and construction activities and include the details of:

1. Telephone, email and postal address of the site manager and details of complaints procedures for members of the public;
2. Dust Management Strategy to minimise the emission of dust and dirt during construction including but not restricted to spraying of materials with water, wheel washing facilities, street cleaning and monitoring of dust emissions;
3. Measures to maintain the site in a tidy condition in terms of disposal/storage of waste and storage of construction plant and materials;
4. Scheme for recycling/disposition of waste resulting from demolition and construction works;
5. Ingress and egress to and from the site for vehicles;
6. Proposed numbers and timing of vehicle movements through the day and the proposed access routes, delivery scheduling, use of holding areas, logistics and consolidation centres;
7. Parking of vehicles for site operatives and visitors;
8. Travel Plan for construction workers;
9. Location and size of site offices, welfare and toilet facilities;
10. Erection and maintenance of security hoardings including decorative displays and facilities for public viewing;
11. Measures to ensure that pedestrian access past the site is safe and not obstructed;
12. Measures to minimise risks to pedestrians and cyclists, including but not restricted to accreditation of the Fleet Operator Recognition Scheme (FORS) and use of banksmen for supervision of vehicular ingress and egress
13. Measures to support the basement including:
	* 1. Value of the expected surcharge loading
		2. Details of the support ‘props’, (type, length, BS/EN ref. code)
		3. If the props are fixed to the existing masonry walls, details of the proposed fixing anchors are required
		4. Size of the existing loadbearing piers
		5. Details on how the capping beam is to be constructed
		6. Drawings/sketches with dimensions
		7. The document mentions the current BRE guidelines; ideally, a copy of the relevant section should be included as an Appendix to the main document.
		8. Ideally copies of the trail hole information, (photo’s/sketches), should also be included as an Appendix to the main document.

The development shall not be carried out other than in accordance with the approved details.

Reason: In the interests of highway and pedestrian safety and to preserve the amenity of the area in accordance with the requirements of Tower Hamlets Local Plan 2031 (2020) policies D.DH8, D.TR2 and D.TR4.

**Condition 7 – Crossrail condition C1 for foundation design, noise, vibration and settlement**

No development shall take place, including any works of demolition, until detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling, any other temporary or permanent installations and for site investigations, have been submitted to and approved in writing by the Local Planning Authority (in consultation with Crossrail) which:

(i) Accommodate the location and of the Crossrail structures including
temporary works,

(iii) Mitigate the effects on Crossrail, of ground movement arising from development

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs C1(i) and C1 (iii) of this condition shall be completed, in their entirety, before any part of the building[s] hereby permitted is/are occupied.

Reason: To accommodate and safeguard the infrastructure and mitigate effects on Crossrail.

**Condition 8 – Crossrail condition C2 – concurrent working**

No development shall take place, including any works of demolition, until a method statement has been submitted to, and approved in writing, by the Local Planning Authority (in consultation with Crossrail) to include arrangements to secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded.

Reason: To accommodate and safeguard the infrastructure and mitigate effects on Crossrail.

**Condition 9 – Disabled bay details**

Prior to the commencement of any superstructure works, full details of the wheelchair car parking space shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the provision of adequate wheelchair accessible car parking space and to minimise the development’s impacts on the safety and capacity of the road network, in accordance with policies D.TR2 and D.TR3 of the Tower Hamlets Local Plan 2031 (2020).

**Condition 10 – SUDS**

Prior to the commencement of any superstructure works, a surface water drainage Scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, for the site shall be submitted to and approved by the local Planning Authority The scheme shall also include (but not limited to):

The peak discharge rates and together with any associated control structures and their position;

Safe management of critical storm water storage up to the 1:100 year event plus 40%; and

Details of agreed adoption, monitoring and maintenance of the drainage and suds features.

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

Reason: To minimise the risk of flooding, to protect water quality and in the interest of sustainability accordance with policies 5.23 of the London Plan (2016) and policy D.ES5 of the Tower Hamlets Local Plan 2031 (2020).

**Condition 11 – Waste storage and access**

No superstructure works shall take place, until details of waste storage facilities, including waste capacity requirements and access details, have been submitted to and approved in writing by the Local Planning Authority.

The waste storage facilities shall be completed in accordance with the approved details prior to the first occupation of the development and thereafter maintained in operational condition and made available to the occupiers of the development for the lifetime of the development.

Reason: To ensure the provision of adequate cycle parking facilities in accordance with the requirements of policy 5.17 of the London Plan (2016) and policy D.MW3 of the Tower Hamlets Local Plan 2031 (2020).

**Condition 12 – Landscaping**

No superstructure works shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include details of:

1. hard landscaping including ground surfaces, kerbs and planter enclosures;
2. soft landscaping including number, size, species and location of plants;
3. on-going five year maintenance and watering provisions for soft landscaping;
4. drain covers, manholes and covers for access to drainage and utilities;
5. railings, walls and other means of enclosure;
6. bollards, gates and other access control measures;
7. CCTV and other security measures;
8. external cycle parking stands;

The soft landscaping scheme shall be completed in accordance with the approved details no later than during the first planting season following practical completion of the development and retained for the lifetime of the development. All other works shall be completed prior to the occupation of the new development.

Any trees or shrubs which die, are removed or become seriously damaged or diseased within five years from the completion of the landscaping works shall be replaced in the next planting season with the same species or an approved alternative as agreed in writing by the Local Planning Authority.

Reason: To ensure a high quality of the public realm and to ensure high quality child play space and play space for the future residents of the development in accordance with policies 7.3 and 7.5 of the London Plan (MALP 2016), and policies S.DH1, D.DH2 and D.ES3 of the Tower Hamlets Local Plan 2031 (2020).

**Condition 13 – Biodiversity enhancements**

Prior to the commencement of above ground works, full details of biodiversity mitigation and enhancements shall be submitted to and approved in writing by the local planning authority.

The biodiversity enhancements shall include but not be limited to the following:

1. A biodiverse roof following the best practice guidance published by Buglife – details provided should include the location and total area of biodiverse roofs, substrate depth and type, planting including any vegetated mat or blanket (though sedum mats should be avoided if possible) and any additional habitats to be provided such as piles of stones or logs;
2. Landscaping to include a good diversity of nectar-rich plants to provide food for bumblebees and other pollinators for as much of the year as possible – details should include species list and planting plans;
3. Bat boxes and nest boxes for appropriate bird species including swift and house sparrow – details should include number, locations and type of boxes.

The agreed measures shall be implemented in full prior to the occupation of the development hereby approved.

Reason: To increase the biodiversity of the site and to comply with policies 7.19 of the London Plan (MALP 2016) and policies S.ES1 and D.ES3 of the Tower Hamlets Local Plan 2031 (2020).

**Condition 14 – External materials**

No superstructure works shall take place until samples and full particulars of all external facing materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority.

Details submitted pursuant to this condition shall include but are not restricted to:

1. Samples and details of external cladding;

Details of external cladding, where relevant, shall include all types of brick or other cladding material to be used, details of bond, mortar and pointing for brick and details of joints, panel sizes and fixing method for other types of cladding.

1. Samples and drawings of fenestration

Details of fenestration, where relevant, shall include reveals, sills and lintels. Drawings shall be at a scale of no less than 1:20.

1. Drawings and details of entrances

Details of entrances, where relevant, shall include doors, reveals, canopies, signage, entry control, post boxes, CCTV, lighting and soffit finishes. Drawings shall be at a scale of no less than 1:20.

1. Details of any balconies, terraces or winter gardens and associated balustrades, soffits and drainage.
2. Details of any external rainwater goods, flues, grilles, louvres and vents

The development shall not be carried out other than in accordance with the approved details.

Reason: To ensure a satisfactory external appearance of the development and that high quality materials and finishes are used, in accordance with policies 7.1 to 7.6 of the London Plan (2016), and policies S.DH1 and D.DH2 of the Tower Hamlets Local Plan 2031 (2020).

**Condition 15 – Mechanical plant and equipment**

Prior to the occupation of the development hereby approved, details of mechnical plant and equipment, shall be submitted and approved in writing by the local planning authority.

Any mechanical plant and equipment within the lower ground floor level of the development shall be designed so as not to exceed a level of 10db below the lowest measured background noise level (LA90, 15 minutes) from the nearest affected room within the proposed development. The plant and equipment shall not create an audible tonal noise nor cause perceptible vibration to be transmitted through the structure of the building.

Reason: To ensure that the development does not result in noise disturbance to neighbouring residents in accordance with policies D.DH8 and D.ES9 of the Tower Hamlets Local Plan 2031 (2020).

**Condition 16 – Wheelchair rooms**

Prior to the commencement of above ground works, the following details shall be submitted to and approved in writing by the local planning authority:

1. Drawings and a schedule confirming the location of the wheelchair user rooms;
2. 1:50 detailed drawings of the wheelchair user rooms

Prior to occupation of the relevant rooms, these units shall be fully fitted out in accordance with the approved details, unless otherwise agreed with the local planning authority.

1. Any lifts shown on the approved drawings shall be installed and in an operational condition prior to the first occupation of the development hereby approved. The lifts shall be retained and maintained in an operational condition for the lifetime of the development

Reason: To ensure adequate provision of accessible and adaptable dwellings & wheelchair accessible and wheelchair adaptable dwellings and that adequate step-free access is provided in accordance with policies 3.8 and 7.2 of the London Plan (2016) and D.H3 of the Tower Hamlets Local Plan 2031 (2020).

**Condition 17 – Secured by Design**

Prior to the occupation of the development hereby approved, details of security measures shall be submitted to and approved in writing by the Local Planning Authority.

The proposed development shall achieve a Certificate of Compliance in respect of the Secured by Design scheme, or alternatively achieve security standards (based on Secured by Design principles) to the satisfaction of the Metropolitan Police.

The security measures shall be implemented in accordance with the approved details, completed prior to the first occupation of the development and permanently retained for the lifetime of the development.

Reason: To ensure that Secured by Design principles are implemented into the development in accordance with policies 7.3 of the London Plan (2016) and policy D.DH2 of the Tower Hamlets Local Plan 2031 (2020).

**Condition 18 – Deliveries and Servicing Plan and Waste Management Plan**

Prior to the occupation of the development hereby approved, a Delivery and Servicing Plan and a Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London).

The relevant facilities and arrangements shall be provided prior to the first occupation of the development and be maintained in an operational condition and made available to the occupiers of the building for the lifetime of the development.

Reason: To ensure the provision of adequate delivery and servicing and waste management arrangements and to minimise the development’s impacts on the safety and capacity of the road network, in accordance with policies D.TR2 and D.TR4 of the Tower Hamlets Local Plan 2031 (2020).

**Condition 19 – Management Plan**

Prior to the occupation of the development hereby approved, a Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

The plan should set out the detailed measures and principles for the operation of the proposed uses on the site.

The relevant arrangements shall be provided prior to the first occupation of the development and be maintained in an operational condition and made available to staff and occupiers of the building for the lifetime of the development.

Reason: To safeguard the amenity of the area in accordance with policy D.DH8 of the Tower Hamlets Local Plan 2031 (2020).

**Condition 20 – Noise**

1. All of the approved HMO accommodation shall be constructed to ensure that:
	1. the construction accords with BS8233 *‘Sound Insulation and Noise Reduction for Buildings’*;
	2. internal ambient noise levels do not exceed 35dB LAeq,16 hour, between hours 07:00 - 23:00 and within bedrooms do not exceed 30 dB LAeq, 8 hour between hours 23:00 - 07:00.
	3. structure-borne noise does not exceed LAmax 35 dB;
	4. exposure to vibration is no higher than of “low probability of adverse comment” in accordance with BS6472 *‘Evaluation of Human Exposure to Vibration in Buildings’*; and
	5. at any junction between residential and non-residential uses, the internal noise insulation level is no less than 55DnTw=Ctr.
2. None of the residential units shall be occupied until a post completion verification report, including acoustic test results, has first been submitted to and approved in writing by the Local Planning Authority confirming that the above minimum standards have been achieved.

Reason: To protect the amenity of the future occupiers from undue noise and vibration disturbance in accordance with the requirements of policy D.DH8 of the Tower Hamlets Local Plan 2031 (2020).

**Condition 21 – Air quality**

Prior to the occupation of the development hereby approved, full details of the emergency generator, including but not being limited to its detailed specification, location, emission rate and the exhaust release location, shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the proposed development is compliant with the requirements of policy D.ES2 of the Tower Hamlets Local Plan 2031 (2020).

**Condition 22 – Energy and sustainability**

(i) Prior to commencement on site the applicant shall submit an updated energy strategy note detailed assessment of renewable energy generating technologies for integration into the development

(ii) Prior to the occupation to the development the ‘as built’ energy calculations to be submitted and approved in writing by the Local Planning Authority to demonstrate delivery of a net zero carbon development. The Carbon Offsetting Contribution could vary from secured should the development increase renewable energy generation or if the scheme does not deliver the anticipated savings. The contribution would cover all residual emissions.

(iii) Within 6 months of occupation the applicant shall submit the BREEAM Final Certificate to demonstrate an Excellent rating has been delivered for the development.

Reason: To contribute towards reducing carbon emissions by achieving net zero carbon and maximisation of renewable energy technologies across the site as required by policy D.ES7.