DATED 12 September 2016

(1) LONDON LEGACY DEVELOPMENT CORPORATION

(2) STRATFORD CITY DEVELOPMENTS LIMITED

(3) VASTINT HOSPITALITY B.V.

SECTION 106A AGREEMENT
DEED OF VARIATION
relating to land at Great Eastern Road, Stratford, London E15 1BG
Supplemental to Agreement of 27 March 2015

Pinsent Masons

THIS DEED is made on 12 September 2016

BY:-

(1) **LONDON LEGACY DEVELOPMENT CORPORATION** of Level 10, 1 Stratford Place, Montfichet Road, London E20 1EJ (the **"Local Planning Authority"**);

(2) **STRATFORD CITY DEVELOPMENTS LIMITED** (Company No 04261851) whose registered office is 6th Floor, Midcity Place, 71 High Holborn, London Wc1V 6EA (the **"Owner"**); and

(3) **VASTINT HOSPITALITY B.V.** (INCORPORATED IN THE Netherlands and with Ansterdam Chamber of Commerce Company Registration Number 54360722) whose registered office is at Hettenhuevelweg 51 – 110BM Ansterdam Zuidoost Netherlands (the **"Developer"**).

WHEREAS:-

(A) By virtue of the London Legacy Development Corporation (Planning Functions) Order 2012 (effective from 1 October 2012 and made pursuant to powers, inter alia, in the 2011 Act) the Local Planning Authority is the local planning authority for the Site for the purposes of Part 3 of the 1990 Act and is the local planning authority by whom the obligations contained in this Deed are enforceable.

(A) The Owner is the freehold owner of the Site which forms part of the land registered at the Land Registry under title number TGL379335.

(C) The Developer has entered into an Agreement for Lease dated 11 December 2013 with the Owner in respect of the Site.

(C) The Owner submitted an application to the Local Planning Authority under section 73 of the 1990 Act seeking amendments to condition 3 of planning permission 14/00310/FUL and allocated reference number 15/00574/FUL (**"Section 73 Application"**).

(D) The Local Planning Authority, Owner and Developer have previously entered into the Principal Agreement in order to secure the planning obligations contained within the Principal Agreement.

(E) This Deed varies and is supplemental to the Principal Agreement.

(F) The Parties have agreed to enter into this Deed in order to secure the planning obligations contained in it pursuant to the provisions of Section 106 and Section 106A of the 1990 Act, Section 111 of the Local Government Act 1972, Section 2 of the Local Government Act 2000, Section 1 of the 2011 Act and all other enabling powers.

(G) The Parties agree that the obligations contained in this Deed meet the three tests for planning obligations as set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

1. **INTERPRETATION**

In this Deed:-

1.1 **"the Principal Agreement"** means the s106 agreement dated 27 March 2015 between the Local Planning Authority, the Owner and the Developer;

1.2 terms and expressions defined in the Principal Agreement shall have the same meaning in this Deed unless otherwise provided;

1.3 any reference to an enactment includes any amendment to or modification of it and the version of it for the time being in force shall apply;

1.4 headings in this Deed are for convenience only and shall not be taken into account in its construction and interpretation;

1.5 references to clauses sub-clauses and schedules are references to clauses sub-clauses and schedules in this Deed save where the context provides otherwise;

1.6 where the context so requires:-

1.6.1 the singular includes the plural and vice versa;

1.6.2 the masculine includes the feminine and vice versa; and

1.6.3 persons includes bodies corporate associations and partnerships and vice versa;

1.7 where a party comprises more than one person the obligations and liabilities of that party shall be joint and several obligations and liabilities of those persons;

1.8 where more than one party enters into any obligation or liability those parties are jointly and severally liable;

1.9 words denoting an obligation on a party to do any act, matter or thing include an obligation to procure that it is done and words placing a party under a restriction include an obligation not to cause permit or allow infringement of this restriction;

1.10 references to any party shall include their respective successors in title and assigns.

2. LEGAL EFFECT

This Deed is made pursuant to the provisions of Section 106 and Section 106A of the 1990 Act, Section 111 of the Local Government Act 1972, Section 2 of the Local Government Act 2000, Section 1 of the 2011 Act and all other enabling powers

3. **PLANNING OBLIGATION INCORPORATING THE PRINCIPAL AGREEMENT**

3.1 Save for Clause 5 of this Deed (which shall take effect on completion of this Deed) this Deed is conditional upon and shall have no effect until the grant of the Section 73 Application

3.2 The Owner and Developer agree to observe and perform all of the covenants agreements restrictions and obligations on the part of the Owner and Developer contained in the Principle Agreement subject to this Deed.

3.3 The Owner and Developer agree that the covenants and obligations contained in the Principal Agreement are to continue in full force and effect except as expressly varied by this Deed.

4. **MODIFICATION**

4.1 The Owner and Developer agree that from the date of this Deed the Principal Agreement shall be varied as follows:-

4.1.1 The defined term **"Development"** shall be deleted and replaced with:-

"Development" means the construction of an eight storey hotel building comprising a total of 294 bedrooms together with ancillary hotel facilities on the ground floor and accessible car parking spaces on Site as permitted by the Planning Permission and given reference number 15/00574/FUL

4.1.2 The defined term **"Planning Application"** shall be deleted and replaced with:-

"Planning Application" means the application for planning permission in respect of the Development submitted to the Local Planning Authority and allocated reference 15/00574/FUL,

4.1.3 The defined term **"Planning Permission"** shall be deleted and replaced with:-

"Planning Permission" means the planning permission subject to conditions that may be granted by the Local Planning Authority following the determination of the Planning Application for the proposals within the Planning Application a draft of which is contained at Appendix 1 of the Deed

4.1.4 The following clause shall be inserted as clause 4.3 of the Principal Agreement:-

The Owner and Developer covenant not to Implement or carry out any works pursuant to planning permission 14/00310/FUL.

4.1.5 The draft Planning Permission attached at Appendix 2 of the Principal Agreement shall be deleted and replaced with the draft Planning Permission attached at Appendix 1 of this Deed

4.2 Except as expressly varied by this Deed the Principal Agreement shall remain in full force and effect.

5. **LEGAL FEES**

The Owner and Developer agree that they will on completion of this Deed pay the Local Planning Authority's legal costs reasonably and properly incurred in the negotiation and completion of this Deed (inclusive of any such reasonable costs properly incurred by external lawyers appointed by the Local Planning Authority in relation to the negotiation and completion of this Deed).

6. **THIRD PARTY RIGHTS**

This Deed gives no rights under the Contract (Rights of Third Parties) Act 1999 but this does not affect any rights which are available apart from that Act and it may be enforced by the successors in title of the parties and by any successor to the Council's statutory functions.

7. **NO WAIVER**

No alteration in the terms of this Deed nor any forbearance or forgiveness on the part of the Local Planning Authority in or in the extent or nature of any matter or thing concerning this Deed shall in any way release the Owner or Developer from any liability under this Deed.

8. **NO FETTER**

Nothing in this Deed shall prejudice or affect the rights powers duties and obligations of the Local Planning Authority in the exercise of its functions in any capacity.

9. **JURISDICTION**

This Deed is governed by and interpreted in accordance with the Law of England.

10. **DELIVERY**

The provisions of this Deed shall be of no effect until this Deed has been dated.

IN WITNESS whereof the parties hereto have executed this Deed as a deed the day and year first before written.

EXECUTED as a Deed (but not delivered until dated) by affixing the common seal of the
LONDON LEGACY DEVELOPMENT CORPORATION
in the presence of:-

Authorised signatory

EXECUTED as a Deed (but not delivered until dated) by
STRATFORD CITY DEVELOPMENTS LIMITED
acting by:-

Director

Director/Secretary

EXECUTED as a Deed (but not delivered until dated) by
VASTINT HOSPITALITY B.V.
acting by:-

PETER ANDREWS

Director

Director/Secretary

APPENDIX 1

PLANNING PERMISSION

LONDON LEGACY DEVELOPMENT CORPORATION

VARIATION / REMOVAL OF CONDITION(S) APPROVAL

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2015

Please see notes at the end of this notice

Applicant	Agent
Vastint Holding B.V./ Stratford City Development Ltd C/O Agent	Jonathan Sebbage Peter Brett Associates LLP Caversham Bridge House Waterman Place Reading RG1 8DN

Part I - Particulars of Application

Date of Application: 11-Nov-2015 Application No: 15/00574/VAR

Proposal: Submission of Section 73 application in relation to condition 3 of planning permission 14/00310/FUL.

Location: Hardstanding area bordered by railway line, Land at Great Eastern Road, Stratford, London, E15 1BG

Part II - Particulars of Decision

In pursuance of the powers under the above Act and Order the London Legacy Development Corporation hereby gives notice that **VARIATION / REMOVAL OF CONDITION(S) HAS BEEN APPROVED** as referred to in Part I hereof and as described and shown on the application and plan(s) submitted, subject to the following conditions and notes:

1. **Approvals in Writing**
   Any application or submission for any approval pursuant to these conditions shall be made in writing to the Local Planning Authority.

   Reason: To ensure that a proper record is kept.

2. The development to which this permission relates must be commenced not later than the expiration of THREE YEARS from the date of this permission.

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

3. **Works in accordance with approved details**
Unless minor variations are agreed by the Local Planning Authority and to the extent that it does not deviate from this permission, the development shall be carried out in accordance with the following drawings:

0501 Existing Site Plan; 0502 Proposed Site Plan; 0503 Proposed Block Plan; 1201 2000K – Level Ground Plan; 1201 2001F – Level 1 Plan; 1201 2002F – Level 2-7 Plan; 1201 2008F – Roof Plan; 1201 2030B – Accessible Rooms types 1, 2 & 3; 1201 2031B – Accessible Rooms Locations; 1201 2032 – Future Accessible Room Locations; 1201 2101B – Proposed Front Elevation; 1201 2102A – Proposed Side Elevation; 1201 2103B – Proposed Rear Elevation; 1201 2106B – Proposed Front Context Elevation; 1201 2107A – Proposed Side Context Elevation; 1201 2108B – Proposed Rear Context Elevation; 1201 2201C – Proposed Section AA; 1201 2202B – Proposed Section BB; 1201 2203B – Proposed Section CC; and 1201 4123A – Typical Middle Floor Bay Corner;
and the following documents, as amended by the Moxy Stratford City Supplementary Statement prepared by Peter Brett Associates on behalf of Vastint Hospitality B.V. (October 2015): Access Statement, prepared by David Bonnett Associates; (26th November); Air Quality Assessment, prepared by Peter Brett Associates LLP; (15th August); Area Schedule (26th November); Convergence Statement, prepared by Peter Brett Associates LLP; (26th November); Daylight, Sunlight and Overshadowing Assessment, prepared by Herrington Consulting Ltd; (15th August); Design Statement, prepared by Suttonca; (26th November); Sustainability & Energy Statement, prepared by Peter Brett Associates LLP; (19th November); Flood Risk Assessment, prepared by Peter Brett Associates LLP; (15th August); Hotel Impact Study, prepared by Peter Brett Associates LLP; (15th August); Phase 1 Ground Condition Synopsis Report, prepared by Peter Brett Associates LLP (26th November); Noise and Vibration Impact Assessment Report, prepared by Peter Brett Associates LLP (15th August); Planning Statement (including Section 106 Heads of Terms), prepared by Peter Brett Associates LLP; (26th November); Transport Assessment, prepared by Peter Brett Associates LLP; (26th November); and Travel Plan, prepared by Peter Brett Associates LLP (19th November) and the description of the development contained in the application and any other plans, drawings, documents, details, schemes or strategies which may have been approved by the Local Planning Authority pursuant to this condition.

All works shall be retained in accordance with the approved details.

Reason: To ensure that the development is undertaken in accordance with the approved drawing(s), and to protect the local amenity with regard to Policies 7.4 of the London Plan. The development is acceptable on the basis of the particulars contained within the application and this condition seeks to ensure the development is undertaken in strict accordance with those details as approved.

4. The Local Planning Authority shall be notified in writing, at least one week in advance, that development under this permission is to commence.

Reason: To assist in checking that conditions have been met.

5. **Pre Commencement Condition**

No development shall take place, including any works of demolition, until a construction logistics plan for the proposed development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the environment of residents and the area generally.

6. **Mechanical Ventilation**

Prior to the commencement of the relevant part of the development, full details of any mechanical ventilation or other plant shall be submitted to and approved by the Local Planning Authority. Details should include full specifications of all filtration, deodorising systems, noise output and termination points, as well as scale plans of the appearance of the external vent. Particular consideration should be given to the potential 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 throughout the period during which any of the workspaces are used for hot food preparation purposes. Reference shall be had to Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems published by DEFRA (www.defra.gov.uk/environment/noise/research/kitchenexhaust/index.htm).

The construction of the development shall be carried out in accordance with the approved construction logistics plan.

Reason: To protect the amenity of neighbouring properties and future occupants.

7. **Cycle Storage**

Prior to the occupation of the development hereby approved staff cycle storage shall be made available within the site of a type and in a location previously submitted to and agreed in writing by the Local Planning Authority; thereafter such provision shall be made permanently available for use.

Reason: In the interests of providing a wide range of facilities for non-motor car visitors, in the interests of sustainability.

8. Customers who are not hotel guests shall not be permitted within the ancillary restaurant, bar and function room facilities before 0700 or after 2400 on Monday to Saturday (not including bank and Public Holidays) and before or after 0700 or after 23.30 on Sundays, bank holidays and public holidays.

Reason: To protect the environment of neighbouring residents.

9. **Noise – Residential Properties**

The LAeq, 5min level measured 1 metre outside a window to a habitable room or any residential development, with entertainment taking place at the development, shall show no increase when compared with the representative level measured from the same position, under the same conditions and during a comparable period with no entertainment taking place at the development.

The LAeq, 5min level in the 63 Hz and 125 Hz octave band measured 1 meter outside a window to a habitable room, with entertainment taking place at the development, shall show no increase when compared with the representative LAeq, 5min level in the 63 Hz and 125 Hz octave bands measured from the same position, under the same conditions and during a comparable period with no entertainment taking place at the development.

Reason: In order to safeguard the amenities of nearby occupiers and to enable the Local Planning Authority to retain control in the interests of residential amenity.

10. **Noise – Amplified and Live External Music**
No amplified or live music shall be played on the external deck area hereby approved at any time.

Reason: In order to safeguard the amenities of nearby occupiers and to enable the Local Planning Authority to retain control in the interests of residential amenity.

11. **Restriction of Noise from Plant and Equipment**
The rating level of any noise generated by plant & equipment as part of the development shall be at least 5 dB below the pre-existing background level as determined by BS4142:1997-"Method of rating industrial noise affecting mixed residential and industrial areas".

Reason: To protect the amenities of local residents.

12. Noise from construction activities shall not exceed 75dB Laeq 10 hour between 8.00 and 18.00 Monday to Friday and shall not exceed 75dB Laeq 5 hour between 8.00 and 13.00 on Saturdays unless minor variations are otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent loss of amenity.

13. No plant shall be installed until proposals for noise assessment and noise mitigation measures for all permanent plant and processes within that part of the development have been submitted and approved in writing by the Local Planning Authority. Such measures shall be implemented and thereafter permanently maintained in accordance with details approved pursuant to this condition.

Reason: To prevent loss of amenity.

14. No demolition, construction or maintenance activities audible at the site boundary of any residential dwelling shall be undertaken outside the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday or any time on Sundays or bank or public holidays without the prior written approval of the Local Planning Authority, to minor variations unless works have been otherwise approved in advance under section 61 of the Control of Pollution Act 1974.

Reason: To ensure that development standards are applied consistency across the site and to protect amenity through minimising disruption and disturbance.

15. Deliveries by road of construction and demolition materials to and from the development hereby approved shall only take place between 08.00 -18.00 Monday to Friday and 08.00 - 13.00 on Saturday and at no other time except with the prior written approval of the Local Planning Authority to minor variations.

Reason: To ensure that development standards are applied consistency across the site and to protect amenity through minimising disruption and disturbance

16. Full details of all extract/ventilation, air conditioning and heating systems shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The development shall only be carried out in accordance with the approved details. The approved details shall be implemented prior to the first use of the building by the general public and shall thereafter be permanently maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of minimising the impacts of the development on air quality

17. **Signage and Advertising**
Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) Regulations 2007, no signs or advertisements shall be erected within the application site, without the prior written approval of the Local Planning Authority.

Reason: To provide control over the size and design of signage and advertisements.

18. **Details of Final Appearance**
Within 6 months of the date of this approval, details of the design and appearance of any signage, lighting scheme for the development, including the location of external lights and lux levels, CCTV scheme for the development, blue badge parking, cycle parking, bin spaces shall be submitted to and approved by the Local Planning Authority.
The development shall be completed in accordance with the approved details and thereafter retained for the duration of this planning permission.
Within 6 months of the date of this approval, a Signage Strategy that also details the proposed signage zones for the building, shall be submitted to and approved in writing by the Local Planning Authority. The Signage Strategy shall establish the design principles and parameters for the proposed signage for the Moxy Hotel.

Reason: To ensure that the development does not prejudice the visual amenities of the locality.

19. Full details including samples of the materials to be used on all external surfaces (which for the avoidance of doubt shall also include hard landscaping) shall be submitted to and approved by the Local Planning Authority in writing prior to their procurement and use on site. The development shall only be carried out in accordance with the approved details. The approved details shall be implemented prior to the first use of the building by the general public and shall thereafter be permanently maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure that the Local Planning Authority is satisfied as to the details of the development and to protect the visual amenities of the locality.

20. Prior to the commencement of the relevant part of the development details along with a sample of the proposed window and colour banding treatment shall be submitted to the Local Planning Authority for approval, prior to their procurement and use on the site. The development shall only be carried out in accordance with the approved details. The approved details shall be implemented prior to the first use of the building by the general public and shall thereafter be permanently maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure that the Local Planning Authority is satisfied as to the details of the development and to protect the visual amenities of the locality

21. Within 6 months of the date of this permission full details of plant equipment and details of plant screening to fully enclose the roof top plant from all views, along with details of any lift overruns shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. The approved details shall be implemented prior to the first use of the building by the general public and shall thereafter be permanently maintained to the satisfaction of the Local Planning Authority.

Reason: To mitigate the visual impact arising from roof top plant to protect the visual amenities of the locality.

22. Commencing on 1st January 2018 and on each anniversary of that date an Annual Monitoring Report which details the demand and occupation of all accessible rooms within the Moxy Hotel by disabled guests by quarter shall be submitted to the Local Planning Authority. If the Annual Monitoring Report demonstrates that the occupation of the accessible rooms by disabled guests within any two quarters, is between 80%-100%, an additional 5% of accessible rooms, in addition to the hereby approved 7.1% adaptable rooms shall be converted by the operator within 6 months from the date of the report in accordance with details to be submitted to and approved in writing by the Local Planning Authority. Following such conversion the additional 5% accessible rooms shall be retained so as to accessible by disabled guests.

    Reason: To ensure an adequate provision of accessible rooms within the hotel development and to ensure an inclusive environment.

23. Notwithstanding the submitted plans, prior to the commencement of the relevant part of the development full details of the design and mix of shower and bath facilities within all accessible rooms for disabled people shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. The approved details shall be implemented prior to the first use of the building by the general public or in the case of any rooms converted pursuant to condition 23 prior to the first use of each room by the general public following the conversion and shall thereafter be permanently maintained to the satisfaction of the Local Planning Authority.

    Reason: To ensure an inclusive environment.

24. Prior to the commencement of the relevant part of the development, details of the proposed arrangements for the interconnecting rooms (standard rooms adjacent to accessible rooms) and their location within the Moxy Hotel shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. The approved details shall be implemented prior to the first use of the building by the general public and shall thereafter be permanently maintained to the satisfaction of the Local Planning Authority.

    Reason: To ensure an inclusive environment.

25. Within 6 months of the date of this approval, details of the design of all public entrances and exits to the Moxy Hotel, including the design of the proposed glazed lobby and finishes to glazed doors, including colours, textures and tones, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. The approved details shall be implemented prior to the first use of the building by the general public and shall thereafter be permanently maintained to the satisfaction of the Local Planning Authority.

    Reason: To protect the local amenity and to ensure an inclusive environment (particularly with regard to the visually impaired).

26. Within 6 months of the date of this approval, a Service Vehicle Management and Waste Strategy shall be submitted to and approved in writing by the Local Planning Authority. The Service Vehicle Management and Waste Strategy shall detail the numbers of service movements, the daily profile

of service visits, and include details of any proposed monitoring system. The development shall only be carried out and operated in accordance with the approved details. The approved details shall be implemented prior to the first use of the building by the general public, and shall thereafter be permanently maintained to the satisfaction of the Local Planning Authority, unless minor variations are agreed in writing by the Local Planning Authority.

Reason: In the interested of highway safety and sustainable waste management to and to ensure that service vehicles will not cause congestion on the surrounding road network

27. Within 6 months of the date of this approval, full details for biodiversity enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. The approved details shall be implemented prior to the first use of the building by the general public and shall thereafter be permanently maintained to the satisfaction of the Local Planning Authority.

    Reason: In the interest of sustainable design and construction and to enhance biodiversity within the development.

28. Prior to the commencement of the relevant part of the development, full details of water efficiency measures, including a management strategy for reducing water use within the hotel, shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. The approved details shall be implemented prior to the first use of the building by the general public and shall thereafter be permanently maintained to the satisfaction of the Local Planning Authority.

    Reason: To ensure that the development meets a high standard of sustainable design and construction and that the development minimises water use.

29. Upon completion of the development and prior to first occupation of the Moxy Hotel, evidence shall be submitted to and approved by the Local Planning Authority to demonstrate that the Moxy Hotel hereby approved has attained a Platinum LEED rating. Throughout the life of the development hereby permitted it shall be operated in accordance with a Platinum LEED rating.

    Reason: To ensure that the development meets the wider objectives of energy efficiency in new building design and construction

30. Prior to the commencement of the relevant part of the development, details of the grease trap or grease digester system to be installed for the commercial kitchen shall be submitted to and approved in writing by the Local Planning Authority. Details should include plan and sectional drawings with measured drain sizes and invert levels and full manufacturer specifications. The development shall only be carried out in accordance with the approved details. The approved details shall be implemented prior to the first use of the building by the general public, and shall thereafter be permanently maintained to the satisfaction of the Local Planning Authority, unless minor variations are agreed in writing by the Local Planning Authority.

    Reason: To protect the amenity of future occupants and/or future nearby residential properties

31. Prior to the commencement of the relevant part of the development, details of a non-return waste valve to protect the building from backflow during storm water conditions shall be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. The development shall only be carried out in accordance with the approved details. The approved

details shall be implemented prior to the first use of the building by the general public and shall thereafter be permanently maintained to the satisfaction of the Local Planning Authority.

Reason: To ensure that the surface water discharge from the site will not have a detrimental impact upon the sewerage system.

32. Prior to the commencement of the relevant part of the development, details of how the surface water drainage and storm flows will be attenuated or regulated into the receiving public network through on or off site storage, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Thames Water. The development shall only be carried out in accordance with the approved details. The approved details shall be implemented prior to the first use of the building by the general public and shall thereafter be permanently maintained to the satisfaction of the Local Planning Authority.

    Reason: To ensure that the surface water discharge from the site will not have a detrimental impact upon the sewerage system.

33. Prior to the commencement of the development, details of the construction compounds for the development shall be submitted to and agreed in writing by the Local Planning Authority.

    Reason: To ensure that development standards are applied consistency across the site and to protect amenity through minimising disruption and disturbance

34. Prior to the commencement of the development hereby approved a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
    1. A preliminary risk assessment which has identified all previous uses; potential contamination associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; potentially unacceptable risks arising from contamination at the site.
    2. A site investigation scheme based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
    3. The results of the site investigation and detailed risk assessment referred to in (2) 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.
    4. 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 (3) are complete and identifying any requirements for longer-term monitoring of pollution linkages, maintenance and arrangements for contingency action.

    Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

    Reason: To ensure protection of controlled waters

35. The development hereby permitted shall not be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has 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. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure protection of controlled waters.

36. Piling or any other foundation designs using penetrative methods shall not be 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 groundwater. The development shall be carried out in accordance with the approved details.

    Reason: To ensure protection of controlled waters

37. No impact piling shall take place until a piling method statement (detailing the 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) has 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: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure.

38. No infiltration of surface water drainage into the ground is 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. Prior to the commencement of the development, details of how surface water will be disposed of shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Environment Agency and Thames Water. The development shall only be carried out in accordance with the approved details. The approved details shall be implemented prior to the first use of the building by the general public and shall thereafter be permanently maintained to the satisfaction of the Local Planning Authority.
    The surface water drainage system should include petrol/oil interceptors. The scheme shall subsequently be implemented and retained in accordance with the approved details before the development is completed.

    Reason: To prevent the increased risk of flooding, to improve and protect water quality

39. No development shall be commenced until a Construction Method and Management Statement has been submitted to and approved by the Local Planning Authority. As a minimum the Construction Method and Management Statement shall include the following;
    (a) details of the location of any construction compounds, either on-site or on land elsewhere;
    (b) details of on-site construction vehicle circulation, including location of site access, on-site vehicle routes, parking areas and frequency of movements;
    (c) details of lighting during the construction of the development
    (d) a dust management plan;
    (e) wheel washing facilities, including wheel spinners with water jets;
    (f) hours of operation of construction.
    (g) the position and operation of cranes
    (h) a Construction Logistics Plan

The development shall be undertaken in accordance with the approved details unless minor variations are otherwise agreed in writing by the Local Planning Authority.

Reason: To protect amenity through minimising disruption and disturbance

40. No demolition, construction or maintenance activities undertaken at the site which are audible from the boundary of any residential dwelling shall be undertaken outside the hours of 08.00 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday or any time on bank or public holidays without the prior written approval of the Local Planning Authority, unless works have been otherwise approved in advance under section 61 of the Control of Pollution Act 1974.

Reason: To protect amenity through minimising disruption and disturbance.

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

- provide details on all structures;
- accommodate the location of the existing London Underground structures and tunnels;
- accommodate ground movement arising from the construction thereof; and
- mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

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

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure.

42. Prior to commencement of the relevant parts of the construction of the facades of the building hereby permitted, detailed drawings and sections (annotated with materials and finishes) at a scale to be agreed with the Local Planning Authority of:

i) windows, doors and other openings;
ii) cladding panels;
iii) projecting oriel windows;
iv) back lit coloured panels
v) balustrades at all roof levels;
vi) the oversailing projection above the gutter line between the bays that break the roofline detail;
vii) Moxy signage detail
viii) external architectural lighting
ix) external security surveillance equipment
x) external lighting; and
xi) water run-off

shall be submitted to and approved in writing by the Local Planning Authority. The construction of the building facades shall be implemented and shall be retained in accordance with the approved details unless other minor variations are agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the completed development in the interests of visual amenity.

43. Prior to the installation of any windows in the building, details of the specification of the windows and any other noise mitigation measures specified within the acoustic report prepared by RBA Acoustics (dated 31 October 2012) shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details and the windows and noise mitigation measures shall be retained and maintained as approved throughout the life of the development hereby permitted unless minor variations are agreed in writing by the Local Planning Authority.

    Reason: To ensure an acceptable standard of accommodation is provided.

44. Full details including samples of the materials to be used on all external surfaces (including glazing) shall be submitted to and approved by the Local Planning Authority in writing prior to their use on site. The development shall only be carried out in accordance with the approved details. The approved details shall be implemented prior to the first occupation of the building and shall thereafter be permanently maintained throughout the life of the development hereby permitted to the satisfaction of the Local Planning Authority.

    Reason: To ensure that the Local Planning Authority is satisfied as to the details of the development and to protect the visual amenities of the locality.

45. Prior to commencement of the relevant part of the development full details for biodiversity enhancement measures (including the installation of bird and bat boxes) shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details. The approved details shall be implemented prior to the first occupation of the building and shall thereafter be permanently maintained throughout the life of the development hereby permitted to the satisfaction of the Local Planning Authority.

    Reason: In the interest of sustainable design and construction and to enhance biodiversity within the development.

46. Prior to the commencement of the relevant part of the development, an Accessibility Management Plan (AMP) shall be submitted to the Local Planning Authority. The AMP shall include details of:
    1. The detailed design and layout of rooms that will be adapted for wheelchair users from the outset;
    2. A mechanism to enable additional bedrooms to be fitted out within a reasonable timescale to allow disabled occupants the same booking opportunities as non-disabled occpants;
    3. Details of the way in which the web-site which advertises rooms at the development will advertise the availability of adapted rooms; and
    4. Details of the blue badge parking provision and the mechanism for review and further provision of blue badge spaces if required.

    The AMP will be approved in writing by the Local Planning Authority, in consultation with the GLA Access Adviser and the measures shall be implemented and the accommodation operated only in accordance with the approved AMP at all times thereafter throughout the life of the development hereby permitted, unless minor variations have been agreed in writing by the Local Planning Authority.

    Reason: To ensure an inclusive environment.

47. Within 6 months from the commencement of the development, an acoustic report shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that ground borne noise from the railway tracks to rooms does not exceed 40dBLAmax(s).

Reason: To ensure the development provides a satisfactory standard of accommodation.

Energy Calculations

48. Within 6 months from the date of occupation of the development full energy modelling calculations shall be submitted to and approved by the Local Planning Authority to demonstrate that the 35% reduction in CO2 emissions is met.

Reason: To ensure that the development meets the wider objectives of energy efficiency in new building design and construction.

49. The development hereby permitted shall be connected to Stratford City CCHP (Cofely East London Energy District Energy Scheme (CELE)) and the building shall not be occupied until it has been so connected.

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

50. Prior to the commencement of the relevant part of the development details of the method of provision for secure cycle storage and the installation of one Electric Vehicle Charging Point at the Blue Badge Parking Spaces shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage and vehicle charging point shall be constructed in accordance with the approved details and maintained at all times thereafter throughout the life of the development hereby permitted to the satisfaction of the Local Planning Authority.

Reason: To ensure that adequate provision is made for sustainable forms of transport.

51. **Capacity Study**
Prior to the commencement of the development hereby approved a Capacity Study shall be undertaken and submitted to and approved in writing by the Local Planning Authority. The Capacity Study shall demonstrate that access and junction off Great Eastern Road has the capacity to accommodate accumulated traffic flows from the approved and proposed development.

Reason: In the interest of highway safety

Informatives:

1. The applicant is reminded that this planning permission is subject to the accompanying S106 Legal Agreement and Deed of Variation

2. You will be liable to pay Community Infrastructure Levy (CIL) on commencement of the above development. Charges have been levied under the Mayor of London CIL Charging Schedule which took effect on 1 April 2012and section 211 of the Planning Act 2008. For further information on CIL please see http://queenelizabetholympicpark.co.uk/planning-authority/planning-policy/community-infrastructure-levies

If you have not already submitted an 'Assumption of Liability' form, please can you do so as soon as possible so that a Liability Notice can be issued. It is your responsibility to claim any exemptions or relief from CIL prior to commencement of development and to ensure that a Commencement

Notice is issued to the Legacy Corporation in advance of commencement. You may be liable for surcharges or forfeit your ability to claim relief if the correct procedures are not followed. See the planning portal for more information and the forms to be completed. http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

3. **London Underground Infrastructure Protection**
The applicant is advised to contact London Underground Infrastructure Protection in advance of preparation of final design and associated method statements, in particular with regard to: demolition; excavation; construction methods; security; boundary treatment; safety barriers; landscaping and lighting.

4. **Lifting Operations and Lifting Equipment Regulations 1998 (LOLER)**
The proposed passenger/goods lift must comply with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). There is a specific requirement that no new lift may be used unless it has either a certificate of thorough examination or a certificate of conformity to the relevant EU Directive. Normal commissioning documentation IS NOT ADEQUATE. Use of a lift that does not comply with LOLER is a criminal offence. You should refer to your CDM planning supervisor to ensure compliance.

Note: Compliance with Planning Law does not automatically mean that you will comply with more specific Health and Safety Law requirements.

5. **Informative on Legionella.**
The proposed commercial development appears to have an above average risk of causing human ill health due to legionella bacterial colonisation of the water systems. All non-domestic buildings with hot and / or cold water systems must by law have a risk assessment for legionella carried out in accordance with HSE Approved Code of Practice L8 "the control of legionella bacteria in water systems". The most cost effective time to start the risk assessment process for new development is at the planning stage as many factors elevating risk can be addressed at this point. Good design will also greatly reduce the need for frequent and expensive maintenance to water systems whilst introducing necessary engineering changes retrospectively may be considerably more expensive.
The following are some examples of water systems that give rise to increased risk :-

- Single showers, (especially those intended for people who use wheelchairs) – may be rarely used and therefore rarely cleaned/maintained and thus give rise to situations where undisturbed scale and biofilms are more likely to develop. Single showers are often on separate long pipe runs resulting in "dead legs" with little water usage and result in water stagnating or being held at the least desirable temperatures for long periods.
- Indoor water features (especially fountains and foggers); indoor water will be at ambient temperature that will cause water to be at potentially unsafe temperatures for parts of the year. As the water is open and re-circulating it will become contaminated with atmospheric micro nutrients further encouraging colonisation.
- Changing room showers for venues not used all year round. Certain sports are seasonal and so such facilities may be unused for periods of the year resulting in risk of bacterial multiplication. Some venues, such as schools, regularly close for weeks at a time. Some multi use venues have showers installed for some intended uses (such as theatrical performance) that may only rarely occur.
- Humidified hot or cold food display cabinets.
- Spa or Whirlpool baths.

All of these features can be operated safely, but impose design and maintenance restrictions that must be met if safety of occupants is to be ensured. The cost of safely operating such features can be greatly reduced by correct risk assessment at the design stage. For most commercial buildings such a risk assessment need not be complex or burdensome, assuming that the basic design fully meets the building regulations and all components meet the relevant UK water regulations. However simply meeting these regulations on their own, is not always sufficient as the overall design and maintenance regime as a whole needs to be managed. Often simple changes such as better insulation, or installing 'point of use' heating (rather than remote heating or stored hot water) significantly reduce risk. Regular maintenance is, however, usually essential on all systems.

There is a potential safety conflict between the use of high temperatures for stored hot water (to reduce the legionella risk), and the creation of a scalding risk for vulnerable building users. This often results in a need for point of use thermostatic mixing valves. However such valves need great care when inserting into a design if the legionella risk is to be properly controlled to an acceptable level. They also impose additional maintenance requirements.

Further information see: http://www.hse.gov.uk/legionnaires/.

6. **Land Contamination.**

For advice and information upon contaminated land site investigation, risk assessment and implementing a remediation strategy it is recommended that the developer contacts the Environmental Health Pollution Control Unit, Housing & Public Protection, Third Floor, West Wing, Newham Dockside, Dockside Road, London E16 2QU Tel 020 3373 0643. The Unit has produced a leaflet 'The development of contaminated sites' which can be downloaded free from www.newham.gov.uk. The developer shall notify the Local Planning authority and the Environmental Health Pollution Control Unit of the start dates and programme of site investigations and any subsequent remediation works.

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

- Model Procedures for the Management of Land Contamination, Environment Agency Contaminated Land Report 11. This document can be downloaded free from www.environment-agency.gov.uk
- BS 10175: Investigation of potentially contaminated sites – Code of Practice
- Building Regulations 2000 APPROVED DOCUMENT C Site preparation and resistance to contaminants and moisture: C1 Site preparation and resistance to contaminants.

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

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

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

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

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

No soils, or infill materials should be imported onto the site unless they have been satisfactorily proven to be uncontaminated and present no risks to human health, planting and the environment. A declaration to this effect, together with acceptable documentary evidence to confirm the origin of all imported soils and infill materials, supported by appropriate chemical analysis test results, should be obtained and copies may be requested by the Local Planning Authority.
Anyone procuring analytical services must ensure that the data supplied to the Local Planning Authority meets the requirements in the Monitoring Certification Scheme (MCERTS). Laboratories undertaking the chemical testing of soil must be accredited, the analytical methods should be appropriate and fit for the purpose of the parameter being investigated and the sampling procedures and the audit trail should also conform.
Supporting reports should be prepared by appropriately qualified professionals.

7. **Thames Water**
The Applicant should incorporate within the proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
There are public sewers crossing or close to the development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.
Thames Water would recommend that petrol / oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol / oil interceptors could result in oil-polluted discharges entering local watercourses.
The developer will need to contact Developer Services on 0845 850 2777 to discuss connection points to this site.

8. The developer is advised that a Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes – toilets, showers, washbasins, baths and canteens). Typical Trade Effluent processes include: Laundrette/laundry, PCB manufacture, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contamination water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Application should be made to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London, SE2 9AQ. Telephone 020 8507 4321.

9. The applicant is advised that the kitchen and other food areas within the premises need to comply in full with: -
   a) EU 852/2004 as enforced by the Food Hygiene (England) Regulations 2006;
   b) EU 178/2002 as enforced by the General Food Regulations 2004;
   c) The Food Premises Registration Regulations 1991, (under these regulations there is a requirement to register with the Environmental Health Service at least 28 days prior to opening. This form is accessible from Newham's website).

   All structural finishes and equipment must comply with the catering Guide (industry) to Good Hygiene Practice; Chadwick House Group Ltd.
   Particular Requirements of the Hygiene Legislation include: -

a) Sufficient internal and external hygiene refuse storage capacity. The external store should be capable of accommodating standing Council wheeled bins of a total capacity appropriate to the scale of the business. External bins should not be placed in a position where they are likely to cause an obstruction;
b) Provision of double sink and wash-hand basin in main food preparation area;
c) Hot water supply to all wash-hand basins and sinks should preferably be from a gas fired balanced flue instant water heater;
d) Sufficient refrigeration and freezer capacity;
e) Sufficient hot food storage / display/capacity (if applicable);
f) Kitchen layout to facilitate separation of raw and cooked food handling and preparation;
g) Adequate artificial lighting levels throughout, achieved by means of fluorescent tube lights, (minimum wattage 40 watts) fitted with diffusers;
h) Sufficient general ventilation to all rooms;
i) Extraction ventilation to food preparation areas/rooms must be capable of maintaining at least 20 air changes per hours;
j) Creation of a lobby between the WC and the food rooms;
k) All structural finishes, work surfaces and equipment to be of durable, smooth and impervious materials.

Further details in respect of food requirements are available from The London Borough of Newham, Housing and Public Protection, Food Safety Unit, tel.: 0208 430 2000 Ext. 37709 food@newham.gov.uk or www.newham.gov.uk

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

Proactive and Positive Statement

In accordance with the National Planning Policy Framework and with Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the following statement explains how the LLDC as Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with this application:

Following submission of the application to LLDC, the local planning authority continued to work with the applicant in a positive and proactive manner. The application complies with planning policy as stated above and was determined in a timely manner.

The applicant has been kept informed of the progress of the application and has been given the opportunity to respond to and address any problems arising.

Dated this: XXXXXX

A Hollingsworth

Anthony Hollingsworth
Director of Planning Policy and Decisions
London Legacy Development Corporation

London Legacy Development Corporation

Town and Country Planning Act 1990 (as amended)

Appeals to the Secretary of State

* If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for Communities and Local Government under Section 78 of the Town and Country Planning Act 1990 (as amended).

* If you want to appeal then you must do so within **SIX months** of the date of this notice (unless your proposal relates to a householder appeal or minor commercial appeal as defined in Article 37 of the DMPO 2015 in which case you must do so within **TWELVE weeks** of the date of this notice), using a form, which is available from the Planning Inspectorate, (a copy of which must be sent to London Legacy Development Corporation Planning Policy and Decisions Team) or complete an application online. The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (e-mail: enquiries@pins.gsi.gov.uk) or (Tel: 0117 372 8000).

  To make an appeal online, please use www.gov.uk/appeal-planning-inspectorate. The Inspectorate will publish details of your appeal on the internet. This may include copies of documentation from the original planning application and relevant supporting documents supplied to the local authority, and or information, including personal information belonging to you that you are happy will be made available in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

* The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of appeal.

* The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

* In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

Purchase Notice

* If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by carrying out any development which has been or would be permitted.

* In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with Part VI of the Town and Country Planning Act 1990.