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## Appeal Decision

Inquiry Held on 8-11 and 22-25 March 2022

Site visit made on 21 March 2022

**by Patrick Hanna MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6<sup>th</sup> May 2022**

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**Appeal Ref: APP/E5330/W/21/3285177**

**Land at Nos 6, 61-81 and Coopers Yard, Eastmoor Street and Nos. 6 & 10 Westmoor Street, Charlton, London SE7 8LX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Eastmoor Street 81 LLP c/o Aitch Group against the decision of Royal Borough of Greenwich Council.
  - The application Ref 20/1924/F, dated 30 June 2020, was refused by notice dated 6 October 2021.
  - The development proposed is demolition of existing structures and erection of buildings of 6-10 storeys (including mezzanine level areas plus roof access level areas with a maximum total height of 39m AOD), comprising 202 residential units, 1291 sqm B1/B8 flexible employment floorspace and 510 sqm flexible retail and community uses (Use Classes A1 – A5 and D1) with associated landscaping and new public realm, access and infrastructure works, refuse and recycling storage, car parking and cycle parking and associated development.
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### Decision

1. The appeal is allowed and planning permission is granted for demolition of existing structures and erection of buildings between 6 and 9 storeys in height (including roof access level areas with a maximum total height of 36m AOD), comprising 188 residential units, 631 sqm B1/B8 flexible employment floorspace and 510 sqm flexible retail and community uses (Use Classes A1- A5 and D1) with associated landscaping and new public realm, access and infrastructure works, refuse and recycling storage, car parking and cycle parking and associated development at Land at Nos 6, 61-81 and Coopers Yard, Eastmoor Street and Nos. 6 & 10 Westmoor Street, Charlton, London SE7 8LX in accordance with the terms of the application Ref 20/1924/F, dated 30 June 2020, subject to the conditions in the attached schedule.

### Application for costs

2. An application for costs was made by Aitch Group against the Royal Borough of Greenwich Council. This application is the subject of a separate Decision.

### Procedural Matters

3. The inquiry was held jointly with an appeal<sup>1</sup> by Optivo at the adjacent site for erection of a building of up to seven storeys in height for 67 residential units and business use. The appeal by Optivo is the subject of a separate decision.

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<sup>1</sup> Appeal decision APP/E5330/W/21/3288655 Evelyn House, Eastmoor Street, Charlton.

4. Rule 6 status was granted to three parties; Charlton Together (CT), the Port of London Authority (PLA) and the Safeguarded Wharf Operators (SWO) (Aggregate Industries, Cemex, Day Group and Tarmac for the safeguarded Angerstein, Murphy's and Riverside Wharfs). CT made written submissions relating to the main issues along with other matters including affordable housing, family housing, employment and heritage but did not provide oral evidence. PLA and SWO only participated in the obligations and conditions round table session.
5. The application as described in the banner above was amended before the application was determined by the Council, with the revised description of development as set out in the decision above. Furthermore, the Use Classes within the description are those that were in effect when the application was submitted. I have determined the appeal on this basis.
6. A planning obligation was submitted in draft form, discussed at the inquiry, and subsequently finalised. I return to the obligation below.

### **Main Issue**

7. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

### **Reasons**

#### *Background*

8. The appeal site contains single storey industrial warehouses and open storage space for a car repairs and breakers, occupying an area of land of some 0.59 hectares, located on the eastern edge of an industrial estate with Eastmoor Street and the linear Barrier Gardens beyond. To the west of the site is Westmoor Street, a key route serving the industrial estate. To the north and south are further industrial buildings. The site is adjacent to the Thames Barrier and Bowater Conservation Area (CA), with the Grade II listed 37 Bowater Road (former Seimans factory) to the north east, the non-designated heritage asset (NDHA) former Lads of the Village public house opposite the north east of the appeal site, and the NDHA Victoria Inn former public house on Woolwich Road.
9. The proposal is for the erection of two buildings separated by a new east-west green link with play space. The building to the south would be 7 storeys (6 with recessed top storey) along both Westmoor Street and Eastmoor Street, with an interlinking 6 storey element at the north side of the building. The ground floor would contain servicing and parking areas, with commercial units on all four corners and to the north side of the building, and lobbies serving upper-level residential units and amenity areas.
10. The building to the north would be 6 storeys in height at its eastern end, 7 storeys (6 with recessed top storey) to the central section, and 9 storeys with varying parapet height to the west. The ground floor would again contain servicing and cycle parking areas, with multi-aspect commercial units, and lobbies serving the upper-level residential units and amenity areas. A total of 188 residential units are proposed, of which 56 would be affordable, with 510 sqm of Class A1-A5 and D1 uses (retail/café/community) and 631 sqm of Class B1 and B8 uses (workshops/maker spaces/ancillary offices).

11. The effect of the proposal would be to introduce new residential and commercial development into the existing industrial estate as part of a regeneration and opportunity strategy for the wider riverside area.

*Policy context including the Charlton Riverside SPD*

12. The development plan includes the Royal Greenwich Local Plan Core Strategy with Detailed Policies (2014)(CS) and the London Plan (2021)(LP). Consultation on the emerging Royal Borough of Greenwich Local Plan Site Allocations Proposed Submission (SAPS) concluded in December 2021, with a further round of consultation currently anticipated and submission to the Secretary of State planned later this year, thereby it attracts only limited weight.
13. All of these policy documents identify the Charlton Riverside for area wide redevelopment. Policy EA2 of the CS allocates the area as a Strategic Development Location including a new mixed use urban quarter with 3,500 to 5,000 new homes. Policy SD1 of the LP identifies the Charlton Riverside Opportunity Area (CROA) as providing an indicative capacity for 8,000 new homes and 1,000 new jobs. The SAPS currently continues to propose mixed use development with introduction of residential use.
14. The Charlton Riverside Supplementary Planning Document (2017)(SPD), whilst pre-dating the LP, provides the development framework required by both the LP and the CS. However, the document itself acknowledges that it is guidance not policy, and the weight to be attached to this document is a matter of dispute between the main parties.
15. The starting point is the significant weight given to the SPD in 2020 by the Secretary of State and the Inspector in the nearby VIP appeal<sup>2</sup>, and whether the SPD is out of date as a result of changes since then. That decision acknowledged that the SPD had been prepared in consultation with the local community and, for the current appeal, CT confirm that it still has the support of the community. In this regard, the SPD attracts weight from paragraph 129 of the National Planning Policy Framework (the Framework) which requires effective community engagement.
16. Even though the new LP introduces a requirement under policy D3 to optimise site capacity through the design-led approach, as opposed to application of the former LP density matrix, the Council accept that the design-led approach is an appropriate methodology for exceeding SPD guidance. That position was further demonstrated in the first week of the inquiry when the Council's Planning Board resolved to approve a mixed-use scheme at Herringham Road<sup>3</sup> of greater height than the SPD guidance, that exceedance being agreed as a contextual response to the site's surroundings. In my view, this approach does not render the SPD out of date, rather it emphasises the flexibility of its guidance.
17. Whilst the emerging SAPS envisages greater heights across the Charlton Riverside than that currently proposed by the SPD, that document is not yet sufficiently advanced to significantly detract from the weight that should be

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<sup>2</sup> Appeal decision APP/G6100/W/19/3233585 dated 3 June 2020 for erection of 11 buildings from 2 to 10 storeys for residential and flexible commercial uses at VIP trading and industrial estates, Anchor and Hope Lane, SE7 7TE

<sup>3</sup> Planning application 19/3456/F hybrid planning application for up to 1212 residential units with flexible employment and community floorspace of 4 to 10 storeys in height at Herringham Road, SE7

afforded to the SPD. Although the SPD pre-dates national design guidance<sup>4</sup>, and the revised Framework emphasises the need to reuse brownfield land for new homes, neither of these create significant conflict with the vision and objectives of the SPD. Nor is the difference between the LP's indicative 8,000 units and the earlier SPD's upper range of 7,500 units significant.

18. Whereas development of the CROA has been slow to gather momentum, with only very limited delivery of homes since its identification as an opportunity area in 2008, there are currently some 2159 homes proposed within the CROA at various stages of the planning system. That the justification for particular block heights in the SPD is not documented in detail does not significantly detract from its relevance as guidance.
19. Overall, I agree with the previous description of the SPD as well-considered and robust, and conclude that it still attracts significant weight.
20. The SPD sets out how the transformational potential of the CROA will be delivered. The vision describes a series of new neighbourhoods shaped by the area's rich industrial heritage, characterised by medium-rise housing and family homes, integrated with modern industrial, office and creative employment. A network of streets and open spaces is intended to reflect historical patterns and encourage walking instead of using a car.
21. This vision is underpinned by principles and objectives to deliver an additional 4,400 new jobs and 5,000 to 7,500 new homes, with 50% family housing and 35% affordable housing. There are varying descriptions of proposed development form; "low to medium rise", "medium rise rather than tower blocks", "human scale (typically varying between 3 to 6 storeys, allowing for up to 10 storeys in some areas)", and the "mid-rise" development that characterises Paris and Madrid. Development should be "high density development at a human scale, thereby creating a strong sense of place".
22. The development concept of the SPD provides a high level spatial framework. In the vicinity of the appeal site, this identifies a principal movement route along Westmoor Street, a new principal east-west route, a new local centre, and a primary strategic green link through Barrier Gardens with secondary east west green link.
23. The SPD further contains a number of development block diagrams to guide development on matters such as building height, this being, along with massing, the key matters of dispute between the appellant and the Council.

*Height, massing and human scale*

24. Figure 6.2 of the SPD provides a diagrammatic indication of a range of building heights for blocks across the CROA. The block associated with this and the adjacent appeal site indicates a height of 3 to 4 storeys. Other blocks in the proposed Woolwich Road Village East Character Area (WRVECA) are shown as being up to 4 to 5 storeys. Elsewhere, taller blocks of up to 6 storeys are shown, with up to 10 storeys at the proposed neighbourhood centre and along the riverside. The SAPS generically proposes predominantly mid-rise development of 3 to 8 storeys with potential for up to 10 storeys at identified nodes of activity.

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<sup>4</sup> The National Design Guide and National Model Design Code

25. When considered against Figure 6.2 in isolation, the height of the appeal proposal, at up to 7 storeys for the southern building and 9 storeys for the northern building, would considerably exceed this guidance in simple numerical terms. However, the SPD should not be regarded as a constraint on development, rather it provides guidance. Indeed, the SPD states that it provides high level design principles and it instructs how the document should be used; developers are required to show how they, firstly, respond positively to the guidance and, secondly, meet the objectives of the vision of the SPD.
26. It will be seen below that, in having adopted a design-led approach, I find that the developers have responded in a broadly positive manner to the SPD. The objectives of the vision of the SPD, however, provide sometimes conflicting definitions and photographs of what new development forms should look like, and what heights they should be, as described above.
27. The SPD suggests that the townhouse typology may be appropriate, including within the WREVCA. However, this creates two key tensions. Firstly, the townhouse typology would fall short of delivering the number of homes anticipated by the SPD, as discussed further below. Secondly, due to the appeal site being within flood zone 3, the Environment Agency require that habitable accommodation be located at an average of some 5 metres above ground level, which would consequently have to be at third floor level. Accordingly, the townhouse typology is unlikely to be a realistic or optimal option at the appeal site, which in turn affects the SPD ambitions for an intimate village feel in this location.
28. As a consequence of these site constraints, it follows that when the SPD is taken as a whole, and bearing in mind that it represents guidance only, its general thrust can reasonably and sensibly be taken to encourage medium rise developments.
29. The existing height context for the appeal site is defined, most immediately, by the existing 2 storey former Lads of the Village public house and the 3 storey school on the opposite side of Barrier Gardens. Further afield are the existing 2 storey former Victoria public house on Woolwich Road and the 6 storey former Siemens factory. The existing buildings within the industrial estate are mostly 1-2 storeys in height and are anticipated to be replaced by the SPD.
30. The key viewpoints from which the height and massing of the proposal would be seen are from Barrier Gardens and its surrounds, and from Westmoor Street within the close surroundings of the appeal site. CT argue that the proposal will affect views from the slopes of Charlton across to the north of the river, however such views are more likely to be affected by the SPD's proposed 10 storey buildings along the riverside than the proposal. Otherwise, it is not suggested that the impact of the proposal over longer views would be harmful to any significant degree.
31. From Westmoor Street, the tallest element of the proposal, at 9 storeys, is intended to act as a landmark for the local centre which is proposed at this location where two proposed primary routes would meet, as set out in the SPD. Its placement at this intersection would also assist with wayfinding, as partly shown in View 6<sup>5</sup>. At this corner of the building, there would be no set back or

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<sup>5</sup> Ms Livesey POE Appx 1 Updated representative views. The views in this document were taken in the full leaf of summer, however I experienced winter views on my site visit.

- recessed top storey, instead the local centre would be emphasised by the verticality of the design, beyond which the building steps down and back. At ground level, a pillared entrance to the commercial premises provides a change in elevational treatment and would contribute to creating a sense of place for the local centre.
32. The SPD does not identify this corner as a location for a key townscape node / landmark building. However, its identification as a local centre at a key junction between two primary routes justifies having such a landmark building, even if it is not a neighbourhood centre, key gateway or primary frontage. There would be no significant conflict with the townscape node identified for the adjacent block to the north, as that landmark building is principally intended to address the Thames Barrier and Barrier Gardens instead. Although the VIP decision considered 10 storeys as too tall, that was an extensive and unrelieved 10 storey development, quite unlike the current appeal scheme.
33. From elsewhere along Westmoor Street, the proposed parapet height of 6 storeys is, in visual terms, commensurate with the proposed status of Westmoor Street as a primary and historic route serving the riverside and wider CROA, notwithstanding that the SPD does not suggest celebrating Westmoor Street in this way. From much of the street, only the 6 storey parapet height would be seen, with the seventh storey being set back and out of view.
34. From the east, where the existing form and character of that area will be maintained to a large extent, the 9 storey element would be largely screened by the foreground buildings but glimpsed from two places. Firstly, from the Former Lads of the Village public house represented by Views 3 and 4 and, secondly, from the proposed Penman Gardens and parts of Barrier Gardens beyond. From both locations, the 9 storey element would be substantially set behind the proposed foreground building. From Views 3 and 4, the view would also be oblique.
35. The foreground buildings addressing Eastmoor Street are represented by Views 2, 3, 4 and 5. View 2 is located within Barrier Gardens, where a number of footpaths meet and some seating is provided, and from which the appeal scheme will be largely filtered by existing structures and vegetation, with the building visible through occasional gaps in vegetation. Even from the raised grass mounds in that area, my observations are that screening and filtering would remain effective.
36. From View 5, most of the eastern elevation will be visible, as it would be from much of Eastmoor Street itself. However, the parapet height of 6 storeys, with a recessed seventh storey, would not be overly enclosing or overbearing. Rather, it would sit comfortably with the expansiveness and openness of the park and the street and, furthermore, the buildings would confidently define the edge of the park. In doing so, this strong edge line would reinforce the suggestion in the Thames Barrier & Bowater Road Conservation Area Appraisal (2021) that the Victoria public house should be a gateway building framing the gardens and signposting the river beyond.
37. From Views 3 and 4, near the former Lads of the Village public house, only a shorter section of the eastern elevation would be seen, but from a closer position. The setting of the public house would be considerably changed and the views of the sky from here will be lessened from existing, along with the

degree of openness. However, the height and massing of the buildings would create a clear definition between the built form of the CROA and the openness of the park. Furthermore, the chamfered massing of the proposal at the corner of the realigned Mirfield Street would provide greater legibility for wayfinding from the park to the new local centre.

38. Human scale is described in the SPD, based on research by Jan Gehl. Beyond certain distances, people begin to lose clarity and certainty as to what they are seeing, and beyond 25 metres our ability to perceive facial expressions and emotions is considerably diminished. The SPD shows this diagrammatically; a person on the seventh storey of a building will typically be able to see people's faces on the other side of the street, and vice versa. On the other hand, a person on the eighth storey has a greater relationship with the sky than with people on the ground. The 7 storey elements of the proposal broadly comply with the guidance in this respect, even though the commercial ground floor would have a taller ceiling height. The 9 storey element is intentionally taller in order to mark the local centre node.
39. The proposed mansion block typology differs significantly from the Council's suggestion that the townhouse typology would provide more appropriate active frontages. Whilst the southern frontage of the south building would be largely given over to servicing and storage, the proposed glazed commercial frontages at these corners, and elsewhere, would provide active frontages towards the new-west route, Westmoor Street, Eastmoor Street and the park beyond. Overall, given the above discussed flood constraints on lower floor levels, the proposed commercial units would, in my view, provide more active and attractive frontages at a human scale than the domestic garages or storage of the townhouse typology, even if there were domestic front doors.
40. The significance of the CA at Barrier Gardens and the NDHA former Lads of the Village public house derives partly from the openness of the setting and the surrounding skyline. It would not be possible to achieve the aspirations of the SPD without introducing change to the setting of these assets. The proposal would result in the introduction of a medium rise building in an area where buildings are currently low rise. Even though the existing buildings on the appeal site are a detractor, the reduction in openness would result in a degree of harm to the significance of the assets, by way of impact upon setting, although this would result in less than substantial harm to the CA and very limited harm to the NDHA.
41. My above findings are not altered when the proposal is considered cumulatively with the Optivo scheme. The clear definition of the boundary to the park and the CA would be further reinforced, with an appropriate and proportionate increase in building heights stepping away from the 2 storey Victoria Inn towards the river. From the west, the similar heights of the buildings would strengthen the definition of the primary and historic route, with the sharp rise in height confidently marking the local centre and primary road junction. Overall, the breaks between the three proposed building forms, the differing heights, and the contrasting elevational treatments would provide sufficient variety to avoid a monolithic appearance.

*The design-led approach*

42. The design-led approach required by policy D3 of the LP seeks to optimise site capacity by ensuring that development is of the most appropriate form and

land use for the site. The design-led approach is defined as requiring consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity, and that best delivers form and layout, experience, and quality and character. Whilst more detailed guidance is provided in the emerging Mayor of London's Optimising Site Capacity: A Design-led Approach London Planning Guidance (LPG), consultation only concluded in March 2022. As such, it can only be given limited weight.

43. The Design and Access Statement (DAS) submitted with the application explores the character and context for the site, including emerging context and site constraints, the opportunities for the site and planning context including other schemes within the CROA. The design evolution for the appeal site is also shown, with eight different designs explored over a nine month period. Feedback is summarised in the DAS and subsequent amendments noted. Presentations were given to the Greater London Authority (GLA), the Design Review Panel (DRP) and Council officers, and the design evolution was undertaken with public consultation<sup>6</sup>. Following submission of the application, the proposal was further amended. Subsequent evidence for the appeal also explains the optioneering and design evolution process further, including historical context.
44. These differing designs tested various height and massing configurations, even though none of the designs are based on the SPD's suggested block height of 3 to 4 stories, or the townhouse typology. Nonetheless, the rationale of the design-led optimisation approach is to test the capacity for increased housing supply against good placemaking, as expressed in policy and the LPG. In other words, no site should be under-utilised.
45. That the appellant did not seek a further view from the DRP on the final scheme is not of real consequence, as the revised scheme was ultimately supported by the Council's planning and urban design officers. Although the Council disagreed with that recommendation, the GLA subsequently raised no substantive concerns regarding the height or massing of the proposal, and considered that the development optimised the site's capacity in line with the design-led approach. These circumstances differ from the Tulip appeal<sup>7</sup>, where failure to take comments into account weighed against the proposal.
46. Whether or not there was sufficient information to reach a firm conclusion on the design-led approach at application stage, in dealing with this s78 appeal I am required to determine the proposal on the evidence before me now. The appellant's architectural design witness had been involved in the appeal scheme from a very early stage and throughout its evolution<sup>8</sup>, unlike either of the Council's witnesses. At the inquiry, Mr Camp clearly described and articulated an appropriate and proportionate level of involvement in the optioneering process.
47. Furthermore, the Council's officer report records that the design had evolved in a positive manner in response to feedback from both the DRP and the Council's urban design manager, both at pre-application stage and subsequent to

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<sup>6</sup> The DAS indicates that the appellant conducted public consultation, held meetings with the school and the local ward councillor, gave a briefing to Council leaders, and held a community webinar.

<sup>7</sup> Appeal decision APP/K5030/W/20/3244984 Land adjacent to 20 Bury Street, London EC3A 5AX

<sup>8</sup> With the exception of initial feasibility and first pre-application meeting, Mr Camp POE p.23

submission of the application<sup>9</sup>. This statement undermines the Council's case that the proposal was not design-led. Indeed, as already noted above, the Council accepts that non-compliance with the SPD would be acceptable if a design-led approach is demonstrated on a site-specific basis that produces an appropriate design. Although the Council are not satisfied in this respect, I find that the final building design is appropriate and has evolved through various designs to respond to its specific context.

#### *Other design matters*

48. The fear of the appeal proposal creating a harmful precedent is unfounded. It is correct that any new buildings permitted within the CROA would form part of the baseline context that any future neighbouring site would have to pay regard to. However, the appeal proposal is acceptable on its merits, following a design-led approach to optimise the provision of housing and in broad accordance with the objectives of the vision of the SPD. It follows that, although the proposal would create a precedent, it would not be a damaging one. Any future neighbouring scheme would equally need to be assessed on the same basis, and with regard to the SPD, and could be approved or refused accordingly. The SPD would continue to provide guidance for cohesive development in the area.
49. Density figures provided to the inquiry by the Council<sup>10</sup> indicate, albeit rather simplistically, that if each parcel were delivered at the highest figure in the SPD density range, then the greatest number of units that could be delivered in the CROA would be some 6,421. Whilst that falls within the target range of 5,000 to 7,500 set out in the SPD, it nonetheless demonstrates that adhering to SPD block guidance or townhouse typology would not, in light of the optimisation approach, achieve the maximum units sought by the SPD or indeed the LP's indicative site capacity of 8,000. Although the LP indicates a reduction in indicative jobs from that stated in the SPD<sup>11</sup>, thereby suggesting the potential to increase residential capacity, it is not clear exactly how much additional capacity would arise as a result.
50. Whilst CT are concerned at the paucity of play space being provided, onsite provision would be made of some 1,134 sqm which exceeds the 771 sqm required by policy S4 of the LP. Play space for ages 5 and over would be within the new green link, with younger children's space on the podiums, with details to be agreed by condition. Although details of a palette of materials have been provided, final specifications are still to be agreed by condition. The proportion of family housing provided is not a direct consequence of height or massing, as the SPD indicates that family housing can comprise apartments. Even though the landscaping of the new public realm to the south would be mostly hard surfaced, it would provide greater openness and intervisibility between Westmoor Street and the park, particularly when seen together with the proposed Optivo scheme to the south.

#### *Conclusion on main issue*

51. The introduction of any medium rise building into an area which is currently predominantly low rise would introduce a form of change which is in itself likely

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<sup>9</sup> CD8.1 para 13.54

<sup>10</sup> Inquiry document 8

<sup>11</sup> The LP cites indicative jobs capacity as 1,000, whereas the SPD indicates 4,400 jobs.

to be harmful to some degree. However, the appeal proposal must also be considered in the context of the development plan and SPD ambitions for redevelopment of the wider opportunity area, whilst also making best use of the site through the design led approach to optimisation.

52. The Council's reason for refusal cites conflict with two development plan policies. Policy D3 of the LP and policy DH1 of the CS both contain strategic or overarching requirements for development to be of a high quality of design and to demonstrate a positive contribution to the improvement of both the built and natural environments, in terms of form and layout, experience, quality and character. For the reasons given above I find no conflict with these development plan policies in this regard. I also conclude that the appellant has adequately demonstrated that a design-led approach has been taken to site optimisation, as further required by policy D3 of the LP.
53. Whilst the height and massing of the proposed development would fail to comply with some specific guidance ranges provided in the SPD, the proposal would comply with the objectives of the vision of the SPD for medium rise and high density development. Even though there would be a limited adverse effect on the character and appearance of the surrounding area as a result of the change to the area, overall, the proposal represents high quality design.

*The need for housing and affordable housing*

54. The parties agree that the Council can currently only demonstrate a 3.15 year supply of deliverable houses, against a LP annual housing requirement of 2,824 and applying a 20% buffer. Whilst the Council argue that the level of supply is neither chronic nor long term, the figures suggest a downward trend. Supply was 5.9 years in 2017/18, 5.5 years in 2018/19, 4.49-4.99 in 2019/20, and 4.9 in 2020/21. Whilst the pandemic may have affected recent figures, a 3.15 year supply still represents a significant current shortfall, even if 4.49-4.99 years was previously considered very small in the VIP decision. Furthermore, the Housing Delivery Test figures follow a similar trajectory, being 108% in 2018, 90% in 2019 and 2020, and most recently 80% in 2021. This indicates significant under delivery, notwithstanding that the number of permissions granted substantially exceeded delivery<sup>12</sup>.
55. In terms of affordable housing, policy H3 of the CS and policy H5 of the LP require the development to provide at least 35% affordable housing, and policy H4 of the LP contains a strategic target of 50%. Furthermore, policy SD1 of the LP requires that opportunity areas such as the CROA should maximise the delivery of affordable housing. The Strategic Housing Market Assessment (2014) identifies an objectively assessed need for affordable housing in the borough of 835 homes per annum. However, over the five year period to 2018/19, an average of 440 affordable homes were delivered each year, with just 157 units in the last year of that period.
56. The Council are taking various steps to address this shortfall, most notably under the Greenwich Builds direct delivery programme, which aims to bring forward additional sites for some 1,000 affordable homes from 2023. However, even in that context, the affordable housing waiting list for the borough has grown year on year since 2016, with some 19,132 households currently

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<sup>12</sup> 22,087 permissions compared to 8,095 completions against a target of 10,740 over the five year period to 2018/19 (Mr Vong POE Table 2 p.23)

registered. Even if delivery and completions of affordable units are similar to other benchmarked London boroughs, there is clearly still a significant need for both market and affordable housing in the borough.

57. The appellant is proposing 30% affordable housing (56 units), of which 71.4% (40 units) would be London affordable rent and 28.6% (16 units) shared ownership. This level and mix of provision has been agreed with the Council following development viability negotiations, and should viability alter in the developer's favour, a viability review clause within the planning obligation would secure an appropriate uplift in contribution. Although CT question the real term affordability of such units for local residents that are on an average salary of less than £29,000 per annum, the units would meet the Framework definition of affordable housing.
58. Policy H2 of the CS states that all development should contain a proportion of three, four and four-plus bedroom units, with exact mix on each site varying. The proposal would deliver 16.5% (31 units) three bedroom units and, although CT are concerned that none of the larger units would be provided, this level of provision has been agreed as an appropriate mix by the Council, and I see no substantive reason to disagree.
59. I return below to the weight to be given to the contribution to the supply of both market and affordable houses in the borough.

#### *Other matters*

60. The Rule 6 parties have raised concerns regarding noise and the agent of change principle, that being that the party introducing the new use should be responsible for managing mitigation to enable existing uses to continue. Indeed, the proposed residential use would be located on an edge of the existing industrial estate, albeit one that is part of a regeneration and opportunity strategy for residential and mixed use development across the wider riverside area. Following negotiations between the appellants, the Council, PLA and SWO, a planning obligation and series of planning conditions have been agreed to satisfactorily address these concerns. There is no substantive evidence to cause me to reach a different conclusion.
61. Although the proposal would result in the overall loss of employment floorspace provided on the site, it would create modern and flexible commercial space which the appellant calculates will generate a net gain of 48 jobs. This weighs in favour of the proposal. Concerns have also been raised regarding the sustainability of the proposals. However, the detailed design and the below conditions would ensure that the development meets the expectations of the LP in this regard.
62. A number of other appeal decisions have been put before me and cited in support of the parties' respective cases. However, each decision turns on its own evidence, as has my decision, particularly given that the circumstances of the current appeal are in large part based on the specific relationship of the site to the surrounding area and the SPD.

## **Planning obligation**

63. The planning obligation<sup>13</sup> under s106 of the Town and Country Planning Act 1990 is signed and dated 7 April 2022. It contains covenants in respect of affordable housing, transport and travel plan, education and employment training, energy and sustainability, environmental amenity policy statement, relocation strategy, access ways, environmental health and waste management, and various financial contributions.
64. The agreed provision of 30% affordable housing falls short of the threshold requirement of 35%, and the strategic target of 50%. Accordingly, early and late stage viability reviews are also secured in order to capture any changes in viability and to agree how policy compliance can potentially be achieved over time, as required by policy H5 of the LP.
65. Contributions would be secured through the Charlton Riverside Road Infrastructure Charge to facilitate the new east-west route; riverside route; improvements to Eastmoor Street and Westmoor Street to facilitate public transport and pedestrian and cycle improvements; and new controlled parking zone (CPZ). Further contributions are secured for a new extended bus service to the site and cycle training; calculated on cost per unit. Further clauses deal with highways works and contributions to blue badge bay, car club space, and monitoring of travel plan. The development would be car free, with a clause for parking restrictions within the proposed CPZ. These proposed transport contributions and improvements are required to mitigate the introduction of a new residential use to the area.
66. The commitments and contributions to the Greenwich Local Labour and Business Scheme and the Business Relocation Strategy will secure local employment opportunities. Contributions to carbon offsetting, carbon monitoring and potential connection to a qualifying heat network will ensure the development can satisfactorily address carbon offsetting targets. Paragraphs 2.4 to 2.7 of Schedule 7 provide an appropriate framework for such connection whether supplied by the Council or a private developer.
67. The environmental amenity policy statement is necessary to ensure that the approved noise mitigation measures are properly installed and maintained and that residents are made aware of the mitigation and procedures in event of failure or complaint. Rights of public access over the new east-west routes would be secured, along with its maintenance, as these spaces would not be adopted. An environmental health and waste management clause would provide bin and recycling facilities to support the circular economy. Other financial contributions would be secured for improved public realm in Eastmoor Street and replacement of any removed street trees to ensure the development integrates appropriately into its context. Monitoring and legal costs are secured to cover the Council's estimated costs.
68. For these reasons, I am satisfied that the above obligations are necessary, directly related to the development, and fairly related in scale and kind. They comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and paragraph 57 of the Framework.

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<sup>13</sup> Inquiry document 28

## Conditions

69. A list of agreed suggested conditions was submitted, along with further comments by the Council<sup>14</sup>, and discussed at the inquiry. Amendments have been made to the wording of some conditions for clarity, brevity, or to avoid duplication, and to ensure accordance with the tests set out in paragraph 55 of the Framework. Pre-commencement conditions have been agreed by the appellant. Reasons are also provided in the attached schedule.
70. Whilst travel plans are required by Conditions 34 and 35, monitoring has been secured by the planning obligation. The GLA's 'Be Seen' energy monitoring requirement is not contained within the completed planning obligation but has nonetheless been agreed as Condition 38 by the Council and appellant, and is attached on that basis. A superfluous condition<sup>15</sup> relating to noise mitigation measures has been removed with the agreement of the Council, appellant, PLA, and SWO. Exceptional circumstances exist that justify Conditions 56, 57 and 58 to ensure that the mixed range of uses promoted by the scheme as part of the CROA are not altered through permitted development rights. Additional Condition 60 securing details of any roller doors has been included with the agreement of the appellant.

## Planning balance

71. Looking at the benefits of the proposal, the Framework emphasises the importance of delivery of housing, and the provision of 132 new market homes will contribute to meeting the current shortfall. Accordingly, I attach significant weight to provision of market housing. The proposal also includes 56 units of affordable housing. In the VIP appeal, affordable housing provision was proposed at 292 units (38%), to which the Inspector and Secretary of State attributed significant weight. Even though the 30% proposed as part of the current appeal is less than at the VIP, and indeed is less than policy requires, it is nonetheless agreed to be the maximum viable contribution achievable from the scheme. Given the identified need for affordable housing in the borough, I give significant weight to this provision.
72. The proposal would provide modern flexible employment floorspace and is anticipated to provide a net gain of 48 jobs, which attracts moderate weight. The optimisation of a brownfield site and improvements to the public realm would significantly improve the appearance of the existing industrial area, but are at least in part a response to policy requirements and SPD guidance, such that only limited weight is afforded to this as a benefit. Construction jobs would be for a relatively short duration only, but nonetheless attract limited weight. Other infrastructure and financial contributions secured by the planning obligation are mitigation for the scheme and are therefore neutral in the planning balance.
73. Turning to harms, the proposal would cause conflict with particular aspects of the guidance contained within the SPD, but would also broadly accord with the objectives of the vision of the SPD, such that the identified conflict causes only limited harm to the delivery of its aspirations for the CROA. The proposed development would also introduce a medium rise building into an area which is currently predominantly low rise, although the wider ambitions for the area

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<sup>14</sup> Inquiry documents 10 and 14

<sup>15</sup> Suggested condition 45

offset this to a considerable degree. The proposal would have no more than a limited adverse effect on the character and appearance of the surrounding area. I have also found less than substantial harm to the significance of the CA and very limited harm to the NDHA, through impact on setting.

74. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework also makes it clear that the planning system should be genuinely plan-led.
75. The Council's 3.15 year supply of deliverable housing sites represents a significant shortfall, and the relevant policies for the supply of housing should be considered as out-of-date according to paragraph 11(d) of the Framework. The so called 'tilted balance' is therefore triggered, and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
76. In terms of Footnote 7 of paragraph 11(d) of the Framework, the less than substantial harm to the significance of the CA, through impact on setting, should be weighed against the public benefits of the proposal as required by paragraph 202 of the Framework. Paragraph 199 advises that when considering the impact of the development on the significance of designated heritage assets, great weight should be given to the asset's conservation. The public benefits identified above decisively outweigh this harm. Therefore, the application of policies in the Framework do not provide a clear reason for refusal in this regard.
77. Drawing together the above benefits and harms, the adverse effect of the proposed development would not significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. The proposal would comply with the development plan taken as a whole and there are no other material considerations that indicate a decision other than in accordance with it.

## **Conclusion**

78. I conclude that planning permission should be granted subject to the conditions in the attached schedule.

*Patrick Hanna*

INSPECTOR

## APPEARANCES

### FOR THE APPELLANT AITCH GROUP

Thomas Hill QC, instructed by Aitch Group

He called:

Simon Camp BA (Hons) Arch PgDip Arch RIBA  
Judith Livesey BA MA MRTPI  
Colin Pullan BA(Hons) DipUD  
Gerry Cassidy BSc MRTPI  
Matt Evans  
David Akam

Alan Camp Architects  
Lichfields  
Lambert Smith Hampton  
BPTW  
Forsters (obligations session)  
BPTW (conditions session)

### FOR THE APPELLANT OPTIVO

Reuben Taylor QC, instructed by Optivo

He called:

Stephen Levrant  
RIBA AA FRSA Dip Cons(AA) IHBC ACArch  
Pete Woodford BA(Hons) MArch ARB  
Gerry Cassidy BSc MRTPI  
Claire Dickinson BSc(Hons) DipCRP  
Rory Stacey  
Kate Goldie

Heritage Architecture  
  
BPTW  
BPTW  
Quod  
Solicitor (obligations session)  
BPTW (conditions session)

### FOR ROYAL BOROUGH OF GREENWICH COUNCIL

Hugh Flannaghan of Counsel, instructed by RBG

He called:

Hoa Vong MSc  
Paul Reynolds BA(Hons) PGDip MA CMLI FRSA  
Robert Bruce

Senior Principal Officer, RBG  
Landscape Architect, Tapestry  
Solicitor (obligations session)

### FOR RULE 6 PARTY CHARLTON TOGETHER (FOR AITCH GROUP APPEAL ONLY)

Brenda Taggart  
Rick Newman  
Carol Kinna

Local resident  
Local resident  
Local resident

### FOR RULE 6 PARTIES PORT OF LONDON & SAFEGUARDED WHARF OPERATORS (FOR BOTH APPEALS)

Michael Atkins  
Tito Arowobusoye  
Rachel Canman

Port Of London Authority  
Firstplan  
WBM

## **DOCUMENTS SUBMITTED DURING THE INQUIRY**

1. Opening statement, Aitch Group
2. Opening statement, Optivo
3. Opening statement, RBG
4. Opening statement, CT
5. Note on Density, Pete Woodford (for Optivo appeal)
6. Errata to Proof of Evidence Judith Livesey (for Aitch Group appeal)
7. CD1.6A Extract from presentation to DRP (Feb 2020)(for Aitch Group appeal)
8. Rebuttal Note on Density, Paul Reynolds (for Optivo appeal)
9. Email dated 16 March from Rick Newman containing design questions
10. RBG response to Inspector's Obligations and Conditions Note
11. Victoria public house decision notice 20/2473/F and DAS
12. Revised draft planning obligation and Compare (for Aitch Group appeal)
13. PLA & SWO response to Inspector's Obligations and Conditions Note
14. RBG addendum to Inspector's Obligations and Conditions Note
15. BPTW response to CT design questions email (for Aitch Group appeal)
16. Hallam Land Management Ltd v SSCLG & Eastleigh BC [2018] EWCA Civ 1808
17. Rumsey v SSETR & Waverley BC [2001] 81 P & CR 32
18. Closing statement, CT
19. Closing statement, RBG
20. Closing statement, Optivo
21. Application for costs, Optivo
22. Closing statement, Aitch Group
23. Application for costs, Aitch Group
24. RBG responses to costs applications
25. Final costs response, Optivo
26. Final costs response, Aitch Group
27. Signed and dated s106 planning obligation, Optivo
28. Signed and dated s106 planning obligation, Aitch Group

## **SCHEDULE OF CONDITIONS**

1. The development hereby permitted shall begin not later than three years from the date of this permission.

*REASON: As required by Section 91 of the Town and Country Planning Act 1990.*

2. The development hereby permitted shall be carried out in accordance with the following plans and documents:

- 3006\_GA-P-L00 PL15 Proposed Ground Floor Plan
- 3006\_GA-P-L01 PL8 Proposed First Floor Plan
- 3006\_GA-P-L02 PL8 Proposed Second Floor Plan
- 3006\_GA-P-L03 PL8 Proposed Third Floor Plan
- 3006\_GA-P-L04 PL8 Proposed Fourth Floor Plan
- 3006\_GA-P-L05 PL8 Proposed Fifth Floor Plan
- 3006\_GA-P-L06 PL8 Proposed Sixth Floor Plan
- 3006\_GA-P-L07 PL7 Proposed Seventh Floor Plan
- 3006\_GA-P-L08 PL7 Proposed Eighth Floor Plan
- 3006\_GA-P-L09 PL7 Proposed Ninth Floor Plan
- 3006\_RP-L10\_PL10 Roof Plan
- 3006\_GA-P-L00-NB PL9 Proposed Ground Floor Plan - North Block
- 3006\_GA-P-L00-SB PL8 Proposed Ground Floor Plan - South Block
- 3006\_GA-P-L01-NB PL6 Proposed First Floor Plan - North Block
- 3006\_GA-P-L01-SB PL6 Proposed First Floor Plan - South Block
- 3006\_GA-P-L02-NB PL6 Proposed Second Floor Plan - North Block
- 3006\_GA-P-L02-SB PL6 Proposed Second Floor Plan - South Block
- 3006\_GA-P-L03-NB PL6 Proposed Third Floor Plan - North Block
- 3006\_GA-P-L03-SB PL6 Proposed Third Floor Plan - South Block
- 3006\_GA-P-L04-NB PL6 Proposed Fourth Floor Plan - North Block
- 3006\_GA-P-L04-SB PL6 Proposed Fourth Floor Plan - South Block
- 3006\_GA-P-L05-NB PL6 Proposed Fifth Floor Plan - North Block
- 3006\_GA-P-L05-SB PL6 Proposed Fifth Floor Plan - South Block
- 3006\_GA-P-L06-NB PL6 Proposed Sixth Floor Plan - North Block
- 3006\_GA-P-L06-SB PL6 Proposed Sixth Floor Plan - South Block
- 3006\_GA-P-L07-NB PL6 Proposed Seventh Floor Plan - North Block
- 3006\_GA-P-L07-SB PL6 Proposed Seventh Floor Plan - South Block
- 3006\_GA-P-L08-NB PL6 Proposed Eighth Floor Plan - North Block
- 3006\_GA-P-L09-NB PL6 Proposed Ninth Floor Plan - North Block
- 3006\_EX-SP-L00 OS Site Location Plan
- 3006\_GA-SP-L00 Block Plan
- 3006\_GA-P-L01-WCH PL3 Proposed Wheelchair Layouts
- 3006\_GA-P-CA-PL-01 PL1 Core A Plot Layouts 01
- 3006\_GA-P-CA-PL-02 PL1 Core A Plot Layouts 02
- 3006\_GA-P-CA-PL-03 PL1 Core A Plot Layouts 03
- 3006\_GA-P-CA-PL-04 PL1 Core A Plot Layouts 04
- 3006\_GA-P-CB-PL-01 PL1 Core B Plot Layouts 01
- 3006\_GA-P-CB-PL-02 PL1 Core B Plot Layouts 02
- 3006\_GA-P-CB-PL-03 PL1 Core B Plot Layouts 03
- 3006\_GA-P-CC-PL-01 PL1 Core C Plot Layouts 01
- 3006\_GA-P-CC-PL-02 PL1 Core C Plot Layouts 02
- 3006\_GA-P-CC-PL-03 PL1 Core C Plot Layouts 03
- 3006\_GA-P-CC-PL-04 PL1 Core C Plot Layouts 04
- 3006\_GA-P-CC-PL-05 PL1 Core C Plot Layouts 05

- 3006\_GA-P-CC-PL-06 PL1 Core C Plot Layouts 06
- 3006\_GA-P-CD-PL-01 PL1Core D Plot Layouts 01
- 3006\_GA-P-CD-PL-02 PL1Core D Plot Layouts 02
- 3006\_GA-P-CD-PL-03 PL1 Core D Plot Layouts 03
- 3006\_GA-P-CD-PL-04 PL1 Core D Plot Layouts 04
- 3006\_GA-P-CD-PL-05 PL1Core D Plot Layouts 05
- 3006\_GA-E01 PL8 Proposed East and West Elevations
- 3006\_GA-E02 PL7 Proposed Link North and South Elevations
- 3006\_GA-E03 PL8 Proposed North and South Elevations
- 3006\_GA-E-L-01 PL2 Proposed Long Elevations
- 3006\_GA-S01 PL7 Proposed Sections A-A & B-B
- 3006\_GA-S02 PL6 Proposed Sections C-C & D-D
- 3006\_GA-S03 PL5 Proposed Sections E-E & F-F
- 195870-017 Rev - Highway Arrangement
- 195870-016 Rev A Interim Highway Arrangement
- Accommodation Schedule dated 23 June 2021
- Air Quality Assessment Archaeology Assessment
- BREEAM 2018 Pre-Assessment Report V1 by Jaw Sustainability dated 29.06.2020
- Car Park Management Plan
- Circular Economy Statement
- Daylight Sunlight Overshadowing Assessment
- Daylight Sunlight Overshadowing Assessment Addendum (November 2020)
- Daylight and Sunlight Assessment 24 June 2021
- Delivery and Servicing Management Plan
- Design and Access Statement
- Design and Access Statement Addendum (November 2020)
- Employment Statement and Relocation Strategy
- Energy Strategy Report by Jaw Sustainability (7th January 2021)
- Updated Energy Strategy Report and supporting documents (January 2021)
- Fire Strategy dated June 2021
- Flood Risk Assessment Flood Risk Assessment – Rev B (August 2020)
- Flood Risk and Surface Water Drainage Addendum (October 2020)
- Framework Travel Plan
- Health Impact Assessment
- Heritage Townscape and Visual Impact Assessment
- Updated Townscape Heritage and visual Impact Assessment report (January 2021)
- Land Contamination Assessment
- Updated Landscape Strategy Studio Bosk Ltd dated June 2021
- Life Cycle Carbon Assessment V01by Jaw Sustainability (26th June 2020)
- Updated Life Cycle Carbon Assessment – version 2 and supporting documents (January 2021)
- Noise Assessment Noise Assessment Addendum (November 2020)
- Noise Assessment – Technical response to Consultee Technical Report (October 2020)
- Outline Construction Logistics Plan
- Updated Outline Construction Logistics Plan – Rev A (November 2020)
- Overheating Assessment V01 by Jaw Sustainability (29th March 2020)
- Overheating Assessment V02 by Jaw Sustainability (5th January 2021)
- Updated Overheating Assessment – version 2 (January 2021)
- Planning Statement

- Preliminary Ecological Appraisal and Preliminary Roost Assessments prepared by The Ecology Partnership (June 2020)
- Schedule of Accommodation dated 28.05.2021
- Statement of Community Involvement
- Sustainability Statement by Jaw Sustainability dated January 2021
- Transport Assessment
- Tree Survey and Arboricultural Impact Assessment
- Utilities and Services Statement
- Land at Nos. 6, 61-81 and Coopers Yard, Eastmoor Street and Nos. 6 & 10 Westmoor Street - Response to Sustainability Memorandum M&E Initial Report Rev B by Taylor Project Services LLP (January 2021)
- Viability Assessment and Affordable Housing Statement June 2020
- Updated Financial Viability Appraisal dated December 2020
- Updated Financial Viability Appraisal dated April 2021
- Updated Financial Viability Appraisal dated June 2021
- Response to Occupational Therapist's comments 14 June 2021
- 20-10-08 Eastmoor Street Response to Consultee Comments
- Covering letter dated 30 June 2020
- Covering letter dated 25 November 2020
- Covering letter dated 30 April 2021
- Appellant's emails: 14.06.2021 Re: noise conditions; 10.06.2021 Re: consultation responses; 03.06.2021 Re: outstanding issues; 25.05.2021 Re: revised submission documents; 24.05.2021 Re: revised submission documents - revised affordable housing offer; 18.03.2021 Re: CGI views / THVIA; 04.03.2021 Re: further comments in relation to daylight and sunlight; 09.02.2021 Re: request for further information / clarification; 08.01.2021 Re: request for further information / clarification

*REASON: In the interests of good planning and to ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application.*

3. No development shall commence until a Demolition and Construction Method Statement (DCMS) has been submitted to and approved in writing by the local planning authority for a management scheme to control and minimise emissions of pollutants from and attributable to the demolition on the site and construction of the development. The DCMS shall include details of:
  - the protection of all ecological features identified within the Preliminary Ecological Appraisal during demolition and construction works;
  - details to protect established vegetation, if required;
  - any mitigation measures identified therein shall be implemented in accordance with the approved details prior to the commencement of any works on site;
  - a risk assessment and a method statement in accordance with the control of dust and emissions from Construction and Demolition Best Practice Guidance published by the Greater London Authority;
  - site hoarding;
  - wheel washing including location and equipment to be used;
  - dust suppression methods to be used including details of equipment during the different stages of the development;
  - confirmation if a mobile crusher will be used on site and if so, a copy of the permit and intended dates of operation;

- site plan identifying location of site entrance, exit, wheel washing, hard standing, hoarding (distinguishing between solid hoarding and other barriers such as Heras and Monarflex sheeting), stock piles, dust suppression, location of water supplies and location of nearest neighbouring receptors;
- haulage routes;
- likely noise levels to be generated from plant;
- details of any noise screening measures;
- proposals for monitoring noise and procedures to be put in place where agreed noise levels are exceeded;
- where works are likely to lead to vibration impacts on surrounding residential properties, proposals for monitoring vibration and procedures to be put in place if agreed vibration levels are exceeded. Note: it is expected that vibration over 1mm/s measured as a peak particle velocity would constitute unreasonable vibration; and
- adherence to Considerate Constructors Scheme. Reference shall be made to the Council's Construction Site Noise Code of Practice and Pollution Control Guides.

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

*REASON: In order to safeguard the amenities, health and safety of neighbouring properties and occupiers and of the surrounding area.*

4. No development shall commence until a detailed Construction Logistics and Travel Plan (CLTP) has been submitted to and approved in writing by the local planning authority in consultation with Transport for London. The CLTP shall include the following:
  - measures to promote the use of sustainable travel (including public transport, walking, cycling and use of the river) and monitoring arrangements;
  - measures to dissuade construction workers from parking in the vicinity of the development;
  - measures that are to be implemented to reduce the impact of the proposed construction on the surrounding transport network and how the Mayor's Vision Zero principles will be met;
  - measures to include any potential conflicts with the proposed walking and cycling improvements along the A206 should the timescale for these works overlap with the construction of the development; and
  - confirmation that contact has been made with the operators of safeguarded wharves to assess the potential for the use of water freight in the supply chain and details of the outcome of such discussions.

The development shall be implemented in full accordance with the approved CLTP.

*REASON: In order to safeguard pedestrian and traffic safety and promote sustainable travel.*

5. No development shall commence excluding demolition until a preliminary risk assessment to deal with the risks associated with contamination of the site shall have been submitted to and approved in writing by the local planning authority. The preliminary risk assessment shall identify:
  - all previous uses;
  - potential contaminants associated with those uses;

- a conceptual model of the site indicating sources, pathways and receptors; and
  - potentially unacceptable risks arising from contamination at the site.
- Should the preliminary risk assessment identify the need for further investigation, no development shall commence except demolition until the following shall have been submitted to and approved in writing by the local planning authority:
- a site investigation scheme, based on the above preliminary risk assessment, to characterise the site and provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
  - the results of the site investigation and the detailed risk assessment referred to in the above site investigation scheme and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and
  - a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in the above results of the site investigation and the detailed risk assessment are complete and identifying any requirements for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

*REASON: In order to ensure potential sources of contamination associated with historical uses of the site are further investigated to ensure that there is not an unacceptable risk to health and controlled waters.*

6. No development shall commence until a preliminary risk assessment to identify the risks associated with unexploded ordnance (UXO) threat of the site shall have been submitted to and approved in writing by the local planning authority. Any preliminary risk assessment of UXO hazards must be undertaken in compliance with current guidance for managing UXO risks (e.g.C681). The investigation shall include, but not be limited to:
- Home Office WWII Bomb Census Maps;
  - WWII and post-WWII aerial photography;
  - Official Abandoned Bomb Register;
  - LCC Bomb Damage maps;
  - Information gathered from the National Archives at Kew; and
  - Historic UXO information.
- Should the preliminary risk assessment identify the need for further investigation, the following shall be submitted to and approved, in writing, by the local planning authority.
- a Detailed Risk Assessment and Intrusive UXO Survey, based on the above preliminary risk assessment to characterise the site and provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - following the results and outcomes of the Preliminary and Detailed Risk Assessments, a Risk Mitigation Plan giving full details of the mitigation measures required and how they are to be undertaken. This requires the provision of both a Mitigation Implementation and Verification Plan.
  - details attaining to Operational UXO Emergency Response Plan and UXO Safety & Awareness Briefings.
- The identified mitigation must be carried out in accordance with the approved details.

Once the mitigation works approved above have been completed, a Verification Report (VR) shall be submitted to and approved, in writing, by the local planning authority. The VR shall demonstrate that the mitigation works have been completed, along with any requirements for longer-term monitoring of risks, maintenance and arrangements for contingency action.

*REASON: In the interests of public safety.*

7. No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) shall have been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

*REASON: In order to minimise disturbance of any existing contamination and the protection of groundwater in the underlying Principal and Secondary Aquifers.*

8. No development shall commence excluding demolition until a detailed surface water drainage scheme shall have been submitted to and approved in writing by the local planning authority in consultation with the lead local flood authority. The scheme shall address the following matters:
  - capacity exists off site to serve the development;
  - provide an updated drainage layout plan confirming details of the invert level and sizes of the attenuation SuDS, the location and invert level of the HydroBrake, and post development discharge rates in accordance with the supporting calculations;
  - provide confirmation that Thames Water has consented to the proposed discharge point and discharge rates;
  - no drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

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

*REASON: To prevent the increased risk of flooding, both on and off site and to protect the underlying groundwater from the risk of pollution.*

9. No development shall commence until details of all non-road mobile plant and machinery (NRMM) to be used at the demolition and construction phases shall have been submitted to and approved in writing by the local planning authority. Evidence is required to meet Stage IIIA of EU Directive 97/68/ EC for both NO<sub>x</sub> and PM. All NRMM to be used on the site of net power between 37kW and 560 kW must have been registered at <http://nrmm.london> (or any subsequent website) and proof of registration must be submitted to the local planning authority prior to the commencement of any works on site. The NRMM used during the demolition and construction phases must be carried out in accordance with the approved details. An inventory of all NRMM must be kept

on site during the course of the demolitions, site preparation and construction phases.

*REASON: To protect local air quality.*

10. No development other than demolition shall commence until a 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 development other than demolition shall take place other than in accordance with the agreed WSI, which shall include 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; and the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. No demolition or development shall take place other than in accordance with the WSI.

*REASON: In order to protect heritage assets of archaeological interest that may survive on the site.*

11. Prior to the commencement of above ground works full details of the proposed new vehicular access shall have been submitted to and approved in writing by the local planning authority. These details shall include specifications for all proposed surface materials and (should the scheme be implemented in advance of any development on the adjacent site to the south) details of the interface between the access within the application site and the adjacent site so as to ensure a consistent approach. The development hereby approved shall not be occupied until the vehicular access required to serve the development hereby permitted has been constructed in full accordance with the approved details.

*REASON: In order to ensure that satisfactory means of access is provided and to provide a satisfactory appearance to the new link.*

12. Prior to the commencement of above ground works drawings illustrating that (i) 90% of all dwellings in the development comply with Building Regulation requirement M4(2) 'accessible and adaptable dwellings', and (ii) 10% of all dwellings in the development comply with Building Regulation requirement M4(3)(2)(b) 'wheelchair user dwellings', shall have been submitted to and approved in writing by the local planning authority in consultation with the Council's Housing Occupational Therapist. The development shall be carried out and retained for the lifetime of the development in accordance with the approved details.

*REASON: In order to ensure provision of accessible and adaptable buildings.*

13. Prior to the commencement of above ground works full details of the refuse storage, recycling facilities and refuse collection arrangements shall have been submitted to, and approved in writing by, the local planning authority. Such details shall include but are not limited to:
- separate storage areas for bulk storage and bin storage;
  - turning areas to allow the refuse trucks to move in forward motion when entering and exiting the road;

- provision of bin storage for each non-residential unit; including location of any communal collection points for each of the units; details of any enclosures to be provided for all of the external communal collection points;
- details of management arrangements for movement of refuse to any collection points.

The storage and recycling facilities shall in all respects be constructed in accordance with the approved details, before the relevant part of the development is first occupied and maintained for the lifetime of the development.

*REASON: To ensure appropriate refuse and recycling commitments.*

14. Prior to the commencement of above ground works details and samples for all materials, including walls, roofs, windows and doors, sills and lintels, balconies, balustrades, visible pipes, grids and louvers, outdoor pavements, stairs, gates, boundary walls and fences (where required) to be used for the external surfaces of the buildings and hard surfaced areas shall have been submitted to and approved in writing by the local planning authority. The submitted details shall include the following:

- brick bonding and brick, including banding and crown detail (annotated plans at a scale of not less than 1:20). The principal material shall be full brick and brick slip systems will not be accepted as these are considered to be of a lower quality and durability;
- external windows, spandrel panels, balconies, doors, screens, louvers, grilles and balustrading (annotated plans at a scale of not less than 1:10);
- depth of window reveals and soffits (annotated plans at a scale of not less than 1:20);
- rainwater goods (annotated plans at a scale of not less than 1:10). No visible water plant, pipes or gutters shall be installed which were not included in the submitted drawings for this planning application;
- the details shall show all joints between different materials and components, including walls, roofs, doors, windows, sills, lintels and fasciae, balconies, soffits and balustrades, external ramps, steps, pavements, boundary walls, gates, and fences;
- shop fronts, entrances and openings (annotated elevations and section details at a scale of not less than 1:20);
- sections of the landscaped areas of the scheme, showing the interface between soft and hard surface, the rainwater drainage strategy and associated technical solutions, and the interface between different pavements, the street, and the proposed buildings.

The development shall be implemented in accordance with the approved details.

*REASON: To protect the character and appearance of the wider area, including the setting of the Thames Barrier and Bowater Road Conservation Area.*

15. Prior to the commencement of above ground works details relating to the design of all residential entrances including entrance doors, gates, entry control system, display of postal numbers and position of letter box facility shall have been submitted to and approved in writing by the local planning authority. The approved measures shall be implemented prior to the first occupation of the development and retained for the lifetime of the development.

*REASON: To ensure that the external appearance of the entrances are 'tenure blind' and contribute to social inclusion.*

16. Prior to the commencement of above ground works details of security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design shall have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to occupation.

*REASON: In the interests of public safety.*

17. Prior to commencement of above ground works a report on the feasibility and details of a rainwater recycling system for irrigation requirements shall have been submitted to and approved in writing by the local planning authority. If shown to be feasible by the said report, the approved rainwater recycling system shall be installed and, within six months from completion of the installation of the rainwater recycling system, evidence of commissioning and installation in accordance with the approved details shall be submitted to the local planning authority. The development shall be carried out in accordance with the details as approved and shall be maintained as such thereafter.

*REASON: To reduce the amount of potable water consumed from the water mains supply and contribute towards the sustainable use of water.*

18. Prior to commencement of above ground works, notwithstanding the Energy Strategy prepared by Jaw Sustainability (7th January 2021) and supporting information (January 2021), a Revised Energy Strategy (RES) shall have been submitted to and approved in writing by the local planning authority. The RES shall:
- be based on connection of all residential and/or non-residential buildings to the site wide district heating network served by either: (a) heating/cooling imported into the site or (b) a single on-site energy centre based on low carbon heat sources;
  - provide technical details for all technologies proposed including but not limited to types of refrigerants proposed for the technology and heat network, efficiencies of systems, refrigerant leak detector and refrigerants' Global Warming Potential etc;
  - maximise onsite renewable energy generation, subject to operational plant requirements and overshadowing constraints, including a minimum capacity of 73kWp solar Photovoltaic system;
  - provide accredited SAP and SBEM modelling output reports for each stage of the Energy Hierarchy;
  - provide details of the plant room and equipment, including size, layout and location, details of the flue and thermal stores (if available);
  - provide details of the technologies and associated equipment to serve the energy requirements of the development;
  - include a schematic and details of the pipe network for the connection of the residential and/or non-residential components into the site wide heat network;
  - include details showing how the non-residential units will be designed with appropriate connections to allow space heating to be provided by the onsite or offsite district heating network;

- include details of how the facility has been designed to allow for the future connection of the development to an offsite heat network and/or private wite network;
- provide evidence that any gas boilers required to serve the energy requirements of the development are of UltraLow NOx with maximum NOx Emissions of 40mgNOX/kWh;
- evidence investigation of ways of heat exported to neighbouring sites and briefings of discussions with sites in close proximity;
- provide details and evidence to demonstrate that the onsite district heating network, if an onsite standalone system is proposed, and secondary distribution heat network shall be designed in accordance with Heat Networks: Code of Practice for the UK (based on the latest technical guidance), Heat Trust Standards and Heat Network (Metering and Billing) Regulations (HNMBR).

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

*REASON: To ensure that the development hereby approved is energy efficient and to contribute to the avoidance of need for new fossil fuel or other primary energy generation capacity and to reduce emissions of greenhouse gases and to minimise the impact of building emissions on local air quality in the interests of health.*

19. Prior to commencement of above ground works an Ecological and Landscape Management Plan (ELMP) shall have been submitted to and approved in writing by the local planning authority, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas and demonstration that an Urban Greening Factor score of 0.4 has been achieved for the approved site. Development proposals must ensure no net loss of biodiversity and wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity including the creation of an ecological corridor such as tree lines and hedgerows to provide important commuting habitats. The ELMP shall include details from a suitably qualified ecologist specifying how the landscape features have been developed for biodiversity and ecological enhancement. The mitigation and enhancement should include the following:

- native and/or nectar producing and/or deciduous plant and tree species of high ecological value, preferably of local provenance;
- diversity grassland areas such as lawns with low growing native herbs, unmown grass verges, wildflower mixes on amenity and recreational open spaces and/or meadow areas;
- percentage of native habitat species proposed for the site (a target of 75% native to 25% non-native plant species should be utilised where possible);
- dense areas of shrubbery;
- habitat areas identified in the Greenwich Biodiversity Action Plan;
- where habitats are created as mitigation for development, management plans for the habitat shall also be provided detailing how the areas are to be managed in the longer term.

The development shall be implemented in accordance with the approved details.

*REASON: To ensure the protection of wildlife and supporting habitat, to prevent the spread of invasive plants and to secure opportunities for the enhancement of the ecological value of the site.*

20. Prior to commencement of above ground works a detailed Landscaping Strategy and Management Plan, based on the principles secured within the submitted Landscape Strategy, for all the hard and soft landscaping of any part of the site not occupied by buildings including details of:

- management responsibilities and maintenance schedules;
- how the landscaping features have been developed for biodiversity and ecological enhancement;
- lighting fixtures and location, including hours of operation;
- children's play areas including play equipment and safety measures;
- open space / amenity areas;
- areas of paving;
- pedestrian / cycle linkages;
- street furniture;
- wayfinding;
- materials;
- boundary treatments; and
- planting specification

shall have been submitted and approved in writing by the local planning authority. All hard-landscaping works which form part of the approved scheme shall be completed prior to occupation of the development. All planting, seeding or turfing comprised in the landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. 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.

*REASON: In the interests of the appearance of the surrounding area and to ensure the development provides a high quality environment for future occupiers.*

21. If more than one year passes between the most recent bat survey and the commencement of development involving tree works, an updated bat survey must be undertaken immediately prior to tree works by a licensed bat worker. Evidence that the survey has been undertaken and any necessary mitigation measures implemented shall have been submitted to and approved in writing by the local planning authority prior to the commencement of tree works relating to each phase.

*REASON: In the interests of protecting biodiversity.*

22. Prior to the commencement of any above ground works in connection with the development hereby permitted full details of any mitigation measures demonstrating that the following Noise Criteria A to F will be met, including a requirement for windows to be fixed shut where required to meet the criteria and where relevant details of any alternative means of ventilation or cooling, shall have been submitted to and approved in writing by the local planning authority (in consultation with the Port of London Authority and Safeguarded Wharf Operators).

- Criterion A. Noise levels in bedrooms at night under whole dwelling ventilation rates shall not exceed 30 dB LAeq,8h and shall not exceed 45 dB L<sub>Amax,f</sub> more than 10-15 times per night for regular noise sources. Regular noise sources include sources which commonly occur at, or in the vicinity of, the site, as opposed to one-off events, or special occasions which could

result in higher than typical site noise levels. The limits include all external noise sources and building services noise if applicable.

- Criterion B. Noise levels in habitable rooms during the day under whole dwelling ventilation rates shall not exceed 35 dB LAeq,16h. The limit includes all external noise sources and building services noise if applicable.
- Criterion C. The low frequency noise level at the 63 Hz octave-band, due to operations at the Safeguarded Wharves including dredgers operating at a cumulative maximum, shall not exceed 50 dB Leq,63Hz,15min inside any habitable room at any time under whole dwelling ventilation rates.
- Criterion D. Noise levels in bedrooms at night under higher ventilation rates (above the extract and whole dwelling ventilation rates set out in the Building Regulations 2010 Approved Document F) such as may be required for mitigation against overheating, shall not exceed 35 dB LAeq,8hour. Criterion D does not apply to purge ventilation. This limit applies to rooms that are exposed to façade noise levels due to operations at the Safeguarded Wharves including dredgers at or above 50 dB LAeq,15min and/or 65 dB Leq,63Hz.
- Criterion E. Noise levels in living rooms during the day under higher ventilation rates (above the extract and whole dwelling ventilation rates set out in the Building Regulations 2010 Approved Document F) such as may be required for mitigation against overheating, shall not exceed 40 dB LAeq,16hour. Criterion E does not apply to purge ventilation. This limit applies to rooms that are exposed to façade noise levels due to operations at the Safeguarded Wharves including dredgers at or above 55 dB LAeq,15min and/or 65 dB Leq,63Hz.
- Criterion F. The rating levels according to BS 4142: 2014 +A1: 2019 on balconies due to all industrial and wharf sources operating at a cumulative maximum shall not be more than 5 dB above pre-existing background levels at all times. For public / private outdoor areas (i.e. gardens and balconies) the upper guideline value for noise levels shall be as specified within BS8233:2014. i.e.; LAeq 55 dB [BS 8233:2014 'upper guideline value'].

The mitigation shall be installed in accordance with the approved details prior to the first occupation of the residential units hereby permitted.

*REASON: In order to protect the amenity of future occupants of the development and to minimise the potential for conflict with the nearby safeguarded wharves.*

23. Prior to commencement of above ground works a Fire Statement in the form of an independent fire strategy produced by a third party suitably qualified assessor shall have been submitted to and approved in writing by the local planning authority. The statement should detail how the development proposal will function in terms of:
- the building's construction: methods, products and materials used including manufacturers' details;
  - the means of escape for all building users: stair cores, escape for building users who are disabled or require level access, and the associated evacuation strategy approach;
  - features which reduce the risk to life: fire alarm systems, passive and active fire safety measures and associated management and maintenance plans;
  - access for fire service personnel and equipment: how this will be achieved in an evacuation situation, water supplies, provision and positioning of equipment, firefighting lifts, stairs and lobbies, any fire suppression and

- smoke ventilation systems proposed, and the ongoing maintenance and monitoring of these; and
- how provision will be made within the site to enable fire appliances to gain access to buildings; ensuring that any potential future modifications to the building will take into account and not compromise the base build fire safety/protection measures.

The development shall be implemented in accordance with the approved Fire Statement and retained as such for the lifetime of the development.

*REASON: To ensure that the development incorporates necessary fire safety measures in the interests of public safety.*

24. No cranes or scaffolding shall be erected on the site unless and until construction methodology and diagrams clearly presenting the location, maximum operating height, radius and start/finish dates for the use of cranes during the development shall have been submitted to and approved by the local planning authority in consultation with London City Airport. The development shall be carried out in accordance with the approved scheme.

*REASON: In the interests of aviation and public safety.*

25. Prior to commencement of above ground works a detailed scheme for green and/or brown roofs and associated aggressive bird management strategy shall have been submitted to and approved by the local planning authority in consultation with London City Airport. The development shall be carried out in accordance with the approved scheme.

*REASON: In the interests of aviation and public safety.*

26. Prior to commencement of above ground works water efficiency calculations shall have been submitted to and approved in writing by the local planning authority to meet water efficiency standards with a maximum water use of 105 litres of water per person per day for the residential and BREEAM Excellent standard for the 'Wat 01' BREEAM water category for the non-residential. The water efficiency measures shall be fully implemented in accordance with the approved details prior to the occupation of the development and shall be retained for the lifetime of the development.

*REASON: To ensure the sustainable use of water.*

27. Prior to commencement of above ground works, a detailed scheme of noise insulation measures for all divisions walls and/or floors separating the flexible employment floorspace/flexible retail and community floorspace and residential areas shall have been submitted to and approved in writing by the local planning authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall demonstrate that the proposed sound insulation will achieve a level of protection which is at least +5dB above the Approved Document E standard dwelling houses and flats for airborne sound insulation and -5dB for impact sound insulation. The approved scheme shall be implemented prior to the first use of the relevant floorspace and be permanently retained thereafter.

*REASON: In the interests of future residential occupiers of the accommodation.*

28. Prior to the commencement of above ground works hereby permitted, details of the proposed sound insulation scheme for the parts of the development to be

used for flexible retail and community use shall have been submitted to and approved by the local planning authority. The sound insulation scheme shall be designed to ensure that noise from within the building does not cause a disturbance to surrounding occupiers. The noise measured at one metre from the façade of the nearest noise sensitive premises should not exceed 10dB(A) below the typical LA90 1Hour day or LA90 5 min night. Details should include airborne sound insulation. The approved scheme is to be completed, and the developer shall certify to the local planning authority that the noise mitigation measures agreed have been installed, prior to occupation of the community floorspace and shall be permanently maintained thereafter.

*REASON: In order to safeguard the amenities of neighbouring properties and the surrounding area.*

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

*REASON: In the interest of public health and safety.*

30. Prior to occupation of the development detailed drawings showing the proposed measures to protect the privacy of future occupants as indicated in the submitted Design and Access Statement Addendum dated November 2020 shall have been submitted to and approved in writing by the local planning authority. The approved measures shall be installed prior to the first occupation of the residential units hereby permitted and shall be maintained for the lifetime of the development.

*REASON: In order to protect the privacy of future occupants of the development and to provide a satisfactory standard of residential amenity.*

31. Prior to occupation of the development a Delivery and Servicing Plan shall have been submitted to and approved in writing by the local planning authority. The plan shall demonstrate the expected number and time of delivery and servicing trips to the site, with the aim of reducing the impact of servicing activity. The plan shall include details of the proposed delivery and servicing arrangements for the following two scenarios (i) the application site being developed out first; (ii) the adjoining site being developed out first. The plan shall include details of measures for the management of vehicle movements within the proposed new access road. The approved Delivery and Servicing Plan shall be implemented in full accordance with the approved details from the first occupation of the development and shall be adhered to for the lifetime of the development.

*REASON: In order to ensure satisfactory vehicle management.*

32. Prior to occupation of the development full details of the cycle parking facilities shall have been submitted to and approved in writing by the local planning authority. A minimum of 396 long-stay (368 residential and 28 commercial /

retail) and 39 short-stay (6 residential and 33 commercial/ retail) secure and dry cycle parking spaces shall be provided within the development as indicated on the plans hereby approved. All cycle parking spaces shall be provided and made available for use prior to occupation of the relevant block and maintained thereafter.

*REASON: In order to facilitate sustainable travel.*

33. Prior to occupation of the development a Parking Design and Management Plan shall have been submitted to and approved in writing by the local planning authority. The Parking Design and Management Plan must include at least the following details:

- details of the layout and controls of means of entry to the car park and secure cycle storage areas;
- the proposed allocation of and arrangements for the management of parking spaces including disabled parking bays serving the residential development and details to demonstrate how a further seven percent of residential dwellings will be provided with a disabled person parking space should demand arise;
- conditions of use and monitoring of the parking to be provided, including the car club bays and Blue Badge parking;
- the provision of electric vehicle charging points including both active and passive provision in accordance with adopted London Plan Guidance including how passive provision will be brought to active use;
- the enforcement of unauthorised parking; and
- the safety and security measures to be incorporated within the development to ensure the safety of car/cycle parking areas

The Parking Design and Management Plan as approved shall be implemented prior to occupation of the relevant part of the development and shall thereafter be retained and maintained in accordance with the approved details for the lifetime of the development.

*REASON: To ensure safe and secure off-street parking is maintained.*

34. Prior to occupation of the development a detailed site specific Residential Travel Plan, in accordance with Transport for London's document 'Travel Planning for New Development in London' shall have been submitted to and approved in writing by the local planning authority. The Travel Plan shall specify initiatives to be implemented by the development to promote and maximise the use of sustainable travel to and from the site by a variety of non-car means (including public transport, walking and cycling) and shall set measures to ensure compliance with the Travel Plan objectives. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation.

*REASON: In order to facilitate and promote sustainable travel.*

35. Prior to occupation of the non-residential areas of the development a detailed site-specific Framework Commercial Travel Plan for that part, in accordance with Transport for London's document 'Travel Planning for New Development in London' shall have been submitted to and approved in writing by the local planning authority. The Travel Plan shall specify initiatives to be implemented by the development to promote and maximise the use of sustainable travel to and from the site by a variety of non-car means (including public transport,

walking and cycling) and shall set measures to ensure compliance with the Travel Plan objectives. The development shall operate in full accordance with all measures identified within the Travel Plan from first occupation of the non-residential areas of the development.

*REASON: In order to facilitate and promote sustainable travel.*

36. Prior to occupation of the development, notwithstanding the submitted Flood Risk Assessment, a Flood Evacuation Plan detailing how occupants will be made aware of flood risks, the implementation of flood warning systems and the proposed evacuation procedures for the development shall have been submitted to and approved in writing by the local planning authority. The measures included in the approved Flood Evacuation Plan shall be put in place prior to the first occupation of the development and maintained for the lifetime of the development.

*REASON: To mitigate against the consequences of flooding.*

37. Prior to occupation of the development the post-construction tab of the GLA's whole life carbon assessment template should be completed accurately and in its entirety in line with the GLA's Whole Life Carbon Assessment Guidance. The post-construction assessment should provide an update of the information submitted at planning submission stage, including the whole life carbon emission figures for all life-cycle modules based on the actual materials, products and systems including MEP systems used. This should be submitted to the GLA at [ZeroCarbonPlanning@london.gov.uk](mailto:ZeroCarbonPlanning@london.gov.uk) (or any subsequent address), along with any supporting evidence as per the guidance, and to the local planning authority for information.

*REASON: In the interests of sustainable development and to maximise on-site carbon dioxide savings.*

38. The development hereby approved shall be constructed to comply with the GLA 'Be Seen' energy monitoring requirements set out below for at least five years:
- (A) Within four weeks of planning permission being issued by the local planning authority, accurate and verified estimates of the 'be seen' energy performance indicators, as outlined in Chapter 3 'Planning stage' of the GLA 'Be seen' energy monitoring guidance shall be submitted to the GLA's monitoring portal and local planning authority for information.
  - (B) Once the as-built design has been completed (upon commencement of RIBA Stage 6) and prior to occupation of each phase of the development, updated accurate and verified estimates of the 'be seen' energy performance indicators for each reportable unit of the development, as well as supporting evidence, as per the methodology outlined in Chapter 4 'As-built stage' of the GLA 'Be seen' energy monitoring guidance shall be uploaded to the GLA's monitoring portal and submitted to the local planning authority for information. The owner should also confirm that suitable monitoring devices have been installed and maintained for the monitoring of the in-use energy performance indicators, as outlined in Chapter 5 'In-use stage' of the GLA 'Be seen' energy monitoring guidance document.
  - (C) Upon completion of the first year of occupation following the end of the defects liability period and for the following four years, accurate and verified annual in-use energy performance data as well as supporting evidence for

all relevant indicators under each reportable unit of the development as per the methodology outlined in Chapter 5 'In-use stage' of the GLA 'Be seen' energy monitoring guidance shall be uploaded to the GLA's monitoring portal and submitted to the local planning authority for information.

- (D) In the event that the in-use evidence submitted shows that the as-built performance estimates have not been or are not being met, the legal Owner shall investigate and identify the causes of underperformance and the potential mitigation measures and set these out in the relevant comment box of the 'be seen' spreadsheet. Where measures are identified, which can be reasonably practicable to implement, an action plan comprising such measures shall be prepared and submitted to the local planning authority for written approval within six weeks. The measures approved by the local planning authority shall be implemented by the legal Owner as soon as reasonably practicable and based on the agreed action plan timescales.

*REASON: In order to ensure that actual operational energy performance is minimised.*

39. Prior to occupation of the non-residential areas of the development a detailed marketing strategy for the commercial units hereby permitted shall have been submitted to and approved in writing by the local planning authority. The Marketing Strategy shall include details of the following:

- means of advertising / media to be used;
- duration and timing of the marketing campaign;
- how marketing will be targeted to likely occupiers;
- proposed rent levels;
- management arrangements;
- terms on which the units are to be offered; and
- any incentives to expedite the letting of units.

The commercial units shall be marketed in accordance with the approved Marketing Strategy.

*REASON: To minimise risk of vacancy.*

40. Prior to occupation or commencement of use of any of the commercial uses hereby permitted, full details of hours of operation including but not limited to time of receiving deliveries or servicing shall have been submitted to and approved in writing by the local planning authority. The uses shall thereafter be carried out in strict accordance with the approved details.

*REASON: To safeguard the amenities of neighbouring properties, particularly residential properties and the surrounding area.*

41. Prior to occupation of the development a Community Use Plan shall have been submitted to and approved in writing by the local planning authority. The Community Use Plan shall be fully implemented in accordance with the approved details prior to the occupation of the residential units and shall be maintained for the lifetime of the development.

*REASON: To ensure that the development contributes towards creating and maintaining cohesive communities and encourages the successful integration of tenures.*

42. Prior to occupation of the development details of the green/biosolar roof shall have been submitted to and approved in writing by the local planning authority and shall include details of:
- type of green roof and how it has been developed for biodiversity and ecological enhancement;
  - cross-sections and roof plan showing biosolar features; and
  - the substrate depth and include 50% locally native herbs/wildflowers in addition to sedum planting.
- The approved details shall be implemented and maintained for the lifetime of the development.

43. Prior to occupation of the non-residential areas of the development a scheme demonstrating how provision will be made for the future installation of mechanical ventilation equipment or other plant associated with the non-residential units shall have been submitted to and approved in writing by the local planning authority. No use involving the preparation of hot food shall commence until full details of any mechanical ventilation or other plant associated with the commercial operation of the building (including details of external appearance) shall have been submitted to and approved in writing by the local planning authority. Details should include full specifications of all filtration, deodorising systems, noise output and termination points. Particular consideration should be given to the high-level discharge of kitchen extract air/ the discharge of toxic or odoriferous extract air where a high level of discharge is usually essential. The approved scheme shall be completed prior to occupation of the development and shall be permanently maintained thereafter. Reference shall be had to Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA.

*REASON: In the interest of the amenity of future residential occupiers of the development and surrounding area.*

44. Prior to occupation of the development confirmation shall have been provided in writing to the local planning authority in respect of surface water capacity that either;
- capacity exists off site to serve the development; or
  - a development and infrastructure phasing plan has been agreed with the local authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan; or
  - all wastewater network upgrades required to accommodate the additional flows from the development have been completed.

*REASON: To ensure the satisfactory provision of waste water infrastructure to meet the needs of the development.*

45. (a) Prior to the first occupation of the development hereby permitted, a scheme for testing the noise environment of the units, to demonstrate compliance with Criteria A to F of Condition 22 shall have been submitted to and approved in writing by the local planning authority (in consultation with the Port of London Authority and Safeguarded Wharf Operators).
- (b) Prior to the first occupation of the development hereby permitted the scheme for noise testing required by part (a) above shall have been implemented and the results submitted and approved in writing by the local

planning authority (in consultation with the Port of London Authority and the Safeguarded Wharf Operators).

*REASON: In order to protect the amenity of future occupants of the development and to minimise the potential for conflict with the nearby safeguarded wharfs.*

46. Prior to the first occupation of the development hereby permitted an Operational Management Plan to address potential noise nuisance or noise environmental health impacts shall have been submitted to and approved in writing by the local planning authority setting out the following:
- a commitment from the owner of the development to ensure that the approved mitigation set out in the Ardent Consulting Engineers Noise Assessment Report Ref 195870-04 dated June 2020, submitted with the planning application (and any additional mitigation measures approved under Condition 22 above) is installed properly, is maintained in perpetuity and is correctly repaired in the event of failure, paying reference to any relevant British Standards adopted at the date of this planning permission; and
  - the operational management measures to be adopted by occupiers of the commercial units within the development to avoid noise and disturbance impacts of loading and servicing on residents of the development.
- Thereafter the Operational Management Plan shall be implemented and retained as approved.

*REASON: In order to protect the amenity of future occupants of the development and to minimise the potential for conflict with the nearby safeguarded wharfs.*

47. Full details of the children's play areas (as shown in the Landscape Strategy dated June 2021), play equipment and safety measures proposed for the development shall have been submitted to and approved in writing by the local planning authority prior to the first occupation of the development. This shall include the provision of a minimum of 587 square metres of play space for children under 5 years old and 547 square metres of play space for children of ages 5-11 and 12+. The play areas and play equipment shall be fully implemented in accordance with the approved details prior to the occupation of the development and shall be retained for the lifetime of the development.

*REASON: In order to ensure that sufficient on-site play facilities are provided for the future occupiers of the development.*

48. Prior to occupation of the 100th dwelling confirmation shall be provided in writing to the local planning authority that either;
- all water network upgrades required to accommodate the additional flows to serve the development have been completed; or
  - a development and infrastructure phasing plan has been agreed with Thames Water to allow additional development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

*REASON: To ensure that sufficient water capacity is made available to accommodate additional demand anticipated from the new development.*

49. (a) Within three months of the completion of each of the new non-residential units, interim BREEAM (or subsequent scheme) assessments achieving a BREEAM Very Good level and copy of the summary score sheets and related Design Certificates all verified by the BRE shall have been submitted to and approved in writing by the local planning authority.
- (b) Within three months of first occupation of each of the new non-residential units, post construction BREEAM (or subsequent scheme) stage assessments, copies of the summary score sheets and related Certification all verified by the BRE with a copy of a signed legal green fit-out agreement confirming that the approved non-residential units within each block have been designed and fitted out to beyond best practice energy demand reduction measures, and incorporate energy efficient systems for heating and cooling and water efficient equipment that will conform to the revised energy strategy approved as part of Condition 18 above shall have been submitted to and approved in writing by the local planning authority.

*REASON: In the interest of addressing climate change and securing sustainable development.*

50. Within three months of completion of the development, the following information in compliance with the Condition 18 revised Energy Strategy, the Energy Strategy prepared by Jaw Sustainability (7th January 2021) and supporting information (January 2021) shall have been submitted to and approved in writing by the local planning authority:
- final technical information and evidence including commissioning of installation of the renewable/low carbon technologies;
  - the resulting scheme, along with machinery/apparatus location, specification and operational details of renewable/low carbon technologies and Energy Centre/ Centralised plant room/District Heating Network;
  - a management plan for the operation of the renewable/low carbon technologies;
  - a servicing plan including times, location, frequency, method of servicing of the renewable/low carbon technologies;
  - evidence that energy efficient appliances and other appropriate measures have been incorporated to reduce the energy demand and unregulated energy usage;
  - thermal bridging calculations for both residential and non-residential components, 'As Built' SAP Thermal Bridging (residential) and SAP Overheating (residential) modelling output reports to confirm that the psi value has been reduced (psi-value less than 0.15) and Criterion 3 of the Building Regulations Part L 2013; and
  - details and evidence of a post-commissioning assessment, completed by an independent assessor, for either connection to an offsite local low carbon energy network or installation of an energy centre to provide the space heating/ hot water/ cooling, certifying that either the offsite connection or the onsite standalone energy servicing strategy has been well designed in line with Part A, runs efficiently, has reliability of supply, a reasonable customer tariff and appropriate management and maintenance arrangements are in place.

The development shall be carried out in accordance with the approved scheme, and the necessary equipment to allow connection of the development to the onsite energy centre or to the offsite local energy network shall be installed and operational prior to the first occupation of the development.

*REASON: To ensure that the development hereby approved is energy efficient and to contribute to the avoidance of need for new fossil fuel or other primary energy generation capacity and to reduce emissions of greenhouse gases and to minimise the impact of building emissions on local air quality in the interests of health.*

51. Within three months of completion of the development a Post Completion Report setting out the predicted and actual performance against all numerical targets in the relevant Circular Economy Statement shall be submitted to the GLA at: [circulareconomystatements@london.gov.uk](mailto:circulareconomystatements@london.gov.uk) (or any subsequent address), along with any supporting evidence as per the GLA's Circular Economy Statement Guidance. The Post Completion Report shall provide updated versions of Tables 1 and 2 of the Circular Economy Statement, the Recycling and Waste Reporting form and Bill of Materials. Confirmation of submission to the GLA shall have been submitted to and approved in writing by the local planning authority prior to occupation.

*REASON: In the interests of sustainable waste management and in order to maximise the reuse of materials.*

52. The demolition, earth removal, piling work and any mechanical building operations required to implement the development shall only be carried out between the hours of 0800 - 1800 on Mondays to Fridays, and 0800 - 1300 on Saturdays, and not at all on Sunday and Public and Bank Holidays.

*REASON: To safeguard the amenities of neighbouring properties and the surrounding area.*

53. If during development contamination not previously identified is found to be present at the site then no further development shall be carried out until a remediation strategy shall have been submitted to and approved by the local planning authority detailing how this contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

*REASON: To ensure any unsuspected contamination is appropriately remediated.*

54. All removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nestbuilding birds are present. If any nesting birds are present then the vegetation shall not be removed until the fledglings have left the nest.

*REASON: In order to protect biodiversity.*

55. The commercial units hereby permitted shall be completed to an enhanced shell specification (to a weathertight standard, including facades, glazing, doors, louvres and a screed floor) prior to the first occupation of the residential units hereby permitted.

*REASON: To ensure the delivery of employment generating floorspace within the development and to facilitate the occupation of such floorspace.*

56. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no part of the non residential floorspace within the development shall be used as a dwellinghouse within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

*REASON: In order to ensure that satisfactory provision of employment generating floorspace is maintained.*

57. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the flexible employment spaces hereby permitted (Units 4,5,6,7 & 8 as shown on drawing GA-P-L00 Rev PL15) shall be used only for the following purposes:
- offices to carry out any operational or administrative functions;
  - research and development of products or processes;
  - industrial processes;
  - storage and distribution.

*REASON: In order to ensure the satisfactory provision of employment generating floorspace for small and medium sized businesses.*

58. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the flexible employment spaces hereby permitted (Units 1, 2 & 3 as shown on drawing GA-P-L00 Rev PL 15) shall be used only for the following purposes:
- display or retail sale of goods, other than hot food;
  - sale of food and drink for consumption (mostly) on the premises;
  - provision of financial services;
  - professional services (other than health or medical services);
  - other appropriate services in a commercial, business or service locality;
  - public houses, wine bars, or drinking establishments;
  - drinking establishments with expanded food provision;
  - indoor sport, recreation or fitness (not involving motorised vehicles or firearms);
  - provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner);
  - creche, day nursery or day centre (not including a residential use);
  - offices to carry out any operational or administrative functions;
  - research and development of products or processes;
  - industrial processes;
  - halls or meeting places for the principal use of the local community;
  - provision of education;
  - display of works of art (otherwise than for sale or hire);
  - museums.
  - public libraries or public reading rooms
- For the avoidance of doubt the use of the flexible retail and commercial units hereby permitted shall not be used for the following purposes:
- place of worship;
  - hot food takeaway.

*REASON: To safeguard the amenities of future occupants of the development and neighbouring properties and the surrounding area; to prevent adverse impacts upon the local road network; and prevent the introduction of hot food takeaway uses within 400m of a school entrance.*

59. Noise levels from any plant associated with the development hereby permitted shall not exceed 10 dB below the existing background level (LA90 15min) when measured at one metre from the façade of the nearest noise sensitive premises.

*REASON: In order to safeguard the amenities of residential properties.*

60. Should roller doors be installed to any of the commercial units hereby permitted full details of the proposed doors including material, finish and colour shall be submitted and approved in writing by the LPA prior to their installation and the doors shall be installed in accordance with the approved details and maintained thereafter.

*REASON: In order to protect the character and appearance of the surrounding area (including the Thames Barrier and Bowater Road Conservation Area).*

End of Schedule