



Appeal Decisions

Site visit made on 17 March 2014

by Ron Boyd BSc (Hons) MICE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 June 2014

Appeal A - Ref: APP/E5900/A/13/2205191

Site at Bow Wharf, Adjoining Regent's Canal and Old Ford Road, London E3 5SN

- 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 H2O Urban (No. 2) LPP against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/11/03371, dated 28 October 2011, was refused by notice dated 22 August 2013.
 - The development proposed is described as: 'Demolition of existing buildings and redevelopment to provide three buildings of part 4/part 5 storeys (Block A) 6 storeys (Block B) and 4 storeys (Block C) comprising 34 residential units (10 x 1 bed, 15 x 2 bed, 4 x 3 bed flats and 5 x 4 bed houses) and 64 square metres of commercial floorspace (Use Classes A1, A2, A3, B1, or D1) including provision of one disabled parking space, cycle parking, public and private amenity space and associated development.'
-

Appeal B - Ref: APP/E5900/E/13/2205198

Site at Bow Wharf, Adjoining Regent's Canal and Old Ford Road, London E3 5SN

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
 - The appeal is made by H2O Urban (No. 2) LPP against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/11/03372, dated 28 October 2011, was refused by notice dated 22 August 2013.
 - The demolition proposed is described as: 'Demolition of existing buildings and redevelopment to provide three buildings of part 4/part 5 storeys (Block A) 6 storeys (Block B) and 4 storeys (Block C) comprising 34 residential units (10 x 1 bed, 15 x 2 bed, 4 x 3 bed flats and 5 x 4 bed houses) and 64 square metres of commercial floorspace (Use Classes A1, A2, A3, B1, or D1) including provision of one disabled parking space, cycle parking, public and private amenity space and associated development.'
-

Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for demolition of existing buildings and redevelopment to provide three buildings of part 3/part 4 storeys (Block A) 6 storeys (Block B) and 4 storeys (Block C) comprising 34 residential units (10 x 1 bed, 15 x 2 bed, 4 x 3 bed flats and 5 x 4 bed houses)

and 64 square metres of commercial floorspace (Use Classes A1, A2, A3, B1, or D1) including provision of one disabled parking space, cycle parking, public and private amenity space and associated development at Bow Wharf, Adjoining Regent's Canal and Old Ford Road, London E3 5SN in accordance with the terms of the application, Ref PA/11/03371, dated 28 October 2011, subject to the conditions on the attached schedule.

Appeal B

2. The appeal is allowed and conservation area consent granted for demolition of existing buildings prior to redevelopment at Bow Wharf, Adjoining Regent's Canal and Old Ford Road, London E3 5SN in accordance with the terms of the application, Ref PA/11/03372, dated 28 October 2011, subject to the conditions on the attached schedule.

Procedural matters

3. The descriptions of the proposals in the headings above are those contained in the application forms. However, it is clear from the submitted drawings and documents that the references to Block A being part 4/part 5 storeys is incorrect and should read as part 3/part 4 storeys. I have considered Appeal A on that basis. Appeal B is in respect of conservation area consent for the demolition of buildings prior to the redevelopment the subject of Appeal A. I have considered Appeal B on that basis.
4. Since the appeal was submitted the Department of Communities and Local Government published its Planning Practice Guidance (PPG) on 6 March 2014. Both parties have been given the opportunity to comment on the relevance of the PPG to their cases. I have had regard to their responses and to the PPG in determining these appeals.
5. The second of the two reasons for the Council's refusal of the application the subject of Appeal A was that no planning obligations in the form of financial contributions had been secured to mitigate the impacts of the development. Following submission of the appeal the appellant submitted a completed Unilateral Undertaking dated 8 November 2013 under the provisions of Section 106 of the Town and Country Planning Act 1990. Following further discussion between the parties the appellant submitted a second Unilateral Undertaking dated 10 April 2014, and, subsequently, a final Unilateral Undertaking dated 3 June which I refer to in greater detail below. Having regard to the comments of both parties in respect of the first two Undertakings I attach no weight to those documents.
6. The Council has confirmed that the final Undertaking is satisfactory; that its concerns in respect of a lack of a planning obligation have now been resolved; and that the second reason for refusal is withdrawn. This being the case the main issues are as stated below.

Main issues

Appeal A

7. I consider the main issue to be whether the proposed development would preserve or enhance the character or appearance of the Regent's Canal Conservation Area.

Appeal B

8. I consider the main issue to be whether the proposed demolition would be justified in the light of the proposed redevelopment scheme.

Reasons

9. The site lies either side of the Hertford Union Canal where it joins the Regent's Canal length of the Grand Union Canal. The latter is widened at this junction to provide a turning basin to accommodate craft moving between the two canals. The northern part of the site lies between terraced housing in Royal Victor Place which fronts the towpath of the Hertford Union Canal to the east, and the towpath of the Regent's Canal to the west. The site is occupied by a vacant single-storey warehouse. The proposal is to demolish the warehouse and replace it with a terrace (Building A) comprising 5 four-bedroom, three-storey houses with a four-storey block of flats at its western end providing 2 two-bedroom and 4 one-bedroom units.
10. The southern part of the site comprises the western part of the Bow Wharf complex, a mixed use group of buildings accessed from Grove Road to the east. It is a largely an open, paved, area, bounded to the east by the blank brick western gable of a locally listed former warehouse, to the north by the Hertford Union Canal, and to the west by the towpath along the eastern side of the Regent's Canal. It is occupied by a single-storey commercial unit located along its southern boundary, separating the site from the adjacent public open space of Wennington Green.
11. The proposal is to construct a six-storey building (Building B) in the eastern part of the open area to provide 11 two-bedroom and 5 single-bedroom flats. The existing commercial building would be demolished and a four-storey block (Building C) built in its place to provide a retail unit on the ground floor with one single-bedroom, 2 two-bedroom, and 4 three-bedroom flats on the upper floors. The remaining, western, part of the open area would be retained as public open space, described by both parties as a piazza.
12. Vehicular access to the northern part of the site would be via the narrow access from Old Ford Road. That to the southern part of the site would also use this route together with the Grade II listed Stop Lock Bridge over the Hertford Union Canal. This would be for light vehicles only, the structure being subject to a weight limit. Servicing and deliveries to the southern part of the site and access for emergency vehicles such as fire appliances would be through the Bow Wharf complex from Grove Road.
13. In total the site amounts to some 0.24 hectares. It lies within the Regent's Canal Conservation Area. This is linear in form, being drawn tightly around the canal with the aim of protecting the special character of its banks and specific features such as locks, bridges, wharves, moorings, and towpath. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of planning powers in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

Appeal A

Effect on the Conservation Area

14. Previous proposals for redeveloping the site were dismissed at appeals in 2005 (APP/E5900/A/04/1159432) and 2010 (APP/E5900/A/10/2121940). The current application the subject of Appeal A was refused for the reason that in respect of its design, appearance, height, bulk, scale and massing it would fail to preserve or enhance the open character and appearance of this part of the Regent's Canal Conservation Area.
15. Building A would be in the form of a terrace fronting the towpath along the north side of the Hertford Union Canal. The eastern part of the terrace would comprise 5 four-bedroom, three-storey, houses with the third storey within the pitched roof of the front elevation. The western part would be a four-storey block of flats similar in form with the fourth floor in the roof.
16. Whilst somewhat greater in scale than the adjoining Royal Victor Terrace the proposed terrace would acknowledge the form of the existing development's terraces of both three and four-storey 'room in the roof' dwellings set back from the towpath behind shallow garden space. I consider the proposed design to be compatible with the surrounding built form and that the set back of the terrace at some 7m from the canal would be sufficient to avoid it having an overbearing presence on the towpath. To my mind the attractiveness of this length of the towpath which at present runs within the 4m width between the canal and the blank brick southern elevation of the vacant warehouse is likely to be enhanced by the presence of the active façade of the terrace and its more generous set back from the canal despite it being higher than the warehouse.
17. Mid way along the southern elevation of the four-storey element of the terrace the towpath begins the climb to meet the access from Old Ford Road as it approaches Stop Lock Bridge in order to cross over the Hertford Union Canal. The towpath would turn northwards at the corner of Building A on to the ramp alongside the western elevation of the proposed building. The ground floor of this elevation would be stepped back to maintain an appropriate minimum width for the towpath at the corner of the building. The rise in ground levels from the Hertford Union Canal towpath to the Stop Lock Bridge would result in the four-storey building having the appearance of being three-storey as seen from the bridge.
18. I consider Building A's set back from the Regent's Canal and, notwithstanding it being higher than the existing vacant warehouse, the compatibility of its height with the other waterside property around the turning basin, are sufficient to prevent it from materially diminishing the overall feeling of openness of the canal side at this location or detracting from the setting of the listed bridge. There would, though, be an increased feeling of enclosure along the lower part of the ramp although the open views northwards would remain.
19. The six-storey Building B would echo the form of the adjoining locally-listed former warehouse immediately to the east, being pitched-roof with east and west-facing gables. The existing building is three-storey. The proposed building, with its sixth storey within the roof, would have a roof ridge around the same height of the large chimney towards the eastern end of the Bow Wharf elevations fronting the canal. As such it would be some 7m higher than the former warehouse. It would, though, be shorter than its neighbour with

the length of its canal-facing northern elevation less than 2/3rds of that of the existing building, providing a degree of balance between the two within the presentation to the canal. I consider that Building B would be an acceptable addition to the overall pattern of built form facing this length of the canal as viewed from the northern towpath.

20. In views from the west the active western elevation of proposed Building B, with its external finish mix of brick and timber cladding and glazing, would replace the existing brick western gable of the locally-listed former warehouse. Whilst the views would be changed the result to my mind, would not be harmful. The proposed piazza would provide sufficient openness along the south side of the narrow length of the Hertford Union Canal approaching Stop Lock Bridge as to avoid any unacceptable degree of enclosure to users of the northern towpath opposite.
21. The western elevation of Building C would be immediately adjacent to the site boundary, as is that of the existing single-storey building. The proposed four-storey form would broadly mirror that of the similar height development on the opposite side of the Regent's Canal in Twig Folly Close. Views of the proposed building from the canal side south of the site would be largely screened by existing intervening tree cover as would views from within Wennington Green. Long views southwards along the canal from the towpath north of Stop Lock Bridge would remain. However, views looking southwards from the higher vantage point of the Bridge itself, across the western part of the site, would lose the present view of the trees which at present form a background to the existing single-storey building. The effect of the proposed Building C would be to foreshorten those views across the site.
22. All three buildings represent a significant reduction in scale and change in form from earlier proposals. I consider that the proposed development satisfactorily addresses the concerns of the previous Inspectors regarding the dominant impact they considered the larger prominent buildings then proposed (up to eight storeys in height and effectively covering the full area of the site) would have had on the historic canal-side character and existing buildings of the area.
23. The present proposal would clearly have a presence within the area but it would be one generally compatible with, rather than a cause of harm through dominance of, the surroundings. Views would be changed, as I have identified above, but there would be no material harm to the overall open character and appearance of the turning basin and adjacent canal-side area, or to the Conservation Area. In the light of such lack of harm I conclude that the proposed development would preserve the character and appearance of the Conservation Area.

The Section 106 Obligation - Unilateral Undertaking

24. In the event of permission being granted for the proposed demolition and redevelopment the appellant undertakes to make contributions in respect of affordable housing and the provision of community, education, enterprise, health and public transport facilities. The Undertaking, dated 3 June 2014, has been negotiated, including a viability assessment in respect of affordable housing, in accordance with Policy SP13 of the Council's Core Strategy Development Plan Document 2025 Adopted September 2010 and its Planning Obligations Supplementary Planning Document Adopted January 2012. Ten affordable housing units would be provided, seven in Building B and three in

Building C. Financial contributions would be made in respect of the other facilities and I have no reason to contest the sums agreed. I am satisfied that the Undertaking meets the tests set out in paragraph 122 of the CIL Regulations 2010 and I have taken it into account in my determination of these appeals.

Other matters and conclusion

25. I have taken account of all the other matters raised in the evidence whether in support of, or expressing concern about, the proposal. In respect of the former the London Plan states the pressing need for more homes in London and exhorts Boroughs to exceed their annual average monitoring targets for housing delivery. The 34 residential units that the proposal would deliver, 10 of which would be affordable, would contribute towards that end. In addition to the dwellings the proposal would provide commercial floorspace within the ground floor of Block C with the potential for employment and the piazza would provide some 320 sqm of new public open space alongside the canal towpath.
26. The officer's report advises that the area has a Public Transport Accessibility Level of 3 (average). Only one on-site car parking space would be provided, this being for disabled use. The proposal is consistent with development plan policies which seek to encourage sustainable non-car modes of transport and to limit car use by promoting car-free development and restricting car-parking provision. I am imposing a planning condition to secure parking-permit-free status for the development.
27. The proposal would represent the efficient use of a previously-developed site in line with the National Planning Policy Framework's acknowledgement of the public benefits of securing the optimum viable use of land. The London Plan also requires that housing development should optimise the use of land. The proposal would bring the site into an appropriate active use with new buildings compatible with the surrounding existing built form whilst retaining the overall openness of the area. With its economic, social and environmental contributions it would provide a sustainable, residential-led, mixed-use development within a largely residential location. The principle of such redevelopment of the site is supported by the Council and accords with the principal thrust of the Framework.
28. I have also noted the concerns raised in responses to both the application and this appeal. In particular I consider the degree of separation between the proposed development and that on the west side of the Regent's Canal, together with the individual building alignments, to be such as to avoid any direct overlooking, intrusion or loss of light. Additional traffic resulting from the development would be limited by its parking-permit-free status referred to above. No convincing evidence has been put forward to support the suggestion that the site is required as a car park to support existing businesses in the Bow Wharf complex. Concerns about vehicle usage of the Stop Lock Bridge, access for fire engines, protection of existing trees and disruption during the construction period can be addressed by conditions.
29. I consider that none of the above, nor any of the other matters raised, is sufficient to outweigh my conclusion in respect of the main issue which is that the proposal would preserve the character and appearance of the Regent's Canal Conservation Area. In this light, and for the other reasons set out above, I conclude that Appeal A should succeed.

Appeal B

30. The proposed demolition of the disused warehouse and the single-storey commercial building, the subject of Appeal B, was refused for the reason that, in the absence of an approved planning permission for the redevelopment of the site, the demolition of the buildings would leave an undeveloped site which would represent a blight on the character and appearance of the Conservation Area. In its Appeal Statement the Council confirms that it considers the proposed demolition to be acceptable but that it should only be allowed in conjunction with an acceptable scheme for the redevelopment of the site. In the light of my decision in respect of Appeal A above there is now an approved planning permission for an acceptable redevelopment of the site. I conclude that the proposed demolition to facilitate implementation of that permission would be justified and that Appeal B should succeed.

Conditions – Appeals A and B

31. I have considered the Council's suggested conditions and their detailed wording in the light of the PPG and Annex A of Circular 11/95. In the absence of any reasons to vary the usual time for commencement I have required the developments to begin within three years of these decisions. I consider the conditions in the attached schedules to be reasonable and necessary – for Appeal A these deal with:

- construction operations and protection of existing trees, wildlife, local ecology and heritage features (conditions 6, 10, 13, 14, 15, 17 and 26) in the interests of protecting the existing environment, the canal side infrastructure, and living conditions of occupants of neighbouring properties;
- use of the commercial unit, including servicing and deliveries (conditions 3, 7, 28 and 29) in the interests of the living conditions of occupants of neighbouring properties and highway safety;
- materials for external surfaces, including the commercial unit shop front, and landscaping (conditions 18, 19 and 20) in the interests of a satisfactory appearance;
- 'Lifetime Homes' standards; energy efficiency; 'Code for Sustainable Homes'; BREEAM certification; 'Secure by Design'; sound insulation; storage of cycles and refuse and recyclable material; and retention and enhancement of biodiversity (conditions 4, 5, 21, 22, 23, 24, 25, 27 and 30) in the interests of sustainability and the provision of a satisfactory standard of housing;
- emergency access for fire appliances and site contamination (conditions 8, 11 and 12) in the interests of the living conditions of the future occupants of the development; and
- highway works and use of water borne transport to the site (conditions 9 and 16) in the interests of highway safety; and
- car-parking permits (condition 31) in the interests of highway safety.

For Appeal B it is necessary that demolition does not take place until measures are in place to ensure that the approved redevelopment will be delivered, in the interests of avoiding blight to the Conservation Area. In addition, other than as set out in these decisions and conditions, it is necessary that the demolition and

redevelopment shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of proper planning.

R.T.Boyd

Inspector

Schedules of conditions

Appeal A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: L2853 – A2-10 Rev 01; L2853 – A1-10 to A1-15 and A1-20 to A1-22 (all Rev 01); L2853 – A1-81, -82, -91, -92 -93 (all Rev 01); L2853 – A4-01,-02 (both Rev 01) and 2011-1129-AT-007.
- 3) The use of the commercial unit (Use Class A1, A2, A3 or D1) on the ground floor of Building C hereby permitted shall not take place other than between the hours of: 07:00 - 22:00 on any day.

The outdoor seating area associated with the ground floor commercial unit of Building C shall only be used between the hours of: 07:00 – 21:00 on any day.

- 4) The dwellings hereby permitted shall be constructed in accordance with "Lifetimes Homes" standards and at least 10% of the units shall be wheelchair accessible.
- 5) Energy efficiency measures in accordance with the proposals made in the approved "Energy Report – Bow Wharf – Version 4, dated 3 October 2011, prepared by TTP Consulting" shall be implemented prior to the first occupation of the development hereby permitted and shall be permanently retained
- 6) The development hereby permitted shall be carried out in accordance with the recommendations contained in the approved 'Arboricultural Report to Support Planning Application, prepared by DPA, dated October 2011.'
- 7) Notwithstanding the provisions of the Town and Country Planning Use Classes Order 1987 (or any order revoking and re-enacting that Order with or without modification), the D1 use hereby approved shall exclude 'Places of Worship', and 'Education/colleges', and 'Educational Training Centres'
- 8) No development shall take place, including any works of demolition, until proposals for accommodating an access route into and out of the site by a 7.9m fire service pumping appliance have been submitted to and approved in writing by the Local Planning Authority. No other development, including any works of demolition, shall be carried out until the access route has been provided and, following a demonstration of its use, has been approved in writing by the Local Planning Authority.
- 9) No development shall take place until a feasibility study has been carried out to assess the potential for moving freight by water both during the construction cycle (waste and bulk materials) and following occupation of the development (waste and recyclables) and submitted to and approved in writing by the Local Planning Authority. The use of waterborne transport shall be maximised during the construction of the development unless the above assessment demonstrates that such use of the waterways is not physically, economically or environmentally feasible.
- 10) No development shall take place, including any works of demolition, until a Construction Management Plan for the development, has been submitted to and approved in writing by the Local Planning Authority. The approved Construction

Management Plan shall be adhered to throughout the construction period. The Construction Management Plan shall provide for:

- the parking of vehicles of site operatives and visitors;
- details of access to the site for construction vehicles and deliveries (which shall not use the Grade II Listed Stop Lock Bridge because of the weight restriction);
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction; and
- a scheme for recycling/disposing of waste resulting from demolition and construction work.

Building, engineering or other operations such as demolition, works preparatory to or ancillary to the construction shall only take place between the hours of 08:00 and 18:00 Mondays to Fridays and between the hours of 08:00 and 13:00 Saturdays, and no works shall be carried out at any time on Sundays or Public Holidays.

- 11) No development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the Local Planning Authority:
- a) A preliminary risk assessment which has identified: - all previous uses; - potential contaminants associated with those uses; - a conceptual model of the site indicating sources, pathways and receptors; - potentially unacceptable risks arising from contamination at the site.
 - b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. The site investigation scheme shall be carried out as approved.
 - c) The results of the site investigation and detailed risk assessment referred to in (b) 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.
 - d) 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 (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority.

- 12) No occupation of any part of the permitted development shall take place until the verification report referred to in the above condition, 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.

- 13) No development shall take place until a scheme for the provision and management of a buffer zone alongside the Hertford Canal has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme. The scheme shall include:
- plans showing the extent and layout of the buffer zone; details of the planting scheme; details demonstrating how the buffer zone will be protected during development and managed / maintained over the longer term; and details of footpaths, fencing and lighting.
- 14) No development shall take place until, a Risk Assessment and Method Statement outlining all works to be carried out adjacent to the water has been submitted to and approved in writing by the Local Planning Authority. Any works must be undertaken in accordance with the terms of the approved Risk Assessment and Method Statement.
- 15) No development shall take place until full details of the measures for the protection of the Grade II Listed Bridge during the course of construction works have been submitted to and approved in writing by the Local Planning Authority. The protection measures shall be put in place as approved prior to any construction activity in the vicinity of the bridge.
- 16) No development shall take place until a Scheme of Highway Improvement Works necessary to serve this development (being the closure of the existing access and reconstruction/resurfacing of the carriageway/footway) has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the Scheme has been completed in full accordance with the approved details.
- 17) No development shall take place until a survey of the condition of the waterway wall, and a method statement and schedule of works identified has been submitted to and approved in writing by the Local Planning Authority. Any heritage features and materials identified by the survey shall be made available for inspection by the Local Planning Authority and, where so required, shall be preserved in-situ or reclaimed and re-used elsewhere on site.
- 18) No development shall take place until a landscaping and management scheme for the development has been submitted to and approved in writing by the Local Planning Authority. The detailed scheme shall include the following:
- Access Route from Old Ford Road: Full details of hard landscaping (materials appropriate to conservation area setting) and soft landscaping (to enhance biodiversity) and details of how pedestrian safety would be prioritised.

- Weight Restriction Measures: Details of measures in order to ensure compliance with weight restriction measures for Grade II Listed Stop Lock Bridge.
- Public Piazza: Full details of hard landscaping (materials appropriate to conservation area setting) and soft landscaping (to enhance biodiversity).
- Enclosures: details including, but not limited to, types, dimensions and treatments of walls, fences, screens, barriers, rails, retaining walls and hedges.
- Hard landscaping: details including, but not limited to, ground surfaces, kerbs, edges, paving, furniture, bins, steps and if applicable synthetic surfaces.
- Soft landscaping: number and type of species to be planted and how the type of planting enhances biodiversity.
- Trees: details of replacement trees (which shall include Alder) and the number and type of species to be planted and how the type of planting enhances biodiversity.
- Lighting and CCTV: details, including location, type, specification, hours of operation and lux numbers;
- Permanent signage and information boards; details including size and locations.
- Management plan detailing management responsibilities and maintenance schedules for the ongoing maintenance and access.
- Any other landscaping features forming part of the scheme.

All landscaping in accordance with the approved scheme shall be completed / planted during the first planting season following practical completion of the development hereby approved. The landscaping and tree planting shall have a two year maintenance / watering provision following planting and any trees or shrubs which die within five years of completion of the development shall be replaced with the same species, unless otherwise approved in writing, by the Local Planning Authority. The development shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

- 19) The development shall be carried out in accordance with the approved 'External Materials Schedule, Issue 01', dated February 2012, prepared by Lewis and Hickey.
- 20) No development shall take place until full details of the design and specification of the materials for the shop front for the proposed commercial unit at the ground floor level of Building C have been submitted to and approved in writing by the Local Planning Authority. The shop front shall not include any areas of obscure glazing. The shop front as approved shall be installed prior to the first occupation of the residential units hereby permitted.
- 21) No development shall take place until details of a scheme to provide secure cycle storage for the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be

implemented as approved prior to the first occupation of the development and retained thereafter.

- 22) No development shall take place until details of the provision of refuse and recycling storage facilities to serve the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The storage facilities shall be implemented as approved prior to the first occupation of the development and retained thereafter.
- 23) No residential units in the development hereby permitted shall be occupied until a Code for Sustainable Homes pre-assessment, where the development shall seek to achieve a Code Level 4 rating, has been submitted to and approved in writing by the Local Planning Authority. Within six months of the first occupation of the residential units, the final Code for Sustainable Homes Assessment, verified by the awarding body, showing that the residential units achieve a minimum of Code Level 4, shall be submitted to the Local Planning Authority.
- 24) The commercial unit hereby approved, shall not be occupied until Interim BREEAM Certificates demonstrating that the new commercial unit within Building C will achieve an "Excellent" rating, verified by the awarding body, have been submitted to and approved in writing by the Local Planning Authority. Within six months of the first occupation of the commercial unit hereby approved, the final BREEAM certificates for each of the new commercial uses, verified by the awarding body, shall be submitted to the Local Planning Authority. The development shall be implemented in accordance with the approved details and retained as such thereafter.
- 25) No residential units in the development hereby permitted shall be occupied, - until full details of how the proposed residential units accord with British Standard 8223:– *Sound insulation and Noise Reduction for Buildings – Code of Practice - 1999* have been submitted to and approved in writing by the Local Planning Authority.
- 26) No clearance of vegetation shall be undertaken otherwise than within the months of September and February inclusive (being outside of the nesting season), unless a survey for nesting birds by a suitably-qualified ecologist has been submitted and approved in writing by the Local Planning Authority prior to the commencement of clearance of vegetation. If nests are found within this survey the vegetation shall be left undisturbed until the young birds have fledged.
- 27) No works above ground level shall take place until full details of biodiversity enhancements have been submitted to and approved in writing by, the Local Planning Authority. The biodiversity enhancements shall include, but not be limited to, the measures recommended in the approved Extended Phase 1 Habitat Survey and Bat Habitat Suitability Assessment Issue Three Dated 22 August 2011 Ref H2OURB-BOWWHA-3385.
- 28) No A3 use within the commercial unit at ground floor level of Building C, shall take place until details of the means of ventilation for the extraction and dispersal of fumes, including details of the extraction, ventilation and filtration equipment and any other external plant or machinery (including ventilation units and air intake louvres) together with details of its method of construction,

appearance, finish and acoustic performance have been submitted to and approved by the Local Planning Authority.

There shall be no occupation of an A3 use until the equipment as approved has been installed in accordance with the approved details and the means of ventilation and extraction put into operation as approved. Details of any additional extraction, ventilation and filtration equipment required as a result of the specific requirements of the end user or occupier shall be submitted to and approved in writing by the Local approved in writing by the Local Planning Authority prior to the occupation of the unit in question

- 29) The commercial floor space at ground floor level within Building C hereby permitted shall not be occupied until a Delivery and Service Management Plan has been submitted to and approved in writing by the Local Planning Authority. No deliveries or servicing for the commercial unit shall take place from Old Ford Road. The development shall be operated strictly in accordance with the Delivery and Service Management Plan so approved and shall be maintained as such thereafter.
- 30) No occupation of the development hereby approved shall take place until a Secure by Design Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out strictly in accordance with the details so approved and shall not be occupied until they have been implemented.
- 31) The development hereby permitted shall not be first occupied until a scheme to secure the occupation of the site as a car free development has been submitted to and agreed in writing by the local planning authority. The scheme shall make explicit that all occupiers of the development (not being holders of a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970 or similar legislation) including all such future occupiers, shall not apply for or hold an on-street parking permit to park a vehicle on the public highway at any time within the administrative district of the local planning authority. Any permit that is issued to or held by any occupant of the development shall immediately be surrendered to the local planning authority. The restrictions and requirements of the scheme shall apply to and be communicated to all future occupiers of the development including successors in title as well as any person occupying the premises as a tenant or licensee. The scheme shall be put in place prior to first occupation of the development and retained in force thereafter

Appeal B

- 1) The demolition works hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The demolition works hereby permitted shall be carried out in accordance with approved plan No. L2853-A2-10 Rev 01.
 - 3) The demolition works hereby permitted shall not be carried out before a contract for the carrying out of the works of redevelopment of the site has been made and planning permission has been granted for the redevelopment for which the contract provides.
-