

SCHEDULE 1

Draft Planning Permission

Part 2

SCANNED ON
24 APR 2012
PLANNING (IO)

**RECOMMENDATION
LDD MONITORING FORM REQUIRED**

This document shows the case officer's recommended decision for the application referred to below.
This document is not a decision notice for this application.

| | | | |
|-------------------------|------------------------------------------|--------------------|------------|
| Applicant | Notting Hill Ownership Ltd | Reg. Number | 11-AP-4309 |
| Application Type | Full Planning Permission | Case Number | TP/H2018 |
| Recommendation | Grant subject to Legal Agmt, GLA and SoS | | |

Draft of Decision Notice

Planning Permission was GRANTED for the following development:

Demolition of existing buildings and redevelopment of the site comprising new buildings ranging from 3 to 7 storeys in height to provide 279 residential units (96 x 1 bed, 124 x 2 bed, 57 x 3 bed, 2 x 4 bed) together with the construction of a new road, pedestrian and cycle routes and new access to the public highway, car and cycle parking, energy centre, open space and landscaping.

At: SITE BOUNDED BY EDMUND STREET, SOUTHAMPTON WAY AND NOTLEY STREET, LONDON SE5

In accordance with application received on 22/12/2011

and Applicant's Drawing Nos. 09.221/D 600, 09.221/D 601, 09.221/D1-3 100, 09.221/D1-3 101, 09.221/D1-3 103, 09.221/D1-3 105, 09.221/D1-3 107, 09.221/D4-6 100, 09.221/D4-6 102, 09.221/D4-6 104, 09.221/D7 100, 09.221/D8 100, 09.221/D9 100, 09.221/D10 100, 09.221/D 500, 09.221/D 501, 09.221/D 502, 09.221/D 503, 09.221/D 504, 09.221/D 505, 09.221/D 506, 09.221/D 507, 09.221/DH 100, 09.221/DH 300 rev A, 09.221/D1-3 300, 09.221/D1-3 301rev A, 09.221/D4-6 300 rev A, 09.221/D7-300 rev A, 09.221/D8-300 rev A, 09.221/D9 300 rev A, 09.221/D10-300 rev A, 09.221/D-251, 09.221/D-252, 09.221/D551, 09.221/D 552, 09.221/D 553, 09.221/D 554, 09.221/D 555, 09.221/D 556 and 09.221/D 508

Internal Daylight Assessment, External Daylight & Sunlight Report, Planning Statement, Ecology Report, Energy Strategy, Contamination Mitigation Strategy, Noise Assessment, Flood Risk Assessment, Arboricultural Implication Study, Statement of Consultation, Draft Travel Plan, Transport Assessment, Air Quality Assessment, Landscape Strategy Report, Design & Access Statement

Reasons for granting planning permission

This planning application was considered with regard to various policies including, but not exclusively:

- a) Saved policies 2.5 planning obligations, 3.1 environmental effects, 3.2 protection of amenity, 3.4 energy efficiency, 3.6 air quality, 3.7 waste reduction, 3.8 waste management, 3.9 water, 3.11 efficient use of land, 3.12 quality in design, 3.13 urban design, 3.14 designing out crime, 3.28 biodiversity, 4.1 density of residential development, 4.2 quality of residential accommodation, 4.3 mix of dwellings, 5.2 transport impacts, 5.3 walking and cycling, 5.6 car parking of the Southwark Plan 2007.
- b) Supplementary Planning Documents: Sustainable Transport Planning SPD, Sustainable Design and Construction SPD, Design and Access Statements SPD, Section 106 Planning Obligations SPD, Residential Design Standards SPD.
- c) Strategic policies 1 sustainable development, 2 sustainable transport, 5 providing new homes, 6 homes for people on different incomes, 7 family homes, 12 design and conservation and 13 high environmental standards of the Core Strategy 2011.
- d) Policies 3.3 increasing housing supply, 3.5 Quality and design of housing, 3.6 Childrens and young peoples play, 3.8 Housing choice, 3.13 Negotiating affordable housing, 3.17 Protection and enhancement of social infrastructure, 5.2 Minimising carbon dioxide emissions, 5.3 Sustainable design and construction, 5.7 Renewable energy, 6.3 Assessing transport capacity, 7.4 Local character, 7.15 Reducing noise, 7.19 Biodiversity, 8.2 Planning obligations, of the replacement London Plan 2011.
- e) Planning Policy Guidance Notes PPS1 Sustainable development, PPS3 Housing, PPS 5 Historic Environment, PPS13 Transport, PPS22 Renewable energy, PPG24 Planning and noise and PPS25 Development and flood risk.

The principle of redevelopment of this site for residential use is supported and in line with Southwark and London Plan policies which seek to increase the supply of housing. The design and massing of the buildings has evolved through a long pre-application process and would successfully relate to the surrounding buildings, subject to further design details being secured. The overall quality and standard of accommodation provided is acceptable. The amenity impacts resulting from the development have been considered, and having regard to the representations received from nearby occupiers, are on balance considered to be acceptable. The impacts on the highway network can be controlled through mechanisms secured through the S106 agreement, and are on balance considered to be acceptable. The S.106 offer is considered appropriate and therefore provides the required level of mitigation. The scheme is therefore considered to comply with the relevant Southwark Core Strategy and London Plan policies.

Subject to the following condition:

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

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 as amended.

- 2 Before any above grade work hereby authorised begins (excluding demolition), material samples / sample-boards of all external facing materials, including 1.0m x 1.0m sample panels of all the brick types including the feature panels to be used in the carrying out of each phase of the development, shall be submitted to and approved in writing by the Local Planning Authority before any above grade work hereby authorised begins (excluding demolition) in connection with that phase. The development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order to ensure that these samples will make an acceptable contextual response in terms of materials to be used, and achieve a quality of design and detailing in accordance with saved Policies: 3.12 Quality in Design and 3.13 Urban Design of The Southwark Plan 2007 and Strategic Policy 12 in the Core Strategy.

- 3 Prior to the commencement of any works above grade hereby approved (excluding demolition), 1:5/10 section detail-drawings through each detail type for:

a) the facades;

b) parapets;

c) roof edges;

d) balconies; and

e) heads, cills and jambs of all openings;

to be used in the carrying out of each phase of the development, shall be submitted to and approved in writing by the Local Planning Authority before any above grade work hereby authorised begins (excluding demolition) in connection with that phase. The development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order that the Local Planning Authority may be satisfied as to the design and details in the interest of the special architectural or historic qualities of the listed building in accordance with saved policies: 3.12 Quality in Design; 3.13 Urban Design; of The Southwark Plan (UDP) July 2007 and SP12 Design & conservation of the Core strategy (2011).

- 4 Before any above grade work hereby authorised begins (excluding demolition), detailed drawings at a scale of 1:50 of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including surfacing materials of any parking, access, or pathways layouts, materials and edge details, all boundary treatments such as walls and fences, play equipment, material samples of hard landscaping and podium soil depths, sections and planting), and including a proposed landscape management scheme to be used in the carrying out of each phase of the development, including the pocket park, the publically accessible spaces and the elevated communal gardens, shall be submitted to and approved in writing by the Local Planning Authority before any above grade work in connection with that phase is carried out. The landscaping shall not be carried out otherwise than in accordance with any such approval given. The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and any trees or shrubs that is found to be dead, dying, severely damaged or diseased within two years of the completion of the building works OR two years of the carrying out of the landscaping scheme (whichever is later), shall be replaced in the next planting season by specimens of similar size and species in the first suitable planting season. Planting shall comply to BS:4428 Code of practice for general landscaping operations, BS:3996 Nursery stock specification, BS:5837 Trees in relation to construction and BS:7370

Recommendations for establishing and managing grounds maintenance organisations and for design considerations related to maintenance.

Reason: In order to ensure that the design and details are acceptable and the spaces around the site are acceptable in accordance with saved Policies 3.12 Quality in Design, 3.13 Urban Design and 3.28 Biodiversity of The Southwark Plan 2007 and Strategic Policy 12 'Design and Conservation' and 13 'High Environmental Standards' in the Core Strategy.

- 5 Notwithstanding any details hereby approved, before any above grade work hereby authorised begins (excluding demolition), details of the means of enclosure for all site boundaries shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason: In the interests of visual and residential amenity in accordance with saved Policies 3.2 Protection of amenity, 3.12 Quality in Design, and 3.13 Urban design of the Southwark Plan 2007 and Strategic Policy 12 of the Core Strategy.

- 6 Notwithstanding any details hereby approved, before any above grade work hereby authorised begins (excluding demolition), revised details of the gateway between the proposed 'Southampton Way link' and Southampton Way, shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given.

Reason: In the interests of visual and residential amenity and to ensure safe pedestrian and cycle movement in accordance with saved Policies 3.2 Protection of amenity, 3.12 Quality in Design, and 3.13 Urban design of the Southwark Plan 2007 and Strategic Policy 12 of the Core Strategy.

- 7 Unless otherwise agreed in writing by the Local Planning Authority, the development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by RSK (Report Ref: 131510 R1, dated 20th December 2011) and the following mitigation measures detailed within the approved FRA:

1. Finished floor levels are set no lower than 3.0m AOD (see Section 4.2).
2. Implement flood resilient and resistant measures into the scheme as set out within section 4.3 of the approved FRA and the publication 'Preparing for floods (ODPM 2003)' <http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>
3. Submit a Flood Response plan for approval by the local authority. This should set out provisions for safe refuge arrangements for ground floor occupants, details on safe access/egress routes in the event of an extreme event and procedures for residents to sign up to the Environment Agency's Flood Warning system
4. Implementation of a SUDS strategy incorporating the measures recommended within the approved FRA (Section 5) consisting of the use of green roofs, permeable surfaces and infiltration devices (Section 5.3 and SWMP shown in Appendix H). In accordance with the approved FRA proposed off-site surface water discharges to the public sewer system will be restricted to the Greenfield rates set out in Table 6.1 and 6.2 for all events up to and including the 1 in 100 year plus change event.

Reason: To ensure that development incorporates measures to protect from flooding in accordance with PPS25 and Strategic Policy 13 'High Environmental Standards' in the Core Strategy 2011.

- 8 Any machinery, plant or equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise therefrom does not, at any time, increase the ambient equivalent noise level when the plant, etc., is in use as measured at any adjoining or nearby premises in separate occupation; or (in the case of any adjoining or nearby residential premises) as measured outside those premises; or (in the case of residential premises in the same building) as measured in the residential unit.

Reason

In order to protect neighbouring occupiers from noise nuisance thereby protecting the amenity of neighbouring occupiers in accordance with saved Policy 3.2 Protection of Amenity of The Southwark Plan 2007 and Planning Policy Guidance 24 Planning and Noise.

- 9 a) All residential premises shall be designed to attain the following internal noise levels:
Bedrooms- 30dB LAeq,8hr* and 45dB LAfmax
Living rooms- 30dB LAeq,16hr**
* 8 hours between 23:00-07:00
**16 hours between 07:00-23:00.

Reason

To ensure that the occupiers and users of the development do not suffer a loss of amenity by reason of excess noise from environmental and transportation sources in accordance with saved Policies 3.1 Environmental Effects and 3.2 Protection of Amenity of The Southwark Plan 2007 and PPG 24 Planning and Noise.

- 10 Prior to the commencement of development (excluding demolition), a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to the Local Planning Authority for approval in writing. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason:

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy 3.1 'Environmental effects' of the adopted Southwark Plan 2007 and PPS 23 Planning and Pollution Control.

- 11 The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development (excluding demolition) other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out shall be submitted to the Local Planning Authority for approval in writing.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy 3.1 'Environmental Effects' of the adopted Southwark Plan 2007 and PPS 23 Planning and Pollution Control.

- 12 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 10 and 11, and submitted to the Local Planning Authority for approval in writing.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, and submitted to the Local Planning Authority for written approval.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved policy 3.1 Environmental effects of the adopted Southwark Plan 2007 and PPS 23 Planning and Pollution Control.

- 13 Before any above grade work hereby authorised begins (excluding demolition), a Refuse Management Plan

detailing how the residential units would be serviced and including full details of the bin stores including type and size of bins and details showing the appearance of any external bin stores for the townhouses, to be used in the carrying out of each phase of the development, shall be submitted to and approved in writing by the Local Planning Authority before any above grade work in connection with that phase is carried out. The development shall be carried out in accordance with the approval given.

Reason

To ensure compliance with saved policy 5.2 Transport Impacts of the Southwark Plan 2007 and Strategic Policy 2 'sustainable transport' in the Core Strategy.

- 14 Before any demolition and construction works hereby authorised begins, details of an Environmental Management Plan and Code of Practice (which shall oblige the applicant/developer and its contractors to use all best endeavours to minimise disturbances including but not limited to noise, vibration, dust, smoke and plant emissions emanating from the site) which shall include the following information:
- A detailed specification of demolition (including method and foundation piling) and construction works for each phase of development including consideration of environmental impacts and the required remedial measures;
 - A detailed specification of engineering measures, acoustic screening and sound insulation measures required to mitigate or eliminating specific environmental impacts;
 - Details of arrangements for publicity and promotion of the scheme during construction;
 - A commitment to adopt and implement of the ICE Demolition Protocol and Southwark's Environmental Code of Construction and GLA Best Practice Guidance.
 - A Delivery and Servicing Plan (all construction access routes and access details also need to be approved by TfL).

shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given and the demolition and construction work shall be undertaken in strict accordance with the approved Management Plan and Code of Practice.

Reason:

To ensure that the occupiers of neighbouring premises do not suffer a loss of amenity by reason of pollution and nuisance, in accordance with Policies 3.1 Environmental Effects and 3.2 Protection of Amenity of The Southwark Plan July 2007.

- 15 Prior to the commencement of development (excluding demolition) a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason

The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community in accordance with saved policy 3.9 'water' of the Southwark Plan 2007

- 16 Prior to the commencement of any works above grade hereby approved (excluding demolition), full details of the cycle parking for the whole development including types of stands, layout, covered storage details and full details of the cycle parking for the houses, to be used in the carrying out of each phase of the development, shall be submitted to and approved in writing by the Local Planning Authority before any above grade work hereby authorised begins (excluding demolition) in connection with that phase. The cycle parking facilities shall be provided prior to first occupation of the development and maintained in accordance with the details approved.

Reason:

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with saved policy 5.2 Transport Impacts and 5.3 Walking and Cycling of the Southwark Plan 2007 and Strategic Policy 2 'sustainable transport' in the Core Strategy.

- 17 Before the first occupation of the development hereby permitted, a Code for Sustainable Homes final certification (or other verification process agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards at Code Level 4 have been met.

Reason

To ensure the proposal complies with saved Policies 3.3 Sustainability and 3.4 Energy Efficiency of the Southwark Plan 200 and strategic policy 13 'High Environmental Standards' in the Core Strategy 2011.

- 18 Prior to the commencement of development, a detailed method statement for the removal or long-term management /eradication of Japanese knotweed on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include proposed measures to prevent the spread of (plant name) during any operations such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

Reasons: To mitigate any impact from the development hereby approved and to comply with PPS9, policy 3.28 of the Southwark Plan and Strategic Policy 11 'Open spaces and wildlife' of the Southwark Core strategy. Japanese knotweed is an invasive plant, the spread of which is prohibited under the Wildlife and Countryside Act 1981. Without measures to prevent its spread as a result of the development there would be the risk of an offence being committed and avoidable harm to the environment occurring.

- 19 Prior to the commencement of any works above grade (excluding demolition), an Environmental Action Plan detailing proposed ecological mitigation measures, to include a minimum of 20 nesting boxes and 20 bat bricks shall be provided and the details shall include the exact location, specification and design of the habitats, and outlining the measures to be implemented for the mitigation and enhancement of biodiversity, set out in the ecological report recommendations covering the following:

- Black Redstart: (Further survey required. On completion of the recommended black redstart surveys it will be possible to make an assessment of the use of the sites by this species and to propose an appropriate detailed mitigation strategy).
- Common Bird Species:
- Stag Beetle
- Control measure against Japanese knotweed and cotoneaster,
- Incorporating Native Planting
- Non-native plant species of benefit to wildlife should also be incorporated into the landscape proposals
- A mix of native plant species and those with a known benefit to wildlife should be included.

Shall be submitted to, and approved the Local Planning Authority. The details approved shall be implemented in full prior to first occupation of the development.

Reason: To increase the biodiversity of the site, to mitigate any impact from the development hereby approved and to comply with PPS9, policy 3.28 of the Southwark Plan and Strategic Policy 11 of the Southwark Core strategy

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

Reason: All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981 (as amended) and to meet the requirements of PPS9, policy 3.28 of the Southwark Plan and Strategic Policy 11 'Open spaces and wildlife' of the Southwark Core strategy

- 21 Prior to the commencement of any works above grade (excluding demolition) Full details of the biodiversity (green/brown) roof(s) to be used in the carrying out of each phase of the development, shall be submitted to and approved in writing by the Local Planning Authority before any above grade work in connection with that phase is carried out. The biodiversity (green/brown) roof(s) shall be:

- biodiversity based with extensive substrate base (depth 80-150mm);
- planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage).

The biodiversity (green/brown) roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of

emergency. The biodiversity roof(s) shall be carried out strictly in accordance with the details so approved and shall be maintained as such thereafter.

Reason: To ensure the development provides the maximum possible provision towards creation of habitats and valuable areas for biodiversity in accordance with policies: 3D.14; 4A.3; 4A.9 and 4A.11 of the London Plan 2008 policy 3.28 of the Southwark Plan and Strategic Policy 11 of the Southwark Core strategy

22

Notwithstanding any drawings hereby approved, prior to the commencement of any works above grade (excluding demolition), full details of all proposed tree replacement planting (totalling a minimum of 1444cm girth), including species, size and the proposed times of planting, shall be submitted to and approved in writing by the local planning authority. All tree planting shall be carried out in accordance with the details approved. Planting shall comply to BS:4428 Code of practice for general landscaping operations.

If within a period of two years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation.

Reason:

In order to ensure that the design and details respect the context of the site and the public spaces around it in accordance with saved Policies 3.1 Environmental Effects and 3.28 Biodiversity of The Southwark Plan 2007 and Strategic Policy 12 'Design and Conservation' and 13 'High Environmental Standards' in the Core Strategy.

23

The trees to be retained in or around the site as specified within the Arboricultural report, shall be protected during construction with protective fencing to ensure that no damage occurs to the trees. No trenches, pipe runs or services or foundations shall be dug or excavated within 5.0 metres of the base of any tree on the site or of any tree on land adjoining the site unless otherwise agreed in writing. All works shall adhere to National Joint Utility Group, Guidance 10 - Guidelines For The Planning, Installation And Maintenance Of Utility Apparatus In Proximity To Trees (Issue 2).

Reasons:

To avoid damage to the existing trees which represent an important visual amenity in the area in accordance with saved Policies 3.13 Urban design and 3.28 Biodiversity of the Southwark Plan 2007.

24

Notwithstanding the provisions of Parts 24 and 25 The Town & Country Planning [General Permitted Development] Order 1995 [as amended or re-enacted] no external telecommunications equipment or structures shall be placed on the roof or any other part of a building.

Reason:

In order to ensure that no telecommunications plant or equipment which might be detrimental to the design and appearance of the building and visual amenity of the area is installed on the roof of the building in accordance with saved Policy 3.2 Protection of Amenity and 3.12 Quality in Design of the Southwark Plan 2007

25

All areas of footway subject to tree replanting and improvement works hereby approved, shall ensure a continuous minimum 1.8m (or 1.5m on Notley Street) unobstructed passing width clear of any tree pit or other obstruction.

Reason:

To provide for safe and accessible pedestrian access to and from the development and secure equality whilst preserving existing tree planting in accordance with saved policy 5.3 'walking and cycling' of the Southwark Plan 2007,

26

Notwithstanding the provisions of Schedule 2, Part 1, Classes A and B of the Town and Country Planning General Permitted Development Order (or amendment or re-enactment thereof) no extension, enlargement or other alteration of the premises shall be carried out to the dwellinghouses hereby approved, without the prior written consent of the Council, to whom a planning application must be made.

Reason

The houses hereby approved are located on restricted plots and any extensions, or alterations to the roof should remain under the control of the local planning authority, in the interests of protecting the amenity of neighbouring residents, in accordance with Policy 3.2 Protection of Amenity of the Adopted Southwark Plan

2007.

- 27 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 water or sewerage infrastructure, and the programme for the works) to be used in the carrying out of each phase of the development, has been submitted to and approved in writing by the local planning authority in consultation with the relevant water or sewerage undertaker, before any work in connection with that phase is carried out. 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 water and sewerage utility infrastructure. Piling has the potential to impact on local underground water and sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

- 28 The development hereby permitted shall not be carried out otherwise than in accordance with the following approved plans:

09.221/D 600, 09.221/D 601, 09.221/D1-3 100, 09.221/D1-3 101, 09.221/D1-3 103, 09.221/D1-3 105, 09.221/D1-3 107, 09.221/D4-6 100, 09.221/D4-6 102, 09.221/D4-6 104, 09.221/D7 100, 09.221/D8 100, 09.221/D9 100, 09.221/D10 100, 09.221/D 500, 09.221/D 501, 09.221/D 502, 09.221/D 503, 09.221/D 504, 09.221/D 505, 09.221/D 506, 09.221/D 507, 09.221/DH 100, 09.221/DH 300, 09.221/D1-3 300, 09.221/D1-3 301, 09.221/D4-6 300, 09.221/D7-300, 09.221/D8-300, 09.221/D9 300, 09.221/D10-300, 09.221/D-251, 09.221/D-252, 09.221/D551, 09.221/D 552, 09.221/D 553, 09.221/D 554, 09.221/D 555, 09.221/D 556

Reason:

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

Informatives

- 1 The applicant should ensure that no doors open out over the adopted highway, as this is an offence under the Highways Act 1980.

- 2 An informative should be included on the application stating that the applicant could speak to Kate Shortall (Transport for London) in relation to any match funding that is available from Transport for London for on-street electric vehicle charging points. Her email address is: KateShortall@tfl.gov.uk.

- 3 Thames Water Informatives:

- With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

- Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

4 The application is made up of 3 development parcels referenced as 'A', 'B' and 'C' as shown on plan 09.221/D
508 attached to this decision notice

SCHEDULE 2

1. AFFORDABLE HOUSING

- 1.1 The provisions of this clause shall come into effect on the Implementation Date.
- 1.2 The Developer covenants with the Council:
- 1.2.1 to construct or procure the construction of the Affordable Housing Units as part of the Development upon the Site at no cost to the Council and in accordance with the Southwark Residential Design Standards Supplementary Planning Document (September 2008) the Affordable Housing SPD and the Housing Corporation, 2007 Design and Quality Standards Scheme Development Standards issued by the Housing Corporation extant on the date of the Application
- 1.2.2 Unless otherwise agreed in writing by the Council, the proportion of the Affordable Housing Units to be constructed as Wheelchair Accessible Affordable Housing shall be constructed in accordance with the Residential Design Standards Supplementary Planning Document (September 2008) and the South East London Housing Partnership Wheelchair Housing Design Guidelines extant on the date of the Application
- 1.2.3 that the Affordable Housing Units shall be completed and available for residential Occupation no later than the Remaining Units and the Developer shall not Occupy (or permit Occupation) or Dispose (or permit Disposal) of more than 50% of the Remaining Units unless and until:
- 1.2.3.1 the Affordable Housing Units have been constructed on Site and made ready for Occupation in accordance with paragraph 1.2.1 and 1.2.2 to the reasonable satisfaction of the Deputy Chief Executive; and
- 1.2.4 Subject to the provisions of clause 7 of this Deed the Developer covenants with the Council that the Affordable Housing Units shall not be used for purposes other than providing housing accommodation to households in need of Affordable Housing in the London Borough of Southwark area in perpetuity.

2. EMPLOYMENT AND TRAINING - Construction Jobs – Workplace Co-ordination

2.1 Prior to the Implementation Date, the Developer will appoint a Workplace Co-ordinator using the Council's established Workplace Co-ordinator methodology who will provide training and support to facilitate access to construction jobs during the development phase of the Development for a minimum 24 month period.

2.2 the Developer will use reasonable endeavours:

2.2.1 maintain the Workplace Co-ordinator role within their organisation throughout the construction of the Development.

2.2.2 create the role of the Construction Workplace Co-ordinator to include the following duties:

2.2.2.1 to identify employment vacancies;

2.2.2.2 to encourage applications from suitable candidates resident in the Borough by liaising with the local Jobcentre Plus, employment service providers, voluntary and community sector, training providers and careers service providers, including Southwark Works and the Southwark Education Business Alliance;

2.2.2.3 to commission customised training (that is not currently delivered through mainstream courses) and to identify other revenue funds to deliver appropriate construction training;

2.2.2.4 to provide basic skills and site safety training to suitable candidates;

2.2.2.5 to work with new employees and their employers including those recruited as part of the Building London Creating Futures programme with the objective of ensuring effective transition into work;

2.2.3 to use reasonable endeavours to:

(a) place a minimum of 61 workless Borough residents into sustainable construction jobs;

(b) train a minimum of 26 workless Borough residents per annum using short courses; and

(c) to provide a minimum of 61 Construction Skills Certification Skills training opportunities per annum;

(d) to provide a minimum of 14 NVQ-level Qualifications.

2.2.4 Place the Construction Workplace Co-ordinator with the contractor team during the building programme to work on the Site.

2.2.5 produce written reports to the Council regarding the delivery and outcomes of the project on a quarterly basis.

2.3 In the event that the Developer fails to appoint the Construction Workplace Co-ordinator, the Developer shall be required to pay the Construction Workplace Co-ordinator(s) Workplace Contribution within 28 days of receiving a written notice from the Council requesting payment PROVIDED THAT the Construction Workplace Co-ordinator Contribution shall not fall due if the Developer subsequently appoints a Construction Workplace Co-ordinator within 28 days following service of the Council's written notice.

2.4 In the event of Significant Under-Performance the Council reserves the right to request the Construction Workplace Co-ordinator Contribution. The Developer will have a period of not less than 28 days to address any Significant Under-Performance from the date of written notice by the Council prior to making the said payment and within that 28 days delivery rises to 50 per cent or more of the total outputs specified in the paragraph 2.2.2 the Construction Workplace Co-ordinator Contribution will not be payable by the Developer and the request for payment will be withdrawn by the Council.

3. CONSTRUCTION APPRENTICESHIPS

3.1 The Developer shall prior to the Implementation Date submit to the Council for its approval details of the minimum number of new apprenticeship posts to be provided in construction trades on Site over the period of construction of the Development and shall unless otherwise agreed in writing by the Council, provide such apprenticeship posts. The Council shall provide a list of approved Local Employment and Skills Agencies which shall be maintained by the Workplace Co-ordinator.

3.2 The Developer, their contractors and sub-contractors shall work with the Workplace Co-ordinator and the Local Employment and Skills Agencies to recruit apprentices to the posts and provide the Council with a written report on a quarterly basis until the Completion Date providing details of the numbers of personnel recruited to the new apprenticeship posts.

4. LOCAL PROCUREMENT

- 4.1 The Developer will work with the Council's Economic Development Team or a nominee of the Council in the Borough to achieve the procurement of construction contracts and goods and services from SME companies and organisations based in the Borough.
- 4.2 The Developer will ensure that the total value of contracts procured from SME companies and organisations based in the Borough shall be no less than 10% of the total value of the construction contract or the number of contracts procured in relation to this Site from SME companies and organisations based in the Borough shall be no less than 10% of the total.
- 4.3 The Developer shall use reasonable endeavours to :-
- 4.3.1 ensure that the Developer and their contractors consider the applications to tender received from SMEs based locally for the provision of goods and services for the running of the Site, pre, during and post construction, and shall co-operate with the Council to increase opportunities for these local firms and people;
 - 4.3.2 include a written statement in their contracts with sub-contractors encouraging them to liaise with the Economic Development Team to discuss, agree and implement the arrangements as set out in this paragraph 7 and also in the Southwark Enterprise Strategy;
 - 4.3.3 brief sub-contractors on the requirements of this paragraph 7 and ensure co-operation is agreed as a pre-requisite to accepting sub-contract tenders;
 - 4.3.4 first advertise and offer sub-contracting and tendering opportunities to SMEs (whose primary address is in the Borough) through local business networks/associations, business lists provided by the Council or a nominee of the Council (including list of Pre-qualified Firms by the Council's Procurement Team) and the local press;
 - 4.3.5 with its sub-contractors, resource and deliver, in consultation with the Council or a nominee of the Council, a minimum of three seminars on procurement policy and phasing in relation to the Development at an appropriate time before the Implementation Date and targeted at local firms in order to make them aware of the opportunities, timescales and procedures to be adopted in tendering for available work; and

- 4.3.6 ensure sub-contractors where reasonably possible to divide contracts into more manageable sizes for SMEs based in the Borough.

5. WHEELCHAIR ACCESSIBLE DWELLINGS

- 5.1 The Developer will construct all Wheelchair Accessible Dwellings in the Shared Ownership Units And Remaining Units to the Base Standard except where a wheelchair user has committed to purchase following the required marketing of the Wheelchair Accessible Dwellings, when the unit will then be fitted to meet that user's reasonable requirements.
- 5.2 The Developer shall use reasonable endeavours to market the Wheelchair Accessible Dwellings to wheelchair users for a period commencing no later than the date being six months from the Commencement of Development or of the phase of development ("the Marketing Period") until the date three months after Practical Completion of each of the Wheelchair Accessible Dwellings.
- 5.3 The marketing referred to in Clause 5.2 above shall be conducted to ensure that the Wheelchair Accessible Dwellings are marketed to as wide an audience as possible through websites, publications and liaison with appropriate agencies and that the marketing details shall include a separate marketing brochure specially aimed at wheelchair users which will have indication of room sizes, kitchens, specification.
- 5.4 The Wheelchair Accessible Dwellings shall be advertised in the following places:
- 5.4.1 on the accessible property website (<http://www.accessible-property.org.uk>) or equivalent national website on www.housingoptions.co.uk
 - 5.4.2 on www.thelittlehousecompany.co.uk
 - 5.4.3 in SAGA magazine or similar London periodical aimed at an older readership
 - 5.4.4 in the "Fifty Plus" free newspaper published by Age Concern Hammersmith & Fulham
 - 5.4.5 in liaison with the Council's Rehousing Options Team and the wheelchair register (Accessible Housing Register)
 - 5.4.6 at Low Cost Home Ownership fairs and events
 - 5.4.7 Such other place as reasonably requested by the Council
- 5.5 If a wheelchair user wishes to purchase or rent a Wheelchair Accessible Dwellings then the Landowner and the Developer will fit out the Dwelling for wheelchair use prior to Occupation at no cost to the proposed purchaser or tenant.

5.6 If at the end of the Marketing Period, there remain wheelchair adaptable units in which no interest has been expressed by a purchaser with wheelchair needs who can reasonably demonstrate an ability and intention to proceed to purchase any such Wheelchair Accessible Dwellings, then those units shall not be allocated for wheelchair use and the Developer may dispose of such units on the open market subject to the prior approval of the Council not to be unreasonably withheld having regard to the evidence submitted pursuant to paragraph 5.7 below.

5.7 Prior to the Wheelchair Accessible Dwellings being disposed of on the open market, the Developer will submit to the Head of Development Management details of the marketing undertaken pursuant to Clauses 5.3 and 5.4 above supported by such evidence as the Council may reasonably require, such information to include the date of first advertisement and first website posting of each Wheelchair Accessible Dwelling.

6. CAR CLUB OFF SITE

6.1 Prior to Completion the Developer shall submit details to the Council identifying the location of the Car Club On Street Space.

6.2 The Developer shall not Occupy the Development until the Car Club On Street Space has been provided.

6.3 On Occupation of a Dwelling by a new Occupier, the Developer will promote or procure that the Car Club Provider promotes the Car Club Scheme to each new occupier by providing them with written details of the Car Club Scheme including membership details.

6.4 The Developer covenants that the Car Club Scheme will operate in perpetuity unless otherwise agreed in writing with the Council.

7. TRAVEL PLAN

7.1 Prior to the Occupation of the Development the Developer shall provide a full travel plan compliant with Transport for London's 'Travel planning for new development in London' guidance, for approval by London Borough of Southwark; and shall appoint a Travel Plan Co-ordinator.

7.2 The Developer covenants not to Occupy the Development until such time as the Travel Plan Co-ordinator has been appointed and London Borough of Southwark informed of the Travel Plan Co-ordinator contact details.

7.3 The Developer covenants to implement, monitor and review the Travel Plan including undertaking the following:

- 7.3.1 within 28 days of their Occupation to provide written details of the Travel Plan to new occupiers of the Development;
- 7.3.2 use reasonable endeavours to encourage occupiers of the Development to comply with the Travel Plan;
- 7.3.3 undertake iTrace compliant user surveys at 75% occupation and at 3 and 5 years from occupation, update the travel plan document following each of these surveys; and undertake an annual review of the Travel Plan and provide a written report of this review to the Council. The Developer will have regard to any reasonable recommendations made by the Council upon operation of the Travel Plan following each annual review and discussion of the Travel Plan with the Council.

7.4 The Developer shall implement and observe the requirements and obligations set out in the Travel Plan (or such amended plan as may be agreed by the Developer and Council from time to time) for so long as the Development shall be Occupied.

8 HIGHWAY WORKS AND PARKING PERMITS

- 8.1 Prior to Implementation the Developer shall submit to the Council for its approval in writing the Section 278 Highway Works Specification(s) including details of the estimated costs of the Section 278 Highway Works.
- 8.2 Prior to entering into the S278 agreement for the Highways Works the Developer shall submit to the Council for approval details of the number of residential units that shall be eligible for Parking Permits applying the Parking Permit Methodology (the "Approved Parking Permit Details").
- 8.3 The developer shall submit to the Council a bond equal to £2,750 for each on-street parking place that the Council reasonably expects to be allocated for disabled parking arising from the development (the "Disabled Parking Bond").
- 8.4 In the case that a disabled parking place is created to satisfy demand for such by residents of the development as in paragraph 8.3 above the total number of permits that may be allocated shall be reduced by the number of disabled parking places created.

- 8.5 Where the request for disabled parking provision is made by a resident of a residential unit that is eligible for a residents' parking permit pursuant to the Approved Parking Permit Details that unit shall be made ineligible for a residents' parking permit and the Approved Parking Permit Plan shall be amended accordingly.
- 8.6 Where the request for disabled parking provision is made by a resident of a residential unit that is not eligible for a residents' parking permit pursuant to the Approved Parking Permit Plan the developer shall nominate an alternative unit to be made ineligible for a residents' parking permit and the Approved Parking Permit Details shall be amended accordingly.
- 8.7 Prior to commencement of the Highway Works the Developer shall enter into the Section 278 Highways Agreement with the Council (and the Council hereby covenants to also enter into the Section 278 Highways Agreement(s) with the Developer) for the purpose of authorising the Section 278 Highway Works and securing them to the value of the Section 278 Highway Works Bonds Index Linked to the date of completion of the Section 278 Highway Works. The S278 Highways Agreement shall include the Approved Parking Plan and the Disabled Parking Bond.

Section 278 Highway Works

- 8.8 Prior to Completion of the Development, the Developer shall have completed the Section 278 Highway Works as approved by the Council pursuant to paragraph 8.1 and 8.2 of this Schedule and in accordance with the Section 278 Highways Agreement to Certificate of Completion stage to the reasonable satisfaction of the Council.

Parking Permits

- 8.9 The Developer shall ensure that prior to Occupying any Dwellings each new occupier of the is informed by the Developer of the Council's policy that subject to paragraphs 8.3 -8.7 above they shall not be entitled (unless they are the holder of a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970) to be granted a Parking Permit to park a vehicle in a Parking Bay and will not be able to buy a contract to park within any car park owned, controlled or licensed by the Council
- 8.10 The Developer for itself and its successors in title to the Site hereby acknowledges that the provision in paragraph 8.9 above will remain permanently.

SCHEDULE 3

1. FINANCIAL CONTRIBUTIONS

1.1 Prior to the Implementation Date the Developer shall pay:

- 1.1.1 the Construction Workplace Co-ordinator Management Contribution;
- 1.1.2 the Health Contribution;
- 1.1.3 the Public Open Space, Children's Play Equipment and Sport's Development;
- 1.1.4 the Public Realm Contribution
- 1.1.5 the Site Specific Transport Contribution;
- 1.1.6 the Traffic Management Order Contribution.

1.2 The Developer shall not Implement the Development until the Council has received the contributions referred to in paragraph 1.3 above in full.

1.3 Prior to Occupation of the Development the Developer shall pay to the Council:

- 1.3.1 the Community Facilities Contribution
- 1.3.2 the Education Contribution
- 1.3.3 the Strategic Transport Contribution;
- 1.3.4 the Travel Plan Monitoring Contribution
- 1.3.5 the TfL Contribution.

1.4 The Developer shall not Occupy the Development until the Council has received the contributions referred to in paragraphs 1.3 to 1.6 above in full.

SCHEDULE 4

1. Council's Obligations

- 1.1 The Council, shall pursuant to the Local Government Act 2003, be at liberty to charge the contributions to a Council revenue account and, for the avoidance of doubt, it is agreed and declared that this shall be without prejudice to the Council's right to apply the Site and Development Contributions or any part or parts thereof to revenue purposes or to capital purposes or partly to the one and partly to the other.
- 1.2 The Council covenants with the Developer that it will expend and apply the Contributions or any parts or parts thereof upon the Site and Development Facilities and its professional costs associated with the Site and Development Facilities.
- 1.3 To the extent that any of the Site and Development Facilities referred to in Schedule 2 and Schedule 3 have been provided or can be provided by the Council to the extent reasonably required for less than the corresponding sum identified for its provision or are no longer required the resulting surplus balance and interest may be expended or applied by the Council as appropriate on any of the other facilities referred to in this Deed.
- 1.4 In the event that the Workplace Co-ordinator Contribution is paid it will be expended by the Council on the appointment of the Work Place Co-ordinator for the purposes of delivering the aims and objectives set out in paragraph 2 of Schedule 2.
- 1.5 The Council hereby covenants upon receipt of the Traffic Management Order Contribution as set out in paragraph 6.1 of Schedule 2 to use reasonable endeavours to amend the Traffic Management Order to provide that future occupiers of the Development shall not be entitled (unless they are the holder of a disabled person's badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970) to be granted a Parking Permit to park a vehicle pursuant to any traffic order or other restrictions relating to on-street parking in the vicinity of the Development (as determined from time to time by the Council) and will not be able to buy a contract to park within any car park owned, controlled or licensed by the Council.
- 1.6 The Public Realm Improvements Contribution will be expended by the Council on public realm improvements in the vicinity of the Site and for the benefit of the Development in accordance with the Council's Supplementary Planning Document: Section 106 Planning Obligations (from time to time in force) and to the extent that the Public Realm

Improvements Contribution shall not have been spent or Committed within ten (10) years from the date of payment the Council shall repay such unexpended balance of the Public Realm Improvements Contribution to the Developer within twenty eight (28) days of the date on which the Developer serves written notice on the Council requesting repayment under this clause.

1.7 The Council shall issue the Planning Permission promptly on completion of this Deed

SCHEDULE 5

Approved Affordable Housing Mix

Edmund Street (D+A Extract)

Use and Amount

The proposal is for a mixed tenure residential scheme, with a mixture of houses and flat blocks arranged around new streets and amenity spaces.

Residential quality

Maximising dual aspect homes (approximately 85 % dual aspect)

No single aspect north facing flats

Limiting the number of units at each level off a single core (generally 5-8 units)

All units are designed to comply with Lifetime Homes

The design of the scheme has had regard to Southwark Council's Residential Design Standards 2011

The design of the scheme has had regard to the minimum residential areas within the London Housing Design Guide

A full plot schedule outlining internal areas and private amenity areas is contained within an appendix of this document

Accommodation schedule summary

279 total units

399 Habitable rooms per hectare density

37 Family houses

21 % of units 3-bed or larger

37 % affordable units by habitable room

10 % Wheelchair accommodation by unit, 9% by habitable room

Accommodation schedule

| | 1b/1p flat | 1b/2p flat | 1b/2p wc flat | 2b/3p flat | 2b/3p wc flat | 2b/4p flat | 3b/5p flat | 3b/5p wc flat | 3b/5p wc flat | 2b/4p duplex | 3b/5p duplex | 3b/5p house | 3b/5p/wc house | 4b/7p house | total units | total hr | % units overall | % hr overall | % hr affordable |
|--------------------------------|---------------|---------------|---------------------|---------------|---------------------|---------------|---------------|---------------------|---------------------|-----------------|-----------------|----------------|-------------------|----------------|----------------|-------------|--------------------|-----------------|--------------------|
| social rent | 0 | 0 | 0 | 0 | 0 | 0 | 6 | 1 | 4 | 0 | 0 | 27 | 1 | 2 | 41 | 196 | 14.7% | 23.3% | 80.1% |
| affordable rent | 0 | 13 | 1 | 0 | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 22 | 63 | 7.9% | 6.3% | |
| shared ownership | 0 | 10 | 2 | 0 | 2 | 8 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 24 | 62 | 8.6% | 7.4% | 19.9% |
| private | 1 | 59 | 10 | 16 | 10 | 76 | 6 | 0 | 0 | 5 | 2 | 7 | 0 | 0 | 192 | 530 | 68.8% | 63.0% | n/a |
| total units hab rooms | 1 | 82 | 13 | 16 | 12 | 91 | 14 | 1 | 4 | 1 | 5 | 34 | 1 | 2 | 279 | 841 | 100.0% | 100.0% | |

2.11 site area (hectares)
399 density (hab rooms/hectare)

SCHEDULE 6

London Borough of Southwark

On - Site Section 106 Affordable Housing Developments

Approved List of RSL/ Registered Providers

Wandle

London & Quadrant Housing Trust

Hexagon

Hyde

Family/Mosaic

Metropolitan Housing Trust

Southern Housing Group

Guinness

Affinity Sutton

Genesis

ASRA

Notting Hill Housing Trust

Peabody

Viridian

All the RSLs have an established relationship with the council in terms of nomination arrangements and a local management presence.

October 2010

SCHEDULE 7

The Registered Provider's Mortgagee's duty

1. Prior to seeking to dispose of the Affordable Housing Units pursuant to any default under the terms of its mortgage or charge, the Registered Provider's Mortgagee shall give not less than six months prior notice to the Council of its intention to dispose of the Affordable Housing Units; and
2. If the Council, the Registered Provider's Mortgagee or any other person cannot with six months of the date of service of the Registered Provider's Mortgagee's notice arrange or secure a transfer of the Affordable Units to a Registered Provider, or other provider of Affordable Housing approved by the Deputy Chief Executive then provided that the Registered Provider's Mortgagee shall have fully complied with its obligations above, the Registered Provider's Mortgagee shall be entitled to dispose free of the restrictions set out in paragraph 1 of Schedule 2 (Affordable Housing)

PROVIDED THAT the rights and obligations in this Schedule shall not require the Registered Provider's Mortgagee to act contrary to its legal duties under the charge or mortgage.

SCHEDULE 8

Parking Permit Methodology

The number of Parking Permits shall be determined by application of the following principles:

1. Where, by creating new streets or otherwise amending the form of the development, new on-street parking places are created, the number of cars that can reasonably be accommodated in those parking places shall add to the total number of permits that may be allocated.
2. Where there are existing on-street spaces on the same side of the road as the development (subject to the provisions of paragraph 3 below) and an approved parking survey demonstrates that there is spare capacity in those spaces, the number of additional cars that can reasonably be accommodated in those parking places up to a maximum occupancy of 85% shall be added to the total number of permits that may be allocated.
3. Where the existing road layout is such that parking can only be accommodated on one side of the road, and the development has not been amended to create parking places as in item 1 above, then half of the number identified through an application of the procedure in item 2 above shall be added to the total number of permits that may be allocated.
4. Where, to enable construction of the development, existing parking places are removed, then the number of cars that can reasonably be accommodated in the parking places to be removed shall be subtracted from the total number of permits that may be allocated.
5. Where, from the occupation of the development, it is considered necessary by the Council to designate a number of parking places as disabled parking places, that number shall be subtracted from the total number of permits that may be allocated.

SCHEDULE 9

Highways Works

The works which may include but are not limited to the following:

1. Carriageway and footpath upgrade works on Southampton Way, provision of tree planting and parking bays
2. Carriageway and footpath upgrade works on Edmund Street, provision of tree planting and parking bays
3. Carriageway and footpath upgrade works to Notley Street, provision of tree planting and parking bays; and
4. Provision and adoption of the new 'Southampton Way Link' Carriageway, footpath, tree planting and parking bays to be provided.
5. Provision of a new crossover to serve the new 'Draycott Link'. Carriageway, footpath, tree planting and parking bays to be provided.

SCHEDULE 10

Draft Supplemental Deed

DATED 20 []

(1) THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF SOUTHWARK

and

(2) Nottingham

SUPPLEMENTAL DEED

pursuant to Section 106 of the Town and Country Planning Act
1990

relating to site bounded by Edmund Street, Southampton Way
and Notley Street, London, SE5

THIS SUPPLEMENTAL DEED is made the [] day of [] 2011

BETWEEN:-

- (1) **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF SOUTHWARK** of the Town Hall Peckham Road London SE5 8UB ("the Council");
and
- (2) INSERT

WHEREAS:-

- (A) The London Borough of Southwark is the local planning authority for the area in which the Site is situated and by whom the obligations contained in this Supplemental Deed are enforceable.
- (B) On [] 2012 the parties hereto entered into the Principal Deed (as defined within this Deed).
- (C) By virtue of the agreement for lease dated 7 April 2011, the Developer has an equitable interest in the Site and upon the grant of planning permission is entitled to a 125 year building lease ("Building Lease") to carry out the Development and thereafter to purchase the freehold interest.
- (D) This Supplemental Deed is entered into for the purpose of ensuring that the agreements, covenants, undertakings and obligations contained in the Principal Deed are binding on the [Leasehold Interest] [Freehold Interest] for the purposes of section 106 of the Act.

OPERATIVE PROVISIONS

2. **Interpretation**
- 2.1 Save where provided otherwise words and expressions used in this Supplemental Deed have the meaning assigned in the Principal Deed.
- 2.2 For the purposes of this Supplemental Deed the following words and expressions have the following meanings:-

"Freehold Interest means the freehold interest (or part of the freehold

interest) in the Site as transferred to the Developer pursuant to the Building Lease;

"Leasehold Interest" means the leasehold interest in the form of a 125 year Building Lease granted pursuant to the Agreement for Lease dated [xxxx]

"Principal Deed" means the agreement dated [] March 2012 between the Mayor and Burgesses of the London Borough of Southwark and [] and entered into pursuant to section 106 of the Act.

3. OPERATION OF THIS SUPPLEMENTAL DEED

- 3.1 This Supplemental Deed is supplemental to the Principal Deed and is made pursuant to section 106 of the Act.
- 3.2 The obligations, covenants and undertakings contained in this Supplemental Deed given to the Council are planning obligations for the purposes of section 106 of the Act and are enforceable by the Council for the area within which the [Leasehold/Freehold] Interest is situated.
- 3.3 The Developer agrees that as from the date hereof the obligations, covenants and undertakings in the Principal Deed given by the Developer to the Council shall be binding on the [Freehold][Leasehold] Interest pursuant to section 106 of the Act as if the said obligations, covenants and undertakings in the Principal Deed were set out herein in full with the intent that, subject to clause 4 of this Deed and clause [7] of the Principal Deed, the said obligations, covenants and undertakings shall be enforceable by the Council not only against the Developer but also against any successors in title to or assignees of the Developer and any person claiming through or under it an interest or estate in the [Freehold/Leasehold] Interest as if the Developer had been an original covenanting party in respect of the [Freehold][Leasehold] Interest when the Principal Deed was entered into.
- 3.4 The Council covenants with the Developer in respect of the [Freehold][Leasehold] Interest to perform the obligations, covenants and undertakings on their part contained in the Principal Deed.

4. **REGISTRATION**

- 4.1 Immediately after the execution of this Deed, the Developer shall make application to the Land Registry for entries relating to this Deed to be made against the Interest
- 4.2 If the Developer fails to make application as aforesaid the Council shall (without prejudice to any other right) be entitled to register the Deed as aforesaid and thereafter recover the expenses incurred in doing so from the Developer and the Developer hereby covenants with the Council to do or concur in doing all things necessary or advantageous to enable the entries to be made.
- 4.3 This Supplemental Deed is a local land charge and shall be registered as such.
- 4.4 The Developer may at any time after all the obligations set out in the Principal Deed have been performed or otherwise discharged apply to the Land Registry to remove the entries relating to this Deed against the Interest

5. **RELEASE**

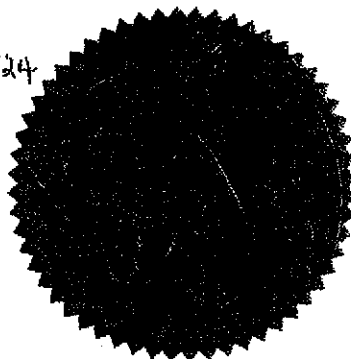
The Developer will upon disposing of the whole or part of the [Freehold/Leasehold] Interest be released from all obligations and covenants under this Supplemental Deed in relation to the Interest or the relevant part thereof (as the case may be) but without prejudice to the rights of the Council in relation to any antecedent breach of those obligations or covenants.

IN WITNESS whereof the parties have executed this Deed the day and year first above written

IN WITNESS WHEREOF the parties hereto have executed this deed the day and year first before written

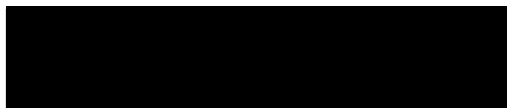
The Common Seal of **THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF SOUTHWARK** was hereto affixed in the presence of:

17824



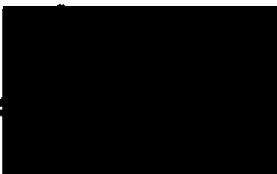
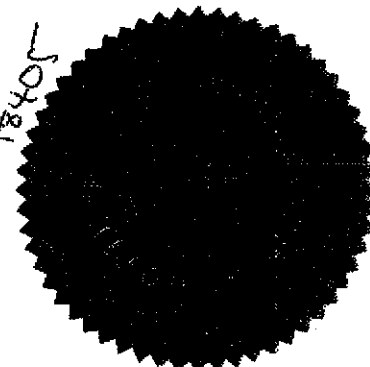
Authorised Signatory

Executed as a Deed by affixing the Common Seal of the **DEVELOPER** in the presence of:



Authorised Signatory

17821



Authorised